

PLANNING COMMITTEE AGENDA

Tuesday, 02 February 2021 at 7.15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor Mrs I Parker (Vice Chairman)
Councillor K Bowers	Councillor F Ricci
Councillor T Cunningham	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor Mrs G Spray
Councillor H Johnson	Councillor N Unsworth
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

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
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

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

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

In response to the Coronavirus the Council has implemented procedures for public question time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for public question time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register for public question time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

For the Planning Committee only, the order in which questions and statements will be read 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 for public question time and to amend the order in which questions/statements are presented to the Committee.

Documents: Agendas, Reports, Minutes and public question time questions and statement can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

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 19th January 2021 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications.

PART A**Planning Applications**

- | | | |
|-----------|---|------------------|
| 5a | App. No. 19 01025 FUL - Land West of Kelvedon Station, Station Road, KELVEDON - Update | 6 - 100 |
| 5b | App. No. 20 00906 REM - Land North East of Gleneagles Way, HATFIELD PEVEREL | 101 - 134 |
| 5c | App. No. 20 00978 FUL - Lynderswood Farm, London Road, BLACK NOTLEY | 135 - 157 |
| 5d | App. No. 20 01107 FUL - Land East of Pentlow Hill, PENTLOW | 158 - 181 |

PART B**Minor Planning Applications**

There are no applications in Part B.

6 Urgent Business - Public Session

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

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.

PRIVATE SESSION**Page****7 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.

Planning Committee Member Update - Application No. 19/01025/FUL - Land West of Kelvedon Station, Station Road, KELVEDON

Agenda No: 5a

Summary:

Members passed a resolution to grant planning permission at the Planning Committee meeting held on 15th December 2020.

Officers need to update Members on the arrangement of the Affordable Housing within the development. At the request of Officers, the applicant has amended the tenure of a small number of flats within the apartment blocks as an issue was identified with the mixed tenure blocks.

These changes to the tenure of ten flats with the apartment blocks, represents the only change to the proposal. No other changes are proposed. The original Planning Committee Report and the Member Update that was provided to Members at the Committee meeting on 15th December are appended to this report for ease of reference.

As the arrangement of the Affordable Housing is proposed to be changed and given that this differs from the details which Members considered at the Planning Committee held on 15th December 2020, Officers are reporting these changes for Members and requesting that a revised resolution to grant planning permission, subject to the completion of the Section 106 legal agreement, is confirmed.

Officer Contact:	Neil Jones
Ext. No:	01376 552525 ext.2523
E-mail:	neil.jones@braintree.gov.uk

REPORT

During the course of the application, numerous changes were made to the proposed development and a lot of these related to the arrangement of the apartment blocks at the southern end of the site. Regrettably there was an oversight by Officers and five of the apartment blocks contained both Affordable Rent and Shared Ownership apartments. The Council's Housing Enabling Officer does not support the provision of 'mixed tenure' blocks for a number of reasons. There is a reluctance by many Registered Providers to take on Affordable Housing with this arrangement. To be able to purchase a Shared Ownership property the prospective purchaser will need to raise a mortgage. Not all lenders will provide mortgages for people buying a property through the Shared Ownership scheme and Officers understand that some mortgage lenders will not consider that a mixed tenure block will provide adequate security for them to lend against. In this case the Shared Ownership apartments would have been the only Shared Ownership unit within the block. If purchasers are unable to raise a mortgage then it will not be possible for the flats to be bought and occupied as Shared Ownership dwellings.

Having further reviewed the apartment blocks Officers have requested that the tenure is switched on a total of ten flats. Five Shared Ownership flats located in mixed tenure blocks will be relocated to Apartment Block A. This will mean that Apartment Block A will be entirely Shared Ownership tenure. In return the Affordable Rent flats that had been shown in Block A will be provided in the Affordable Rent blocks.

Changed to Affordable Rent tenure:

Plot 155 (2-bed flat - Block B); Plot 181 (1-bed flat - Block J); Plot 194 (1-bed flat - Block L); Plot 201 (1-bed flat - Block M); Plot 212 (1-bed flat - Block P)

Changed to Shared Ownership tenure:

Convert Block A, which contains 4 x 2-bed flats and 1 x 1-bed flat, to be 100% shared ownership.

This will leave one Shared Ownership flat adjoining a block of Affordable Rent flats. Officers accept this arrangements as it is a single unit, will have its own front door and does not have other flats above or below it.

The total number of Affordable Homes remains unchanged and the number of Affordable Rent and Shared Ownership units also remains unchanged. There will be a slight change in the mix of Affordable Homes with three more 2-bed Shared Ownership flats and three fewer 2-bed flats provided for Affordable Rent.

Update on Habitat Regulations Assessment

The Committee resolution passed on 15th December states that approval of the application was subject to Natural England confirming that they have no objection to the Council's Habitat Regulations Assessment and proposed mitigation measures. Natural England have now confirmed that the Council's Appropriate Assessment does demonstrate that the proposed development should not result in an 'adverse effect on the integrity' of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance. The Officer recommendation has been updated to reflect this fact.

Update on Section 106 Agreement

Officers are pleased to confirm that the Section 106 legal agreement is now largely agreed by the District Council, County Council and the applicant. At the time of writing this report, other than the changes to the tenure arrangements within some of the apartment blocks, the only matter that needs to be agreed is the replacement of the footbridge which forms part of the Public Right of Way on the western boundary. Discussions are on-going to finalise the terms of this obligation and Officers will update Members on this issue at the Planning Committee.

Subject to these final matters, the legal agreement will only require approval by the landowner who will be party to the agreement and then the agreement can be completed and the planning permission issued.

Update on Conditions

The full list of conditions included within this report, comprise the conditions which were agreed at the Planning Committee meeting held on 15th December 2020. For avoidance of doubt, this includes the updates to the wording of the conditions recommended by Officers at the Committee, and the amendments requested by Members at the Committee.

PLANNING BALANCE AND CONCLUSION

The Committee Report presented to Members on 15th December contained an assessment of the proposals with reference to the Planning Balance exercise. A copy of that report is appended.

The changes to the Affordable Housing are considered very minor in nature. The applicant is committed to providing the same number of Affordable Homes and the same number of Affordable Rent and Shared Ownership dwellings. It is not considered that these very modest changes would affect the Planning Balance and conclusion reached in the previous Committee Report and there have been no other material changes that have arisen since Members considered the application at the Planning Committee held on 15th December 2020. Therefore it is recommended to approve a new resolution to grant planning permission.

RECOMMENDATION

It is therefore RECOMMENDED that subject 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** - 95 dwellings on-site to be Affordable Housing, with 67 dwellings provided for affordable rent and 28 dwellings provided through shared ownership; to include the provision of 2 x 2 bed 4 person wheelchair bungalows (wheelchair user dwellings, compliant with Part M(4) Cat 3(b) of Building Regulations); and all Affordable dwellings to meet or exceed the Nationally Described Space Standards and any ground floor accessed Dwellings complying with Building Regulations 2015 Part M(4) Category 2;

- **Allotments** - Financial contribution of £7,082.82 (index linked) to fund improvements at Stoney Flint allotment site, Church Hill, Kelvedon;
- **Community Facility** - Financial contribution of £118,490 to be used for improvements at the Pavilion building, or towards the erection of a new building at Kelvedon Recreation Ground;
- **Education** - Financial contributions for Early Years and Childcare provision in the locality of £267,341; and financial contribution of £171,693.50 towards the cost of secondary school transport for future residents (both contributions to be index linked to April 2019).
- **Equipped Play:**
 - Children's play equipment to be provided on-site, with a value of up to £60,000; and
 - Financial contribution of £88,771.55 (index linked) to fund the expansion, modification or improvement of the Multi Use Games Area at Kelvedon Recreation Ground, The Chase, Kelvedon;
- **Health** - Financial contribution of £90,080 (index linked) towards the provision of capacity improvements at the Kelvedon & Feering Health Centre, or new Primary Health care facilities to serve patients from the village of Kelvedon;
- **Highways & Transport:**

Financial Contributions:

 - £238,000 (index lined) towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction;
 - Contributions totalling £46,500 for the Highway Authority to widen and surface to a minimum of 2 metres PRoW 92_12 to connect the PRoWs to the east and west of the site, and provide links from the PRoW to the development; and Off-site works to surface the existing PRoW 92_12 to a width of 1 metre connecting the application site to Kings Meadow Court in the east and a width of 1.5 metres to the footbridge over the railway line to the west;

Highway Works:

 - Bus stop improvements at two locations for buses serving the site;
 - Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street;
 - The provision of a new pedestrian footbridge on PRoW 92_21 over the ditch on the north western site boundary.

Monitoring Fee:

 - Payable to ECC to allow for the monitoring of the Residential Travel Plan imposed by condition.
- **Outdoor Sports** - Financial contribution of £221,505.79 (index linked) to be spent at Kelvedon Recreation Ground;
- **Public Open Space** - (on-site) a minimum area of 1.9535ha for informal Open Space and equipped play area; a further 0.6572 ha of land to be managed for Ecological purposes. Areas of Public Open Space; equipped play and amenity spaces, along with internal estate roads and pathways (unless adopted as Public

Highway) to be managed by a Management Company. The Ecology Land to be managed by the landowner;

• **HRA/RAMS** - £29,888.04 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC).

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

1 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.

2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

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

3 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 is 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 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to/from the site including the routing of construction traffic;

- The storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing and underbody washing facilities;
 - Measures to control the emission of dust, dirt and mud during construction;
 - A scheme to control noise and vibration during the construction phase, including details of any piling operations;
 - Delivery, demolition and construction working hours.
 - Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

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

5 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence 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 and approved in writing by the Local Planning Authority. 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.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme approved in writing by 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 approved in writing by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development

Reason

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

6 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until details of the means of protecting all of the existing trees, shrubs and hedges identified to be retained on Plan L1082-2.1-2005 Rev P2 have been submitted to and

approved in writing by the local planning authority. 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.

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

7 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).

8 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until a Construction Environmental Management Plan (CEMP), following the details contained within the Ecological Assessment (Ethos Environmental Planning, June 2019, July 2020) has been submitted to and approved in writing by the local planning authority, The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs; and

i) Containment, control and removal of any Invasive non-native species present on site, including Japanese Knotweed.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), the s40 of the NERC Act 2006 (Priority habitats & species), the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

9 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Limiting discharge rates to no more than 11l/s for the 1 in 1 year storm event, 29.4l/s for the 1 in 30 storm event, and 40.8l/s for the 1 in 100 plus 40% climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated;
 - o Details of the existing ordinary watercourse along the North-Eastern boundary being restored as part of delivering the drainage strategy for the site as previously agreed during the pre-application consultation with the Lead Local Flood Authority (LLFA);
 - o The consideration of the use of water butts for rainwater reuse;
 - o Final modelling and calculations for all areas of the drainage system;
 - o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
 - o Detailed engineering drawings of each component of the drainage scheme;
 - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- and
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

10 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development 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 prevent pollution has been submitted to,

and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged.

Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site.

11 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence until written confirmation from an Approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 51, 52, 76, 106, 107, 108, 112, 113, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the approved layout plan, have been designed to comply with Building Regulations 2015 Part M(4) Category 2; and Plots 50, 53, 74, 75, 115, 116, 117, 118, 119, 120 have been designed to comply with Building Regulations 2015 Part M4 Category 2, with the exception of Paragraph 2.12 of the Regulations; and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b).

Reason

To ensure that all relevant affordable housing plots comply with the required standards at the design stage.

12 All external amenity areas shall achieve a noise level of less than 55 dB LAeq,16hr; and 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 45dB(A) arising from passing trains shall not be exceeded within bedrooms between the hours of 2300 to 0700 hours.

No above ground development shall commence unless a scheme detailing the mitigation measures to achieve the above noise limits has been submitted to and approved in writing by the local planning authority.

The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

Reason

To ensure an adequate living environment for the future occupiers of the proposed development.

13 No above ground development shall commence unless an overheating assessment in accordance with Acoustics, Ventilation and Overheating Residential Design Guide January 2020 and a detailed strategy for ventilation/cooling has been submitted to and approved in writing by the local planning authority.

Reason

To ensure an adequate living environment for the future occupiers of the proposed development.

14 Prior to the first occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority of an installation of public art to be displayed on the public open space within the development hereby approved. These details shall include, but not be limited to the design ethos, appearance, size and materials. The details as agreed shall be those implemented on site within one month of the occupation of the first dwelling and thereafter retained and maintained in the approved form.

Reason

The provision of public art within the site is considered an important component of creating a high quality environment that has a sense of place and character.

15 No above ground development shall commence until samples of the materials to be used on the external finishes of the development hereby permitted, including the internal walls within car ports, 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.

16 Prior to the first occupation of the development details of an electric vehicle charging strategy for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The strategy will contain details of electric vehicle charging points that will be installed as part of the development and measures that will be incorporated in to the development for additional electric vehicle charging points to be installed in the future. Where the strategy states electric vehicle charging points will be installed as part of the construction of the development these shall be installed in accordance with the approved details prior to the occupation of each dwelling to which they relate.

Reason

In the interests of facilitating sustainable transport for future residents.

17 The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

Reason

To ensure roads/footways are constructed to an acceptable standard and in the interests of highway safety.

18 Prior to occupation of each of the following Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 51, 52, 76, 106, 107, 108, 112, 113, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service, to certify that each respective plot (as indicated above) have been constructed in accordance with Building Regulations 2015 Part M4 Category 2; and Plots 50, 53, 74, 75, 115, 116, 117, 118, 119, 120 have been designed to comply with Building Regulations 2015 Part M4 Category 2, with the exception of Paragraph 2.12 of the Regulations; and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b), shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that all relevant affordable housing plots comply with the required standards when they are constructed.

19 No dwelling hereby permitted shall be occupied until, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and its maintenance activities/frequencies, has been submitted to and approved, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The maintenance plan should also provide details of the maintenance for the existing ordinary watercourse along the North-Eastern boundary.

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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

20 Prior to first occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the agreed details.

Reason

In the interests of sustainable development.

21 No occupation of the development shall take place until the details and content of a residential travel information pack have been submitted to and been agreed in writing by the local planning authority, and the pack becomes available for future occupiers of each dwelling. The pack shall be designed to include measures to promote and raise awareness of local opportunities for sustainable transport.

Reason

In the interests of sustainable travel.

22 No above ground development shall commence until details of all gates / fences / walls 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 screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of each dwelling to which they relate and shall be permanently maintained as such.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity.

23 Prior to first occupation of the development details of the location and design of refuse and recycling collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Reason

To ensure that the development provides suitable bin collection areas, in the interests of amenity.

24 Prior to first occupation of each apartment block the bin storage area indicated on the approved plans is to be provided. The area shall be retained and available for use as approved at all times.

Reason

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

25 Prior to the first occupation of the development the details of the number, location and design of a covered parking facility for powered two wheelers and bicycles shall be submitted to and approved in writing by the local planning authority. The approved storage facility shall be provided prior to the occupation of each dwelling that it serves and retained at all times.

Reason

To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Council's adopted Parking Standards.

26 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, and details of tree pits and root deflectors that are to be used in connection with the proposed tree planting.

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

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

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

27 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ethos Environmental Planning, June 2019, July 2020) and the Biodiversity Net Gain Assessment (Ethos Environmental Planning, November 2020), the Biodiversity Enhancement & Management Plan (Ethos Environmental Planning, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This should include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

28 The applicant or any successor in title must maintain yearly logs of maintenance of the Sustainable Urban Drainage Systems, which should be carried out in accordance with the 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.

29 All single garages should have a minimum internal measurement of 7m x 3m.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

30 The garage hereby permitted on Plots 1, 5, 7, 8, 11, 12, 14, 15, 55, 66-67, 72, 77, 95, 144 & 145 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

31 The car ports hereby permitted on Plots 19, 20, 23, 24, 26, 27, 30, 36, 38- 49, 51, 52, 54, 56-57, 62-65, 76, 81-83, 86-87, 90, 93, 94, 96-99, 103-104, 109-111, 113-114, 126, 128-130, 133-137, 141-143, 146-149 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

32 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or alteration of the dwelling-house on Plot 3 and 4, as permitted by Class A, AA, B, C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

33 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house on Plots 1 and 2, as permitted by Class A, B, C & E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

34 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed in on Plot 5 hereby permitted without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers.

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

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

36 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

37 No meter cupboards on the principal external elevations of the dwellings hereby approved shall be installed unless and until details of the location, design and materials have been submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

38 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity by removing the need for multiple aerials that would detract from the appearance of the building.

39 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.

40 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.

41 Where a refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

Reason

In the interests of highway safety and the safe and organised collection of refuse and recyclable materials from households.

42 Construction of any building above ground level shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges headers and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

Reason

To ensure the appropriate architectural detailing for the architectural style of the buildings hereby approved and for reasons of visual amenity.

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

Reason

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

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 £34 for householder applications and £116 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 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)

4 Prior to the commencement of the development hereby permitted arrangements shall have been agreed in writing with the local planning authority for safeguarding, diverting or extinguishing any public rights of way across the site including the provision and maintenance of temporary fencing and signposting where appropriate.

5 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.

6 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.

7 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your cooperation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

8 Your attention is drawn to Conditions 32, 33, 34 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

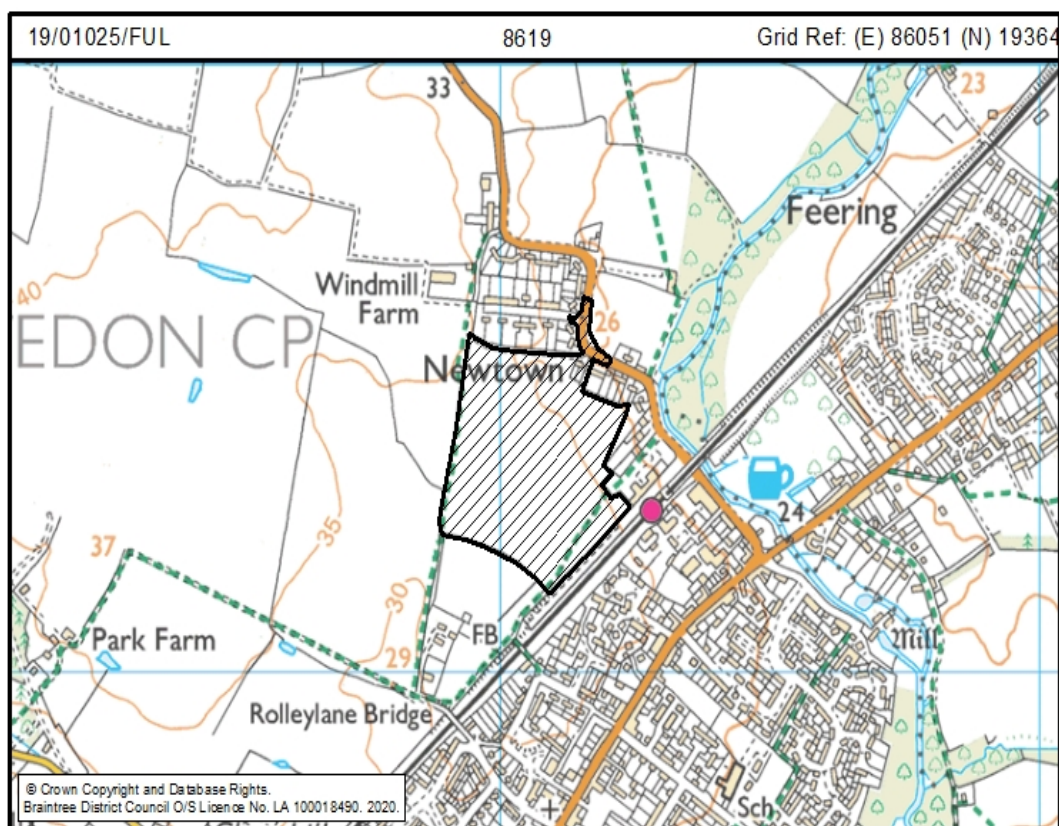
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A - DEFERRED ITEM

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/01025/FUL
DATE: 24.06.19
VALID:
APPLICANT: CALA Homes (North Home Counties) Ltd
Mr Phillip Wright, 1 Falcon Gate, Shire Park, Welwyn Garden City, AL7 1TW
AGENT: Phase 2 Planning
Mr Matthew Wood, 270 Avenue West, Skyline 120, Great Notley, Braintree, CM77 7AA
DESCRIPTION: Proposed new residential development comprising the construction of 238 new dwellings (including both houses and apartments) with associated garden and parking provision dedicated improved access from Coggeshall Road new public open space a Sustainable Urban Drainage System and associated development
LOCATION: Land West Of Kelvedon Station, Station Road, Kelvedon, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSRQ88BFGVV00>

SITE HISTORY

19/00042/NONDET	Application for variation of condition 2 following grant of outline planning permission 17/00418/OUT - to amend approved Parameter Plan 3-100 including in respect of the developable area, public open space, drainage and building height limits.	Appeal Dismissed	11.12.19
95/00937/FUL	Erection of single garage	Granted	11.10.95
14/00158/FUL	Erection of two storey rear extension	Granted	02.04.14
17/00418/OUT	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	Granted with S106 Agreement	05.10.17
ALC/15/60004/PRE APP	Residential employment and community uses with associated open spaces and landscaping. New accesses, extension to station car park		
18/00779/DAC	Application for approval of details reserved by condition no. 19 of approved application 17/00418/OUT.	Granted	05.09.18
18/01674/VAR	Application for variation of condition 2 following grant of outline planning permission 17/00418/OUT - to amend approved Parameter Plan 3-100		06.09.19

19/00142/DAC	including in respect of the developable area, public open space, drainage and building height limits. Application for approval of details reserved by conditions 4, 11, 13, 14, 15, 22, 23 and 24 of approval 17/00418/OUT - 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	Pending Consideration	
19/00147/REM	As above, no ES	Application Returned	
19/00303/VAR	Application for a variation of Condition 2 of planning permission 17/00418/OUT - To allow a revised Parameters Plan.	Pending Consideration	
19/00607/NMA	Application for a non-material amendment following grant of planning permission 17/00418/OUT - the re-wording of condition no. 1 attached to outline planning permission ref: 17/00418/OUT to enable the full implementation of the approved site access including demolition of two properties (Kings Villas) as depicted on approved access drawing ref: JNY8842-10 D	Granted	22.07.19
19/00679/REM	Application for approval of reserved matters following outline approval 17/00418/OUT - Application for outline planning permission with some	Pending Decision	

	<p>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 - Phase 1 (2 units) - Details of appearance, landscaping, layout and scale</p>	
20/00003/PPA	<p>Application for approval of reserved matters following outline approval</p> <p>17/00418/OUT - 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 - Phase 1 (2 units) - Details of appearance, landscaping, layout and scale</p>	<p>Pending Consideration</p>

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities

have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

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

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

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

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

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

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
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
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

Braintree District Local Development Framework Core Strategy 2011

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 & 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 of 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 Spaces 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)
 Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS) SPD (2020)
 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 team completed a full report on their community survey carried out in June 2016 and a face to face consultation was carried out in July 2017 where direct feedback was sought on the Kelvedon Neighbourhood Plan draft policy suggestions under six headings: housing, education, health, environment, business and moving around.

The Kelvedon Neighbourhood Plan Regulation 14 Consultation was held between 16th July and 14th September 2018. To the knowledge of Officers, the Kelvedon Neighbourhood Plan team are reviewing the comments made prior to making any amendments for the next stage of the process. Therefore it can only be given limited weight currently; relevant policies as set out therein are however listed below:

HO1	Number of New Homes
HO2	Phasing of New Homes over the Period 2017 to 2033
HO3	Development Briefs
HO4	Location /Sites where Development will be permitted
HO5	Mix of Housing Types
HO6	Density, Footprint, Separation, Scale, Bulk
HO7	Affordable Housing
HO8	Minimum Garden Sizes
HO9	High Quality Building and Design
MA1	Traffic Congestion
MA2	Traffic Calming
MA3	Transport and Access

MA4 Parking Provision
HSC1 Healthcare Facilities
ED2 The Provision of Preschool Education
ED3 The Provision of Primary School Education
NE2 The Provision of New Recreational and Play Spaces
NE3 Protection of Hedgerows and Biodiversity
NE8 Recreational Disturbance Avoidance and Mitigation
BR2 Working from Home
DC1 Developer Contributions

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest and represents a departure from the adopted Development Plan, notwithstanding the previous grant of outline planning permission (17/00418/OUT). Kelvedon Parish Council have also objected to the proposal contrary to Officer recommendation.

NOTATION

The application site lies outside the Kelvedon Village Envelope as designated in the Adopted Local Plan 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 Draft 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 'de-allocate' 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 Proposal Map for Kelvedon shows the site to be allocated for housing development in the Draft Local Plan that has been submitted to the Planning Inspectorate for examination. Please refer back to 'Policy Considerations' above for more information on this.

Kelvedon Neighbourhood Plan draft Policy HO1 in its paragraph b) states:
"The site known as Monks Farm or Land West of Kelvedon Station has been

granted outline planning permission for 250 dwellings, under planning application number 17/00418/OUT. This is also identified as Site 335 in Braintree District Council's Submission Local Plan."

PLANNING HISTORY

As Members will be aware, and as set out within the Planning History section, the application site has been subject to a number of planning applications. A brief summary of the main applications is set out below.

17/00418/OUT - Outline planning permission granted for up to 250 dwellings with all matters reserved except the means of access from Coggeshall Road and demolition of two properties (Kings Villas) to facilitate the access.

- Decision: Granted with S106 on the 5th October 2017.

18/01674/VAR - Application for variation of condition 2 following grant of outline planning permission 17/00418/OUT - to amend approved Parameter Plan 3-100 including in respect of the developable area, public open space, drainage and building height limits (increase approved heights from 8m to 11m and for the apartment buildings from 11m to 14m).

- Decision: Dismissed at appeal against non-determination of the application.

19/00679/REM - Application for approval of the reserved matters following outline approval 17/00418/OUT - Phase 1 (2 units).

- Decision: Committee resolution to grant on 3rd December 2019, pending completion of a legal agreement in relation to Habitat Regulations Assessment (HRA) and formal discharge of Condition No.23 of the Outline permission (site-wide masterplan).
- Status: Pending Determination. The HRA requirements have been satisfied. The Site Wide Design Guide has been subject to further revisions but has not yet been approved by Officers.

19/00607/NMA - Non-material amendment following grant of planning permission 17/00418/OUT to re-word Condition No.1 to enable the full implementation of the approved site access including demolition of two properties (Kings Villas)

- Decision: Granted (22nd July 2019).

SITE DESCRIPTION

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

The access into the application site is proposed to be formed off Coggeshall Road where 1 and 2 Kings Villas have been demolished. Land forming part of

the Public Highway, as well as land within the ownership and control of the former owners of the land 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 (PRoW) (FP 92-21) with its south western boundary adjoining a paddock which separates the site from Bridge Farm.

Another PRoW (FP 92-12) 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.

Whilst the land was previously primarily cultivated arable land there were grassland margins. Parts of the perimeter of the site show signs of being well used by leisure walkers and dog walkers.

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 east facing rough grassland adjacent to the railway line, and through which FP 92-21 passes, has been identified as a habitat where low populations of slow worm and common lizard are present.

PROPOSAL

This is an application for full planning permission for the erection 238 new dwellings (including both houses and apartments) with associated gardens and parking provision, dedicated improved access from Coggeshall Road, new public open space, a Sustainable Urban Drainage System and associated development.

The scheme has gone through various iterations since it was originally submitted in June 2019, following three rounds of public consultation and extensive liaison between the applicant and Officers of the District and County Council. The quantum of development has been reduced down from 250 to 238 units, in order to achieve a better balance between the efficient use of land, whilst protecting the character and appearance of the area, and the living conditions of existing and future residents (of the surrounding area and within the development site respectively).

The access into the site, permitted by the grant of outline permission 17/00418/OUT has been implemented. 19/00607/NMA varied Condition 1 of the outline planning permission to allow the access to be constructed ahead of the submission of Reserved Matters, to assist with the delivery of the site. The access road running there-from would lead into the main body of the site, on a broadly similar alignment to that previously approved. The submitted General Arrangement Plan (04) shows the proposed access arrangements, with

drawings appended to the Transport Assessment Addendum demonstrating visibility splays and swept path analyses.

An area of land on the eastern side of the bend on Coggeshall Road (opposite the proposed access) has been re-profiled to ensure levels are no greater than 0.6m above the level of the existing access road. The access into the dwelling known as Cornerways would also be amended to make way for the proposal, with a new crossover off the estate road serving its driveway.

There are three main street types proposed within the street hierarchy of the development site:

- *Primary Streets*, to create a strong and distinctive approach when entering the development and to serve the rest of the development;
- *Secondary Streets*, which are fairly evenly distributed across the site, intersecting with primary and tertiary streets, and providing direct access to homes within the interior parcels; and
- *Tertiary Streets*, which are predominantly located on the perimeter of the development, as well as a singular east-west route within the centre of the site, proposed as shared surfaces encouraging lower vehicle speeds and prioritising pedestrian movement.

The proposed layout of development follows the principles of the indicative Parameters Plan that was submitted at the outline stage. This includes lower density development to the site's western and southern edges, and landscape buffers bounding the vast majority of the site, including the retention of the ecological area adjacent to the railway line.

Amongst other things, this revised scheme includes a re-orientation of the apartment buildings along the south eastern boundary, to set the larger buildings further back from PRoW FP 92-12, to reduce the visual impact of the proposed development upon it. As highlighted above, the scheme also includes a reduced number of dwellings which lowers the overall density of development across the whole site. The proposal offers a wide range of dwellings with a variety of typologies and characters, ranging from 1 and 2 bedroom apartments up to 5 bedroom houses with the precise mix as follows:

Market Housing

35 no 1 and 2-bedroom apartments
14 no 2-bedroom houses including 2no. bungalows
19 no 3-bedroom houses
63 no 4-bedroom houses
12 no 5-bedroom houses

Affordable Housing

54 no 1 and 2-bedroom apartments

21 no 2-bedroom houses (including 2 no. bungalows)
18 no 3-bedroom houses
2 no. 4-bedroom houses

As referred to in some detail within the submitted Design and Access Statement, the proposals seek to provide an appropriate scale of development across the site. This includes a range of 2-storey dwelling types with maximum ridge heights of 8 metres, with proposed apartments set at a height of no higher than 11 metres, allowing for 3-storey development. Although this is a Full application the building heights have been designed so that they do not exceed the maximum buildings heights specified in the Outline planning permission.

The site's immediate built form context is predominantly residential, with a range of architectural characters apparent within the wider settlement of Kelvedon. This local distinctiveness has to some extent been incorporated into the detailed design of this proposal. The development includes 5no defined character areas that the applicant says have been informed by this local context and are referred to as 'Gateway Entrance', 'The Main Street', 'Mews', 'The Railway Frontage' and 'Park and Countryside Edge'.

As set out within the applicant's covering letter which accompanied the latest November 2020 revisions, the main design and layout changes made to the proposed development since August 2020's public consultation are as follows:

Green Approach

- Enhanced front porches with variation in front entrance and garage doors to create additional interest in the street scene;
- Single storey side extensions that are visible from the public realm to incorporate a stepped building line to form a subservient structure to the main property;
- Single-storey extensions now include a flat parapet roof with skylight; and
- Other house types have retained the single storey pitched roof design, but include a stepped building line to reinforce the extension as a subservient structure to the main dwelling.

Formal Urban

- The character of the Formal Urban area has been strengthened through the use of house types that offer greater regularity and uniformity to the street;
- The appearance of house types, combined with the revisions made, contribute to creating additional character and differentiation compared to the Green approach and Countryside edge;
- Mini gabled details have been removed as these were considered to be inconsistent with the character of Kelvedon. Hipped gabled roof forms have replaced a proportion of these, as well as being present along terraced forms;
- Front porches are more uniform across the character area and again help distinguish the Formal Urban area from other areas within the development; and

- Materials for this area comprise red or red/orange brick only, removing the previous half rendered façades and buff brick from the palette. This is to provide a more subtle variation with more consistency emphasising the formality of the character.

Railway Edge

- Changes include additional brick detailing to principal gable elevations;
- Greater vertical articulation has been achieved by introducing a stepped brickwork detail to patio doors and principal windows to each flat block elevation;
- This detailing has been consistently applied to each block, to collectively help to achieve a design that is distinguishable from the remaining character areas; and
- Use of rendered panels, bay windows and gable chimneys have been used as a reoccurring motif on both the 3-storey elements, as well as the 2-storey on the opposite parcels. This strategy assists in providing a formal arrival at the Railway Edge and defining the amenity spaces between blocks whilst maintaining a consistent and recognisable vernacular.

Countryside Edge

- The Countryside Edge house types have undergone a noticeable change with a higher proportion of coloured rendered properties now included to provide a backdrop to the countryside;
- Properties are more characterful in their appearance with architectural details such as decorative boarding to gable ends, exposed eaves, hipped roofs and exposed brick chimney breasts to provide variation and interest to the roofscape, and articulation to the building line; and
- Varied front entrance doors and glazed garage door styles have been applied to facilitate in providing a further level of interest to the street. Prominent porch styles such as ‘church style’ porches or post and pier details have been frequently used to emphasise front door entrances to larger properties.

Central Open Space

- Minor amendments have been made, notably an alternative front entrance and garage door has been chosen. As with the repetitive nature of this character area, doors styles and colour remain the same throughout; and
- The ground floor bay windows have been resized incorporating earlier comments from the Council.

Overall Landscaping Detail

- All revised landscape plans have been submitted in accordance with the new site layout detail;
- All planting plans now have full specification & schedules for ease of reference;

- Additional design proposals have been delivered within the attenuation pond and surrounding area, including a large amount of appropriate vegetation around the SUDS; and
- The Central Park has been amended so that this space is seen as having more of a 'village green' character.

The landscape proposals have been designed to integrate the new development within the existing character of the area and its surroundings, and to provide high quality external spaces for residents and accessible public open space, which amounts to almost 2 Hectares (1.9535ha).

The following drawings and documents have been submitted as forming part of the planning application, along with the forms:

- Arboricultural Strategy Plan;
- Application Boundary [site location] Plan;
- Boundaries [treatment] Plan;
- Construction Phasing Plan;
- Dog Walking Routes;
- Door Styles Plan;
- Drainage Plans;
- Existing and Proposed Site Sections;
- Garden and Separation Distance Review Plan;
- General Arrangement [layout] Plans;
- Housing Mix and Tenure Plan;
- Landscape Management & Maintenance Plan;
- Landscape Masterplan;
- Open Space Play Plan;
- Parking Assessment [provision] Plan;
- Planting Plans;
- Proposed Floor Plans & Elevations for each house type, garages & stores;
- Proposed Levels Strategy Site Wide Plan;
- Proposed Site Layout Plan;
- Proposed Street Scenes;
- Railway Edge Parcel Amenity Provision Plan;
- Refuse Strategy Plan;
- Roof Materials Plan;
- Site Information Layout Plan;
- Storey Heights Plan;
- Street Lighting Layout Design and Horizontal Illuminance (lux) Plans;
- SUDS Landscape Cross Section Plans;
- Sustainable Drainage Maintenance Plan;
- Wall Materials Plan;
- Accommodation Schedules;
- Air Quality Assessment;
- Biodiversity Enhancement & Management Plan;
- Biodiversity Net Gain Assessment;
- Covering letters;

- Design and Access Statement;
- Ecological Assessment;
- Environmental Lighting Impact Assessment;
- Flood Risk Assessment and Surface Water Drainage Strategy;
- Historic Environment Desk Based Assessment;
- Landscape and Visual Impact Assessment and Supplementary statement;
- Noise Impact Assessment;
- Phase II [contaminated land] Site Appraisal;
- Planning Statement;
- Planting Schedules;
- Plot Schedule;
- Production of Verified photomontages;
- Soils and Agricultural Quality of Land Assessment;
- Statement of Community Involvement;
- SUDS Checklist;
- Transport Assessment, Addendum and Framework Residential Travel Plan;
- Utilities Assessment.

Following the receipt of a complete set of revised plans and documents in November Officers have continued to press the applicant for further minor revisions and improvements to the scheme, to further improve the quality or address consultee comments. Officers also identified an error within the Biodiversity Net Gain assessment and an incorrect statement within the Design & Access Statement. Both documents were reissued by the applicant to correct those matters. Officers did not consider that any of the changes were of a magnitude that there was a requirement to extend the publicity period and notify all consultees and members of the public that further revisions had been made to the application. Given that none of the changes were considered substantial there is no requirement for these changes to be publicised.

SUMMARY OF CONSULTATION RESPONSES

Anglian Water

No objection - The foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre which currently does not have capacity to treat the flows the development. Anglian Water are however obligated to accept the foul flows from it with the benefit of planning permission and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. The sewerage system at present does however currently have available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then

connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, they are unable to provide comments on the suitability of the surface water management. They advise that the Local Planning Authority should seek the advice of the Lead Local Flood Authority (LLFA), Essex County Council (see below for their comments).

BDC Environmental Services

No objection subject to conditions.

- Contaminated land report - It is noted that there may be a need to incorporate gas protection measures but further ground gas monitoring is required to ascertain an accurate assessment of the situation. This can be covered by condition.
- Noise assessment - Conditions are recommended to ensure that the modelled internal and external noise levels are achieved and that maximum levels are not exceeded. To achieve the internal noise levels a high level of insulation will be required, which should be effective providing the windows remain shut. Given that the information submitted indicates that internal noise levels may only be achieved with windows closed particularly in the bedrooms where a higher level of insulation is required this will mean that windows may not be relied on for ventilation and therefore there is a risk of overheating. The applicant shall also submit an overheating assessment in accordance with Acoustics, Ventilation and Overheating Residential Design Guide January 2020 and a detailed strategy for ventilation/cooling before construction commences.
- Air Quality Assessment - The Council's Environmental Health Officer requested that an updated assessment be completed as the report originally submitted relied on data from 2016. Since that time emission factors and background levels have been released to better reflect real-life driving emissions.

An updated Air Quality Assessment has been submitted and following review the Officer raises no objection. A condition regarding the control of dust is recommended during the construction process.

BDC Housing Research and Development

No objection - Following several revisions this application seeks detailed approval for a scheme comprising 238 residential dwellings, including 95 affordable homes. They are comfortable that this generally accords with guidance provided during the course of the application and meets the requirements of Affordable Housing Policy CS2.

They confirm that the affordable unit and tenure mixes illustrated in the table below, on submitted Affordable Housing Scheme document dated November 2020 and Housing Mix and Tenure Plan 8239/P1222, are considered appropriate to match evidence of housing need.

Type	No	Affordable Rent	Shared Ownership
1 bed 2p flat	21	17	4
1 bed 2p Flat over Garage (FOG)	1	1	0
2 bed 4p flat	31	26	5
2 bed 4p FOG	1	0	1
2 bed 4p bungalow - wheelchair accessible	2	2	0
2 bed 4p house	19	10	9
3 bed 5p house	9	4	5
3 bed 6p house	9	5	4
4 bed 7p house	2	2	0
	95	67	28

They are supportive of this application because it provides opportunity for a significant number of new affordable homes to be delivered which would assist the Council in addressing housing need.

BDC Waste Services

The initial consultation response raised concerns about apartment blocks 220-227 and 230-237 are sharing a bin store, whereas smaller blocks seem to have individual bin stores. An additional bin store was requested so that both blocks have their own bin stores. This will reduce issues relating to anti-social fly tipping. (Officers have worked to address this issue with the applicant. At the time of writing this report an updated response from the Operations Team has not been received. Officers will chase for confirmation that the arrangements are now acceptable and will update Members at Planning Committee).

ECC Education

No objection - Financial contributions are requested to provide increased capacity for local Early Years and Childcare and funding for Secondary School transport.

ECC Place Services - Principal Ecological Consultant

No objection subject to conditions and obligations to secure mitigation
The applicant has provided sufficient ecological information to determine the application.

- Bats - the external lighting scheme demonstrates that boundary features used by commuting and foraging bats will not be adversely affected by lighting levels.
- Biodiversity Net Gain - It is noted that the proposals would result in a Biodiversity Net Gain, when assessed using the DEFRA metric, but the recorded gain would be below the 10% that the Government has indicated will be required through the proposed Environment Bill. Concerns over the

information contained within the planting plans and over a few specific plant choices but considers that these issues can be addressed through planning conditions.

- Essex RAMS - as the site is located within the Zone of Influence of Essex Coastal Protected Sites a Habitat Regulation Assessment has been completed to demonstrate that suitable measures have been secured to mitigate for the impact on these protected sites.

ECC Flood and Water Management

No objection subject to conditions - 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 requiring measures to reduce the risk of flooding during development; submission and approval of the detailed surface water drainage scheme; details of maintenance arrangements for the SuDS scheme and a requirement to keep maintenance logs.

ECC Highways

No objection subject to planning conditions and planning obligations. 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;
- Further financial contribution of £6,500 towards improvements to 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 packs; a residential travel plan and monitoring fees in accordance with Essex County Council guidance.

Historic Buildings Consultant

No objection - The site affected by this application is north of the Kelvedon Conservation Area, separated by the railway. The site does not actively contribute to the significance of the Conservation Area and they have no objection to the development of the site as proposed.

ECC Historic Environment Officer

No objection subject to conditions - Previous archaeological evaluation has identified significant archaeological remains over parts of the site which

require a programme of further archaeological investigation. A Written Scheme of Investigation for the mitigation strategy outlining the next phase of fieldwork has been submitted and approved prior to the determination of the application. No development can take place in these areas prior to the archaeological investigation and they should remain clear and accessible to allow the archaeological excavation to proceed. Conditions are therefore recommended to be imposed upon any grant of planning permission.

ECC Minerals & Waste Planning

No objection - The application site falls within approximately 10.2ha of land which is designated as a Mineral Safeguarding Area (MSA) which, in the first instance, makes the application site subject to Policy S8 of the Essex Minerals Local Plan 2014. However it is noted that whilst consulted, ECC in its capacity as the Minerals and Waste Planning Authority did not respond to the outline application made on the same site in 2017 which has since been granted. It is considered that the applicant would have a reasonable expectation that any mineral safeguarding issues would have been raised at the outline planning stage. On that basis, the Minerals and Waste Planning Authority would not seek to apply Policy S8 of the Minerals Local Plan 2014 at this stage of the process and has no further comment to make.

Essex Police

Object to details of the boundary wall to the railway edge - BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.

Whilst there are no apparent concerns with the layout they have serious concerns of the proposal to use 'hit and miss' style boundary brickwork on external surfaces as this could provide a ladder for anyone wishing to climb over it and also concealment of small packages. They would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and at the same time as achieve a Secured by Design Homes award.

Highways England

Offer no objection to the proposal.

Natural England

Holding Objection - It has been identified that this development site falls within the 'Zone of Influence' (ZoI) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex, as a result of new residential development within reach of them. The European designated sites scoped into the RAMS are notified for features which are considered sensitive

to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance to birds, trampling of vegetation, erosion of habitats from boat wash etc.).

In the context of the Council's duty as competent authority under the provisions of the Habitats Regulations , it is therefore anticipated that, without mitigation, new residential development in this location would 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects. They therefore advise that BDC consider whether this proposal falls within scope of the Essex Coast RAMS. Where it does, a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) should be undertaken, to secure any necessary recreational disturbance mitigation and record this decision within the planning register.

Network Rail

No objection - They state that there would be an increased demand on Kelvedon Station due a substantial number of new dwellings, but it is not necessary for any further action to be taken. After reviewing the information provided in relation to the planning application, Network Rail state that they have no further observations to make.

NHS England

No objection subject to a financial contribution to mitigate the impact of the development. Existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. A developer contribution will be required to mitigate the impacts of this proposal. The initial CCG response in 2019 calculated the level of contribution required to be £94,622, based on a development of 250 dwellings. Payment should be made before the development commences.

PARISH / TOWN COUNCIL

Kelvedon Parish Council

Object to the proposals.

- July 2019 Response:
 - Flood and Surface Water Management – concern that development will increase the risk of flood events and the design of the SuDS (two large detention basins) is a missed opportunity;
 - Design and Layout - The design has not been tested against the emerging Kelvedon Neighbourhood Plan;
 - Paragraph 130 of the NPPF states that poorly designed development should be refused planning permission. The Parish Council contends that the proposals represent poorly designed development, as the layout and

design of the proposals do not replicate the local development pattern or character;

- Failure to follow the Essex Design Guide to achieve the Essex vernacular;
 - The proposed layout does not respond successfully to the constraints and opportunities and the site's context. The tallest buildings are in the wrong location and will be visible within the wider landscape;
 - Open Space; the proposals do not incorporate meaningful and multi-functional open space;
 - The grouping of apartments results in a proliferation of surface parking and an unattractive public realm;
 - Local Context; the layout and design of the proposals do not replicate the local development pattern or character of Kelvedon;
 - Unimaginative and bland architecture further compounds this issue;
 - The vast majority of the affordable housing is located together in the south and eastern areas of the site. The affordable housing should be 'pepper-potted';
 - The proposed mix of dwelling sizes does not correlate with identified housing need evidenced within BDC's Strategic Housing Market Assessment (SHMA) or the Neighbourhood Plan;
 - Development will have significant and severe harm on the local highway network and the Transport Assessment supporting this application is based on data collected in 2015;
 - Lack of appropriate green infrastructure, green space and wildlife habitats. The design should aim for a net gain in biodiversity and be doing more to support animals and birds that currently use the site;
 - Failure to address existing and potential impacts of climate change and the 'Climate Emergency' – there should be renewable energy sources, energy efficient buildings, more extensive tree planting.
- September 2020 Response:
- Extensive criticism of the house types – reference to bland appearance; inappropriate choice of materials; contrived designs; lack of articulation; bulky forms;
 - Suggest that a change of render colours, half render or half horizontal timber cladding;

- The apartment blocks look very austere, devoid of detail and a collection of mismatched architectural styles and poor fenestration;
- Concern about refuse collection arrangements;
- Landscaping - Marked up maps extensive comments regarding the proposed landscaping scheme. Areas of concern included the Central Open Space Area; plant choice; construction and plating of the attenuation basin;
- The distribution of 'bridges' over the SUDS ditches is a bit random on the southern boundary resulting in very short sections of ditches that could be rearranged without detriment (opposite plots 149/149);
- Planting proposals to the key corner outside plots 230-237 could be improved including giving more space to the french doors on the ground floor;
- Increased flood risk;
- Noise – concern that noise from the railway line which will be reflected back from the development into the village, increasing the current noise levels at affected dwellings;
- Construction Environmental Management Plan (CEMP) is required to prevent flood risk; ensure highway safety; protect ecology and local residents amenity;
- Construction Logistics Plan – This is required to include delivery routes to the site, to address concerns on safety and congestion as well as the location of site welfare portacabins and plant/material storage areas and contractor parking;
- Section 106 Agreement - In the event that the planning application is approved it is requested that the same contributions are secured for local facilities.
- December 2020 Response:
 - The Parish Council are pleased to see some positive changes to the plans, however, there are still some concerns regarding design and landscaping issues. Architecture/Design;
 - Do not approve of 'Tudorbethan' effects have been added to the gables and porches;
 - Revised elevations for numerous house types show added glazed panels to the sides of some front doors which look incongruous and there are better solutions to allow more natural light in;

- Front doors are not appropriate to architectural styles of the houses;
- House type K4 has awkward angles created by the half hip over the garage versus the main roof pitch;
- The architectural detailing for the flats now look awkward and contrived – too many contrasting materials, architectural details not found within the village and inappropriate application of chimneys. The Council would suggest that the entire elevational treatment for the flats is reviewed holistically and better related to local character;
- Agree with Essex Police concerning the ‘Hit and miss’ brick wall;
- The play area is also isolated away from the main development and can only effectively be seen from one house.
- Landscaping Issues:
 - Central area of public open space – object to the arrangement of benches and their relationship with nearby houses, no detail of the mound feature, the space should be more usable;
 - Take issue with the specification of trees and plants, with trees being reduced in size and species being ill suited for the prevailing local conditions;
 - The number and connectivity of the hedgehog holes is not adequate and the reptile hibernacula need to be moved away from busy paths.

Feering Parish Council

Object to application.

- August 2019 Response:
 - Support Kelvedon Parish Council’s objection, referring to SuDS; poorly conceived layout and low quality design; mix and type of houses; traffic and transport and Ecology and Environment;
 - An updated Transport Assessment is required to take in to account other consented developments since the Outline permission was approved;
 - No details of highway improvements that are proposed.
- Sept 2020 Response:
 - Unclear if all houses meet Nationally Described Space Standards
 - Plans are required regarding the management of the Public Open Space and Ecology land.

▪ December 2020 Response:

- Still no reference to previously agreed road or footway improvements, or junction improvements at the junction of Station Road and Kelvedon High Street, or the Parish Council's request for a foot and cycle access to the station car park;
- No information on the site street lighting;
- No lighting on the Public Right of Way ("PRoW") between the station and the development which would mean people feel vulnerable walking particularly late at night. Solar movement lighting which has been placed on areas of the development would also be beneficial on the PRoW to alleviate this issue;
- Revised plans state that amenity space for 10-12 properties are sub-standard as they are below the NPPF policy standard;
- Electric Vehicle Charging Points – Note that CALA Homes intend to include connection points subject to capacity. A development of this scale should be future proofed with infrastructure installed at the outset.

REPRESENTATIONS

63 Letters of representation have been received from third parties concerning the proposal from its initial submission. A total of 37 objections were received during 2019 and a further 18 have been received during 2020, when revised plans have been submitted. A further seven letters making comment on the application have been received. A summary of the main issues raised are set out below:

Principle of Development

- The proposal will destroy the feel of the village;
- The site is poorly connected to the village; and
- There have been significant changes to the outline planning application that was approved in order to maximise profit.

Highways and Transportation

- Concerned that the Transport Assessment does not include other developments proposed in neighbouring settlements, which would underestimate the traffic impacts upon current residents of Kelvedon, Coggeshall and the surrounding villages;
- Increased vehicle movements along Station Road and into the High Street at the Railway Tavern junction would cause increased safety issues when

crossing the road; this area is used frequently to cross to/from the station, bus stops, various school transport services and commercial premises;

- Impacts on local residents during the build due to disruption from highway alterations to ensure access to site;
- The entrance to the site is situated on a bend, one of many blind bends on Coggeshall Road, and for those that live along the road it is already difficult to exit their driveways safely at busy times;
- The roads/swept paths are too narrow, no room for vehicles to pass, inaccessible for public service and emergency vehicles, dangerous for pedestrians;
- No proper assessment has been shown regarding footpath improvements given the dangerous nature of Coggeshall Road traffic and unsighted bends with narrow pavements;
- Shared surface streets are dangerous to many people, particularly those with sight loss, disabled, deaf or hearing impairment, the elderly and children;
- There is no clear statement as to how commuter parking will be discouraged whilst allowing visitor parking during the week;
- The reference to a bus stop being within 400m of the site is misleading as this is the community bus that runs from Coggeshall;
- There appears no consideration given to how owners of electric vehicles are expected to charge them;
- The suggested reduction of 78 vehicle movements, caused by 12 fewer dwellings appears rather over-optimistic;
- Any proposed improvements to the existing road network should be undertaken before any development on the site commences to help lessen the impact of construction traffic;
- Insufficient parking – 1-Bed Flats have just one parking space; most houses only have two spaces, even houses with five bedrooms;
- There is no reference to electric car charging points and other green living initiatives such as solar panels, as indicated by Bloor Homes in their Feering development;
- Will the garages be big enough to put a standard family sized car in?
- Parking provision does not meet with Kelvedon's emerging Neighbourhood Plan where it highlights the need for one off-road parking space per bedroom.

Design and Layout

- Inadequate public green open spaces for the size of development; and limited tree planting on streets;
- Poor design, with houses appearing crammed in;
- Object to 3 storey buildings being included as they do not reflect the majority of buildings within Kelvedon which are 2 storeys;
- Apartment blocks are separated by minimal landscaping;
- Having blocks of flats situated on the highest point of the land would negatively impact the vista from the High Street Conservation Area;
- The park fronting the railway with play area has disappeared. New hedge and tree planting was promised, but there is now shown to be far less on the development, particularly on the north, east and south boundaries;
- The apartments fronting the railway are now in block formation, and too close to the public footpath;
- The design of all amenity spaces for apartment blocks should be such that they encourage residents within the flats to fully utilise them and not just look at them: Provision should be made for incidental seating areas with paved access and substantial herbaceous planting areas to create garden spaces that encourage their use;
- There is no significant focal point to the vista created by the main avenue into the site;
- A centrally located POS on a strong desire line through the site should have a DDA compliant path running through it from north to south, away from residences to avoid nuisance, with appropriate gateway features, street furniture, including litter and dog bins and possibly a small LAP play space for toddlers;
- The design is uninspiring; it seems very generic, bland, off the shelf and without imagination;
- The lack of integration in relation to the varying property types including the location of the 'poorer properties' closer to the railway line;
- The inadequate and unimaginative SUDS design which should cover a larger area and incorporate wildlife friendly features including suitable design, a reed bed area and appropriate native planting;
- Upgrading the footpath through the Ecology land will appear out of character;

- Lack of green or sustainable living commitments or design elements; and
- The Schedule of External Materials are non-specific to Kelvedon's character and these designs could be based anywhere in the country, like the metal & glass balcony examples.

Landscape and Ecology

- The development would add significant built elements into the countryside where very few are currently evident due to the lie of the land and the significant screening effect of hedgerows and mature trees along the eastern boundary of the railway line;
- The visual assessment shows the significant change this development would have on multiple visual receptors, classifying the changes as major;
- The planting specifications indicate the use of non-native species in areas where the Biodiversity report states that native species will be used;
- Concerns about the long term management of the landscaped areas;
- Visual receptors from homes along Observer Way and New Town, and the multiple PRoW in the vicinity of the site would be significantly affected;
- Concerns over the impact to local wildlife, including light pollution affecting bats, with inadequate hedgerows/ wildlife habitat provision;
- This development site falls within the "zone of influence" as stated by Natural England. The Council have a duty of care to uphold and mitigate against developments that impact on recreational spaces and erosion of habitats;
- Removal of greenspace and wildlife habitat, do not believe there will be an overall net 10% environmental gain, as plan assumes people will not use artificial grass, paving or decking in their gardens;
- A clear plan and guarantee to future homeowners regarding the Japanese knotweed that has been found on site should be provided.

Living Conditions

- Building of the proposed apartment blocks would cause a ricochet effect of the railway noise generated by passing trains, deflected upon properties to the east of the railway line;
- Lack of greenspaces for residents and feeling overcrowded;
- Not acceptable that some of the garden sizes fall below the Council's minimum standards;

- The effect of air pollution on Kelvedon High Street has been underestimated;
- Existing residents of Coggeshall Road would be overlooked.

Community Infrastructure

- Concern over refuse collection with narrow roads, not convinced by diagrammatic evidence for dustcart manoeuvres within site; and
- Lack of local infrastructure to cope with increased population – schools, hospital, and doctors' surgeries.

Flood Risk

- Surface Water attenuation basin much smaller than on the previous application;
- Increased danger of flooding on Station Road from poor drainage;
- Greater difficulty to maintain proposed underground storage tanks, which will not be as resilient as storing water on the surface. The second detention basin should be reinstated and if more Open Space is required the amount of housing should be reduced.

Other Matters

- The provision of social/affordable house needs to be increased;
- Surprised that there are no 5 bedroom properties in the affordable housing allocation; the idea that there would be no larger families with social or affordable housing needs in the village is not credible;
- No renewable energy installations are proposed;
- The mix of dwellings does not meet local needs or align with the neighbourhood plan;
- There should be a higher proportion of 1 and 2 bed properties;
- Lack of elderly home provision as only 2 bungalows marked for whole site.
- Unclear exactly what contribution to the village community this housing estate would give back. Suspect there will be limited funds given in S106 contributions as so much money will need to be spent to ensure highway access to site and safe pavement provision for pedestrians;
- The meeting that took place between the developers and local residents was most unsatisfactory; to conclude that most people are in favour of this going ahead would be wide off the mark.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Adopted Core Strategy specifies that development outside 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.

The application site is located close to, but outside the village envelope of Kelvedon and as such is located on land designated as countryside in the Adopted Core Strategy and Adopted Local Plan. 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, and also allocates the application site (KELV335) for the erection of up to 300 dwellings. In addition, as highlighted above Kelvedon Neighbourhood Plan Draft Policy HO1 acknowledges that the site has been granted outline planning permission for 250 dwellings, under planning application reference 17/00418/OUT.

The village also falls within the A12 / Great Eastern mainline corridor which is one of the broad locations identified for growth by the Spatial Strategy within the Publication Draft Local Plan.

Given that the Council has previously granted of outline planning permission, the principle of residential development on this site has already been deemed to be acceptable. This weighs heavily in favour of the scheme in the overall planning balance.

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

5 Year Housing Land Supply

A material consideration in this case is the Council's current housing land

supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target. The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

SITE ASSESSMENT

Location and Access to Services and Facilities

As previously noted the application site is located close to, but outside the Village Envelope of Kelvedon. Kelvedon is identified in the adopted Core Strategy as a 'Key Service Village' in the Core Strategy as it is recognised as being a large village with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, and frequent public transport.

The village provides a range of shops and services which residents could access by walking or cycling. It is acknowledged that the site is separated from the main body of the village by the railway line but there is an existing footway running from the site, under the railway, to main body of the village. An alternative pedestrian route is also available using Public Rights of Way and a footbridge over the railway line. It is proposed that these pedestrian connections are improved as part of the development and this is discussed later in the report.

The site would also provide residents with reasonably good access to public transport, which would provide access to a wider range of services, facilities and employment provided with the larger settlements of the District and beyond. Overall, it is considered that the site is positioned in a sustainable location and this was a significant factor when the Council granted Outline planning permission for the development of the site.

Design and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

As highlighted in the proposals section above, this is an application for full planning permission for the erection 238 new dwellings, comprising 145no houses, 89no flats and 4no bungalows, and in totality has been revised significantly since its original submission in 2019.

The scheme would include a range of house types with two storey housing having a maximum ridge height of 8m, and two and three storey apartment blocks with ridge heights no higher than 11m. This is in accordance with the parameters plan that was submitted as part of the previous outline application, with 3-storey building limited to the area parallel to the railway line, beyond the alignment of PRow FP 92-12 and the ecological habitat which it traverses.

The mix of market housing has also been assessed. The applicant proposes that 25% of the market housing will be 1 and 2-bed apartments and a further 10% will be 2-bed houses. This means that 49 of the 143 market dwellings will be either 1 or 2-bed dwellings and the proportion of 1 and 2-bed dwellings is higher than on major similarly sized sites that have been approved.

Officers were however concerned at the number of 4 and 5-bedroom proposed (44% of market housing has 4-bedrooms, and a further 8% have 5-bedrooms). This leaves a relatively low proportion of 3-bed houses (13%) and Officers have asked that the number of 3-bed houses is increased.

The applicant has however chosen not to adjust the mix of housing, citing the mix that the Council has approved on similar-sized developments in the District where there are a number of examples of similar provisions of 4-bed houses being accepted and the fact that their scheme proposes a far greater proportion of 1 and 2-bed units which should weigh in its favour.

As Members will be aware the Publication Draft Local Plan contains a policy that will require developers to provide a mix of market housing in new developments which broadly reflects the mix of housing that is identified as being required in the Strategic Housing Market Assessment (SHMA). Whilst Officers consider that a mix of market housing that was closer to the mix specified in the SHMA would weigh more heavily in favour of the proposal in the Planning Balance, the mix of market housing is not considered to be a reason to refuse the application.

Whilst the number of flats is slightly greater than for some other schemes of this size and semi-rural location, 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.

Notwithstanding this, the quantum of development has been reduced down from 250 to 238 units, in order to achieve a better balance between the efficient use of land and protecting the character and appearance of the surrounding area. There are five defined character areas that the applicant states have been informed by the local built context of Kelvedon. The revised scheme proposes a variety of architecture across the scheme, with it being sympathetic to the specific locations within which they would be found within the site, namely the Gateway Entrance, The Main Street, Mews, The Railway Frontage and the Park and Countryside Edges.

The Council's Urban Design Consultant has worked hard with the applicants to improve the quality of the design, with a fine attention to detail where appropriate, for example, the houses within the Countryside Edge character area would include decorative boarding to gable ends, exposed eaves, hipped roofs and exposed brick chimney breasts to provide variation and interest to the roofscape, and articulation to the building line. Whilst it is acknowledged that objections remain from members of the public and Kelvedon Parish

Council, in respect of layout and appearance Officers are satisfied that the scheme before Members is of a suitable quality that the application can be approved.

Furthermore, the applicants have responded to comments from the Council's Landscape Team and third parties, regarding the hard and soft landscaping to ensure that meaningful areas of communal landscaping are provided to each block of flats, in order to create outdoor spaces for relaxation and social interaction, to help foster community cohesion. The proposals include a number of native trees within the communal areas and parking courts, and would include a mix of shrub planting and occasional trees along the south eastern boundary between the parking courts and the protected ecology land. All of this landscaping combined would help soften the development once it has matured, as well as providing a degree of screening from existing established housing on the opposite side of the railway line, such as in Dowches Drive and Trews Gardens.

By also taking cues from the Essex Design Guide, it is considered that overall the proposal would respond 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, include parking facilities that are well integrated as part of the overall design.

Furthermore, the proposal also incorporates waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised.

Policy CS10 of the Adopted 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 such to meet the future needs of residents. The development would include structural landscaping; amenity space and a small equipped play area.

Areas of Public Open Space would be predominantly located along the north eastern and north western side of the site, either side of the vehicular access road and where the site backs onto existing housing in Coggeshall Road/ Newtown/ Observer Way. The Public Open Space on the north western side includes the children's play area and the north eastern side includes a Sustainable Urban Drainage basin and pond. In totality, this would amount to a useable high quality area of Public Open Space, and with the exception of Plots 1-5 which are located close to and either side of the Coggeshall Road entrance, would provide a generous buffer between existing housing and the main body of the development.

Landscape and Ecology

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 of the Adopted Core Strategy 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 Adopted Local Plan.

Policy RLP80 of the Adopted Local Plan states that *'proposals or 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 of the Adopted Local Plan 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'.*

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 of the Adopted Core Strategy. 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; and it is considered that the site would absorb the new development in a suitable and sympathetic manner, with an opportunity for the development to provide feature planting as part of the soft landscape scheme around the site's perimeter, in addition to the retention and bolstering of existing tree and hedgerows, to enable visual impacts upon the wider countryside to be minimised.

The Ecological Assessment and Reports have been reviewed by ECC's Ecological Consultant and they state that they are satisfied that the Council now has sufficient information to assess the application in respect of ecology. The Ecological Assessment has identified those habitats and species likely to be both present and affected by the development, including the semi-improved grassland habitat, adjacent to the railway corridor.

In respect of Bats it is noted that the Council's Ecologist had initially recommended that the further information regarding bats was required to be secured prior to determination of this application. However, the buildings in question (Buildings B1, B2 and B5) have already been demolished as part of the works to construct the site access. As the works affected a bat roost the demolition works were carried out under a licence from Natural England. The external lighting of the site has the potential to impact upon bats who use the site boundary features for feeding and commuting. The Council's Ecologist is satisfied that the lighting levels demonstrate that no impacts will be caused to the boundary features of the site, which could be utilized by foraging and commuting bats.

The majority of the site previously had a relatively low ecological value as it was used intensively for arable production, however habitats around the boundaries and the grassland near the railway line were identified as having particular value. The applicant has produced a Biodiversity Net Gain Assessment. The proposed soft landscaping scheme forms a significant proportion of the ecological enhancements that the applicant proposes to deliver. The Council's Ecologist raised a few concerns regarding the planting scheme and specific plant choices. These concerns have been raised with the applicant who has agreed to remove the species that were identified as being of concern.

The Biodiversity Net Gain Assessment demonstrates that this application will deliver measurable net gains, in line with paragraph 170[d] & 175 [d] of the NPPF 2019. This includes the use of the Defra Biodiversity Metric 2.0 - Calculation Tool to demonstrate a net gain of 6.64% habitat units and a quantitative gain of 66.48% hedgerow units. The Council's Ecologist has highlighted that the proposed development will not be in line with emerging Environmental Bill and the Governments 25 Year Environment Plan, as this would require the developer to demonstrate a 10% measurable biodiversity

net gain for both habitat and hedgerow units. However, as this requirement is currently not mandatory and Officers are satisfied with proposed outcomes of this quantitative assessment, especially considering the significant increase of native species hedgerows within the scheme.

The Biodiversity Enhancement & Management Plan (Ethos Environmental Planning, November 2020) and also demonstrates that a range of bespoke ecological enhancement measures will be incorporated into the design. The locations of these bespoke enhancements are noted within Figure 3 – Ecological Enhancement Plan, which includes the provision of Hedgehog Friendly fencing, Integrated bat bricks and pole mounted bat box, bird boxes for a range of species, as well as reptile hibernacula.

In addition, the site is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar. In this regard, Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. It is considered that the proposal falls within the scope of RAMS as ‘relevant development’.

Consequently, a Habitat Regulations Assessment (HRA) has been completed for this application by Officers. In the context of the Council’s duty as competent authority under the regulations, it is anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive features of the coastal European site, through increased recreational pressure when considered ‘in combination’ with other plans and projects. Therefore the Council is required to secure mitigation measures which include a financial contribution (see planning obligations section below) towards off-site mitigation for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site, in line with the Essex RAMS SPD.

Natural England guidance states that in these situations applicants should also be required to demonstrate that Suitable Accessible Natural Green Space (SANGS) can be provided on site. Where this is not feasible (due to the size of the site), Natural England requests the following should be provided as a minimum:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes of 2.7 km within the site and/or with links to surrounding PRow (provided via a map of the existing PRow); and
- Dedicated ‘dogs-off-lead’ areas within the development.

To enable the Council to complete the HR Assessment the applicant has confirmed in addition to the Public Open Space provision shown on the layout they will provide the following:

- Signage/information leaflets to householders to promote these areas for recreation and circular walking routes of varying lengths from the site;

- Dog waste bins within the development site; and
- A commitment to the long-term maintenance and management of these provisions i.e. through a Management Company. These measures can all be secured through the S106 legal agreement.

Although a circular route of 2.7km from the site has not been identified the site is connected to the Public Rights of Way network to the north of the village. Officers consider that there are ample opportunities for people to walk from the site and that this will reduce pressure on the Protected Sites. The Council has submitted a Habitat Regulations Assessment to Natural England but at the time of writing this report no response has been received from Natural England. Whilst Officers consider it highly likely that Natural England will approve the assessment the application should not be approved until this confirmation is obtained. It is therefore recommended that Members approve a resolution to grant planning permission, subject to Natural England approving the HR Assessment.

Therefore, 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 Ecological Consultant, Officers consider that there should be no objection to the proposed residential development on the grounds of landscape or ecological impact, subject to the imposition of reasonable planning conditions.

Local residents have made reference to the presence of Japanese knotweed on the site towards the north western corner, behind 15 Observer Way. Members may be aware that it is an offence to cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990. The applicant has acknowledged the presence of Japanese Knotweed on the site and they have stated that the treatment and removal of the plants form part of the management plans for the site. It is recommended that a suitably worded planning condition be imposed that requires a survey to be carried out that detects the presence or otherwise of Japanese knotweed on the site, and if found requires details of appropriate treatment and on-going management, including methods of disposal.

Agricultural Land

Policy CS8 of the Adopted 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 14 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 Adopted 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.

Paragraph 163 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.

Notwithstanding third party concerns with regard to a flooding, the proposed development is located within Flood Zone 1 (low probability risk). Parts of Coggeshall Road/Station Road are located within Flood Zones 2 & 3 on the Environment Agency's Flood zone maps, and so has a 1 in 100 or greater annual probability of river flooding. The identified flood zone 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 network 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. 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 manner that does not increase flood risk elsewhere, this follows extensive negotiations between

them and Officers at Essex County Council who are the Lead Local Flood Authority. The submitted plans show a single SUDS basin to the east of the access road, as opposed to 2no which were shown on the outline application's Parameters Plan. This has been a design response to provide a larger area of useable Public Open Space that residents can enjoy. The omission of the second detention basin does result in a greater reliance on other engineering measures such as swales, over-sized pipes and underground crates, but these are commonly accepted methods in dealing with surface water run-off. These measures would minimise the chance of flooding of properties downhill of the proposed development from surface water by providing the required level of storage capacity within the site. By providing the required level of storage capacity within the site surface water can be stored and then discharged at an agreed rate into the river system.

Having reviewed the proposals and associated documents and having received additional clarification on a number of points, the Lead Local Flood Authority 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.

A specific concern was raised in the representations concerning insurance premiums for existing residents living near the development. The SuDS Team at ECC have confirmed that it would be expected that if a proposed SuDS strategy is designed, constructed and maintained in accordance to the LLFA requirements then impacts of the new development on flood risk should be neutral so it would be unreasonable for an insurance company to increase insurance premiums as a result of this being in place.

Officers have also been made aware of concerns regarding the maintenance of a ditch located to the rear of properties on Station Road. The LLFA have confirmed that that this needs to be retained as open watercourse. Should an Ordinary Watercourse be in need of maintenance then this is the responsibility of the Riparian landowner who adjoins the watercourse. Ultimately the LLFA have powers of enforcement under the Land Drainage Act (1991) but through the planning permission the Council and the LLFA will look to impose a suitable maintenance regime for the ditch, to be undertaken by the Management Company responsible for the on-site Open Space.

Highways and Access

Part 9 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 however only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment (TA) is submitted with all proposals for major new development.

As with any new development, it is inevitable that additional 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, such as walking, cycling and public transport.

Many objections have been received on highway grounds, however 'Access' was a matter that was determined and approved at the previous outline stage, and which is currently being implemented. Text from the committee report for application reference 17/00418/OUT on highways and access is set out below:

"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[sic] 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 Right 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."

It is accepted that since the outline planning application was determined, that other developments have come forward within Kelvedon, Feering and surrounding settlements. However, whilst the applicant has now chosen to submit a full planning application, the fall-back position is that they could seek to progress reserved matters pursuant to the outline planning permission which permits up to 250no dwellings to be erected on the site. Further, the applicant has agreed to enter into a S106 agreement to continue to provide the previous highway related planning obligations, albeit with some modification regarding the provision of the Public Right of Way improvements. The original S106, as amended by a Deed of Variation (DoV) dated 23rd May 2018, has resulted in ECC Highways now holding £40,000 which they can use to fund the works to improve the Public Right of Way between Kings Meadow Court and the Iron railway bridge. The applicant has agreed an additional financial contribution of £6,500 in order that ECC Highways can also provide new footway links across the Ecology land, between the improved Public Right of Way and the leisure path being provided around the outside of the development site by the applicant.

Third party comments have been received with regard to shared surface streets being dangerous to many people, particularly those with sight loss, disabled, deaf or hearing impairment, the elderly and children; and that there is no clear statement as to how commuter parking would be discouraged whilst allowing visitor parking during the week. It is understood that none of the estate roads would be offered for adoption by ECC Highways, and therefore they would not fall under the jurisdiction of the local Highway Authority. With regards to the use of Shared Surface streets these are considered appropriate for use within lightly trafficked streets, where speeds are low. Where they are appropriately designed, shared surfaces in quiet residential roads are intended to create an environment which is more pedestrian friendly as drivers tend to drive more cautiously than would be the case with wider carriageways and dedicated footways. The whole development has been designed to have a 20mph speed limit and the shared surface design is intended to encourage drivers to drive even more cautiously. The main streets within the development will have traditional footways with a curb. Shared surfaces have been used on lower order streets, such as those within the Countryside Edge character area would give rise to the feel of a quiet village lane. Elsewhere within the site, such as on tertiary streets the shared surfaces tend to comprise cul-de-sacs which serve a low number of dwellings, and there is often an alternative pedestrian route serving them via the surrounding Public Open Space.

With regards parking controls as the Estate Roads will not be adopted as Public Highway it would not fall to the Council's Parking Partnership to impose and enforce parkin restrictions. The applicant has confirmed that it would be for the Management Company to engage a contractor to patrol the site and issue tickets accordingly, to those who do not display the appropriate permit. The applicant has confirmed that future residents would be able to obtain

visitor parking vouchers from the Management Company, so that their guests can display these. Ultimately this is a civil matter and not a determining factor for the processing of this planning application.

All in all, the site access arrangements, including the nature of how streets will be laid and constructed, have been the subject of dialogue between Officers and the applicant's highway consultant, both at the pre-application stage and during the determination process of the proposal.

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, and having regard to the fall-back position, it is considered that the Council would not be able to substantiate a reason for refusal on the basis of highway capacity or safety grounds.

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, it is noted that parking provision does not meet with Kelvedon's emerging Neighbourhood Plan where it highlights the need for one off-road parking space per bedroom. While the proposal would not comply with the Neighbourhood Plan in this regard, as highlighted above, given the stage of preparation the Neighbourhood Plan can only currently be given limited weight. Conversely, 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 the Council's adopted parking standards and is therefore considered to be acceptable.

Living Conditions

Paragraph 127 f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The Draft Local Plan Policies have similar objectives as those set out in the Local Plan Review.

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".

Concerns have been raised that existing properties would be overlooked and therefore the privacy of their occupants would be invaded by the proposal. However, the majority of the new dwellings would be in excess of 60m away from the rear of elevations of existing housing, far beyond those required by the Essex Design Guide.

5no dwellings are proposed to be located close to the junction onto Coggeshall Road, Plots 1-5. Whilst of a different design, the principle of the proposed houses on Plots 1 and 2, and their approximate layout has already been deemed to be acceptable, by virtue of the grant of application reference 19/00679/REM.

As with that earlier case, the dwelling on Plot 1 would be orientated such that its front elevation would face in a north easterly direction and its rear elevation, facing the north eastern flank elevation of the dwelling on plot two would be devoid of openings. Therefore, the Essex Design Guide guidelines do not apply to the former, however, it is noted that the westernmost first floor window on the principal elevation of the Plot 1 dwelling which would serve its bedroom No.4 overlooks the front garden area of No.26 Newtown, which is already highly visible and exposed within the public realm. The other two first floor windows on the principal elevation would serve a bathroom and en-suite bathroom, and would be obscurely glazed in any case. This proposed dwelling would also have 2no first floor windows serving bedroom No's 2 & 3 on its north-west elevation, which would overlook the rear half of the garden serving No.26 Newtown. Nonetheless, the immediate private rear sitting out area would be protected, with any views towards the neighbouring dwelling itself being oblique.

With regard to the proposed dwelling on Plot 2, this would be set further away from the rear garden boundary of No.26 Newtown, its first floor rear windows would also look towards the rear garden boundary of No.1 Observer Way. There exists well established hedging to the intervening boundary, with the latter dwelling being set well away from the wider Monks Farm application site, due to the depth of its rear garden.

The south east facing first floor windows to serve the proposed dwellings approved under 19/00679/REM would have looked towards the detached dwelling 'Cornerways', with the distance from the front elevation of Plot 2 to the side of the rear garden of Cornerways cited within the Officer report as 29m. As part of the current proposal before Members, a new intervening dwelling is proposed (Plot 5) and this would have no windows at all within its

south east facing elevation. Therefore it is considered that there would be no material overlooking of this existing neighbouring property either.

The units proposed on Plots 3 & 4 are both bungalows, no units were shown here as part of application reference 19/00679/REM, however its approved Proposed Site Layout Plan denoted the extent of the built development parameter as permitted at the outline stage. Therefore it is considered that the principle of 2no bungalows on land that abuts the rear garden boundaries of No.26 Newtown and No.1 Observer Way is acceptable, with no loss of privacy caused to the occupants of these existing properties by virtue of their single storey form. It is also considered that the privacy of the future occupants of the bungalows would be protected, by virtue of the orientation and subsequent oblique views from surrounding first floor windows and the degree of separation.

Taking the above into account, it is considered that the privacy currently enjoyed by the occupants of existing neighbouring dwellings would be protected, as would their outlook and the levels of daylight and sunlight that they enjoy and receive. Therefore, Officers consider that there are no reasonable grounds for refusal of the application in terms of the relationship between existing dwellings in the locality and the proposed development.

Within the main body of the site, the applicant has demonstrated that back distances between new dwellings would comply with the above Essex Design Guide standards; they have also provided details of garden sizes on their Garden and Separation Distance Review Plan, summarised on the submitted Plot Schedule which identifies 8no plots as having gardens below the Essex Design Guide standards. The shortfall only occurs on corner plots and relate to houses with three or more bedrooms.

However, the shortfalls are modest. Only two of the eight properties with undersized gardens fall below 90sq.m, with the greatest deficiency being 17.1sq.m. below the 100sq.m. standard for a four bedroom dwelling on Plot 6. This would be located immediately adjacent to the main Public Open Space and therefore its future occupants would have immediate access to recreate beyond the curtilage of their dwelling.

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 runs 24 hours a day.

It has been demonstrated that an acceptable noise environment can be achieved in external amenity areas and within the internal living accommodation, however the internal noise levels would only be acceptable with sound insulation and even then noise levels would only be acceptable

with the windows shut. Environmental Health does not raise an objection but in common with other schemes which are located close to major transport routes the reliance on closed windows to achieve internal noise levels is a concern, with no further assessment of living condition in the event of overheating conditions. In addition to conditions to ensure that the noise levels for external amenity areas and internal accommodation are as modelled and provide an acceptable acoustic environment, the applicant is required to produce an overheating assessment in accordance with Acoustics, Ventilation and Overheating Residential Design Guide January 2020 and a detailed strategy for ventilation/cooling before construction commences.

Contaminated Land

A Desktop assessment of the site, submitted with the Outline planning application recommended further intrusive investigation of the site, particularly given the proximity of the railway line and issues raised by a third party claiming that various large land excavations have been filled with building rubble, including demolished greenhouses. The applicant has undertaken the required site investigation and this has not revealed any land contamination of the type described. Officers have also spoken to the team carrying out the archaeological investigation at the site. They have also confirmed that they have not observed any buried contamination.

Site investigation has included monitoring of ground gas. Some further monitoring is required at the site and the results may necessitate the need for gas protection measures to be incorporated in the construction of the buildings. The Council's Environmental Health Officer is satisfied this can be covered through an appropriately worded condition.

Air Quality

The Air Quality Assessment report has been assessed by the Environmental Health Officer and no objection is raised. It is recommended that a construction management plan should be required by condition and that this should include details of dust control.

In conclusion on this issue, it is considered that the proposal would provide for acceptable living conditions for existing and future residents, and as such their amenities would not be harmed with the proposal in compliance with the aforementioned policies.

Heritage

The nearest listed building to the site is The Moorings, which to the north of the site, further along the Coggeshall Road. Given the distance and the fact that Newtown stands between the application site and listed building Officers are satisfied that the development would not adversely affect the historic significance of the building.

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.

The Council's Historic Buildings consultant has raised no concerns in this respect and consequently Officers consider that the proposal would preserve the setting of, as well as the character and appearance of the Conservation Area, therefore Officers are satisfied there would be no harm would be caused to the designated Heritage Asset.

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"*. Policy RLP106 of the Adopted Local Plan and Policy LPP63 of the Draft Local Plan 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.

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.

Previous archaeological evaluation has identified significant archaeological remains over parts of the site which require a programme of further archaeological investigation. A Written Scheme of Investigation for the mitigation strategy outlining the next phase of fieldwork has been submitted and approved prior to the determination of the application. Officers are aware that archaeological investigation works have commenced and were on-going during a recent site visit. A condition is recommended that no development

can take place in these areas prior to the agreed programme of archaeological investigation being completed.

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 development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse impacts.

Habitat Regulations Assessment (HRA / RAMS)

As highlighted within Natural England's and the ECC Ecological Consultants' consultation responses, a financial contribution of £125.58 per dwelling i.e. £29,888.04 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC) is required. This would be secured through the S106 Legal Agreement. This is in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), paid prior to the commencement of development; and a package of on-site measures, agreed with Natural England, to encourage residents not to travel to the protected coastal sites.

PLANNING OBLIGATIONS

Policy CS11 of the Adopted 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.

Draft Heads of Terms relating to a Section 106 Legal Agreement have been included within the applicant's submissions to confirm that this application would provide very similar planning obligations to those already agreed under the extant outline planning permission (application reference 17/00418/OUT).

The following identifies planning obligations that the District Council would seek to secure through a S106 agreement.

Affordable Housing

Policy CS2 of the Adopted 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 RLP3 of the Adopted Local Plan requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP7 and RLP8 of the Adopted Local Plan require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

As highlighted by the Council's Housing Enabling Officer, following several revisions this application seeks detailed approval for a scheme comprising 238 residential dwellings including 95 affordable homes. They are comfortable that this accords with guidance provided during the course of the application and meets the requirements of Policy CS2 of the Adopted Core Strategy, with them confirming that the affordable unit and tenure mixes, as illustrated in the table below, are considered appropriate to match evidence of housing need. A concern was raised in the representations that the Affordable Housing being offered did not include any 5-bed houses despite there being a need for large homes for large families. Officers are satisfied that the mix of housing below best meets local housing need, with reference to the existing Affordable Housing stock within the village; housing need identified from the housing register; the housing evidence base for the Local Plan and local knowledge.

Type	No	Affordable Rent	Shared Ownership
1 bed 2p flat	21	17	4
1 bed 2p FOG	1	1	0
2 bed 4p flat	31	26	5
2 bed 4p FOG	1	0	1
2 bed 4p bungalow - wheelchair accessible	2	2	0
2 bed 4p house	19	10	9
3 bed 5p house	9	4	5
3 bed 6p house	9	5	4
4 bed 7p house	2	2	0
	95	67	28

All dwellings to meet or exceed the Nationally Described Space Standards.

Housing Research and Development are supportive of this application because it provides opportunity for a significant number of new affordable homes to be delivered which will assist the Council in addressing housing need.

Community Building

Policy CS11 of the Adopted 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 multi-function community facilities, such as Community Halls. Officers have previously discussed the village's requirements with the Parish Council and 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. The Parish Council have confirmed that this is a project that they still want to pursue. To provide some additional flexibility for the Parish Council it is recommended that the agreement also allow for improvements to the existing building, if subsequently this is found to be a more viable option. Based on schemes of a comparable scale, in the District, the contribution sought is £118,490.

Education

The Education Authority, Essex County Council, have assessed the expected number of additional places that would be required to meet the increased demand arising from the development. Based on the number of qualifying units (1-bed flats are exempt) the development would be expected to generate the need for up to 15.3 early years and childcare (EY&C) places; 51.1 primary school; and 34.1 secondary school places.

According to Essex County Council Childcare Sufficiency Data there would be insufficient capacity within existing providers of early years and childcare in the area to meet the demand for places generated by the development. 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 additional provisions will be needed and a project to expand provision would be required. A financial contribution of £267,341 (index linked to April 2019) is requested for this purpose.

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. The Education Authority have confirmed that there remains sufficient capacity in the area to accommodate pupils from a development of the size.

Having reviewed the proximity of the site to the nearest primary and secondary schools, the Education Authority sought a secondary school transport contribution to enable safe access to the Honywood Community Science School in Coggeshall. The contribution required for school transport is £171,693.50 index linked to April 2019. (34.1 x £5.30 x 190 days x 5 years).

Healthcare

In their consultation response in 2019 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 at that time were the Kelvedon and Feering Health Centre and the Brimpton House Surgery.

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.

Since 2019 the two practices have merged with patients from the Brimpton House practice being transferred to become patients registered at Kelvedon & Feering Health Centre.

Due to the current pandemic Officers have been unable to obtain an updated written consultation response from the Estates Team but Officers have confirmed that the NHS position remains that a financial contribution will be required to mitigate the impact of the development on primary healthcare provision. It is acknowledged that the number of dwellings has been reduced to 238 dwellings so the consultation level originally requested (£94,622) has been recalculated on a pro-rata basis to £90,080 (index linked).

The CCG are actively working to identify options to improve primary healthcare within the village, which includes the possible provision of a new health centre but to ensure that the CCG are able to spend the money in the best way to improve patient capacity the legal agreement should specify that the monies can be spent either on a new health centre, or other projects to increase capacity at the existing Health Centre through the reconfiguration, refurbishment or extension of the existing Health Centre.

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 obligations will be used to secure the required mitigation and improvement works, including a financial contribution of £238,000 towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction. The contribution agreed as part of the Outline permission was £250,000 but the Highway Authority has revised this figure in line with the reduction in the number of dwellings.

Financial contributions totalling £46,500 for the Highway Authority to widen and surface to a minimum of 2 metres PRow 92_12 which runs through the

southern end of the application site to connect the PRowS to the east and west of the site, and provide links from the PRow to the development; and Off-site works to surface the existing PRow 92_12 to a width of 1 metre connecting the application site to Kings Meadow Court in the east and a width of 1.5 metres to the footbridge over the railway line to the west (these being the widths of the Public Right of Way based on the Highway Authority's records).

Other Heads of Terms that are highways and transport related include the developer entering into a Highway Works agreement to provide:

- Bus stop improvements at two locations for buses serving the site;
- Improvements to the footway along the southern side of Coggeshall Road and Station Road between Observer Way and the High Street; and
- The provision of a new pedestrian footbridge on PRow 92_21 over the ditch on the north western site boundary.

Finally the applicant will be required to pay a monitoring fee to ECC to allow for monitoring of the Residential Travel Plan that the applicant will be required by condition to produce and implement.

Public Open Space

Policy CS10 of the Adopted 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.

An Equipped Children's Play Area is to be provided on-site, with the value of the equipped play area capped at £60,000

The S106 also include the following:

- Outdoor Sports, a financial contribution of £221,505.79 (index linked) to be spent at Kelvedon Recreation Ground, paid prior to the first occupation of 24 dwellings;
- Public Open Space (on-site) to be provided with a minimum area of 1.9535ha for informal Open Space and equipped play; a further 0.6572 ha of land 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. Areas of Public Open Space; and amenity spaces, along with internal estate roads and pathways

(unless adopted as Public Highways) to be managed by a Management Company. The Ecology Land to be managed by the landowner.

The quantum of Public Open Space is slightly lower than the 2.203ha of Public Open Space that was secured as part of the Outline Planning permission. The Public Open Space provision offered as part of the Outline permission was acknowledged to be in excess of that required to meet the Open Spaces standards set out in Policy CS10 of the Adopted Core Strategy, and despite the reduction in the amount of Open Space to be provided the provision remains in excess of the Council's standards and is considered by Officers to be appropriate and in keeping with the spirit of the proposals that originally secured the Outline planning permission.

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 as follows:

- Equipped Play – Financial contribution of £88,771.55 (index linked) paid prior to occupation of 95 dwellings to fund the expansion, modification or improvement of the Multi Use Games Area at Kelvedon Recreation Ground, The Chase, Kelvedon. This approach reflects the Outline planning permission when it was adopted to reflect the Parish Council's suggestion to improve facilities for older children at the Recreation Ground;
- Financial contribution of £221,505.79 (index linked) to be spent at Kelvedon Recreation Ground; and
- Allotments - Financial contribution of £7,082.82 (index linked) to fund improvements at Stoney Flint allotment site, Church Hill, paid prior to occupation of 95 dwellings.

PLANNING BALANCE AND CONCLUSION

This is an application for full planning permission for the erection 238 new dwellings (including both houses and apartments) with associated gardens and parking provision, dedicated improved access from Coggeshall Road, new public open space, a Sustainable Urban Drainage System and associated development.

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting

permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) 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.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Council cannot demonstrate a 5 Year Housing Land Supply so the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date, however this does not mean that Development Plan policies should be completely disregarded; it is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

The application site lies outside the Kelvedon Village Envelope as designated in the Adopted Local Plan 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, nonetheless, the site has the benefit of an outline planning permission for 250 dwellings, under planning application reference 17/00418/OUT; and is also identified as Site 335 in the Draft Local Plan. Therefore it is considered that the principle of development of this site has already been deemed

acceptable, and which must be given significant weight in the determination of this application.

The scheme has gone through various iterations since it was originally submitted in June 2019, following three rounds of public consultation and extensive liaison between the applicant and Officers. The quantum of development has been reduced down from 250 to 238 units, in order to achieve a better balance between the efficient use of land, whilst protecting the character and appearance of the area, and the living conditions of existing and future residents.

Clearly in times where there is significant pressure to increase the delivery of developable housing land, the granting of planning permission for 238 homes would make a not insignificant contribution to meeting the Council's Objectively Assessed Needs. This, along with the provision of 95 much needed affordable housing units, of an appropriate dwelling type mix to meet social needs, also weighs heavily 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 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.

As with the previous outline planning application, 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, if these are deemed necessary by the Highway Authority. By improving the operation of the junction the impact of traffic generated by this development can be effectively mitigated if the scheduled A12 improvement scheme does not reduce traffic flows through the village. The concerns of residents about existing queues at the junction are noted but the Highway Authority consider that traffic conditions and queues will improve following completion of the A12 works. It has also been agreed that the applicant would carry out a package of works to improve the footway along Coggeshall Road / Station Road, which would provide an improved walking environment for both future residents of this development and existing residents who currently use the 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 measures before it is discharged and this system will be maintained by a Management Company that will be funded by residents of the development.

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.

It is acknowledged that a number of objections have been made to the layout and appearance of the development, including an objection from the Parish Council. Officers have worked hard to improve the quality of the development and believe that this can clearly be evidenced with reference to the current proposals and the original submission. Officers have continued to press the applicant to improve the quality with further minor changes to the elevational treatment of the apartments and building detailing; the roof form of one house type; minor modifications to the streetscenes; and revisions to the landscaping scheme. Whilst the Parish Council do not agree that the design and appearance is acceptable, as set out within their most recent consultation response, Officers consider that the proposals are acceptable.

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 paragraph 11 d) 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 Natural England confirming that they have no objection to the Council's Habitat Regulations Assessment and proposed mitigation measures and 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** - 95 dwellings on-site to be Affordable Housing, with 67 dwellings provided for affordable rent and 28 dwellings provided through shared ownership; to include the provision of 2 x 2

bed 4 person wheelchair bungalows (wheelchair user dwellings, compliant with Part M(4) Cat 3(b) of Building Regulations); and all Affordable dwellings to meet or exceed the Nationally Described Space Standards and any ground floor accessed Dwellings complying with Building Regulations 2015 Part M(4) Category 2;

- **Allotments** - Financial contribution of £7,082.82 (index linked) to fund improvements at Stoney Flint allotment site, Church Hill, Kelvedon;
- **Community Facility** - Financial contribution of £118,490 to be used for improvements at the Pavilion building, or towards the erection of a new building at Kelvedon Recreation Ground;
- **Education** - Financial contributions for Early Years and Childcare provision in the locality of £267,341; and financial contribution of £171,693.50 towards the cost of secondary school transport for future residents (both contributions to be index linked to April 2019).
- **Equipped Play:**
 - Children's play equipment to be provided on-site, with a value of up to £60,000; and
 - Financial contribution of £88,771.55 (index linked) to fund the expansion, modification or improvement of the Multi Use Games Area at Kelvedon Recreation Ground, The Chase, Kelvedon;
- **Health** - Financial contribution of £90,080 (index linked) towards the provision of capacity improvements at the Kelvedon & Feering Health Centre, or new Primary Health care facilities to serve patients from the village of Kelvedon;
- **Highways & Transport:**
Financial Contributions:
 - £238,000 (index lined) towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction;
 - Contributions totalling £46,500 for the Highway Authority to widen and surface to a minimum of 2 metres PRow 92_12 to connect the PRow to the east and west of the site, and provide links from the PRow to the development; and Off-site works to surface the existing PRow 92_12 to a width of 1 metre connecting the application site to Kings Meadow Court in the east and a width of 1.5 metres to the footbridge over the railway line to the west;

Highway Works:

- Bus stop improvements at two locations for buses serving the site;
- Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street;
- The provision of a new pedestrian footbridge on PRow 92_21

over the ditch on the north western site boundary.

Monitoring Fee:

- Payable to ECC to allow for the monitoring of the Residential Travel Plan imposed by condition.
- **Outdoor Sports** - Financial contribution of £221,505.79 (index linked) to be spent at Kelvedon Recreation Ground;
- **Public Open Space** - (on-site) a minimum area of 1.9535ha for informal Open Space and equipped play area; a further 0.6572 ha of land to be managed for Ecological purposes. Areas of Public Open Space; equipped play and amenity spaces, along with internal estate roads and pathways (unless adopted as Public Highway) to be managed by a Management Company. The Ecology Land to be managed by the landowner;
- **HRA/RAMS** - £29,888.04 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC).

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

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

- 3 No development or preliminary groundworks shall commence on those areas identified within the submitted Written Scheme of Investigation (dated August 2020) as containing archaeological deposits, until the full completion of fieldwork, as detailed in the mitigation strategy as set out therein.

The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork. This shall 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 is 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 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - Safe access to/from the site including the routeing of construction traffic;
 - The storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing and underbody washing facilities;
 - Measures to control the emission of dust, dirt and mud during construction;
 - A scheme to control noise and vibration during the construction phase, including details of any piling operations;
 - Delivery, demolition and construction working hours.
 - Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

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

- 5 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence until:
- the completion of the Ground Gas monitoring, in accordance with the recommendations as set out within the Phase II Site Appraisal produced by GRM dated August 2018 (Ref. GRM/P7197/F.1 Rev B) submitted with the application shall be carried out, to assess the nature and extent of any Ground Gas issues on the site; and
 - A copy of the survey findings together with a remediation scheme, if required, to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and approved in writing by the Local Planning Authority.

Such agreed measures shall be implemented and the development shall be carried out in accordance with the approved scheme.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme approved in writing by 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 approved in writing by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

Reason

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

- 6 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until details of the means of protecting all of the existing trees, shrubs and hedges identified to be retained on Plan L1082-2.1-2005 Rev P2 have been submitted to and approved in writing by the local planning authority. 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.

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

trees, shrubs or hedges.

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 7 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).

- 8 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until a Construction Environmental Management Plan (CEMP), following the details contained within the Ecological Assessment (Ethos Environmental Planning, June 2019, July 2020) has been submitted to and approved in writing by the local planning authority, The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs; and

i) Containment, control and removal of any Invasive non-native species present on site, including Japanese Knotweed.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), the s40 of the NERC Act 2006 (Priority habitats & species), the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 9 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- o Limiting discharge rates to no more than 11l/s for the 1 in 1 year storm event, 29.4l/s for the 1 in 30 storm event, and 40.8l/s for the 1 in 100 plus 40% climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated;
- o Details of the existing ordinary watercourse along the North-Eastern boundary being restored as part of delivering the drainage strategy for the site as previously agreed during the pre-application consultation with the Lead Local Flood Authority (LLFA);
- o The consideration of the use of waterbutts for rainwater reuse;
- o Final modelling and calculations for all areas of the drainage system;
- o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- o Detailed engineering drawings of each component of the drainage scheme;
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features; and
- o A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before

commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 10 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development 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 prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site.

- 11 No development shall commence until written confirmation from an Approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 50, 51, 52, 53, 74, 75, 76, 106, 107, 108, 112, 113, 114, 115, 116, 117, 118, 119, 120, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the approved layout plan, have been designed to comply with Building Regulations 2015 Part M(4) Category 2; and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b).

Reason

To ensure that all relevant affordable housing plots comply with the required standards at the design stage.

- 12 All external amenity areas shall achieve a noise level of less than 55 dB LAeq,16hr; and 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 45dB(A) arising from passing trains shall not be exceeded within bedrooms between the hours of 2300 to 0700 hours.

No above ground development shall commence unless a scheme detailing the mitigation measures to achieve the above noise limits has been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

Reason

To ensure an adequate living environment for the future occupiers of the proposed development.

- 13 No above ground development shall commence unless an overheating assessment in accordance with Acoustics, Ventilation and Overheating Residential Design Guide January 2020 and a detailed strategy for ventilation/cooling has been submitted to and approved in writing by the local planning authority.

Reason

To ensure an adequate living environment for the future occupiers of the proposed development.

- 14 Prior to the first occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority of an installation of public art to be displayed on the public open space within the development hereby approved. These details shall include, but not be limited to the design ethos, appearance, size and materials. The details as agreed shall be those implemented on site within one month of the occupation of the first dwelling and thereafter retained and maintained in the approved form.

Reason

The provision of public art within the site is considered an important component of creating a high quality environment that has a sense of place and character.

- 15 No above ground development shall commence until samples of the materials to be used on the external finishes of the development hereby permitted, including the internal walls within car ports, 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.

- 16 Prior to the first occupation of the development details of electric vehicle charging points for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved details

prior to the occupation of each dwelling to which they relate.

Reason

In the interests of facilitating sustainable transport for future residents.

- 17 The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

Reason

To ensure roads/footways are constructed to an acceptable standard and in the interests of highway safety.

- 18 Prior to occupation of each of the following Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 50, 51, 52, 53, 74, 75, 76, 106, 107, 108, 112, 113, 114, 115, 116, 117, 118, 119, 120, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service, to certify that each respective plot (as indicated above) have been constructed in accordance with Building Regulations 2015 Part M4 Category 2, and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b), shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that all relevant affordable housing plots comply with the required standards when they are constructed.

- 19 No dwelling hereby permitted shall be occupied until, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and its maintenance activities/frequencies, has been submitted to and approved, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The maintenance plan should also provide details of the maintenance for the existing ordinary watercourse along the North-Eastern boundary.

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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 20 Prior to first occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the agreed details.

Reason

In the interests of sustainable development.

- 21 No occupation of the development shall take place until the details and content of a residential travel information pack have been submitted to and been agreed in writing by the local planning authority, and the pack becomes available for future occupiers of each dwelling. The pack shall be designed to include measures to promote and raise awareness of local opportunities for sustainable transport.

Reason

In the interests of sustainable travel.

- 22 The enclosures as indicated on the approved Means of Enclosure plan shall be erected for each dwelling prior to the occupation of each dwelling hereby approved and shall be permanently retained as such.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 23 Prior to first occupation of the development details of the location and design of refuse and recycling collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Reason

To ensure that the development provides suitable bin collection areas, in the interests of amenity.

- 24 Prior to first occupation of each apartment block the bin storage area indicated on the approved plans is provided. The area shall be retained and available for use as approved at all times.

Reason

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

- 25 Prior to the first occupation of the development the details of the number, location and design of a covered parking facility for powered two wheelers and bicycles shall be submitted to and approved in writing by the local planning authority. The approved storage facility shall be provided prior to the occupation of each dwelling that it serves and retained at all times.

Reason

To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 26 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, and details of tree pits and root deflectors that are to be used in connection with the proposed tree planting.

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

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

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 27 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ethos Environmental Planning, June 2019, July 2020) and the Biodiversity Net Gain Assessment (Ethos Environmental Planning, November 2020), the Biodiversity Enhancement & Management Plan (Ethos Environmental Planning, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This should include the appointment of an appropriately competent person e.g. an ecological clerk

of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 28 The applicant or any successor in title must maintain yearly logs of maintenance of the Sustainable Urban Drainage Systems, which should be carried out in accordance with the 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.

- 29 All single garages should have a minimum internal measurement of 7m x 3m.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 30 The garage hereby permitted on Plots 1, 5, 7, 8, 11, 12, 14, 15, 55, 66-67, 72, 77, 95, 144 & 145 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 31 The car ports hereby permitted on Plots 19, 20, 23, 24, 26, 27, 30, 36, 38-49, 51, 52, 54, 56-57, 62-65, 76, 81-83, 86-87, 90, 93, 94, 96-99, 103-104, 109-111, 113-114, 126, 128-130, 133-137, 141-143, 146-149 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 32 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or alteration of the dwelling-house on Plot 3 and 4, as permitted by Class A, AA, B, C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 33 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house on Plots 1 and 2, as permitted by Class A, B, C & E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 34 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed in on Plot 5 hereby permitted without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers.

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

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

- 36 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

- 37 No meter cupboards on the principal external elevations of the dwellings hereby approved shall be installed unless and until details of the location, design and materials have been submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity.

- 38 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

To ensure that the development does not prejudice the appearance of the locality and in the interests of visual amenity by removing the need for multiple aerials that would detract from the appearance of the building.

- 39 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.

- 40 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.

- 41 Where a refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

Reason

In the interests of highway safety and the safe and organised collection of

refuse and recyclable materials from households.

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 £34 for householder applications and £116 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 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)
- 4 Prior to the commencement of the development hereby permitted arrangements shall have been agreed in writing with the local planning authority for safeguarding, diverting or extinguishing any public rights of way across the site including the provision and maintenance of temporary fencing and signposting where appropriate.
- 5 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.

- 6 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.
- 7 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.
- 8 Your attention is drawn to Conditions 33, 34, 35 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

**Planning Committee Member Update - Application No.
19 01025 FUL - Land West of Kelvedon Station, Station
Road, KELVEDON**

Agenda No:
5a

Summary:

Officers want to update Members on some changes since the publication of the Committee Agenda. The changes are:

- Updates and corrections to recommended planning conditions;
- Minor revisions to the elevational treatment of the Apartment Blocks and the Bin and Cycle Stores and tenure change;
- Minor modifications to Apartment Block E;
- Minor modifications to the roof form for housetype HT AH 3B6P and Updated streetscene;

The list of plans recommended for approval is also provided.

Officer Contact:	Neil Jones
Ext. No:	01376 552525 ext.2523
E-mail:	neil.jones@braintree.gov.uk

- Updates and corrections to recommended planning conditions;

Condition no. 3 – Archaeology

The applicant's archaeologist has completed the agreed fieldwork, so the only works remaining are the post excavation assessment (to be submitted within 6 months of the completion of the fieldwork). This work is currently underway and the Council's Historic Environment Consultant has confirmed that the condition can be updated to reflect the outstanding archaeological work.

3. 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.

Condition no. 5 – Land Contamination/Gas Monitoring

This condition was imposed as the Land Contamination Report stated that a programme of ground gas monitoring needed to be completed to ascertain whether any special construction methods would be required. The gas monitoring has now been completed and this has confirmed that no issues have been identified. The condition can therefore be varied to ensure remediation of the fly tipped asbestos.

5. Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence 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 and approved in writing by the Local Planning Authority. 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.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme approved in writing by 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 approved in writing by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development'.

Condition nos. 11 & 18 – Affordable Housing Building Regs Requirements

It has been identified that the parking spaces for some of the Affordable Housing will not be fully compliant with Building Regulations Part M4(2). The bay sizes comply with the Essex Parking Standards and have a width of 2.9m but the regulations

would require a bay width of 3.3m. This occurs on plots: 50, 53, 74, 75, 115-120. Given that the applicant has been aware of the Council's requirements for Affordable Housing since the outset it is highly regrettable that this has come to light at this stage.

It is not possible to increase the width of the bays without compromising the public realm through the loss of landscaping, or accepting other bays are reduced in width to compensate. Neither option is desirable so Officers recommend that the condition is amended to acknowledge the fact that the parking arrangements for these specific plots will not comply.

11. Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence until written confirmation from an Approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 51, 52, 76, 106, 107, 108, 112, 113, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the approved layout plan, have been designed to comply with Building Regulations 2015 Part M(4) Category 2; and Plots 50, 53, 74, 75, 115, 116, 117, 118, 119, 120 have been designed to comply with Building Regulations 2015 Part M4 Category 2, with the exception of Paragraph 2.12 of the Regulations; and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b).

18. Prior to occupation of each of the following Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 51, 52, 76, 106, 107, 108, 112, 113, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service, to certify that each respective plot (as indicated above) have been constructed in accordance with Building Regulations 2015 Part M4 Category 2; and Plots 50, 53, 74, 75, 115, 116, 117, 118, 119, 120 have been designed to comply with Building Regulations 2015 Part M4 Category 2, with the exception of Paragraph 2.12 of the Regulations; and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b), shall be submitted to and approved in writing by the Local Planning Authority.

Condition no. 16 – Electric Vehicle Charging Points

The applicant has confirmed that they are proposing Electric Vehicle charging points subject to capacity they do not want to be beholden to this through a condition.

As Members will be aware the Council currently has no adopted policy requiring this provision but the Council want so far as is currently practicable to future proof developments by including things like appropriate ducting to make it easier to add charging points, if required, in the future. To make it clear that the Council do not require that all dwellings are provided with charging points it is recommended that the condition is amended to make it clear that an Electric Vehicle Charging Strategy is required, with the expectation that this will cover both the installation of charging

facilities to some dwellings and appropriate construction methods to make it easier to add further charging points in the future.

16. Prior to the first occupation of the development details of an electric vehicle charging strategy for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The strategy will contain details of electric vehicle charging points that will be installed as part of the development and measures that will be incorporated in to the development for additional electric vehicle charging points to be installed in the future. Where the strategy states electric vehicle charging points will be installed as part of the construction of the development these shall be installed in accordance with the approved details prior to the occupation of each dwelling to which they relate.

Condition no. 22 – Means of Enclosure

As Members will have seen a number of objections have been made to the proposed hit and miss wall along the development boundary with the ecology land. Officers have also requested additional information concern some of the boundary treatments to some of the residential properties. These matters can be covered by condition and it is therefore recommended that the condition is amended.

22. No above ground development shall commence until details of all gates / fences / walls 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 screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of each dwelling to which they relate and shall be permanently maintained as such.

Additional Condition

Construction of any building above ground level shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges headers and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

- Minor revisions to the elevational treatment of the Apartment Blocks and the Bin and Cycle Stores and tenure change;

The apartment buildings has been subject to extensive discussions between Officers and the applicant and these discussions continued after the submission of the revised plans in November. Some minor changes were agreed to the fenestration of the apartment blocks and additional detailing added to the Cycle and Refuse Stores. As these changes were minor in nature Officers agreed that these revisions did not need to be subject to a further period of public consultation. The plans were revised but an additional issue was identified which involved fire safety which led to further revisions being required. This additional work has meant that the revised apartment plans have been submitted later than originally anticipated but these revised plans are recommended for approval as they further improve the appearance of the apartment blocks with additional fenestration improving the solid to void ratio.

Two of the apartment blocks were proposed to contain a mix tenure – containing both affordable rent and shared ownership. The Council's Housing Enabling Officer has agreed that this would potentially cause issues with the ability to raise mortgages on the shared ownership units, as well as management and maintenance issues. The flats in question are of the same size and provide the same number of bed spaces. The only changes therefore are to the tenure, in order that blocks are single tenure.

Changing Unit 182 Block J to affordable rent with Unit 201 Block M becoming shared ownership; and

Changing Unit 183 Block J to affordable rent with Unit 212 Block P becoming shared ownership.

- Minor modifications to Apartment Block E;

A minor change has also been to the arrangement of Block E. The Council's Urban Design consultant was concerned that the footprint of the block was too close to the road and that the resulting streetscene would be out of character with the rest of the development and would diminish the quality of amenity afforded the occupants of the ground floor flat. By rearranging the parking arrangements and reorienting the flat through 90 degrees a better layout and arrangement of accommodation has been provided.

- Minor modifications to housetypes and Updated Streetscenes;

The Council's Urban Design consultant identified a minor amendments to the streetscenes which involved the substitution of plots to improve the character and remove a couple of instances where housetypes looked awkward alongside each other. The resulting updated revised streetscenes are considered an improvement and provide a greater consistency of character.

List of Approved Plans

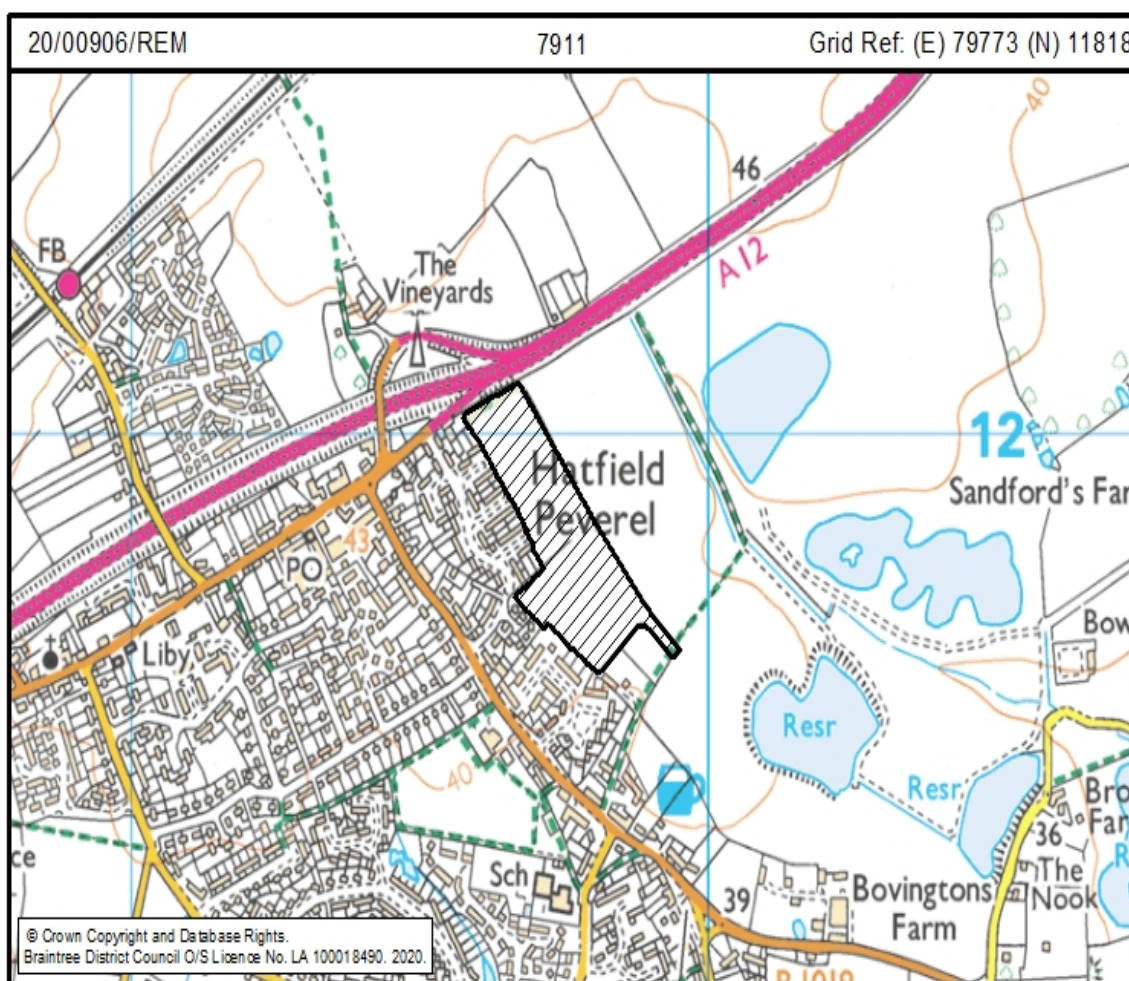
As there have been a number of revisions to the plans Officers seek delegated authority to finalise and cross check the details of the Approved Plans and documents that will be listed in the Decision Notice

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/00906/REM DATE: 06.07.20
VALID:
APPLICANT: Barratt David Wilson Homes (Eastern Counties)
C/O Agent
AGENT: Chris Webber
7 Springfields, Lyons Approach, Chelmsford, CM2 5EY
DESCRIPTION: Application for approval of reserved matters (layout, appearance, scale and landscaping) of outline planning consent 16/02156/OUT - Erection of 100 dwellings.
LOCATION: Land North East Of, Gleneagles Way, Hatfield Peverel, Ex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBNZ2QBFMOD00>

SITE HISTORY

17/00045/REF	Application for outline planning permission with all matters reserved except for access for the erection of up to 120 dwellings, public open space, landscaping, new vehicular and pedestrian access, highway work, and drainage infrastructure works		08.07.19
15/00011/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential development of approximately 140 dwellings	Screening/ Scoping Opinion Adopted	28.08.15
15/01361/OUT	Erection of up to 145 dwellings public open space landscaping new vehicular and pedestrian accesses highway works foul and surface water drainage infrastructure and all ancillary works	Refused	26.04.16
16/02156/OUT	Application for outline planning permission with all matters reserved except for access for the erection of up to 120 dwellings, public open space, landscaping, new vehicular and pedestrian access, highway work, and drainage infrastructure works		28.07.17
19/01710/DAC	Application for approval of details reserved by condition 16 of approved application 16/02156/OUT	Part Grant, Part Refused	21.11.19
20/00945/DAC	Application for approval of details reserved by	Pending Considerati	

20/01058/DAC	condition 27 of approved application 16/02156/OUT Application for approval of details reserved by condition 12, 17, 18, 19, 20 and 22 of approved application 16/02156/OUT	on Pending Consideration
20/01059/DAC	Application for approval of details reserved by condition 8, 9 and 14 of approved application 16/02156/OUT	Application Returned
20/01060/DAC	Application for approval of details reserved by condition 10, 23, 24 and 25 of approved application 16/02156/OUT	Pending Consideration

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

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
RLP63	Air Quality
RLP65	External Lighting
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
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
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
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SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & 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 of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces 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

Hatfield Peverel Neighbourhood Plan 2015 – 2033

ECN2	Working from Home
ECN3	Broadband & Mobile Connectivity
ECN5	Public Realm
HPE1	Natural Environment and Biodiversity
HPE4	Sport & Recreation Provision
HPE5	Protection of Landscape Setting
FI1	Transport and access
FI2	Parking
HO1	Design of New Housing Developments
HO3	Minimum Garden Sizes
HO4	Creating Safe Communities

Supplementary Planning Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest given the sites planning history and the representations that have been received in connection with this application site, notwithstanding the previous grant of outline planning permission.

BACKGROUND

As set out within the Planning History above the site has been subject to a number of previous planning applications which are of relevance to the consideration of this application.

In 2016 the Council refused a previous application for outline planning permission for the development of up to 145 dwellings on the site.

Following discussions with Officers a second outline planning application was submitted in December 2016 for development of up to 120 dwellings. Officers recommended approval of the application and the Council's Planning Committee passed a resolution to grant planning permission in April 2017, subject to the completion of a Section 106 Agreement. In May 2017 the Secretary of State (SoS) issued a holding direction preventing the District Council from determining the application pending the outcome of a review of a request from a third party that the application be called-in for determination by the SoS. In July 2017 it was confirmed that the application was being called in for determination by the SoS.

A joint public inquiry was subsequently held for two weeks during December 2017, with the applications by Gladman Developments at Stonepath Drive considered at the same inquiry after an application and an appeal in connection with this site was also called in for determination by the SoS.

On 19th July 2019 the SoS issued their decision and granted Outline Planning Permission subject to the completed Section 106 Agreement and planning conditions.

Having finally received Outline planning permission the applicant was keen to bring forward the delivery of the site, however progress was delayed whilst Highways England developed their plans for the A12 road improvements. The application site is located close to the current off-slip from the south bound carriageway and the applicant has had to work with Highways England to understand the extent to which the A12 road improvements could impact upon the development. As will be discussed within the body of this report the applicant has agreed that the developable area will be reduced with a slice of land at the northern end of the site safeguarded for possible future road improvements.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site situated on the north eastern side of Hatfield Peverel. This application seeks approval of the Reserved Matters for a smaller parcel of land (4.9ha) than was covered by the Outline planning permission (5.2ha), due to the need to safeguard land for future road improvements.

Prior to planning permission being granted for residential development, the majority of the site had been used as arable farmland, with associated field margins. The site is generally flat and level, rising up towards the north from around 40 metres AOD at the south eastern corner to around 44 metres AOD at the north western corner: a gradient of approximately 1 in 100.

The site is greenfield but is located adjacent to the existing built-up area of the village. It is bounded to the west by existing residential development at Gleneagles Way, Wentworth Close, Birkdale Rise, Ferndown Way, Woodham Drive and Vicarage Crescent. Gates at the ends of Ferndown Way and Birkdale Rise currently provide access to the field. A single private dwelling (Small Acres) lies immediately to the south. To the north is The Street (B1137) and the off-slip from the south bound A12 carriageway. To the north east of the site is agricultural land and, beyond that, a fishing lake introduced following mineral extraction.

The site does not contain nor does it form part of any designated heritage asset or setting of any designated heritage asset. It is situated within Flood Zone 1 on the Environment Agency flood risk maps, meaning it has the lowest probability of flooding.

PROPOSAL

This application seeks approval for the Reserved Matters for a development of 100 dwellings. When Outline planning permission was granted the access arrangements were approved, with vehicular access formed from Birkdale Rise, so the Reserved Matters which require approval are details relating to appearance, landscaping, layout, and scale.

The Outline planning permission allowed for the erection of up to 120 dwellings but the Reserved Matters application only proposes the creation of 100 dwellings, with a mix of one, two, three and four bedroom houses, bungalows and maisonettes, plus associated parking, roads and landscaping, together with public open space and links to Ferndown Way and The Street, in addition to the sole vehicular access from Birkdale Rise.

The applicant proposes that the sixty properties for market sale will consist of 4 x 2-bed houses; 15 x 3-bed houses; 41 x 4-bed houses.

In addition, 40 Affordable Homes are proposed. 25 homes would be provided on an Affordable Rent basis – 2 x 1-bed maisonettes; 18 x 2-bed houses; 1 x 2-bed bungalow; 1 x 3-bed bungalow; and 3 x 3-bed houses. 15 homes would

be provided on a Shared Ownership basis, with 6 x 1-bed maisonettes; 7 x 2-bed houses; and 2 x 3-bed houses.

SUMMARY OF CONSULTATION RESPONSES

Essex Police (Designing out Crime Officer)

Comments - Street lighting is only proposed in the adoptable part of the development. Well-designed lighting will deter crime and lower the fear of crime.

A number of plots have inappropriate boundary treatment with just chain link fences, which provide no security.

Essex Police would welcome the opportunity to assist the developer to achieve a Secured by Design award and are pleased that the revised Design and Access Statement indicates there is a desire to achieve a Secured by Design Gold Award.

Highway Authority

No objection - Having reviewed the submitted revised information, provided the parking spaces are located either immediately at the back of carriageway or footway or with a maximum gap of 1 metre at plot 31-33, 38, 45 and 87-91, then the Highway Authority consider the proposed layout is acceptable in principle.

Highways England

No objection - This proposal is unlikely to have a severe impact upon the Strategic Road Network.

Lead Local Flood Authority (ECC SuDS)

No objection - Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission provided that the surface drainage conditions put on application reference 16/02156/OUT still apply.

Natural England

No additional comment - Comments were submitted on the previous [outline] application in September 2018. The advice provided in our previous response applies equally to this proposal although we made no objection to the original proposal.

BDC Ecology

No objection subject to conditions - Approve of the proposed details and locations of reasonable biodiversity enhancement measures, which will

provide breeding and resting places for a range of protected and Priority species.

No objection to the proposed bat sensitive lighting scheme; the proposed soft landscaping scheme and the closure of the badger sett subject to a condition requiring submission and approval of a licence from Natural England.

BDC Environmental Health

No objection.

Noise – Environmental Health has no adverse comments. The report has taken into account the design of the barriers to include acoustic barriers to the north and north east of the site. The sound insulation measures to achieve internal noise levels to new properties are also accepted as being acceptable.

Pumping Station – No objection to the proposed pumping station which will be designed and constructed to the relevant adoptable standards.

Comments also provided regarding separate discharge of condition applications. The Air Quality assessment demonstrates that residents will not be exposed to unacceptable air quality. The Construction Environmental Management Plan is generally considered to be acceptable but given the proximity of dwellings to the site appropriate measures to protect against noise and dust pollution during site clearance and construction works are required.

Historic Buildings Consultant

No objection - Agree with original comments provided for Outline application - *'I therefore believe that there will no impact on the nearby heritage assets caused by the development, and there is therefore no objection raised from a heritage perspective'.*

BDC Housing Enabling Officer

No objection - The scheme includes 40 affordable homes which meets the requirements of Affordable Housing Policy CS2 and the affordable unit and tenure mix set out in the submitted Affordable Housing Mix and Tenure Plan is considered appropriate to match evidence of housing need. Supportive of this application because it provides opportunity for a significant number of new affordable homes to be delivered which will compliment local existing social housing stock and assist the Council in addressing housing need.

BDC Waste

No objection - The shared private driveways need to be built to a standard equivalent to adopted highway, to ensure they can support the weight of our refuse and recycling collection vehicles (26 tonnes). BDC will need written indemnity to ensure they are not liable for any damages caused to these private driveways as a result of them carrying out waste collections. These

driveways must also be maintained to a standard equivalent to adopted highway.

PARISH / TOWN COUNCIL

Hatfield Peverel Parish Council

Comments (neither support or objection stated)

1st Response (August 2020)

The application and the Planning Statement contains numerous inaccuracies, such as distances to key village facilities. It also does not adequately consider the adopted Hatfield Peverel Neighbourhood Plan. Specific issues include:

- Green infrastructure proposed is not in keeping with the character of neighbouring properties, where properties have much deeper front gardens.
- An update is required on the status of the 'zebra crossing on Maldon Road' as referred to in the Design and Access Statement, to ensure safe walking routes are provided for residents.
- Envirofence – concerned that the fence is austere and will harshen the appearance of the village as one travels southbound into Hatfield Peverel from the A12 - appropriate landscaping will be required.
- Pedestrian/cycle link path – concerned at practicality of a gate within the acoustic fence to allow pedestrians and cyclists access.
- Play space and badger setts – concerned that these are too close together and that children playing will disturb the badgers and upset their foraging and breeding. There should be a monitoring programme to track the badger's well-being. Also potential risk that badgers pose to children through exposure to bovine tuberculosis, although it is accepted experts consider the risk to be low.
- Question whether there is adequate supervision of play areas.
- Bungalows and disabled access – welcome the provision of two bungalows for Affordable Rent but disappointed that there are no bungalows in the 'open market' supply. It is unclear if 10% of the site - split between affordable and market housing – is available for wheelchair and disabled access in line with Neighbourhood Plan.
- Bungalows should be positioned within better access to the village.
- Are footpaths and pavements wide enough to allow wheelchairs and mobility scooters to pass through the development.
- Commuter parking - Hatfield Peverel is negatively impacted by commuters from outside the village who park on side streets for the working day. Has the development been designed to avoid long term commuter parking.
- Education provision - the cumulative impact of development means that some children from this site to take up their school places in Witham or Terling, in which case children are likely to be driven to school. A sustainable solution is required – e.g. a dedicated minibus.
- Electric Car Charging Points – no details provided. Policy - FI2 Parking requires new developments to show that they have made or have the

potential to have provision for electric charging for each dwelling and provide a public charging point/s in communal parking areas.

- Residents' representations - The following concerns were brought to the attention of the PC by local residents:
 - o Location and potential impact of the water/sewage pumping station.
 - o Location of terrace block and potential impact on 32 Woodham Drive.
 - o Height of some buildings exceeds the 9m maximum permissible ridge height.
 - o Distribution of Affordable Housing is not adequate and with just two clusters this will not promote social cohesion.

2nd Response (December 2020)

Acknowledge that Parish Councillors and Neighbourhood Development Plan team met with the applicant in October to discuss the concerns raised in the Parish Council's first consultation response. Following that meeting and reviewing the revised application details the following comments are provided:

Application Amendments

- House type Appearance - Agree that this now meets the requirements of the Hatfield Peverel Neighbourhood Plan Policy HO1.
- Affordable Housing – proposals for three clusters are a welcome contribution to social cohesion of the site. Parish Council still has concerns over the positioning of two clusters at the southern end - despite these being located near to areas of open space.

Hatfield Peverel Neighbourhood Plan

- Acknowledge that the applicant has provided evidence to demonstrate compliance with the following Neighbourhood Plan policies: ECN2 Working from Home; ECN3 Broadband and Mobile Connectivity; FI2 Parking; HO1 Design of New Housing Development; HO4 Creating Safe Communities; HO2 Retirement Housing

Zebra Crossing:

- On reviewing a plan of the proposed Zebra crossing a number of concerns were raised including inadequate / sub-standard usable footway on both sides of Maldon Road; the crossing is now 11.5m, instead of the previously indicated 20m, from the mini roundabout which, if correct, would fail to accommodate the length of a HGV, bus or queuing cars without a real risk of blocking traffic at the junction of Maldon Road with The Street, when the crossing was being used.

Pumping Station:

- Noted that the pumping station has now been moved further back from 28 Woodham Drive and additional landscaping proposed in the surrounding area.

Envirofence:

- Request illustrations of how the acoustic fence would look after 1 year and after 15 years which have now been provided. The Developer advised that landscaping would be carried out both sides of the fencing.

REPRESENTATIONS

The Council received 16 letters from members of the public objecting to the application, prior to the submission of the revised plans. A summary of the main issues raised are listed below.

Principle of Development

- The site is outside designated development boundaries and is contrary to policies designed to prevent coalescence between the village and Witham.
- Better sites have come forward for development at the Arla site and Bury Lane that will provide additional housing in the village.

Design & Appearance

- In general terms the design and layout is not consistent with surrounding development being denser and lacking front garden space.
- The acoustic fencing will be a target for graffiti and will be harmful to the landscape and important views.
- There is insufficient parking for 100 properties and this could lead to parking over spilling in to Birkdale Rise and Gleneagles Way which is already problematic.
- Front gardens have considerably less space than the village average and certainly much less than the Gleneagles Way estate so the development is not "in keeping" as the applicant states.
- Harm to the character of the area by introducing a scale and character of development that would present a more visually abrupt and harsh edge to the settlement and compromise the significance of the separation between Witham and Hatfield Peverel and the countryside setting of the village.
- The houses in Woodham Drive which back on to this side of the development are all detached and it would be more appropriate to have detached houses backing on to this boundary.
- The population of the village is ageing and there is a demand for more bungalows to provide suitable accommodation to allow downsizing and freeing up family homes. The mix of 92 houses, six maisonettes and two bungalows, neither of the bungalows being in the owner occupied sector, does nothing to meet this local need.

Infrastructure

- There are inadequate school places and children should not be expected to walk along the A12 to Lodge Farm given the toxic fumes from cars.
- Failure to address insufficient primary school and early years and childcare capacity within the village.

- The development will increase pressure on existing village facilities and fails to deliver sufficient community and cultural facilities and services
- Continues to ignore requirements of residents set out in the Neighbourhood Development Plan.

Ecology

- A pond on the site is to be filled in due to safety concerns resulting in the loss of an increasing rare habitat. Would prefer the pond to be retained and fenced off.
- Bats are regularly seen at the site. It is important that any trees and hedges are left to remain on the site and any new planting will provide enough insects to support bats.

Highways

- During construction large vehicles will be entering and exiting Gleneagles Way and coming off the A12 slip road. This would involve extremely dangerous manoeuvres regardless of any road adjustments or new signage.
- Increased traffic would pose unnecessary danger to existing residents, including young children.
- The authorities must also consider emergency services accessibility.
- The development should not be allowed to go ahead until the A12 upgrade through Hatfield Peverel has been decided.
- Access arrangements - there is only one planned access point to the new estate and that is through an existing cul de sac. The exit from Gleneagles Way onto the top of the slip road is already quite a dangerous and will get worse with more houses.
- Concerns remain over the safety of the access arrangements – both the junction of Gleneagles Way and the slip road off the A12 and on the estate roads with all construction traffic and residential traffic would use. The application makes no reference to addressing problems with speeding traffic and parking problems, or mitigating the impact of additional traffic from this development. It has not been demonstrated that safe and suitable access to the site can be achieved for all people. The proposed development not only ignores existing dangers and safety issues but adds to them. The risk of injury and congestion will increase.

Neighbour Issues

- Woodham Drive properties, abutting the site, have a right of access (registered with HM Land Registry) over the adjoining land to maintain their fences and hedges that form the boundary. The developer proposes a gated access and a strip of 'circa 1.2m' which it is claimed may not be sufficient. There remains a need to establish the actual width of their proposed access strip.
- Concern at the very close proximity of the gable end of three terraced properties at the south-western edge of the site, to the rear of 32 Woodham Drive. The arrangement is contrary to the Essex Design Guide

as the terrace will overlook and diminish the rear privacy of other, immediately adjacent, properties in Woodham Drive and this fails to accord with the letter and spirit of the Guide.

- Housetype N2D8/9 (Plots 9, 10, 59 & 60) is shown to have a ridge height of around 9.7 metres, which contravenes planning condition No.6 which restricts the ridge height to 9m.
- The pumping station proposed towards the south-western tip of the site occupies a large area (40 feet by 40 feet), contained within a compound 1.8 metres high. The length and height of the walls will make it an eyesore and its appearance needs to be softened.
- There is insufficient information about the appearance of the walls surrounding the compound.
- Concern about the noise and the emission of gases and odours from the foul water pumping station.
- There are properties with windows, including upstairs ones, that look out directly onto the site and who could be overlooked.
- One of the house types has a first floor window on the side elevation which would overlook the neighbouring garden of 32 Woodham Drive.
- The applicant states that large tipper trucks will be used for "two-way movement every 15 minutes during the working day, which would equate to approximately 32 movements each weekday (based on 8 hour working days) and potentially half that on a Saturday".
- Construction staff typically start work between 07.00 - 07.30 and finish between 15.30 and 18.00", hours when children of secondary schools are required to walk to and from bus stops, cycle and commute from the train station, due to no high school in the village.
- The unacceptable noise adversely affecting resident's quality of life, well-being and general health.

Other Matters

- A current up to date pollution report should be available.
- More detailed information on the sound barriers is required.
- Inaccuracies within application documentation - The Design & Access Statement - incorrect distances recorded to the Supermarket (Co-op) / Post Office and the Station and Boots; Hatfield Peverel is not the 6th largest settlement in the District.
- The distances to key services is greater than stated so the site is not as accessible as it is suggested.
- The development would adversely impact Important View no.5 in the Neighbourhood Plan.

Additional Comments following receipt of Revised Plans

- The Council publicised the receipt of revised plans in November and received representations from six households objecting to the proposals. A summary of the main issues raised are listed below:

Design

- Avondale H456 house type still appears to have a ridge height in excess of the maximum permitted – 9 metres

Neighbour Amenity

- Acknowledge that the location of the pumping station has been moved slightly further from existing residents. The appearance could be further improved with taller planting in the surrounding area with an evergreen component.
- Regarding the pumping station the applicant refers to a 'similar set up' at Gershwin Boulevard, Witham but that facility is significantly smaller (70% of the facility proposed here) and is enclosed by a metal railings which could be preferable in terms of appearance.
- Objections regarding access arrangements for residents of Woodham Drive to maintain hedges they were required to plant at the rear of their gardens. Some Woodham Drive residents will have formal provision through a gated access path, but others would need to access through the open space.
- The plans still show the incorrect position of the boundary between the development site and the rear of properties in Woodham Drive. The correct boundary is clearly set out in land registry plans. This boundary is formed by a hedge planted within a two feet wide strip, with a wooden fence inside the hedge. The hedge is within the ownership of the Woodham Drive properties. Land Registry also records a right of access over the adjoining land for the purposes of maintaining their fences and hedge screens. This error may lead to potential misunderstandings at some future point.
- Concerned that the plans indicate the unnecessary removal of a tree at the rear of Woodham Drive

Other Matters

- The noise assessment relies on measurements taken during August 2019, during the school holidays, when traffic levels are lower. Also insufficient information regarding wind direction.
- Some of the housing will be out of towners and London overspill and this will result in increased crime.

Three further representations were received which neither supported nor objected to the application but comments were submitted. A summary of the main comments made is listed below:

- Residents neighbouring the south west boundary of the site had been promised a buffer zone several meters wide.
- What specification of fencing will be erected by the developer along the south western boundary of the site?

- A path is proposed along the south west site boundary between the gardens of neighbours bordering the site and the rear gardens of new properties. The need for this is questioned and concerns that it presents a security risk.

REPORT

PRINCIPLE OF DEVELOPMENT

The principle of residential development on the site has already been established by the grant of Outline planning permission, subject to a host of planning conditions and a number of obligations contained within the Section 106 legal agreement to mitigate the impact of the development.

The Outline permission allowed for the development of up to 120 dwellings on the site, however the development capacity of the site has had to be revisited as information has become available from Highways England regarding their plans for the A12 road improvements. As the plans have developed it has become apparent that the scheme would impact upon the site and the amount of land that is available for development. To allow the planned road improvements the applicant has agreed that land at the northern end of the site is safeguarded for possible future road improvements and as a result the size of the site available for development has been reduced by approximately 0.3ha.

Notwithstanding the concerns expressed in representations about the accuracy of some of the distances to village facilities stated within the application documents, the Council and the Secretary of State have already considered this issue as part of the application for Outline planning permission. It was concluded that the site is located in a reasonably sustainable location, where future residents will be able to access services and facilities for day to day living.

With the principle of development accepted, the Reserved Matters are to be assessed against the relevant policies from the Adopted Development Plan and other relevant material considerations. In addition to the Adopted Core Strategy and Adopted Local Plan, the Development Plan for this site now includes the Hatfield Peverel Neighbourhood Plan 2015-2033, as that Plan was “made” at Full Council on 16th December 2019. The relevant policies from the Neighbourhood Plan are listed above and where appropriate specific reference is made to the consideration of those policies in the following report.

SITE ASSESSMENT

Design, Appearance and Impact upon the Character and Appearance of the Area

The application site sits alongside, and is accessed through, the Gleneagles Way estate. The adjoining roads have a consistent 1960s / 1970s suburban character consisting largely of detached family homes. Properties typically

have a single garage with additional off street parking, usually located prominently in front of the houses, but within relatively deep front gardens. Externally materials are predominantly red or light brick with painted rendered panels on elevations and with pantile roofs. The Design and Access Statement submitted in support of the application for Outline planning permission states that the Gleneagles Way estate has a relatively low density of approximately 15-20 dwellings per hectare (dph). The applicants Design and Access Statement states that the proposed development of 100 dwellings equates to a density of 20.4 dwellings per hectare. Excluding the Public Open Space being provided on-site the net density is 30.49 dwellings per hectare. Officers consider this to be an appropriate density with reference to the form of development on and around the Gleneagles Way estate.

On entering the site from Birkdale Rise, it is proposed that the first group of dwellings are constructed using a buff brick to provide a homogenous group which is intended to reflect the character of the adjoining street. A finger of landscaping connects the entrance to the public open space that wraps around the outside of the site on the north, east and south sides, acting as a transition between the built-up area of the village and the adjoining countryside. The northern half of the site contains a mixture of detached, semi-detached and terraced properties that form the new boundary with The Street and the A12, with the density of development reducing southwards and the scheme predominantly comprising larger, detached houses where it abuts the existing properties in Woodham Drive. The palette of external materials that are being used has been reduced from that which was originally proposed. This is to provide a more homogenous appearance, particularly along some of the key streets, including the northern and southern end of the site; the houses which front the green space beyond the entrance and around the square in the south western part of the site. Following discussions with the Council's Urban Designer the mix of house types has been modified and improvements made to elevational treatments and detailing.

Condition No.6 of the Outline planning permission states that buildings on the site shall not exceed two storeys in height or have a maximum ridge height of more than 9 metres. A drafting error in the original application has been corrected and the house types now shown all have ridge heights which do not exceed 9m.

Seven dwellings are identified to have private amenity spaces which are below the minimum garden sizes expressed in the Essex Design Guide and Neighbourhood Plan. The properties which have gardens which are undersized are three or four bedroom houses. The standard requires a minimum of 100sq.m for this size of property. All the undersized gardens have at least 90sq.m. Undersized gardens are often located on corner plots which the Essex Design Guide recognises will sometimes need to have slightly compromised gardens. Across the development many homes will have gardens significantly above the minimum standards with garden sizes of up to 233sq.m. Officers are satisfied that all dwellings will be provided with a reasonable standard of amenity and that the undersized gardens are not a direct result of over development and the arrangements are acceptable.

There was no condition attached to the Outline planning permission which required a specific mix of market housing on the development. Through the Pre-Application process Officers have on a number of occasions asked for a mix of market houses which includes a greater number of small (1 and 2 bedroom) dwellings for market sale. The applicant has not heeded that request and of the 60 homes for market sale a somewhat tokenistic four 2-bed properties are to be provided. There are 15 3-bed dwellings and 41 4-bed dwellings. This is considered a very disappointing mix and one which does little to meet the need for a mix of units which will help create a mixed community and address the housing need of different groups. Whilst Officers are very disappointed with the mix of market housing given previous experiences with Planning Inspectors decisions on this matter it is not considered that the Reserved Matters application could be refused on this basis.

The proposed development provides generous Open Space in a number of different areas, with different spaces having different characters and functions. The Council's Landscape Officer has provided advice helping to shape and refine the proposals, with changes including revisions to the planting mix to include a stronger ever green element either side of the acoustic fence and elsewhere to include trees that will be better suited to conditions; inclusion of an oak tree as a feature to the Green; revisions to the route of the leisure path along the eastern boundary to provide a more organic form and minimise tree loss. Overall Officers consider the variety of landscaped areas and Open Spaces will provide a framework which will complement the residential development, providing not only useable spaces but also creating interesting vistas and helping to create character and add visual interest.

As set out within the Noise Report there will be a need for an acoustic barrier to be provided along the northern site boundary, which will be a 3.2m high wooden structure, and along part of the north eastern boundary initially at 3.2m before stepping down to 1.8m. This is required to ensure that future residents will be provided with suitable living conditions. The northern barrier will be a prominent feature and stand alongside one of the main gateways to the village. The applicant has shown that there will be landscaping planted on either side to soften its appearance. A visualisation of the appearance of this area has been provided with the planting having been established for a year. Given the location of the site and the noise from the road that was recorded at Outline stage it was always understood that an acoustic barrier of some description would be required. With the landscaping proposed Officers consider the proposals acceptable.

Policy ECN2 of the Neighbourhood Plan states that '*Any new or redesigned dwellings should include provision to enable a home office to be accommodated*'. The policy does not explicitly state what form this provision must take. It simply says that this could be achieved through the design of the building to allow conversion of roof space or similar area into an office or workspace area or by providing space within the internal layout. The applicant has responded by stating that 'all dwellings are designed to provide an area

that can be converted into a home working space (normally the smallest bedroom)'. A plan showing how one of the additional bedrooms could be used to accommodate a home office with the correct provision of BT points and sockets has been provided. The policy does not prohibit this approach and the Outline planning permission restriction on development not being more than two storeys high and the restriction on ridge heights would remove the ability to provide an office within the roof space. It is questionable whether the approach taken is in keeping with the spirit of the policy but Officers do not consider that this would constitute a reason for refusal.

Finally Policy HO1 of the Neighbourhood Plan concerning the design of new housing states amongst other things that a development of this size is required to contain a mix of house types with at least 1 wheelchair unit will be provided per 10 dwellings. The Building Regulations make a distinction between Wheelchair Accessible and Adaptable homes and Wheelchair User homes but the Neighbourhood Plan policy does not define what should be classified as a wheelchair unit. The application proposes the provision of 2 bungalows that will be provided for Affordable Rent and which will comply with the Wheelchair User standard specified in the Building Regulations. In addition four 2-bed Lewis house types and the four Ground Floor Maisonettes are all designed to be wheelchair adaptable. The applicant states that by complying with the Lifetime Homes criteria, the dwellings will be wheelchair accessible from the outset, or through simple and cost-effective adaptation without the need for substantial alterations. Combined these 10 dwellings will provide a mix of Wheelchair User and Wheelchair Accessible and Adaptable dwellings which can be argued to comply with the 10% requirement in the Neighbourhood Plan. To ensure that these dwellings are designed and constructed to meet the relevant standards further conditions are recommended.

Trees

The application is accompanied by an Arboricultural Method Statement. To accommodate the proposed layout a number of trees and hedges will need to be removed, or partially removed. The report states that 10 individual trees and two hedges are to be removed, largely to create useable areas of public open space along the eastern side of the site and rear gardens to new dwellings on the western side of the site. These are summarised below:

- T23 – Sycamore – Category B1;
- T39 - Walnut – B1;
- T75 – Ash – B1;
- T81 – Silver Birch – B1;
- T84 – T86 - Elder - C1;
- T87 – Leyland cypress – B1;
- T89 – Ash – U;
- T90 – Bird Cherry - B1
- H88 – Elder, Leyland Cypress, Blackthorn and Hawthorn - C1;
- H91 – Hawthorn & Cherry - C1

In addition there will be the partial removal of a further two hedges and two tree groups, summarised as follows:

- G44 - White Poplar/Abele, Field Maple, Hawthorn, Sycamore, English Oak, Ash, Elder, Wayfaring tree - C1;
- G76 – Hawthorn, Blackthorn, Walnut, Goat willow, Damson, Ash - C1;
- H83 - Field Maple, Hawthorn, Cherry, Eucalyptus Tree - C1;
- H95 – Leyland Cypress - B1

As set out above a lot of the removals are of trees or vegetation which is classified as being of lower value. The majority of trees on the site will be retained and Officers consider the removals to be acceptable and reasonable within the context of the site.

Ecology

The Ecological value of the site was assessed as part of the Outline planning application. Subject to further surveys, ecological sensitive design, and securing suitable mitigation measures, it was held that there were no factors that would prevent the site being developed.

The Ecological surveys have identified that whilst the majority of the site was previously used as arable farmland, and therefore has a low ecological value, there were habitats of higher value, with field margins, a pond, hedgerows, trees, scrub and semi-improved grassland. The proposed layout maintains a significant proportion of those more valued habitats but where this has not been possible, mitigation measures have been proposed to compensate for lost habitats.

Within the application site three badger setts have been identified (a main sett; an annexe and an outlier sett). These setts will require closure and before the applicant can do this a licence will need to be obtained from Natural England. As part of the mitigation measures for the badgers the applicant has proposed to provide an artificial sett within the site. Fruit bearing plants to provide an additional food source for the badgers are proposed and a fence will be erected to protect the area immediately around the new sett. The occupants of the adjoining property (Small Acres), have expressed concerns that the new badger sett could result in additional badger incursions in to their garden. The new sett is in a similar location to the current sett so the applicant's ecologist considers it unlikely that there would be an elevated risk of this happening, but they have also confirmed that a subterranean fence will be installed to discourage burrowing into their garden. The Parish Council expressed concerns about the proximity of the new sett to the proposed play area. The Council's ecologist has confirmed that he believes the location is acceptable. With regards the risk of infection, Officers are advised that there are no records of TB in badgers in Essex and it is also a Low Risk Area for bovine TB. The new sett would be far enough away that children playing and any resulting noise and vibration would not disturb the badger sett and their foraging and breeding activities. In addition, Badgers are nocturnal and will not be impacted by recreational disturbance when they are active.

The Parish Council has also questioned whether the artificial sett would be monitored and Officers can confirm that Natural England will require monitoring as part of their licence. A condition is recommended requiring the Badger Mitigation Licence to provide certainty to the Council that they have done everything in their power to avoid a potential wildlife crime and are fully compliant with our legal duties.

As well as badgers the surveys have identified a small population of grass snakes within the grassland habitats around the site boundary. The habitats which will be lost along the northern and eastern boundary will need to be cleared under supervision by an ecologist and compensatory habitats created through the provision of log pile hibernacula buffered by long grass.

Details of a bat sensitive lighting scheme have also been submitted to protect the light sensitive bat commuting corridors around the perimeter of the site.

In addition to the log piles a package of ecological enhancements are proposed which includes the provision of integrated bat boxes, bird and nest boxes and Swift Bricks as well as Hedgehog Highways within fencing. In addition appropriate native species (trees and wildflower planting) will be incorporated into the development, which will clearly allow the development to demonstrate measurable biodiversity net gains for this application, as outlined under Paragraph 170 & 175 of the NPPF.

Impact upon Neighbouring Residential Amenities

Along the western site boundary there are a number of properties which adjoin the site – most but not all properties back on to the site. It is proposed that along much of this boundary houses will back onto the existing properties with rear gardens separating new houses from existing. There are exceptions to this, most notably around the areas where the 3 cul-de-sacs (Ferndown Way, Birkdale Rise, Wentworth Close) where the new housing responds to existing building lines and houses are orientated to frame the spaces created. The other exception is at the southern end of the site where Plot 75 is proposed to stand close to the boundary. There will be a blank side gable facing the adjoining property on Woodham Drive but objectors refer to new dwelling resulting in a loss of privacy and that the gable end would be massive and overbearing. The properties along this part of Woodham Drive have relatively deep back gardens – approximately 29m. Because of this depth the new building is not considered to have an overbearing relationship and whilst there would be some oblique views from first floor windows over the bottom of the back gardens, this relationship is considered acceptable.

A specific concern was raised by residents regarding the N2D1 proposed on Plot 75 of the scheme. Whilst the first floor window serving a bathroom would have been obscure glazed and could have been designed to be non-opening, the applicant has submitted an amended version of N2D1 HT which highlights Plot 75 only will have a blank side gable elevation. This will mean that the bathroom to that maisonette will not have a window which is not ideal but the

applicant originally advised the neighbours there would be no first floor windows directly overlooking these properties and they want to ensure this is the case.

Many of the representations received raise objections or concerns about the arrangement along the boundary between the gardens of properties along Woodham Drive and the application site. The residents of adjoining properties have pointed out that the rear boundary of their properties is not denoted by the run of close board fence but by the outside of the 2 foot hedge that stands outside the fence line. Furthermore the residents have stated that the property title states that they have a right of access to maintain the hedge. The applicant has acknowledged this and along part of the boundary, where there will be houses adjoining, the layout shows the provision of a gated boundary access strip, having a width of 1.5m along the majority of its extent. The access strip will be put into the ownership of a residents Management Company with full access rights guaranteed to the relevant residents of Woodham Drive. It will be bounded by 1.8m close board fencing on the DWH side and by the existing fencing on the opposite side. Access will be restricted by a 1.8m lockable wooden gate of which only the Management Company and the Woodham Drive residents would have access to.

Highway Considerations

There were a number of concerns raised by local residents regarding access to the site and highway safety when the outline planning application was submitted. The Outline planning permission was granted subject to a package of highway works to address highway safety concerns and the applicant will need to comply with these conditions. Concerns about highway safety and capacity within the surrounding highway network are not issues to be considered as part of this Reserved Matters application.

The sole vehicular access in to and out of the site is from Birkdale Rise, in accordance with the access arrangements that were approved as part of the Outline planning permission. In addition the applicant has proposed a pedestrian / cycle link between the site and Ferndown Way; another pedestrian / cycle link between the site and the cycle path to the north of the site; and a path that connects to the public right of way located to the south east of the site.

Internally the layout has been designed so there is a main north-south street which creates an axis running through the site, connecting to a series of cul-de-sac streets, including two which collectively form a small square, with houses built around a green.

The majority of the roads within the development will be offered for adoption to the Highway Authority. Following an assessment of the initial layout the Highway Authority requested a number of minor modifications, including an additional element of traffic calming, so that roads are designed to reinforce a 20mph speed limit; relocation of some visitor parking space and amendments

to the size and position of turning heads. ECC Highways, having reviewed the amended scheme, now raise no objection to the proposed layout.

With regards car parking, the scheme complies with the Council's adopted parking standards with 1-bed properties having 1 allocated parking space and all other dwellings have a minimum of two allocated spaces, with some houses being provided with more parking. Across the development there are also 25 visitor car parking spaces.

There is also a requirement for all dwellings to be provided with secure cycle storage. Officers are satisfied with the arrangements for all dwellings, with the exception of the maisonettes. Shared wooden cycle stores are not considered to be a high quality storage solution for the maisonettes within the shared amenity space. Even with the use of padlocks supplied by the developer there is a concern that tenants are unlikely to leave a bike in a wooden shed in a garden area that the upstairs/ downstairs tenant has access to and Officers believe a more secure solution will need to be provided for those properties. It is recommended that a condition is added that requires the applicant to provide details of a more permanent and secure cycle store for occupants of the flats to use.

Policy FI2 of the Neighbourhood Plan states that '*New developments will show that they have made or have the potential to have provision for electric vehicle charging for each dwelling*' and that '*New developments should include provision of a public charging point/s in communal parking areas*'. The Neighbourhood Plan does not contain any details as to the form that this should take. The applicant has stated that the site electrical infrastructure for the site will be reinforced and ducting will be provided to all dwellings to allow a charging point to be installed in the future. A dual public charging point has also been proposed on the southern green square visitor parking spaces. It is recommended that details of these arrangements and a condition requiring their installation is added.

The Neighbourhood Plan also states that the use of tandem parking on properties or large parking courts to the front part of developments will be discouraged. The development contains a mixture of parking solutions across the site, including perpendicular bays in front of houses; relatively short rows of parking bays opposite or near dwellings and tandem bays to the sides of houses. Whilst the use of tandem bays is discouraged it is not prohibited. If tandem bays to the sides of the dwellings were not allowed then this would have significant implications for the layout and density of development. Parking would either need to be in front of houses, which can produce very car dominated streets which would be contrary to local and national planning policies, or in many cases would require two bays to the side of the houses. This would increase the gaps between houses and significantly reduce density. Officers consider the parking arrangements to be acceptable.

PLANNING OBLIGATIONS

A Section 106 legal agreement was agreed as part of the Outline planning permission, securing the following:

Affordable Housing

In accordance with the agreement the applicant proposes the provision of 40 Affordable Homes as part of the development – 28 provided on an Affordable Rent basis and 12 as Shared Ownership.

As required by the agreement, the Affordable Housing has been provided within three clusters within the development – a group of 14 at the northern end of the site; 11 on the western side of the site; and the remaining 15 at the southern end of the site.

Two wheelchair accessible bungalows are to be provided for Affordable Rent and these will be provided to comply with Part M Category 3 of the Building Regulations.

Secured by Design – the revised Design & Access Statement reviews the proposals against Secured by Design principles and establishes that the layout follows the guiding principles.

The Council's Housing Enabling Officer has confirmed that the mix, size and tenure of the dwellings meets local housing need.

On-site Open Space

The agreement specifies that an area of at least 1.6 hectares be provided as Open Space within the development site. Although the developable area has been reduced, due to the safeguarding of land for A12 highway improvements, the proposed still provides for 1.62ha of Open Space. The main areas of open space are provided at the southern end of the site, where an equipped children's play area would be provided; along the eastern boundary where a leisure path will be laid along with trim trail equipment; several pocket parks, or small greens framed by surrounding housing and a landscape strip at the northern end of the site between housing and the acoustic fence. Some of the areas identified as Open Space are not designed to be useable, or publicly accessible fulfilling an aesthetic role, but Officers take the view that the Open Space provision within the site fulfils the Section 106 requirement and the generous Open Space provision will provide the public benefits envisaged when the Outline planning permission was granted.

Parking Scheme (Highway Works)

Due to concerns expressed about on-street parking on The Street and Gleneagles Way, the Highway Authority require that a parking survey is undertaken prior to commencement of development to establish parking requirements and inform the exact nature of highway works and Traffic Regulation Order to impose additional parking restrictions in the interests of highway safety in that area. Any works resulting from that survey need to be completed prior to first occupation of the development.

Financial Contributions

- £60,600 towards improvements to Hatfield Peverel Village Hall;
- £21,000 towards Public Rights of Way improvements;
- Further financial contributions are secured towards: Outdoor Sports; Allotments; Early Years & Childcare provision; Healthcare; and Visitor Management measures at the Blackwater Estuary (Essex RAMS). Contributions levels will be calculated based on the approved number and size of dwellings. The contribution levels specified within the agreement are all index linked and the actual amounts that will be paid will be calculated based when the specified trigger points in the agreement are reached.

It is noted that a number of representations have referred to the adverse impact that the development will have on services and community infrastructure. The Parish Council have also suggested that the development, along with others, fund a means of transporting children to school, where the children are required to attend school outside the village. The mitigation required to make the development acceptable in planning terms was agreed as part of the Outline planning permission. It is not possible to revisit that mitigation at Reserved Matters stage when the principle of the development has already been established.

OTHER MATTERS

Broadband

Policy ECN3 of the Neighbourhood Plan states '*Proposals for new development should demonstrate how they will contribute to, and be compatible with, superfast broadband and high quality internet connectivity*'. The applicant has confirmed that all dwellings would be provided with fibre to premises so all dwellings will have access to high speed internet. It is recommended that this is covered by condition.

Drainage - Foul Water

A foul water drainage strategy is required by Condition 20 of the Outline planning permission. The applicant proposes that gravity sewers discharge to a foul pumping station situated within the southern public open space area where an underground tank will provide 16m³ capacity. The pumping station will then discharge at an agreed rate to the existing public foul sewer network in Ferndown Way. Anglian Water have approved this arrangement and stated that Condition 20 can be discharged.

Drainage - Surface Water

Conditions 17, 18 and 19 of the Outline planning permission are concerned with surface water drainage at the site.

The proposed surface water drainage strategy developed by the applicant is broadly in keeping with the strategy proposed as part of the Outline planning application. It is not possible to drain the site using soakaways or discharging to a watercourse so it is proposed that conventional over-sized gravity sewers will convey surface water from across the development to an underground storage tank located within the southern public open space. Water will then be discharged from the site through a pumping station at an agreed maximum rate of 5.5 litres a second to the existing public surface water sewer within the site. The system has been designed to provide sufficient storage to manage the volume of water during the 1 in 100 year storm event, with a 40% allowance for climate change. ECC SuDS team have confirmed that they are satisfied with the submitted strategy and that Condition 17 can be discharged. ECC SuDS team have also confirmed that Conditions 18 & 19, concerning maintenance arrangements for the surface water drainage system and measures to reduce the risk of offsite flooding during construction, can be discharged.

Drainage - Pumping Station

A pumping station is required to serve the development as it is not possible for the drainage to discharge by gravity alone to the public sewers. The pumping station needs to be located at the lowest point in the site as flows will be fed by gravity from the new homes and can then be pumped away efficiently to discharge in to the sewer. The proposed facility has been located in the south western part of the site and it is proposed that it is located within an area of Open Space.

A number of residents adjoining the site have expressed concern about the potential for noise and odour from the pumping station. The applicant considered that the original position was sufficiently removed from existing properties that this should not have caused any problems for existing residents, however they have moved the facility further away from the south western boundary to aid in allaying concerns from near neighbours.

The pump equipment and storage tanks will be underground. The only above ground equipment will be a control kiosk and lifting davit. The facility will be enclosed by a 1.8m high brick wall. The detailed design of the pumping station will include a technical assessment of the potential for noise/odour and the design will be in accordance with Sewers for Adoption and Building Regulations Approved Documents Part H. These statutory documents specify a cordon sanitaire of 15m and the proposed layout provides for this.

The applicant has also advised that the system is designed with two pumps, each capable of working independently and operating in rotation. Should one pump fail, the station will utilise the second pump. The facility will be linked to the adopting authority's control centre so that the facility will be continuously monitored, allowing mechanical failure to be quickly addressed. With these arrangements the Council's Environmental Health Officer has confirmed that they raise no objection to the proposals.

Refuse & Recycling Collection

The applicant has confirmed the extent of the roads that are to be adopted by the Highway Authority. The route that the refuse vehicle will need to take on collection is completely within the roads that will be adopted. The Council's Operations Team have confirmed they are satisfied with the proposed arrangements.

CONCLUSION

The principle of the residential development of the site has been established following the grant of Outline planning permission by the Secretary of State, which followed a detailed examination of all the issues by a Planning Inspector at a Public Inquiry. The applicant seeks permission only for Reserved Matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

The scheme has been designed to accommodate the anticipated A12 road improvements. There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development are acceptable in planning terms.

Additional information and amendments to the scheme were required to ensure that the proposals were consistent with the Hatfield Peverel Neighbourhood Plan, which has been adopted since the Outline planning permission was granted. The scheme has also been substantially amended since the original submission to address issues raised by Officers. The scheme now presented to Members is considered to represent an appropriate and reasonably sympathetic design response and it is recommended that the Reserved Matters are approved.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Other	Plan Ref: H6750-3B-C0511	Version: B
Other	Plan Ref: H6750-3B-C0512	Version: B
Other	Plan Ref: H6750-3B-C0513	Version: B
Other	Plan Ref: H6750-3B-C0514	Version: B
Drainage Details	Plan Ref: H6750-3B-C-4900	Version: B
Drainage Details	Plan Ref: H6750-3B-C-4901	Version: B
Drainage Details	Plan Ref: H6750-3B-C-4902	Version: B
Drainage Details	Plan Ref: H6750-3B-C-4903	Version: B
Drainage Details	Plan Ref: H6750-3B-C-4905	Version: A03
Drainage Details	Plan Ref: H6750-3B-C-4906	Version: A03

Fencing Layout/Details	Plan Ref: DB-SD-13-006	
Fencing Layout/Details	Plan Ref: DB-SD-13-004	
Other	Plan Ref: 900mm External Low Level Wall Detail -	
BDW-3A-DE-101	Version: A	
Other	Plan Ref: Square Pyramid Timber Top Bollard -	
BDW-2A-DE-217	Version: P2	
Arboricultural Report	Plan Ref: Arboricultural Method Statement	
	Version: E	
Other	Plan Ref: Ecological Impact Assessment	Version:
G		
Noise Details	Plan Ref: R5742-7	Version: 3
Other	Plan Ref: Sustainability Statement	Version:
Nov 20		
Location Plan	Plan Ref: BH076-LP-01	Version: 00
Planning Layout	Plan Ref: BH076b PL 01	Version: B
Tenure Plan	Plan Ref: BH076b PL 02	Version: B
Storey Height	Plan Ref: BH076b PL 03	Version: B
Parking Strategy	Plan Ref: BH076b PL 04	Version: B
Refuse Information	Plan Ref: BH076b PL 05	Version: B
Materials Details	Plan Ref: BH076b PL 06	Version: B
Other	Plan Ref: BH076b PL 07	Version: B
Garden Study	Plan Ref: BH076b PL 08	Version: B
Highway Plan	Plan Ref: BH076b PL 09	Version: B
Public Open Space Details	Plan Ref: BH076b PL 10	Version: B
House Types	Plan Ref: N220 Lewis H6750-2A-HT-001	
House Types	Plan Ref: P331 Fairway H6750-2A-HT-002	
House Types	Plan Ref: P331 Fairway Render H6750-2A-HT-003	
House Types	Plan Ref: P341 Hadley H6750-2A-HT-004	
House Types	Plan Ref: P341 Hadley Chimney H6750-2A-HT-	
005	Version: A	
House Types	Plan Ref: P341 Hadley Chimney + Render H6750-	
2A-HT-006	Version: A	
House Types	Plan Ref: P469 Holden H6750-2A-HT-007	
House Types	Plan Ref: P469 Holden Render H6750-2A-HT-008	
	Version: A	
House Types	Plan Ref: P456 Avondale Chimney + Render	
H6750-2A-HT-011	Version: A	
House Types	Plan Ref: H497 Chelworth Elevation H6750-2A-	
012		
House Types	Plan Ref: H497 ChelworthElevation Render	
H6750-2A-HT-013	Version: A	
House Types	Plan Ref: H497 Chelworth Floor Plans H6750-2A-	
HT-014		
House Types	Plan Ref: H241 Winstone Elevation H6750-2A-HT-	
015		
House Types	Plan Ref: H241 Winstone Floor Plans H6750-2A-	
HT017		
House Types	Plan Ref: N2D1 H6750-2A-HT-018	Version: B
House Types	Plan Ref: N2D1 Render H6750-2A-HT-019	

House Types	Plan Ref: N2D2 H6750-2A-HT-020	Version: A
House Types	Plan Ref: N2D3 H6750-2A-HT-021	
House Types	Plan Ref: N2D5 H6750-2A-HT-022	Version: A
House Types	Plan Ref: N2D8 + N2D9 H6750-2A-HT-023	
House Types	Plan Ref: N3DC H6750-2A-HT-024	
House Types	Plan Ref: N3DB H6750-2A-HT-025	
House Types	Plan Ref: N2D8_9 with N2D1 Composite Elevation	
H6750-2A-HT-026		
House Types	Plan Ref: N2D5 with N2D1 Composite Elevation	
H6750-2A-HT-027		
Garage Details	Plan Ref: SS61H8 Garage Plans _ Elevations	
SSG1H8-FP-EL		
Garage Details	Plan Ref: SDG1H8 Garage Floor Plans SDG1H8-	
FP		
Garage Details	Plan Ref: SDG1H8 Garage Elevations SDG1H8-	
EL		
Substation Details	Plan Ref: H6750-2A-UP-ES01	
Other	Plan Ref: H6750-3A-WD-PS01	Version: A
Cycle Plan	Plan Ref: H6750-2A-CS-001	
Eaves Detail	Plan Ref: H6750-2A-DET-01	
Proposed Bin Collection Plan		Plan Ref: H6750-
2A-BCP-01		
Other	Plan Ref: H6750-2A-RAS-01	
Landscaping	Plan Ref: 2301 04	Version: I
Landscaping	Plan Ref: 2301 05	Version: I
Landscaping	Plan Ref: 2301 06	Version: I
Landscaping	Plan Ref: 2301 07	Version: I
Landscaping	Plan Ref: 2301 08	Version: I
Landscaping	Plan Ref: 2301 09	Version: H
Landscaping	Plan Ref: 2301 10	Version: H
Landscaping	Plan Ref: 2301 11	Version: I
Landscaping	Plan Ref: 2301 12	Version: K
Landscape Specification	Plan Ref: 2301 13	
Other	Plan Ref: 17325.01	Version: E
Play Area Plan	Plan Ref: 17325.02	Version: E
Other	Plan Ref: H6750-3B-C-4000	Version: B
Other	Plan Ref: H6750-3B-C-4001	Version: B
Other	Plan Ref: H6750-3B-C-4002	Version: B
Other	Plan Ref: H6750-3B-C-4003	Version: B
Swept Path Details	Plan Ref: H6750-3B-C-3410	Version: B
Swept Path Details	Plan Ref: H6750-3B-C-3411	Version: B
Swept Path Details	Plan Ref: H6750-3B-C-3412	Version: B
Highway Plan	Plan Ref: H6750-3B-C-4400	Version: A
Highway Plan	Plan Ref: H6750-3B-C-4401	Version: A
Highway Plan	Plan Ref: H6750-3B-C-4402	Version: A
Highway Plan	Plan Ref: H6750-3B-C-4403	Version: A
Levels	Plan Ref: H6750-3B-C-4200	Version: B
Levels	Plan Ref: H6750-3B-C-4201	Version: B
Levels	Plan Ref: H6750-3B-C-4202	Version: B
Levels	Plan Ref: H6750-3B-C-4203	Version: B

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed above, with the exception of the car parking on Plots 31-33, 38, 45 and 87-91 which is not approved.

Details of revised parking arrangements for Plots 31-33, 38, 45 and 87-91 shall be submitted to and approved in writing by the local planning authority prior to the commencement of above ground construction. The development shall be implemented in accordance with the approved details and the approved respective parking arrangements provided prior to the first occupation of Plots 31-33, 38, 45 and 87-91 and thereafter so retained.

Reason

For the avoidance of doubt and in the interests of proper planning and to ensure that the parking arrangements at the listed plots is designed and set out in a manner that will reduce the probability that cars will be parked in a manner which will obstruct the carriageway.

- 2 The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead and approving details for monitoring of the new sett following installation; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

- 3 The development shall be carried out in accordance with the ecological mitigation and enhancement specified in Section 4 (pages 19-31) of the approved Ecological Impact Assessment - Rev G (Southern Ecological Solutions Ltd, December 2020).

Reason

In the interests of protecting and enhancing biodiversity.

- 4 The development shall be carried out in accordance with the approved Arboricultural Method Statement listed above, undertaken by Southern Ecology Solutions, dated 22.12.2020. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason

To ensure the protection and retention of the existing trees and hedges which are identified for retention.

- 5 The scheme of landscaping indicated upon the approved plan shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

- 6 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

Reason

To ensure that the development does not prejudice the appearance of the locality and to conform with the existing character of the existing development.

- 7 Prior to the commencement of works utilising these materials, sample panels of 1 square metre minimum shall be erected on site to show areas of new, exterior walling, and approved in writing by the local planning authority. The panels shall indicate brick bond, copings, mortar mix, colour and pointing profile.
The development shall be carried out in accordance with the approved sample panels and shall be permanently retained as such.

Reason

To ensure the use of appropriate materials and detailing on the buildings.

- 8 The roof and eaves of the buildings hereby approved shall be implemented in accordance with the approved details shown in the Wet Verge Detail Plan, Drawing H6750-2A-DET-01.

Reason

To ensure the use of appropriate detailing on the buildings with reference to the architectural style.

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

Reason

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

- 10 Prior to installation of any meter cupboards on the external elevations of the dwellings that are facing a road, details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with

the approved details and shall be permanently retained as such.

Reason

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

- 11 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason

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

- 12 All rainwater goods shall be black and permanently maintained as such.

Reason

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

- 13 Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

Reason

To ensure suitable access arrangements are provided which allow for the collection of refuse and recycling by the local authority.

- 14 Prior to the first occupation of the development details of an electric vehicle charging strategy for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The strategy will contain details of electric vehicle charging points that will be installed as part of the development and measures that will be incorporated in to the development for additional electric vehicle charging points to be installed in the future. Where the strategy states electric vehicle charging points will be installed as part of the construction of the development these shall be installed in accordance with the approved details prior to the occupation of each dwelling to which they relate.

Reason

To ensure that suitable provision is made for the installation of electric vehicle charging points within the development.

- 15 No development shall commence until written confirmation from an Approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 84 and 85 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b).

Reason

To ensure that all the identified housing plots comply with the required standards at the design stage

- 16 No development shall commence until written confirmation from an appropriately qualified Lifetime Homes Assessor has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 9; 52; 53; 59; 71; 78; 79; and 82 as indicated on the approved layout plan, have been designed to comply with Lifetime Homes.

Reason

To ensure that all the identified housing plots comply with the required standards at the design stage

- 17 Prior to occupation of each of the following Plots 84 and 85 as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service, to certify that each respective plot (as indicated above) have been constructed in accordance with Building Regulations 2015 Part M4 Category 3(b), shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that all relevant affordable housing plots comply with the required standards when they are constructed.

- 18 Prior to occupation of each of the following Plots: 9; 52; 53; 59; 71; 78; 79; and 82; as indicated on the layout drawing hereby approved - written confirmation from an appropriately qualified Lifetime Homes Assessor, to certify that each respective plot (as indicated above) have been constructed in accordance with the Lifetime Homes standard, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that identified plots comply with the required standards when they are constructed.

- 19 Prior to occupation of each dwelling hereby approved the building shall be provided with fibre to premises in order that future residents have the opportunity to access to high speed internet.

Reason

To provide the infrastructure which allows future residents the opportunity to access high speed internet services.

- 20 Prior to construction above ground level on Plots 9; 10; 59; 60; 71; 72; 82; and 83 details of the location and design of a covered parking facility for powered two wheelers and bicycles shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided prior to occupation of the dwellings and retained at all times.

Reason

To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Council's adopted Parking Standards and which provides suitable, secure storage for shared use by occupants of the flats.

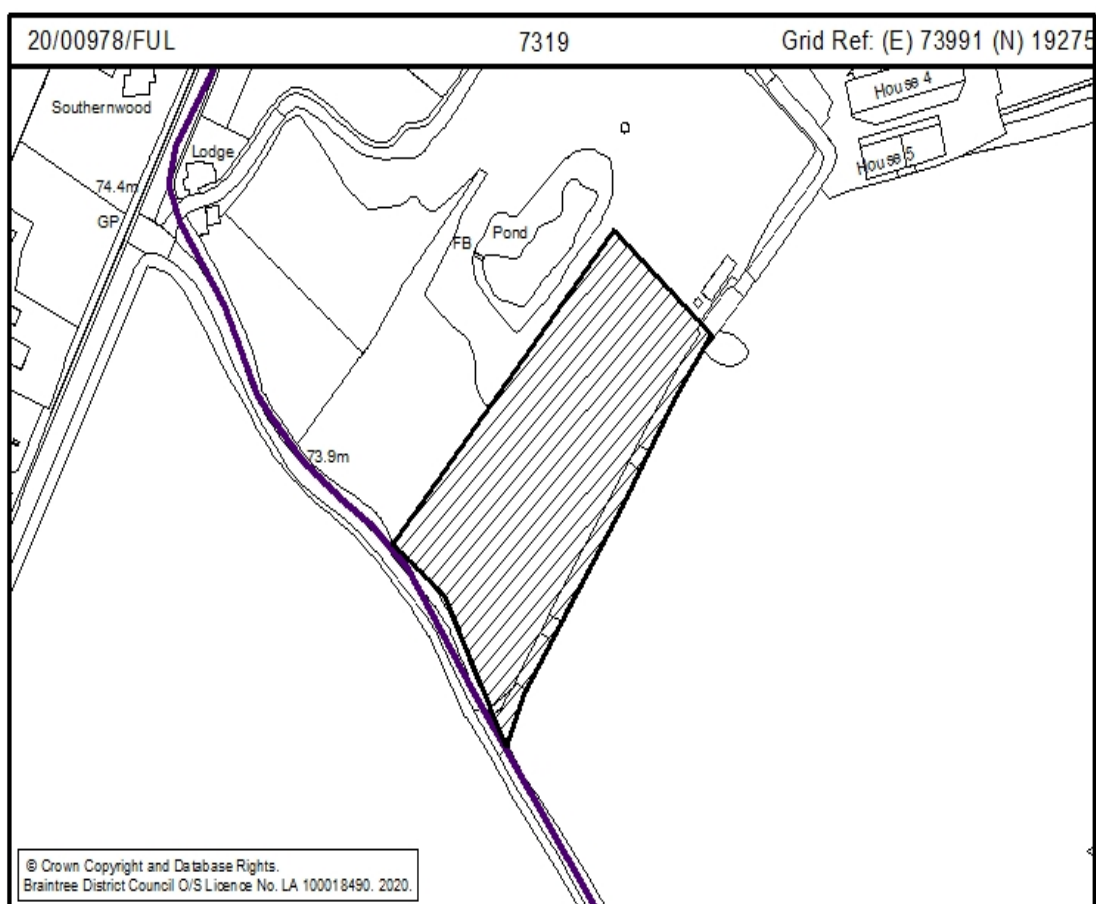
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/00978/FUL DATE: 19.06.20
VALID:
APPLICANT: Mrs Susan D. Fisher
Lynderswood Farm, Lynderswood Lane, Braintree, CM77 8JT
AGENT: BCR-Infinity Architects
B T Zygarlowska, 1 Wellington Street, Cambridge, CB1 1HW
DESCRIPTION: Erection of three single-storey buildings to provide 1963sqm Light Industrial (B1) floor space (20 flexible units), associated parking, cycle parking and landscaping.
LOCATION: Lynderswood Farm, London Road, Black Notley, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QC6HQEBF MV000>

SITE HISTORY

00/00122/COU	Change of use of land to extend hardstanding area for caravan storage	Granted	06.06.00
00/01161/COU	Change of use of dutch barn to B1 (light industrial/office)	Withdrawn	21.09.00
01/01772/COU	Proposed change of use of obsolete implement shed to office accommodation	Granted	10.12.01
02/00019/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 11/99 - Lop overhanging branches from 10 plane trees	Granted	11.02.02
02/00245/FUL	Renewal of Application No. 98/00464/FUL - Proposed re-siting of office	Granted	08.04.02
02/01298/FUL	Erection of two storey office block on site of demolished implement shed	Granted	13.09.02
03/02062/COU	Change of use of redundant poultry buildings to business uses	Granted	25.05.04
04/01735/FUL	Alterations to Unit 6 (former chicken house) to form office accommodation	Granted	25.10.04
84/00007/P	Erection of store - cattle shed	Granted	03.02.84
85/00907/	Change of use of redundant buildings to light industrial starter units.	Withdrawn	12.12.85
86/00031/	Change of use of redundant buildings to light industrial starter units.	Refused	25.03.86
93/00879/FUL	Erection of cattle shed (application returned as additional information not received)		
94/00090/FUL	Erection of Broiler House	Granted	04.03.94
94/00485/AGR	Proposed making up of track	Permission not Required	24.05.94
94/00724/COU	Proposed change of use of	Granted	08.03.95

	obsolete cattle shed to light storage facilities		
95/01060/COU	Proposed change of use of cattle shed to light storage facilities	Granted	23.11.95
96/01439/FUL	Erection of porch	Granted	07.01.97
97/01275/FUL	Erection of office/poultry unit	Granted	12.11.97
97/01627/COU	Change of use of land for storage of caravans (approx. 20)	Granted	11.03.98
98/00464/FUL	Proposed re-siting of office	Granted	18.05.98
98/00782/COU	Change of use of barn from agricultural to B1 general	Granted	30.07.98
98/01068/FUL	Change of use of land for storage of touring caravans	Granted	09.10.98
98/01069/FUL	Erection of poultry broiler house	Granted	15.10.98
98/01802/FUL	Erection of two storey extension to farm workers cottage	Granted	15.01.99
84/00971/P	Erection of a pig fattening house	Withdrawn	
84/00972/P	Erection of cattle shed	Withdrawn	
84/01380/P	Change of use from obsolete calf rearing shed to light industrial use	Withdrawn	
84/01389/P	Revised siting of cattle shed	Granted	
85/00267/P	Change of use of obsolete calf rearing shed to storage accommodation.	Granted	
85/00466/P	Alterations to existing stable mans cottage and part conversion of stable block.	Granted	
85/00907/P	Change of use to redundant buildings to light industrial starter units.	Withdrawn	
85/01114/P	Proposed alterations to stable mans cottage	Granted	
86/00031/P	Change of use of redundant buildings to light industrial starter units.	Refused	
06/00861/COU	Change of use of land to provide an extension to existing caravan storage facility	Granted	25.07.06
11/01124/FUL	Erection of two buildings for 'B1' business use with associated car parking and landscaping	Withdrawn	12.10.11

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP30	Diversity of Industrial and Commercial Premises
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP54	Transport Assessments
RLP55	Travel Plans

RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
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
SP4	Providing for Employment and Retail
LPP1	Development Boundaries
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection

LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Open Spaces Action Plan
Essex Parking Standards 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Black Notley Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site measures approximately 1.1 hectares and is located in the countryside to the east of the A131. It consists of a small, flat agricultural field which lies adjacent to Lynderswood Business Park. The field is bounded to the east by the main access into the business park and to the west by an area of protected woodland. To the south lies Lynderswood Lane and to the north is a smaller paddock with the business park situated immediately beyond.

PROPOSAL

The applicant seeks full planning permission for the erection of 3 single storey commercial buildings to provide approximately 1,963sq.m of light industrial (B1) floor space with associated parking, cycle parking and landscaping. This would effectively form an extension to the established Lynderswood Business Park, providing additional commercial floorspace in purpose built units.

The application is supported by relevant documents which include:

- A full set of drawings
- Planning Statement
- Design and Access Statement

- Tree Survey
- Flood Risk Assessment
- Transport Assessment
- Ecology Report

SUMMARY OF CONSULTATION RESPONSES

ECC SUDs

No objection subject to standard planning conditions relating to the submission and approval of a surface water drainage scheme and its associated maintenance and a scheme to safeguard against flood risk during construction.

ECC Archaeology

No objection. No planning conditions or investigation required.

Anglian Water

No objection subject to a planning condition relating to the provision of a scheme for foul drainage.

ECC Historic Buildings Consultant

No objection. Lynderswood Farm is part of a larger estate associated with Lynderswood Court, a substantial building greatly developed in the Victorian Period and thought to have earlier origins. The property is marked on the first edition OS Map and has an interesting development history, suggesting it should be considered as a non-designated heritage asset.

The revised plans have increased the central section of Building A, making it a far more prominent unit within the area. Nonetheless, the utilitarian design and proposed location mean it is not considered harmful to the significance of Lynderswood Court, a non-designated heritage asset, north of the site.

BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures. The Ecology Report contains sufficient information to determine the application. The following conditions are required:

- Submission for approval of a Construction Environmental Management Plan (CEMP)
- Submission and approval of a long term Landscape and Ecological Management Plan (LEMP)
- Submission and approval of a Biodiversity Compensation and Enhancement Strategy
- Requirement for a wildlife sensitive lighting design scheme

ECC Waste

The revised design for the new units, and associated access/egress, is adequate for waste collection vehicles to make waste collections from these units.

ECC Highways

No objection subject to conditions relating to the provision of a Construction Traffic Management Plan and a Travel Plan.

BDC Landscape Officer

No objection. A suitable Arboricultural Impact Assessment (AIA) has been prepared. The report identifies the removal of approximately 30 metres of beech hedgerow along the road frontage and provides an assessment of the mature tree cover along the rear of the site; these trees are of mixed quality but do provide a valuable sense of enclosure to the setting and visual mass of the proposed structures.

The proposals will have a limited impact on the existing vegetation cover and Landscape Services has no objection to the proposals on the basis that the Tree Protection Plan shown in Appendix 4 of the AIA is in place before development commences on site. This should be required by condition.

BDC Environmental Health

No objection. Conditions relating to construction working hours and the requirement for a dust and mud control scheme are required.

It is positive that some electric vehicle charging points are to be provided and that as a B1c used with restricted hours the likelihood of polluting effects will be minimised. It is recommended that hours of use are limited as per the application.

PARISH / TOWN COUNCIL

Black Notley Parish Council

The Parish Council object to the proposal. Their objection is summarised below:

- The application is speculative
- Site lies in open countryside and would set a precedent to other developers
- Different to the applicant's previous tasteful conversions of redundant agricultural buildings
- Site would be overdeveloped with a lack of parking/delivery facilities

- Uncertain how much of the wooded area within which the site sits would be impacted upon
- Impact upon adjacent pond which is prone to flooding and may support varied wildlife
- Any mature trees on site should be protected
- Wildlife on site and in the surrounding area should be protected if this were to go ahead as should the adjacent pond
- ECC Highways should be consulted as Lynderswood Lane is already well used
- The type of businesses using the unit should be considered as factors such as fumes and noise could upset wildlife in the area
- If it were to go ahead Black Notley Parish would see a further increase in traffic and would want any s106 monies to be spent on improving the Parishes' already overburdened infrastructure, which already has huge lorries and traffic ruining its country roads and lanes

REPRESENTATIONS

Chelmsford City Council

- Proposal lies in open countryside but it is noted that it is proposed to be an employment area in the Draft Local Plan
- Consideration should be given to the weight which can be given to this draft allocation
- ECC Highways should be consulted to ensure the highway impact is acceptable particularly with regard to pressure on Great Leighs
- Sufficient protection should be provided to the nearby protected woodland and wildlife site

REPORT

PRINCIPLE OF DEVELOPMENT

The application site is located within the countryside where Policy CS5 of the Adopted Core Strategy states that development will be *'strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'*.

The application is therefore a departure from the adopted Development Plan as it does not accord with the above policy.

However, the site is proposed for allocation as an Employment Area in the Draft Local Plan under Policy LPP3, as part of a wider proposed allocation for Lynderswood Farm. The proposed allocation would permit a range of uses including B1 (Business); B2 (general industry); B8 (storage and distribution), the repair of vehicles and vehicle parts; waste management facilities and service specifically for the occupiers of employment areas.

The applicant's proposal for light industrial use falls within the above categories and thus the proposal would accord with the proposed allocation of the site in the Draft Local Plan, to which limited weight can be given. This is an important material consideration in the determination of the planning application although it remains necessary to assess the overall impact of the proposal and the planning balance.

SITE ASSESSMENT

Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Publication Draft Local Plan require a high standard of design and layout in all developments.

The applicant proposes to erect 3 detached commercial buildings, capable of accommodating up to 20 flexible units of a comparatively small size. The scheme design and layout was subject to detailed review by Officers during the application process and the proposal was revised specifically to respond to points raised during this process with a re-consultation being carried out.

The buildings would be of a traditional design, single storey and constructed from weatherboarding with clay roof tiles. They have specifically been designed to fit in with their countryside surroundings, whilst providing modern commercial facilities suitable for the requirements of commercial end users.

The largest of the 3 buildings has been re-designed with an articulated (stepped) ridge line and a focal central gable element to provide visual interest, a focal point for the courtyard layout and to create a better sense of place. The majority of the development would measure 6.6m to the ridge with the highest point being the focal gable which would measure 9.8m to the ridge.

The courtyard around which the units are centred would provide pedestrian and vehicle access; parking; storage; landscaping and a seating/amenity space area for employees to use.

Policy RLP30 of the Adopted Local Plan requires, as a general approach, developments for B1, B2 and B8 uses on sites of 1 hectare or more to provide a range of size and type of industrial and commercial premises. The proposed uses are designed to be flexible, with the ability for occupiers to take on single smaller units or amalgamate units to form larger premises if their business needs require this.

Overall, the design and layout is considered to be of a high quality, appropriate for its location and well considered for its purpose.

Trees and Landscape

The site sits adjacent to a woodland protected by a Tree Preservation Order. The proposed buildings have therefore been pulled away from the site boundary to ensure that they would not be located within the root protection area of these trees with the exception of a single tree where a minor encroachment would occur. A surface water drainage pipe would also pass through the outer edge of the root protection area of two of these trees and a narrow part of the site's western boundary hedge. These encroachments would be dealt with under a tree protection planning condition to ensure that they were managed correctly with appropriate hand dig procedures and that the trees were not put at risk of being lost.

There are two boundary hedges to the site. The proposed buildings would not encroach on the substantial species rich boundary hedge which forms the site's south-western boundary. The species poor hedge (beech) which forms the site's eastern boundary currently has two gaps in it to allow access to the site (currently an agricultural field). Each of these gaps would need to be enlarged with 15m of hedgerow removal per gap. A minimum of 30m of species rich hedgerow would however be planted within the site to mitigate this and the Beech hedge would still span the majority of the site's 160m eastern boundary.

Tree planting (and landscaping) is also proposed within the courtyard area with associated environmental and social benefits, helping to create a higher quality development and to provide an enhanced sense of character to the development.

In terms of the wider landscape impact of the proposal, the site is relatively well contained in visual terms. The topography is flat and the established woodland to the west and south provides visual containment in both directions. To the north, the site is again contained by the existing development at Lynderswood Farm. To the east, the site is more open, although there is the substantial beech hedgeline which runs along this boundary and which would provide a degree of shielding. The building design and materials have, as set out above, been designed to be in keeping with the site's countryside setting and to allow for the fact that there would be a degree of visibility of the site from the wider countryside to the east, particularly of the taller rear unit with its 9.8m gable feature ridgeline.

The Council's Landscape Officer has no objection to the proposal subject to conditions relating to the securing of the proposed Tree Protection Plan by way of planning condition to ensure that the existing trees adjacent to the site would be sufficiently protected.

Ecology

The applicant submitted an Ecology Report in support of their application consisting of a Phase 1 Habitat Survey and a Great Crested Newt Survey.

The site was found to consist of arable land, species rich hedgerow and species poor hedgerow, some scattered trees and wet ditches at the periphery. Great Crested Newts were not found to be present and no other protected species were found to be at risk from the development.

Enhancement measures were identified in the form of the erection of bat and bird boxes on the mature trees to be retained on the site and the inclusion of log piles for hedgehogs, reptiles and amphibians. With these measures in place it is identified that the scheme has good potential for achieving biodiversity net gain on site.

In terms of mitigation, a requirement for bat sensitive lighting is identified as being necessary given the suitability of the boundary trees and hedgerows for bat foraging and commuting corridors.

The Council's Ecology Officer at Essex County Council Place Services was consulted. No objection was raised, subject to the imposition of a number of planning conditions relating to a requirement for a Construction Environmental Management Plan; Landscape and Ecological Management Plan; Biodiversity Compensation and Enhancement Strategy and a wildlife sensitive lighting design scheme.

Highways and Parking

The proposed layout makes provision for a total of 60 parking spaces within the central courtyard. The Essex Parking Standards (2009) require a maximum of 65 spaces for a B1 use of this size. The provision of 60 spaces is close to the maximum provision and is considered appropriate for a site in this relatively rural location. Cycle provision would be located in a dedicated covered cycle store located on one side of the courtyard in accordance with the required standards.

Access to the site would be taken from the existing access to the Lynderswood Farm Business Park from Lynderswood Lane, leading to a one way system through the application site's central courtyard. The applicant submitted a Transport Assessment in support of their application which identifies that the proposal would be likely to generate a total of 19 two way vehicle trips in the AM peak (0800 – 0900) and 24 two way vehicle trips in the PM peak (1700 – 1800). In each case, one of these would be an 'other goods vehicle' (i.e. vehicles over 3.5 tonnes).

In terms of the 12 hour period from 0700 – 1900, a total of 6 other goods vehicle arrivals and six other goods vehicle departures are predicted. The modelling also predicts a total of 110 car arrivals and 113 car departures during this 12 hour period although in reality this site only has 60 car parking spaces and it is not considered that there could or would actually be as many car movements as this.

ECC Highways have been consulted and have no objection to the proposal subject to planning conditions relating to the provision of a Construction Traffic Management Plan and a Travel Plan.

Amenity

Adopted Policy RLP90 of the Adopted Local Plan states that developments shall not cause any undue or unacceptable impact on neighbouring dwellings. Policy RLP36 of the Adopted Local Plan also seeks to protect existing areas from unacceptable impacts relating to noise, dust and light pollution.

There are no existing dwellings located adjacent to the site. Dwellings further to the south-east along Lynderswood Lane are located over 150m away with woodland located in-between. The same applies to dwellings located on London Road. There are also some dwellings located on the wider Lynderswood Farm Business Park.

Overall, the proposed use is not one of general industry or storage and distribution but of light industry. It is not considered that this would be likely to cause any particular harm to the amenity of the wider area.

The Council's Environmental Health Officer has no objection to the proposal, subject to conditions relating to the control of the construction process and to the overall hours of use of the premises.

Heritage

Lynderswood Court is a substantial building located on the Lynderswood Farm Business Park complex to the north-west of the site and is a non-designated heritage asset.

The Council's Historic Buildings Consultant has been consulted and has no objection to the proposal, stating that the proposed location and utilitarian design of the scheme would mean that it would not be harmful to the significance of Lynderswood Court. No harm to a heritage asset is therefore identified.

Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding. The proposed surface water drainage strategy would store surface water run-off in crates located below the car park area. This would then be directed to an on-site open attenuation basin before restricted release at existing greenfield rates into the ditch located along the site's south-western boundary.

Essex County Council (Lead Local Flood Authority) have no objection to the proposal subject to a standard set of planning conditions requiring the submission for approval of the detailed design of the surface water drainage scheme.

Archaeology

The ECC Archaeologist has been consulted and has no objection to the proposal, advising that there is no recommendation for any archaeological works to be carried out on the site.

No planning conditions relating to archaeology are therefore recommended.

PLANNING OBLIGATIONS

The application would create new commercial floorspace falling within Use Class B1 Business which was revoked during the course of the application and replaced under the revised Use Classes Order with Use Class E (g).

As with all developments falling within this category a financial contribution toward the provision of off-site open space provision is required, in accordance with the Council's Adopted SPD. This is calculated based upon the amount of floorspace proposed and for this development would equate to a financial contribution of £11,095.56. The Applicant has submitted a Unilateral Undertaking which would secure this contribution.

PLANNING BALANCE AND CONCLUSION

The applicant seeks planning permission for the erection of 3 single storey commercial buildings which would effectively form an extension to the existing Lynderswood Business Park. The proposal is a departure from the Adopted Development Plan but would be in accordance with the Draft Local Plan which seeks to allocate the site for the use proposed.

The design and layout of the scheme is considered to be acceptable and the applicant has responded constructively to concerns raised by Officers in relation to this. It is considered that the revised scheme would constitute a high quality proposal, providing purpose built modern commercial units without compromising on achieving a well-considered development with appropriate parking, landscaping and amenity space which would respond to its context.

The scheme has been designed to safeguard both the existing protected woodland to the north-west of the site and the majority of the other existing established boundary trees and hedgerows.

No heritage harm has been identified and no specific risk to protected species has been identified with the site having good potential to achieve biodiversity net gain. The highway impact of the proposal is also considered to be acceptable with ECC Highways having no objection. It is not considered that the development would be likely to have a detrimental impact upon the amenity of the existing area and its residents.

The Parish Council have raised objection on a number of grounds, however Officers have assessed the application in detail and do not consider that there is any specific reason to recommend that planning permission is refused.

In terms of the planning balance, the site is located in the countryside and there would be a degree of harm caused by the loss of a greenfield site and a limited degree of landscape harm in terms of the development being visible from the east. There would also be a degree of highway impact and it is noted that the Draft Local Plan Allocation is a draft allocation to which limited weight only can be given.

However, the proposal would extend an existing employment site, is well designed and laid out; would bring clear social and economic benefits, has good potential for biodiversity net gain and is on a site the Council are actively seeking to allocate for the use proposed. Overall Officers consider that this is a proposal which constitutes sustainable development and that the planning balance falls firmly in its favour.

It is therefore recommended that subject to the above Section 106 Obligation being secured, planning permission is granted.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The applicant entering into a suitable legal agreement or (Unilateral Undertaking) pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
- A financial contribution of £11,095.56 toward the provision of off-site open space.

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan

Plan Ref: 1851-A100

Version: P2

Proposed Block Plan	Plan Ref: 1851-A101	Version: P4
Proposed Site Plan	Plan Ref: 1851-A110	Version: P4
Roof Plan	Plan Ref: 1851-A111	Version: P4
Proposed Elevations and Floor Plans A202	Version: P3	Plan Ref: 1851-
Proposed Elevations and Floor Plans A203	Version: P4	Plan Ref: 1851-
General	Plan Ref: 1851-A204	Version: P3
Recycling / Waste Plan	Plan Ref: 1851-A205	Version: P1
Other 02B	Plan Ref: TRAVEL PLAN	Version: 196950-
Arboricultural Report 14 MAY 2020	Plan Ref: AT COOMBES ASS LTD	Version:

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans and documents listed above.

Reason

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

- 3 No development shall commence until the tree protection measures detailed in the submitted Arboricultural Method Statement and Arboricultural Impact Assessment dated 14th May 2020 and completed by AT Coombes Associates Ltd are fully in place in order to protect the trees and hedges to be retained on and adjacent to the site from damage during the carrying out of the development. The protection measures 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. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

To ensure the appropriate protection and retention of existing trees and

hedges which are to be retained. The protection measures must be installed prior to the commencement of development to ensure that they are in place from the outset.

- 4 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1.2l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The development shall only be implemented in accordance with the approved surface water drainage strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that a system is not installed that is not sufficient to deal with surface water occurring during rainfall events leading to increased flood risk and pollution hazard from the site.

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

Reason

To ensure that the development does not increase flood risk or contribute to water pollution during the construction phase. The scheme is required

prior to commencement of development to ensure that they are in place from the outset.

- 6 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Management Plan shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction including a dust assessment carried out in accordance with IAQM guidance;
- Delivery, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interests of highway safety. The Construction Management Plan is required prior to the commencement of development to ensure that such measures are in place from the outset.

- 7 No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The development shall be carried out strictly in accordance with the approved CEMP.

Reason

To protect protected and priority species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). The Management Plan is required prior to the commencement of development to ensure that the required measures are in place from the outset.

- 8 No above ground construction of any buildings shall commence until samples of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure that the proposed materials are of a high quality and appropriate for the site's location.

- 9 Prior to the construction of the development above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

- 10 Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 Prior to the first use of the development, 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, shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 12 Prior to first occupation of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall 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 conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 13 Prior to first occupation of the development a Biodiversity Compensation and Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- d) locations of proposed enhancement measures by appropriate maps and plans;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 14 No occupation of the development shall take place until the submitted Travel Plan completed by Ardent and dated October 2020 (Ref 196950-02B) has been implemented. The Travel Plan shall continue to be implemented thereafter.

Reason

To ensure the proposal site accessed as far as possible by more sustainable modes of transport such as public transport, cycling and walking.

- 15 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the

development hereby approved and shall be permanently maintained as such.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 16 Prior to the first use of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

Reason

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

- 17 The commercial units contained within the development hereby permitted shall adhere to the following hours of opening:

Mondays to Fridays - 0700 to 1800

Saturdays - 0700 to 1300

Sundays, public and bank holidays - no opening

Reason

To safeguard the amenity of existing residents and the local area.

- 18 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) the development hereby permitted shall only be used for uses falling within Use Class E1 of the amended Use Classes Order. No use of any of the units within the development for a use which falls outside of this class (E) and sub category (E (g)) shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To ensure that this employment land remains in employment use and to ensure that any change of use to another commercial use can be properly assessed in terms of its impact upon the site and surrounding area.

- 19 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.

- 20 Prior to the first occupation of the development the proposed bicycle shelter shall be completed in full as shown on the approved drawings. The shelter shall be retained in that form thereafter.

Reason

To ensure that sufficient provision for bicycle parking is in place.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the informatives contained within the following consultation responses which are published on the Council's website under the above planning application reference number:

- o Essex County Council SUDs (Lead Local Flood Authority) - 2nd July 2020
- o Anglian Water - 15th July 2020

SUBMITTED PLANS

Levels	Plan Ref: 1851A001	
Proposed Block Plan	Plan Ref: 1851 A101	Version: P4 003
Proposed Site Plan	Plan Ref: 1851 A100	Version: P4 003
Roof Plan	Plan Ref: 1851 A111	Version: P4 003
Proposed Elevations and Floor Plans A202	Plan Ref: 1851- Version: P3	
Proposed Elevations and Floor Plans A203	Version: P4	Plan Ref: 1851-
General	Plan Ref: 1851-A204	Version: P3
Proposed Elevations and Floor Plans A205	Version: P1	Plan Ref: 1851-

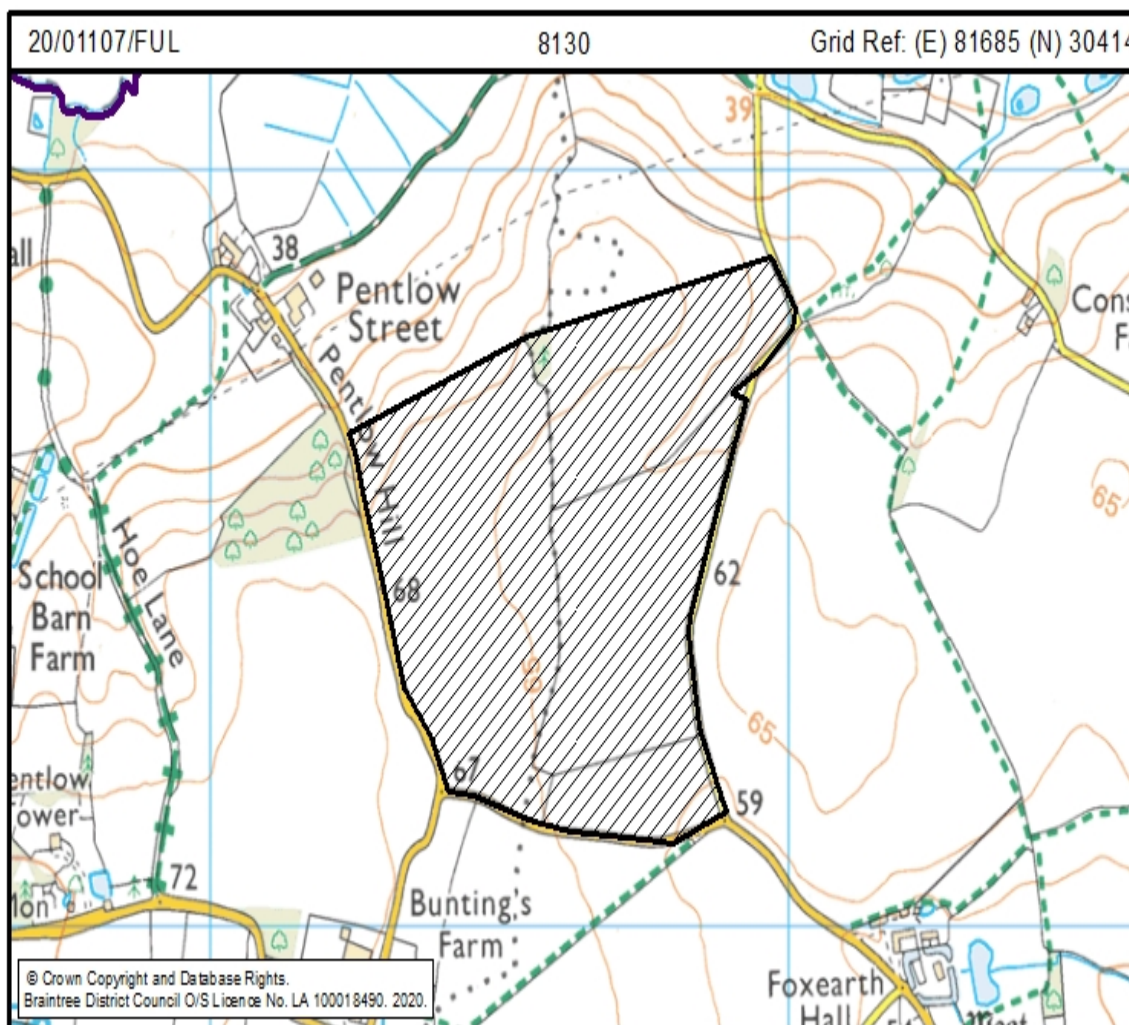
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/01107/FUL DATE: 10.07.20
VALID:
APPLICANT: NextPower SPV 11 Limited
5th Floor North Side, 7-10 Chandos Street, Cavendish
Square, London, W1G 9DQ
AGENT: Intelligent Alternatives
Mr James Jamieson, 100 Brand Street, Glasgow, G51 1DG
DESCRIPTION: Solar farm and associated development
LOCATION: Land East Of, Pentlow Hill, Pentlow, Essex

For more information about this Application please contact:
Kathryn Oelman on:- 01376 551414 Ext. 2524
or by e-mail to: kathryn.oelman@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QD8RJ1BFF1700>

SITE HISTORY

No relevant planning history applicable to this site.

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP36	Industrial and Environmental Standards
RLP54	Transport Assessments
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP76	Renewable Energy Schemes
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None.

Supplementary Planning Guidance

None.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located east of Pentlow Hill, north of The Street and west of a minor road in the east. The site comprises 28.4ha of land presently in agricultural use which straddles the parish boundary between Pentlow and Foxearth & Liston. A number of public footpaths cross land in the vicinity, but not the site itself. The closest residential properties are Bunting's Farm located approximately 300m to the south-west which is Grade II Listed and properties on Pentlow Street located approximately 300m to the north-west, including Pentlow Street Cottages & The Barn (Byre to South East) which are also Grade II Listed.

PROPOSAL

The application proposes to use the land to erect solar arrays for the production of renewable electricity. Agricultural use of the land may also subsist by way of continued grazing of the land by livestock.

The arrays would be positioned on rows of 'tables' and not exceed 3m in height. A substation building, switchgear building, eight inverter cabins and three containers are also proposed to be erected on the site all finished in moss green or light grey in colour. Whilst the inverter cabins need to be positioned regularly along the crushed stone service tracks provided between the panels, the other buildings would be situated in the west of the site adjacent an upgraded access which currently forms an existing field access to Pentlow Hill. A satellite dish mounted on a 4m high pole would also be located alongside these buildings. The entire site would need to be enclosed by a fence to prevent deer ingress. This fence is shown to be of a 'Heras' type metal wire mesh set between wooden posts and a maximum 2m high. Static CCTV cameras would be located every 3m along the fence line set on metal poles 3m in height.

The application is accompanied by a Landscape Masterplan which shows how a hedgerow would be provided in front of the fence line and confirms that

this would be maintained at a height of 3m and contain specimen trees to provide additional screening in wider landscape views as necessary.

The application is accompanied by the following additional documents:

- Detailed plans showing racking, fencing, CCTV, Satellite Dish, Comms/Storage Building, Inverter/Transformer, Storage Container & O.M. Building, Substation Housing and Switchgear Housing.
- Tree Survey & Arboricultural Impact Assessment
- Historic Environment Assessment
- Indicative Management Plan
- Landscape & Visual Impact Assessment
- Preliminary Ecological Assessment & Farmland Bird Mitigation Strategy
- Soils & Agricultural Quality Report
- Planning Design & Access Statement
- Indicative Construction Management Plan
- Landscape Masterplan

The Council has issued a separate screening opinion for the development (19/00006/SCR) with reference to the Town & Country Planning (Environmental Impact Assessment Regulations) 2017 (as amended) which concludes that it does not constitute EIA development.

SUMMARY OF CONSULTATION RESPONSES

Anglian Water

No objection

Dedham Vale Stour Valley Project

No objection (see Officer Report for further details).

Essex Police

No objection

ECC SuDS

No objection

ECC Local Highway Authority

No response (deadline expired 14.10.20)

ECC Education & Housing

No response (deadline expired 14.10.20)

ECC Independent Living

No response (deadline expired 14.10.20)

ECC Archaeology

No objection

Natural England

No objection

NHS England

No response (deadline expired)

Sport England

No objection.

BDC Ecology

No objections subject to skylark mitigation being secured by S106 Agreement.

BDC Built Heritage

No objection

BDC Waste

No objection

BDC Housing Enabling

No response (deadline expired 14.10.20)

BDC Environmental Health

No response (deadline expired 14.10.20)

BDC Landscape & WWA External Landscape Consultant

No objection (see officer report for further details)

PARISH / TOWN COUNCIL

Pentlow Parish Council

Pentlow Parish Council is understood to continue to object to the application, having initially responded with a holding objection requesting further information. Subsequent information was provided by the Case Officer and the agent; please refer to the website for full details of this. The following most recent correspondence was received on 9th December 2020 from the Parish Council:

“Pentlow Parish Council is submitting this correspondence for inclusion with the Solar Farm Application referenced above. We realise that our interpretation of NPPF guidelines on public consultation differs from that of BDC and that has been addressed in prior communications. We believe that this development is so significant for Pentlow that a meaningful opportunity for open, dynamic dialogue is both required and essential. We have not changed our position on that and with the ongoing public health challenges we are trying to ensure that happens.”

Foxearth & Liston Parish Council

Foxearth & Liston Parish Council commented as follows:

“After considerable time discussing this application the Parish Council: SUPPORT this application. The basis for this decision was as follows:

- Given the Climate Emergency, the Parish Council considered it important to support sources of renewable energy, noting that only by replacing fossil-fuel generation with renewable generation will the country be able to meet its ‘net zero’ carbon commitments.*
- The Parish Council further noted that neither consultees Natural England nor Dedham Vale AONB had raised any objection to the proposed development on environmental grounds (however, see comment below regarding the Visual Impact Assessment).*
- Whilst Foxearth and Liston Parish Council accepts that there will inevitably be a visual impact from the proposed development, the Council took the view that such impact could be minimised by the application of appropriate planning conditions (see below).*

Foxearth & Liston Parish Council asks BDC, in considering the application, to take the following into account:

- Foxearth and Liston Parish Council considers that viewpoint 4 in the Visual Impact Assessment gives a false perception of the visual impact from the Stour Valley Path. A view from grid reference TL825474 would provide a more accurate and impactful perception.*

- *The Council notes that the fencing along the road between Foxearth and Glemsford is not proposed to be set back, as it is for the road between Foxearth and Cavendish.*

In supporting this application, Foxearth & Liston Parish Council asks BDC, if it is mindful to support the application, to impose the following conditions:

- *The Council asks that BDC Planning Committee commission a more accurate Visual Impact Assessment and take this into account when stipulating mitigations to be made for the site (e.g. screening, planting etc.).*
- *A requirement that the site be replanned to reduce the visual impact of the fencing along the Foxearth/Glemsford Road.*
- *A requirement that the lighting on the site is not left on overnight.*
- *A requirement that the site boundary fencing height should be not intrusive and should be screened by appropriate native-species planting”.*

REPRESENTATIONS

A total of 29 letters have been received commenting on the application, 19 of which state they are in objection and 7 in support. The key points raised are summarised below:

- Scale and necessity for development not justified
- Loss of valuable farmland
- Preference for brownfield land
- Boundary fencing out of keeping with rural setting
- Impact in wider landscape not properly assessed
- Unacceptably visually prominent
- Construction traffic to avoid old narrow bridge in Cavendish
- Lack of public consultation
- Precedent
- Access unsafe
- Construction traffic unsafe on narrow country roads
- Impact upon biodiversity
- Need to ensure landscape masterplan is implemented to mitigate visual impact of development
- Need to ensure full archaeological survey of site
- Need to ensure specific protected species are identified and impacts assessed
- Request that all development set back from surrounding roads and entirely hidden by hedging
- Request no floodlighting
- Request black panels
- Request reinstatement of site if use ceases

- Clean, green electricity and project making valuable contribution to fighting climate change
- Panels will be low lying and not unsightly
- Development will blend in with the landscape over time
- Soil is not BMV land and will rest, then return to use when use ceases
- Net biodiversity gain to be delivered

REPORT

PRINCIPLE OF DEVELOPMENT

Policy CS5 of the Adopted Core Strategy seeks to restrict development outside development boundaries exclusively to uses identified as being appropriate to the countryside. The objective being to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Such uses are defined in Paragraph 4.24 of the Strategy and do not include renewable energy development. However, Paragraph 3.4 & 6.22 of the Strategy specifies that the encouragement of renewable energy is a key objective in rural areas and Policy CS9 of the Adopted Core Strategy states that *“renewable energy proposals will be supported where impacts upon amenity, wildlife, heritage assets and landscape are acceptable”*. Furthermore, Policy RLP76 of the Adopted Local Plan is generally supportive of solar power schemes and does not rule out their application in principle for locations across most of the District, subject to consideration of their impacts upon landscape, nature conservation and historic features.

The National Planning Policy Framework 2019 (NPPF) Paragraph 148 requires the planning system to support renewable energy and associated infrastructure. It is noted that the applicant estimates that the solar farm has the capability to generate circa 22MWp of energy per year. A development of this scale will undoubtedly contribute to a reduction in emissions in sympathy with the national drive to establish a low carbon economy which is no longer reliant upon fossil fuels. However, it should also be noted that Paragraph 154 of NPPF makes it clear that, when determining planning applications for renewable and low carbon development, local planning authorities should *“not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions”*.

As the current Adopted Local Plan does not identify areas for renewable energy, this proposal is not required under Paragraph 148(b) of the NPPF to demonstrate the proposed location meets the criteria used in the plan for identifying such areas. It is observed nevertheless that the considerations identified in Policy RLP76 of the Adopted Local Plan do in fact mirror those identified in the Planning Practice Guidance as to the criteria relevant for judging renewable energy projects. The NPPG does however advise specifically in relation to large-scale solar farms that one consideration amongst others should be whether land is being used effectively; recommending that solar farms are focused on previously developed and non-agricultural land, particularly where development would result in the loss of

high quality agricultural land. This sentiment is amplified in the Policy LPP76 of the Draft Local Plan, which requires that large scale solar farms are accompanied by a sequential assessment which considers alternative brownfield sites and lower quality agricultural land, and requires a compelling justification for developments on high quality agricultural land.

It must be noted that any compliance, or non-compliance, with the sequential test requirement of Policy LPP76 is likely to carry limited weight and may not, of its self, even be sufficient to render the proposal in compliance or contrary to the emerging plan as a whole. On top of this, if non-compliance were found with the emerging plan as whole, this in itself would also be likely to carry limited weight given the stage of preparation that this plan is at. Therefore, whilst forming a determinative judgement on the basis of the precise wording of Policy LPP76 alone is not recommended, such general factors are material in their own right and should generally form ingredients in consideration of the wider planning balance in any regard.

It is noted that in this case the applicant has provided detailed arguments within Section 7 of the Planning Design & Access Statement as to why there were no suitable and readily available brownfield or rooftop opportunities which would present a viable alternative to this Greenfield location given the government no longer provides subsidies for this sort of power and therefore larger sites are required to satisfy economies of scale. The applicant also describes why this site has been selected, on account of its proximity to overhead lines and substations together with the difficulties of finding landowners who are willing to diversify in this way. The general acceptability of the proposal in relation to a number of considerations are also detailed further in this report. One factor for consideration is that solar farm uses may be long lived, but are generally not understood to be permanent, and that development of the land in this way does not ultimately preclude some forms of agricultural use from subsisting alongside it.

SITE ASSESSMENT

Landscape

Policy CS8 of the Adopted Core Strategy requires *inter alia* that all development proposals have regard for the landscape and its sensitivity to change; requiring that development enhances the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan requires new development proposals to not be detrimental to the distinctive landscape features and successfully integrate into the local landscape.

In this case the proposal seeks to retain the original field pattern in situ and has provided a Landscape Masterplan which proposes to retain and enhance the existing landscape features such as hedgerows, copses of woodland and trees as well as providing a new hedgerow containing trees around the entire perimeter of the site.

The site sits largely on a plateau of high, flat land with the panels specifically situated not to project significantly beyond the area where the land falls to the Stour Valley in the north. The proposed development would be set back from Pentlow Hill in the west and The Street in the south, but would be directly adjacent the minor road in the east.

The application was accompanied by a Landscape and Visual Assessment (LVIA), the content of which was assessed by the Council's external Landscape Consultant, Wynne Williams Associates (WWA). WWA initial conclusions upon review of the LVIA were that the LVIA was accurate but that additional assessment of impacts of certain viewpoints should be undertaken in order that the LPA may judge whether the mitigation proposed in the Landscape Masterplan would be sufficient. Following this, the applicant submitted an addendum to the LVIA which was accompanied by a number of additional viewpoints and amended plans which proposed additional planting.

WWA reviewed the LVIA addendum note and concluded that the additional information provided does illustrate that the predicted hedgerow planting will be effective within a ten year period at screening the development in both short and long range views. The additional tree planting included along the northern boundary will be particularly assist in mitigating the impact and would reflect the character of existing boundary hedgerows. In general the proposal would serve to continue the existing pattern of copses and hedgerows with trees which are characteristic of the local area.

The site lies within the Dedham Vale and Stour Valley Project Area, therefore is recognised for its high quality landscape within the Dedham Vale Management Plan 2016-2021 and Stour Valley Valued Landscape Report. The AONB team reviewed the LVIA addendum note and associated information and made the following comments:

"The AONB team welcomes that an additional assessment has been carried out from viewpoint 8 i.e. Stour Valley Path which runs west - east approximately 1km to the north of the site. While viewpoint 8 shows that the northern edge of the solar farm will be visible in glimpsed views from certain stretches of the Stour Valley path, the additional tree planting proposed in the revised landscape plan will in time provide additional screening and break up the mass of the solar farm in longer distance views.

If approved the solar farm will result in a change in land use and the character of this part of this part of the Stour Valley. Considerable thought has gone into the design of the scheme to reduce landscape and visual impacts as much as possible.

Provided that the scheme is delivered as proposed, and that all mitigation measures set out in the LVIA and PEA are conditioned, if the LPA is mindful to approve this application, the AONB team consider that the scheme can be delivered without significant harm to the special qualities of this part of the Stour Valley."

It is therefore considered that the proposal would comply with the requirements of Policy CS8 of the Adopted Core Strategy, Policies RLP80 and RLP76 of the Adopted Local Plan in so far as they relate to landscape impacts. It would also comply with the requirements of Paragraph 170(b) of the NPPF and Policy CS5 of the Adopted Core Strategy which seek to protect the intrinsic character and beauty of the countryside.

Ecology & Biodiversity

Policy CS8 of the Adopted Core Strategy requires that proposals create and enhance the biodiversity value of wildlife corridors and promote wildlife enhancements which contribute to the targets set out in the Essex Biodiversity Action Plan. Policy RLP84 of the Adopted Local Plan directs that planning permission is not granted for development which would have an adverse impact upon badgers or species protected by various UK and European legislation. Paragraph 170(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity.

The development proposes to deliver a number of biodiversity benefits which include the provision of enriched field margins, additional hedgerows and trees, and general management of the land in a more sustainable way. In order to mitigate and provide additional biodiversity gain there would also be provision of bird and bat boxes on the site and a Section 106 Agreement which will secure the provision of 30 skylark plots on nearby land.

The Council's Ecological Consultant has reviewed the ecological appraisal and bird mitigation strategy submitted and raises no objections to the proposal. They have confirmed that the ecological information submitted is sufficient provided conditions and a Section 106 Agreement are imposed to secure biodiversity net gain and ensure that the impacts upon protected species would be acceptable. The proposal is therefore considered to comply with Policy CS8 of the Adopted Core Strategy and Policy RLP84 of the Adopted Local Plan as well as Paragraph 170(d) of the NPPF.

Design & Heritage

Paragraph 127 of the NPPF requires *inter alia* that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy RLP90 of the Adopted Local Plan requires a high standard of design for all development and that the layout and height and overall design of development are in harmony with the character and appearance of the surrounding area. Policy CS9 of the Adopted Core Strategy requires that proposals respect and respond to local context, especially where the development affects the setting of historic buildings. Policy RLP100 of the Adopted Local Plan Review requires that proposals do not harm the setting of listed buildings, whilst Paragraphs 195 & 196 of the NPPF provide guidance if harm to the setting of a listed building is identified to occur.

The proposed development is extensive and will be visible from surrounding roads at least until the proposed planting has had time to establish. Providing the perimeter hedgerow is maintained at the 3m height proposed, this will serve to screen the majority of the solar panels, fencing, CCTV columns and storage buildings from view of the surrounding roads in time. A more formal access route; having replaced an existing field access, and glimpses of the development through the entrance may still be possible even after this time. However, it is considered that the equipment on the site has been positioned and will be finished in colours which do minimise their visual impact. Whilst the new hedgerow will be a new feature in the street scene in this location, it would be in keeping with the generally rural character of these surroundings.

It is estimated that the lifetime of the solar panels would be 40 years. At any time should solar electricity generation cease on the site for a period of 6 months or more, a condition is proposed which would require the equipment to be removed and the site reinstated to its former condition. This will ensure that in the long term, the agricultural character of the site remains when the use finishes.

It is noted that Liston & Foxearth Parish Council have requested that lighting of the site is prevented after dark. Officers are conscious that a blanket restriction may not prove feasible as it may be necessary to have some lighting of the site on occasions or for limited periods after dark for reasons of safety or maintenance. A condition has however been recommended which requires the hours of use for lighting on the site to be approved in order that the LPA can ensure this is minimised in its impact upon the immediate surroundings and within the landscape. The proposed condition also prevents floodlighting being erected on the site at any time during the duration of its use.

The LPA has a statutory duty under s.66 of the Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under s.72 of this Act the LPA also has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

The Council's Historic Buildings Consultant has assessed the impact of the proposal on several heritage assets in the area and concludes that the proposal would not harm the setting of any of these assets. The proposal is some considerable distance from the closest listed buildings and would not therefore be seen within their setting.

It is therefore considered that the proposals are likely to result in undesirable visual impacts in the short term, however, these have been minimised as much as possible through good design and will ultimately result in a development which is in harmony with the character and appearance of the surrounding area in the long term. There is therefore a suitable level of

compliance with the aforementioned planning policies, noting particularly that no harm to heritage assets has been identified.

Impact on Neighbouring Residential Amenities

The proposal is located circa 300m from the nearest residential properties and therefore is not likely to have a significant adverse impact upon the residential amenity of the occupants of nearby properties. Whilst there may be some temporary additional traffic which may arise as part of the construction phase, this will be limited and is not likely to be significantly detrimental to amenity when compared to existing levels.

Highway Considerations

The Local Highway Authority has considered the proposal and has given particular consideration to the safety of the access and the impact of the construction phase and presence of traditional bridges within the locality. It has raised no objections to the development on the basis that the routes of construction traffic can be suitably regulated via submission of details under condition. It is noted that the proposals are to route traffic north down Pentlow Hill onto Melford Road and out towards the A1092 at Cavendish. The routes would remain in place during the operational phase when only two vehicle movements are predicted for maintenance (likely a van). It is not therefore considered that the proposal would give rise to an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe, therefore the proposal is compliant with Paragraph 109 of the NPPF in this regard.

Other Issues

Extent of Pre-Application Consultation:

It has been mooted on several occasions by local residents and the Parish Council that this proposal has not been subject to sufficient pre-application consultation in accordance with the advice contained within the NPPF.

The developer does not contest that it made no attempts to engage the Parish Councils or local residents prior to the application being submitted. It is therefore appears reasonable to judge that the proposal was not subject to adequate levels of pre-application engagement with the local community. The LPA cannot force a developer to undertake pre-application engagement, and has no powers to refuse applications purely on the basis that such engagement has not occurred. However, the Paragraph 128 of the NPPF states that *“Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”* The lack of pre-application community engagement in this case is therefore clearly a material consideration and, whilst it cannot count negatively against this proposal in the wider planning balance, there is effectively no beneficial ‘boost’ which could have been afforded in the balance had early, proactive and effective engagement with the community been demonstrated.

Best and Most Versatile Land:

Policy CS8 of the Adopted Core Strategy requires *inter alia* that development should protect the best and most versatile agricultural land. In this case a minor proportion of the site is classified 3a (Best and Most Versatile –BMV) agricultural land, but the majority of the site is classified 3b which is poorer quality. The loss of the small tract of BMV land would therefore weigh negatively in the balance against this proposal, but only to a limited extent given the fact that the Braintree District has a proliferation of BMV land, and whereby the loss of this small amount of BMV land is unlikely to significantly undermine the provision of such land throughout the District as a whole. This consideration has been taken into account in the wider planning balance as detailed in the Conclusion to this report, however, for the reasons given below it is considered that the proposal still complies with the development plan as a whole in spite of the partial conflict with this policy.

Flood Risk:

The site is located exclusively in Flood Zone 1, therefore at low risk of flooding. Due to the limited amount of impermeable surfacing being created the applicant has demonstrated that the proposal would only have a small effect upon run-off rates from the site. Never-the-less a Drainage Strategy is proposed which would employ sustainable urban drainage solutions to ensure that the surface water run-off rate will be reduced to less than the current rate and therefore the proposal is judged to comply with the requirements of Policy RLP69 of the Adopted Local Plan and Policy CS8 of the Adopted Core Strategy.

Archaeology:

The application is supported by an archaeological desk based assessment which has identified that there is potential for survival of previously unrecorded archaeological remains dating to the prehistoric period, particularly in respect of the Bronze Age given the proximity of several sites of the period lying in the surrounding area and along the valley of the Stour which may have held a particular significance for people during the prehistoric period for both resources and ritual purposes. A cropmark of a curvilinear enclosure is recorded as lying within the development area, however access to source material does not allow accurate location of this feature.

The information provided demonstrates that there would be minimal impact from the installation of the solar panels, however the impact from the associated infrastructure cannot be determined until the construction management plan is provided. There is the potential for the disturbance or destruction of archaeological remains from the cumulative impact of the site infrastructure, including compounds, access roads, cable trenches and concrete bases.

Conditions are recommended in order to require further archaeological assessment to ensure any archaeological deposits will not be harmed as a result of the development.

PLANNING BALANCE AND CONCLUSION

The proposal is a renewable energy project, which in principle is generally supported by National and Local Policy on account of the benefits it would deliver to reducing greenhouse gas emissions. The proposal would also deliver moderate benefits by providing employment in the construction and operational phases and generally contributing to sustaining jobs in the wider solar power industry. There would however be temporary visual harm caused in the early stages of development and other limited harm caused by the loss of a small amount of BMV agricultural land.

The starting point should, and always will be, the adopted Development Plan. In this case the proposal is considered to comply with the most important policies of the plan. These particular aforementioned policies are considered to be up-to-date by way of their consistency with the policies as stated within the NPPF. Paragraph 11c of the NPPF therefore directs that such proposals should be approved without delay. In this case, other material considerations do also exist, notably the preference against use of BMV land for such development as noted in the NPPG and Policy LPP76 of the Draft Local Plan. However, for the reasons set out in this report, it is not considered that the loss of a small area of BMV land taken within the context of Braintree District's provision as a whole attracts sufficient weight as to indicate that a decision should be taken otherwise. Compliance is also found with the NPPF as a whole and this material consideration weighs in favour of a grant of permission. The application is therefore recommended for approval subject to completion of a Section 106 Agreement.

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:

- The provision of 30 skylark plots on nearby land.

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Existing Site Plan	Plan Ref: 306-01-PV	Version: A2
Proposed Site Plan	Plan Ref: 306-01-PV	Version: B2
Satellite Dish	EDS 07-0020-05	Version: A
Substation Details		
Switchgear Housing	Version: A1	
Landscape Masterplan	Plan Ref: P0434 Figure 8	Version: Rev B
Access Details	Plan Ref: 306-01-PV	Version: A1
Boundaries Plan 306-01-PV		Version: A1
Site Design 306-01-PV	Version: B3	
Visibility Splays	Plan Ref: 306-01-PV	Version: A2
CCTV Detail	Version: A1	
Comms/Storage Building	Version: A1	
Fencing Layout/Details		
Inverter/Transformer Detail	Version: A1	
Racking Detail	Version: A1	
Storage Container/O _ M Building		Version: A1
Location Plan	Plan Ref: 1:10000 scale	

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

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

- 3 The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

Soil compaction can cause increased run-off from the site. Therefore a soil management plan should show how this will be mitigated against. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 4 Prior to any part of the development's first use a maintenance plan detailing the maintenance arrangements including who is responsible for the swales and the maintenance activities/frequencies for the swales, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall 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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 5 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.

- 6 Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal (Midland Ecology January 2020).

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person as necessary.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). Failure to provide the above required information prior to commencement may result in harm to protected species.

- 7 Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). Failure to provide the above required information prior to commencement may result in harm to protected species.

- 8 Prior to first use a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal (Midland Ecology January 2020).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 9 Prior to first use a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and 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 allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 Prior to commencement of the development planning application document 'Indicative Traffic Management Plan' shall be revised and submitted to and approved in writing by the Local Planning Authority to show the following:
- a) a package of signage measures at and near the junction of A1092 Lower Road and Liston Road to prevent construction traffic entering Liston Road.

The development shall be carried out in accordance with the approved Plan

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. Failure to provide the above required information prior to commencement may result in to unsafe vehicle movements connected with the construction phases of development.

- 11 No commencement of the development shall take place until the following have been provided or completed:

a. A temporary construction access, as shown in principle on planning application drawing 306-01-PV Access Plan Rev A2 received 8th January 2021. It shall be provided with vehicular visibility splays as shown on principle on planning application drawing 306-01-PV Visibility Splays Rev A2 received 8th January 2021. Such vehicular visibility splays shall be provided before the access is first used by construction traffic and retained free of obstruction above 600mm at all times;

b. A package of signs to ensure construction vehicles adhere to the construction route specified in planning application document 'Indicative Traffic Management Plan'.

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. Failure to provide the above required information prior to commencement may result in to unsafe vehicle movements connected with the construction phases of development.

- 12 Within three months of the commencement of the development details shall be submitted and approved in writing by the Local Planning Authority for the removal of the temporary construction access and construction of a permanent service access.

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 13 Within three months of the completion of the development the agreed permanent service access shall be completed.

Reason

To protect highway efficiency of movement and safety in accordance with

policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 14 Development shall not be commenced until a detailed Landscape Management Scheme has been submitted and approved by the local planning authority which provides details of the following:

a) Details of the means of protecting all of the existing trees, shrubs and hedges shown to be retained on the Landscape Masterplan P0434 Rev.B (received 16th September 2020) on land within the red and blue lines, together with confirmation of any excavation, changes in ground levels, laying of services in proximity to these, together with express confirmation that the approved means of protection shall remain in place for the duration of construction and that no machinery, materials, goods or articles of any description shall be operated stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

b) Details of soft landscaping works (as identified on the Landscape Masterplan P0434 Rev.B received 16th September 2020) to include the plant type, size, planting numbers and distances, and a programme detailing the timing of the landscaping works in relation to the phasing of construction together with express confirmation that 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 otherwise specified and agreed.

c) Details of a long term management plan for the landscaping shown on Landscape Masterplan P0434 Rev.B (received 16th September 2020) within the red and blue lines which allows for the hedgerows to be maintained at a minimum height of 3m at all times and confirmation of the maintenance regime to ensure that all the identified landscaping on the site is continually managed for the lifetime of the development; to the objective of ensuring that the visual impact of the development is minimised from both close range views and those available from the wider surrounding landscape.

Development shall only commence in strict accordance with the Landscape Management Scheme, which shall be subsequently be implemented only in accordance with the approved details for the lifetime of the use hereby approved.

Reason

In the interests of visual amenity and protection of the local environment: to ensure that existing landscaping on the site is protected and enhanced with the objective of ensuring that the visual impact of the development is minimised from both close range views and those available from the wider surrounding landscape. Failure to provide the above required information

prior to commencement may result in harm to features of landscape interest and harm to visual amenity.

- 15 No lighting shall be erected on the site until the hours of its use have been submitted to and approved in writing with the local planning authority. Thereafter lighting of the site shall only occur within the hours as specified and agreed.

At no time during the duration of the hereby approved use shall floodlighting be erected on the site.

Reason

In order to ensure the visual impact of the development is minimised when viewed within the local landscape and surrounding roads.

- 16 If use of the hereby approved development should cease for the purposes of energy generation for a concurrent period exceeding six months or more, all the equipment and structures hereby approved shall be removed from the land and the site reinstated to its former condition.

Reason

In the interests of amenity and protection of the local environment; to ensure the rural character of the site is reinstated when the solar panels reach the end of their lifetime if they are not replaced.

- 17 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Reason

The site may be of archaeological interest. Failure to provide the above required information prior to commencement may result in harm to interests of archaeological importance.

- 18 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 17 above.

Reason

The site may be of archaeological interest.

- 19 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

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

INFORMATION TO APPLICANT

- 1 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. The applicant should be advised to contact the Development Management Team by email at: development.management@essexhighways.org.
- 2 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 £34 for householder applications and £116 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
- 3 This application is linked to a Section 106 Agreement the terms of which must be complied with for this development to remain lawful.
- 4 In reference to Condition 14, in relation to land beyond the red line but within the blue line; the long term management plan is only intended to extend to those habitats and features specific identified on the Landscape Masterplan P0434 Rev.B as noted to be retained or requiring enhancement. In relation to land beyond the blue line, the plan is not intended to restrict use or management of the fields themselves or boundary features which are not annotated on the Landscape Masterplan.

SUBMITTED PLANS

Location Plan

Plan Ref: P0434

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER