

PLANNING COMMITTEE AGENDA

Tuesday, 18 July 2017 at 07:15 PM

**Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking on a Planning Application/Agenda Item

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

WiFi: Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

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Mobile Phones: Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

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We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 4th July 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether the more minor application listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that the application listed under Part B will be taken “en bloc” without debate, this application may be dealt with before those applications listed under Part A.

PART A

Planning Applications:-

- | | | |
|-----------|---|-----------------|
| 5a | Application No. 13 01476 FUL - Land to the South of Millennium Way, CRESSING | 5 - 78 |
| 5b | Application No. 17 00289 FUL - Waltham, Henny Street, GREAT HENNY | 79 - 91 |
| 5c | Application No. 17 00418 OUT - Land West of Kelvedon Station, Station Road, KELVEDON | 92 - 148 |

PART B

Minor Planning Application:-

- | | | |
|-----------|--|------------------|
| 5d | Application No. 17 00392 FUL - Twingars, School Road, WICKHAM ST PAUL | 149 - 154 |
|-----------|--|------------------|

6	Planning and Enforcement Appeal Decisions - May 2017	155 - 161
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7 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

8 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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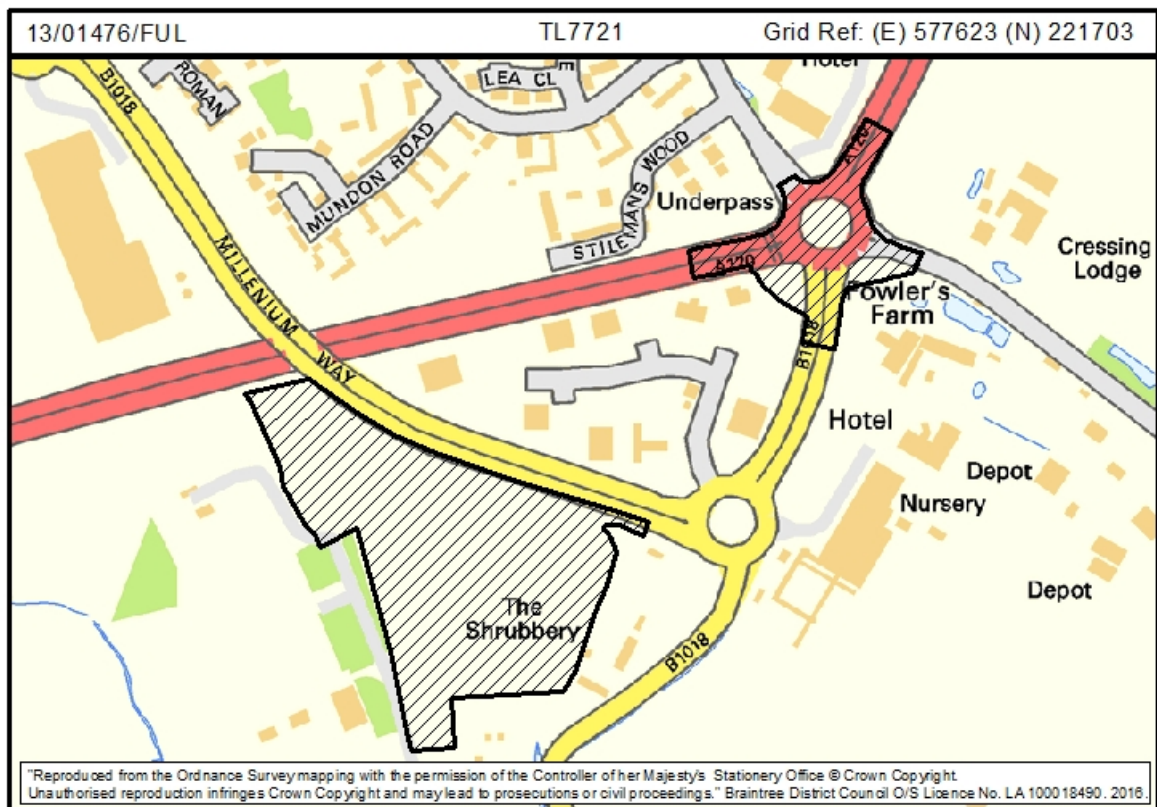
9 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

APPLICATION NO: 13/01476/FUL DATE: 20.01.14
 VALID:
 APPLICANT: Braintree Properties LLP
 68 Pageant Road, St Albans, Herts, AL1 1NH
 AGENT: Emery Planning Partnership Ltd
 FAO Mr Rawdon Gascoigne, 4 South Park Court, Hobson
 Street, Macclesfield, Cheshire, SK11 8BS
 DESCRIPTION: Erection of DIY retail warehouse with associated access,
 car parking and landscaping and improvement works to the
 A120/B1018
 LOCATION: Land To The South Of Millennium Way, Cressing, Essex

For more information about this Application please contact:
 Christopher Paggi on: 01376 551414 Ext. 2548
 or by e-mail to: christopher.paggi@braintree.gov.uk



SITE HISTORY

11/00008/SCR	Screening opinion request for the redevelopment of the site for 7 no. retail units (13,401m2 gross) and associated highway works	17.10.11
12/00001/SCO	Scoping opinion request for land south of Millennium Way, Freeport Outlet Village	22.03.12

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Publication Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS5	The Countryside
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP35	Non-conforming and un-neighbourly Industry
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP58	Galleys Corner Special Policy Area
RLP62	Development likely to give rise to pollution, or the risk of pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage and Land Drainage
RLP72	Water Quality
RLP73	Waste Minimisation
RLP76	Renewable Energy
RLP78	Countryside
RLP80	Landscape Features and Habitats

RLP81	Trees, Woodlands, Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP110	Retail and Town Centre Development – The Sequential Approach
RLP111	Retail Development
RLP118	Retail Warehouse Development
RLP164	Environmental Impact Assessment

Braintree District Publication Draft Local Plan 2017

SP 1	Presumption in Favour of Sustainable Development
SP 2	Spatial Strategy for North Essex
SP 4	Providing for Employment and Retail
SP 5	Infrastructure & Connectivity
SP 6	Place Shaping Principles
LPP 1	Development Boundaries
LPP 2	Location of Employment Land
LPP 3	Employment Policy Areas
LPP 7	Design and Layout of Employment Policy Areas and Business Parks
LPP 10	Retailing and Regeneration
LPP 11	Primary Shopping Areas
LPP 12	District Centre
LPP 13	Freeport Outlet Centre
LPP 15	Retail Warehouse Development
LPP 44	Sustainable Transport
LPP 45	Parking Provision
LPP 47	Transport-Related Policy Areas
LPP 50	Built and Historic Environment
LPP 51	An Inclusive Environment
LPP 53	Provision for Open Space, Sport & Recreation
LPP 55	Layout and Design of Development
LPP 63	Archaeological Evaluation, Excavation and Recording
LPP 67	Natural Environment and Green Infrastructure
LPP 68	Protected Species, Priority Species and Priority Habitat
LPP 69	Tree Protection
LPP 70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP 71	Landscape Character & Features
LPP 73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP 74	Climate Change
LPP 75	Energy Efficiency
LPP 77	Renewable Energy within New Developments

LPP 78	Flooding Risk and Surface Water Drainage
LPP 79	Surface Water Management Plan
LPP 80	Sustainable Urban Drainage Systems
LPP 81	External Lighting
LPP 82	Infrastructure Delivery and Impact Mitigation

Other Material Considerations

Site Allocations and Development Management Plan
 Essex Design Guide
 Essex Parking Standards
 Retail Study Update 2012 (Nathaniel Lichfield & Partners)
 Retail Study Update 2015 (Nathaniel Lichfield & Partners)

REASON FOR DEFERRAL

This application was previously included on the agenda for the 13th December 2016 Planning Committee meeting. Following publication of the agenda and further to a request from the applicant, it was agreed to defer the application from consideration at the Planning Committee's meeting on 13th December 2016 to allow further time for discussions between the applicant, the Local Planning Authority and Essex County Council Highways on the scope and detail of the Section 106 Agreement.

Subsequently, discussions between the parties have been ongoing. Following the conclusion of these discussions, the application is being brought back to Planning Committee for consideration.

This report has been updated since the agenda papers were published for the 13th December 2016 Planning Committee to reflect updates in emerging policy as detailed within the Braintree District Publication Draft Local Plan 2017. It should also be noted that the following additional changes have been made to the report:

- Following further discussions with ECC Highways, the conditions and Section 106 obligations have been amended:

- The mitigations measures for Galley's Corner roundabout, Fowlers Farm roundabout, the vehicle detection loops and the bus stop upgrade/relocation are proposed to be secured through planning conditions, as opposed to Section 106 obligations;
- Condition 35 relates to the Galley's Corner Roundabout Improvement Scheme; Condition 36 relates to the Fowlers Farm Roundabout Improvement Scheme; Condition 37 relates to the Vehicle Detection Loops for Roundabout Improvement Scheme; and Condition 38 relates to the Relocation of Bus Stops;
- The financial contribution requested by ECC Highways for the upgrade of Public Footpath 22 and the land required to be dedicated to

ECC Highways to deliver the B1018 Braintree Road Crossing Improvement Scheme are proposed to remain within the S106;

- The requirement for the Travel Plan and Travel Plan monitoring contribution is also proposed to remain within the S106, however Highway England's specific requirements for the Travel Plan have now been included. The Travel Plan requirements remain within the S106 because of the linked financial contribution which cannot be secured by condition;
- A summary of the Section 106 Heads of Terms and a full list of the Conditions is contained within the recommendation section of this report.
- The transport section has been updated with further details of the mitigation proposed for Galleys Corner roundabout and Fowlers Farm roundabout;
- The Lighting Condition (Condition 13) has been amended to include the mitigation measures recommended within the submitted Environmental Statement;
- A condition restricting hours of opening (Condition 34) has been added to the recommendation;
- Informatives have been added to the recommendation on behalf of ECC Highways, Highways England, National Grid and UK Power Networks.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the Development Plan. It is therefore an application which has significant policy implications.

NOTATION

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

The application site is allocated for development in the emerging Publication Draft Local Plan for retail warehousing.

APPLICATION PUBLICITY

Initial Consultation (January 2014)

The application was originally subject to public consultation in 2014.

A site notice was displayed on the application site.

The application was advertised in the Braintree and Witham Times on 30.01.2014.

The application was advertised as a Major Planning Application accompanied by an Environmental Statement, which is not in accordance with one or more provisions of the Development Plan, and as affecting a Public Right of Way.

Re-consultation (November 2014)

Re-consultation letters were sent to all contributors who made representations on the application, notifying them that amendments had been made to the application submission.

Re-consultation (November 2016)

Site notices were erected around the perimeter of the site along Millennium Way and on the other side of the road, adjacent to the pedestrian crossing.

The application was advertised in the Braintree and Witham Times on 17.11.2016.

The application was advertised as a Major Planning Application accompanied by an Environmental Statement, which is not in accordance with one or more provisions of the Development Plan, and as affecting a Public Right of Way.

Re-consultation letters were sent to all contributors who made representations on the application in November 2016 and to all addresses originally consulted on the planning application to give notification that the applicant had submitted additional information, including additional/revised information pertaining to the submitted Environmental Statement.

SITE DESCRIPTION

The application site is located to the south of Braintree, immediately to the south of Millennium Way (B1018). The application site comprises an area of undeveloped land of approximately 3.1 hectares in size. The site is subdivided into two fields: a small field in the northernmost part of the site is separated from the larger field by a central hedgerow.

The north-eastern boundary of the site comprises the Millennium Way highway embankment. The south-eastern boundary is defined by a belt of scrub vegetation and mature hedgerow with some mature trees which act as a buffer to the two adjacent residential properties. The western boundary comprises another mature hedgerow and trees which act as a buffer to the large electricity substation to the west. The northern-most part of the application site is bound by the A120.

There is an existing public right of way to the east of the site.

The site is not located within a Conservation Area and is not situated within the vicinity of any nearby Listed Buildings, scheduled ancient monuments or any other designated heritage assets.

The application site is located outside of the Braintree Town Development Boundary in an area of countryside as designated in the Adopted Local Plan Review 2005.

PROPOSAL

The application seeks permission for the erection of a DIY Retail Warehouse unit with a total of 5,894sq.m of Use Class A1 Retail floorspace, comprising 5,652sq.m gross at ground floor and 242sq.m gross within a mezzanine floor. In addition, an outdoor Garden Centre and Builders Yard is proposed with an external area of 1,115sq.m and 744sq.m respectively. A service yard is also proposed at the rear of the building, accessed via a separate internal access road.

The application site is proposed to be accessed from a new access off the west-bound side of Millennium Way. The access would provide a left turn into the site from Millennium Way and a left turn out of the site onto Millennium Way.

With regard to parking, the application proposes a large car parking area at the front of the site, accessed off Millennium Way, comprising 255 car parking spaces (including 4 family spaces), 11 motorcycle spaces, 19 accessible spaces for disabled persons and 38 covered cycle parking spaces. The parking layout includes space for 6 trolley bays.

The application submission estimates that the proposed development would generate employment for up to 65 people.

The opening hours for the proposed DIY Store are as follows: 07.00-21:00 Monday to Friday, 07:00-20:00 Saturdays and 10:00-16:00 on Sundays and Bank Holidays.

In response to the main public views of the application site, the proposed DIY Store is orientated to face towards Millennium Way. The DIY Store has been designed as a single large retail unit and follows a generic operator model for the use proposed. The large building footprint provides flexibility for future occupiers to allow the operator to adapt to changing requirements.

The lowest part of the site has been selected for the siting of the proposed building, to maximise the advantage of the existing hedgerow and tree belts in screening and softening the impact of the proposed development within wider landscape views.

The proposed building would be 9.48m in height (to the ridge of each of the two portal frames). The roof sits behind a parapet that gives a perimeter height of 8.8m. Two entrances are proposed on the front elevation of the

building – the height of these entrances exceeds the height of the main roof and would measure 10.31m in height.

The design and external appearance of the proposed building has been influenced by the semi-rural setting of the building. The two entrances feature vertical timber cladding with curved edges. Two glazed draught lobby areas are proposed on each of the side elevations along with a 'weather' canopy. Two rows of low level aluminium framed doubled glazed windows are also proposed on the two side elevations. The rear elevation is characterised by a large canopy over the loading bay area/roller shutter doors, high and low level rows of aluminium framed double glazed windows and various escape doors.

Metallic silver Kingspan cladding is proposed as the main cladding material for the building. Vertical timber cladding is also proposed around the upper half of the building on the rear and two side elevations. It is proposed to be applied to the composite cladding on the façade of the building in a 'hit and miss' manner. The front elevation is proposed to comprise a masonry podium on the lower half and the metallic silver Kingspan cladding on the upper half of the building. A pressed metal capping is proposed for the building's parapet.

The application submission includes landscaping proposals for the site, and it is proposed to retain the mature hedgerow and tree screens to the south, east and west.

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

- Design & Access Statement, prepared by Corstorphine + Wright (Sep 2014)
- Retail Statement, prepared by Emery Planning and MT Town Planning (Nov 2013)
- Addendum to Retail Statement, prepared by Emery Planning (Nov 2014)
- Addendum to Retail Statement, prepared by Emery Planning (Oct 2015)
- Transport Assessment, prepared by Connect Consultants (Dec 2013)
- Noise Assessment Supplement, Acoustic Barrier, prepared by S.B Mellor (Oct 2014)
- Desk-Based Archaeological Assessment, prepared by Heritage Network (Jun 2012)
- Stage 1 Safety Audit, prepared by Connect Consultants (Mar 2014)
- Draft Site Waste Management Plan, prepared by Peak Associates (May 2012)
- Travel Plan, prepared by Connect Consultants (Dec 2013)
- Tree Survey, prepared by B.J. Unwin Forestry Consultancy (May 2012)
- Landscape Architect Statements, prepared by Andrew Davies Partnership (Dec 2013)
- Flood Risk Assessment & Outline Sustainable Drainage Strategy, prepared by Peak Associates (Jun 2014)

- Planning Statement, prepared by Emery Planning (Nov 2013)
- Environmental Statement (see Environmental Issues section of this report for further detail)

CONSULTATIONS

BDC Engineers (dated 17.10.2014)

No objections raised and commented that not aware of any surface water issues affecting this site. Recommended that as a greenfield site, any permission should be subject to a SuDs scheme.

BDC Environmental Health (dated 18.03.2014)

General Comments

- Commented that there would be a preference for a brick wall to the builder's yard and details of any boundary treatments and acoustic fencing would be needed.
- Expected confirmation of proposed plant location, type, specifications etc. but satisfied that this could be conditioned (see Conditions 18 & 19)
- Accepted locations of the monitoring positions chosen and that these identify the worst case scenario.

Design

- Disappointed that the design of the site's layout has not sought to safeguard the nearest residential premises more than it had – i.e. the service road for HGV's is closest to the nearest residential properties. Similarly garden centre could be swapped with the location of the builder's yard. Accept that noise can be mitigated but this would not be necessary (or to a lesser extent) if the layout was amended.

Plant

- Insufficient information provided on the plant proposed, including location, specifications etc. and as such would recommend that this is subject to a condition (see Conditions 18 & 19).

Delivery/Service Yard

- Recommended a condition restricting HGV vehicular movements to, from or within the site outside the following hours: 08:00-20:00 Monday to Saturdays and no HGV movements on Sundays or Bank Holidays (see Condition 24);
- Details of acoustic fencing/boundary treatment to be secured through a planning condition (see Conditions 16 & 17).

Construction Phase

- Conditions recommended to control: site clearance, demolition and construction (see Condition 26); pilling (see Condition 27); and burning of refuse, waste materials or vegetation on site (see Condition 25).

Contaminated Land

- Satisfied with the findings of the contaminated survey provided by the applicant and agree that a phase 2 is not required. Condition recommended in respect of any unexpected contamination (see Condition 23).

Air Quality

- Satisfied with the information provided by the applicant. Condition recommended in respect of dust and mud control management (see Condition 20).

BDC Environmental Health (dated 22.11.2016)

No objections subject to conditions. Concern raised in respect of the proposed layout of the site, HGV access and builder's yard closest to the nearest residential property. Conditions to mitigate impacts of these features are therefore required.

BDC Landscape Services (dated 14.03.2014)

Commented that:

- Any new landscape proposals should build on the species mix of the existing vegetation;
- Landscaping scheme required for the site – should include a selection of mature hedgerow trees with proposals that augment and reinforce the qualities of this boundary through new planting and appropriate management;
- Visual impact of the development largely negated by the scale and size of the existing infrastructure for energy transmission – which given their size dominate the local landscape;
- Considers that the survey data for Great Crested Newts needs to be refreshed – mitigation measures identified should be adhered to;
- Conditions required to protect existing hedgerows and trees (see Conditions 5, 6 & 7);
- Opportunities should be taken to enhance existing landscape features and biodiversity habitats on the site (see Conditions 8, 9, 10, 11 & 12).

BDC Operations (Waste) (dated 22.11.2016)

No comments.

ECC Archaeology (dated 28.01.2014)

No objections subject to a full archaeological condition (see Condition 14).

ECC Education (dated 12.02.2014)

No objections or requests for Section 106 contributions.

ECC Highways (dated 24.02.2015)

Advised that based on the submitted information (to date) the proposed development and its associated highway mitigation would have an adverse impact on the county road network.

ECC Highways (dated 21.08.2015)

Advised that the highway authority have completed extensive investigation and analysis of the highways and transportation information submitted with the planning application. Raises no objections to the proposed development subject to specific mitigation measures to be secured through condition/Section 106 obligations. Subject to the mitigation identified the proposed development would not have a detrimental impact upon the highway network.

ECC SuDs (dated 31.01.2014)

Raised a number of detailed comments in respect of the submitted Flood Risk Assessment and the outline Sustainable Drainage Strategy.

ECC SuDs (dated 09.10.2014)

Informal comments on the application provided at the time without prejudice to any future application under the Flood and Water Management Act.

Commented at the time that the Environment Agency remains the statutory consultee on surface water. Raised the following comments on the Flood Risk Assessment:

- Requested confirmation on the boundary of the application site;
- Commented that a detailed drainage scheme should be provided as the application is a full planning application – should include detailed infiltration testing;
- Requested confirmation on what rainfall event calculations are based on – commented that interception storage to be effective for at least 80% of summer events and 50% of winter events;
- SuDs design should deal with both quantity and quality of discharge;
- SuDs system should be designed to accommodate a 1 in 100yr +20% event with route in place to deal with events in excess of this safely;
- Pending intrusive ground tests a non-lined crate system could provide infiltration if ground conditions allow it;
- Consideration should be given to natural methods of filtration such as filter strips which are easier to maintain and less prone to failure and provide an element of biodiversity and amenity;
- The drainage strategy for the site must provide for both onsite and offsite protection;
- The issue of ground water flooding has not been addressed – is there any known history of on-site groundwater flooding?
- The Flood Map for Surface Water Flooding indicates that at the low point of the site there is a risk of flooding during a 1 in 30 year event – how is this being mitigated?
- Is there any record of historic flooding onsite?

ECC SuDS (dated 15.11.2016)

Maintains objection to the proposed development and comments that no additional information has been provided to address concerns made in October 2014.

ECC SuDS (dated 14.12.2016)

Maintains objection to the application and comments that the drainage strategy does not comply with the requirements set out in the ECC Detailed Drainage Checklist.

Environment Agency (dated 12.03.2014)

Support the comments made by ECC SuDs (LLFA). Commented that they appreciate the site conditions may not allow infiltration SuDs to be utilised on the site. Further information required to show how surface water will be managed to ensure there is not an increased flood risk offsite. Flood Risk Assessment needs to be amended with detailed calculations and capacities – in order to assess whether surface water will be managed effectively.

Environment Agency (dated 04.11.2014)

Object to the proposed development in the absence of an acceptable Flood Risk Assessment – the submitted FRA fails to: provide the results of infiltration testing in line with BRE 365; and does not consider discharge in line with the SuDs hierarchy.

Environment Agency (dated 17.11.2014)

Advised that the proposed development will be acceptable if a condition requiring the submission of a surface water drainage scheme, based on sustainable drainage principles, is secured on any planning permission (see Condition 15).

Highways England (formerly Highways Agency) (dated 11.02.2014)

Holding response directing that planning permission should not be granted until 28.02.2014.

Highways England (formerly Highways Agency) (dated 30.06.2014)

Holding response directing that planning permission should not be granted until 31.07.2014.

Highways England (formerly Highways Agency) (dated 02.09.2014)

Holding response directing that planning permission should not be granted until 30.09.2014.

Highways England (formerly Highways Agency) (dated 01.10.2014)

Holding response directing that planning permission should not be granted until 30.10.2014.

Highways England (formerly Highways Agency) (dated 13.10.2014)

Advised that ongoing discussions have been taking place and have now concluded. Advised that the technical issues in respect of the impact on the

A120 trunk road have been addressed to the satisfaction of the Highways Agency.

The proposed development will have a material impact upon on the operation of the strategic road network and consequently there will be a need to mitigate the impact through improvements to the A120 – the level of mitigation has been agreed with the applicant.

Confirmed that the Highways Agency raise no objections to the proposed development subject to conditions and informatives.

Highways England (dated 10.11.2016)

No additional/supplementary comments to previous response.

National Grid (dated 25.02.2014)

No objections. Informative recommended.

National Grid (dated 16.11.2016)

No objections. Informative recommended.

National Grid (dated 18.11.2016)

No objections.

UK Power Networks (dated 14.02.2014)

No objections. Informative recommended.

REPRESENTATIONS

Cressing Parish Council (dated 02.04.2014)

Objects to the application on the following grounds:

- The increase and significant growth to Galleys Corner will bring the whole development closer to Cressing which has always been agreed as undesirable;
- The proposal would generate a considerable amount of additional traffic and congestion, which would have an adverse impact on existing businesses, pedestrian/vehicular movement and movement of emergency vehicles;
- Should planning permission be given, Parish Council request some significant contribution to Cressing for local infrastructure through Section 106 scheme specifically we would look to improvements in footpaths and footways to alleviate risk to pedestrians in the area and also a contribution towards improving children's playground in the Parish.

Cressing Parish Council (dated 14.05.2014)

Reiterates previous objections received 03.04.2014.

Cressing Parish Council (dated 15.12.2014)

Maintain objection to the proposed development on the following grounds:

- The development will bring the urbanisation of Braintree closer to the Parish of Cressing which is undesirable;
- The Parish Council cannot see anything in the amended plans that will address congestion in the area – the development will generate additional traffic and congestion which will have a detrimental impact on the traffic network;
- The Parish Council contends that there are far more suitable areas for such development and should have regard to its own 'sequential test' and that the land to the north of Freeport which is already allocated as an employment policy area and land off Pods Brook Road would be far more suitable sites for this development.

Cressing Parish Council (dated 26.11.2016)

Maintains previous objections and considers that this application is even less appropriate now than when it was originally proposed in 2014. The traffic around the B1018 and around both the Wyevale and the Galley's corner roundabouts has significantly increased since 2014. In addition, the Council deem the timing of this application to be completely inappropriate give the current discussions regarding the A120 route and the feasibility study being conducted to improve the junction.

Black Notley Parish Council (dated 01.09.2014)

Objects to the planning application on the following grounds:

- It is the wrong site for a B&Q expansion;
- It is the wrong place as this is a special policy area and to allow this would not be exercising "strict control". The proposed development does not fit within the businesses stated within BDC policy RLP58. Expansion at this site would threaten the village of Tye Green/Cressing from urban expansion from Braintree as the "physical" gap would be lost.
- Traffic congestion is already causing problems and will cause more traffic to cut through the town to other villages e.g. Black Notley via Chapel Hill to reach the site. Most trips will be via car (255 car parking spaces are proposed) and further vehicular traffic will create a large and more detrimental carbon and environmental footprint.

- The access is only 90 metres from a major roundabout which will further add to the already existing chaos, causing further tailbacks and snarls to the country roads by people using back streets instead, thereby causing further loss of local amenity.

Black Notley Parish Council (dated 15.12.2014)

Reiterates previous objections received 02.09.2014.

Black Notley Parish Council (dated 28.11.2016)

The Parish Council reiterates previous objections that this application will add to the already existing appalling highway problems in this area and subsequently put more traffic onto local roads.

GENERAL Comments

Ramblers Association (dated 16.04.2014)

Requested improvements to public rights of way – both in terms of minimum path widths and in terms of improvements in the network – as and when the site is developed. Also requested improvements in connecting walking and cycling and equestrian routes around the B1018/Braintree Road, the Millennium Way/B1018 roundabout and PROWs Cressing 22, 34, 35, and 4.

OBJECTION Comments

B&Q (dated 13.01.2015)

Advised that B&Q's clear preference was to remain in the current store and advised that negotiations are ongoing in this respect. Advised that if B&Q did relocate in the future, they would take the opportunity to look for a marginally larger store 40,000sq.ft and 15,000sq.ft garden centre. Confirmed that no negotiations taking place in relation to other sites within Braintree, but advised that B&Q have not ruled out any of the potential sites should a relocation be required in due course.

Braintree & Bocking Civic Society

(Dated 17.08.2014)

Objects – the proposed development would erode the countryside between Cressing and Braintree; would set a precedent for further development outside existing road layouts into the countryside; the new development together with a re-occupied B&Q store would add greatly to the chaotic and dangerous road network in the Galleys Corner area – this junction is already a notorious traffic blackspot and further development can only worsen it; and could result in the potential loss of the public footpath along the site's eastern boundary.

(Dated 28.11.2014)

Proposal fails to address issues raised in letter of 17.08.2014. Disagrees with transportation assessment and comments that more development in the area can only exacerbate an already dire situation.

Gregory Gray Associates

(Dated 26.08.2014)

Objects – the proposal is contrary to Policy CS5 as the site is located within an area of countryside and the proposal would represent a significant urban intrusion into an undeveloped area. It is not accepted that there are not any sequentially preferable sites.

(Dated 11.12.2014)

Comments that the submission does not address the significant objections raised on behalf of client in their previous objection letter. Comments that the site is within an area designated as countryside where the principle of development is resisted. The submitted retail information contains no new evidence of a retail need for the application proposal. Accepts there is a need for additional bulky goods provision, the need has been addressed through the site allocations identified in the emerging Development Plan. Does not accept that the proposed highway improvements are in any way sufficient to mitigate the impact of the development. The positive benefits such as job creation do not outweigh the overriding objections to the proposed development.

Hermes (Freeport) Partnership Ltd

(Dated 15.05.2014) (submitted by Planning Perspectives)

Objects – comments that the occupation of the proposed unit by B&Q is unconfirmed and as such question the validity of the scheme. The site is also less sequentially preferable than other sites identified for retail development, including land to the north of Freeport. Disagree that the proposal complies with the NPPF and the thirteen principles of sustainable development. Site is located in countryside and in a remote location and as such is not well situated to Braintree and would be an unsustainable location for bulky goods retail. Considers that emerging policy is meeting the need for additional comparison floorspace within the District. Agree that there are some economic benefits from the scheme, but that this could be at the expense of existing premises in more established areas. Does not consider that there is the potential for linked trips between the site and Freeport/Braintree Retail Park.

(Dated 10.11.2014) (Submitted by Cottee Transport Planning)

Advised that they are in the process of preparing a Transport Assessment involving a DIY store of a similar scale to that proposed on the application site on land to the north of Freeport. Comments in relation to the transportation assessment undertaken for the proposed development, that: there will be additional u turning movements at adjacent roundabouts; a new access will be

contrary to ECC policy; linked pedestrian trips from Freeport are highly unlikely given the remote nature of the development; disagrees that employees would utilise the Freeport Railway station; and considers overall that the site is poorly located.

(Dated 11.11.2014) (submitted by Planning Perspectives)

Objects – considers that the land to the north of Freeport is capable of accommodating a DIY store and consider that this site (to the north of Freeport) is more sequentially preferable. The application site is poorly connected to the town in an unsustainable location.

(Dated 22.12.2014) (submitted by Carter Jonas)

Objects – the assessment does not fully address the requirements set out in the NPPF in that the application does not demonstrate flexibility on sites such as format and scale. The site to the north of Freeport is suitable and available for new retail warehouse floorspace and is a sequentially preferable site. Disagrees with the applicant's assessment and justification for the size of store proposed and does not consider that they have demonstrated flexibility in terms of format and scale. Comments that DIY operators are downsizing their store portfolios. Disagrees with the applicant's contention that the site to the north of Freeport could not accommodate the proposed DIY Store on grounds of lack of parking. Viability of the scheme is questioned and comments that B&Q have confirmed that they will not occupy the DIY store.

(Dated 02.04.2015) (submitted by Carter Jonas)

Objects – the assessment does not fully address the requirements set out in the NPPF in that the application does not demonstrate flexibility on sites such as format and scale. The site to the north of Freeport is suitable and available for new retail warehouse floorspace and is a sequentially preferable site. Viability of the scheme is questioned and comments that B&Q have confirmed that they will not occupy the DIY store.

(Dated 02.10.2015) (submitted by Carter Jonas)

Objects – the proposal represents a speculative retail development, on a site that is poorly connected to Braintree town centre. Site is located beyond development limits in an area of countryside. Conflicts with NPPF and the thirteen principles of sustainable development. Disagrees with the sequential analysis within the application in relation to the site to the north of Freeport, which can accommodate a new retail warehouse. The proposed scheme is speculative with no occupier identified and therefore the potential for new jobs and uplift in turnover for Braintree is also speculative.

381 Cressing Road, Braintree (dated 10.11.2016)

Clarified that previous response (17.08.2014) was submitted as president of Braintree & Bocking Civic Society. Resident no longer fulfils that role, but reiterates previous objections to the scheme, as a resident living close to the Fowler's Farm roundabout.

8 Sedgefield Way, Braintree

(Dated 15.02.2014)

The development cannot be considered as sustainable as it is on a greenfield site and will adversely affect the wildlife and countryside in that area. The design is unsightly. The development would generate extra traffic causing congestion at peak periods. Existing hedgerows should be protected. Provision must be made for ecology and any protected species must be safeguarded. Any works to trees/hedgerows must be outside of the nesting season. Support the mitigation measures in the Environmental Statement dated December 2013. Provision should be made for adequate archaeological investigation.

(Dated 15.11.2016)

Comments in previous letter of 15.02.2014 remain valid. The proposal is contrary to the NPPF. The Transport Technical note submitted on 11.09.15 and update letter of 27.09.16 which forecast improvements in traffic around Fowlers Farm roundabout after remedial works are over optimistic – the new improved A12 turn off lane with the A130 has increased queuing time considerably in the rush hours, which undermines confidence in both Highways England and Essex Highways.

Fielding House, Mill Lane, Cressing (dated 23.11.2016)

Objects – comments that it is inappropriate to allow any development on this land until the problem of congestion on the A120 is sorted out and knowledge of where the new road will go. Currently unsustainable overdevelopment without appropriate infrastructure to support it. Extra traffic lights are not an improvement. Proposal appears to be speculative for an unneeded use.

SUPPORT Comments

2 Church Road Cottages, Bradwell (dated 10.07.2014)

Supports the planning application for a new DIY Store in Braintree – it will create more than 20 new jobs and will give local people a lot more choice about where they can shop.

39 Bourne Road, Colchester (dated 10.07.2014)

Supports the application - it will provide a larger store and give people more choice without having to drive for miles.

4 The Yard, Braintree (dated 10.07.2014)

Welcome investment by businesses in Braintree which will create jobs.

5 Court Eleven Virgil Road, Witham (dated 10.07.2014)

Supports the proposal – will help stop people going further out to places like Colchester or Chelmsford – the more money we can keep in the town the better.

9 Station Road, Maldon (dated 10.07.2014)

Supports the proposal – it will mean that the larger store can carry lots more stock and offer some great services to customers.

Rolphs Farm, Boars Tye Road, Silver End (dated 10.07.2014)

Supports the application – the large store will be able to offer a much greater range of goods and services.

REPORT

Principle of Development

Policy Considerations

National planning policy is set out in the National Planning Policy Framework (NPPF), whilst guidance on the application of policy is outlined in the National Planning Policy Guidance (NPPG).

In respect of retail development, the NPPF states:

(Paragraph 24 of the NPPF)

“Local Planning Authorities should apply a sequential test to planning applications for main town-centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town-centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of-centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

(Paragraph 26 of the NPPF)

“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This assessment should include:

- the impact of a proposal on existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal; and*
- the impact of the proposal on town-centre vitality and viability, including local consumer choice and trade in the town-centre and wider area, up to five years from the time the application is made. For major schemes*

where the full impact will not be realised in 5 years, the impact should also be assessed up to 10 years from the time the application is made”.

(Paragraph 27 of the NPPF)

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one of more of the above factors, it should be refused”.

As the proposed development would be greater than the default 2,500sq.m threshold set under national policy in the NPPF it is necessary for the Local Planning Authority to apply a sequential test in this case.

National Planning Policy Guidance (NPPG) states that *“Local planning authorities should plan positively, to support town-centres to generate local employment, promote beneficial competition within and between town-centres, and create attractive, diverse places where people want to live, visit and work. Local planning authorities should assess and plan to meet the need of main town centre uses in full, in broadly the same way as for their housing and economic needs, adopting a “town centre first” approach”.*

The Adopted Development Plan for the Braintree District comprises the Local Plan Review (2005) and the Core Strategy (2011).

Policy CS6 sets out the Council’s policy in respect of retailing and town centre regeneration. This policy outlines the Council’s approach to retail development and states that any proposals for retailing and town centre uses will be based on the sequential approach in accordance with NPPF guidance. It also states that District and Local centres will be protected and enhanced.

The emerging Publication Draft Local Plan within Policy LPP 10 sets out the Council’s emerging policy in respect of retailing and regeneration. This states, inter alia that: *“Proposals for Main Town Centre Uses will be permitted when a Sequential Test, and if required, an Impact Assessment, demonstrates that there are no sequentially preferable sites which could accommodate the development”.* The policy also sets out the locally defined floorspace thresholds that will trigger the requirement for an Impact Assessment, which for proposals affecting Braintree Town Centre, equates to development with a gross floorspace of 2,500sq.m or more.

Policy LPP 15 of the emerging Publication Draft Local Plan states that *“Retail Warehouse Development will be permitted within or immediately adjoining town centres and land identified for retail warehousing on the Proposals Map. If no such sites are available, then the sequential approach will be applied, together with an impact assessment, if applicable”.* The policy further states that *“bulky retail proposals outside of town centres will be required to satisfy all of the following criteria:*

- A. A sequential test and impact assessment which demonstrates that no material harm to an identified Town, District or Local Centre would occur and that no sequential preferable sites are available;*
- B. Development to be confined to the sale or non-food retail products, of a weighty or bulky nature and associated ancillary goods; and*
- C. A Traffic Impact Assessment and Travel Plan demonstrating that the proposal would not cause any detriment to the local traffic network.*

As identified earlier in this report, the application site is designated within the emerging Publication Draft Local Plan for Retail Warehousing. As such, the proposed development of the site for a DIY Retail Warehouse unit accords with the Council's emerging policy. The emerging policy indicates the direction of travel in respect of future retail development within the Braintree District. However, given the status of the emerging Publication Draft Local Plan, the Local Planning Authority can afford some, albeit limited weight, to this emerging policy context.

As the application site is not allocated for retail warehousing development within either the Adopted Local Plan Review or Core Strategy, the proposal represents a Departure from the Development Plan. Taking into account the above and the floorspace proposed for the DIY Retail Warehouse unit, both a sequential test and impact assessment is required in this case.

The application submission is supported by a Retail Assessment, prepared by Emery Planning and MT Town Planning (Nov 2013). This report was supplemented by two addendums to the Retail Assessment, prepared by Emery Planning dated November 2014 and November 2015 respectively.

Assessment

Retail Study Update 2015

Braintree District Council commissioned Nathaniel Lichfield & Partners (NLP) to prepare a Retail Study update. NLP prepared the previous Retail Study Update in 2012. The purpose of the study is to provide a robust and credible evidence base to inform the Council's Development Plan, taking into account changes since the 2012 Retail Study Update and incorporating revised housing forecasts.

The study concludes that the quantitative assessment of the potential capacity for retail floorspace suggests that there is scope for new development within Braintree District. In terms of comparison goods projections, the study suggests a total of 14,088sq.m gross additional comparison retail floorspace between 2015-2033 in Braintree and Freeport/Braintree Retail Park, comprising 7,030sq.m in Braintree and 7,058 in Freeport/Braintree Retail Park.

The study makes specific reference to the household survey which suggests that the District's retention of comparison goods expenditure is generally lower

than for convenience goods. The lower level of comparison expenditure retention is attributed to the strength of other facilities in nearby authorities, and cites Chelmsford, Colchester, Sudbury and Lakeside as particular examples.

The study indicates that further improvements to comparison retail provision within the District could help claw back some additional expenditure leakage from the District. Moreover, the study indicates that some retail development will be necessary in the District in order to prevent market shares falling significantly in the future, whilst maintaining the vitality and viability of centres. The study indicates that the surplus expenditure at 2033 could support 11,108sq.m net of sales floorspace (15,869sq.m gross in the District).

The sequential approach indicates that designated centres should be the first choice for retail and leisure development. The previous 2012 Retail Update Study along with the 2015 Retail Update Study highlights 4 sites within Braintree Town Centre for retailing and other main town centre uses: land to the west of George Yard; land at Manor Street; Tesco Store, car park and Pound End Mill, New Street; and Sainsbury's Store and Car Park, Toft's Walk.

The site to the west of George Yard is occupied by a surface car park and supermarket (previously occupied by Morrisons, now occupied by B&M). The previous study indicated that there may be scope for a more comprehensive redevelopment of the site in conjunction with the adjoining George Yard multi-storey car park. Officers accept that the site is unlikely to come forward for any redevelopment in the short term. In this regard it should be noted that B&M's occupation of the store is still relatively recent following the closure of Morrisons.

The Manor Street site, comprises land to the rear of the Town Hall and Library, and currently contains a surface level car park, bus stands and public toilets. The study highlights that the site could accommodate around 5,000sq.m gross comparison goods floorspace. Officers accept that this site is likely to come forward in the short term. However, it has been identified as a location for a new doctor's surgery and other uses/development. Officers would also question the suitability of this site for a large DIY Store given the site's location within a designated Conservation Area and also affecting the setting of nearby Listed Buildings.

The Tesco store and associated car park is highlighted as having the potential for redevelopment, comprising a replacement Tesco store and additional comparison units. The study highlights, and officers would concur that this site is only likely to come forward in the medium to long term.

The Sainsbury's store and car park is identified as having redevelopment opportunities with the scope to provide approximately 2,000sq.m of additional comparison floorspace on Drury Lane, with the part redevelopment of the existing store. It is acknowledged that the site is constrained being located within the Conservation Area and in close proximity to nearby Listed Buildings. Similarly to the Tesco site, officers do not consider that the site

would come in the short term and moreover, would not be of sufficient size to accommodate the proposed development subject to this application.

Other identified windfall opportunities may come forward, however the study indicates that these are likely to be less than 500sq.m gross in floorspace.

In terms of sites located outside of designated centres, both the 2012 and 2015 studies highlighted: Braintree Retail Park; Land north of Freeport Outlet Village; and Broomhills industrial area.

The study considers that there may be scope within Braintree Retail Park for some intensification, estimating this to be approximately 2,000sq.m (gross) of additional floorspace. There is an extant planning permission for a new unit adjacent to the Halfords store, which is in the process of being implemented. The study also highlights that any intensification in the Retail Park would need to be considered against parking requirements and any loss of parking would need to be mitigated.

The site to the north of Freeport comprises a car park serving Freeport and some undeveloped land. The previous 2012 Retail Update Study suggested that this site could include either approximately 5,000sq.m gross convenience floorspace or 7,500sq.m gross convenience goods floorspace. The 2015 Retail Update Study considers that the site is most suitable for bulky comparison goods retail or 'outlet' retailers consistent with the existing function of the Freeport site as a retail destination. As with the Braintree Retail Park, parking and any loss of parking would be a key consideration. It should be noted that this site has been allocated within the emerging Publication Draft Local Plan for retail warehousing. It should be noted that officers expect to receive a planning application in connection with this site in the near future, following public consultation in October 2016. The publicity which was also reported in the local press indicates the provision of 5 new retail units for retailers not currently present in Braintree. As such, it is not considered that this site would be available as an alternative site for the proposed development.

Lastly, Broomhills Industrial Estate in Braintree is also highlighted as an alternative site within the study and could provide up to 10,000sq.m of comparison goods floorspace. The site was subject to an appeal by Sainsbury's supermarket for a new store which was ultimately dismissed in June 2015. It should be noted that this site has an allocation within the emerging Publication Draft Local Plan as a residential site for 10 or more dwellings. Officers expect this site to come forward for residential and it is anticipated that a planning application for the redevelopment of the site for residential will be submitted in the short term.

Sequential Test

As identified above, the application submission is supported by a Retail Assessment, prepared by Emery Planning and MT Town Planning (Nov 2013). This report was supplemented by two addendums to the Retail

Assessment, prepared by Emery Planning dated November 2014 and November 2015 respectively. Within the supporting documentation the application has undertaken a sequential test and analysis of alternative sites capable of accommodating the proposed development.

During the course of the application it has been agreed with the applicant that the appropriate area of search is Braintree Town.

In terms of flexibility – format and scale, there is no specific guidance on disaggregation in the NPPF but it requires applicants to demonstrate flexibility on issues such as format and scale. The most recent Retail Assessment Addendum (November 2015) includes additional analysis on occupier requirements and includes supporting documentation from Kingfisher which includes that the minimum store size targeted to cater for the DIY market in the UK is a store with floorspace between 4,000-5,000sq.m.

The sequential test analysis presented by the applicant includes commentary on the suitability, availability, and viability of each of the specific sites identified above. During the course of the application the Council sought independent advice from WYG to review the retail analysis undertaken by the applicant. The last report from WYG (dated January 2015) based on the Council's instruction concluded that both Broomhills Industrial Estate and land to the north of Freeport were sequentially preferable sites to the application site and identified these as being potentially available, suitable and viable for the retail floorspace proposed. However, since this review and as highlighted above within the analysis undertaken within the Council's Retail Update Study 2015, it is considered that neither of the sites (Broomhills or land to the north of Freeport) are now available for the proposed development. Furthermore, although limited weight can be attributed, the draft allocation for retail warehousing within the emerging Publication Draft Local Plan also indicates that the site is suitable for the proposed use and indicates the Council's direction of travel in this regard. It is therefore considered that the sequential test has been satisfied in this case.

It should be noted that Hermes (Freeport) Partnership Ltd have submitted a number of objections to this application, the last of which was received on 6th October 2015 and was submitted on behalf of Hermes (Freeport) Partnership Ltd by Carter Jonas. As highlighted above, the re-consultation on this application does not expire until 8th December 2016, after the publication of this committee report. It is unknown whether Hermes (Freeport) Partnership Ltd will make any further comments or objections to the proposed development. Any further comments will be presented at the Planning Committee on 13th December 2016.

Impact Assessment

In addition to the sequential test analysis, the applicant also provided an impact assessment analysis for the proposed development as required by the NPPF. This analysis is contained within the Retail Assessment, prepared by Emery Planning and MT Town Planning (Nov 2013) and the two

supplementary addendums to the Retail Assessment, prepared by Emery Planning dated November 2014 and November 2015 respectively.

As highlighted above, during the course of the application the Council sought independent advice from WYG to review the retail analysis undertaken by the applicant. The last report from WYG (dated January 2015) indicated that the applicant's quantitative assessment of impact was based on out-dated data sources and considered that additional analysis in terms of growth rates and special forms of trading, as well as turnover of proposals and sales density efficiency rates was required before it would be possible to confirm whether the proposals satisfactory address the impact test. The additional information requested was submitted by the applicant within their 2015 addendum report.

Similarly to the sequential test, the Council now also has the benefit of the conclusions from the Council's commissioned Retail Update Study 2015 which forms part of the evidence base for the emerging Publication Draft Local Plan. As highlighted above, the study suggests capacity for a considerable amount of additional comparison retail floorspace, and suggests that Braintree currently suffers from expenditure leakage to other nearby facilities in neighbouring authorities and cities such as Colchester and Chelmsford. Taking into account the additional analysis undertaken by the applicant, and the conclusions of the Retail Update Study 2015, it is considered that the impact of the proposed development on the vitality and viability of the town centre is acceptable.

Restriction on Use & Conclusion

Having regard to the above assessment, it will be necessary to ensure that the proposed development is restricted for retail warehouse development through the imposition of a suitable planning condition (see Condition 31). An additional condition is also recommended to prevent the subdivision of the unit and to prevent the insertion of a mezzanine floor (see condition 32). A condition to remove permitted development rights is also recommended (see Condition 33). Subject to suitably worded conditions, the principle and retail impact of the proposed development is considered to be acceptable.

Design, External Appearance & Landscaping

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'.

Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment. This is supported by Policy RLP90 of the Local Plan Review.

As identified earlier within the report, the design approach for this proposal has been to locate the proposed building on the lowest part of the site and has been orientated to face towards Millennium Way - the main public vista of the application site. The design of the DIY Store has been informed by a generic operator model for the use proposed and comprises a single building with a large footprint to provide flexibility for future occupiers to adapt to changing requirements.

Taking into account the proposed use, floorspace and operational requirements of the building, it is accepted that the proposed building will have a utilitarian form. The front elevation, facing towards Millennium Way is animated through the two entrance 'features' which adds a degree of legibility to the building. The design approach to the other three elevations is 'secondary' to the primary or front elevation of the building and therefore comprises limited visual interest – the most notable feature comprises the two glazed draught lobby areas on the two side elevations. Given the height of the building and the large plan form, the building will have a strong horizontal emphasis. As such, the proposed use of materials for the building will be critical to the design quality of the development.

The external cladding proposed within the submitted application comprises: metallic silver Kingspan cladding (the main cladding material for the building); and vertical timber cladding (around the upper half of the building on the rear and two side elevations, which is proposed to be applied to the composite cladding on the façade of the building in a 'hit' and 'miss' manner). The front elevation is proposed to comprise a masonry podium on the lower half and the metallic silver Kingspan cladding on the upper half of the building. A pressed metal capping is proposed for the building's parapet.

Officers consider that the cladding proposed for the building would result in a poor quality development. The masonry podium to the building has an unfortunate breeze block appearance and it is considered that the composite cladding is not sufficiently robust and would not weather well over time. The application of 'hit' and 'miss' timber cladding on the side and rear elevations over the underlying composite cladding is considered to be arbitrary and would interrupt the prevailing horizontal emphasis of the building. These concerns have been raised with the applicant.

The Local Planning Authority can maintain some control over the quality of the external materials for the proposed development through a standard planning condition, i.e. to require samples of materials to be submitted for approval. In this case however, the specific concerns highlighted above have been raised with the applicant. In order to ensure that the treatment to each façade of the building is acceptable, officers recommend that the external treatment and cladding proposed for the building is not approved, and that a condition is imposed to require details of a revised façade treatment and samples of cladding materials to be submitted for approval prior to the commencement of development (see Condition 3). It is also considered that the parapet is rather weak as a design feature, being relatively short in height. It is considered that

this poor detail is a further missed opportunity to provide some additional visual interest to the building. As such, a condition to require a revised parapet detail is recommended (see Condition 3). Subject to these conditions, it is considered that the design and external appearance of the building would be acceptable and compliant with the abovementioned policy requirements, subject to a further condition to require a schedule and samples of proposed materials to be submitted for approval (see Condition 4).

The application submission includes landscaping proposals for the site, and it is proposed to retain the mature hedgerow and tree screens to the south, east and west. In addition to the retention of existing features, given the edge of town location, it will be necessary to secure a high quality soft and hard landscaping scheme. The ecology assessment, which is set out in more detail in the section below (Environmental Issues) highlights the need to supplement and reinforce existing tree and hedgerow landscape boundary features. In addition, and as also identified in the ecology assessment, it will be necessary to ensure that the visual impact of the car parking area in front of the proposed DIY store is softened through additional tree planting.

The submitted statement from the Landscape Architect outlines a number of mitigation measures for the proposed development which can be summarised as follows:

Primary Mitigation Measures

- Retention and protection of existing landscaping boundaries, including the key mature trees;
- Reinforcement of existing landscape boundaries and extension of the native landscape infrastructure on the western, southern and eastern boundaries;
- The introduction of a new area of native shrub planting to the northern boundary to ameliorate views towards the edge of the car park, particularly when travelling north-west up Millennium Way;
- The introduction of advanced stock tree planting throughout the car park to ameliorate views towards the building and of the car park;

Secondary Mitigation Measures

- A 5 year landscape and habitat management plan, incorporating opportunities for habit creation, as highlighted within the submitted Environmental Statement.

The supporting documentation also outlines that the proposed planting would predominantly comprise native species, which is consistent with the ecological mitigation measures recommended within the submitted Environmental Statement. The ecology assessment recommends the planting of seed, fruit or berry-bearing tree and shrub species. The ecology assessment considers that there is also scope within the soft landscaping scheme for the development to create smaller areas of higher value habitat, such as species rich wildflower grassland and the creation of a new pond (on the southern

edge of the site to provide a habitat for Great Crested Newts and other amphibians).

A number of conditions are recommended to protect the existing landscape features to the site and in relation to mitigation measures including landscaping to the site and ecology and biodiversity enhancement (see Conditions 5, 6, 7, 8, 9, 10, 11, 12 & 13).

Environmental Issues

Introduction

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

The applicant sought a formal Screening Opinion from the Local Planning Authority and in response a Screening Opinion was issued on 17th October 2011 stating that the proposals represented EIA development within the meaning of the 2011 regulations (as amended). The proposed development was considered to be Schedule 2 development, constituting an urban development project on land which exceeds 0.5 hectares in area. The Local Planning Authority set out within the screening opinion that the proposed development would result in the loss of a substantial area of undeveloped land that is outside of Braintree's Town Development Boundary, would likely affect neighbouring residents and would likely result in significant vehicle movements which would have environmental implications.

The applicant undertook formal Scoping Opinion from the Local Planning Authority. A formal Scoping Opinion was issued on 19th March 2012.

The submitted Environmental Statement has been prepared by Emery Planning Partnership. The submitted ES comprises the following documents:

- ES Volume 1: Non-Technical Summary
- ES Volume 2: Main Text
- ES Volume 3: Technical Appendices
- ES Addendum: Volume 2: Main Text
- ES Addendum: Volume 3: Technical Appendices

The following topics were assessed in the ES:

- Ecology
- Flood Risk
- Ground conditions and contamination
- Noise

- Lighting
- Transport
- Landscape and Visual Impact
- Air Quality
- Daylight/Sunlight

A summary and conclusion of significant impacts and mitigation is included within Chapter 16 of Volume 2 of the ES and each of the chapters include assessment on cumulative and residual effects.

Addendum to the Environmental Statement

An addendum to the ES was received in November 2016. The addendum updates and provides supplementary environmental information to the 2013 ES, this includes further environmental surveys and assessment which include habitat and species surveys. Further information clarifying aspects of the surface water drainage assessment, changes to the highway mitigation proposals have also been introduced and the impact of new guidance on assessing air quality impacts has been considered.

The following chapters are included within the Addendum to the Environmental Statement:

- Ecology
- Flood Risk
- Noise
- Transportation
- Air Quality

The following sections of this report, assess each of the respective topic areas included within the ES, including the addendum where relevant. Each section summarises the impacts of the proposal and mitigation where relevant.

Ecology (Chapter 7 of the ES)

Introduction

Chapter 7 of the submitted Environmental Statement (ES) assesses the impact of the development on ecology. A scoping survey was completed in 2011 which found that the site had the potential to contain protected species and recommended further surveys for bat roosts, dormouse and Great Crested Newts – these surveys were completed in March-April 2012. The report also found that nesting birds would be present during the nesting season.

Methodology

The submitted ES details the data search undertaken, as well as the site specific surveys undertaken for bat roosts, dormouse and Great Crested Newts.

Baseline Conditions

The ES sets out the baseline conditions of the application site that existed at the time. Officers are satisfied that this accurately identified the physical features present on the application site. The addendum to the ES includes an update in this regard, to take account of the passage of time since the application was originally submitted for consideration.

Impacts

The ES identifies that the proposed development would have no significant impact upon ancient woodland and traditional orchard sites within the surrounding area and will not directly affect National or local nature reserves, SSSIs, Biodiversity Action Plans or priority habitats and that key environmental schemes or designations will not be affected.

Protected Species

The ES identifies that the proposed development would have no significant impact on dormice and roosting bat species. The surveys undertaken to support the assessment within the ES state that the proposals may directly affect Great Crested Newts and nesting birds and moreover a breach of the legislation afforded to them may occur without appropriate mitigation measures in place.

Mitigation Measures

The ES identified a number of mitigation measures in relation to nesting birds and Great Crested Newts. It also set a number of landscaping recommendations for the site to enhance the biodiversity and habitat value of the site. The Addendum to the ES (which is described in more detail below) updates the assessment in respect of ecology and also includes updated mitigation measures. As such, all of the mitigation measures proposed are described below for completeness.

Addendum to the ES (November 2016)

Since the application was submitted for consideration, the following further ecological surveys have been undertaken:

- 2014: Habitat Suitability Index (HSI) assessment of the ponds in the vicinity of the site, surveyed prior to the 2013 ES preparation;

- 2016: updated ecological appraisal, including an extended habitat survey;
- 2016: reptile presence survey, in response to the recommendation within the 2016 ecological appraisal report.

Methodology

The methodology for the assessment of the likely ecological effects of the proposed development was based on the principles of CIEEM's (Chartered Institute of Ecology and Environmental Management) guidelines for Ecological Assessment in the UK, 2nd Edition. Online resources also informed the addendum.

A walkover habitat survey was undertaken on 24th August 2016 and was based on the earlier Phase 1 habitat survey conducted for the site. The timing of the survey was within the optimal period for completing the survey. Officers are therefore satisfied that the survey represents a robust assessment of the habitats present and their potential to support legally protected species.

As required by the CIEEM guidelines a 'zone of influence' is identified, which identifies ecological effects which can potentially extend beyond site boundaries. In this case, the 'zone of influence' identified is limited to the footprint of the development and the immediately adjacent habitat. Officers are satisfied with this approach.

Baseline Conditions

The addendum to the ES sets out the baseline conditions of the application site. Officers are satisfied that this accurately identifies the physical features present on the application site.

Impacts: Amphibians

A number of ponds are present within the vicinity of the site and have been surveyed at various points since the 2011 survey to determine their use by Great Crested Newts. In total, 9 ponds have been surveyed within the vicinity of the application site. Ponds 1-3 were surveyed in 2011, ponds 1-9 were surveyed in 2012 and HSI surveys were repeated for some of the ponds in 2014 and 2016.

The 2012 survey found that ponds 3 and 5 (located 80 metres south and 250 metres south of the application site respectively), to have a medium population of Great Crested Newts. The 2012 survey is now out of date, but the 2014 and 2016 HSI surveys suggest that the condition of these ponds has not changed significantly since the 2012 survey and therefore concludes that changes in the Great Crested Newts population are unlikely.

Although none of the ponds are located within the red line of the application site, the addendum does highlight that habitat on the site is suitable for Great

Crested Newts in their terrestrial stage. Pond 3 is located outside the core area of a terrestrial habitat but it is possible that there could be occasional use by juvenile newts dispersing between ponds 3 and 5.

However, as discussed below, during the 2016 reptile survey, although no reptiles were found to be present on the application site, a single resting Great Crested Newt was found during the survey, to the south of the site.

Impacts: Reptiles

The 2011 report concluded that the site was unsuitable for reptiles due to a lack of suitable vegetation structure. The addendum highlights that since the 2011 survey was undertaken, the vegetation structure has developed over the site and much of the habitat could now be suitable for reptiles, including slow worms, lizards and potentially grass snakes. The habitat within the southern field is identified as being more suitable as a habitat for reptiles, but it doesn't disregard the suitability of the northern field.

An updated reptile survey was undertaken between 28th September 2016 and 25th October 2016 (involving 8 visits to the application site). No reptiles were found within the survey area. A single resting Great Crested Newt was found during the survey, to the south of the site.

Impacts: Bats

The 2011 report noted a potentially suitable tree for bats to roost in the northwest corner of the site and highlighted that other trees and hedgerows could also be suitable. A more detailed survey was undertaken in 2012 which concluded that the tree was of negligible suitability for roosting bats. The addendum concludes that the suitability of the site for bats has not changed significantly since this time.

Impacts: Terrestrial Mammals

No evidence of badgers was found at the site in 2011, or in 2016, but these surveys excluded some denser areas of scrub that were not accessible, in which setts could be present. The 2011 highlighted the potential suitability of the hedgerows on the site for dormice. A 'nut search' survey of chewed hazelnut shells was undertaken in 2012 and found no evidence of dormice present at the site. The addendum concludes that the suitability of the site for dormice has not changed significantly since the previous surveys were undertaken.

Impacts: Nesting Birds

The addendum highlights that much of the hedgerow and scrub vegetation is suitable for a variety of common bird species to nest. A family of grey partridge was noted in the 2016 survey.

Mitigation Measures: Habitats

The addendum concludes that the proposed development would result in the loss of habitats of local ecological value, but identifies that this could be mitigated through the creation of a smaller area of higher value habitat, such as species rich wildflower grassland, which could also act as mitigation land for Great Crested Newts.

The addendum also highlights the needs to ensure existing hedgerows and trees should be protected during construction using standard arboricultural tree protection measures.

Mitigation Measures: Great Crested Newts

The original Great Crested Newt survey is now out of date. An updated survey would be needed to be undertaken before any application for an EPS (European Protected Species) licence was made by the applicant. The addendum concludes that an updated Great Crested Newt survey only needs to include ponds 1-5 as the other ponds are considered to be outside of the 'zone of influence'.

Given the previous survey results and the proximity of the ponds to the application site, the addendum highlights that an EPS (European Protected Species) licence would be required for the works to take place. Mitigation for Great Crested Newts would entail the capture of newts from suitable habitat on the south of the site and their relocation. As highlighted within the 2016 reptile survey, a single resting Great Crested Newt was found on the application site, to the south of the site.

Mitigation Measures: Reptiles

The addendum highlights that habitat on the site is suitable for reptiles which are protected from killing and injury under the Wildlife & Countryside Act 1981. However, the 2016 survey found no presence of reptiles on the application site. No specific mitigation in respect of reptiles is therefore recommended.

Mitigation Measures: Bats

The addendum recommends further targeted surveys for bats are undertaken if any hedgerow is proposed to be removed. Any reduction in the habitat for bats would need to be mitigated through compensatory hedge and shrub planting. The protection of all existing hedgerows on the site can be secured through a planning condition (see Conditions 5 & 6), which would negate the need for any further bat surveys to be undertaken.

Mitigation Measures: Nesting Birds

The addendum highlights that any vegetation clearance should be carried out outside the bird nesting season (March to August) – this can be secured through a planning condition (see Condition 7).

Mitigation Measures: External Lighting

The addendum recommends that any external lighting is designed so that adjacent habitats, particularly the boundary hedgerows, do not receive any additional illumination. Details of any external lighting for the site, including levels of luminance and times of use can be secured by condition (see Condition 13).

Ecological Enhancements

In addition to the specific mitigation identified above, the following additional ecological enhancements are proposed:

- Pond Creation – it is proposed to create a new pond on the southern edge of the application site, to provide a habitat for Great Crested Newts and other amphibians and enhance the ecological value of the site for a variety of invertebrates, birds and bats.
- Planting of seed-bearing tree and shrub species – in addition to protecting existing landscape features, it is recommended that any supplementary landscaping to the site, includes a variety of seed, fruit, or berry-bearing trees and shrub species. This will provide a valuable food source for a variety of birds, including house sparrow, dunnock, starling and song thrush. Silver birch, holly, bird cherry, wild cherry, small-leaved lime, hornbeam, hawthorn, field maple and dogwood are suggested as suitable specimens.
- Nesting features for birds – It is proposed to erect a number of bird boxes on the site on existing trees and on the new building.

Ecology: Conclusion

Officers are satisfied that the ecology chapter of the ES along with the additional information contained within the addendum to the ES presents a sound and robust assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts.

Flood Risk and Drainage (Chapter 8 of the ES)

Introduction

Chapter 8 of the submitted Environmental Statement (ES) assesses the impact of the development on flood risk. The ES is supported by additional

information including a Flood Risk Assessment (FRA) and a conceptual sustainable drainage strategy. The ES identifies the physical characteristics and key features of the site, and establishes that the site is located within Flood Zone 1.

Methodology

The ES outlines that the FRA is based on observations made during a site visit and on the Environment Agency flood map and follows the technical guidance contained within the NPPF and therefore takes into account the vulnerability of the risks of flooding both from and to the development, having regard to climate change.

Baseline Conditions

The ES establishes that the site is located within Flood Zone 1 – which means that there is little or no flood risk and the annual probability of either river or coasting flooding is less than 0.1 per cent (i.e. less than one in one thousand years). The ES outlines that the nearest watercourse to the site is a small tributary of the River Brain located approximately 185m to the west, which is fed by a pond. The nearest main river to the site is the River Brain which is located approximately 740m to the west. The site comprises almost entirely open rough grassland with clayey soil.

Existing Site Drainage

The ES identifies the presence of an existing surface water drain owned by Anglian Water along the base of the Millennium Way embankment immediately beyond the site boundary. It also highlights a shallow ditch located between the site and the A120 and a sewer outfall approximately 100m west of the site. The ES highlights that it may be possible to make a surface water connection from the site, but acknowledges that there will be a requirement to reduce the discharge velocity into the sewer from the new development as part of a sustainable urban drainage system.

Ground Conditions & Hydrogeology

The ES identifies that the superficial deposits recorded directly beneath the site comprise ‘boulder clay or ‘till’ of moderate to low permeability. The bedrock is shown to comprise moderate to low permeability clay with local silt deposits and sand beds. There are no licenced groundwater water or surface water abstractions recorded within 100m of the site. Additionally the site is not within a groundwater source protection zone.

Evaluation

The proposed development of the site would significantly increase the proportion of hardstanding through the construction of roads, roofs, parking and pedestrian areas. This amounts to an area of approximately 21,863sq.m.

Impacts

The ES provides a breakdown of the predicted surface water discharge rates for the development. Taking into account the impermeable surfaces and the average rainfall intensity the total predicted surface water flow rate for the development is identified as 317.36 litres per second. The ES states that the surface water discharge rate should be able to be reduced to the greenfield runoff rate for the area by the installation of appropriate SuDs features.

Mitigation Measures

The ES identified a number of mitigation measures. The Addendum to the ES (which is described in more detail below) updates the assessment in respect of flood risk and drainage and also includes updated mitigation measures. As such, all of the mitigation measures proposed are described below for completeness.

Addendum to the ES (November 2016)

The original Flood Risk and Drainage report was submitted in 2012 as a supporting document to this planning application. The report was amended in August 2014 to take account of the Essex County Council SuDs team's observations. The report was reviewed further in September 2016, where the following amendments to the report have been made:

- Additional section added to list the responses made by Essex County Council and how the issues raised have been addressed;
- Data such as the Flood Zone classification by the Environment Agency has been checked for accuracy;
- Section 4.2 – a minor change has been made to refer to Environmental Permits rather than Discharge Consents to reflect changes made by the Environment Agency regulations;
- Section 4.4 and 4.5 has been updated following the response from Essex County Council SuDs.

Methodology

The methodology used is unchanged from that used in the originally submitted ES.

Predicted Surface Water Discharge Rates

The addendum details that the total predicted surface water flow rate for the development has increased from 317.36 litres per second to 349.81 litres per second.

The addendum details that the surface water discharge rate should be reduced to the greenfield runoff rate through the installation of SuDs features.

Proposed Conceptual Sustainable Drainage Scheme

A conceptual SuDs scheme has been incorporated into the drainage strategy for the proposed development. The scheme strategy may be limited to the use of permeable paving with underground storage and/or underground attenuation cells or tanks for the roads and pavements in the development. This is due to the presence of the underlying London Clay. Further percolation tests would be needed to be undertaken at the detailed design phase of the drainage system.

Mitigation Measures

Changes have been made to the Flood Risk and Drainage Assessment Report during the course of the application. The overall conclusions and recommendations remain unchanged. The site is at a low risk of flooding being located within Flood Zone 1. Essex County Council's SuDs team maintain an objection to the application within their consultation response dated 15th November 2016. Notwithstanding the objection, a SuDs scheme is recommended for the development to mitigate the impact of surface water runoff. This can be secured through an appropriate planning condition (see Condition 15).

The ES identifies that it may be possible to achieve a connection to the nearest Anglian Water sewer. The ES also highlights that the remote location of the nearest Anglian Water foul sewer may mean that it is necessary to install a private sewerage treatment works to serve the development, which would require an Environment Agency Discharge Permit.

Flood Risk and Drainage: Conclusion

Officers are satisfied that the flood risk and drainage chapter of the ES along with the additional information contained within the addendum to the ES presents a sound and robust assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts.

Ground Conditions and Contamination (Chapter 9 of the ES)

Introduction

Chapter 9 of the submitted Environmental Statement (ES) assesses the impact of the development on ground conditions and contamination. The ES is supported by a phase 1 investigation, comprising essentially a desk top study and site walkover survey.

Methodology

The ES details that the phase 1 report was based on the findings from a site visit and walkover survey, review of the historical survey plans, review of environmental registers and a local authority environmental search. Furthermore, the phase 1 survey was undertaken in accordance with local authority requirements and BS10175:2011 (Code of practice for investigation of potentially contaminated sites).

Baseline

The phase 1 assessment found no evidence of any known historically potentially contaminative use of the site, or recent or current potentially contaminative activities. The existing electrical sub-station to the west was identified as a potential source of contamination.

Evaluation

The ES outlines that the site is not considered to have been impacted by any known contaminative use and that the local authority holds no records of pollution incidents or complaints relating to the site.

Impacts

The site is not considered to cause any adverse impact on the environment, as a result of any suspected contamination present at concentrations requiring remedial works.

Mitigation Measures

No mitigation measures are recommended within the ES.

The Council's Environmental Health officer raised no objections to the proposed development on these grounds and was satisfied with the phase 1 assessment undertaken. A condition in respect of unexpected contamination was recommended (see Condition 23).

Ground Conditions and Contamination: Conclusion

Officers are satisfied that the ground conditions and contamination chapter of the ES presents a sound and robust assessment of the likely impacts of the development.

Noise (Chapter 10 of the ES)

Introduction

Chapter 10 of the submitted Environmental Statement (ES) assesses the impact of the development in terms of noise. The ES is supported by

additional information including a noise and vibration report. Monitoring was agreed to be undertaken by the LPA in order to make comparisons and establish where any potential impact may occur on a quantitative and qualitative basis. For comparison, the yard and vehicle activities were measured at the B&Q Braintree store at Braintree Retail Park.

Methodology

The two sites (the application site and the B&Q store) were visited from the 10th to the 12th June 2012 to undertake ambient/background noise measurements.

Baseline Conditions

The ES identifies sources of noise at the application site which contribute to the ambient noise level. The ES identifies road traffic as the principle source of noise, but also identifies bird song. At the B&Q store, road traffic, HGV delivery vehicles, reversing alarm on fork lift truck, impact noise from handling equipment for loading/unloading and general yard activities were identified as the principle sources of noise.

The ES identifies that based on BS8233 / WHO Guidelines, in order to achieve the desirable external and therefore desirable internal levels, during the day at the nearest residences (Avilion and Hoppit House), external levels should not exceed LAeq 55dB. At the rear of Avilion the ES highlights that this level was exceeded during the daytime monitoring by 1dB.

The monitoring at the B&Q store at Braintree Retail Park highlighted that the noise levels were around 72 to 78dB.

Impacts

The ES highlights that the results of the noise assessment mean that unless adequately mitigated the proposed development would have an adverse and potentially unacceptable impact upon the nearest residential premises. Vibrations impacts were also assessed within the ES, however it was concluded that when taking into account proximity, likely speed of delivery vehicles that any damage as a result of ground-borne vibration is unlikely.

Mitigation Measures

The ES identified a number of mitigation measures. The Addendum to the ES (which is described in more detail below) updates the assessment in respect of noise. As such, all of the mitigation measures proposed are described below for completeness.

Addendum to the ES (November 2016)

The addendum to the ES includes an updated noise/vibration assessment report.

Methodology

The updated noise/vibration assessment report reflects the use of new reference standards for noise assessment introduced since the application was submitted.

Impacts

The addendum highlights that based on the BS8233 Who Guidelines, in order to achieve the desirable external and therefore desirable internal levels, during the day at the nearest residences, external levels should not exceed LAeq 55dB. The addendum highlights that at the rear of the residential property 'Avilion', this level was exceeded during the daytime monitoring by 1dB. The addendum considers the impact of HGVs, plant, and other on-site equipment on nearby residential properties during both the day and night and concludes that the impacts of the proposed development are acceptable, subject to suitable mitigation measures.

Mitigation Measures

The ES identifies a number of mitigation measures, which can be summarised as follows:

- Restricting night time deliveries – should be avoided or other kept below 10 occasions;
- A barrier at the site boundary (close to the HGVs) should reduce noise levels by between 5-10dB;
- Speed limits within the site should be kept low (5-10MPH);
- Road/access surfaces should be smooth.

The ES also makes reference to acoustic screens/fencing to the builder's yard and service yard and utilising suitable vehicle reversing alarms to reduce potential impact in terms of noise (the use of directional broadband noise emitters was referenced). The ES lastly acknowledges the need for mitigation in respect of plant noise and construction activity to mitigate the impact of the development.

The Council's Environmental Health officer has raised no objections to the proposed development. Concern and disappointment was raised in respect of the layout of the site in that both the service yard and HGV/delivery access for the DIY Store are located closest to the nearest residential property. However, it was acknowledged that the impacts of the development in terms of noise could be mitigated through appropriate conditions. Considered that there was insufficient justification/information to demonstrate the acceptability of night time deliveries at the site and as such should be conditioned accordingly. The following mitigation measures would be secured through appropriate planning conditions:

- Details of all plant equipment including location and specification to be submitted to the LPA and approved in writing (see Conditions 18 & 19);
- HGV vehicular movements/delivery hours to, from or within the site to be restricted outside the following hours: 08:00-20:00 Monday to Saturdays and no HGV movements on Sundays or Bank Holidays (see Conditions 24);
- Details of acoustic fencing/boundary treatment to the site and to the builders yard to be submitted to the LPA and approved in writing (see Condition 16);
- Hours of site clearance, demolition and construction (see Condition 26);
- Piling – any proposed piling to accord with an approved scheme (see Condition 27);
- Restriction over the use of beepers on delivery vehicles/fork lift trucks and other on-site equipment and machinery during the operational phase of the development (see Condition 22).

Noise: Conclusion

Officers are satisfied that the noise chapter of the ES along with the additional information contained within the addendum to the ES presents a sound and robust assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts.

Lighting (Chapter 11 of the ES)

Introduction

Chapter 11 of the submitted Environmental Statement (ES) assesses the impact of the development in terms of lighting. The ES considers the impact of lighting for the proposed development on the site and its affect on nesting birds, bats, amphibians and invertebrates. The assessment considers the type of lighting that will have the least impact and how the lighting should be implemented to create the least spill.

Methodology

The ES recommends the use of white LED lighting, but acknowledges the Council's policy is for High Pressure Sodium (SON) lighting. The ES states that the lack of UV from LED sources maximises the benefit over other sources of light and would have a less damaging effect on habitat and species such as birds and bats.

Baseline Conditions

The ES identifies that the site is bordered by existing commercial sites and Millennium Way and acknowledges and references the ecological survey which has identified the potential for nesting birds to be present on the site and that Great Crested Newts have been located near to the site.

Impacts

The ES identifies that lighting could have an impact upon habitat and protected species.

Mitigation Measures

The ES recommends the following mitigation measures in respect of external lighting for the proposed development:

- The use of white LED lighting without UV;
- Keeping lighting levels low at all times and incorporation of dimmers to reduce light levels after hours and after 10pm;
- Keeping column heights at 6 metres;
- Use lighting shields to contain the light and reduce bright spots visibility from a distance which may confuse the wildlife.

In order to ensure any external lighting to the site is acceptable and minimises the impact upon habitats and ecology, a full lighting condition is recommended.

Lighting: Conclusion

Officers are satisfied that the lighting chapter of the ES presents a sound and robust assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts.

Transportation (Chapter 12 of the ES)

Introduction

Chapter 12 of the submitted Environmental Statement (ES) assesses the impact of the development in terms of highways and transportation. In addition to the assessment contained within the submitted Environmental Statement, the application is accompanied by a full Transport Assessment.

Methodology

The ES analyses the potential transport effects having regard to the following considerations:

- The location of the site in relation to its environs and the extent to which it is capable of being well served by rail, bus, cycle and pedestrian routes as well as the existing highway infrastructure;
- The potential for the scheme to result in changes to traffic flows on the local highway network and the effect that any such changes may have in relation to highway capacity and road safety;
- The identification of, where necessary, mitigation measures; and
- Assessing the effect of the proposed mitigation measures.

Baseline Conditions

The ES identifies that the site can be accessed by footway/cycleway links. The toucan crossing facility located to the site on Millennium Way, provides a connection to the existing pedestrian network including the Braintree Retail Park, Freeport, Freeport station and residential areas.

In terms of cycling the ES identifies the site within catchment of existing residential areas, where trips of less than 5km can be an alternative to car travel for trips. With regard to public transport, a bus stop is located in close proximity to the proposed new site access, which is located on Route 132 (a service that runs approximately every 30mins Monday to Saturday, between Braintree and Witham). In respect of rail, the site is located approximately 1.25km away from Freeport railway station, which is outside a suggested catchment area of 800m. The ES considers that rail travel however represents a viable method of travel for future employees.

The supporting documentation to the application, including a road safety assessment which focuses on the junctions, including the interconnecting links and closely associated junctions: A120/B1018 Galley's Corner roundabout; B1018 Braintree Road/Millennium Way roundabout; Millennium Way/Charter Way roundabout; B1018 Braintree Road corner adjacent to Electrical Sub Station access.

The ES details accident data obtained from Essex County Council for a five year period between the 1st April 2006 and the 31st March 2011 – there were a total of 45 accidents within or in close proximity to the above junctions. The ES concludes that the safety of the existing highway network is considered to be of medium sensitivity.

The assessment has been informed by traffic surveys at all of the above junctions to establish weekday AM, PM and Saturday peak hour flows. Queue length surveys have also been undertaken. The assessment considers a year of opening of 2015 and a 10 year horizon of 2023 in line with DfT guidance. The ES anticipates that the additional peak hour vehicle trips calculated to the development would be: a total of 111 trips (weekday 08:00-09:00), 322 trips (weekday 16:30-17:30); and 702 trips (Saturday 12:45-13:45).

The capacity of existing junctions was assessed for the weekday AM and PM peak hours as well as the Saturday midday peak hour periods. The

assessment was undertaken for the 2011, 2015 and 2023 scenarios for all peak periods without the proposed development. The results of the analysis demonstrate that the junction capacity is of high sensitivity, as the A120/B1018 Galleys Corner roundabout is predicted to operate over capacity in the 2015 and 2023 scenarios without the proposed development. The ES and accompanying Transport Assessment acknowledges that this junction forms part of the Strategic Road Network.

Impacts

The ES assesses the impact of the development during both the construction period and during the operation of the development.

In terms of the construction phase, the assessment concludes that the overall impact, taking into account the temporary nature of this phase, would be negligible – there would be a likely minor increase in traffic volumes but no adverse effect on junction safety or capacity.

With regard to the operational phase of the development, the ES identifies in terms of road safety that the increased volumes of traffic associated with the proposed development would be adverse, minor, long term at a regional level.

In respect of junction and highway capacity, the traffic assessment has been undertaken on the basis that a 4,378sq.m DIY with garden centre unit is relocated from the Braintree Retail Park to the proposed development site, and assumes that the vacant store would be re-occupied by a non-food, non-DIY retailer.

The results of the assessment indicate that the B1018 Braintree Road/Millennium Way round will operate within capacity in the 2015 and 2023 base with the additional trips attributed to the proposed development. The impact on this junction is assessed as being negligible, and at District level.

The results for the A120/B1018 Galleys Corner roundabout indicate that the junction will operate beyond capacity in the 2015 and 2023 base with the additional trips attributed to the proposed development. The impact on this junction is assessed as being adverse, minor, long term at a regional level.

The proposed access to the application site was also taken into account in the assessment which concluded that it would have a negligible impact at a District level.

Mitigation Measures

The ES identified a number of mitigation measures. The Addendum to the ES (which is described in more detail below) updates the assessment in respect of transportation and also includes updated mitigation measures. As such, all of the mitigation measures proposed are described below for completeness.

Addendum to the ES (November 2016)

The addendum provides an update on the transportation chapter of the ES and includes some changes to the information contained in the mitigation section for the operational phase of the development. It also reflects the enhanced mitigation proposals that have been developed in consultation with Essex County Council Highways and Highways England.

Methodology

The methodology used to undertake the assessment is unchanged from the original assessment.

TRANSYT (a transport modelling programme) was used to assess the capacity and operation of the proposed partially signalised A120/B1018 Galley's Corner and B1018 / Millennium Way Fowlers Farm junctions with the proposed development in place. Baseline junction capacity test outputs are unchanged from those provided within the original ES.

Mitigation Measures

Mitigation measures have been subject to considerable discussion and negotiation with Essex County Council Highways and Highways England.

(A120 / B1018 Galleys Corner Roundabout)

The A120 / B1018 Galley's Corner junction which is formed at the intersection of the A120, B1018, Long Green and Cressing Road, comprises a 5 arm roundabout junction with dual approaches on the A120 arms of the junction.

The existing (part time) signal control on the B1018 Northbound approach to Galleys Corner (the existing stop line and traffic lights), is proposed to be removed and replaced. The proposed highway mitigation works at Galleys Corner include widening of the approach roads and the roundabout itself, adding extra traffic lanes, and introducing coordinated traffic signal control at two of the five arms of the junction – the A120 Eastbound approach and the B1018 Northbound approach and at two points on the roundabout. Both of the signalised entry arms will include three lanes at the stop line, with additional circulatory lanes to provide "storage space" to minimise blocking of through movements. The new design involves a three lane flare on the A120 Southbound approach, and two lanes exiting off the roundabout to the B1018 Southbound.

The proposed signalisation of the B1018 Northbound approach includes a 3m wide pedestrian/cycle crossing, in place of the existing informal crossing. This would not be a signal controlled crossing, but has been aligned such that the crossing of the northbound carriageway of the B1018 is in front of the waiting traffic. The proposed 3m wide shared footway/cycleway would connect to the

existing pedestrian/cycle network on the west side of the B1018 as well as the existing facilities along Long Green.

A Stage 1 Road Safety Audit has been undertaken to the satisfaction of Highways England.

The applicant's transport analysis predicts, at year of opening, the junctions operating within capacity, with queue lengths on the A120 reducing from 2km down to c100m or less, and with journey times through Galleys Corner reduced from up to 17 minutes to approximately 3.5 minutes during the weekday evening peak period, and from up to 22 minutes to approximately 4 minutes during the Saturday peak period.

(B1018 / Millennium Way to Fowlers Farm Roundabout)

The mitigation works to the Fowlers Farm roundabout include traffic signals on the B1018 Southbound approach entrance to the roundabout (for traffic arriving from the A120) and at one point on the roundabout. The mitigation works have been designed such that the traffic lights can be switched on during periods of higher traffic flow (to control queuing back to the A120), or switched off during periods of lower traffic flow (in order to reduce delays).

The design of the circulating carriageway has been amended, with three lanes on the preceding part of the circulating carriageway to enable two lanes exit onto the B1018 northbound whilst providing stacking space in the third lane (splitting into two lanes) for the signals.

A Stage 1 Road Safety Audit has been undertaken to the satisfaction of Essex County Council.

Based on the analysis undertaken the mitigation measures proposed would ensure that the impact of the development is acceptable. The mitigation measures are proposed to be secured through appropriate conditions and Section 106 obligations.

Both Highways England and Essex County Council Highways have assessed the submitted ES, Transport Assessment and accompanying documentation and have confirmed that they raise no objections to the proposed development, subject to the specific mitigation measures identified. In addition to the junction improvements identified above which are proposed to be secured by planning conditions, the following additional mitigation measures have been recommended by Highways England / Essex County Council Highways:

- Condition requiring the submission of a Construction Method Statement (for the construction phase of the development to mitigate the impact of the development on the highway network) (see Condition 21);
- Land to be dedicated to ECC Highways from the ownership of the applicant required to deliver the B1018 Braintree Road Crossing

Improvement Scheme (Drawing No. DC3093-000-002) (see S106 Heads of Terms);

- Financial contribution of £10,000 index linked towards the improvement of Public Footpath 22 Crossing, to improve pedestrian access to the application site (see S106 Heads of Terms);
- Implementation of a Travel Plan, including a financial contribution of £3,000 towards the monitoring of the Travel Plan (see S106 Heads of Terms).

The abovementioned mitigation measures would be secured through appropriate conditions and Section 106 obligations.

Transportation: Conclusion

Officers are satisfied that the transportation chapter of the ES along with the additional information contained within the addendum to the ES presents a sound and robust assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts.

Landscape and Visual Impact Assessment (Chapter 13 of the ES)

Introduction

Chapter 13 of the submitted Environmental Statement (ES) assesses the impact of the development in terms landscape and visual impact. A Landscape and Visual Impact Assessment (LVIA) was undertaken in March 2012.

Methodology

The assessment considers the direct effects on the physical landscape – it considers the nature and extent of the landscape changes likely to occur and options for mitigating adverse effects if necessary; the effect on any national, regional or local designation.

Baseline Conditions

Areas of landscape character were identified for the purpose of assessment, based on fieldwork and desktop study. The zone of visual influence (ZVI) for the application site is identified within the ES. The contour analysis demonstrates that the application site lies behind locally high ground to the east and forms part of an extensive area of low-lying, flat landscape to the south and east.

Impacts

The ES assessment on the local landscape character concludes that two of the eight landscape character areas would be affected as a result of the development: marginal arable fringe and the adjacent developed urban fringe. Both are considered to be low value.

The views into the application site from the north are screened by development immediately north of the A120 in all but a few locations.

The views into the application site from the west are screened by the high ground, reinforced by the industrial scale of the electricity substation.

The views from the south and east are screened by intervening mature tree belts and hedgerows which dominate views in the flat landscape.

The principle roads within the ZVI are the A120 and B1018 – these provide the principle views into the application site. The majority of viewpoints recognise there will be a potential minor influence on existing views, principally as a result of the roof-scape being visible just above or through existing vegetation. Overall, the LVIA concludes that there are no significant adverse impacts as a result of the development that cannot be mitigated or ameliorated.

Mitigation Measures

The ES identifies the following primary mitigation measures:

- Retention and protection of existing landscape boundaries, including the key mature trees;
- Reinforcement of existing landscape boundaries and extension of the native landscape infrastructure on the western, southern and eastern boundaries;
- The introduction of an area of new native shrub planting to the northern boundary to ameliorate views towards the edge of the car park, particularly when travelling north-west up Millennium Way;
- The introduction of advanced stock tree planting throughout the car park to ameliorate views towards the building and of the car park;
- The composition of the planting will be predominately native species to enhance the ecological value of the site.

The mitigation measures identified would be secured through appropriate conditions.

Landscape and Visual Impact Assessment: Conclusion

Officers are satisfied that the Landscape and Visual Impact Assessment chapter of the ES presents a sound and robust assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts.

Air Quality (Chapter 14 of the ES)

Introduction

Chapter 14 of the submitted Environmental Statement (ES) assesses the impact of the development on air quality. More specifically, the impact upon air quality within the vicinity of the development through the generation of dust and particulate matter.

Methodology

The ES includes assessment of the potential air quality impacts, including: dust nuisance and potential health effects; and emissions from on-site plant and machinery. The assessment uses guidance from British Research Establishment and the Greater London Authority.

Baseline Conditions

Based on the BDC Air Quality Progress Report in April 2011, there is no requirement to monitor PM10 (particulate matter 10 micrometers or less in diameter) levels within the District. A number of sensitive receptors have been identified within the ES – these include residential areas off Mundon Road, Chelmer Road, Stilemans Wood and Braintree Road, as well as existing commercial development at Charter Way and Galleys Corner.

Impacts

The ES identifies that potential dust impacts on the existing commercial development at Galleys Corner could occur without effective mitigation. In respect of particulate matter, the ES identifies that these concentrations will increase as a result of the proposed development, but the overall increase is small and will only occur over a short period of time.

Mitigation Measures

The ES identified a number of mitigation measures. The Addendum to the ES (which is described in more detail below) updates the assessment in respect of air quality and also includes updated mitigation measures. As such, all of the mitigation measures proposed are described below for completeness.

Addendum to the ES (November 2016)

The addendum to the ES includes an update to the air quality chapter of the ES, and details changes to the information describing the impact of the development, reflecting new guidance on assessing the significance of impacts, and additional mitigation measures.

Methodology

Utilising the guidance on the assessment of dust from construction and demolition published by the Institute of Air Quality Management (IAQM), the addendum to the ES summarises the main impacts arising from the construction phase of the development as follows:

- Dust deposition, resulting in the soiling of surfaces;
- Visible dust plumes, which are evidence of dust emissions;
- Elevated PM10 (particulate matter 10 micrometers or less in diameter) concentration, as a result of dust generating activities on site; and
- An increase in concentrations of airborne particles and nitrogen dioxide due to exhaust emissions from diesel powered vehicles and equipment on site.

The IAQM guidance subdivides the construction activities into four types to reflect their different potential impacts as follows: demolition, earthworks, construction and track out.

Dust is a major environmental concern associated with construction activities. Residences within 1km from a site can potentially be affected by site dust, although the more significant impacts would generally be within 100m.

The addendum assesses the risk of dust arising in sufficient quantities to cause annoyance and/or health and/or ecological impact based on four risk categories: negligible, low, medium and high risk. A development is allocated to a risk category based on two factors: the scale and nature of the works (which determine the potential dust emission magnitude) and the sensitivity of the area to dust impacts.

Impacts

The assessment of construction activities has focused on demolition, earthworks, construction and track out activities at the site. The ES addendum identifies the dust emission magnitude for each activity as follows:

- Demolition – Not Applicable (No demolition proposed)
- Earthworks – Large
- Construction – Small
- Track out – Medium

The sensitivity of the surrounding area is identified as being 'low' for dust soiling and human health impacts during earthworks, construction and track out and non-applicable for ecological impacts during earthworks, construction and track out.

The dust emission magnitudes and sensitivity of the surrounding area are combined to determine the risk of dust impacts with no mitigation applied. Dust soiling and human health impacts are identified as 'low risk' during earthworks and track out and 'negligible' during construction. Ecological impacts are identified as non-applicable.

The addendum identifies that the likelihood of an adverse impact occurring would be correlated to wind speed and wind direction, which would need to occur at the same time as a dust generating activity in order to generate an adverse impact.

The addendum highlights that the air quality assessment does not include an assessment of exhaust emissions from construction vehicles. Air quality planning guidance issued by EPUK, would require an assessment of construction and exhaust emissions on the local road network where there would be more than 200 movements per day. Taking into account the scale of the development proposed, the need for an assessment is not considered to be applicable in this case.

Mitigation Measures

As summarised above, the addendum to the ES identifies that the proposed development would be considered to be a low risk to local receptors. However, the following best practice mitigation measures have been identified to reduce the impacts of dust soiling and human health to negligible.

- Site Management
 - Display contact details for site management;
 - Record dust and air quality complaints, identify and take appropriate measures to rectify and record actions and make this available to LPA if requested;
 - Undertake regular site inspections to monitor compliance, particularly when activities on site could generate higher levels of emissions and dust;
- Construction Activity
 - Record any exceptional incidents that cause dust and air, the action taken and make this available to LPA if requested;
- Preparing and maintaining the site
 - Machinery and dust causing activities should be located away from sensitive receptors;
 - Solid screens/barriers should be erected (as high as any stockpiles on site) around dust activities or the site boundary;
 - Avoid site runoff of water or mud;
- Operating vehicle/machinery
 - Ensure all vehicles switch off engines when stationary;

- Avoid the use of diesel powered generators and use mains electricity or battery powered equipment where possible;
 - Only use cutting, grinding or sawing equipment fitted with suitable dust suppression systems;
 - Use enclosed chutes, conveyors and covered skips;
 - Minimise 'drop' heights and use fine water sprays whenever appropriate;
- Waste Management
 - Reuse and recycle waste to reduce dust from waste materials;
 - Avoid bonfires and burning of waste materials.

The Council's Environmental Health officer raised no objections to the proposal subject to conditions to control the construction phase of the development (see Conditions 20, 21, 25, 26 & 27). Subject to these conditions, the impacts of the proposed development in terms of air quality are considered to be acceptable.

Air Quality: Conclusion

Officers are satisfied that the noise chapter of the ES along with the additional information contained within the addendum to the ES presents a sound assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts.

Daylight and Sunlight (Chapter 15 of the ES)

Introduction

Chapter 15 of the submitted Environmental Statement (ES) assesses the impact of the development on daylight and sunlight. The application is also supported by BRE Daylight and Sunlight Study. The study assesses the impact of the development on the daylight and sunlight receivable by the neighbouring residential properties at Avilion and Hoppit House.

Methodology

The assessment is based on the British Research Establishment Guidelines (BRE). The assessment includes: daylight to windows, measuring both the vertical sky component and daylight distribution; sunlight availability to windows; and overshadowing to gardens and open spaces.

Baseline Conditions

The ES details that both Avilion and Hoppit House (the nearest residential properties to the proposed development) receive a very good standard of daylight and sunlight. Before development:

- All windows surpass the BRE vertical sky component target of 27%;

- All windows which face within 90 degrees of due south surpass the BRE direct sunlight to windows targets;
- All windows receive more than 25% of annual probable sunlight hours, and more than 5% of annual probable sunlight hours between 21st March and 21st September; and
- Each garden has at least 50% of its area which can receive at least two hours of sunlight on 21st March.

Impacts

The ES details the impacts of the development on the two existing residential properties adjacent to the site:

- Daylight to windows – all windows surpass the vertical sky component test and surpass the daylight distribution test. Therefore the proposal satisfies the BRE guidelines;
- Sunlight to windows – all windows which face within 90 degrees of due south surpass the BRE direct sunlight to window targets;
- Overshadowing to gardens and open spaces – the proposed development would not create any new areas which receive less than two hours of sunlight.

Mitigation Measures

As the proposed development complies with the BRE guidelines, no mitigation measures are proposed within the ES.

Daylight and Sunlight: Conclusion

Officers are satisfied that the daylight and sunlight chapter of the ES presents a sound and robust assessment of the likely impacts of the development.

Officer Conclusion: Environmental Issues

Officers are satisfied that the ES along with the additional information contained within the addendum to the ES presents a sound and robust assessment of the likely impacts of the development and that the proposed mitigation would satisfactorily address these impacts. Officers recommend that mitigation measures identified within the assessment of the ES are secured through appropriate conditions/Section 106 obligations.

Impact upon Neighbouring Residential Amenity

Two residential properties are located adjacent to the application site – Avilion and Hoppit House. As identified earlier in the report, the planning application is accompanied by an Environmental Statement (ES) and other supporting

documentation which assesses specific impacts of the proposed development. Specific chapters within the ES assess the impact of the development in terms of noise, air quality, landscape and visual impacts, and daylight and sunlight. Given the proximity of the proposed development to these residential properties it is acknowledged that the proposals will have an impact upon neighbouring residential amenity. However, subject to a number of mitigation measures officers conclude that the proposal would not have a detrimental impact upon neighbouring residential amenity.

Further conditions are recommended to control the construction phase of the development (see Conditions 20, 21, 25, 26 & 27) and the hours of operation when the DIY Store is open for trade during the operational phase of the development (see Condition 31).

Parking

Policy RLP56 of the Local Plan Review requires that vehicle parking should be provided in accordance with ECC Vehicle Parking Standards 2009. In terms of parking provision, the proposed development will meet the Standards, as referred to above.

As identified earlier in the report, the application proposes a large car parking area at the front of the site, accessed off Millennium Way, comprising 255 car parking spaces (including 4 family spaces), 11 motorcycle spaces, 19 accessible spaces for disabled persons and 38 covered cycle parking spaces. The parking layout includes space for 6 trolley bays. With the exception of the accessible parking spaces for disabled persons, all car parking spaces are proposed to measure 2.9m x 5.5m to comply with the adopted parking standards. The accessible parking spaces for disabled persons along with the family spaces are proposed in the rows closest to the entrance to the store. Pedestrian circulation spaces and crossing points within the car park are indicated on the submitted plans. The proposed development is considered to be acceptable in this regard subject to conditions in relation to cycle parking details (see Condition 29) and provision of parking spaces (see Condition 30).

Other Issues

The response from the Ramblers Association dated 16th April 2014 is noted. As set out in the assessment of Chapter 12 of the Environmental Statement (Transportation) above, a number of mitigation measures are proposed including highway improvements to key junctions as set out in full in the Recommendation section below. In addition, a financial contribution to the improvement of Public Footpath 22 is recommended, which was one of the public footpaths highlighted by the Ramblers Association for improvement in their letter of representation. While the Ramblers Association's request for improvements to Public Right of Ways (PROWs) Crossing 34, 35 and 4 are noted, it is not considered that further improvements are required to these PROWs to mitigate the impact of the development, and moreover that such a request would not meet the requisite tests for planning obligations.

RECOMMENDATIONS

Subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

SECTION 106 HEADS OF TERMS:

- **Public Footpath 22 (Cressing)**

The DIY Store shall not be opened for trade unless and until the applicant has made a financial contribution of £10,000 index linked towards the improvement of Public Footpath 22 (Cressing) to provide pedestrian facilities to access the store.

- **Travel Plan & Travel Plan Monitoring**

The DIY Store shall not be opened for trade unless and until the applicant has provided and implemented a Travel Plan, details of which shall be submitted to and approved in writing by the Local Planning Authority, and shall make a financial contribution of £3,000 index linked towards Travel Plan Monitoring.

The Travel Plan shall be in accordance with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift;
- The methods to be employed to meet these targets;
- The mechanisms for monitoring and review;
- The mechanisms for reporting;
- The penalties to be applied in the event that targets are not met;
- The mechanisms for mitigation;
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter;
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews

- **B1018 Braintree Road Cressing Improvement Scheme**

The DIY Store shall not be opened for trade unless and until the land in the ownership of the applicant required to deliver the B1018 Braintree Road Cressing Improvement Scheme shown on Drawing No. DC3093-000-002 has been dedicated to the Highway Authority free of all charges.

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans. Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

CONDITIONS:

1. Time Limit

The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed above, except as follows:

- The external treatment and cladding proposed for the building, as indicated on Drawing Numbers: 0350 Revision C (Building Elevations); 0351 Revision D (Building Elevations); 0352 Revision A (Visualisations) and the 'DIY Store Proposed Specification' dated September 2016 is not approved; and
- The proposed parapet detail as indicated on Drawing Numbers: 0321 Revision B (Building Roof Plan); 0350 Revision C (Building Elevations); 0351 Revision D (Building Elevations); 0352 Revision A (Visualisations) and the 'DIY Store Proposed Specification' dated September 2016 is not approved.

Reason

To ensure a satisfactory quality of development that is in keeping with the character and appearance of the surrounding area and does not prejudice the appearance of the locality.

3. Revised Façade/Cladding Treatment

No development shall commence unless and until details for a revised façade and cladding treatment and parapet detail for each elevation of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall thereafter be retained as approved.

Reason

To ensure that the development does not prejudice the appearance of the locality. These details are required prior to the commencement of development in order to ensure that the external treatment to all elevations of the building have been approved prior to development commencing on site.

4. Samples of External Materials

No above ground development shall commence unless and until a schedule of the types and colour of the materials to be used in the external finishes along with samples of the materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in

accordance with the approved details and shall thereafter be retained as approved.

Reason

To ensure that the development does not prejudice the appearance of the locality.

5. Tree and Hedgerow Protection

No development shall commence unless and until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the Local Planning Authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

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

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

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

These details are required prior to the commencement of the development to ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

6. Tree and Hedgerow Removal

No trees or hedgerows within the application shall be removed unless and until full details of the tree or hedgerow proposed to be removed have been submitted to and approved in writing by the Local Planning Authority. The details shall include a targeted bat survey for the tree and/or hedgerow proposed to be removed and include mitigation proposals for the loss of the tree and/or hedgerow. The development shall only be carried out in accordance with the approved details.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development and to ensure that any trees that are proposed to be removed from the site do not

have a detrimental impact upon ecology and that appropriate mitigation is secured as identified within the submitted Environmental Statement.

7. Bird Nesting Season

No vegetation clearance or trees/hedgerow removal shall take place during the bird nesting season (1st March to 31st August).

Reason

In order to protect nesting birds that may be present on the application site in accordance with the mitigation identified within the submitted Environmental Statement.

8. Landscaping Scheme

No above ground development shall take place unless and until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate;
- Build on the species mix of the existing vegetation and include a selection of seed, fruit or berry-bearing mature hedgerow trees and additional hedgerow planting to reinforce the existing native landscape features on the western, southern and eastern boundaries of the application site;
- Include the provision of advanced stock tree planting throughout the car park and a new area of native shrub planting to the northern boundary of the application site; and
- Include the provision of an area of rich wildflower grassland.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless otherwise agreed within the approved sustainable urban drainage SuDs scheme.

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

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

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

Reason

To enhance and mitigate the appearance of the development, in the interests of amenity and privacy, and to preserve and enhance the ecological value of the application site in accordance with the mitigation identified within the submitted Environmental Statement.

9. Management Proposals for Landscaping Scheme

The DIY Store shall not be opened for trade unless and until a landscape and habitat management strategy, has been submitted to and approved in writing by the Local Planning Authority. The operation and use of the site shall accord with the approved landscape and habitat management strategy.

Reason

To enhance and mitigate the appearance of the development, in the interests of amenity and privacy, and to preserve and enhance the ecological value of the application site.

10. Bird/Bat Boxes

No above ground development shall commence unless and until details of a scheme for the provision of nest/roost sites for bats and birds have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and thereafter so retained. The DIY Store shall not be opened for trade unless and until the approved details have been implemented.

Reason

To enhance the ecological value of the application site.

11. Great Crested Newt Survey

No development shall commence unless and until an updated Great Crested Newt survey, which includes Ponds 1-5 as identified within the submitted Environmental Statement, has been submitted to and approved in writing by the Local Planning Authority. The survey shall include proposals for any further mitigation along with timescales for the implementation of any further mitigation.

Reason

These details are required prior to the commencement of development in order to protect Great Crested Newts that may be present on the application site in accordance with the mitigation identified within the submitted Environmental Statement.

12. Great Crested Newt Mitigation

No above ground development shall commence unless and until details for the creation of a new pond to provide a habitat for Great Crested Newts and other amphibians have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The DIY Store shall not be opened for trade unless and until the approved details have been implemented.

Reason

In order to enhance the ecological habitat on the application site for Great Crested Newts and other amphibians in accordance with the mitigation identified within the submitted Environmental Statement.

13. External Lighting

No above ground development shall commence unless and until details of any proposed external lighting for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). The details shall include the mitigation measures recommended within the submitted Environmental Statement, namely:

- The use of white LED lighting without UV;
- Keeping lighting levels low at all times and incorporation of dimmers to reduce light levels after hours and after 10pm;
- Keeping column heights at 6metres; and
- Use of lighting shields to contain the light and reduce bright spots visibility from a distance which may confuse the wildlife.

All lighting shall be installed, retained and operated in accordance with the approved details. No other sources of external illumination shall be installed on the application site.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to protect ecological habitats on the application site.

14. Archaeology

No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason

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

15. SuDs

No development shall commence unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year event critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall only be implemented in

accordance with the approved details. The DIY Store shall not be opened for trade unless and until the approved details have been implemented.

Reason

To prevent the increased risk of flooding, both on and off site, and to ensure that a satisfactory surface water drainage scheme is provided for the development.

16. Boundary Treatment, including acoustic mitigation

No above ground works shall commence unless and until details of all gates, fences, wall, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures and shall include full details of a brick wall to the builder's yard and the other acoustic measures including acoustic fencing along the service road, to mitigate the impact of the development on the adjacent residential properties. The enclosures as approved shall be provided on site prior to the first opening of the DIY Store for trade and shall thereafter be retained as approved.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity and to protect the amenities of the occupiers of nearby residential properties, the surrounding area and to minimise nuisance caused by pollution in the interests of residential amenity in accordance with the mitigation identified within the submitted Environmental Statement.

17. Service Road

No above ground works shall commence unless and until details of the proposed surface treatment of the access road and proposed speed limit restrictions to mitigate the noise impact from HGV and other delivery, service and maintenance vehicles have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first opening of the DIY Store for trade and shall thereafter be retained as approved.

Reason

In the interest of nearby residential amenity.

18. Plant (Roof)

No above ground development shall take place unless and until full details, including specification, location and design of the proposed roof top plant/ventilation system, as shown in principle with the 'DIY Store proposed specification' dated September 2016, has been submitted to and approved in writing to the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall thereafter be retained as approved. No further plant equipment/extraction/air handling units shall be installed on any area of the roof or parapet of the building.

Reason

In the interest of visual amenity and in the interest of nearby residential amenity.

19. Plant (Service Yard)

No above ground development shall take place unless and until full details, including specification, location and design of any plant, extraction/air handling equipment, or air conditioning condenser units proposed in the service yard area, as indicated on Drawing No. 0310 Rev K, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall thereafter be retained as approved. No further plant equipment/extraction/air handling units or air conditioning condenser units shall be installed on any area of the building or within the application site.

Reason

In the interest of visual amenity and in the interest of nearby residential amenity.

20. Dust

No development shall commence unless and until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The dust and mud control management scheme shall incorporate the following best practice measures:

- Site Management
 - Display contact details for site management;
 - Record dust and air quality complaints, identify and take appropriate measures to rectify and record actions and make this available to LPA if requested;
 - Undertake regular site inspections to monitor compliance, particularly when activities on site could generate higher levels of emissions and dust;
- Construction Activity
 - Record and exceptional incidents that cause dust and air, the action taken and make this available to LPA if requested;
- Preparing and maintaining the site
 - Machinery and dust causing activities should be located away from sensitive receptors;
 - Solid screens/barriers should be erected (as high as any stockpiles on site) around dust activities or the site boundary;
 - Avoid site runoff of water or mud;
- Operating vehicle/machinery
 - Ensure all vehicles switch off engines when stationary;
 - Avoid the use of diesel powered generators and use mains electricity or battery powered equipment where possible;
 - Only use cutting, grinding or sawing equipment fitted with suitable dust suppression systems;
 - Use enclosed chutes, conveyors and covered skips;

- Minimise 'drop' heights and use fine water sprays whenever appropriate;
- Waste Management
 - Reuse and recycle waste to reduce dust from waste materials;
 - Avoid bonfires and burning of waste materials.

The approved dust and mud control management scheme shall be adhered to throughout the site clearance and construction process.

Reason

These details are required prior to the commencement of development to ensure mitigation measures are in place for the start of the construction phase of the development to protect the amenities of the occupiers of nearby residential properties, the surrounding area and to minimise nuisance caused by pollution in the interests of residential amenity.

21. Construction Method Statement

No development shall commence, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the following all clear of the highway:

- safe access to/from the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- the safe guarding of the Public Rights of Way during construction

Reason

These details are required prior to the commencement of development to ensure mitigation measures are in place for the start of the construction phase of the development in the interest of highway safety, sustainability and to safeguard the amenity of nearby residential properties.

22. White noise reversing alarms

No above ground development shall take place unless and until, full details of white noise reversing alarms for delivery vehicle, forklifts and other mechanical equipment that access/use the site for delivery, servicing and maintenance purposes shall be submitted to and approved in writing by the Local Planning Authority. Only the approved alarms will be permitted for use on the site by delivery vehicles, forklifts and other mechanical equipment used on site.

Reason

To protect the amenities of the occupiers of nearby residential properties, the surrounding area and to minimise nuisance caused by pollution in the interests of residential amenity.

23. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. No further development shall take place unless and until:

1. An investigation and risk assessment must be undertaken in accordance with the following requirements:
 - i. a survey of the extent, scale and nature of contamination;
 - ii. an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments.
 - iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Where remediation is necessary, no further development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to the Local Planning Authority for approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to the Local Planning Authority for approval.

Reason

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

24. Deliveries

There shall be no HGV or other delivery/service/maintenance vehicle movements to, from or within the premises outside the following times:

- 08:00-20:00 Monday to Saturdays
- No movements on Sundays or Public/Bank Holidays

Reason

To protect the amenities of the occupiers of nearby residential properties, the surrounding area and to minimise nuisance caused by pollution in the interests of residential amenity.

25. Burning of Waste

No burning of refuse, waste materials or vegetation shall be undertaken in connection with any site clearance or during the construction of the development.

Reason

To protect the amenities of the occupiers of nearby residential properties, the surrounding area and to minimise nuisance caused by pollution in the interests of residential amenity.

26. Site Clearance

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

- 08:00-18:00 Monday to Friday
- 08:00-13:00 Saturday
- No work on Sundays, Public/Bank Holidays

Reason

To protect the amenities of the occupiers of nearby residential properties, the surrounding area and to minimise nuisance caused by pollution in the interests of residential amenity.

27. Piling

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

Reason

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

28. Site Access

The DIY Store shall not be opened for trade unless and until the site access has been constructed and implemented shown in principle with Drawing No. C4-10051-SK141010.1 dated Oct 2014 in accordance with further details to be submitted to and approved in writing by the Local Planning Authority. The details shall include a visibility splay of 2.4 by 70 metres to the east. The development shall only be carried out in accordance with the approved details and thereafter retained as approved. The access shall be kept free from any obstruction at all times.

Reason

In the interest of highway safety.

29. Cycle Parking Details

No above ground development shall commence, unless and until details of the number, location and design of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the cycle parking provision will be designed to be secure, convenient and covered. The cycle parking provision shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason

In the interest of promoting sustainable modes of transport.

30. Parking Spaces

The DIY Store shall not be opened for trade unless and until the vehicle parking area indicated on the approved plans, including any accessible parking spaces for disabled users, have been hard surfaced, sealed and marked out in parking bays, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details. The vehicle parking area and associated turning area shall be retained as approved at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

In the interest of highway safety and to ensure sufficient parking provision is provided on the application.

31. Use Restriction

The premises shall only be used for the sale of bulky comparison goods consisting of building and DIY products, garden products and plants, pets and pet supplies, furniture, carpets, floor coverings and household furnishings, electrical and gas products, vehicle accessories and parts, bicycles and cycle accessories, office supplies, computers and accessories, caravans, tents and camping and boating equipment and any other goods which are ancillary and related to the main use of the premises for the sale of bulky comparison goods.

Reason

For the avoidance of doubt on the scope of this permission and to ensure that the use of the site does not have a detrimental impact upon the vitality and viability of Braintree Town Centre.

32. Subdivision / Mezzanine Floor Restriction

There shall be no subdivision of the DIY Store hereby granted planning permission and no additional internal floor space shall be created, including the insertion of mezzanine floors.

Reason

For the avoidance of doubt on the scope of this permission and to ensure that the use of the site does not have a detrimental impact upon the vitality and viability of Braintree Town Centre.

33. PD Removal

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking and re-enacting that Order) no enlargement of the DIY Store as permitted by Class A of Part 7 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason

For the avoidance of doubt on the scope of this permission, to control any future extension proposals to ensure that the use of the site does not have a detrimental impact upon the vitality and viability of Braintree Town Centre.

34. Hours of Opening

The premises shall not be open for trade outside the following hours:

Mondays to Fridays: 07.00-21:00

Saturdays: 07:00-20:00

Sundays: 10:00-16:00

Public and Bank Holidays: 10:00-16:00

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

35. Galley's Corner Roundabout Improvement Scheme

- A. No development shall commence unless and until details of the Galley's Corner Roundabout Improvement Scheme have been submitted to and approved in writing by the Local Planning Authority. The Galley's Corner Roundabout Improvement Scheme shall generally conform to Drawing No. C4-10051-014 Rev D dated Sept 2012 and shall include but not be limited to details of CCTV provision and appropriate traffic control systems. The Galley's Corner Roundabout Improvement Scheme shall also include drawings and documents showing:

- i. How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations;
- ii. Full construction details relating to the highways improvement. This should include any modification to existing structures or proposed structures, with supporting analysis;
- iii. Full signing and lighting details where applicable;
- iv. Confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departure from standards);
- v. Evidence that the scheme is fully deliverable within land in the control of either the Highway Authority or the Applicant;
- vi. An independent Stage 2 Road Safety Audit (taking account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes; and
- vii. An Appraisal Summary Table (AST) in accordance with the requirements of the D.E.T.R. publication "A New Deal for Trunk Roads in England: Guidance on the new approach to appraisal – July 1998".

B. The Galley's Corner Roundabout Improvement Scheme shall only be carried out in accordance with the details approved by the Local Planning Authority pursuant to 'A' above. The Galley's Corner Roundabout Improvement Scheme shall be implemented and completed to the satisfaction of the Local Planning Authority. The DIY Store shall not be opened for trade unless and until the Galley's Corner Roundabout Improvement Scheme has been delivered and is fully operational.

Reason: To ensure that the A120, B1018 and Galley's Corner Roundabout will continue to fulfil its purpose as part of the Strategic Road Network.

36. Fowlers Farm Roundabout Improvement Scheme

- A. No development shall commence unless and until details of the Fowlers Farm Roundabout Improvement Scheme have been submitted to and approved in writing by the Local Planning Authority. The Fowlers Farm Roundabout Improvement Scheme shall generally conform to Drawing No. 10051-B3-015-A dated May 15 and shall include but not be limited to details of traffic signals on the circulatory carriageway of the Fowlers Farm roundabout and on the B1018 south bound approach to the Fowlers Farm roundabout, together with CCTV provision and appropriate traffic control systems.
- B. The Fowlers Farm Roundabout Improvement Scheme shall only be carried out in accordance with the details approved by the Local Planning Authority pursuant to 'A' above. The Fowlers Farm Roundabout Improvement Scheme shall be implemented and completed to the satisfaction of the Local Planning Authority. The DIY Store shall not be opened for trade unless and until the Fowlers Farm

Roundabout Improvement Scheme has been delivered and is fully operational.

Reason: To ensure that the A120, B1018 and Galley's Corner Roundabout will continue to fulfil its purpose as part of the Strategic Road Network.

37. Vehicle Detection Loops for Roundabout Improvement Scheme

The DIY Store shall not be opened for trade unless and until details for the provision of vehicle detection loops at appropriate locations including the A120 approaches to Galleys Roundabout, Braintree Road (B1018), Cressing and the B1018 southbound approach to the Fowlers Farm roundabout to assist with the local management of traffic and queue lengths during peak times, in conjunction with the delivery of the Galleys Corner and Fowlers Farm roundabout improvement schemes, have been submitted to and approved in writing by the Local Planning Authority. The DIY Store shall not be opened for trade unless and until the approved details have been delivered and are fully operational.

Reason: To ensure that the A120, B1018 and Galley's Corner Roundabout will continue to fulfil its purpose as part of the Strategic Road Network.

38. Relocation of Bus Stop

The DIY Store shall not be opened for trade unless and until the bus stop on Millennium Way has been relocated and upgraded to current Essex County Council specification in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is accessible by more sustainable modes of transport.

INFORMATION TO APPLICANT:

1. Discharge of Conditions

Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk.

2. Discharge of Conditions

Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the conditions. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any

underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

3. Protected Species

You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations). As highlighted within the submitted Environmental Statement, given the previous survey results and the proximity of the ponds to the application site, an EPS (European Protected Species) licence would be required before development could commence on site.

4. Archaeology

Your attention is drawn to Condition 14 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact Essex County Council for further advice.

5. ECC Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.

6. ECC Highways

The applicant is reminded of the need to enter into a Section 278 Agreement with the Highway Authority for the various highway mitigation schemes and other works within the adopted Highway.

7. ECC Highways

In respect of Conditions 35, 36 and 37, the applicant is reminded of the need to enter into a Section 278 Agreement of the Highways Act 1980 with Essex County Council Highways and/or Highways England to enable the mitigation measures required pursuant to the above condition to be implemented. A Section 278 Agreement need to cover all associated costs of any implementation and would include a commuted sum for maintenance (indicated by Essex County Council Highways to be for 15 years).

8. Highways England

If as part of development proposals, there is a need to alter the trunk road network either to provide access on to it or to provide improvements to the road and its junctions, in order to mitigate the impact of the development, then the developer will need to enter in an arrangement with Highways England to procure and deliver these works.

This is undertaken by entering into a Section 278 Agreement of the Highways Act, 1980, as amended by section 23 of the New Roads and Street Works Act 1991, with Highways England.

The Agreement provides a financial mechanism for ensuring delivery of the mitigation works identified and determined as necessary for planning permission to be granted. This protects the Public owned Company against the risk of carrying out the works without adequate funds being in place.

Following granting of planning consent, the developer should contact the Route Performance Manager of the particular trunk road affected to discuss taking these matters forward. The contact details are:

(State Trunk Road and name) Service Delivery Manager
Highways England
Woodlands
Manton Lane
Bedford MK41 7LW

Email Aran Nugent@highwaysengland.co.uk
Telephone 0300 470 4940

There are a number of key points that should be noted in the delivery of highway works:

- It will be necessary underwrite the whole cost of the works required under the S278 Agreement. This will include:

The preparation of the cost estimate by our Managing Agents

The company employs managing agents who provide day to day operational support to maintaining and operating the trunk road network. The Cost Estimate is the initial estimate of all the costs associated with implementing the scheme and provides the initial basis for entering into a S278 agreement.

Review of the design of proposed works agreed at the planning stage

Sometimes there is a significant delay between agreeing highway measures at the planning stage, receiving planning consent and implementation. The check is to ensure the proposed works are still appropriate in light of any changing circumstances.

Site supervision

The costs of supervising any highway works to be undertaken. This is to ensure works are implemented in accordance with current standards and in a safe and appropriate manner

Temporary traffic management (if required)

Temporary Traffic Management is a system of road traffic signs, placement of traffic cones required to ensure that road works can be carried out safely whilst still allowing traffic to proceed in safe manner

Scheme works

The costs of the works

Road safety audits (RSAs)

There are four different stages of Road Safety Audits depending on the stage of implementation of the works. The audits ensure that the highway design is safe to use. RSA Stage 1 is an initial safety audit check undertaken as part of the planning application process; RSA Stage 4 is a check of the operation of the scheme once the works have been completed and are open to traffic.

Highway England's administration fee

This sum covers all the administrative costs associated with processing and progressing the S278 works through to completion

Maintenance commuted sum payment (if required)

This sum covers the maintenance to be undertaken by Highways England relating to elements of the proposed highway scheme and is calculated on the basis of a 60 years evaluation period in accordance with Her Majesty's Treasury guidelines.

Land Compensation Act 1973, Part 1 Claims (if required)

There is the potential for claims by adjoining property and/or land owners affected by the highway works under the Land Compensation Act 1973. This applies to individual property owners who consider they may have a right to compensation where the value of an interest in land is depreciated by physical factors caused by the highway works, such as an increase in traffic noise due to re-alignment of the carriageway and the provision of artificial lighting or traffic signals.

- It should be noted that before any works can take place, the S278 Agreement will need to be signed and all the estimated costs, including administrative costs and Agents fees, will have to be paid prior to the commencement of the highways works. Highways England is not allowed under statute to bear any cost associated with the drawing up of the Agreement and related design and construction costs.

Further Information regarding S278 Agreements

This is an initial guidance on the need for a S278 agreement. Further information on S278s can be found on Highways England's website www.highways.go.uk or by contacting Highways England using the contact details above.

It should be noted that any works on or adjacent to the trunk road may need traffic management. The process for this includes booking road space. Any required road space should be agreed at an early stage to avoid any delay in delivery any required changes to the highway.

9. National Grid

The applicant's attention is drawn to the advisory comments contained within National Grid's consultation response dated 18.11.2016.

10. UK Power Networks

The applicant's attention is drawn to the advisory comments contained within UK Power Network's consultation response dated 14.02.2014.

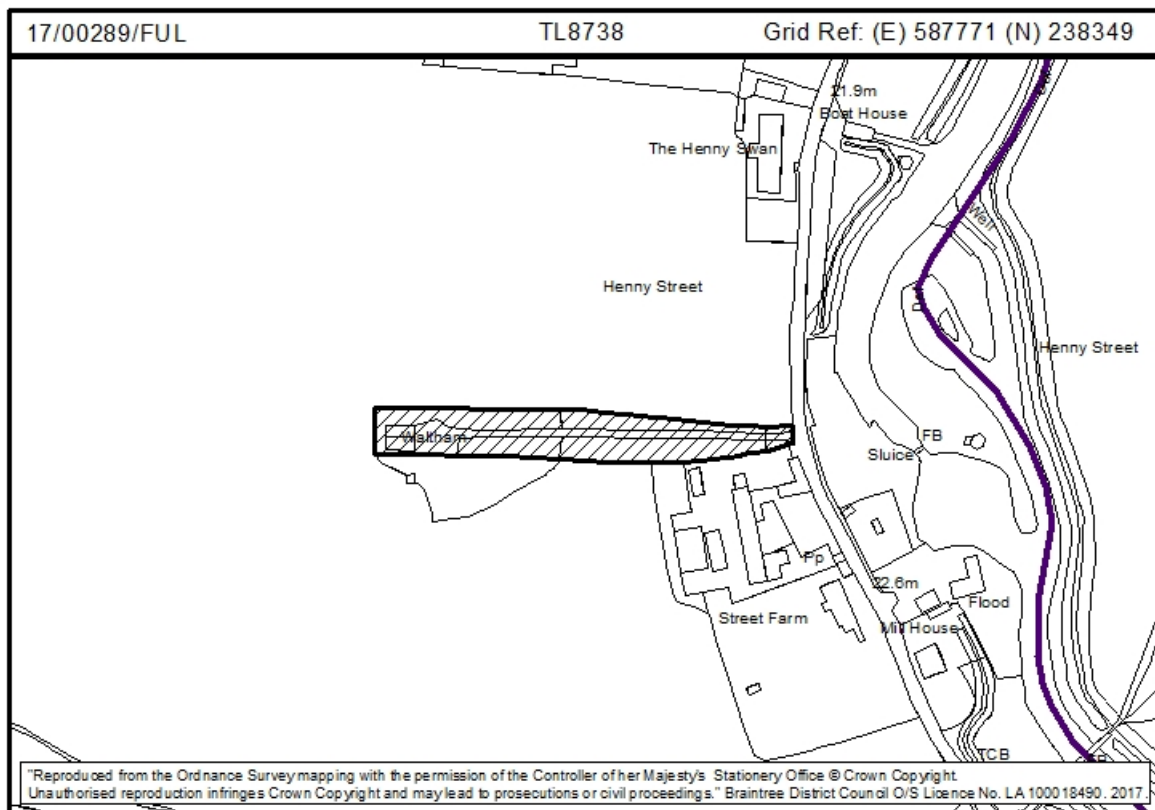
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION 17/00289/FUL DATE 16.02.17
NO: VALID:
APPLICANT: Mr & Mrs Philip Rowe
Liston Hall Barn, Gosfield, Halstead, Essex, CO9 1SB
AGENT: Tricker Blackie Associates Ltd
Mr James Blackie, 51 Station Road, Sudbury, Suffolk,
CO10 2SP
DESCRIPTION: Erection of new dwelling house
LOCATION: Waltham, Henny Street, Great Henny, Essex, CO10 7LS

For more information about this Application please contact:
Mr Tom O'Connor on:- 01376 551414 Ext.
or by e-mail to: tom.oconnor@braintree.gov.uk



SITE HISTORY

00/01200/FUL	Erection of one two storey dwelling with agricultural tie to Wishbone Turkeys, Middleton Hall, Middleton	Refused	18.09.00
84/00115/	Proposed stationing of two residential caravans for a period of 2 years	Appeal Allowed	29.08.85
86/01108/	Proposed erection of dwelling	Appeal Dismissed	02.11.87
88/00234/P	Stationing Of Mobile Home As Temporary Residence	Refused	07.04.88
88/00235/P	Change Of Use To Repair Of Agricultural & Light Industrial Vehicles		07.04.88
89/01869/P	Proposed Market Garden Erection Of Dwelling & Demolition Of Sheds And Com- Pound & Removal Of Mobile Home	Refused	08.11.89
93/01497/COU	Proposed change of use to Class B1 light industrial and office use in connection with ice cream business	Refused	09.03.94
98/00080/COU	Change of use of building to class B1 light industrial	Withdrawn	13.03.98
98/00372/ELD	Use of building for Class B1 Light Industrial - Repair and maintenance of Ice Cream Vehicle	Refused	29.05.98
98/00909/ELD	Use of building for Class B1 Light Industrial - Repair and maintenance of vehicles	Withdrawn	26.08.98
98/01294/OUT	Erection of 1 no. chalet bungalow	Refused then dismissed on appeal	18.11.98
16/01367/FUL	Erection of new dwelling	Withdrawn	18.10.16

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local

Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP89	Agricultural Buildings
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP71	Landscape Character and Features
LPP75	Energy Efficiency
LPP76	Renewable Energy Schemes
LPP77	Renewable Energy within New Developments
LPP80	Sustainable Urban Drainage Systems

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been brought to Committee for determination as it is considered that it has the potential to be significant due to the unusual nature of the proposal.

SITE DESCRIPTION

The application site consists of a narrow broadly rectangular strip of enclosed land some 3000sqm in area, in designated open countryside within the Stour River Valley. The site slopes eastward toward the highway that defines the small linear hamlet of Henny Street.

Adjoining land and buildings to the south are part of the Greathouse Street Farmstead and there is a public house located some 200m to the north. The river Stour is located nearby to the east across the highway and the nearest major settlement is some 4 miles to the north at Sudbury.

The site currently has a workshop/storage building at its western end which though substantially intact is in a generally poor condition with windows and doors open to the elements and the surrounding land substantially overgrown. There is also a residential caravan located adjacent to the building, again in poor condition and unused. Overall, the site is now overgrown with strong indications that the site has been unused for a considerable time and possibly abandoned. The planning history of this site is unclear as to whether this building was utilized either as ancillary to agriculture or as a stand-alone use. However, the history, of the site indicates a clear resistance by this Authority to the placing of any form of residential development on this site.

PROPOSAL

This application seeks to erect a three storey brick and Gulam wood framed dwelling on a 16m diameter (200sqm) circular base of brick/blockwork across the major width of this 18m wide site with the outer surface of the ground/lower ground floor finished in a rough-cast render. This would be inset

into the existing prevailing ground level by some 1.5m in depth with a patio area and retaining wall on the western side with driveway approach and detached double garage set within an earth mound (berm) located to the east. Curved arched entrances and windows of various heights and dimensions would be located on the ground and lower ground floor levels of the dwelling with the arches finished in a dark grey zinc material.

The exterior of the first floor level containing the main living rooms would have a curved effect on its edge, visible through the domed roof and finished in a polished stainless steel band supporting a frameless curved glazed balcony.

The upper floor (3rd floor) would contain the master suite and be wholly covered by the tiled curved Gulam wood frame roof, with flush contoured glazing, that reaches down to and is mounted at ground level at four points. The outer surface of the roof would be covered in plain clay ridge and roof tiles.

A double garage would be inset into a raised part of the landscape on the eastern approach to the house presenting only vertical timber double door with timber and brick surround and enclosed by a berm.

Landscaping would be contoured taking advantage of mounds and eastward down-facing slope to the road with a curved metalled driveway with grass centre providing both a pedestrian and vehicular access to the road. Much of the self-seeded trees and shrubs would be removed from the site and a scheme of soft landscaping implemented.

CONSULTATIONS

Middleton and Twinstead Parish Council – Object to the application. Contrary to Policies RLP15 and RLP16 as the proposal is neither a replacement dwelling or a site infill; The design is not exemplary and therefore does not qualify under Section 55 of the NPPF; The site is inadequate to allow it to be settled into the landscape in an area identified with potential in respect to the extension of the AONB; The location is unsustainable with no local services other than a public house within walking distance; The design would compromised the visual amenity of the wider community.

ECC Archaeology – No objections

Essex County Highways – No objections, subject to conditions

BDC Engineers – Although the entrance to this site is close to the EA flood zone, the Engineers are unaware of any surface water issues affecting this site.

Landscape/Ecology

The site has no evidence of the presence of protected species although it is possible that the hedge-line may be used by foraging bats and therefore I

would recommend that the lighting design strategy should consider and mitigate for the impact on bats and nesting birds. Breeding birds should be protected by conditioning that before commencing any development, the person undertaking the work must ensure that trees, hedges and shrubs do not contain any nesting birds. The applicant is to be reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Trees, hedges and shrubs are likely to contain nesting birds between 1st March to 31st August inclusive.

The design of the proposed dwelling will create a prominent form in the local landscape – the site location lies within the attractive River Stour corridor where the character and fabric of the countryside is largely a reflection of a rural idyll unspoilt by intrusive and alien structures that are not part of the local narrative. River corridors in north Essex have been identified in a recent landscape character assessment (Landscape Partnership 2015) as areas of high landscape value, characterised by gentle facing valley slopes that have a low capacity to absorb new development.

The proposed dwelling sits within a very narrow parcel of land which provides almost no scope for providing a suitable landscape setting commensurate to the scale of the structure. In this context, the size and scale of the structure seems to be compromised by a plot which does not give it sufficient space to announce itself in a suitably designed setting. It is of concern that a building that sets out to be an exemplar of design will be built within a space that is unable to provide a suitable and sympathetic landscape framework which would help to root it within its setting.

The nature of the design and the narrow confines of the plot increase the perception that the structure has been dropped into the setting and as such will appear to be particularly intrusive when viewed from the nearby PROW and is considered to establish a discordant note in the local landscape.

Urban Design Advisor

- Be truly outstanding or innovative, helping to raise standards of design
- More generally in rural areas; reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

The four bullet points above are the key elements of paragraph 55 of the NPPF which are the means by which this proposal can be justified as a new dwelling in the countryside.

The proposal now submitted for consideration by the LPA relies on the Design and Access Statement and the illustrations to show how this scheme can be considered against the criteria of Paragraph 55 of the NPPF. Within the Design and Access Statement there are few justifications for the design and

how the chosen elements and details within the composition make it an exemplar design to meet paragraph 55 of the NPPF. The DAS relies on the one premise of a design that takes reference from a historic windmill, which itself is not proven to have been on the site nor substantiated in the Design and Access Statement. The aesthetic composition is overly complicated and fundamentally contrived taking the design far from the original premise. The NPPF states that the dwelling should significantly enhance its immediate setting and reach the highest standards of architecture but with so many incongruous elements within the visual composition and an overly complex design it is clear, both in terms of its design and sustainability, that the proposal does not meet the criteria of Paragraph 55 of the NPPF.

REPRESENTATIONS

No observations have been received from local residents. Any late comments received will be reported to the Committee.

REPORT

Principle of Development

Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

At the present time the Council acknowledges that it cannot demonstrate a 5 year supply of housing land, in accordance with paragraph 49 of the Framework. As such, policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy, in seeking to restrict new dwellings in the countryside are considered to be out of date. The proposal would therefore need to be considered in accordance with the presumption in favour of sustainable development contained within paragraph 14 of the NPPF.

In this respect, the NPPF advises that the purpose of the planning system is to contribute to the achievement of *sustainable* development. In order for development to be truly sustainable it must satisfy the economic, social and environmental role simultaneously. As a core principle planning should recognise the intrinsic character and beauty of the countryside and in order to promote sustainable development in rural areas, paragraph 55 of the NPPF advises that housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF also advocates the need to promote travel choice.

Paragraph 55 of the NPPF continues to advise that Local Planning Authorities should avoid isolated homes in the countryside unless there are special

circumstances. The special circumstances are: it is required to meet the essential need for a rural worker; it represents the optimal viable use of a heritage asset; it would re-use redundant or disused buildings and lead to the enhancement of the immediate settings; it represents a design of exceptional quality or innovation.

In the terms of the NPPF, such a design should:

- “be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- reflect the highest standards in architecture
- significantly enhance its immediate setting, and
- be sensitive to the defining characteristics of the local area”

The NPPF does not define or limit the meaning of ‘isolated’. An Inspector in a recent appeal decision within the District (ref: APP/Z1510/W/16/3145145 – Ewell Hall Chase) suggested that there are two main aspects to be assessed when considering ‘isolation’, these being the site’s physical relationship with a settlement and its functional connectivity to services.

The site is outside of any designated development limits with the closest residential development being part of a loose ribbon development of a few dwellings and a public house located some 150m distant on the western side of the hamlet of Henny Street. The proposed dwelling itself would be located to the rear of the site within an elevated position and set some 150m into the open countryside some 100m back from the group of farm buildings at Greathouse Street Farmstead. As such, the building would occupy an elevated and isolated location within the landscape remote from any built development.

Other than the public house, there are no other amenities located within walking distance of the site with the closest local centre with facilities being Sudbury, some 4 miles distant where there are a range of local facilities such as shops, a local rail service, schools, a doctors surgery and limited daily bus services, that pass through the town. Paragraph 55 of the NPPF seeks to promote sustainable development within rural areas advising that housing should be located where it would enhance and maintain the vitality of local communities. However, at this distance the proposed dwelling would be beyond a short walking and cycling distance from local facilities within Sudbury and, as such, is considered to be unsustainable, being dependant on car borne journeys to access even the most basic of facilities.

However, this application maintains that the proposal would exude the exceptional quality and innovative nature required to justify this development in the open countryside. In respect of such a design, paragraph 55 of the NPPF particularly requires that such a design should:

- be truly outstanding or innovative thus helping to raise standards of design;
- reflect the highest standards in architecture;

- significantly enhance its immediate setting , and;
- Be sensitive to the defining characteristics of the local area.

Design and Scale

The design proposed has many issues that remain unresolved in many aspects with its overall appearance resulting in a confused composition of curves that, overall, have little in terms of coherence and form. For instance, the roof appears to have an original and unique form when viewed from above but, the views from the human scale at ground level show a squat and poorly roof-fenestrated outer built form that isn't visually harmonious with the core of the dwelling contained therein. Overall, there would be an in-built incongruous visual relationship between the size of the dwelling and the form of its roof with the arched balconies and glass balustrading compromised by the roof form which neither physically fits the ground floor nor looks integral to it. The roof also hides much of what may be very elaborate curved glass windows to the living spaces and this in itself creates a contradiction in terms of competing elements of the design and aspirations for views and sunlight. Such is the complexity of the design and its inbuilt inconsistencies that it is not possible to see how this can possibly be considered as exemplary or raise the standards of rural design.

The Design and Access Statement submitted in support of this application alludes to the presence of a traditional windmill that allegedly formerly occupied the site for a period up to the early 20th century. However, the simplicity of a windmill and its proud height and stature are not transposed into the proposed dwelling. Instead there are many competing elements that have little visual harmony and finesse.

For instance, the upper floor fenestration relates poorly to the other visual elements of the house, introducing elements with strong horizontal emphasis that serve to exacerbate the squat appearance that, in turn, degrades the sculptural movement of the spiralling cupola roof. The sustainability and suitability of such complicated and poorly realised design elements appear to be highly impractical and would not qualify in terms of raising the standard of rural architecture generally.

Overall, there is a considerable discord in the elevations which feature overly strong details and curves that do not seem related to each other or to the landscape in which they are located. The design would certainly not represent a model for rural architecture failing, as it would, to achieve the highest standards of exemplary architecture for the reasons already examined in this report.

Paragraph 55 of the NPPF provides an exception in special circumstances, for designs of exceptional quality or innovative nature. Though containing some unusual elements, the design and appearance of the proposal is far from exemplary is therefore not considered to be justified on the basis of any of the special circumstances set out in the NPPF.

Landscape Character, Setting and Garage

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside. Policy CS8 of the Core Strategy requires all developments to ensure the protection and enhancement of the natural environment. Developments must also have regard to the character of the landscape and its sensitivity to change. Policy RLP89 of the Local Plan Review seeks to ensure that development is not detrimental to distinctive landscape features and advises that development which fails to integrate into the local landscape will not be permitted. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

The applicant maintains the site is brownfield in its status and seeks justification for this development as an alleged previously used site (brownfield) under paragraph 17 of the NPPF. However, the status of this land is unsure with the planning history not indicating any overt commercial use of the site ever having taken place on the land. The use of the building is therefore ambiguous and, given its rural location, may well have been used in the past as ancillary to the purposes of agriculture. If this is the case, the site would not be considered as brownfield unless specifically used for purposes outside of agriculture and, the applicant is therefore unable to satisfactorily demonstrate that this is the case. Paragraph 17 also requires that development take account of and recognise the intrinsic character and beauty of the countryside.

In more practical terms, a particular concern is the poor juxtaposition of the proposed building and landscaping within the context of this narrow site. The building appears too large for the plot width and this denies the opportunity to give a meaningful landscape setting for the building.

The absence of an appropriate setting and space around the dwelling would be apparent from the local footpath network and some places along the road. From these viewpoints, as indicated by the simple LVIA submitted with this application, the mass of the roof will be evident as a somewhat alien feature in the landscape. The substantial reworking of this overgrown site into garden areas to the front, extending from the highway and; to the rear of this building some 150 metres into the rural landscape hinterland, would be overly domestic in its layout and character. Garden design with its formal layout would therefore be disharmonious within the context of the wider countryside with the tight edges being unable to provide adequate space between the side of the house and the boundary to allow for a comprehensive landscape setting and; prevent a continuation of the domestic garden from front to rear.

The grassed hump (berm) over the garage would also serve to disjoint and compromise views of the house and its wider setting and, as indicated in the simple LVIA presented, form an incongruous element in the landscape of the river valley. No justification for this berm is given in the Design and Access Statement for this other than the mention of previous engineering works

creating spoil heaps near the site. The addition of another prominent artificial hump within the otherwise gentle slope of the river valley landscape would be of clear detriment to the scheme and would have little value in either allowing views of the house or maintaining the character of the local landscape. This part of the development would be far from sensitive to the characteristics of the local area and clearly contrary to guidance contained in paragraph 17 of the NPPF in respect of maintaining the intrinsic character and beauty of the countryside.

The valley slope would be visually interrupted by the berm being a prominent element within the local landscape being clearly visible from both the highway and nearby public footpaths. The argument put forward in the DAS that spoil heaps have occurred historically and are therefore now a valuable feature within the local landscape is spurious at best and would not make this mound an exemplar aspect of the design. Though the visual impacts of the spoil heaps may have been softened by over-growth over the years, they remain what they are, heaps of discarded materials from previous engineering or quarrying works that have been left behind with little or no effort made to reintegrate this material into the landscape. Members may be aware that the site falls into the proposed extension to the Stour Valley ANOB which if adopted imposes greater sensitivity on any design and increases the need for sympathy and excellence.

In terms of its landscape setting, the proposal would therefore fail to enhance the area as required by Para 55 of the NPPF.

Energy Efficiency

The energy efficiency of the dwelling is not assured, nor is it certain whether the house will benefit from being energy efficient as this is only alluded to as an aspiration within the application documentation. The limited information in the Design and Access Statement does not provide detail of any truly outstanding energy credentials for the building. Therefore it has the potential not to be energy efficient and cannot be considered exemplar if key elements of the design are not explored, quantifiable or truly outstanding.

Impact on Neighbour Amenities

Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. Furthermore the NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings.

The proposed dwelling would, in effect, occupy an isolated position and therefore would not give rise to any material detriment to the amenity of nearby residential properties, complying with policy RLP90 (iii).

Highway Issues

The application proposes to utilise an existing access with farm gate off Henny Street. The Highways Authority has been consulted on the application

and raises no objections subject to conditions in respect of access width and visibility splays.

The site can accommodate sufficient car parking to comply with the adopted standard.

CONCLUSION

In conclusion, the proposal introduces a new dwelling in the countryside, which would be contrary to paragraph 55 of the NPPF which in seeking sustainable development requires housing in rural areas to be located where it will enhance or maintain the vitality of rural communities. Given the location and lack of local amenities/facilities the development would result in harm when considering the social and environmental dimensions of sustainable development. Future occupants of the proposed dwelling would be largely reliant on a private vehicle with limited travel choices. Moreover, the proposal would conflict with the NPPF's aim of reducing unnecessary travel by car.

Paragraph 55 of the NPPF allows, in special circumstances, the erection of new dwellings in isolated locations. In this case the argument is made by the applicant that the proposed dwelling is innovative and exemplar in design terms. As discussed above the proposed dwelling has a number of unusual elements inherent in its design. However it is not considered that the proposal is truly outstanding or presents the highest standards in architectural design and is not considered to meet the expectations of the NPPF in relation to such exceptions to the usual resistance to residential development in isolated locations. None of the special circumstances identified in paragraph 55 would therefore apply in this case. Furthermore the proposal would not significantly enhance its setting or be sensitive to the defining characteristics of the local area as it also required by the NPPF. The proposal falls contrary to the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 Paragraph 55 of the National Planning Policy Framework (NPPF) advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances. The proposal introduces a new dwelling in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. There are limited facilities and amenities within walking distance of the site and development in this location would undoubtedly place reliance upon travel by car and, as a single dwelling, the proposal would do little to enhance or maintain the vitality of the area. The proposal therefore fails to secure sustainable

development and is not considered to be justified on the basis of any other of the special circumstances identified in paragraph 55 of the NPPF

The proposal is considered to be incoherent in terms of its design and would be visually unsuccessful in terms of its setting within the countryside. The development is not considered to be of exceptional quality or truly outstanding, nor would it significantly enhance its setting or be sensitive to the defining characteristics of the local area. The development is not considered to be of a quality that would meet the demanding design and architectural tests, as outlined in the NPPF, that might justify the proposed development within the countryside or outweigh the harm that would be caused to the countryside and would have significant impact on the landscape character afforded to the area.

The proposed dwelling is not considered to be justified on the basis of any other of the special circumstances identified in paragraph 55 of the NPPF. As a consequence, the development would be contrary to paragraph 55 of the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policies RLP90 and RLP89 of the Local Plan Review.

SUBMITTED PLANS

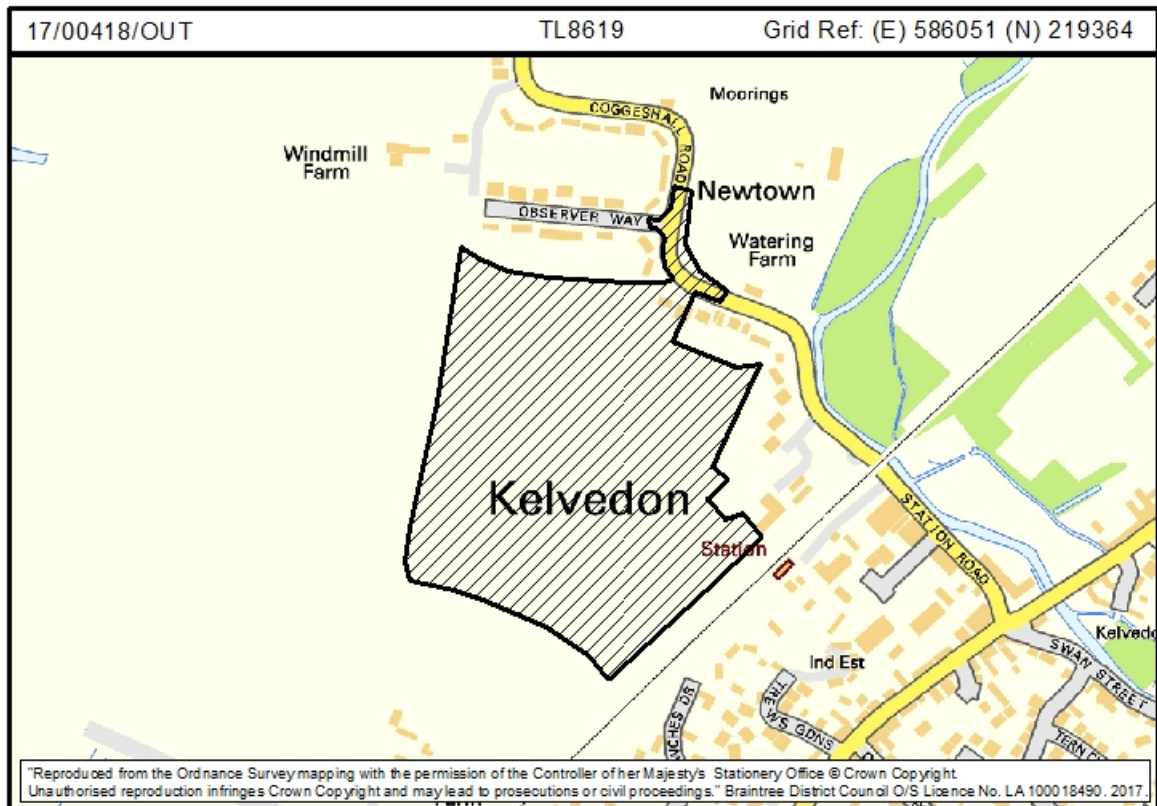
Location Plan	Plan Ref: PA01
Block Plan	Plan Ref: 001 B
Proposed Floor Plan	Plan Ref: 002 C
Proposed Floor Plan	Plan Ref: 003 B
Proposed Floor Plan	Plan Ref: 004 C
3D Visual Plan	Plan Ref: 005
Proposed Elevations	Plan Ref: 020 B
Proposed Elevations	Plan Ref: 021 A
Proposed Elevations	Plan Ref: 021 B
Proposed Sections	Plan Ref: 023 A
Proposed Sections	Plan Ref: 024
3D Visual Plan	Plan Ref: 025
Landscaping	Plan Ref: 027
Perspective	Plan Ref: 028
Perspective	Plan Ref: 029
Elevations	Plan Ref: 026
Landscape Masterplan	Plan Ref: JBA 16/183-SK01

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00418/OUT DATE: 16.03.17
 VALID:
 APPLICANT: Parker Strategic Land Ltd
 Mr Adrian Lott, C/o Mather Jamie Ltd, 3 Bank Court,
 Weldon Road, Loughborough, Leicestershire, LE11 5RF
 AGENT: Andrew Hiorns Town Planning
 Mr Andrew Hiorns Limited, 10 Lissel Road, Simpson, Milton
 Keynes, Buckinghamshire, MK6 3AX
 DESCRIPTION: Application for outline planning permission with some
 matters reserved - Proposal for up to 250 new dwellings
 with all matters reserved except the means of access from
 the public highway which is proposed via an improved
 access off Coggeshall Road, including the demolition of two
 properties (Kings Villas) to facilitate the access
 LOCATION: Land West Of Kelvedon Station, Station Road, Kelvedon,
 Essex

For more information about this Application please contact:
 Mr Neil Jones on:- 01376 551414 Ext. 2523
 or by e-mail to: neil.jones@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP38	Conversion of Rural Buildings

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure and Connectivity
SP6	Place Shaping Principles
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision for Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Species and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)
Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
External Lighting Supplementary Document
Open Space Supplementary Planning Document
Open Spaces Action Plan
Parking Standards – Design and Good Practice (September 2009)

Other Guidance

Landscape Character Assessment (2006)
Braintree District Settlement Fringes – Evaluation of Landscape Analysis (June 2015)

Kelvedon Neighbourhood Plan

The Kelvedon Neighbourhood Plan (KNP) team have completed a full report on their Community Survey carried out in June 2016 and, at the time of writing this report, the steering group met on 15 May 2017 with its following meeting being tabled for 19 June 2017. Any issues arising from that meeting will be reported to Members by way of an update to this report.

The Site Selection Survey results for the KNP published in November 2016 highlighted that from a list of core reasons as to why individuals selected their preferred site, 33.7% of the votes (out of a total of 483 responses) favoured the development of the Monks Farm site, this is compared to 32.5% for Ewell Hall and 26.5% for London Road. The application site scored highest in respect of being the least damaging on the environment and landscape, best served by existing local amenities and allowing the village character to be maintained. The site did, however, come third where concerning the impact of proposed development on traffic and congestion, falling behind the Ewell Hall and London Road sites. Whilst work is underway to create the KNP it has only reached a very preliminary stage in its development and therefore can only be given very limited weight as set out later in this report.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the development is considered to be of significant public interest and represents a departure from the Development Plan. It is therefore an application which has significant policy implications.

Kelvedon Parish Council has also raised objection to the proposals.

NOTATION

The application site lies outside the Kelvedon Village Envelope as designated in the Braintree District Local Plan Review (2005) (BDLPR) with its north western boundary running broadly parallel and to the south east of the railway line (on its opposite side). There are no other specific designations on the site in the adopted Development Plan.

Officers recommended the application site should be allocated for residential development in the new Local Plan. The Local Plan Sub-Committee and Full Council agreed to the inclusion of the site in the Draft Local Plan which was then subject to public consultation during the Summer of 2016.

The site was subject to further discussion by Members of the Local Plan Sub-Committee when the results of the public consultation were reported by Officers. Members of the Local Plan Sub-Committee voted to 'deallocate' the site at their meeting on 12th April 2017 and instead a site on the northern side

of London Road at the western end of the village was proposed for allocation instead. This was contrary to Officers recommendation.

However, when Full Council met to approve the Publication Draft Local Plan on 5th June 2017 the allocation of the application site was reconsidered. Full Council voted that this site should be allocated again for residential development. The Publication Draft Local Plan (DLP), following amendments, was approved (and the site at the western end of the village was deallocated) by Council for Regulation 19 Consultation and Submission. The Publication Draft Local Plan published for Consultation on 16 June which runs to 28 July 2017.

SITE DESCRIPTION

The application site currently comprises 10.24 hectares of predominantly arable agricultural land located to the north west of the railway line and Kelvedon Railway Station. It is broadly square in shape, although the boundary is irregular where following the rear boundaries of dwellings fronting Coggeshall Road and Kings Meadow Court which fronts the station car park.

The access thereto would be formed off Coggeshall Road through the demolition of 1 and 2 Kings Villas and amendments to the access to the detached dwelling known as Cornerways. Land forming part of the Public Highway, as well as land within the ownership and control of the applicant on the opposite side of Coggeshall Road is included to facilitate the provision of adequate highway visibility.

The northern boundary of the site runs adjacent to the southern side boundary of 26 Newtown and along the rear garden boundaries of no's 1 – 19 (odds) Observer Way. The site's western boundary follows an established field hedge and Public Right of Way (FP 92-12) with its south western boundary adjoining a paddock which separates the site from Bridge Farm.

Another Public Right of Way (FP 92-21) runs broadly parallel with the railway line towards the south eastern edge of the site and connects from Coggeshall Road through the curtilage of Kings Meadow Court and leads both to the railway footbridge that links into Church Road, as well as to Bridge Farm.

The land is primarily cultivated arable land, but with grassland margins which are used informally by pedestrians/dog walkers. The agricultural land quality has been assessed as mostly Grade 3B with parts as Grade 3A. It slopes generally to the south east and towards the Blackwater Valley, with the highest point in the site being 35m AOD in the south west and the lowest in the south east being approximately 6-7m lower.

A Phase 1 Extended Habitat Survey submitted with the application identifies little of ecological significance on the proposed developable area of the site. However, the south facing rough grassland adjacent to the railway line, and through which FP 92-21 passes, along with the other land due south west of the site has been identified as a habitat where a low population of slow worm

and a good population of common lizard are present. No bat roosts were recorded on-site, although very occasional common bat species have been recorded foraging and commuting across the site.

PROPOSAL

This is an outline planning application, with all matters reserved except for access. As highlighted above, and as set out within the planning application form, the proposals are for up to 250 new dwellings which would be served by an improved access off Coggeshall Road through the demolition of 1 and 2 Kings Villas.

The proposed access arrangements plan submitted with the application identifies the visibility splays that would be provided through the proposal which includes an area of land on the eastern side of the bend in Coggeshall Road (opposite the proposed access) to be re-profiled to ensure levels are no greater than 0.6m above the level of the existing access road. It is also proposed that the existing drainage ditch will be repositioned based on the drainage assessment to be carried out at the reserved matters stage, and that the lighting columns would be repositioned to the back of the verge, in accordance with the Lighting Assessment, also to be carried out at the reserved matters stage. The access into the dwelling known as Cornerways would also be amended to make way for the proposal.

Details of the appearance, landscaping, layout and scale are all reserved matters which means that approval is not sought for these at this stage and details are not required. If the application were to be granted planning permission then the applicant, or any successors in title, would need to submit reserved matters applications to the Local Planning Authority.

The following documents have been submitted as forming part of the planning application:

- Location Plan
- Illustrative Master Plan
- Proposed Access Arrangements Plan
- Design and Access Statement
- Planning Statement
- Transport Assessment and Residential Travel Plan
- Ecology Survey – Phase One Extended Habitat Survey including Protected Species Surveys of Reptiles and Bats, and a Bat Assessment of Kings Villas
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Appraisal Report
- Acoustic Assessment
- Air Quality Assessment
- Desk – Based Archaeological Assessment
- Soils and Agricultural Land Quality Assessment
- External Lighting Strategy

CONSULTATIONS

Anglian Water

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

BDC Environmental Services

Contaminated Land Report

The report recommends a further intrusive investigation which is the appropriate course of action particularly given the close vicinity to the railway line. Therefore, the implementation of the recommendations within the Phase One Assessment may be included as a condition of any permission granted.

Air Quality Assessment

The report states in section 5.17 that there will be no demolition, but demolition of 2 properties to allow for access is proposed. Dust Assessment and Mitigation Measures specified by The Institute of Air Quality Management (IAQM) can be secured by way of planning condition.

Noise

Further to updated information provided by the applicant's Acoustic Consultant, no objection is raised to the proposal in respect to noise.

The dominant noise for the site is from the Railway line and this means that maxima levels, particularly at night, are high as trains run 24 hours a day. However, at times when trains are not passing then the external noise levels on the finished residential area of the site can achieve $\leq 50\text{dB(A)}$ in external amenity areas which is a good level.

In turn, this means that internal noise levels given for dining and living rooms in Table 4 of BS8233 (2014) guidance on sound insulation and noise reduction in buildings may be achieved with standard double glazing and trickle vents. However, for bedrooms the recommended maxima level of 42dB(A) given in the 2010 World Health Organisation (WHO) Night-time Noise Guidelines will not be able to be achieved with the windows opened, nor will the windows with trickle vents and therefore mechanical ventilation and closed windows for bedrooms of facades with a visibility to the Railway would be necessary.

Therefore, the recommendation that no bedrooms are placed on these facades is a solution to prevent the need for mechanical ventilation and provide an approved standard of accommodation. Two conditions are recommended (see below) concerning noise levels for external amenity areas and internal accommodation.

BDC Housing Research and Development

In accordance with policy CS2 of adopted Core Strategy to seek affordable housing on schemes of 15 or more units, the proposal for up to 250 residential dwellings requires 40% equating to 100 of the homes to be for affordable housing.

It is acknowledged that details concerning the type and mix of dwellings will be subject to a reserved matters application. However, it would be expected that the affordable mix should be broadly reflective of the open market dwellings and be tailored to meet recorded housing need. Although an indicative mix has not been provided in the application, the affordable housing mix below is considered appropriate:

- 20 x 1 bed 2 person flats
- 60 x 2 bed 4 person units (A minimum of 60% should be houses)
- 2 x 2 bed 4 person wheelchair bungalows (compliant with Part M Cat 2 of Building Regulations)
- 10 x 3 bed 5 person houses
- 4 x 3 bed 6 person houses
- 4 x 4 bed 7 person houses

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

- A tenure mix of 70% Affordable Rent and 30% intermediate tenure such as Shared ownership is required
- Affordable units should be proportionately delivered and clustered in four areas of the site
- Affordable dwellings should be deliverable without reliance on public subsidy.
- Affordable homes should be built to conform to standards acceptable to the Homes and Communities Agency
- House types plus ground floor flats should meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations

BDC Operations

No comments raised at this stage.

Essex County Council (ECC) Education

A development of this size can be expected to generate the need for up to 22.5 early years and childcare (EY&C) places, 75 primary school and 50 secondary school places.

The proposed development is located within the Kelvedon and Feering Ward. According to Essex County Council Childcare Sufficiency Data, published in

January 2017 there are 13 providers of early years and childcare in the area. Of these one is a full day care nursery; three are sessional pre-schools, one is a maintained nursery school and there are eight child minders. Overall a total of eight unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient full day care provision/ free entitlement places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed and a project to expand provision would be required and a financial contribution is sought.

This financial contribution is discussed later in this report.

The primary and secondary school priority admissions areas for this proposed development would be Kelvedon St Mary's C of E Primary and the Honywood School. There is currently sufficient capacity in the area to accommodate pupils from a development of the size indicated.

Having reviewed the proximity of the site to the nearest primary and secondary schools, it is clear there is not a safe walking route to the nearest secondary school, therefore ECC is obliged to provide school transport. The cost is currently £4.44 per pupil for 190 days (being an academic year), for a period of 5 years. The level of financial contribution sought cannot be calculated until the number and size of dwellings to be built are both known at Reserved Matters stage. As a guide the Education Officer indicates that the contribution would be circa £210,900, with the contribution to be index linked to April 2017.

ECC Place Services - Principal Ecological Consultant

Based on the reptile survey and mitigation report and subsequent discussion with the applicant, they are satisfied that the Ecological Assessment has identified those habitats and species likely to be both present and affected by the development. This is in line with Chartered Institute of Ecology and Environmental Management (CIEEM) report writing guidelines. The Reptile survey and mitigation report was undertaken at an appropriate time of year and carried out by suitably qualified ecologists with the necessary skills and experience to conduct this type of assessments.

The Reptile mitigation report (DF Clarke Bionomique, Feb 2017) has been supplemented by discussion with LloydBore (email from Lucy Lincoln, May 2017) to ensure the reptile habitat within the development is retained and protected during construction and management of this area for these Protected Species secured in the long term.

The applicant has confirmed that the mitigation scheme to be implemented is Option 1 within the Reptile Survey and Mitigation Strategy report (DF Clark Bionomique). This would involve retaining the existing reptile habitat on-site, and therefore, retaining the reptiles in-situ.

To ensure that reptiles are not killed or injured during the development works, Heras fencing would need to be installed along the perimeter of the suitable reptile habitat (located within the semi-improved grassland habitat, adjacent to the railway corridor) during construction works. This would prevent machinery being stored within the suitable reptile habitat and potentially damaging it. The construction site itself is of negligible value for reptiles. The details for this would be required in conjunction with management of landscaping in other public spaces to ensure appropriate protection is provided to avoid adverse impacts post construction.

It is therefore recommended that a suitable planning condition ensures that a Landscape and Ecological Management Plan, or similar, would be produced at the Reserved Matters stage to provide details of how the landscaping scheme would be designed to enhance that area for reptiles. There are opportunities to continue these enhancements across the site to provide additional reptile habitat within ecological buffer zones along retained hedgerows. Reptile hibernacula will be created within the semi-improved grassland habitat to provide shelter for reptile species. The landscaping scheme would ensure that connectivity to off-site reptile habitat, located along the railway line, is maintained to ensure reptiles can freely move between habitats.

This would enable the LPA to demonstrate it is meeting its statutory biodiversity duty under s40 NERC Act, as it is necessary for all likely impacts to be mitigated. Subject to conditions based on BS42020 model conditions in respect of biodiversity mitigation particularly for Protected and Priority species, they are satisfied that significant impacts on bats (European Protected Species) and skylarks (Priority species) can be adequately controlled, along with conditions protecting the aforementioned reptiles.

ECC Flood and Water Management

Further to the receipt of additional information and having reviewed the Flood Risk Assessment and other associated documents which accompanied the planning application they raise no objection to the granting of planning permission subject to the imposition of a number of recommended conditions and informatives.

ECC Highways

Following consultation with the applicant, ECC raise no objection to the proposal, subject to the imposition of planning conditions/obligations to cover the provision of the following:

Construction traffic management plan;

A priority junction and right turn lane in Coggeshall Road to provide access to the proposal site as shown in principle on the planning application drawings;

An index-linked contribution towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction;

An upgrade to the two bus stops which best serve the proposal site;

Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street as shown in principle on the planning application drawings;

Widening and surfacing to a minimum 2 metres of the Public Right of Way (PROW) which runs through the southern end of the site, with a minimum two links between the PROW; and

A residential travel plan and monitoring fees in accordance with Essex County Council guidance.

ECC Historic Environment Officer

The proposed development lies close to a multi-period site which has revealed the earliest settlement evidence for Kelvedon prior to the establishment of the Roman town. Evidence for Middle and Late Iron Age settlement was uncovered which was seen to extend beyond the limits of the excavated site and preservation of features close to the railway line was demonstrated. Evidence for exploitation of the site after the Late Iron Age/Early Roman period was revealed dating to the Medieval period, later Post Medieval disturbance occurred close to the High Street which may indicate that the site has the potential to preserve evidence relating to the early settlement of the area. The site contains linear features as recorded from aerial photographic evidence and is recorded as a HER site, although the crop marks have not been established as having an archaeological origin.

A desk based assessment has been submitted with the application which recognises the potential of the site to contain Pre Historic to Roman archaeological remains. This will need to be established thorough archaeological evaluation and could, in the first instance, be assessed through a geophysics survey followed by trial trenching, dependent upon results. Therefore, it is recommended that a condition requiring an archaeological evaluation and excavation condition be imposed upon any grant of planning permission.

Feering Parish Council

Supports the objection made by Kelvedon Parish Council particularly as regards to highways, access and pedestrian connectivity.

Kelvedon Parish Council

The Parish Council objects to the application and asks that it is refused by Braintree District Council for the following reasons:

The site lies outside the adopted village envelope of Kelvedon and the proposal is also premature to the outcome of the BDC Local Plan process, which is at an advanced stage. Notwithstanding the position of the Development Plan and any subsequent challenge to BDC's ability to demonstrate a five-year supply of deliverable housing sites, the proposal would result in significant and severe harm, as set out below:

Highways

Development in this location would severely exacerbate the existing severe traffic congestion experienced at the junction of Station Road and the High Street. This is particularly prevalent at peak times, but congestion is experienced at this junction outside of these times.

There is existing severe congestion at this junction, which will be made worse by the development proposals, which could see the existing road structure reach or exceed its capacity. At present, there are no viable or deliverable mitigation measures to alleviate this impact.

Kelvedon High Street experiences severe congestion, due to the existing A12 junction arrangements to the north and south of the village, which do not allow full north and south bound graded separation. Traffic from Tiptree and Coggeshall are forced to use Kelvedon High Street to gain access to the A12. This represents a significant pinch point in the local highway network.

Other vehicular issues surrounding this junction include parking along one side of the carriageway, which effectively reduces capacity to one carriageway. This brings its own congestion problems and delays along an already congested route. Station Road, the High Street and this junction also serve two bus stops and a shopping parade, where buses and delivery lorries stop at all times of the day. Transporter lorries also use Station Road to service the car dealership here, which can arrive and depart at any time of the day. Further traffic to and from the proposed development would only serve to increase the delays and congestion which builds up due to these factors. The location of the site will not encourage residents to walk children to the village primary school. From this distance it is far more likely that children will be driven, further adding to the congestion at peak times, even if pedestrian routes were made safer.

Given all of the above highway issues, the Parish Council would expect that improvements to the road infrastructure at these points will precede development. The scale and extent of the traffic congestion has been acknowledged by both BDC and ECC Highways, therefore a scheme to mitigate these issues needs to be agreed and put in place prior to any development beginning.

It was noted that at the time of writing, that there was no response from ECC Highways or any other highway authority on the planning website, to enable the Parish Council to comment on, with regard to this application. Therefore it

is not possible for a constructive representation to be made, in this regard, which is not an acceptable situation.

Access

The proposed access to the site does not provide safe entry and egress arrangements. This is due to the horizontal alignment of Coggeshall Road, which represents a difficult and dangerous road with blind bends.

Pedestrian Connectivity

The site is poorly served for pedestrians. The existing pavements along Station Road/Coggeshall Road are narrow and do not comply with relevant standard width requirements and are without any deliverable opportunities to widen the footpaths. The narrow width of the paths does not, in places, allow for two people to pass, without one of them having to walk in the road. This is particularly problematic for those walking with children, as they can only walk in single file, making it difficult to hold their hands. A single buggy can just about navigate the paths at these points, but a double buggy cannot access them at all. Mobility scooters and wheelchairs experience similar barriers accessing the paths along this road.

The site is not readily accessible for future occupiers to walk and cycle to Kelvedon Primary School, due to the substandard footpaths. The railway line represents a significant barrier to future pedestrian links, which severs the development from the essential services and facilities in the village. The application references that the site is within walking distance to the primary school. However, to avoid the issues outlined above, parents will in fact drive their children to schools and to Early Years provision, especially if they have more than one child and/or large buggies or prams, thereby increasing the existing congestion at peak, as set out above. The lack of official pedestrian crossing points along the High Street and Station/Coggeshall Road is also a concern to the Parish Council and residents. Historically, this issue has been looked at and the conclusion drawn was that there are no viable points on these roads to site a further crossing, therefore, this problem is unlikely to be able to be mitigated.

Flooding

The potential flood risk to the neighbouring properties at the bottom of the slope of the site and the road is a very real and grave concern of nearby residents, especially with regard to a large flooding event, even with the mitigation measures being proposed in the application.

Other Issues

The site represents a departure to the traditionally linear development pattern of the village and could open up 'development creep' into the surrounding land.

Ecological issues: There is concern relating to the mitigation of the impact to protected wildlife on the site, which would be severely threatened by its development and occupation, even if the habitat itself was retained.

Sewerage Facilities: Residents feel that the current system is working at capacity and report that it frequently breaks down and leaks at the local pumping station. This issue will need to be addressed and improved if development on the site is approved.

Overlooking: It was felt that new dwellings, built on the higher land on this site in relation to existing properties, would result in properties overlooking them.

Local services: Currently, the health services in the immediate area are reported to be working at or above capacity. Development on the scale proposed would put even further pressure on those services and cause further delays regarding access to GPs and other health services.

The Parish Council held a public meeting on 5 April 2017, which was extremely well attended, to gain the views of the residents of Kelvedon regarding this application. This, together with subsequent correspondence from residents, evidences the clear view that this site is not locally supported, for the reasons set out in this letter.

At the Local Plan Sub-Committee on 12 April 2017, Members expressed their concerns around the traffic congestion and potential exacerbation of this, if this site is approved and agreed with the Parish Council's views that it would pose many issues, particularly in this regard.

This, plus the fact that they took the Parish Council's views as best representing the issues at a local level, led to Members voting against including this site in the Proposed Submission stage of the Local Plan process and this should be taken into account, as outlined in the first two paragraphs, above.

Network Rail

State that the development mentions using a part of Network Rail land which is adjacent to the station and car park. They state that this area has gone through technical clearance with Greater Anglia (the train operating company) for an extension of the Station car park.

Greater Anglia state that they propose to increase the existing station car parking onto the land (north bound side) adjacent to the existing car park and the pathway indicated on drawing KEL001-005.

NHS England

The proposed development is likely to have an impact on the services of two GP practices operating within the vicinity of the application site. The proposed development will be likely to have an impact on the NHS funding programme

for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated.

A Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area. The development could generate approximately 600 residents and subsequently increase demand upon existing constrained services. The primary healthcare services directly impacted by the proposed development are the Kelvedon and Feering Health Centre; and Kelvedon Surgery. NHS England state that the development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

Based on their planning formula Kelvedon appears to have a small level of premises capacity in terms of space. However, due to the existing inefficiency of the premises space the GP practices are not able to reach their full potential and therefore are unable to accommodate proposed growth as a result of this development, unless works are undertaken.

The development would give rise to a need for improvements to capacity, in line with emerging Mid Essex Clinical Commissioning Group (CCG) Estates Strategy, by way of reconfiguration, refurbishment or extension at Kelvedon and Feering Health Centre, a proportion of the cost of which would need to be met by the developer. The capital cost calculation of additional health services arising from the development proposal for 250 dwellings would amount to £94,622 based on an additional 41.14m² additional floor space required to meet growth emanating from an approximate growth in population by 600.

LETTERS OF REPRESENTATION

34 Letters of representation have been received from third parties concerning the proposal, 30 objecting to the proposal; 2 supporting it; and 2 letters making general comments.

The objections raised centre upon the following issues:

Principle of Development

- To absorb such a large scale intake to the village would lose the village's identity.
- Express that although not happy would be willing to accept the Monks Farm development in preference to the development of the site at London Road.
- With reference to the site at London Road, this application should be refused as Kelvedon has not got the social infrastructure to support two developments.

Access

- Without improvements to the junctions at either end of Kelvedon/Feering to allow access both ways on the A12 would result in so much extra traffic in the High Street which is already at an unacceptable level.
- The main reason for supporting this site seems to be its convenience to the Railway Station.
- The footway on Station Road is inadequate and not really suitable for parents with buggies or mobility scooters.
- The proposed access to the site is in a dangerous location on a road that has blind bends and with high traffic speeds.
- Kelvedon Station is packed at peak times with a full car park and trains already overcrowded.
- Station Road is regularly made into just one lane due to parked cars and also traffic having to pass under the railway bridge when high sided vehicles pass under.
- Ease of vehicles exiting Observer Way especially turning right will be greatly compromised.
- The Station Road/High Street junction already suffers from a number of traffic issues which cause hold ups and congestion such as delivery lorries stopping at the shopping parade, transporter lorries delivering and picking up cars from the car dealership, school/passenger buses, coaches accessing the depot on Station Road.
- The application submissions refer to the use of the existing iron railway bridge as an alternative pedestrian route into the village/school; this has steep steps with the Church Road side not having the space to create a suitable ramp thus making it inaccessible to wheelchairs, mobility scooters, prams and buggies. As a consequence the majority of the increased pedestrian traffic from the development will use the existing pavement along Coggeshall/Station Road.
- Concerns raised over the impact that construction traffic would have passing through Kelvedon Village.
- Greater Anglia propose to increase the existing car parking onto the land (North bound side) adjacent to the existing car park and the pathway indicated on drawing KEL001-005.

Landscape and Ecology

- The existing farmland is home to many birds, bats, deer, field mice etc. and should be retained and protected as a green field site.
- Concerns raised over the visual impact to and from the Kelvedon Conservation Area, particularly due to the elevated nature of the site with wider landscape views.

Drainage and Flood Risk

- It is understood that the existing sewerage system/facilities for the village are running at full capacity resulting in frequent breakdowns and leaks at the local pumping station.
- Although swales have been allowed within the development these will not alleviate or lessen the potential for severe increase flooding to the properties in Coggeshall Road and Station Road from the adjacent river.
- It is understood that in a large flooding event flooding would occur further up-stream in Coggeshall and at both Coggeshall and Kelvedon which would render the site essentially inaccessible.
- Concerns raised with regard to flooding of properties downhill of the proposed development from surface water run-off.

Living Conditions

- Concerns that existing properties will be overlooked and privacy invaded.
- Concerns raised over the proposal to site a playground etc. directly behind properties in Observer Way.

Other Matters

- Loss of high grade agricultural land.
- Development of Brownfield sites in the District should be progressed and such valued agricultural land should remain protected.
- Concerns raised over the capacity of the school to accommodate additional pupils.
- Concerns raised over contamination with it claimed that various large land excavations have been filled with building rubble including demolished greenhouses which is now working its way up to the surface of the ground. They are aware of at least two pits, but there may be more.

General comments received on the application cover the following points:

- Sustainable development must include sustainable travel routes, not just for vehicles but including walk/cycle to schools and shops.
- It is imperative that should this development be approved good quality cycle and walking routes to also allow safe access by buggies and mobility scooters must be conditioned. These conditions need to apply to both the over railway bridge and its accesses, as well as the current footways on Station/Coggeshall Road.
- Although the Monks Farm site has positive attributes, it is the off-site issues that development in this location would exacerbate that require consideration/ resolution before outline planning approval be given. Such considerations include the width of the pedestrian footpath along Coggeshall Road/Station Road, the safety of the Station Road/High

- Street/Swan Street junction and capacity of the local road network leading to this point.
- Greater consideration should be given to the visual impact of the development, particularly upon those properties that surround the site and that the SUDS system and in particular the flood attenuation basin should be reviewed against best practice.
 - No further development should be allowed in the village or the location for another 50 years.
 - The building should be restricted to two storeys.

The letters of support state the following:

- Consider that the site is the most suitable and viable option for development in the village.
- Believe that the application addresses many of the issues which are applicable to the site, although understand that this is only an outline planning application.
- The site is better located than the Ewells Hall and London Road Sites as it is closer to the Station and the heart of the village.
- Dwellings of character should be built and with adequately sized gardens and recreation areas.
- BDC's policy 40% affordable housing needs to be adhered to, to include family homes the same size as market homes on the site and no "ghetto" style segregation to occur within the development.

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

As set out at the beginning of this report, the Council is currently working on a new Local Plan, which was approved by Council on 5 June 2017 for Regulation 19 Consultation and Submission, with the Publication Draft Local Plan published for consultation on 16 June which runs to 28 July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Local Plans and the weight that can be given is related to;

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

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

given) and;

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

Accordingly the Council currently affords some, limited weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was working on a Site Allocation and Development Management Plan (the ADMP). This Plan was subject to extensive public consultation in 2013 and 2014. This document was not submitted to the Planning Inspectorate due to the decision to begin work on a new Local Plan to take into account the most up to date government guidance. However parts of the ADMP have been rolled forward into the draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the new Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements of the Local Plan.

The strategy set out in the draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan:

“That the broad spatial strategy for the District should concentrate development on Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the North-West of Braintree - off Panfield Lane;
- Land to the West of the A131 at Great Notley (entirely employment related);
- Land to the South-West of Witham - off Hatfield Road;
- Land to the North-East of Witham (in Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in line with government policy as set out in the NPPF.

The application site is located close to, but outside the Village Envelope of Kelvedon and is situated in the countryside. Kelvedon is identified in the adopted Core Strategy as a ‘Key Service Village’, one of six within the District. ‘Key Service Villages’ sit below the main towns, but above ‘Other Villages’ within the settlement hierarchy, and are defined within the Core Strategy as

'large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'.

The designation of Kelvedon as a key service village has been carried forward into the Draft Local Plan, furthermore the DLP allocates the application site (KELV335) for the erection of up to 300 dwellings.

It is therefore accepted that at the strategic level the village of Kelvedon is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding rural area, in common with the other key service villages. Consequently it is considered that the principle of development of this site is largely acceptable, with increasing weight being afforded to the DLP and its housing allocations as it progresses towards its Examination in Public.

On detailed planning matters, the policies of the DLP largely reflect the spirit of the NPPF, Core Strategy and Local Plan Review (where saved).

5 Year Housing Land Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The Council's view as at 31st March 2017 is, that its forecast supply is 3.91 years. Although there have been a small number of applications approved since this calculation the Council does not consider that it has a current five year supply. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

The impact of this is demonstrated at paragraph 14 which states that "At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision-taking....."

For **decision-taking** this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 14 of the NPPF.

Neighbourhood Development Plan

Kelvedon's Neighbourhood Plan Area was approved and formally designated in line with Section 61G of the Town and Country Planning Act 1990 (inserted by the Localism Act 2011) in March 2015.

The Neighbourhood Development Plan (NDP) can establish general planning policies for the development and use of land in the village. However this cannot be created in isolation and the District Council remains responsible for producing a Development Plan that will set the strategic context within which NDPs will sit.

Neighbourhood Plans also have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). They must be approved by an independent qualified person who checks the relevant conditions are met before a referendum can be held. Neighbourhood Plans must have regard to national planning policy; they must be in general conformity with strategic policies in the Development Plan for the local area; they must be compatible with EU obligations and human rights requirements.

As highlighted above, the Kelvedon NDP team have completed a full report on their Community Survey carried out in June 2016; however the NDP has not yet reached the Pre-submission consultation and publicity stage, pursuant to Regulation 14 of The Neighbourhood Planning (General) Regulations 2012. The Kelvedon NDP is still effectively developing its evidence base and is therefore at a very early stage in its development.

As stated earlier in this report the NPPF sets out specific guidance on how Local Planning Authorities should deal with emerging plans. Para 216 of the NPPF states 'From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

As the Neighbourhood Plan remains at a very early stage in the process and has not been through all the required stages of public consultation, examination or referendum process Officers consider that it can only be give very limited weight as a material consideration in the determination of the current planning application. The limited weight that can be afforded to the emerging Neighbourhood Plan must be weighed against the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF. In making an assessment of the planning balance for the current application the NPPF must be given significantly greater weight than the draft Neighbourhood Plan and the application must be considered accordingly.

Site Assessment

Part 4 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Saved Policy RLP54 and RLP55 require that a Transport Assessment is submitted with all proposals for major new development.

As with any new development, it is inevitable that road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means. Many objections were received from local residents and the Kelvedon Parish Council on highway grounds.

Concerns are noted with regard to the safety of the proposed access into the site. As highlighted in the Proposal section above the scheme would be served by an improved access off Coggeshall Road through the demolition of 1 and 2 Kings Villas, and new visibility splays would be provided which includes an area of land on the eastern side of the bend in Coggeshall Road (opposite the proposed access) to be re-profiled to ensure levels are no greater than 0.6m above the level of the existing access road.

The Local Highway Authority (LHA) highlight that in terms of the Station Road/ Swan Street/High Street/Feering Hill/ junction, they are looking to secure improvements to this junction. As with the Inworth Road/Feering Hill/Rye Mill Lane/London Road junction, given the uncertainty around future

traffic flows in the area (primarily potential, but emerging/unknown A12/A120 improvements), they are minded to secure a financial contribution towards providing traffic signals which could incorporate formal controlled pedestrian crossing facilities at the Station Road/ Swan Street/High Street/Feering Hill/ junction. The financial contribution will assist in allowing the Highway Authority to signalise the junction, if this is deemed the most appropriate course of action in light of the emerging plans for the A12.

In terms of the wider highway network, the proposal is assessed as only being likely to add a relatively small amount of additional traffic, especially given it is accessibility by public transport, particularly rail, and contribution towards junction improvements at the Station Road/ Swan Street/High Street/Feering Hill/ junction. Accordingly Officers do not consider that with reference to NPPF para 32, that it is likely that the impact of the development is to be severe. This is notwithstanding and acknowledging existing issues of congestion that can arise along Station Road and the High Street in particular.

Other vehicular issues raised are noted and include the issue of vehicles parking along one side (south west) of the carriageway of Station Road, which effectively reduces capacity to one carriageway for the majority of the time, along with the delivery of vehicles to the Deal car showroom and Goods Vehicles servicing the parade of shops to the west of the Station Road/High Street junction. This is however an existing situation, and one that could be explored through other means, such as consultation on the imposition of Traffic Regulation Order/s (TRO) to control on street parking.

The site is on the edge of the village and can already be accessed via footways and the PRoW network. Reference has been made within the representations to the adequacy of the existing iron railway bridge as an alternative pedestrian route into the village/school, as it has steep steps, with the Church Road side not having the space to create a suitable ramp, thus making it inaccessible to wheelchairs, mobility scooters, prams and buggies. As a consequence the majority of the increased pedestrian traffic from the development would more likely use the pavement along Coggeshall Road/Station Road.

As a result the LHA seek other improvements in the form of footway widening along Coggeshall Road/Station Road, as well as an improved link into and along the route of FP 92-21 from Coggeshall Road for those who choose to use that Public Right of Way. These improvements should encourage walking to and from the site and in particular between it and services, schools etc. located in Kelvedon and Feering. Although it is accepted that future occupants cannot be forced to leave their cars at home, nonetheless, as was recognised by Members at the 5 June Council meeting that due to the site's proximity to the main commercial core of the village, in addition to the railway station that this is a relatively sustainable site in terms of accessibility.

Whilst it is intended that the main pedestrian route between the site and the village will be along Coggeshall Road/Station Road it is also considered beneficial to improve the links to and from the site that the existing Public

Rights of Way provide. The Highway Authority have recommended that the applicant be required to widen and surface, to a minimum 2 metres, the Public Right of Way (PROW) which runs through the southern end of the proposal site with a minimum two links between the PROW and proposal site. The Public Right of Way beyond the application runs over land that is not within the applicant's control and this limits the extent of the improvements that can be made to these lengths of path. The Highway Authority has however advised that the applicant should be required to carry out works on those lengths of the Public Right of Way, to provide improved path connections to the footbridge over the railway line to the west of the site and to Kings Meadow Court (and then Coggeshall Road) to east. It is considered that it would be more appropriate for the off-site Public Rights of Way to have a hoggin, or bound gravel surface (details to be agreed with the local planning authority and Highway Authority).

The applicant is concerned that as the works need to be undertaken on land outside their control they could be frustrated or even prevented from carrying out these works. It has been agreed that in the event that they applicant is unable to carry out the works that they pay a financial contribution to the Highway Authority so they can exercise their powers to carry out the works to the Public Right of Way.

Concerns have been raised over the impact that construction traffic would have passing through Kelvedon Village, although this would only be for a temporary period and therefore is considered not to be a reason to withhold planning permission for a permanent residential development which would add much needed houses to the District's dwelling stock.

The site is located close to Kelvedon Railway Station. Although the station is already served by car parks there is anecdotal evidence that demand for spaces can exceed supply, frustrating potential users of the railway station.

The District Council has commissioned a report by external consultants to identify the location and scale of additional car parking that is likely to be required at the District's railway stations as a result of planned growth in the Local Plan. This report did not identify Kelvedon as being a location where significant additional car parking would be required. It must be noted that the Publication Draft Local Plan has identified the whole site for residential development and has not identified the need for land to be allocated for an additional commuter car park. Notwithstanding these facts Network Rail and Greater Anglia (the train operating company), have both stated that they propose to increase the existing car parking onto the land (north bound side) in an area that is within the red line identifying the application site. The applicant has certified within the application form that they are the sole owners of the land within the application site. The Council's Solicitor has checked title at the Land Registry and confirms that this land is within the ownership and control of the applicant. Whilst Officers understand that Network Rail are investigating this issue of ownership, as proof of title has been provided there is no reason that the Council cannot proceed to determine the application and given the proposed allocation in the Publication Draft Local Plan there is no

reason to require the applicant to provide a car park, or land for a car park as part of this application. Planning obligations can only be required where they are necessary to make a proposed development acceptable in planning terms, usually by mitigating impacts arising from the proposed development. In this case it is assumed that residents of this development who will use the railway station will walk, or cycle to the station. This development will not increase the number of people who want to park at the station so there is no adverse impact to mitigate. In the event that Network Rail were able to claim title over this parcel of land the majority of this part of the site is home to protected species and would form an ecological mitigation zone that would need to be kept free from development with access to it restricted. The ecological value of this area raises clear doubt as to whether an extension to the car park in this location would be desirable or deliverable.

All in all, the site access arrangements have been the subject of dialogue between the LHA and the applicant's highway consultant, both at the pre-application stage and during the determination process of the proposal. The proposed highway works are supported by a stage one safety audit and designer's response.

Therefore, from a highway and transportation perspective the impact of the proposal is considered acceptable to the LHA subject to the imposition of a number obligations and conditions as explained in the consultations section of this report. Whilst all matters raised by the Parish Council and third parties with regard to highways have been taken into account, in the absence of an objection to the proposal from the LHA, it is considered that the Council would not be able to substantiate a reason for refusal on the basis of highway safety grounds, particularly bearing in mind the site's allocation within the DLP which is increasing in weight.

Overall, it is considered that the site is positioned in a sustainable location with reasonably good public transport access to the services and facilities of the larger settlements of the District and beyond.

Finally on this issue, the Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 spaces per dwelling are required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres. The development would be laid out in a manner that adheres to these standards and pays regard to the need to plan for sustainable access for all.

Appearance, Layout and Scale

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using

streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials’.

Policy CS9 of the Core Strategy states that ‘the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment’. This is supported by Policy RLP90 of the Local Plan Review and these sentiments are also reflected with DLP Policies SP6, LPP37, LPP50 and LPP55 which are concerned with place shaping principles, housing type and density, the built and historic environment and the layout and design of development respectively.

The current application is an outline application with all matters reserved except access. The applicant has submitted a site location plan and a Parameter Plan, setting out the applicant’s vision for developing the site the latter demonstrating along with the Design and Access Statement one way in which the site might be developed.

The applicant describes this as a residential development of up to 250 dwellings, giving rise to a density of approximately 37.6 dwellings per hectare. The Council’s Draft Local Plan states that “*As a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land*”. The scheme would be built to a maximum of 2 storeys (maximum 8m ridge height) over the majority of the site, with the exception of a roughly rectangular parcel of land of 6,395m² that would have a maximum building ridge height of 11m which would be assumed to largely comprise apartment blocks. Whilst the proposed density is slightly higher than some other schemes of this size Officers are conscious that Government policy has advocated developments of a higher density around transport hubs. It is not unreasonable to expect that the proximity of the site to the railway station would encourage developers to consider a higher proportion of flats than might typically be the case on other sites within the District.

The Parish Council states that the site represents a departure to the traditionally linear development pattern of the village and could open up ‘development creep’ into the surrounding land. However, this linear pattern of development within Kelvedon is largely limited to housing situated along Coggeshall and London Roads, and whilst ultimately the High Street is of a straight alignment, nonetheless over the years the village has developed to become a more nucleated settlement form. Furthermore, whilst linked to the main village (around the location of the railway station) by linear housing fronting Coggeshall Road (behind which the development would take place), the Newtown area of development which comprises mainly former Council housing also forms another distinct nucleus of development and Officers are of the view that the proposal would essentially form a logical progression of built form in the locality.

The applicant states that the proposal would take cues from the Essex vernacular, and it is considered that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.

Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents. The development would include structural landscaping; amenity space and an equipped play area.

Areas of Public Open Space would be predominantly located along the north eastern side (where backing onto existing housing in Coggeshall Road/Newtown/Observer Way) and the north western side, with the former also containing Sustainable Urban Drainage systems (SUDS) and the children's play area. The access road would likely split the SUDS features, with the possibility of a residential block of houses also to be provided to its west, where adjacent to the side/rear garden boundaries of 26 Newtown and 1 Observer Way. A further area of 6,995m² greenspace would be retained for ecological protection (where the slow worm and common lizards reside) and through which FP 92-21 passes between the flats and the railway station.

In addition, and as previously referred to, detailed access drawings have also been submitted which identify the proposed main vehicular access onto Coggeshall Road, highlighting the junction layout and associated vehicle swept path analysis. Access is the only detailed matter that is to be determined as part of the outline planning application.

Although appearance, layout and scale are to be reserved matters, the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the village and close to the station, along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.

Landscape and Ecology

Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 Natural Environment and Biodiversity states that *"development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with*

the Landscape Character Assessment". Policy CS8 also states that *"the restoration and enhancement of the natural environment will be encouraged through a variety measures"*. These aims are supported by Policies RLP80 and RLP84 of the Local Plan Review.

In terms of the adopted Local Plan, the site is not covered by any particular landscape designation, although the 2006 Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) make explicit reference to this site, pursuant to Policy CS8. The LCAn is finely grained to the point where it deals with specific land parcels, in this case Land Parcel 1h which is described, along with Parcel 1j on the opposite side of Coggeshall Road as follows:

"4.15 Occupying the broadly east facing valley slopes of the River Blackwater, the Parcels are split in two by the B1024 (Coggeshall Road) and the prominent presence of Newtown, a block of housing relating to modern expansion to Kelvedon but currently disconnected from the town by the presence of the London to Colchester railway line. Ribbon development extends south along the B1024 to the edge of the railway station. Feering to the south-east is visually contained by the vegetated path of the River Blackwater. Both areas have a relatively well defined landscape structure with especially good containment from the wider landscape to the north-east. The more elevated land to the west also provides visual containment to the Parcels. Proposed development would form a natural extension to the housing at Newtown and would provide a more coherent edge to Kelvedon.

4.16 The analysis highlights that development within Parcel 1j should be located away from the flood plain of the River Blackwater. The existing vegetation framework should be enhanced with hedgerows and tree planting to Parcel boundaries improved. Development should reflect the vernacular features in Kelvedon to provide greater visual connections with the main settlement and improve the approach to Kelvedon from the Coggeshall Road. The scale and form of development should reflect the settlement patterns of the village and be sensitive to the setting of the Conservation Area. Key views from public footpath routes should be protected and the amenity value of these links preserved. Opportunities to enhance connections with the river and green links between the settlements and the wider landscape should also be taken."

The proposal has been made in this context, although it is imperative that the reserved matters that follow any grant of outline planning permission reflect the importance of ensuring that the site can absorb new development in a suitable and sympathetic manner. There is quite clearly an opportunity for the development to provide some feature planting as part of a landscape scheme and the green buffer around the site's perimeter would add value and character to the proposed development and is in compliance with Policy CS10 of the Core Strategy which requires the Council to ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs; and that new development

should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

The landscape buffer would also provide for surface water mitigation, and with a limited level of ecology/biodiversity on the cultivated (main) part of the site, the expectation is that this can be improved with a suitable landscape scheme at the reserved matters stage and a sympathetic approach to the design of the SUDS features. Consequently, the illustrative Site Plan demonstrates how the site could accommodate the proposed quantum of development whilst incorporating significant soft landscape features around the periphery of the site, and allowing the retention and bolstering of existing tree and hedge lines.

Policy RLP80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Policy RLP84 states that planning permission will not be granted for development, which would have an adverse impact on protected species' and where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats.

As highlighted above, ECC's Principal Ecological Consultant states that they are satisfied that the Ecological Assessment has identified those habitats and species likely to be both present and affected by the development. This relates to the semi-improved grassland habitat, adjacent to the railway corridor and outside the area shown for development.

The Reptile mitigation would ensure the reptile habitat within the development is retained and protected during construction and management of this area for protected species secured in the long term. The applicant has confirmed that the mitigation scheme to be implemented is Option 1 within the Reptile Survey and Mitigation Strategy report, this would involve retaining the existing reptile habitat on-site, and therefore, retaining the reptiles in-situ.

It is recommended that a suitable planning condition ensures that a Landscape and Ecological Management Plan, or similar, would be produced at the Reserved Matters stage to provide details of how the landscaping scheme would be designed to enhance that area for reptiles. This would include details of means of enclosure which would be designed to restrict disturbance of the habitat by humans. There are opportunities to continue these enhancements across the site to provide additional reptile habitat within ecological buffer zones along retained hedgerows. Reptile hibernacula would be created within the semi-improved grassland habitat to provide shelter for reptile species. The landscaping scheme would ensure that connectivity to off-site reptile habitat, located along the railway line, is maintained to ensure reptiles can freely move between habitats.

This would enable the LPA to demonstrate it is meeting its statutory biodiversity duty under s40 NERC Act, as it is necessary for all likely impacts to be mitigated. Subject to conditions based on BS42020 model conditions in respect of biodiversity mitigation particularly for Protected and Priority species, they are satisfied that significant impacts on bats (European Protected Species) and skylarks (Priority species) can be adequately controlled, along with conditions protecting the aforementioned reptiles.

Therefore, in totality, having made their own assessment of the site, considered the applicant's landscape and ecological documentation submitted in support of the proposal, the Council's own Landscape Capacity Analysis study of the site, and taking advice from ECC's Principal Ecological Consultant, Officers do not consider that there is an objection to the proposed residential development on the grounds of landscape or ecological impact subject to the imposition of reasonable planning conditions.

Agricultural Land

Policy CS8 of the Core Strategy states that 'Development should protect the best and most versatile agricultural land'. The NPPF states that '*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*'.

Natural England has published Agricultural Land Classification maps, showing the quality of agricultural land at a regional level. The map for the Eastern Region identifies the general area in which this site is located as being mostly Grade 3B with parts as Grade 3A.

However as Members will be aware the majority of agricultural land within this part of Essex falls within grade 2 or grade 3 agricultural land, which means that the majority of the agricultural land in the District will fall within the definition of Best and Most Versatile Agricultural Land (Grade 1, 2 & 3a). In such circumstances, the loss of this particular site to agricultural use is not considered to represent a sufficient basis for resisting the development, notwithstanding a preference for developing Brownfield sites wherever possible.

Flood Risk and Drainage

Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk.

Notwithstanding concerns with regard to a large flooding event occurring further up-stream in Coggeshall and at Kelvedon, which in the view of third parties, would render the site essentially inaccessible, the proposed development itself is located within Flood Zone 1 (low probability risk). Parts of Coggeshall Road are located within Floodzone 2 & 3 on the Environment Agency Floodzone maps, and so has a 1 in 100 or greater annual probability of river flooding. The identified floodzone is however approximately 90m to the east of the vehicular access to the site. In the event of a flood event access to and from the site could become restricted although it would not prevent cars entering / leaving the site north along Coggeshall Road. It is also noted that if access to the village along Coggeshall Road were to be restricted in a flood event pedestrian routes into the village by way of the PRoW would enable future residents to have safe access to local shops and other community facilities.

It is acknowledged that local residents have expressed concerns about the risk of surface water flooding as a result of the development, particularly as a number of neighbouring dwellings occupy lower ground. The applicant has had to demonstrate through their application that surface water run-off from the site can be controlled and then discharged in a controlled manner that does not increase flood risk elsewhere. The Masterplan identifies a number of attenuation basins that would be constructed and which would store surface water before it is released at an agreed discharge rate. These measures would minimise the chance of flooding of properties downhill of the proposed development from surface water run-off. Having reviewed the proposals and associated documents which accompanied the planning application, the Lead Local Flood Authority – Essex County Council - confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.

It is also understood that concerns have been raised by the Parish Council and third parties over the capacity of the existing sewerage system/facilities for the village. However Anglian Water states that the foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre that will have available capacity for these flows. From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of sewerage capacity.

Living Conditions

One of the Core Principles set out in the NPPF is that planning should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants. This is supported by Policy RLP90 which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The DLP Policies have similar objectives as those set out in the Local Plan Review.

Privacy

Concerns have been raised that existing properties fronting Observer Way and Coggeshall Road would be overlooked and therefore the privacy of their occupants would be invaded by the proposal.

Whilst matters of layout and scale are reserved for future determination, with regard to privacy, the Essex Design Guide states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”*.

The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and Officers do not consider that there are any grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking.

Furthermore, the illustrative Site Plan indicates how landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area.

Noise

Further to updated information provided by the applicant's Acoustic Consultant, no objection is raised by Environmental Services to the proposal in respect to noise.

The dominant noise for the site is from the railway and this means that maxima levels, particularly at night, are high as trains run 24 hours a day. However, at times when trains are not passing then the external noise levels on the finished residential area of the site can achieve $\leq 50\text{dB(A)}$ in external amenity areas which is a good level.

In turn, this means that internal noise levels given for dining and living rooms in Table 4 of BS8233 (2014) guidance on sound insulation and noise reduction in buildings may be achieved with standard double glazing and trickle vents. However, for bedrooms the recommended maxima level of 42dB(A) given in the 2010 HOW Night-time Noise Guidelines would not be

able to be achieved with the windows opened, nor would the windows with trickle vents. Therefore mechanical ventilation and closed windows to bedrooms on facades with a visibility to the railway would be necessary.

Therefore, the recommendation that no bedrooms are placed on these facades is a solution to prevent the need for mechanical ventilation and provide an acceptable standard of accommodation for future residents. Two conditions are recommended (see below) concerning noise levels for external amenity areas and internal accommodation.

Concerns have also been raised over the proposal to site a playground directly behind properties in Observer Way, including a Multi-use Games Area (MuGA) which would be attractive for use by older children. Officers have discussed the provision of the MuGA with Kelvedon Parish Council and have agreed that rather than seeing a MuGA being provided on the site, it would be more inclusive to seek a financial contribution for improvements to the existing facility on the Kelvedon recreation ground. This would ensure that a suitable facility is provided within reasonable walking distance of the site which meets the future needs of residents of this development whilst also reducing the potential for noise and disturbance that would be associated with the provision of a MuGA. 'Hard' facilities would therefore be limited to a children's play area. Consequently, it is considered that the proposal would not give rise to material harm to the occupants of existing residential properties by way of noise and disturbance.

Contaminated Land

One of the third party representations raised objections over land contamination with it claimed that various large land excavations have been filled with building rubble, including demolished greenhouses which are now working their way up to the surface of the ground. They have stated that they are aware of at least two pits, but there may be more.

The Contaminated Land report submitted with the application recommends a further intrusive investigation which is the appropriate course of action, particularly given the issues raised in the representation and the close vicinity to the railway line. If further investigation reveals contamination then the developer would be required to implement an agreed remediation scheme. Therefore, an appropriately worded condition should be imposed upon any grant of planning permission.

Air Quality

The Air Quality Assessment report states that there would be no demolition on the site, but the demolition of 1 and 2 Kings Villas would be necessary in order to facilitate the construction of the proposed site access. The Council's Environmental Services team confirm that Dust Assessment and Mitigation Measures can also be secured by way of planning condition and therefore the absence of such information prior to determination of the application should not give rise to a need to withhold granting planning permission.

Archaeology

In its glossary, the NPPF highlights that *“There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.”* Policies LPP63 and Policy RLP106 also apply, these state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

As highlighted by the Council’s Historic Environment Officer, the Essex Historic Environment Record (HER) identifies that the proposed development lies close to a multi-period site which has revealed the earliest settlement evidence for Kelvedon prior to the establishment of the Roman town. Evidence for Middle and Late Iron Age settlement was uncovered which was seen to extend beyond the limits of the excavated site and preservation of features close to the railway line was demonstrated. Evidence for exploitation of the site after the Late Iron Age/Early Roman period was revealed dating to the Medieval period, later Post Medieval disturbance occurred close to the High Street which may indicate that the site has the potential to preserve evidence relating to the early settlement of the area. The site contains linear features as recorded from aerial photographic evidence, although the crop marks have not been established as having an archaeological origin.

A desk based assessment has been submitted with the application which recognises the potential of the site to contain Pre Historic to Roman archaeological remains. This would need to be established thorough archaeological evaluation and could, in the first instance, be assessed through a geophysics survey followed by trial trenching, dependent upon results. Therefore, it is recommended that a condition requiring an archaeological evaluation and excavation condition be imposed upon any grant of planning permission.

Conservation Area

Third party comments with respect to the impact that the proposal would have upon views out of the Conservation Area are noted. However, there is existing development e.g. Church Road, Dowches Drive, Trews Gardens/Saxon Place and the commercial area which includes Goldkey Industrial Estate and The Deal of Kelvedon premises largely intervening between it and the site. The closest the Conservation Area boundary gets to the site is the north western face of the railway line and bridge where it passes over Coggeshall Road/Station Road and which is largely obscured from view from the site by dwellings fronting Coggeshall Road and Kings Meadow Court. Consequently Officers consider that the proposal would preserve the setting, the character and appearance of the Conservation Area.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the proposed development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse impacts.

Planning Obligations

Policy CS11 Infrastructure Services and Facilities of the Core Strategy states that the Council will work with partners, service delivery organisations and the development industry to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered in a timely, efficient and effective manner.

The following identifies planning obligations that the District Council would seek to secure through a S106 agreement.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in the countryside adjacent to the village of Kelvedon where the provision of 40% affordable housing accords with the requirements of Policy CS2.

Policy RLP 3 of the Local Plan Review 2005 requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP 7 and RLP 8 require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

As highlighted by Housing Research and Development policy CS2 of the adopted Core Strategy seeks affordable housing provision on schemes of 15 or more units. The number of Affordable Units would be determined by the number of dwellings constructed – the application is for up to 250 residential dwellings – but could result in the provision of up to 100 affordable homes.

It is acknowledged that details concerning the type and mix of dwellings would be subject to a reserved matters application. However, it would be expected that the affordable mix should be broadly reflective of the open market dwellings and be tailored to meet recorded housing need. Although an indicative mix has not been provided in the application, the Council's Housing Enabling Officer has stated that he considers the following mix below of affordable housing would be appropriate (based on 100 Affordable Units being provided):

- 20 x 1 bed 2 person flats
- 60 x 2 bed 4 person units (A minimum of 60% should be houses)
- 2 x 2 bed 4 person wheelchair bungalows (compliant with Part M Cat 2 of Building Regulations)
- 10 x 3 bed 5 person houses
- 4 x 3 bed 6 person houses
- 4 x 4 bed 7 person houses

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

- A tenure mix of 70% Affordable Rent and 30% intermediate tenure such as Shared ownership would be required
- Affordable units should be proportionately delivered and clustered in four areas of the site
- Affordable dwellings should be deliverable without reliance on public subsidy.
- Affordable homes should be built to conform to standards acceptable to the Homes and Communities Agency
- House types plus ground floor flats should meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations

Community Building

Policy CS11 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include 'transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities'.

The Heads of Terms submitted by the applicant acknowledge this and include a contribution towards improvements to Community Meeting Places, such as Community Halls. Officers have discussed the village's requirements with the Parish Council. They have identified a project to replace the existing pavilion building at the Kelvedon Recreation Ground with a larger new, improved facility to encompass, amongst other things changing facilities; a social area for the football club / meeting space and possible parish office in the future.

Based on schemes of comparable scale, in the District, the contribution sought would be £115,580.

Education

As highlighted in the ECC consultation response a development of this size can be expected to generate the need for up to 22.5 early years and childcare (EY&C) places, 75 primary school and 50 secondary school places.

The proposed development is located within the Kelvedon and Feering Ward. According to Essex County Council Childcare Sufficiency Data, published in January 2017 there are 13 providers of early years and childcare in the area. Of these one is a full day care nursery; three are sessional pre-schools, one is a maintained nursery school and there are eight child minders. Overall a total of eight unfilled places were recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some EY&C capacity in the area, the data shows insufficient full day care provision/ free entitlement places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed and a project to expand provision would be required. The Education Officer advises the cost equates to £12,218 per place. The actual level of financial contribution cannot be assessed until after the Reserved Matters are agreed and the number and size of the dwellings are agreed. As an indication the Education Officer indicates that if 250 dwellings were built and all had 2 or more bedrooms then the demand generated would result in a developer contribution of £274,905 (index linked to April 2017).

The primary and secondary school priority admissions areas for this proposed development would be Kelvedon St Mary's C of E Primary and the Honywood Community Science School. There is currently sufficient capacity in the area to accommodate pupils from a development of the size indicated. Concerns have been raised as to whether the Priority Admission primary school - Kelvedon St Mary's - has the capacity to accommodate the number of children that would be generated by a development of this size. Officers have sought further clarification from ECC Education Officers and they have confirmed that having studied student data there will be sufficient capacity at the school to meet demand arising from the development. They have explained that at the moment there are a significant number of children who currently attend the school who live outside the Priority Admission area. Changes to the admissions policy would ensure there is sufficient capacity at the school to meet the demand arising from this development.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council would be seeking a secondary school transport contribution to enable safe access to the Honywood Community Science School in Coggeshall, as highlighted above. It is estimated that the level of financial contribution for this would be approximately £210,900, although again the actual level of contribution would be dependent on the number and size of dwellings built.

Healthcare

NHS England has advised the Council that there is insufficient capacity at the two GP practices operating within the vicinity of the application site to accommodate the number of residents (approximately 600) that would arise from a development of this size. The two primary healthcare services directly

impacted by the proposed development are the Kelvedon and Feering Health Centre; and Kelvedon Surgery.

Consequently, the proposed development would be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated.

A Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area. The development would generate and subsequently increase demand upon existing constrained services. NHS England state that the development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

Whilst the surgeries have a small level of premises capacity in terms of space, due to the existing inefficiency of the premises' space, the GP practices are not able to reach their full potential and therefore are unable to accommodate proposed growth as a result of this development, unless works are undertaken.

The development would give rise to a need for improvements to capacity, in line with emerging Mid Essex Clinical Commissioning Group (CCG) Estates Strategy. This additional capacity may be created through the reconfiguration, refurbishment or extension at Kelvedon and Feering Health Centre, or the provision of a new facility. A proportion of the cost of the capacity improvements would need to be met by the developer. NHS England calculate the capital cost calculation of additional health services arising from the development proposal amount to £94,622 based on an additional 41.14m² additional floor space required to meet demand emanating from an approximate growth in population of 600.

Highways and Transport

The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. Planning conditions and the S106 agreement can be used to secure the mitigation, including a financial contribution towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction.

Public Open Space

Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site. The applicant's parameter plan identifies 2.203ha of land to be provided for informal public open space and an equipped play area. This provision exceeds the minimum standards specified in the Core Strategy and Open Spaces SPD. In addition a further 0.6995ha of land is to be managed for ecological purposes. Whilst this will have a visual amenity value access to this land will be restricted / discouraged and so it is not defined as Public Open Space.

The SPD also specifies that a financial contribution should be sought towards the provision of off-site outdoor sports facilities and allotment provision. Officers have discussed how the future needs of residents of this development could best be provided for through these financial contributions. They have advised that the toilets and changing facilities at Kelvedon Recreation Ground – the villages main sports ground – need improvement and that the Outdoor Sport contribution should be used for this purpose. The Parish Council has also identified a number of improvements to improve capacity and provision at the Stoney Flint allotment site, Church Hill, Kelvedon.

The financial contribution would be calculated on the number and size of the dwellings constructed, to be determined at the reserved matters stage/s, however as a very broad guide Officers estimate that based on a housing mix reflective of the District's housing needs the contributions would be approximately £210,000 for Outdoor Sports and £7,000 for allotments.

In addition it will be necessary for the S106 to include an obligation for the applicant to form a Management Company responsible for the day to day and longer term management and maintenance of the Public Open Space, including the Equipped Play Area and the Ecological protection area, the specific and bespoke management details for which can be secured through the imposition of a planning condition (see below).

PLANNING BALANCE/ CONCLUSION

This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off Coggeshall Road, following the demolition of two dwellings that they own. The Highway Authority has no objection to the proposed access arrangements and Officers consider these to be acceptable. All other matters (Appearance; Landscaping; Layout; and Scale) are reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.

NPPF paragraph 14 stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

It has been acknowledged that the site is situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, due to the fact that the Council cannot currently demonstrate a five year supply of housing land, relevant policies are deemed out of date and therefore the presumption in favour of sustainable development applies. This is a factor which must be given significant weight in the determination of this application, along with the site's allocation in the emerging DLP which is gathering increasing weight.

Clearly in times where there is significant pressure to increase the delivery of developable housing land, the granting of planning permission for up to 250 houses would go some way in meeting the Council's Objectively Assessed Need. This, along with the provision of much needed affordable housing, of an appropriate dwelling type mix to meet social needs, also falls in favour of the proposal. The applicant has submitted a suite of detailed documents which demonstrate that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and through planning obligations (S106 Agreement).

The proposal would also give rise to the provision of public open space and children's play space on site. Financial contributions towards the off-site provision of outdoor sports facilities and allotments would also be provided. The scheme would generate a significant number of construction jobs during the build phase, in addition to bringing new residents to Kelvedon to provide further support for existing services and facilities. The LHA has also found that the proposal would not give rise to a material increase in traffic, nor would it give rise to conditions that would be detrimental to highway safety, provided that their recommended access and highway improvements are implemented. The applicant has agreed to make a financial contribution to the Highway Authority that can be used to carry out junction improvements at the Station Road/Feering Hill/Swan Street/High Street junction. By improving the operation of the junction the impact of traffic generated by this development can be effectively mitigated as well as helping to address the existing queues that have been referred to in many of the letters of representation, so providing a wider social benefit. It has also been agreed that the applicant will carry out a package of works to improve the footway along Coggeshall Road / Station Road. The footway works will provide an improved walking environment for both future residents of this development and existing residents who currently use a footway which is relatively narrow in places.

The site has been assessed as having the capacity to accommodate the proposed quantum of development without significant adverse impacts on the wider landscape or upon ecology. The site is capable of providing strategic landscaping and public open space in accordance with Braintree District Council's adopted policy requirements, whilst ensuring that SUDS techniques can be employed to minimise the risk of off-site surface water flooding. The applicant has demonstrated to the satisfaction of the Lead Local Flood Authority the principles of how surface water can be managed within the site to slow the rate of runoff through the use of attenuation basins before it is discharged. The precise detail of how this will be achieved will be agreed at Reserved Matters stage when the applicant will submit a detailed surface water drainage strategy. The Lead Local Flood Authority will be consulted over the detailed design and the applicant will need to demonstrate again that the detailed scheme will minimise the risk of surface water flooding, both on and off the site.

The site is considered to be well positioned for access to the facilities of the village, as well as to both bus and rail services connecting to the local towns, service centres, and beyond.

In this particular case there are not considered to be any specific policies in the Framework that would indicate that a development of housing at this site should be restricted. This means that the LPA must consider the proposals in the context of the "tilted balance" indicated by the first bullet point of paragraph 14 of the Framework; i.e. to consider whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Having assessed the specific merits of the application, Officers consider that the adverse impacts of permitting the proposed development would not significantly and demonstrably outweigh the benefits which the proposal would bring when considered against the Council's policies and the requirements of the NPPF, both individually and taken as a whole.

RECOMMENDATION

It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing** – 40% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage, but with a 70%/30% ratio of affordable rent over shared ownership; to include the provision of 2 x 2 bed 4 person wheelchair bungalows (wheelchair user dwellings, compliant with Part M Cat 3 of Building Regulations); and House types plus ground floor flats should meet either Lifetime Homes Standard or Part M Cat 2 of Building Regulations;
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size

of dwellings approved at Reserved Matters stage to fund improvements at Stoney Flint allotment site, Church Hill;

- **Community Facility** - Financial contribution towards improvements to Pavilion building at Kelvedon Recreation Ground of £115,580
- **Education** - Financial contribution for Early Years and Childcare provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2017.

Financial contribution towards the cost of secondary school transport for future residents. Contribution to be calculated in accordance with standard ECC provisions and the number of dwellings that are developed;

- **Equipped Play Facility** – To be provided on-site;
- **Health** – Financial contribution of £378.48 per dwelling towards the improvement of Primary Health care facilities, or the provision of new facilities for Kelvedon and Feering Health Centre;
- **Highways & Transport** – Financial contribution of £250,000 towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction; bus stop improvements; Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street; widening and surfacing to a minimum 2 metres of the Public Right of Way (PRoW) which runs through the southern end of the application site to connect the PRoW to the east and west of the site; off-site works to the existing Public Right of Way (92_12) connecting the application site to Kings Meadow Court in the east and the footbridge over the railway line to the west. In the event that the applicant is unable to carry out the agreed off-site works then a financial contribution will be made to the Highway Authority to enable them to carry out works; Residential Travel Plan and payment of ECC Travel Plan monitoring fee;
- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage, to be spent at Kelvedon Recreation Ground;
- **Public Open Space** (on-site) a minimum area of 2.203ha for informal Open Space and equipped play; a further 0.6995 ha of land to be managed for Ecological purposes. Areas of public open space; equipped play and area managed for ecological purposes all to be managed by a Management Company;

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

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

- 1 Details of the:-
 - (a) scale, appearance and layout of the building(s); and the
 - (b) landscaping of the site(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the first reserved matters, for the first phase of the development, shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall be implemented not later than 2 years from the date of approval of the last of the reserved matters to be approved for the first phase.

Reason

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

- 2 The submission of the reserved matters application/s pursuant to this outline planning permission shall together provide for no more than 250 dwellings, car parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

For the avoidance of doubt as to the scope of the permission and to ensure that the site is not over-developed, in the interests of protecting the character and appearance of the area, in addition to the living conditions of the occupants of existing neighbouring dwellings and future occupants of the proposed development.

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

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

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

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

Reason

The site may be of archaeological interest and the programme of archaeological works must be completed prior to development commencing in order that any archaeological remains that do exist on the site are assessed and recorded before they might be harmed by construction activity.

- 4 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. No dwelling shall be occupied until the refuse bins, and where applicable, storage areas and collection points, for that dwelling have been provided and are available for use.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 5 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. Wheel and underbody washing facilities;
 - v. Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
 - vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. Measures to control the emission of dust and dirt during both during demolition of 1&2 Kings Villas and the construction of the proposed development;
 - viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

To ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 and DM20 of the Highway Authority's Development Management Policies February 2011. In addition this condition is necessary to protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 9 No piling shall be undertaken on the site in connection with the

construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

Reason

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

- 10 A Phase II ground investigation, in accordance with the recommendations as set out within Section 6 of the Phase I Site Appraisal (Desk Study) produced by GRM dated March 2017 submitted with the application shall be carried out, to assess the nature and extent of any contamination on the site. A copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

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

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

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

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

Reason

To ensure an adequate living environment for the future occupiers of the proposed development.

- 12 No external lighting shall be provided within a development area or phase unless details thereof have first been submitted to and approved in writing by the Local Planning Authority. Prior to slab level, a bat friendly detailed lighting scheme for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be:

- a) Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED;
- b) Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To minimise pollution of the environment, to safeguard the amenities of the locality and the appearance of the development and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 13 No works shall take place on each phase until a detailed surface water drainage scheme for the relevant part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:
- Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
 - Final modelling and calculations for all areas of the drainage system;
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753;
 - Detailed engineering drawings of each component of the drainage scheme;
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy;
 - Conduct infiltration testing in line with BRE365, if it is demonstrated that it is not viable to discharge via infiltration, the run off rates should be restricted to the 1 in 1 Greenfield rate, which should be calculated from the area draining into the network;
 - Provide justification for the CV values of 0.75 for summer storms and 0.84 for winter storms.

The scheme shall subsequently be implemented prior to occupation of each phase, in accordance with the agreed details.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment.

- 14 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and measures to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

Reason

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

- 17 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works for individual dwellings and the apartment blocks, for each phase of the development. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the relevant building which it serves.

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

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 18 The development shall be carried out in accordance with the recommendations as set out in the Extended Phase 1 Survey report and Reptile survey and mitigation report (both DF Clark Bionomique, Feb 2017).

Reason

This is necessary to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 19 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed particularly the retained reptile habitat and hedgerows.
- b) Ecological trends and constraints on site that might influence

management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason

To ensure that the biodiversity of the site is enhanced and effectively managed following the completion of the development.

- 20 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 3 years from the date of the planning permission, the approved ecological measures secured through Condition 19 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and farmland birds and ii) identify any likely new ecological impacts that might arise from any changes.

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

Reason

In the interests of biodiversity and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 21 No removal of hedgerows, trees or shrubs shall take place in any phase of

the development, between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason

In the interests of biodiversity and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 22 The first Reserved Matters application for Appearance on each phase of the proposed development shall include details of all gates / fences / walls or other means of enclosure which shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures and shall be implemented prior to the occupation of the relevant plot and shall be permanently retained as such, in accordance with the approved details.

Reason

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

- 23 The Reserved Matters application for Layout shall include a site-wide "master plan" for all areas of housing development, public realm and character areas, including the incorporation of public art, which shall be submitted to and approved in writing by the local planning authority prior to the approval of any reserved matters. All reserved matters submissions shall accord with the approved site wide guidance, unless otherwise agreed in writing by the local planning authority. The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

Reason

In the interests of good design and ensuring a high quality and characterful development and promoting social and cultural well-being.

- 24 The Reserved Matters application(s) shall include details of a scheme for the provision of bat and bird boxes including a strategy for the scheme's implementation. The development shall be implemented in accordance with the approved details and thereafter so retained.

Reason

In the interests of protecting and enhancing biodiversity.

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

shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity

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

Reason

In the interests of visual amenity.

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

Reason

In the interests of visual amenity.

- 28 No above ground works shall commence in the relevant phase of the development until a schedule and samples of the materials to be used on the external finishes of the dwellings and buildings on the site have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 29 Prior to the first occupation of the development a report validating the noise mitigation measures required by Condition 11 and confirming that such measures have achieved the required noise mitigation standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 30 Prior to the first occupation of the development the primary access shall be implemented and available for use as shown on approved drawing JNY8842-10 Rev D.

Reason

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

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

- 4 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the

developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

- 5 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)
- 6 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.
- 7 In respect of Condition 4 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.
- 8 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.
- 9 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'.
- 10 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 11 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 12 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments

Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

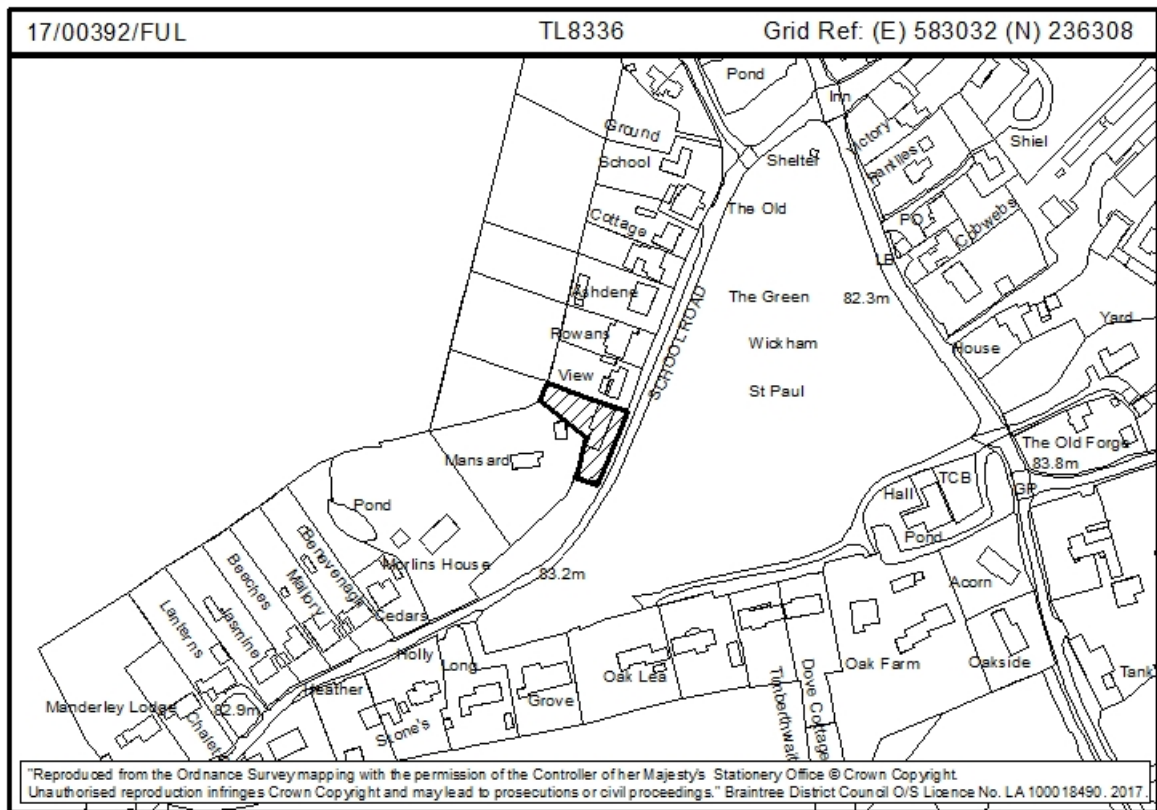
Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/00392/FUL DATE: 06.03.17
 VALID:
 APPLICANT: Mr & Mrs Baldwin
 Twingars, School Road, Wickham St Paul, CO9 2PR
 AGENT: Oswick Ltd
 Mr George Edwards, 5/7 Head Street, Halstead, Essex,
 CO9 2AT
 DESCRIPTION: Erection of 2 Bay Garage
 LOCATION: Twingars, School Road, Wickham St Paul, Essex, CO9
 2PR

For more information about this Application please contact:
 Mrs H Reeve on:- 01376 551414 Ext. 2503
 or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

01/01908/COU	Change of use of land from agricultural to domestic gardens	Refused	18.01.02
88/01244/P	Erection Of Detached Garage And Rear Sun Room	Granted	26.07.88

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled

forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before Planning Committee due to the Parish Council supporting the application, contrary to officer recommendation.

SITE DESCRIPTION

The site is located in Wickham St. Paul village, within the development boundary, and forms part of a row of residential properties abutting The Green. The site itself is an irregular 'L' shape with a relatively wide frontage, with the host dwelling 'Twingars', sited close to the highway, along with a small garage directly to the left (south). The garage is showing clear signs of failure with a crack/gap in the brickwork on the frontage. The property forms a fairly uniform building line along this stretch of School Road and the majority of properties are bungalows or 1.5 storey dwellings. A Grade II listed building is sited adjacent Twingars, known as 'Greenacres', which is a detached 1.5 storey cottage. Sited in the southern corner of the site is a large Ash tree which has recently been granted protection under provision Tree Preservation Order number 08/2017/TPO.

PROPOSAL

Planning permission is sought for erection of a 2 bay garage, which would replace an existing, smaller garage and would be sited in the same location, being in the southern corner of the site.

The garage would measure 9 metres in length, 7 metres wide and 5.2 metres high with a gable end and cross wing design. A roof light and gable end

windows above ground level are also proposed. The garage would be finished with a light render and Redland pantile roof.

CONSULTATIONS

Wickham St. Paul Parish Council – supports the application – the garage will enhance the property and village.

Braintree District Council Landscape Services – concern raised over the close proximity of the proposed garage to the mature Ash tree on site. Consider the proposal would cause harm to the tree. As a result of this proposal, a provisional Tree Preservation Order has been imposed, in order to ensure its retention as it provides amenity value.

REPRESENTATIONS

A site notice was displayed on a telegraph pole along the site frontage and neighbour notification letters were sent out to adjacent properties. No representations have been received to date.

REPORT

Principle of Development

The site is located within the development boundary, wherein the principle of extending a dwelling or provision of an outbuilding is an acceptable one, subject to the siting, bulk, form and materials being compatible with the original dwelling and there being no material impact on the identity of the street scene, scale and character of the area.

The existing garage is showing clear signs of failure and therefore the principle of a replacement garage is acceptable in this location. Further consideration is given below.

Design, Appearance and Layout

The proposed garage is considered to fail in this respect. The footprint is considered too large in relation to the host dwelling and the overall design of the roof is considered overly complicated, with new windows above ground floor level, which would result in a building that would not appear as a subservient garage, but an (albeit) small new dwelling. As such, the proposal would appear contrived and cramped in the corner of the plot, out of keeping with the host dwelling and out of character with the distinct pattern of development within the immediate vicinity.

Discussions have taken place to seek a smaller, simpler design and although a draft revised proposal has been put forward, this has not been proceeded with and the original design proposal still stands, which is considered to be unacceptable.

Tree Protection

RLP 80 requires that proposals for new development should not be detrimental to distinct landscape features, such as trees. Development that would not successfully integrate into the local landscape will not be permitted. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

As previously indicated, a large Ash tree is located in the southern corner of the site and the proposed garage would be very close to the trunk.

The Landscape Team have confirmed that objection is raised to the close proximity of the garage to the Ash tree and consider that harm would be caused to the tree if the development went ahead. Subsequently a provisional Tree Preservation Order has now been placed on said tree. The proposed development fails to meet the necessary policy criteria and is therefore unacceptable in this respect.

As previously mentioned, the draft revised proposal was put forward which was considered to be more acceptable from a tree protection aspect, but this has not been proceeded with.

The applicant has advised that an arboricultural survey will be carried out to prove that the tree will not be affected, but it is considered that given such close proximity, it is unlikely that an independent survey would confirm this would be the case.

Impact on Neighbouring Amenity

The proposed garage would be sited a relative distance away from the closest neighbouring property 'Mansard' and at single storey level on the frontage, it is not considered to cause undue overbearing, overshadowing or loss of privacy issues and is therefore acceptable in this respect.

Highway Considerations

The proposed garage would not quite meet adopted Car Parking Standards for internal garage space. The internal measurements are 6.2 metres length x 7.1 metres wide. The length is a little short, but there is sufficient off-street parking space on site, therefore there would be no requirement to increase the size of the garage and the issues outlined above far outweigh the need for a garage which measures 7 metres in length.

CONCLUSION

In this case, it is considered that the proposed garage fails to meet the necessary criteria in terms of design and appearance and would likely cause

harm to the new protected Ash tree on site. As such, the application should be refused.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 A large Ash tree is located on the southern boundary of the site. Submitted drawing no. 16-374-as-1 shows that the proposed garage would be sited extremely close to the trunk of the tree. A provisional Tree Preservation Order number 08/2017/TPO is now in place which safeguards the tree's retention. It is considered that the siting of the garage in such close proximity to the tree would cause harm to the tree and the future retention of the tree would be prejudiced and as such fails to meet Policy RLP80 of the Braintree District Local Plan Review.
- 2 The proposed garage, by reason of its size, bulk and design, would result in an unacceptable form of development, out of character and proportion with the host dwelling. The footprint of the proposed garage is considered to be too large in relation to the host dwelling and the overall design of the roof is considered overly complicated, with new windows above ground floor level, which would result in a building that would not appear as a subservient garage, but more akin to a small new dwelling. As such, the proposal would appear contrived and cramped in the corner of the plot, and out of character with the distinct pattern of development within the immediate vicinity. The proposal is contrary to the NPPF, Policy CS9 of the Core Strategy and Policies RLP3, 17 and 90 of the Braintree District Local Plan Review.

SUBMITTED PLANS

General Plans & Elevations

Plan Ref: 16-374-AS-1

TESSA LAMBERT
DEVELOPMENT MANAGER

Monthly Report of Planning and Enforcement Appeal Decisions Received		Agenda No: 6
Portfolio Planning and Housing Corporate Outcome: A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure Report presented by: Report prepared by: Liz Williamson – Planning Technician		
Background Papers:		Public Report
Appeal decisions summary		Key Decision: No
Executive Summary: This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Recommended Decision: That the report be noted.		
Purpose of Decision: To note a report on appeal decisions.		
Corporate Implications		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Planning Technician	
Ext. No:	2506	
E-mail:	lizwi@braintree.gov.uk	

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **May 2017**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	Application No/Location	14/00291/COU3 Land at The Tree House, London Road, Feering
	Proposal	The breach of planning control as alleged in the notice is: "Without planning permission, a change in the use of the land from residential to a mixed use of residential and commercial, by storing/parking motor vehicles in connection with a motor sales business"
	Council Decision	The requirements of the notice are set out as follows: a) Cease using the site for the storage/parking of motor vehicles in connection with any sales, storage or repair business b) Remove all vehicles from the site that are associated with any car sales, storage or repair business
	Appeal Decision	The enforcement notice is corrected and varied. Subject to the correction and variations, the appeal is dismissed and the enforcement notice is upheld.
	Main Issue(s)	
	Inspector's Conclusion	<p>An appeal on ground (b) is directed to the consideration of whether the matters alleged in an enforcement notice have occurred as a matter of fact. The relevant date for assessing whether the alleged breach of planning control set out in a notice has taken place is the date of use of the notice. The burden of proof in such matters is on the appellant and the relevant standard is on the balance of probabilities. Having regard to all the evidence and written representations, the Inspector considered that on the balance of probabilities that the alleged breach of planning control as set out in the enforcement notice (as corrected and varied) has occurred. The appeal on ground (b) therefore fails.</p> <p>An appeal on ground (c) is for the appellant to demonstrate that the matters alleged in the notice do not constitute a breach of planning control. The standard of proof is on the balance of probabilities. The development which has occurred is that which was alleged at the time the notice was issued. The Inspector concludes that from the evidence submitted and on the balance of probabilities that the matters stated in the enforcement notice (as</p>

		<p>corrected and varied) constitute a breach of planning control. The appeal on ground (c) therefore fails.</p> <p>An appeal on ground (f), it is necessary to first establish that it is the LPA is seeking to achieve by the notice. It is apparent that the notice is directed at remedying the breach of planning control. What must be considered is whether the requirements exceed what is necessary to achieve that objective. The Inspector concludes in all respects, the requirements of the enforcement notice (as corrected and varied) do not exceed what is necessary to remedy the breach of planning control. The appeal on ground (f) therefore fails.</p> <p><u>Cost Application in relation to Land at The Tree House</u></p> <p>The application for an award of costs is refused.</p> <p>The cost application has been submitted stating that the Council submitted an incorrect, withdrawn, out-of-date enforcement notice to the Planning Inspectorate which led to a situation where the original appeal was deemed to be late such that no further action could be taken upon it. It was argued that the Council purposely allowed the Planning Inspectorate to carry on with the misconception that a late appeal has been filed and simultaneously moved forward with threats of criminal proceedings.</p> <p>The Inspector concludes that whilst the submission of the wrong enforcement notice by the Council was regrettable, it is not considered that a simple mistake can be regarded as unreasonable behaviour when the matter is viewed in the round. The appeal was restarted and the costs incurred by the appellant were the normal costs associated with exercising the right of appeal against an enforcement notice. Therefore the Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for an award of costs has been refused.</p>
2.	Application No/Location	16/01719/OUT – Land West of Wickham St Paul
	Proposal	The erection of up to 6 no. dwellings with associated access, landscaping and amenity space
	Council Decision	Refused under delegated authority RLP2, RLP10, RLP69, RLP71, RLP80, RLP84, RLP90, RLP100
	Appeal Decision	DISMISSED
	Main Issue(s)	1. Whether or not the new houses in the proposed located are acceptable, having particular regard to

		the principles of sustainable development
	Inspector's Conclusion	<p>The appeal site is located outside, but adjacent to, the settlement boundary of Wickham St Paul and consists of broadly rectangular shaped area of grassland, bounded by semi-mature hedgerows. In the vicinity of the site are a number of dwellings which vary in their design, scale and form.</p> <p>Under Policy CS1 of the Core Strategy 2011, Wickham St Paul is classed as an 'other village'. This is the lowest tier within the settlement hierarchy for providing housing growth, restricted to infill or development on previously developed land. The Braintree District Local Plan Review 2005 (RLP) proposals map draws tightly defined village envelopes and the appeal site is outside of that boundary.</p> <p>The Council's decision relate to three specific development policies. Policy RLP2 restricts new development to within village envelopes, outside of which countryside policies apply. Policy CS5 strictly controls development outside village envelopes, restricting this to uses appropriate to the countryside. Policy CS7 promotes accessibility and includes the aim that future development will be provided in accessible locations to reduce the need to travel.</p> <p>The proposals would conflict with Policies CS5 and RLP2, in respect of the strict control placed on development outside village envelopes. The Inspector considered that services to support the future occupiers' day to day needs would not be readily accessible from the appeal site. The new housing would result in an increased reliance on the private motor vehicle to access even basic services. The new housing would be of limited appeal to those in the community who did not enjoy personal mobility. The houses would be in a located that is isolated from the services and facilities required to serve day-to-day needs of the scheme's future residents. This would conflict with the social and environmental roles of sustainability and would fail to provide people with real choice about they travel.</p> <p>The Inspector concluded that on balance, the proposal would not compromise sustainable development for which the Framework indicates there is a presumption in favour.</p>
3.	Application No/Location	16/01566/LBC (Appeal A) 16/01565/FUL (Appeal B) Folly Farm, Herkstead Lane, Steeple Bumpstead
	Proposal	Erection of two storey rear extension and associated

		works
	Council Decision	Refused by Committee Members (14.11.16) 16/01565/FUL – RLP2, RLP18, RLP19, RLP100 16/01566/LBC – RLP100
	Appeal Decision	Appeal A and Appeal B are DISMISSED
	Main Issue(s)	<ol style="list-style-type: none"> 1. The effect of the proposed scheme upon the special architectural and historic interest of the listed building and, in particular, whether the scheme would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses. (Appeal A and Appeal B) 2. The effect of the proposed development upon the character and appearance of the countryside (Appeal B)
	Inspector's Conclusion	<p>The appeal site comprises a two-storey detached dwelling set within extensive grounds. The site is of a traditional cottage-style design and is set back some distance from the sites main frontage to Herkstead Lane. The site lies outside any defined development boundary in the Braintree District Local Plan Review and the surrounding area is predominantly countryside in character.</p> <p>The building's essential character is as a detached, modest-sized historic dwelling of a traditional rural design. The property has undergone various internal alterations during the 1960's, although the historic L-shaped plan form remains and the rear façade of the building continues to display a general linearity which is largely uninterrupted, despite addition of the relatively modern modest extension. The Inspector concluded that the proposed works would incur significant harm to the special architectural and historic interest of the Grade II listed building at Folly Farm. Accordingly, to the extent that the development plan is a material considered in Appeal A, the scheme would be contrary to Policies RLP100 and RLP90 of the Local Plan and contrary to Policy CS9 of the Braintree District Local Development Frameworks. In relation to Appeal B, section 38(6) of the Planning and Compulsory Purchase Act, 2004 establishes a duty to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise, and the same policies apply.</p> <p>The Inspector states that the proposed development would incur harm to the character and appearance of the countryside but only insofar as it relates to the appeal site itself. The development would be contrary to Policy RLP18 and Policy RLP90 of the Local Plan, and to Policy</p>

		CS9 of the Core Strategy.
4.	Application No/Location	16/00402/FUL – 76 Church Street, Coggeshall
	Proposal	Erection of 3 no. dwellings, access road, garages, parking spaces, foul and surface water drainage and landscaping within the curtilage of a listed building
	Council Decision	Refused under delegated authority – RLP2, RLP3, RLP4, RLP7, RLP8, RLP9, RLP10, RLP22, RLP49, RLP51, RLP56, RLP64, RLP67, RLP69, RLP74, RLP77, RLP80, RLP81, RLP84, RLP90, RLP92, RLP95, RLP100, RLP105
	Appeal Decision	DISMISSED
	Main Issue(s)	<p>(a) The effect of the proposed development upon the architectural and historic interest of no. 76 Church Street, a Grade II listed building and, in particular, whether or not the scheme would preserve its setting;</p> <p>(b) Whether or not the scheme would preserve or enhance the character or appearance of the surround Coggeshall Conservation Area, and;</p> <p>(c) The effect of the proposed development with regard to existing open space</p>
	Inspector's Conclusion	<p>The appeal site lies adjacent to, but largely to the rear of 76 Church Street and includes part of its extensive rear garden. No. 76 is a Grade II listed building comprising a large, detached and predominantly two-storey house dating from the seventeenth century, and which was altered and extended in the eighteenth and nineteenth centuries. The significance of No. 76 as a building of special architectural or historic interest is both historic and aesthetic. The proposal would involve the erection of three 4 bedroom detached dwellings within the existing rear garden and associated works, which would be served by access from Church Street. The dwellings would be of a traditional design sympathetic to the listed building by reflecting features of existing properties in Church Street and influences of the Arts and Crafts movement. The existing spacious rear garden is integral to the significance of the listed building as a long-standing historic feature of the asset. It provides resplendent and relaxed setting commensurate with the scale and character of a large and distinguished house and, historically, would have contributed both visually and functionally to its use and enjoyment. The existing open setting is important for how the building is appreciated and understood. The Inspector considers that the relationship would be curtailed and impeded by the imposing and invasive presence of the substantial built form and associated works as proposed.</p> <p>Therefore, the Inspector concludes that the proposed</p>

	<p>scheme would be harmful to the setting of 76 Church Street, a Grade II listed building, and thereby contrary to Policy RLP100 of the Braintree District Local Plan Review and Policy CS9 of the Braintree District Council Local Development Framework Core Strategy 2011.</p> <p>Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the decision-maker in considering applications for, amongst other things, planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. On considering the application, the Inspector concludes that the proposed development would give rise to modest harm to the character of the Coggeshall Conservation Area and would thereby be contrary to Policy RLP95 of the Local Plan and Contrary to Policy CS9 of the Core Strategy.</p> <p>The appeal site lies within the Coggeshall Village Envelope as defined by the Local Plan. Policy RLP4 of the Local Plan, 'Prevention of Town Cramming' seeks, amongst other things, to resist development of those open areas within Village Envelopes and Town Development Boundaries which contribute to the character of the settlement. The Inspector finds that the scheme would lead to modest harm through a loss of openness and would so contribute to an erosion of the wider visually important open space designation, and would thereby be contrary to Policy RLP4 of the Local Plan.</p> <p>In conclusion the Inspector found the proposed scheme would not accord with the development plan, and that all other material considerations, and including all relevant expectations of sustainable development as set out in the Framework, do not indicate a decision in this instance other than in accordance with the development plan.</p> <p>For the reasons stated, the appeal is dismissed.</p>
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