

PLANNING COMMITTEE AGENDA

Tuesday 14th December 2021 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

*(Please note this meeting will be broadcast via the Councils YouTube Channel,
webcast and audio recorded) www.braintree.gov.uk*

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 Mrs J Beavis	Councillor F Ricci
Councillor K Bowers	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy (*Substitutes who wish to observe the meeting will be required to do so via the Council YouTube Channel*).

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members team, no later than one hour before the start of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday).

The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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

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

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

Substitute Members: Only the named Substitutes on this agenda can be appointed by a Member of the Committee to attend in their absence. The appointed substitute becomes a full member of the Committee with participation and voting rights.

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

Public Attendance at Meeting: Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

Comments and Suggestions: We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you 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 meetings of the Planning Committee held on 28th September 2021, 12th October 2021, 26th October 2021, 2nd November 2021, 9th November 2021, 23rd November 2021 and 30th November 2021 (copies to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A Planning Applications

5a App. No. 17 00679 OUT – Land North of London Road, KELVEDON 6-105

5b App. No. 21 01878 FUL – Land East of Periwinkle Hall, Links Road Perry Green, BRADWELL 106-142

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.

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

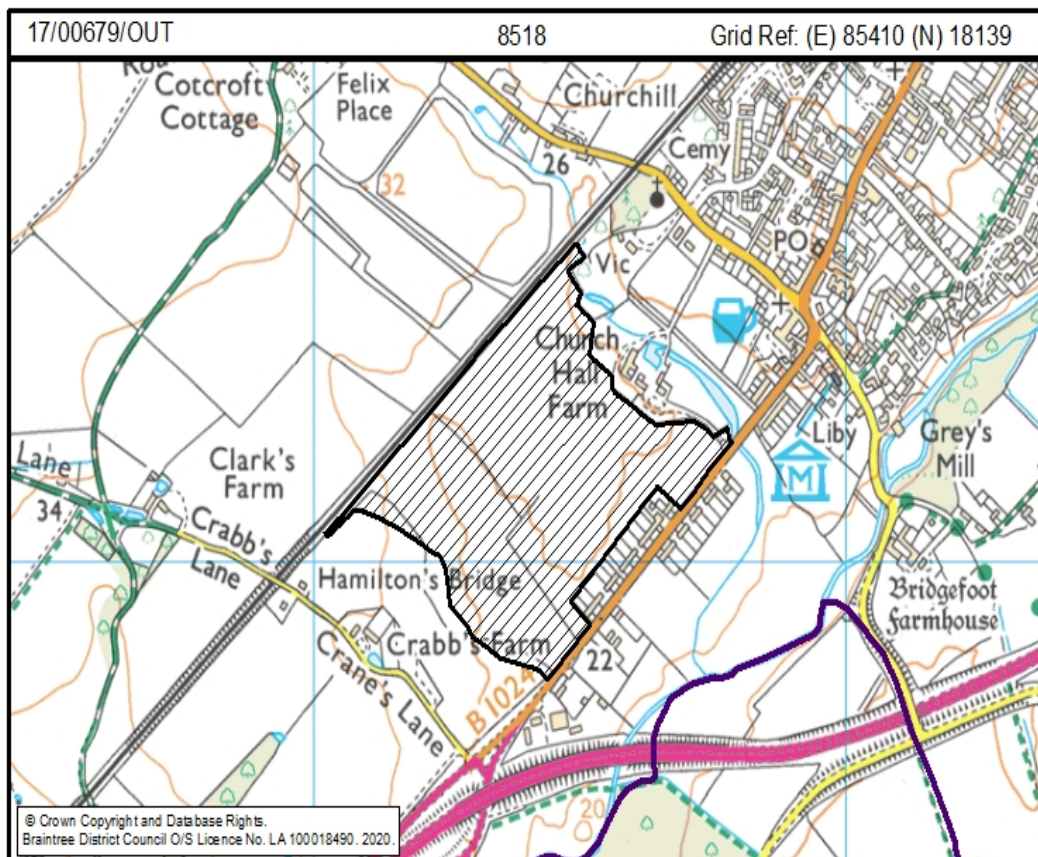
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 17/00679/OUT DATE: 30.06.17
VALID:
APPLICANT: Barkley Projects (Kelvedon) LLP
1 Blue Barns Business Park, Old Ipswich Road, Ardleigh,
Colchester, CO7 7FX
AGENT: Michael Smith
JCN Design, 2 Exchange Court , London Road, Feering,
Colchester, CO5 9FB, United Kingdom
DESCRIPTION: Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road.
LOCATION: Land North Of London Road, Kelvedon, Essex

For more information about this Application please contact:
Mathew Wilde on:- 01376 551414 Ext. 2512
or by e-mail to: mathew.wilde@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OOAV0ABFK3Q00>

SITE HISTORY

17/01720/SCR	Environmental Impact Assessment	Screening/ Scoping Opinion Adopted	26.10.17
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POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and has published main modifications for consultation. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords significant weight to the Section 2 Plan.

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
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
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
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
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP126	Local Shopping Facilities
RLP127	Additional Village Shopping
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP10	Retailing and Regeneration
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP65	Local Community Services and Facilities
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
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Kelvedon Neighbourhood Plan

At the time of writing, the Kelvedon Neighbourhood Plan has been submitted to an Examiner following the Regulation 16 stage and the Examiners Report has been received. The Examiner has raised a number of issues which will need to be addressed, however the draft Neighbourhood Plan is now post examination and therefore can be given significant weight in the decision making process. The Examiner has required a number of changes to the wording of the plan and its policies and these have been incorporated within the wording of this report as appropriate.

Relevant Policies include:

HO1 – Number of New Homes
HO2 – Phasing of New Homes
HO3 – Development Briefs
HO5 – Mix of Housing Types
HO6 – Density, Footprint, Separation, Scale, Bulk
HO7 – Affordable Housing
HO8 – Minimum Garden Sizes
HO9 – High Quality Building and Design
HO12 – Well Designed Energy Efficient Buildings and Places
MA1 – Traffic Congestion
MA2 – Traffic Calming
MA3 – Transport and Access
MA4 – Parking Provision
HSC1 – Healthcare Facilities
ED1 – The Provision of Day Care Nursery
ED2 – The Provision of Preschool Education
HE3 – Local Heritage Assets
NE2 – The Provision of New Recreational and Play Spaces
NE3 – Protection of Green Infrastructure and Biodiversity
NE5 – Protection of Key Views
NE6 – Allotment Sites
NE7 – Air, Noise and Water Pollution
NE8 – Flood Prevention
BR1 – Support for Local Businesses
BR2 – Working from Home
BR4 – Broadband and Mobile Connectivity
BR7 – Shop fronts and Advertisements
DC1 – Developer Contributions

Other Material Considerations

Essex Design Guide
Essex Parking Standards/Urban Space Supplement
Village Design Statement
Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site currently consists of arable land utilised in connection with Church Hall Farm. It measures 20.8 hectares in total and comprises two parcels of land on the northern side of London Road behind a number of properties including No.2-24 London Road, St Edmunds, Brambles, Conifers, Corbiere,

Stanfield, Chadwell, Mawdon, Loughton, The Bungalow, Sunnymead and a local car garage. It also directly adjoins the railway line to the rear of the site which runs along the entirety of the rear boundary. The A12 is positioned further to the south of the site.

There are a number of Listed Buildings around the site, these include; Crabbs Farm (two Grade II Listed Buildings) to the west, the Church Farm Complex (four Grade II Listed Buildings) to the east, and slightly further afield the St Mary the Virgin Church (Grade I Listed Building). Part of the site falls within areas classified as sites of archaeological interest to the west and on the eastern boundary. The site is also labelled as a minerals safeguarding area. In addition a small UKPN powerline runs across the site.

In terms of wider context, the site is located on the western edge of Kelvedon, with the village centre to the east. The village centre contains the Conservation Area as well as a large number of listed buildings. There is also a flood zone to the east of the site, as well as on the opposite side of London Road. There are no public rights of way (PROW's) which go over the site but there are some in the locality.

PROPOSAL

This application seeks outline planning permission with all matters reserved for the erection of up to 300 dwellings, a Health Centre, a local retail area, a care home and an early years and child care facility. The development would also be provided with the necessary supporting infrastructure including open space, landscape buffers and SuDS. It is proposed that the site has two accesses onto London Road, from either side of the sites frontage from the properties fronting London Road.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

While the application is in outline form, it is supported by a set of Parameter Plans and a Design Code. These documents seek to give the Council assurances that the Reserved Matters Application(s) would come forward on the site in an appropriate manner. The specific details of these documents are discussed within the relevant sections of the below report.

In summary; the Parameter Plans seek to secure and define the areas of residential development, the areas of green space, the 'Community Hub' area which is to contain the Health Centre, care home, early years and childcare facility and the retail elements of the scheme, as well as the main spine road. These are clearly highlighted by different colours on the Parameter Plans and these different uses would be specifically limited to these areas at the reserved matters stage. The Parameter Plans also include land reserved for a bund which would be utilised to mitigate the impact of noise from the railway.

In terms of the Community Hub uses; the site seeks up to 500sq.m of gross floor area for retail units, up to a 64 bedroom care home, reserves 0.35ha of land for early years and child care provision on site), and a healthcare centre.

The application would also provide 40% affordable housing, as well allotments and play space, albeit these details would come forward at the reserved matters stage. The development also seeks to secure off-site highway improvements.

SUMMARY OF CONSULTATION RESPONSES

This application was first submitted in 2017 and an initial public and statutory consultation was completed. Since then, the application has been out for re-consultation on two further occasions; once in October 2021 and once in November 2021. As such, the below consultation responses are the most up to date position from each consultee. Where necessary reference is made to any of the early consultation responses.

Sport England

No objection subject to securing outdoor sport contribution in S106.

UK Power Networks

No response received.

NHS (CCG)

The development would generate and subsequently increase demand upon existing services. Mid Essex Clinical Commissioning Group (CCG) and Mid and South Essex Health & Care Partnership (HCP) state in their consultation response that the development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable. This is because the existing surgery cannot offer the range of services appropriate for the size of the population of Kelvedon, Feering or the surrounding area due to limitations with those buildings and the fact that there is a planning application for redevelopment of the Brimpton House surgery for residential use.

The developer in this case proposes to provide a new Health Centre which when completed would be leased to the GP practice. As the building will only be leased, the NHS have required a financial contribution of £123,740 and the early delivery of the onsite healthcare centre (which has been given Outline Business Case approval by the Clinical Commission Group owing to the significant healthcare needs of Kelvedon).

The CCG would also want the developer of the care home to enter in to a collaboration agreement with the GP practice, which will include the sharing of records and staff training to assist in the provision of health services for residents.

Overall, the NHS have no objection to the development subject to the provision of the new Health Centre and the financial contribution above. More information on the Health Centre is provided within this report.

National Highways

Initially raised a holding objection on the development. Following a period of time during which the proposal was considered further, National Highways removed their holding objection and raised no further objection.

Anglian Water

No objection – require conditions relating to a foul water strategy, on site drainage strategy and a phasing plan.

Essex Police

Due to the proximity of the A12 junction, it could provide a quick and easy escape route following criminal activity.

Overall raised no objection – would need to see the finer details (at reserved matters stage) before being able to comment any further.

Environment Agency

No objection to the development.

Network Rail

No response received.

ECC Highways

No objection subject to a Construction Traffic Management condition, as well as securing highway improvements, access, bus stop upgrades, travel plans and residential travel packs. These are covered in more detail in the below report.

ECC SuDS

Raised a holding objection due to lack of information. When further information was submitted, Essex SuDS withdrew their holding objection and suggested a number of additional conditions primarily relating to a surface water drainage strategy and management of said surface water drainage strategy.

ECC Historic Buildings Consultant

The Historic Buildings Consultant (HBC) in 2017 had some input into the scheme in order to preserve a view across the northern part of the site to the

St Mary the Virgin Church (Grade I listed). This strip across the north parcel of the site has remained and has been widened in places in the latest Parameter Plans.

In terms of heritage harm, there are three main affected assets: Crabbs Farmhouse and its listed barn to the west (Grade II Listed); the Church Farm Complex (four Grade II Listed Buildings) to the east; and slightly further afield, the St Mary the Virgin Church (Grade I Listed Building) referred to above. The level of heritage harm identified has been taken from the latest HBC comments received in 2021 as these reflect the Parameter Plans and Design Code.

The HBC identified less than substantial harm at the lower end of the scale to the significance of Crabbs Farmhouse and its barn and less than substantial harm at the middle of the scale to the Church Farm Complex. Finally, the HBC identified less than substantial harm at the lower end of the scale to the St Mary the Virgin Church.

The HBC concludes by stating that the harms of the development should be weighed against the benefits in accordance with the NPPF.

ECC Archaeology

No objection subject to conditions relating to a programme of archaeological work.

ECC Education

Raise no objection to the development subject to:

- **Early Years:** Financial contribution of £17,268 per place or provision of new centre on site;
- **Primary Education:** Financial contribution of £17,268 per place;
- **Secondary Education Transport:** Financial contribution of up to £302,100; and
- **Library:** Financial contribution of up to £23,340.

The figures would be finalised at the Reserved Matters Stage when the unit mix is known. An employment and skills plan is also sought.

ECC Minerals and Waste

No comments received.

BDC Waste Services

The design of the access roads will need to accommodate turning movements for waste collection vehicles up to 26T and will need to be offered up for adoption to ECC as public highway. If the access roads are to remain private

then each household will need to present their waste bins at a suitable location near to (no more than 20m) or on the public highway.

BDC Environmental Health

Raises no objection to the application, subject to conditions relating to internal and external noise, bund details, overheating/thermal assessment, contaminated land and construction controls including site clearance, dust and mud and a restriction on piling.

BDC Ecology

Raised no objection to the development subject to securing ecological mitigation and enhancements and securing a countersigned Impact Assessment and Conservation Payment Certificate prior to determination.

The suggested ecological mitigation and enhancements include conditions relating to a CEMP, updated reptile surveys, Natural England Mitigation Licence for Great Crested Newt, Breeding Bird Strategy, biodiversity net gain metric, LEMP, Lighting, HRA and securing Skylark Mitigation Plots in the S106 Agreement.

BDC Strategic Housing Officer

No objection subject to providing 40% affordable housing. Sets out preferred mix based on 300 dwellings which the applicant has agreed to incorporate in the S106 Agreement:

- 20 x 1 bed maisonettes/flats capable of housing 2 persons as Affordable Housing for Rent
- 10 x 2 bed mainsonettes/flats capable of housing 4 persons as Affordable Housing for Rent
- 10 x 2 bed mainsonettes/flats capable of housing 4 persons as Shared Ownership
- 26 x 2 bed houses capable of housing 4 persons as Affordable Housing for Rent
- 16 x 2 bed houses capable of housing 4 persons as Shared Ownership
- 14 x 3 bed houses capable of housing 5 persons as Affordable Housing for Rent
- 10 x 3 bed houses capable of housing 5 persons as Shared Ownership
- 6 x 3 bed houses capable of housing 6 persons as Affordable Housing for Rent
- 4 x 4 bed houses capable of housing 7 persons as Affordable Housing for Rent
- 2 x 2 bed bungalows capable of housing 4 persons and provided as Cat 3 Dwellings as Affordable Housing for Rent
- 2 x 3 bed bungalows capable of housing 5 persons and provided as Cat 3 Dwellings as Affordable Housing for Rent

These details have been agreed, provided always that the Council and the Owner may agree revised provisions for the details in the event that less than 300 Dwellings are approved under Reserved Matters to be constructed at the site.

BDC Landscape Services

Raised no objection to the development. Suggests that the landscaping scheme will need to assist in screening views of the site, as well as ensuring the sustainability of its planting. Also, that consideration should be given to the potential for anti-social behaviour in designing the landscaping scheme.

Independent Landscape Advice (Commissioned by BDC)

Set out that while there would be some degree of landscape harm arising from the development, this would not be significant enough to justify refusing the application on landscape grounds. Also considers that the Protected View in the Neighbourhood Plan is not a true representation of the experience by pedestrians with a low overall impact despite the loss of this view (discussed further in the below report).

PARISH / TOWN COUNCIL

Due to the age of the application, the responses from both Kelvedon Parish Council and Feering Parish Council have been broken up into the 2017 iterations and the 2021 iterations.

Kelvedon Parish Council

2017

Objected to the application for the following summarised reasons:

- Unallocated site in the countryside – did not get adopted as part of Local Plan process
- Twice the number of houses intended, putting pressure on infrastructure and traffic movements
- Exacerbate severe traffic congestion
- Location on edge of village needs car to access services
 - o Narrow footways leading into the village
- Accesses unsafe – high speed road due to vehicles coming off the A12
- Shops on site would rival high street shops – could reduce viability off the centre
- General support for the new Health Centre – but raise concerns about its location especially for elderly residents
- Not enough demand to trigger need for a school site and only add to traffic issues
- Flooding issues
- Ecological issues – not been looked at
- Impacts on Listed Buildings

2021 (First Re-consultation Response)

General

- Outside of settlement boundary – contrary to Adopted Plan, Emerging Plan and Kelvedon Neighbourhood Plan
- Council has a five year land supply therefore housing is not needed
- Site will rely on private car to access services and facilities – few will walk into the village and station
- The LVA provided by applicant doesn't reference findings within the Kelvedon and Feering Settlement Fringes study (2015)
- DAS does not mention long distance views of the site from the west and the bridleway from Crabbs Lane to Felix Place – its referenced in the LVA so want in the DAS to
- Not enough services to be classified as a 'small town' as asserted
- Want map to show walking distances and times so assumptions in DAS can be underpinned – 2.28mph for a 65 year old in HO4 of NP
- GP surgery 16 minute walk – but northern part is 10 minute walk – too far for Feering residents to walk and elderly residents – place reliance on private car rather than being walked to
- Train station and school too far to be walked without traffic free routes

Design Code

- Doesn't clarify what quality is – no examples to indicate quality
- No details of hard or soft landscaping or boundary treatments
- Hierarchy of tree species needed and hedges to help with character areas
- Laurel – Privet not prevalent in report
- Three character areas and two cross sections not enough
- Illustration of continuous frontage doesn't show it – spine road broken up by drives
- No designated cycle paths – site shouldn't be a rat run – have a section for cycling/walking only to prevent this
- Siting of the play area behind properties on London Road is not good – impact their amenity
- Dry SUDS basins will create a moat around Church Hall Farmstead – not enough evidence to justify the quality needed to protect the asset – should also provide Green and Blue Infrastructure which is not mentioned in the DAS
- Spine road could play a more integrated SUDS role
- No mention of badger surveys or badger mitigation
- PC opposes the location of the Health Centre at the furthest point away from the village – design alternatives should be explored to be less impactful on the Listed Building so it can be moved to the other side
- The other units could remain on the other side

2021 (Second Re-consultation Response)

The Parish Council sought an extension of time to provide any further comments on the application (over and above the 21 days). The agreed extension date is the 10th of December, post publication of this report. As such, Kelvedon Parish Council's additional response will be circulated to the Committee once received.

Feering Parish Council

2017

Objects to the development:

- Piecemeal development – already a large number of sites allocated
- Highway and traffic congestion

2021

- Continue to object – scheme not fundamentally changed
- Not an allocated site and BDC have 5 year land supply
- Health Centre inaccessible for Feering residents
- Bus service not good enough to get there
- Traffic projections do not take into account future growth in Feering
- No crossing facilities
- Footway as existing isn't wide enough

REPRESENTATIONS

2017-2019

A total of 42 objections and 1 general comment were received in this initial period setting out the following summarised comments:

- Site not allocated for development – Monks Farm should be the only site that comes forward in accordance with the Development Plan
- No need for houses as quota has already been exceeded with Monks Farm site
- Development approval should be based on 5 year land supply
- Adverse effect on the character of the village including its historic setting
 - o Affect views to protected heritage assets such as the church and adjacent Listed Buildings
 - o Up to 250 dwellings is a high density not in keeping with the character of the village
 - o Will not be enough parking
 - o Ribbon nature of development on edge of village
- Inadequate infrastructure in the village
 - o Detrimental impact on already bad traffic and grid lock in the village

- No road improvements proposed to accommodate additional traffic – traffic calming measures needed
 - A12 improvements are a way off
 - Rubbish collection on Wednesday exacerbates issues
 - Narrow pavements leading into the village – unpleasant walking environment – lack of crossings
 - No safe cycling routes and those which exist are small
 - Existing primary school oversubscribed – but no need for an additional school – position poorly placed
 - Impact on other services like dentists
 - Buses not good enough
 - Kelvedon train station cannot accommodate additional traffic along with growth in other areas e.g. Tiptree which use it
 - Not enough bike storage as it is to serve existing residents
 - No intention to provide additional bike storage
 - Possibly need for more trains and therefore more disruption
- No joined up thinking of infrastructure across East Anglia – infrastructure is lacking across the board – especially with new garden communities
- Mature trees should be planted rather than smaller ones
- Unsafe access due to proximity to A12 slip road – vehicles regularly exceed 30mph and there have been accidents
 - With Health Centre and school this impact will only be exacerbated
- Additional air and noise pollution adding to existing poor quality
- No evidence additional Health Centre, employment etc are needed
 - Employment will not bring in new people – more likely to be existing businesses relocating – no way of knowing what this will be as its waiting for a tenant
 - Retail – empty shops already in the high street – more competition will leave it in a worse shape
 - Health Centre – no evidence they will relocate and its in a poor location – people would use car to access
- Ecology – 2017 report didn't account for animals which may be hibernating – further ecological surveys would be required – lots of species at the site which will be affected
 - Developing on this site will destroy habitat
- Noise impact – would need to be mitigated – lessening the acceptability of the site
 - Proposals for fence / brick wall to do this is not acceptable – wouldn't be in keeping
- Some of site in a flood risk area – difficult to get insurance – will be passed on to new development
 - Increased run off and drainage into existing water courses only exacerbate issues
 - No evidence of how SUDS features will be maintained
 - Sand and gravel checks needed
 - Contamination needs checking
- Loss of agricultural land
- Development of brownfield sites required as opposed to greenfield
- Disruption during construction will be unacceptable
- Utilities:

- Not sufficient water pressure already- development would make this worse – burst water main highlights issue
- Foul water – need Anglian Water’s agreement
- Electricity – not able to connect without improvements to the network
- Gas – require road alterations to get capacity for site – extra disruption
- Telephone – quality of calls vary, network would need strengthening
- Broadband – fibre but question whether sufficient capacity for additional development – should be provided to each house
- Houses will not be genuinely affordable
- Overlooking issues for existing properties backing onto the site – screening needs to be provided
- If Cranes Lane application approved would be an extra 375 houses not just the 250
- Loss of property value

2021

A further 55 objections have been received (some from the same address) including from the Kelvedon and Feering Heritage Society, Kelvedon and Feering Wildlife Group and the two Ward Councillors. Many of the comments previously received are repeated and re-emphasised, however there have also been additional comments on the new materials. These are summarised below, with the content of the above objections (from 2017) not repeated as appropriate:

- Residential backing onto houses on London Road not good – gardens slope upwards so there would be a greater chance of overlooking
- Design Code doesn’t cover residential amenity of existing residents
- Road capacity not able to cope with up to 300 homes as well as other developments nearby (Monks Farm and Watering Farm)
- Kelvedon has already had its quota of development
- Services at the edge of the village will exacerbate traffic issues
- Existing doctors unable to cope with current demand / existing doctors is outstanding and new one not needed / not enough doctors to fill a new surgery anyway
- Proposed doctors location inaccessible especially for elderly residents or those with limited mobility – alternative location should be considered – high percentage of population over 75
- Primary school still full
- Site still floods in winter months
- Play space areas not suitable – close to railway
- Crops have not been growing on site since 2017
- Hedgehog highways should be introduced as Kelvedon is a Hedgehog hotspot
- Additional noise and air pollution – levels will be unacceptable for existing residents
- No modelling on broadband or mobile network impact

- Insufficient parking for Community Hub uses and would unbalance the village
- 3 storey buildings not in keeping with Kelvedon, 2.5 storey could cause overlooking issues
- Who will staff new facilities
- Need to wait until A12 improvements are finalised
- Biodiversity net gain should be secured
- Design Code needs improving to reduce 'wriggle room' for developers
- Insufficient SUDS
- Existing nursery could move to site from centre of village
- Retail competition might affect Co-op and boots pharmacy
- Narrow pavements as existing
- Doesn't conform to Neighbourhood Plan Policies
- Tree lined streets welcome
- No provision for teenagers
- Kings Dean would also have significant impact if approved
- Highway improvements needed including raised curbs, bus shelters
- Anglian Water – insufficient capacity to accept waste flows and state that development could lead to unacceptable flooding downstream
- People will drive not walk to train station

5 support comments have also been received from residents of Kelvedon setting out the following summarised comments:

- New infrastructure including doctors is essential
- Nowhere else for doctors to go
- Bus links are good for the location
- Social housing element is positive
- Shops would be a positive addition
- Opportunity for local people to stay in the area – much needed new housing
- Previously the preferred site
- Good access to London Road
- New school good

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 60 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 74 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), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

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 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 site was put forward as part of the Local Plan Call for Sites process for the Section 2 Plan as KELV 337. The site was not allocated for residential development. This is considered further in the below report.

As such, the application site is not proposed for allocation in the Adopted Development Plan or the Section 2 Plan. The development is therefore contrary to the Adopted Development Plan and contrary to the Draft Section 2 Plan, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside. The proposal is also contrary to the Neighbourhood Plan for the same reasons.

The detailed merits of the application are considered in the site assessment section below.

Neighbourhood Plan

The supporting text to Draft Policy HO1 of the Neighbourhood Plan states that the minimum number of new homes to be built in Kelvedon in the period 2017 to 2033 will be 291-300. The Policy goes on to state that further new residential development above Local Plan Housing requirements will be supported where it is demonstrated that the provision of necessary infrastructure can be achieved in a timely or phased manner with no adverse impacts upon the natural environment. This is discussed further within the report below.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The Council's Housing Land Supply position has recently been contested as part of an appeal at Land North of Station Road, Earls Colne (APP/Z1510/W/21/3267825). Within the appeal decision dated 12th November 2021 the Inspector concluded at Paragraph 56 that:

“Consequently, the Council cannot demonstrate a five-year supply of housing land and I consider the Council’s housing land supply position to lie in the region of between about 4.7 and 4.9 years.”

This conclusion was reached as a result of the removal by the Inspector of the whole or part of the contribution from four contested sites in the Council’s deliverable supply: Land east of Broad Road; Towerlands Park; Land between Long Green and Braintree Road; and Land North of Oak Road.

The Council has reviewed its housing supply position in light of the Station Road, Earls Colne decision, which is not binding. Notwithstanding the Inspector’s conclusions, the Council maintains that it can demonstrate in excess of a five-year supply of deliverable housing sites.

Concluding on a site’s deliverability – and specifically whether there is a realistic prospect that housing will be delivered within five years – is a matter of planning judgment. The Courts have confirmed that for there to be a realistic prospect there does not need to be certainty or even probability that sites will deliver within 5 years. The Council considers that, in a number of respects, the Inspector took an overly pessimistic approach to deliverability in light of the evidence available at the date of the hearing.

Furthermore, since the hearing date, further progress has been made on number of the sites which the Inspector chose to discount from the supply, and therefore the evidence of deliverability has moved on from that which was available to the Inspector.

Having undertaken the review, and on the basis of the latest available evidence, the Council can demonstrate a 5.27 year supply of housing (the slight reduction from 5.34 years is as a result of removing a couple of small sites where permission has expired, and a reassessment of the trajectory on Land east of Broad Road).

As such the Council considers that it can still demonstrate a 5 year deliverable supply of housing land and therefore the ‘tilted balance’ pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

SITE ASSESSMENT

History

The site was put forward for residential development through the call for sites process (KELV 337). It was considered on the 9th May 2016 and also revisited in April 2017. The issues of contention were: access, highways, landscape and character, flooding and deliverability.

Notwithstanding that the site was not allocated, this application is still required to be determined on its individual merits in accordance with national and local policy. This report therefore covers all material factors pertaining to the application including the issues of contention set out above.

Landscape Character

Paragraph 174 of the NPPF states inter alia that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia; protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland. Also by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy CS8 of the Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Policy RLP80 of the Adopted Local Plan states that new development should not be detrimental to the distinctive landscape features and development that would not successfully integrate in to the local landscape will not be permitted. This sentiment is reiterated in Policy LPP71 of the Section 2 Plan.

Draft Policy NE5 of the Neighbourhood Plan states that housing development should seek to protect key views as identified within the Neighbourhood plan.

The application was supported by a Landscape and Visual Impact Assessment (LVA) document and a Framework Plan. The Council in this case also instructed an Independent Landscape Consultant (ILC) to review the proposals and the Applicants LVA. The ILC considered that the initially submitted LVA by the appellant was lacking in some of the viewpoints for development, as well as the landscape value of the site. As a consequence, a

revised LVA was submitted with additional viewpoints included and further analysis.

This section draws on the findings of these documents as well as existing landscape studies. An additional addendum report was also prepared by the applicant to address a protected viewpoint in the Neighbourhood Plan. Further comments from the ILC were also sought on this. This is discussed following discussion regarding the general landscape impacts of the development.

General Landscape Analysis

In terms of contextual factors, the site has no national or local landscape designations, and there are no trees subject to a Tree Protection Order (TPO) on the site. The train line is higher than the site, while the site itself has a moderate change in level at various points. The site also falls within a number of study areas, including the Blackwater River Valley in the Braintree Landscape Character Assessment (2006).

In terms of more specific landscape studies, the Braintree District Settlement Fringes 2015 document for Landscape Character and Capacity analysis, looks at key service villages such as Kelvedon and their capacity/impacts of accommodating new development. In this case, the application site was not extensively reviewed, as it was not judged to be a desirable location for development. The overall landscape capacity of the site was rated as Medium-Low.

The Applicants revised LVA provided a more holistic approach to assessing landscape impact and capacity at the site in order to ascertain what the impacts of development would be. In terms of impacts on landscape value, the Applicants LVA considered that development could be accommodated without detriment, but suggested that additional planting would soften any impacts. In terms of impacts on existing landscape features, the Applicants LVA considered that this would be negligible, while the overall effect on the Blackwater Valley character area would also be medium-low. In terms of visual effects, again the applicants LVA did not raise significant visual effects, other than from the rear of the properties on London Road and from Church Hall Farm.

The ILC considers that the site or its surroundings would not be classified as a high value landscape. However, the ILC considers that there would be an impact from the development on the local landscape in regards to landscape and amenity, albeit the ILC acknowledges that with mitigation planting, the impacts will be reduced from key receptors. The ILC also acknowledges that the site has been eroded by the A12, railway and existing enterprise buildings which lessens its value. There are therefore some parallels between the findings of the applicants LVA and the ILC.

The ILC also agrees that the most affected visual receptors will be those houses along London Road backing onto the site; which would be classified as 'very high' in year 1 and 'high' in year 15. The ILC also agrees that there

will also be notable visual changes to the nearby listed buildings including Church Hall Farm, Crabbs Barn and the St Marys Church.

One of the concerns raised by the ILC was that the originally proposed employment element of the scheme was to be on the edge of the site, near-to another employment use 'Knight Group' on the other side of London Road. Thus, an industrial appearance may have been created. The employment element of the proposed scheme has since been removed from the application and replaced with residential at the site frontage. As such, it is considered this concern falls away.

Overall, the Applicants LVA concluded that while the development would have a degree of adverse impact on local landscape character and visual amenity, a moderate development (in terms of dwelling height) would not detrimentally detract from the local landscape setting, and any impacts would reduce over time with mitigation planting. The ILC also shares a similar view that despite the impacts discussed above, there would not be sufficient landscape harm (character or visual) to refuse the application on landscape grounds with suitable mitigation in place.

The ILC report also contains a number of recommendations including inter alia; submission of a landscape masterplan, site levels, planting details, management plan, arboricultural impact, hard landscaping conditions, acoustic measures, biodiversity enhancement. However, it should be noted that many of these requests are not details for consideration at this stage, owing to the outline form of the development, and instead would be submitted via a Reserved Matters Application/through condition. In any case, the Design Code sets out the green infrastructure and parameters to ensure that there is sufficient land all around the site to be able to provide sufficient mitigation screening.

Having reviewed the applicants updated LVA and the ILC report, Officers are satisfied that although a degree of landscape harm has been identified this would not be of such a scale that planning permission should be recommended to be refused on this basis.

Protected Viewpoint in Neighbourhood Plan

Turning to protected views; the Neighbourhood Plan identifies 'View 1' which is a view from near the A12 off slip road, looking towards the site showing the view of the St Mary's Church spire. It is shown visually within the Appendices attached to the Neighbourhood Plan. The Neighbourhood Plan sets out this view as being important to preserve. As the Neighbourhood Plan has progressed significantly since the LVA reports were submitted, the applicant has prepared a LVA addendum to assess this protected view.

The Applicants LVA addendum report shows that their own landscape consultant visited the site to take a photo of the view across the site, from as close to the original picture point as possible (as shown and detailed in the Neighbourhood Plan Appendices/Volume 2). Having been to site and

reviewed the photographic evidence, the applicants LVA Addendum considers that viewpoint 1 is not a fair reflection of the actual view experienced. This is because the image in the NP appendices has been zoomed in to be able to see the church spire.

Officers have reviewed the photo submitted by the applicants LVA consultant; within which the church spire is not overly apparent unless you significantly magnify the image. In any case, Officers also wanted to get this independently assessed, and asked the ILC to complete a further assessment of the applicants LVA addendum.

The ILC comments received were as follows:

"I have reviewed the landscape statement submitted regarding the view towards Kelvedon from the slip road off A12 junction 23. This was produced by Kirsten Bowden CMLI on behalf of the Applicant and dated 15.10.2021. I have also been out to visit the slip road to assess the view for myself.

Having taken in the view by car and on foot, it is my opinion that it is difficult to identify the church spire or other features that could be determined to distinctively represent Kelvedon. The attached photograph shows that the church spire is barely visible, with existing vegetation screening most of the ground-level features beyond Cranes Lane. This was taken using a 50mm fixed-lens camera, as per the accepted industry methodology (Guidelines for Landscape and Visual Impact Assessment 3rd Edition and subsequent technical guidance documents). Pedestrians that are very familiar with the area may be able to pick out the small portion of the church spire visible, but this is not easy to achieve whilst moving. It would be considerably more difficult to locate the spire within the view whilst driving, as attention would also be focused on the road.

As stated by the Applicant's Landscape Consultant, View 1 included within the Kelvedon Neighbourhood Plan (Volume 2, Page 38) appears to have been taken using a magnifying lens or has been digitally enhanced to zoom in on the spire. It therefore does not represent the view available to the human eye and is not in accordance with industry standard methodology. View 1 does appear to be taken when the trees are in full leaf and some seasonal change may make the spire more visible in the winter months. However, my photograph was taken following much of the expected leaf-fall and the view to the spire is not significantly different.

I am therefore in agreement with the Applicant's Landscape Consultant that View 1 in the Kelvedon Neighbourhood Plan is not a fair reflection of the view experienced by pedestrians or people in vehicles and that St Mary's Church spire is difficult to identify within the vista."

As such, the ILC is in agreement with the Landscape Consultants LVA addendum. Officers therefore acknowledge the conflict of developing the site with Viewpoint 1, but would not attribute this conflict with any significant harm.

Location, Highway Improvements and Access to Services and Facilities

Paragraph 105 of the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF also defines sustainable transport modes as: *“Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.”* The NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, Paragraph 110 of the NPPF sets out new development should ensure inter alia; appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location.

Paragraph 79 of the NPPF also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Policy LPP44 of the Section 2 Plan reiterates this but with a focus on sustainable transport.

Location, Spatial Strategy and Services and Facilities

In this case, the site would not be isolated as it is adjacent to residential development on the edge of Kelvedon. Nonetheless, the Framework does not imply that dwellings have to be isolated in order for restrictive policies to apply and there may be other circumstances where development in the countryside should be avoided. In that respect, there are other relevant policies of the Development Plan in terms of the suitability of the location which relate to matters such as the accessibility of local services, amenities and facilities.

One such policy is the Spatial Strategy for Braintree District. The Spatial Strategy as contained within the Core Strategy and Section 2 Plan directs new development towards the most sustainable locations and provides the framework in which the growth should be provided. The Settlement Hierarchy ranks areas of the District in order of their sustainability merits and the size, function and services that each of the areas can offer. These areas include the ‘main towns’ (e.g. Braintree, Witham), the ‘key service villages’ (e.g. Earls Colne, Coggeshall) and all remaining ‘other villages’. In this case, Kelvedon, along with Feering, are jointly considered to be a Key Service Village.

The Section 2 Plan carries over a similar Spatial Strategy, but categorises the villages slightly differently; main towns, key service villages, second tier villages and third tier villages. The introduction of second tier villages was in

order to better categorise some areas of the District which have a higher level of services and facilities, but not enough to be a Key Service Village. In this case, Kelvedon and Feering remain as a Key Service Village. These are defined as:

“The Key Service Villages are large villages who serve a wider rural hinterland. The ability to meet day to day needs is normally possible in a Key Service Village through the availability of early years and primary schools, primary health care facilities, convenience shopping facilities, local employment opportunities and links by public transport and road to the larger towns. Development may be considered sustainable within a Key Service Village, subject to the specific constraints and opportunities of that village.”

In terms of services and facilities, Kelvedon could reasonably accommodate day-to-day living. It has a library, post office, Health Centre, recreation ground, village hall, primary school, railway station, pharmacy and public houses, takeaways, opticians, shops and dentists. It also has some office space and access to bus services which link up to other larger settlements including Colchester and Chelmsford. It does not however have a large shop or access to wider employment opportunities which the higher order settlements can offer (e.g. Witham). As such, Kelvedon’s classification as a Key Service Village is considered to be appropriate. Therefore, for the purposes of the NPPF, Kelvedon should be considered a reasonably accessible location, reducing the need to travel.

The development in this case is also proposing to include a new Health Centre, early years and child care facility, care home, and two small shop units. These facilities would be together in an area labelled the ‘Community Hub’ which would be close to the western access of the site. While the detailed particulars of these elements are discussed later in this report, their inclusion means that existing residents of Kelvedon, Feering and even Rivenhall may well travel to the site to use these facilities. These services would (other than the Health Centre) be in addition to those existing services offered in the village. This would therefore add to the overall accessibility of the site.

Walking Distances

In any case, while Kelvedon itself may be accessible, the services and facilities it offers should be within a reasonable distance from the site in order to reduce the need to travel by private vehicle means. In terms of accessing services and facilities by foot, The Chartered Institution of Highways and Transportation (CIHT) document ‘Providing for Journeys on Foot’ suggests guidance on what may be considered acceptable walking distances. The document sets out that walking distances for commuting and school of 500m are desirable, with 1km being acceptable and 2km the preferred maximum. For other services including shops and leisure facilities, 400m is desirable, 800m is acceptable, and 1.2km is the preferred maximum.

The site in this case is outside of the main core of Kelvedon Village. Instead, it is sited on the periphery of the village, on the main access route (London Road) towards the village centre off of the A12 'off' junction. In terms of distances from the defined centre of the village as set out in the Neighbourhood Plan (Junction of New Road and the High Street), the site is approximately 700m at the closest point walking distance to the defined village centre, rising to over 1100m at the other end of the sites frontage with London Road. Within the very far reaches of the site, this distance would likely increase to a maximum of 1400m from the village centre.

To the primary school, from the closest access point to the village, utilising the public right of way that goes behind the recreation ground, the distance is approx. 1000m. The right of way behind the recreation ground is not lit but is hard surfaced for the majority of its route. This walking distance would rise to a maximum of 1700m at the furthest reaches of the proposed site. An option to walk to the primary school is also available along the High Street which is lit, which may be preferable in winter months. This route is approximately 50-100m longer than using the public right of way behind the recreation ground.

It should also be noted that there are a number of facilities approx. 300-400m closer than the village centre, thereby reducing these travel distances for future residents. The developer also included an isochrone map, showing walking times from the centre of the site. The plan shows that for an average person, all services in the village are accessible within a 20 minute walk. In terms of walking distances to the proposed Community Hub which is to be located on the western frontage of the site, this would be just over 1100m from the defined village centre (as in the Neighbourhood Plan), less than a 15 minute walk.

Overall, comparing these distances to the guidance within the CIHT document, the primary school commuting would be within the preferred walking distance, meaning that future residents are more likely to travel to the school on foot. The distances to shops and other services, the majority of which are in close proximity to the village centre, are mostly within the preferred maximum distance, again meaning that future occupiers are more likely to travel to access these services on foot, albeit it is acknowledged that some will prefer to use other means of transportation. The distance for existing residents to access the services proposed within the Community Hub would also be within the guidance distance from the village centre, albeit residents from the other side of Kelvedon and Feering would be required to travel further.

In any case, for those services not able to be accessed via walking, public transport options are available which provide an alternative to the private car. This includes bus stops on either side of London Road in very close proximity to the site, with a half hourly bus service, as well as the Kelvedon Railway Station a 20 minute walk away (along illuminated and hard surfaced footways) with main line access into London. The development would therefore have access to a genuine choice of transport modes. Existing residents would also

be able to catch the bus to access the Health Centre at the site if approved, as well as the other facilities.

Attractiveness of Walking Route and Highway Improvements

In addition to walking distances, it is important to assess the quality and attractiveness of a walking route, as this will also determine how likely future occupiers and existing residents are to use it.

In this case, there are existing footways on both sides of London Road which lead into the village centre. These footways vary in width across the route with one or two pinch points closer to the village. Aside from the pinch points, the footway is no less than 1m wide, with the majority being between 1-1.5m in width. The existing size of the footway is however below what would be expected of new footways, which is approximately 2m (as is proposed within the site to be secured via the Design Code).

Overall, having walked the route several times, Officers consider there is sufficient space at most points to pass another person without having to walk on the road or on third party land. There isn't enough space however for two wheelchair or pushchair users for example to pass each other at a number of points. In terms of other factors; the road speed for the entirety of the length is 30mph which means that vehicles should not be passing pedestrians at significantly faster speeds. The vehicle route is however well used and is busy, especially at peak times. In Officers opinion, the existing route does not feel unsafe, but equally does not provide the most pleasant walking environment. Cyclists are also required to utilise the road.

In order to try and improve the situation for pedestrians and cyclists, Officers have extensively explored possible footway widening with the developers and Essex County Council. In some areas, such as in front of those properties which face London Road (with the site behind), the spacing at the front to widen the footway is limited by third party land (not owned by the applicant or ECC Highways). As such, to widen the footway in this scenario, there would need to be a reduction in road width to be able to accommodate a wider footway. However, the highway carriageway cannot be reduced in width, as it is already close to the minimum size for a bus route. As such, in some places it would not be possible to widen the existing footway.

Following a walk of the route with the Highways Officer, it was determined that the following improvements could be made to improve the overall walking experience into the village:

1. Conversion of the traffic island in Church Street (immediately north-west of St. Mary's Square) to a pedestrian island with corresponding dropped kerbs/tactile paving
2. Tactile paving in Maldon Road immediately south-east of St. Mary's Square
3. A dropped kerb/tactile paving crossing point in London Road south of The Cloisters

4. Widen the footway along the north side of London Road to a minimum 2 metres over both sections of the proposal site's frontage (except for the bridge south-west of The Cloisters) – *[would equate to over 250m of widened footway]*
5. Dropped kerb/tactile paving crossing points with possible pedestrian island(s) in London Road at and/or in the vicinity of the proposal site's two sections of frontage

Within the site itself, the Design Code would secure footways of 2 metres on both sides of the road for both the central spine and boulevard connecting streets. As such, for those residents not wishing to travel on a narrower footway in front of those properties facing London Road, there is the option of travelling through the site, albeit this may be a slightly longer route depending on where they are starting from. Future residents would also most likely walk through the site to access the eastern access which is closer to the village. From there, pedestrians would only have to travel over approximately 280m of narrower footway before reaching the Angel Pub, which signals the start of the village services.

As such, while there are limited opportunities to widen the existing footway along parts of the existing walking route, the development would certainly bring about notable improvements and crossing points and the developer has agreed to implement them. These would be secured through conditions and the Highways standard Section 278 agreements. The Highways Officer also sought some other improvements such as upgraded bus stops. These are discussed in the Highways/Access section later in the report.

Summary of Accessibility

In this case, Officers are satisfied that the site is related to an accessible location which would offer a genuine choice of transport modes, services and facilities. The majority of the site is within walking distance guidance to access services and facilities in Kelvedon, with footways on both sides of the road. The main issue regarding the sites accessibility is the widths of the footway, which could be wider to provide a more attractive walking experience. However, with the improvements that can be achieved, Officers are satisfied that future occupiers and existing residents would feel more comfortable, and therefore more likely, to utilise the walking route. Cyclists would however not be able to be accommodated within a shared cycle network so would be required to use the highway.

A number of concerns have been raised in relation to the location of the Community Hub on the outer edge of the site (the furthest part of the site from the existing village boundary), and the implications for travelling for those residents on the other side of Kelvedon and in Feering. However, it should be noted that the majority of existing residents would be likely to only really travel for the Health Centre, as the core of the village has all of the other services offered. While some may choose to walk to a Health Centre, others will travel by car or by bus. The Health Centre would also serve those more rural parishes in the area too, such as Rivenhall, where this location would be

closer than the existing Health Centre options. The rationale for its location is further explored in the Design Code and Parameter Plan section of the report.

Overall, with the highway improvements, Officers consider that the development would largely comply with national and local policy regarding accessibility, and that this would weigh in favour of the application in the wider planning balance.

Community Hub - Explanation and Justification

Paragraph 93 of the NPPF states that planning decisions should provide social, recreational and cultural facilities and services that communities need by doing the following:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Policy LPP65 of the Section 2 Local Plan states inter alia that “the provision of new or enhanced community facilities will be supported wherever possible”.

The supporting text to Draft Policy HO1 of the Neighbourhood Plan states that the minimum number of new homes to be built in Kelvedon in the period 2017 to 2033 will be 291-300. The Policy goes on to state that further new residential development above Local Plan Housing requirements will be supported where it is demonstrated that the provision of necessary infrastructure can be achieved in a timely or phased manner with no adverse impacts upon the natural environment.

As set out earlier in this report, the proposed development includes the provision of a new Health Centre to serve Kelvedon, Feering and a number of nearby rural communities including Rivenhall, Rivenhall End and Coggeshall Hamlet. The application also includes the provision of a new care home, retail provision and an early years and child care building in an area called the ‘Community Hub’. Overall, it is apparent that there is national and local policy support for providing additional services and facilities. Furthermore, as stated in the Accessibility section above, these additional local services would help meet some of the day to day living needs of not just future residents of this

development but also other residents of the village and surrounding area, enhancing the sustainability of communities and residential environments.

This section of the report explains the context and justification for each of the proposed uses in the Community Hub. The likely design and other matters relating to these buildings are covered in the Parameter Plan and Design Code section of the report so are not repeated here.

It should be noted that the development also originally included the provision of land for employment purposes and up to 250 dwellings. This employment land was in addition to the Health Centre, Early Years & Childcare facility, retail uses and Care Home, all of which will provide employment opportunities in their own right. However, at the request of Officers, the employment land was removed from the proposals in favour of additional housing at the site. This is because the Council have a surplus of employment provision allocated within the Section 2 Plan as well as those employment sites currently under construction/recently built. As set out previously, despite the improved housing land supply position the Council continue to be challenged over whether a 5-Year supply of housing land can be demonstrated. The provision of additional market housing and affordable housing would add to the District's housing land supply position. Therefore by swapping out the employment land for up to 50 additional residential units (totalling up to 300 residential units including 40% affordable units), Officers consider the scheme would deliver greater overall benefits without the provision of the employment land.

New Health Centre

Draft Policy HSC1 of the Neighbourhood Plan states that the creation of new and improved healthcare facilities within the village will be encouraged, including provision for essential and additional GP services being provided to a higher standard and including other specialised services such as treatment of minor injuries. Any loss of existing services, which thereby reduce the provision of health services to our increasing population should be avoided.

Members will be aware that when existing health care facilities do not have capacity to meet the additional demand generated by new housing developments the NHS usually seek a financial contribution to mitigate the impact. In this case, rather than simply offering a financial contribution, the applicant proposes the provision of a new Health Centre to replace the existing Health Centre in Kelvedon. As the consultation response from Mid Essex Clinical Commissioning Group (CCG) and Mid and South Essex Health & Care Partnership (HCP) explains, this is because the existing premises cannot offer the range of services appropriate for the size of the population of Kelvedon, Feering or the surrounding area due to limitations with those buildings and the fact that there is a planning application for redevelopment of the Brimpton House surgery for residential use.

Whilst this application does not seek approval for the detail of the proposed new Health Centre, the S106 Agreement would specify that the new facility would be significantly larger than the existing centre. In addition to the

provision of the new building, land will also be safeguarded so that it is available for future expansion if required. Part of the reason that this application has remained undetermined for some time is that Officers wanted certainty from the CCG that they would support a new Health Centre in this location. The Covid-19 pandemic delayed this process, however the CCG have now approved an Outline Business Case (separate to planning – their own internal mechanisms for securing new sites) to locate a new doctors surgery at this site. This therefore means that in principle, subject to the finalising financial and legal details, that the CCG would support a new Health Centre in this location.

Officers have been in regular contact with the CCG and are satisfied that following the grant of the Outline Business Case that the CCG would support a new Health Centre here. At this time, discussions are ongoing with the Developer, the CCG and the existing Kelvedon & Feering Health Centre regarding the specification of the proposed Health Centre and developing plans for the building. If this planning permission is granted, the CCG can proceed to put a full business case together and proceed to deliver the Health Centre following the approval of the Reserved Matters.

The delivery of a new Health Centre is one of the key benefits of this scheme and the timing of the delivery of the facility is important. This is because if the Health Centre is not delivered as intended, then the overall benefits of the development are significantly reduced. To ensure the early delivery of the Health Centre Officers have drafted the S106 Agreement so that the applicant is providing an obligation that the Health Centre is one of the first elements of the scheme delivered on the site. The agreement states that no residential dwellings on the site can be occupied until the Health Centre is complete and ready for use.

It should be noted that the Health Centre is not being gifted to the NHS; there will be a separate legal agreement between the developer and the CCG where the NHS will lease the facility at a commercial rate. As such, this is why the CCG have asked the applicant to pay a financial contribution of £123,740 in order to mitigate the impact of the additional residents that the development would create. It is intended that this figure would go towards fitting out the new facility and transferring the practice. Although the new building is being provided on commercial terms, Officers still consider the provision of the facility is a very significant benefit of the scheme as Officers are currently unaware of any alternative schemes or sites that could provide a new Health Centre, and certainly not any with support from the CCG.

Overall, it is considered that the new Health Centre would comply with the aims of the NPPF, the Development Plan and the draft Neighbourhood Plan in-so-far as it would address pressing healthcare needs by providing a new facility. The current proposal represents a unique opportunity to secure this and in a manner which would ensure a purpose designed healthcare facility for the locality. Officers consider that this weighs very significantly in favour of the proposal in the planning balance.

New Retail

Policy CS6 of the Core Strategy supports the retention and provision of local shops and services throughout the District.

Paragraph 90 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). In this case, the Adopted Local Plan / Core Strategy does not set a local threshold. As such, in this case the default position for requiring a Retail Impact Assessment is 2,500sq.m.

However, Policy LPP10 of the Section 2 Plan sets out that planning applications for town centre use for sites that are not in a town, district or local centre and which would provide in excess of 500sq.m (in this location) would need to provide a retail impact assessment. This Policy is not yet adopted and therefore the default 2,500sq.m threshold remains applicable at the time of writing.

Draft Policy BR1 of the Neighbourhood Plan states that new business uses defined as Class E, F and Sui Generis and expansion of existing businesses, particularly where they extend the range of types of products and services offered, will be supported throughout the Parish, subject to a number of criteria including; impact on residential amenity, design, heritage, access and waste.

The application in this case proposes up to 500sqm of gross retail floor space, likely spread across two buildings. As such, the application does not need to provide an Impact Assessment even in accordance with Policy LPP10 of the Section 2 Plan.

The retail element has been included within the Community Hub as it is envisaged that grouping these facilities together will encourage linked trips and help create footfall and vitality. The applicant has indicated that some of the retail floorspace could be used to provide a pharmacy which would meet a demand generated by users of the Health Centre, while also providing a service to future and existing residents. The overall end use of the retail units would however still be driven by the market and may not include a pharmacy. However, the S106 Agreement seeks to restrict the use of the retail buildings to 1 hot food takeaway only, and to ensure that the units can only be used for retail purposes. It should be noted however that no business agreements have been made at this stage to occupy the retail units; this would follow subsequent to a planning permission being granted for the site.

Whilst it is not the role of the planning system to prevent market competition, it can at times be appropriate to place restrictions on proposed retail units relating to floorspace and the size. For the current proposal it is acknowledged that a degree of risk exists that new retail uses could undermine to an extent

the vitality of the centre of the village. Officers have sought to avoid any scenario whereby the new Community Hub would significantly undermine the High Street. Instead, the retail areas function should be to supplement the High Street. A further restriction in the S106 Agreement therefore restricts any retail units from being amalgamated which would assist in achieving this by preventing much larger units from being formed which could potentially undermine the existing village high street. The S106 Agreement also seeks to restrict the largest unit to up to 300sq.m of gross floor space, while also limiting the overall number of units to 3.

Overall, with the appropriate safeguards in place via the S106 Agreement, the retail element is considered to comply with national and local policy, and will provide a significant benefit to the scheme overall.

New Care Home

Paragraph 61 of the NPPF states inter alia that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. Paragraph 62 of the NPPF goes further to state that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, older people inter alia).

Older people are defined in the NPPF as:

“People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.”

Policy RLP21 of the Adopted Local Plan states that Residential Care Homes may be permitted in the Countryside through conversion or minor extensions to habitable dwellings. Policy LPP35 of the Section 2 Local Plan supports specialist housing (such as that which would care for the elderly) in settlement boundaries, however on unallocated sites in the countryside it does not support specialist housing.

At a national level, there is clear steer to provide accommodation for older people in accordance with the standard method approach to assessing demand. At a local level, policies seek to provide additional care homes, but they are primarily directed to be within development boundaries, unless it's related to a conversion of an existing dwelling in the countryside.

The proposed care home in this case would be located on land outside of the current development boundary, and thus be located in the Countryside for planning policy purposes, contrary to Policy RLP21 of the Adopted Local Plan and Policy LPP35 of the Section 2 Plan. It is important to note however that

the Objectively Assessed Need projections which partly underpin the Adopted Section 1 Plan, indicate that the population aged 65 or over, is going to increase dramatically over the plan period from 134,682 in 2015 to 205,906 in 2037, a rise of 52.9% (across Braintree, Chelmsford, Colchester and Tendring Councils). Furthermore, the Council's Strategic Housing Market Assessment (SHMA) states that given the dramatic growth in the older population and the higher levels of disability and health problems amongst older people, there is likely to be an increased requirement for specialist housing options in the future.

These documents therefore clearly highlight that there will be an increasing demand for care home type accommodation over the plan period. While this would not override other factors in determining the suitability of sites for care homes, it is certainly a material consideration. Each site and proposal should be considered on its own merits.

As noted in the consultation response from the CCG the NHS would like to see an effort made to achieve a collaboration agreement between the operator of the Care Home and the GP Practice, to share records and to mitigate the impact of the care home on the demand for medical services.

In this case, the proposed care home would accommodate a maximum floor area of 2,800sq.m, which could result in a facility that would provide approximately 64 bedrooms. The care home would be linked to the proposed Community Hub and residential development; as such, if approved, it would form part of a comprehensive development. It would not therefore stand in isolation in the countryside, and instead be part of a wider development that would form an extension to a village. As such, despite the conflict with Policy RLP21 of the Adopted Local Plan, it is considered that the provision of a care home would constitute a further significant benefit to the scheme, meeting housing need and creating jobs. It would also contribute (albeit to a lesser extent) to the Council's five year housing land supply.

New Early Years and Child Care Facility

Draft Policy ED1 of the Neighbourhood Plan supports the continued provision of nursery day care facilities within the village, and states that planning applications for additional nursery day care facilities within the Village Development Boundary which provide appropriate onsite parking provision will be supported. Draft Policy ED2 of the Neighbourhood Plan also supports the provision of improved preschool provision within the Village Development Boundary.

The application in this case also seeks to provide land for a new early years and childcare facility (EY&C) within the overall Community Hub. There would be enough land to secure a 550sq.m building, as well as provide a garden area and dedicated car parking for staff.

Essex County Council (ECC) state that a development of this size would generate the need for up to 27 early years & child care places. At present,

ECC state there are only 6 EY&C vacancies in Kelvedon, therefore they recommend that a financial contribution is sought towards the cost of providing a new facility as well as land within the development to provide a new facility. This new facility would be required to mitigate the impact of this and other development within the ward. In this case, the contribution would equate to £17,268 per additional place generated by the development.

However, the developer has been approached by a local EY&C provider who wishes to purchase the land to provide an EY&C facility at their own expense. This proposal has been discussed at length with ECC Education and they have confirmed that they do not have an objection in principle to this, but set out:

“ECC would wish to see the EY&C facility secured permanently through an appropriate S106 Agreement, to be agreed by ECC. Should this be agreed the above financial contribution will not be sought in addition to the facility.”

The provision of the EY&C facility by the developer would therefore remove the requirement for the financial contribution as this private facility would provide additional capacity which would meet the need generated by the development. The delivery of the facility would be secured through the S106 Agreement with a further obligation that the site can only be used for EY&C purposes.

The site is in the countryside and therefore would not comply with Policy ED1 and ED2 of the Draft Neighbourhood Plan in this regard. It would however provide an accessible EY&C facility that could be used by future and existing residents. As such, despite this conflict, Officers are satisfied there would be a benefit of providing the EY&C facility on the site, over and above the requirement to offset the impact of the development through a financial contribution.

Summary

The Community Hub is intended to provide a Health Centre, retail unit(s), care home and early years and childcare facility (EY&C). At a national level, the NPPF supports the provision of these services, while Policy LPP65 of the Section 2 Plan sets out support for new or enhanced community facilities wherever possible. Draft Policy HO1 sets out support for development which can demonstrate necessary infrastructure.

In this case, Officers are satisfied that sufficient explanation, justification and certainty has been provided, and that these uses are needed and will be delivered. Cumulatively, these units would provide a significant benefit to future occupiers and existing residents and weigh in favour of the proposal in the planning balance.

Heritage Impact

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy RLP95 of the Adopted Local Plan seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 of the Adopted Local Plan inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

Draft Policy HE3 of the Neighbourhood Plan states that developments should protect non-designated heritage assets.

In terms of the Conservation Area, the site is approximately 200m away from the boundary at the closest point. However, the majority of the site would be much further away from the Conservation Area boundary. Both the 2017 and 2021 Historic Buildings Responses make no mention of any impact on the Conservation Area in their consultation response. As such, owing to the separation distance, and lack of concern raised by the Historic Buildings Consultant, Officers are satisfied that there wouldn't be any significant impacts on the Conservation area.

In terms of Listed Buildings, there are three heritage assets (including groups) which would be affected in some way by the development. The Impacts on each of these heritage assets are explored below.

Church Hall Farm

The site falls directly to the south-west of Church Hall Farm, a historic farm complex which the evidence of the built form on the site would suggest is of at least fourteenth century origin. It comprises four Grade II listed buildings; the farmhouse, barn, granary/cottage and ancillary building. The development would not directly affect the historic fabric of these buildings owing to its type and separation distances. The Historic Buildings Consultant (HBC) however asserts that the development would be within the setting of the buildings, thereby having the potential to cause harm to the significance of the buildings.

The HBC considers that the existing agricultural land use of the site forms an important part of the setting of the farm complex. The experience of buildings in an agricultural setting reinforces the experience and understanding of their historic use. The HBC therefore considers that in principle, there would be an associated harm of using the site for anything other than an agricultural use.

In order to minimise this harm as far as possible, the development seeks to include a buffer around the entire boundary of the farm complex. This buffer would be secured through a Parameter Plan which would be for formal approval as part of the outline planning permission. This green buffer would mean the residential development is a minimum of 40m away from the red line boundary, and a further 12m at the very closest point to the heritage assets themselves (total 52m minimum separation).

The HBC acknowledges the buffer zone, but suggests that the mitigation does not remove the harm in its entirety. The harm arises from the fundamental change in land use. The HBC also considers that the development would also bring about adverse environmental changes and will to some extent coalesce this edge of settlement farmstead into Kelvedon, severing some of its historic and functional links to the wider agricultural setting.

As such, despite the buffer zone reducing some of the impact of the development, there would still be a principle heritage harm caused by developing the site. The HBC had classified this harm as less than substantial (at the middle point of the scale) to the four heritage assets at Church Hall Farm.

Crabbs Farm

The site falls to the east of Crabbs Farm, which comprises two Grade II listed buildings; the farmhouse and barn. The development would not directly affect the historic fabric of these buildings owing to its type and separation distances. The HBC however considers the proposal site makes a contribution to the setting and significance of the listed buildings. Furthermore, the HBC considers that the existing agrarian land contributes to the appreciation of the isolated farmstead which is a historic situation and likely since the farm's construction.

The development in this case would also propose a green buffer on the western boundary, however this would be much narrower; approximately 16m at the closest residential extent to the red line boundary. To the Listed Buildings themselves, there would be a further 100m, so an overall minimum distance from the new residential element of the proposal of approximately 116m.

However despite this separation distance, the view of the HBC remains similar; that the proposal would diminish an aspect of the buildings setting (to a limited extent) by bringing development into the environs of the farmstead. The HBC sets out that this would adversely change the manner in which the historic farmstead is experienced, appreciated and understood. In addition, the HBC considers that the settlement edge of Kelvedon would, as a result of the development, be experienced in close proximity to the farmstead.

As such, despite the separation distance, again there would still be a heritage harm caused by developing the site. The HBC has classified this harm as less

than substantial (at the lower end of the scale) to the two heritage assets at Crabbs Farm.

St Mary the Virgin Church & The Vicarage

The Church is to the north west of the application site; it is approximately 200m away from the red line boundary (closest to the residential development) and a further 250m+ to the edge of the residential development as would be secured on the approved Parameter Plans.

The HBC sets out that the development would have the potential to block long distance views of the church spire, which as discussed in the landscape section of the report, has some visibility across the site. Furthermore, while the development is a fair distance from the site boundary, the HBC still considers that the development would to some extent urbanise the wider agricultural setting of the church.

It should be noted however that from the railway line, there is a landscape buffer proposed at the top of the site. This was designed into the scheme initially to preserve views across the site to the church from the railway and the railway bridge on Crabbs lane. The buffer would not of course protect against lost views from London Road.

Despite this, the HBC considers that the development would cause less than substantial harm (at the lower end of the scale) to the setting of the Church.

The Vicarage is another listed building which is in between the church and the site. However, owing to its height, and the boundary vegetation (which is to remain and be enhanced), there are no views across to the vicarage from the site (or vice versa). As such, Officers are satisfied that there wouldn't be a detrimental impact on the Vicarage in this case.

Summary

The proposal will result in less than substantial harm to seven listed buildings; 4 at the middle of the scale (Church Hall Farm buildings) and 3 at the lower end of the scale (St Marys Church and Crabs Farm). Therefore Paragraph 202 of the NPPF is a relevant to this application which states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

A heritage balance must therefore be carried out to ascertain whether the identified heritage harm (in isolation) would be sufficient in its own right to warrant the refusal of the application.

Cumulatively, it is Officers opinion that the development of the site would result in a high degree of heritage harm that would weigh heavily against the

application, especially in the context of Paragraph 199 of the NPPF which attributes “great weight” to heritage asset conservation. This cumulative harm should be given significant weight in Officers opinion.

However, in terms of benefits, this application would deliver up to 300 dwellings (including 40% affordable dwellings) in an accessible location, public open space, jobs during construction, contributions to the vitality of the village and local highway improvements. These benefits cumulatively would also be attributed significant weight. Furthermore, and of particular importance in the planning balance the development would also deliver a much needed new Health Centre in Kelvedon, with the backing of the CCG to ensure that it is actually deliverable, as well as other community uses including retail, early years and childcare and a care home. These benefits, and in particular the new Health Centre, which are well over and above a residential only scheme of this scale, weigh very heavily in favour of the application; bringing the overall scheme benefits to a very significant point in Officers opinion.

As such, weighing up the cumulative significant heritage harm against the very significant benefits of the development, in this case Officers consider that the benefits would outweigh the heritage harm. It is not therefore considered that the application should be refused on heritage grounds. However, the application is still required to be assessed in the overall planning balance which is addressed at the end of this report.

Parameter Plans and Design Code

Paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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 130 of the NPPF states, amongst other things, that developments should ensure that they: function well and add to the overall quality of the area for its lifetime; are visually attractive as a result of good architecture layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment and landscape setting. It also states that they should establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (unless in specific/compelling cases), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to

secure the long-term maintenance of newly-planted trees and that existing trees are retained wherever possible.

Paragraph 112 of the NPPF also states that developments should:

- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 134 of the NPPF states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. However, it sets out that, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policies LPP50 and LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. This is echoed in Draft Policy HO8 of the Neighbourhood Plan.

Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009. This is echoed by Draft Policy MA4 of the Neighbourhood Plan.

Draft Policy HO6 of the Neighbourhood Plan seeks high quality design and layouts which makes a positive contribution to local character and is compatible with its setting in addition to having regard to the Kelvedon Design Guide. HO9 is an all-encompassing policy which includes references to securing appropriate materials, hedging, SUDS, pedestrian safety, refuse, energy efficiency, parking, building for life and maximising natural light.

Draft Policy BR2 of the Neighbourhood Plan states that new dwellings which enable a home office to be accommodated will be supported, and that new larger residential schemes should where appropriate make provision for work or business hubs that are accessible, from the new homes and provide services to the local community.

The application in this case seeks outline planning permission for the erection of up to 300 dwellings, the Community Hub and associated paraphilia including public open space, other infrastructure etc. All detailed matters (Access, Scale, Appearance, Layout and Landscaping) have been reserved for later consideration as Reserved Matters. This application therefore seeks to secure planning permission for the general principle of developing the site but not the full detail.

The application is now also supported by a Design Code and four Parameter Plans in relation to Density, Green Space, Land Use and Storey Heights. These documents cumulatively form a package of information for approval which seek to inform/direct how the development would come forward at the Reserved Matters Stage. These documents were not included with the application submission in 2017 when the application was first submitted. They are however a result of best practice from other applications and national policy changes which focus on good design and more recently the provision of Design Codes.

The Design Code and supporting Parameter Plans have been through extensive negotiations between Officers (including the Urban Design Officer) and the Developer. In terms of their purpose, the Parameter Plans seek to provide spatial fixes for which the Design Code must comply (e.g. the extent of residential area), as well as any reserved matters application. The Design Code contains more detail about how the development would be expected to come forward; this includes a spatial hierarchy of roads, details of the

expected built form and the public realm, but also a vision relating to how some of the more technical aspects would be secured in principle (e.g. noise controls, SuDS). The most recent changes to the Design Code were to factor in the Government's requirements for tree lined streets in Paragraph 131 of the NPPF.

Some of the key aspects of the Design Code and Parameter Plans are set out in the report below.

Parameter Plans

Four Parameter Plans have been submitted with the application. These include Density, Green Space, Land Use and Storey Heights.

Land use and green space are perhaps the most important Parameter Plans, as these are the plans which provide the spatial fixes for which any reserved matters application must adhere to. There are three distinct land uses at this site; the residential, the Community Hub and the green spaces. A spine road is also shown through the development with two access points onto London Road. Access is a matter reserved for later consideration, however the location of the access is somewhat closer to being secured than it could otherwise be owing to the location of the spine road as shown on the Parameter Plan.

The residential element has been designed to be accommodated around existing features on the site, while also maintaining similar setbacks from the site boundaries in the interests of preserving the setting of the Listed Buildings as far as possible. The site is generally devoid of vegetation within its core as it is arable land, however there is a natural field hedge between two parcels of land. The residential use is shown to be offset from this field hedge so that it can be retained at the top of the site. It would also act as a natural separation between the two parcels of residential development. Furthermore, the Parameter Plan seeks to secure residential use behind those properties on London Road. This would likely allow for an appropriate relationship to be formed at reserved matters stage between the proposed and existing dwellings.

The Community Hub which contains the Health Centre, care home, early years and child care facility and retail is on the western edge of the site. The Community Hub's location on this side has been a cause for concern for some residents and the Parish Council, as it is further away from the village comparatively to the other site entrance. Its location has however been subject to extensive discussions and negotiations with the developer and key stakeholders such as the CCG.

Originally, the Community Hub was to be located on the eastern aspect of the site. However, in order to maintain the buffer to Church Hall Farm, it limited the extent to which the Community Hub could be located on this side of the site. It would have had to wrap around the rear of the residential properties on London Road to deliver everything necessary. Officers raised a concern with

this and its likely unacceptable impacts on the amenity of those existing properties facing London Road.

Another consideration was the future amenity of residents of the development; the Community Hub shouldn't be in a location within the site, whereby existing residents would have to travel past future occupiers properties to access the facilities, causing unnecessary disturbance. There is also a need to keep these elements visible in the public realm; this is important as they will to some extent act as way finders and signal the entrance to the development. Things like the retail in particular will need customers to survive; being tucked away within the site means that the prospect of attracting customers lessens. Therefore a location at either of the two site frontages was important. As discussed above, the entrance closer to the village had other constraints which limited how it could come forward.

Finally, the uses as a whole need to remain together as opposed to being split up; this is because they offer linked services; e.g. residents of the care home are comparatively more likely to need the GP surgery more often, thus keeping it in close proximity makes logistical sense. Keeping the uses together also provides a distinct separation of land uses, thereby the Community Hub aspect, where there would be the most activity, is concentrated in one area, as opposed to be dispersed across the site. This would have associated character and amenity benefits.

As such, while the location of the Community Hub has been questioned, Officers consider that the location proposed is the best option, taking into account all of the matters as discussed above.

In terms of density, the Parameter Plan seeks to secure areas which would have a higher density (the spine road), areas which would have a reduced medium density, and the areas on the periphery of the development which are to have a lower density of development. This is to ensure that there is a variation in character between the different areas of the site, in addition to those features secured by the Design Code (discussed later in the report).

In terms of storey height, this parameter is linked to the density of development. It secures the maximum height of buildings in each area; therefore in the high density spine road, this would be 2-2.5 stories with the potential for 3 storey at key corner points. This is to ensure that higher density is achieved through appropriate design solutions as opposed to adding on unnecessary and potentially harmful storey heights. The medium density area would be predominantly 2 storey, with 2.5 storey a possibility at key corner points. Therefore three storey development in this section would not be permitted. On the edges, heights would be limited to two storey. The Community Hub would also be limited to 1-2 storey.

Overall, taking into account the above, Officers are satisfied that the Parameter Plans would provide suitable spatial fixes and parameters akin to the sites context which would appropriately inform Reserved Matters

application(s). Of course, the Parameter Plans are only one aspect; the other major aspect is the Design Code. This is explored below.

Design Code

The Design Code is a comprehensive document which includes the Parameter Plans. It sets out a character assessment of Kelvedon including historic analysis. It then uses this analysis in part to inform structuring elements including streetscape, landscape and character areas. It therefore seeks to provide an overarching vision for the site to directly inform how Reserved Matter(s) applications would come forward.

The structuring elements at a higher level are in part informed by the Parameter Plans as discussed above. The streetscape structure sets out how the site should be connected, providing indicative street links and their relationship with the green space around the outside of the site. It also sets out building typologies for the commercial area and residential area; this includes a pallet of materials and colours, as well as setting out defined characteristics for each area. For example, for the Community Hub, Page 22 of the Design Code sets out that the buildings should be contemporary in appearance and set in a grid of trees that crosses the main street to provide a structure for the parking courts, thereby creating a distinct character in this location. The residential guidance by contrast sets out key design principles such as parking at the side of properties, gardens and parking according with required standards and frontage parking where it can be appropriately mitigated. Page 23 of the Design Code sets out how the materials will be applied across the site. The aim of this is to make sure the development is in keeping with local character, but also creates its own identity and follows good urban design principles.

The streetscape structure also sets out a defined spatial hierarchy of roads, with key criteria which needs to be met within the different road hierarchies. Page 25 of the Design Code sets out the details of these roads, while the subsequent pages illustrate how this would work with section drawings. The roads have been designed for a 20mph speed limit. This works in tandem with the landscape structure, which seeks to protect the green areas of the development, as well as secure appropriate landscaping and street trees. One of the things that the Design Code had to re-accommodate for was the provision of tree lined streets.

Tree lined streets are a requirement of Paragraph 131 of the 2021 NPPF. It states that:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (unless in exceptional circumstances), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained

wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

Officers consider that the requirement for streets to be tree lined means that they should have trees on both sides of the road. The trees do not have to necessarily be in a regular rhythm, as it is important to create a visual difference within the hierarchy of roads. The streetscape structure therefore seeks to show how tree lined streets would be accommodated at the reserved matters stage and has specific wording / parameters within the landscape section to ensure that they are secured appropriately.

In terms of how the road hierarchy is defined; the central spine is intended to act as an avenue for the development, as it is the main linkage road through the site. It would have larger, regularly spaced trees, within appropriate distances from the frontages of residential properties (to not cause an issue later with tree canopies). The Design Code sets out 3 different types of trees which could be permissible as set out in the Highway Developers Guide. The section drawing shows how a Hornbeam tree might look within the central spine once established. The main avenue in section shows a dwelling unit, front garden, footway, highway verge with the tree, road and then the mirror on the other side in a 16m wide corridor. The purpose of the designated footways is to provide priority to pedestrians, while the routes would not be traffic intensive giving some priority to cyclists using the road network.

The secondary access routes would contain two street types; Type A also with a 16m wide corridor that would provide trees on both sides of the road in a regular fashion; albeit these trees would be smaller than the main avenue and would be more spaced out, with an occasional visitor space breaking up the rhythm of the trees. Type B would introduce a shared surface road, with trees on land adjoining the highway which would be given to a management company to maintain. As such, the trees would be outside of the Highway Authority control, however would still be outside of private ownership. As such, their long term retention and management can be appropriately secured. The trees in this section are less regular and appear more organic in nature; some trees zig-zag from side to side whereas others match up. This in Officers view would still provide tree lined streets on both sides of the road but provide an appropriate differentiation in character.

The remaining road typology is the private drives which front open space. As these will be dead end, short private roads adjacent to open space, Officers are satisfied that the trees could be located on the open space opposite the houses in groups and potentially at regular points. This is because these private drives would not form link routes in the same way as the other roads above and therefore can be more natural in form.

The Design Code goes into more detail regarding each of these road categories and also provides illustrations about how they should be expected to come forward. It also provides an illustration of one parcel of residential

development; how this part of the site could come forward and deliver on the ambitions of tree lined streets and layout which the Design Code seeks to secure. It also provides an illustration of the Community Hub, and how this might come forward with the grid of trees and the associated uses within it. Overall, Officers are satisfied that the Design Code puts sufficient safeguards and principles in place to secure appropriate tree lined streets.

The Design Code also seeks to secure parameters around incidental open space, play areas, natural areas, SuDS, ecology and the noise bund from the railway. Focusing specifically on noise, the noise report indicated that there would be a potential impact on future residents from the railway line. The principle of a noise bund was discussed to help mitigate these noise impacts. The Design Code and Parameter Plans set out a safeguarded area for this noise bund with key principles included. While ultimately the noise bund would be a matter reserved for later consideration, it is considered that the Design Code would put appropriate measures in place to ensure that the amenities of future occupiers would be protected.

Overall, Officers are satisfied that the Parameter Plans and Design Code would provide a sound platform to secure good design and layout at the reserved matters stage. As such, Officers consider that from a design, layout and amenity point of view that the development would comply with national and local policies (as far as possible at this stage), and that the application is acceptable in this regard.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Draft Policy NE7 is an overarching Policy relating to air, noise and water pollution. It seeks to avoid new development which would detrimentally impact on health or the quality of life for existing and future residents. It also sets out various criteria for each of the key headings including light pollution.

The application is in outline form, with all matters of scale, appearance, layout and landscaping reserved for later consideration. As such, it is difficult at this stage to fully assess the impact of the development on neighbouring properties, this always being undertaken in detail at the Reserved Matters stage of the planning process. It is considered however in general terms that an appropriate development could be accommodated here without significant detriment to neighbouring properties, especially with the Design Code securing parameters as to the location of development and heights.

Concerns have also been raised by local residents in respect of construction activities at the site, including possible road closures for infrastructure and

movements of heavy goods vehicles. Construction activity however is a temporary disturbance that is associated with any development. The Local Planning Authority cannot reasonably refuse an application because construction works may temporarily disturb neighbouring properties/commercial premises. A condition could however be imposed to ensure that construction works would not occur outside of unreasonable hours. Any damage caused by construction vehicles would be a civil matter and not something that the Local Planning Authority could control by way of condition although a degree of control over construction vehicle routing could be exercised. Any necessary road closures would be dealt with by the Highways Authority.

Highway Issues

Paragraph 110 of the NPPF sets out new development should ensure that (inter alia); safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Furthermore, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Draft Policy MA1 of the Neighbourhood Plan states that development proposals which increase the number of vehicle access points or which would result in a significant increase in traffic should demonstrate that their impact on the free flow of traffic or parking stress, including conflict with larger vehicles, is acceptable. Draft Policy MA3 of the Neighbourhood plan relates to transport and access too, but with specific criteria that a new development would need to meet. This includes for example factors such as development including wherever possible safe pedestrian and cycle routes to transport hubs and medical, recreational, educational and retail facilities; provision for those with mobility problems and visual impairment and appropriate provision for sustainable modes of transport.

Draft Policy MA2 of the Neighbourhood Plan requires new development to include traffic calming measures where appropriate.

Access in this case is a matter reserved for later consideration. In principle however the application seeks two access points on London Road; one on the eastern extent and one on the western extent. The Parameter Plans do (almost) fix the locations of the access points, albeit there is some room for manoeuvre regarding the exact location. ECC Highways have reviewed the application. They offer no objection to the proposed access points in principle.

ECC Highways have also reviewed the Design Code. They requested some minor tweaks to some of the wording including that private drives should be dead ends, that shared surface and private drives should not serve more than 25 dwellings, and clarification on what is to be adopted by the Highway

Authority (footways etc). These minor clarifications were made within the Design Code.

Furthermore, as discussed in more detail within the Accessibility section of the report above, ECC Highways sought some additional work to improve walking routes into the village. This includes footway widening along the site frontage, tactile paving and pedestrian islands to enable safer crossing.

ECC Highways also sought the following to be included if planning permission was granted: two priority junctions off London Road to provide access to the proposal site as shown in principle on the planning application drawings; upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development); and a Travel Plan and Residential Travel Information Packs both in accordance with Essex County Council guidance.

A Transport Assessment was also submitted which looked at the likely vehicle movements to and from the site as well as the overall highway capacity in the area. It used accepted analysis techniques to calculate these figures which are as follows:

- Residential –
 - o AM – Arrivals 49 and 107 Departures
 - o PM – Arrivals 100 and 48 Departures
- Healthcare Centre –
 - o AM – Arrivals 48 and 23 Departures
 - o PM – Arrivals 18 and 34 Departures
- Local shop –
 - o AM – Arrivals 40 and 38 Departures
 - o PM – Arrivals 42 and 48 Departures
- Care home –
 - o AM – Arrivals 6 and 4 Departures
 - o PM – Arrivals 3 and 4 Departures
- EY&C –
 - o AM – Arrivals 24 and 17 Departures
 - o PM – Arrivals 15 and 20 Departures

Overall, the total traffic movement levels would be 356 in the AM peak hour and 332 in the PM peak hour.

The capacity analysis submitted demonstrated that the maximum number of vehicles in the queue at either access junction would not exceed one vehicle in the design year 2028 during the typical weekday AM and PM peak hours. Overall, the report concludes that local road network has capacity to accommodate the new development. ECC Highways reviewed the Transport Assessment and raised no objections.

Overall, from a highway perspective, it is considered that the development would not have an unacceptable impact upon the highway network or a detrimental impact upon highway safety.

In terms of traffic calming, the development has been designed for 20mph speeds. As such, at this lower speed, there has been no need to design in traffic calming and this was not required by ECC Highways.

Ecology & Arboricultural Impacts

Paragraph 174 of the NPPF states inter alia that planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 179 of the NPPF promotes the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 of the NPPF states inter alia that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy RLP81 of the Adopted Local Plan states that the Planning Authority will encourage landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows.

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Section 2 Plan.

Draft Policy NE3 of the Neighbourhood Plan requires all development proposals to seek to maintain and enhance Green Infrastructure and biodiversity and wherever possible provide environmental Net Gains. It also states that major development should be supported by an ecological assessment in consultation with the District Council's Ecologist. The Policy also refers to green infrastructure corridors and how new development can achieve it.

Ecology

The application was supported by an initial ecological appraisal when it was first submitted in 2017. Given that circumstances could have changed

between 2017 and 2021 an updated Preliminary Ecological Appraisal (PEA) was carried out in September 2021. There was also an addendum to this document to provide a Skylark Mitigation Strategy.

The PEA makes an assessment of the presence, or likely absence of species of conservation concern including bats, newts, reptiles, amphibians, invertebrates and badgers at the site. In this case, the site is utilised as arable farmland. As such, other than within existing hedging, the overall ecological value of the site is very low:

- Amphibians – the habitat was considered negligible and sub-optimal
- Badger – no activity detected but some habitat potential
- Bats – low suitability for foraging habitats
- Birds – some value to breeding birds
- Dormouse – likely absent from the site
- Invertebrates – site lacks suitable habitat
- Reptiles – low value site for reptiles, albeit boundary habitats provided higher value

As such, for most species other than breeding birds, there is a low chance that the site provides suitable habitat for other forms of wildlife.

A breeding bird survey was not able to be carried out in the appropriate season for submission in 2021. However, the Ecological Officer has suggested a pre-commencement breeding bird survey to be carried out in the correct season in 2022 (15th March – 15th July). As part of this, the Ecological Officer has sought skylark mitigation. A Skylark Mitigation Strategy has been proposed, which seeks to secure skylark habitat on a nearby site to replace any potential loss of habitat through this development. The site is indicated on Appendix 1 of the Preliminary Ecology Addendum report. These measures would be secured through the S106 Agreement.

The Councils Ecology Officer has assessed the application and raises no objection subject to a number of conditions including CEMP, updated reptile surveys, Natural England Mitigation Licence for Great Crested Newt, Breeding Bird Strategy, biodiversity net gain metric, LEMP, Lighting, HRA and securing Skylark Mitigation Plots in the S106 Agreement, as well as securing a countersigned Impact Assessment and Conservation Payment Certificate prior to determination.

The site would also deliver biodiversity net gain, owing to the number of trees and enhanced green spaces which would be created. Taking the above considerations into account, Officers consider the proposal is compliant with Policy CS8 of the Core Strategy, Policy RLP84 of the Adopted Local Plan, and Paragraph 174 of the NPPF. Overall, subject to the required planning conditions Officers do not consider that there are any ecological grounds to recommend that planning permission is refused.

Arboricultural Impacts

In this case, the site is generally devoid of vegetation, with it primarily being located on its boundary. There is however a hedge which separates the site into two parcels of land. The northern part of this hedge is to be retained (as discussed in the Design Code section above), however the more southern hedge would need to be removed; labelled as H3 in the Arboricultural Report. This removal is to facilitate the delivery of the Community Hub in this location and also the spine road which runs through the development. The rationale for the Community Hub in this location is set out in the 'Community Hub Justification and Explanation' section of the report.

H3 is a hawthorn hedge. The Arboricultural Report states that the hedge has many gaps, causing a fragmented hedgerow, and categorises it as B1/2/3. This means that the hedge is of moderate arboricultural quality with some landscape and cultural value. The removal of this hedgerow would therefore have a negative impact from an ecological and arboricultural standpoint. H4 is set out in the Arboricultural report to be removed, however this is based on an older drawing, therefore the vast majority of H4 can now be retained owing to the updated Parameter Plans.

H1 and H2 are hedges and interwoven trees which are on the sites two frontages with London Road. The development would seek to gain access to the site from these points, therefore parts of these hedgerows would need to be removed to facilitate a safe access into the site. The exact amount of removal is not known at this stage however it is likely to be a minimum of 16m on either access and would be further assessed at the Reserved Matters stage.

However, a further Arboricultural Addendum report was submitted to explore the condition of these hedges in more detail, and the possibility of translocating those healthy sections to be removed within the development. In principle, the report confirms that H3, H2 and H1 have a realistic prospect of being able to be translocated somewhere else in the site. This would need to be subject to a method statement to demonstrate exactly how this would be achieved, and its re-location secured at the reserved matters stage through the landscape condition. The report also suggests that the hedge could be improved with additional planting to provide a more diverse species mix.

The footway widening referred to in the accessibility section above (to 2m across the site frontage) wouldn't affect the hedgerow. The Arboricultural Addendum does however note that some small scale ground retention may be required. However, the proposed pedestrian crossing points would likely require the realignment of the road into the site to be able to get sufficient width. This therefore may require some additional hedgerow removal, albeit any loss can be translocated as set out above.

Overall, it is considered that there would be some harm from the loss of hedgerows at the site. However, with the translocation of the healthy

hedgerows, the overall loss would be much less. Moreover, with tree lined streets, and other planting around the site, any loss would be more than compensated for in terms of replacement planting. As such, overall while there would be a harm of the loss of some hedge, overall the harm of this loss would be low in Officers view.

Habitat Regulations Assessment (HRA)

Policy SP2 of the Section 1 Local Plan states that contributions will be secured from the development towards mitigation measures in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS).

The site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site and Dengie SPA. As such, the developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (currently £127.30 per dwelling) and to provide onsite mitigation such as dog waste bins and provision of/connection to a circular walking route as per the Councils standard approach on these matters. This would be secured through the S106 Agreement.

Flood Risk, SUDS, Surface Water, Sewerage and Drainage

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The NPPF and Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, part of the application site lies within the fluvial Flood Zone 3A.

Government Policy as set out in Paragraph 169 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.

Policy RLP69 of the Adopted Local Plan and Policy LPP78 of the Section 2 Plan states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

Draft Policy NE8 of the Neighbourhood Plan states that new development which reduces flood risk will be supported as will the use of SUDs systems.

In this case, the application is supported by a Flood Risk Assessment and Drainage Report. The site in this case in its entirety falls within Flood Zone 1,

other than a very small section at the front of the site in close proximity to the bridge which goes over the river, and a section on the northern west tip of the site. The Design Code secures parameters for this meaning that these would be used only for Public Open Space with residential some distance away from these areas.

In terms of surface water, the Environment Agency Surface Water Map set out in the Flood Risk Report shows that small sections of the site have a higher chance of flood risk, but the majority of the site has a very low chance of flood risk. The Environment Agency raised no objection to the application in 2017 and have confirmed that they continue to raise no objection in the latest 2021 re-consultation. Overall, from a flood risk perspective, it is considered the development is acceptable.

In terms of surface water drainage, this would be via SuDS. As the application is at an outline stage, these specific details would be finalised by condition once Reserved Matters approval had been secured. At this stage however the outline application still needs to establish a set of key principles which a SuDS scheme should adhere to. Essex SuDS reviewed the Flood Risk Assessment and required some additional information in relation to; a drainage strategy plan, infiltration potential, discharge rates, storage calculation, half drain time and offsite flooding during construction.

The developer subsequently submitted an indicative drainage strategy plan, set out the infiltration potential, and clarified the other remaining technical points. It was also confirmed that a 1 in 1 year greenfield rate would be used. Essex SuDS reviewed the additional information and raised no objection, subject to a number of conditions to secure the detailed SuDS specifications and long term maintenance of the SuDS features.

In terms of sewage, Anglian Water stated that the Coggeshall Recycling Centre does not currently have capacity for the flows. However, it is outlined that Anglian Water have a statutory obligation to create capacity for the development's flows, which they have confirmed that they will do. It is considered the site would therefore be suitably served by the sewage network.

Overall, from a flood risk, drainage and sewage perspective, it is considered the development can comply with the above policies, and therefore is considered to be acceptable in this regard.

Lighting

Paragraph 186 of the NPPF states inter alia that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects, including to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy RLP65 of the Adopted Local Plan and Policy LPP81 of the Section 2 Plan states that proposals for external lighting which require planning permission will only be permitted if the lighting is designed as an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; and there is no significant loss of privacy or amenity to nearby residential properties. Also that there is no danger to pedestrians and road users and there is no unacceptable harm to natural ecosystems.

Draft Policy NE7 of the Neighbourhood Plan states that new development proposals should avoid artificial light levels which cause a significant increase in light pollution in the Dark Sky Area.

As the application is in an outline form, details of lighting have yet to be submitted. A lighting condition has been suggested to secure these details. Furthermore, the Design Code seeks to secure consistent lighting, as well as other street furniture across the site. It also sets out whether lighting would be adoptable or not within each of the street types. The details within the Condition would need to conform to the Design Code.

In terms of a dark sky area, the site would not fall within this category as identified by Map 9 of the Draft Neighbourhood Plan. As such, this part of the policy is not applicable in this location.

Overall in terms of lighting, Officers are satisfied that adequate measures can be secured through condition, and that the Design Code would assist in securing appropriate lighting.

Contamination

Paragraph 183 of the NPPF states that decisions should ensure that:

a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) Adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 184 of the NPPF confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy RLP64 of the Adopted Local Plan states that a development on or near a site where contamination may exist, should provide a thorough investigation, so as to establish the nature and extent of the contamination, and then identify works to mitigate any contamination found where appropriate.

The site is not known to be contaminated. The Environmental Health Officer has reviewed the application and raised no objection, subject to a condition requiring a contamination report to be submitted pre-commencement of development. Subject to this, it is considered the development would be acceptable from a contamination perspective.

Air Quality & Noise

Paragraph 186 of the NPPF states inter alia that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Paragraph 185 of the NPPF states inter alia that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy RLP62 of the Adopted Local Plan states that planning permission will not be granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless:

- a) Adequate preventative measure have been taken to ensure that any discharges or emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment; and
- b) Adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment.

Policy RLP63 of the Adopted Local Plan states that a specialist air quality assessment may be required if a development would likely prejudice air quality.

Draft Policy NE7 of the Neighbourhood Plan relates to air and noise pollution and seeks to avoid new development which would on health or quality of life.

Air Quality

In this case, a technical Air Quality Report has been submitted with the application. This report sets out that the residual air quality effects of traffic generated during the operational phase would be negligible, while this would also be the same for the construction phase. The report concludes that the development proposals would comply with National and Local policies in this regard.

The Council's Environmental Health Officer has reviewed the air quality document and raises no objection. As such, 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.

It is also worth noting that the site is within walkable distance to Kelvedon and other public transport options exist. Therefore future occupiers would not be wholly reliant on the private car which would assist in reducing the overall air quality impact.

Noise

The site in this case is near to two potential noise sources; the railway line directly behind the site and the A12 further afield to the south. A Noise Report has been submitted with the application to determine the likely effects (if any) of noise from these receptors. The Report concludes that the site could reasonably be developed without detriment to future occupiers with satisfactory mitigation in place.

One of the suggested mitigation measures was the potential for a noise bund adjacent to the railway to mitigate noise. The Design Code has a page dedicated to this, suggesting a bund 2.5m high, while the Parameter Plans fix an area designated for the bund to ensure there is sufficient space for it. The Environmental Health Officer (EHO) raised no objection to the provision of a bund in principle to protect from railway noise. However, the EHO states that the final height and detail of the bund would need to be ascertained through condition, once more detailed information is submitted through a reserved matters application and land levels (relative to the new residential areas) are established. As such, subject to conditions, Officers are satisfied that the amenities of future occupiers could be suitably protected from railway noise.

The A12 in this case is also a potential noise source for future occupiers. This is particularly the case on the side of the site furthest from the village, as the A12 is in an elevated position approximately 150m away (at the closest point). The noise report in this case suggests acoustic insulated window systems could be used to help reduce the noise impact from the A12.

The EHO has no objection in principle to acoustic insulated window systems, as these are fairly common with other schemes which are located close to major transport routes. The EHO however sets out that the recommended sound insulation should have a degree of tolerance to comfortably achieve the required internal noise levels to account for reduction in performance over time. The EHO therefore recommends conditions to ensure that the noise levels for external amenity areas and internal accommodation provide an acceptable acoustic environment for future occupiers. The developer would also be required to produce an overheating assessment through condition in accordance with Acoustics, Ventilation and Overheating Residential Design Guide January 2020 and a detailed strategy for ventilation/cooling before construction commences.

In this case, with suitable mitigation and conditions, the EHO raises no objection to the application. As such, Officers are satisfied that the scheme could come forward in such a way that there would not be a detrimental impact on the external or internal amenity of future occupiers.

It should also be noted that on the A12 side of the development, there would only be a small element of residential development on the site frontage at this side (as secured via the land use Parameter Plan). The Community Hub uses would be behind it / sharing the frontage with London Road. As such, the Community Hub uses (which other than the care home are far less sensitive to noise) would provide an additional buffer to the majority of the residential development.

Archaeology

Policy RLP105 of the Adopted Local Plan states that where important archaeological deposits are thought to be at risk from a proposed development the developer will be required to arrange for an archaeological evaluation to be undertaken prior to the planning decision being made. The evaluation will assess the character, importance and extent of the archaeological deposits and will allow an informed and reasonable decision to be made on the planning application. This is reinforced by Policy LPP63 of the Section 2 Plan.

The site has the possibility of containing archaeological remains and part of it is an identified archaeological area. As such, in accordance with the recommendations of the Archaeological Officer, conditions would be attached to secure appropriate archaeological investigation and mitigation.

Safeguarding of Mineral Resource

The site lies within a Minerals Safeguarding Area (MSA) for sand and gravel as identified in the Essex Minerals Local Plan (2014). This Plan forms part of the Development Plan and contains Policy S8 which directs that *“Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.”*

Paragraph 210 of the NPPF requires that the sterilisation of minerals identified in Minerals Safeguarding Area should be avoided and that the prior extraction of this minerals resource should be encouraged where practical and environmentally feasible. 'Sterilisation' is a term used when development or land-use changes take place which permanently prevent extraction of the mineral resource from the ground.

Paragraph 211 of the NPPF gives guidance on a national level and advises that, when determining applications, great weight should be given to the benefits of mineral extraction. Paragraph 212 of the NPPF states that "*Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.*"

The Essex Minerals Local Plan plans for mineral provision up to 2029. Sections 2.22 and 2.23 of the document explains that sand and gravel resources in Essex are significant in national, sub-national and local terms; with Essex being one of the largest producers in the UK. However, the majority of the sand and gravel produced (about 78%) is used within the County itself and this looks unlikely to change in the long term. Consequentially the main factor influencing the production of sand and gravel is the need to meet the minerals demand for Essex itself, much of which is required to support the construction industry. The most extensive and significantly mixed (i.e. of most versatile application) resource lies geographically within the centre and north of Essex, including Braintree District.

The Essex County Council Minerals Waste Planning Authority (MRWA) currently advise that there are sufficient existing, permitted, preferred and reserve mineral sites within the pipeline in the immediate future up to 2029 to meet the identified demand of 4,310,000 tonnes per annum for sand and gravel within the County. This will ensure a steady and adequate supply in the short term. However in the long term, MSA's also provide security by protecting these finite resources for the future. In selecting such areas for designation, the MWPA is not required to work on the presumption that the resources defined will ever be worked.

In this case, no Minerals Resource Assessment has been submitted with the application. However, the Essex Minerals Plan sets out that minerals sites should be a minimum of 100m from residential properties. Furthermore, it is likely that a similar separation distance would be required in terms of an offset to the railway line (to avoid subsidence / damage to the track etc). The site is also only approximately 400m in length (between the residential and the railway track). Taking into account the buffers above, it would only leave approximately 200m of usable space. Even this space would be restricted in width due to the other residential properties on the eastern and western boundaries.

As such, it is Officers view, the site would not be suitable for minerals extraction as it is heavily constrained for this purpose. In addition, Essex County Council Minerals were consulted as part of the application and no comments were received. Officers therefore consider that the absence of a Minerals Resource Assessment is not a particular concern in this case.

It should still be noted however that the development would result (even if it's unsuitable) in the loss of a minerals safeguarding area. This is therefore a harm which must weigh to a degree against the application in the overall planning balance.

Other Issues

Development Brief

Draft Policy HO3 of the Neighbourhood Plan requires developers to submit a development brief, along with a statement of community consultation. This is to actively engage with the parish council before an application is submitted.

In this case, as the application was submitted prior to the drafting of this policy, it is considered that this requirement wouldn't be applicable and a new policy should not be retrospectively applied in circumstances such as this.

Phasing of New Homes

Draft Policy HO2 of the Neighbourhood Plan requires a phasing plan to be submitted with an application where necessary.

While the idea of this policy is noted, housing trajectory is not something that is in the Councils or applicant's control. This is because if approved, the applicant will sell off the residential parcels to a housebuilder. The Council can only therefore exercise control over those elements which are to be built by the applicant. Even some of the Community Hub uses would be built by other organisations (such as the NHS) who would not commit to a timescale at this early stage. The Council, through S106 Agreements, are seeking to secure the Community Hub uses prior to the completion of the residential elements. Furthermore, a phasing plan is also recommended within the S106 Agreement to cover the phasing of the new homes.

Overall, it is considered that Draft Policy HO2 can be complied with.

Sustainable Design

Draft Policy HO12 of the Neighbourhood Plan states that new development should meet a high level of sustainable design and construction, targeting zero carbon emissions. The policy goes on to how to secure this.

In this case, while it's acknowledged as a consideration, it cannot be enforced with no other policy backing, and the NP not fully adopted yet.

Broadband

Policy SP6 of the Adopted Section 1 Plan states that all new properties will allow for the provision for ultrafast broadband. Policy LPP49 of the Section 2 Plan states inter alia that all new residential and commercial developments must be served by a fast and reliable broadband connection to the premises.

Draft Policy BR4 of the Neighbourhood Plan states inter alia that proposals for new residential and commercial development should demonstrate how they will contribute to, and be compatible with, ultrafast broadband and high-quality internet connectivity.

The site in this case is located in an area which has access to fibre broadband and its provision is something which can be secured via condition. As such, a condition is recommended.

PLANNING OBLIGATIONS

The following identifies those matters that the District Council would seek to secure through a planning obligation. Members should note that all financial contributions are to be index linked to an appropriate index.

Policy SP6 of the Adopted Section 1 Plan states that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. Policy LPP82 of the Section 2 Plan states that planning permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development. Policy LPP82 states that the Council will apply widest reasonable definition of infrastructure when considering what is necessary. The following section identifies planning obligations that the District Council would seek to secure through a S106 Agreement.

Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Additional infrastructure capacity may be provided through financial contributions towards new or expanded facilities; on-site construction of new provision; off-site capacity improvement works; and/or the provision of land.

Draft Policy NE2 of the Neighbourhood Plan outlines support for the designation of public open spaces within new development. It also states that such spaces should be multifunctional if possible and make improvements to the Green Infrastructure of the Parish.

Draft Policy DC1 of the Neighbourhood plan states inter alia that, subject to the financial viability of development and the regulations governing contributions, where appropriate, development will be required to contribute towards the provision of relevant infrastructure in the parish.

Open Space

Paragraph 98 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 of the Core Strategy and Policy LPP53 of the Section 2 Plan indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

In this case, the development would comprise up to 300 residential units. In accordance with the Council's Open Space Supplementary Planning Document (SPD), it breaks down 'Open Space' provision/contributions into 5 key areas which future residents would likely utilise: Allotments, Outdoor Sport, Amenity Green Space, Parks and Gardens and Outdoor Equipped Playgrounds. The SPD sets out whether provision should be made on site, or a financial contribution paid towards provision off-site.

The development would be over 250 dwellings and thus would need to provide Amenity Green Spaces, Outdoor Equipped Play and Allotments within a total open space area of 5.8Ha. The Design Code and Parameter Plans secure Amenity Green Spaces and Parks and Recreation grounds in excess of the Councils standards which are 1.42Ha for this application. The location of the allotments and equipped play area would be secured through the S106 Agreement. The allotment land would need to be at least 0.17Ha in size and set out in accordance with a specification to be agreed with the Council. This would be the same for the play space contribution for an area of 0.15Ha. The total requirement on site would therefore be 1.74Ha of open space including all of the above.

There would be provision in the S106 Agreement for the developer to offer to transfer the allotment site to the Parish Council. If the Parish Council did want to take ownership and manage the allotments they would be transferred with a maintenance sum of £1,224. If the Parish Council did not want to take ownership of the allotments then they would be transferred to a management company. The equipped play area(s) would need to be built to a minimum value calculated in accordance with the Open Spaces SPD, once the mix of dwellings is known.

The onsite provision of Formal Sport is only applicable in excess of 300 dwellings. As the development proposes up to 300 dwellings Officers have

accepted that provision for Outdoor Sport would only be through a financial contribution. The calculation of the Outdoor Sport financial contribution would usually be calculated once the number of dwellings and the number of bedrooms in each property is known. However, in this case a fixed contribution of £278,525 has been agreed to allow the contribution to be paid at an early stage in the development process. As Members will likely be aware the Council has sought contributions from other planning applications in Kelvedon towards a scheme that the Parish Council have identified at the Recreation Ground. It is therefore considered appropriate that this development also contribute towards the cost of providing this facility for the benefit of the village as a whole.

In addition, it is proposed that the maintenance of the public open space along with other areas of the public realm and the retained hedge would be carried out by a management company. This would also be secured through the S106 Agreement.

The applicant has agreed that the contribution would be paid relatively early in the process, prior to occupation of the 60th dwelling as the Council do not want to delay the possible delivery of the outdoor sports facilities.

Affordable Housing

Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Policy CS2 of the Core Strategy and Policy LPP33 of the Section 2 Plan states inter alia that Affordable housing will be directly provided by the developer within housing schemes on the following basis: a target of 40% affordable housing provision on sites in rural areas, excluding the Parishes of Sible Hedingham and Great Notley and the proposed growth location in the Parish of Rivenhall. Where it is impractical to achieve on site provision, off site provision, or a financial contribution in lieu of broadly equivalent value, may be accepted.

Draft Policy HO7 of the Neighbourhood Plan echoes the above and stipulates that development proposals which make provision for affordable housing that demonstrates it meets local need will be supported.

The development would provide 40% affordable housing, which would amount to up to 120 dwellings (with the remaining 180 dwellings as market dwellings).

The Council's Housing Research and Development Team 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. In addition, despite the application being at an outline stage,

the developer has agreed the mix of dwellings sought by the Housing Research and Development Team, which are written into the S106 Agreement as follows:

- 20 x 1 bed maisonettes/flats capable of housing 2 persons as Affordable Housing for Rent
- 10 x 2 bed maisonettes/flats capable of housing 4 persons as Affordable Housing for Rent
- 10 x 2 bed maisonettes/flats capable of housing 4 persons as Shared Ownership
- 26 x 2 bed houses capable of housing 4 persons as Affordable Housing for Rent
- 16 x 2 bed houses capable of housing 4 persons as Shared Ownership
- 14 x 3 bed houses capable of housing 5 persons as Affordable Housing for Rent
- 10 x 3 bed houses capable of housing 5 persons as Shared Ownership
- 6 x 3 bed houses capable of housing 6 persons as Affordable Housing for Rent
- 4 x 4 bed houses capable of housing 7 persons as Affordable Housing for Rent
- 2 x 2 bed bungalows capable of housing 4 persons and provided as Cat 3 Dwellings as Affordable Housing for Rent
- 2 x 3 bed bungalows capable of housing 5 persons and provided as Cat 3 Dwellings as Affordable Housing for Rent

Officers consider that securing the preferred mix at this stage is a benefit as it gives certainty that the affordable units would be delivered in an appropriate way. Should fewer units be delivered on the site than the 300 maximum, then the number of Affordable Homes would be proportionately reduced, but this would be considered at the time of a Reserved Matters Application.

Education Requirements

The site would generate the need for up to 27 early years & childcare places, 90 primary school places and 60 secondary school places.

In order to offset this demand, Essex County Council Education seek financial contributions for primary education at £17,268 per additional primary school place (at an approximate contribution of £1,554,120, and secondary school transport at (£5.30 per pupil at 2020) x 60 (pupils) x 190 (academic year) x 5 (number of years) – an approximate total contribution of £302,100. This is because there is no safe walking route to the closest secondary school (Coggeshall or Witham). It should be noted the actual level of contribution will be determined by the number of qualifying dwellings (dwellings with 2 or more bedrooms) that are built. The S106 Agreement facilitates this.

In terms of early years and child care provision, the demand generated by this development is proposed to be offset by the provision of an EY&C facility on site. This would deliver in excess of the estimated 27 EY&C places that would be generated by a development of this size. Essex County Council Education

Officers have no objection to this approach, subject to the facility being provided and the building being retained for EY&C proposes. Officers have therefore agreed the following obligations with the developer to be included in the S106 Agreement:

- Development to provide at least 27 spaces for EYCC
- Restricted use (Class E (f))
- Not to submit any Reserved Matters application for any part of the Site containing Dwellings unless and until the Reserved Matters application for the Early Years Facility has been submitted
- To construct and complete the Early Years Facility on the Early Years Land in accordance with a Reserved Matters approval prior to the first Occupation of any of the Dwellings on the site

The facility would therefore be secured permanently through the S106 Agreement to be used for EY&C purposes. Furthermore, by the developer building the facility prior to the occupation of any residential dwelling on the site the facility will be delivered more quickly than if the land were transferred to the County Council for them to deliver the facility themselves.

Library

Essex County Council have also requested a financial contribution to improve library services, to reflect increased demand arising from this development. The provision of a Library Service is a statutory duty and it's increasingly become a shared gateway for other services such as for accessing digital information and communications. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020), a contribution has been requested of £77.80 per dwelling to improve or enhance the facilities and services provided at Kelvedon Library.

Healthcare Requirements

The development would generate and subsequently increase demand upon existing 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.

The developer in this case proposes to provide a new Health Centre which when completed would be leased to the GP practice. The NHS are in agreement with this approach. This is a significant benefit to the scheme owing to the current healthcare situation in Kelvedon (as discussed in the Community Hub section of the above report). Securing the early delivery of the new Health Centre is a priority. As such, Officers consider the following Heads of Terms are relevant:

- Not to submit any Reserved Matters application for any part of the Site containing Dwellings unless and until the Reserved Matters application for the Health Centre has been submitted to the Council

- To construct the Health Centre on the Health Centre Land to Completion in accordance with a Reserved Matters approval, prior to the first Occupation of any of the Dwellings
- The Health Centre shall not be used for any other purpose

With these Heads of Terms, and continued engagement with the CCG, Officers are satisfied that the new Health Centre is required and can be delivered early on site. The developer would also enter into a separate legal agreement with the CCG to ensure that the facility is delivered in a timely manner.

It should be noted that were there not such a significant need for a new healthcare facility in Kelvedon, the NHS / CCG would not support the applicant's proposal to deliver a new facility. As Members will be aware the NHS are seeking to concentrate primary healthcare services in a smaller number of larger buildings, reducing the number of existing GP surgeries. In this scenario, the scale of residential development would not usually require a new Health Centre to be built. It is the NHS's specific need for a new Health Centre (which they have confirmed) which is the reason why Officers are accepting and supporting the inclusion of one as part of this scheme.

The NHS has previously assessed whether there was a better alternative site that would be available to them, which they could use to provide a new Health Centre, but that assessment did not identify any preferable available sites. If a new Health Centre was not provided on this site then Officers are not aware of any alternative scheme that would deliver a new permanent home to the existing practice.

It is noted that some patients of the existing practice are unhappy that the Health Centre would be moved to the western end of the village and it is true that this site is not located so centrally within Kelvedon and is further from Feering. However as previously discussed, the provision of the new facility is not possible utilising existing sites and no other sites have been identified in a more central location. As this report sets out with the accessibility section above, the application site is considered to be within a reasonable walking distance of the centre of the village. The new Health Centre would be located at the front of the site with easy access for pedestrians, bus users and motorists from London Road. It must also be remembered that the centre serves not just the residents of Kelvedon and Feering but also serves a significant rural catchment area. Whilst the site may be less conveniently located for the residents of Feering an accessible location with good car parking provision (much improved on the parking that is available at the existing surgery) would be advantageous to patients coming from Easthorpe, Messing, Inworth, Rivenhall End, Rivenhall, Coggeshall Hamlet and Skye Green.

The developer is not gifting a new Health Centre building; it is being provided on commercial terms, but that is considered to be reasonable. As Members will be aware planning obligations may only constitute a reason for granting

planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

It would not be fair or reasonable for the developer to have to provide the new Health Centre for nothing. Whilst 300 new homes would create some additional demand it is the existing need for a Health Centre in the village that is driving the need for the new building, not this development. The S106 Agreement does require that the developer makes a proportionate financial contribution towards primary healthcare services. Officers are satisfied that the Heads of Terms for the S106 Agreement meets the statutory tests for planning obligations.

Finally, as previously noted the CCG would also want the developer of the care home to enter in to a collaboration agreement with the GP practice, which will include the sharing of records and staff training to assist in the provision of health services for residents.

Highway Requirements

As set out previously the applicant has produced a Transport Assessment which assesses the impact that the development will have on the highway network and supplementary details which assesses how accessible the site is for more sustainable forms of transport. The Highway Authority has confirmed that there is no objection to the proposed development with regards to highway capacity or highway safety. They have however carefully considered, with Planning Officers, how attractive the site is for sustainable transport options. The Highway Authority have considered the extent to which these options can be improved and they have advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development.

Prior to the occupation of the development the following works / improvements shall be completed under a Highway Works agreement:

1. Conversion of the traffic island in Church Street (immediately north-west of St. Mary's Square) to a pedestrian island with corresponding dropped kerbs/tactile paving
2. Tactile paving in Maldon Road immediately south-east of St. Mary's Square
3. A dropped kerb/tactile paving crossing point in London Road south of The Cloisters
4. Widen the footway along the north side of London Road to a minimum 2 metres over both sections of the proposal site's frontage (except for the bridge south-west of The Cloisters)

5. Dropped kerb/tactile paving crossing points with possible pedestrian island(s) in London Road at and/or in the vicinity of the proposal site's two sections of frontage

These works would be secured through the S106 Agreement.

In addition, the Highway Authority has identified the following additional measures relating to the site access points and to support sustainable transport objectives:

- A. Two priority junctions off London Road to provide access to the proposal site as shown in principle on the planning application drawings
- B. Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
- C. Improvements in accordance with details approved (in relation to highway improvement works above)
- D. A Travel Plan and Residential Travel Information Packs both in accordance with Essex County Council guidance

A & D above have been included as planning conditions, albeit the monitoring cost for the Travel Plan is included in the S106 Agreement. B and C would also be included within the S106 Agreement.

Habitat Regulations Assessment (HRA / RAMS)

A financial contribution of £127.30 per dwelling (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area and Ramsar site and the Dengie Special Protection Area and Ramsar site.

In addition to the financial contribution towards off-site management measures at the protected coastal sites the S106 Agreement would also require the delivery of the package of mitigation measures set out in the Appropriate Assessment, to include provision of open space on-site for dog walking and information to encourage residents to use local open space and discourage use of the Protected Sites. Natural England have yet to approve the Appropriate Assessment, therefore if Members are minded to approve the development, an additional resolution would be necessary to make sure that this was agreed before planning permission is issued.

Skylark Mitigation

Surveys submitted with the application indicate the site has potential for skylark habitat. A Skylark Mitigation Strategy will be required to provide proportionate compensation for the loss of possible Skylark territories on site. The scheme will be required to provide Skylark plots (number to be confirmed) on nearby agricultural land for a period of 10 years.

Care Home

A care home is also proposed as part of the application and this would provide social and economic benefits, including the creation of new jobs, increased demand for services which will be met by local businesses and be beneficial in improving the supply and availability of this type of specialist housing. In order to secure these benefits through the delivery of the care home, the S106 Heads of Terms have been agreed, and are summarised as follows:

- Not to submit reserved matters for the residential dwellings until a reserved matters application has been submitted for the care home
- To construct the care home prior to the 50th occupation of the residential dwellings
- Restricting the care home to be used as such

The applicant has advised that they already have interest from a care home operator and Officers are satisfied that this planning obligation will ensure that the care home would be delivered in a timely fashion and its use retained as such.

The CCG would also want the developer of the care home to use reasonable endeavours to enter in to a collaboration agreement with the GP practice, which will include the sharing of records and staff training to assist in the provision of health services for residents.

Retail

The proposed Community Hub includes retail provision on the site, up to a maximum of 500sq.m in gross floor space. It is accepted that the delivery of the retail units is unlikely to be commercially viable at a very early stage of the development. Furthermore, even if the units were provided at a very early stage it is unlikely that the units would be attractive to commercial operators until the development has progressed further and there are a significant number of residents living on the development. In order to secure delivery and the size restriction, the Heads of Terms are as follows:

- A 'baseline plan' (a plan showing proposed Retail Units with their gross internal floor area and the proposed specific Retail Use) to be submitted to the Council for approval
- Prior to the Reserved Matters being able to be submitted; not to occupy more than 100 dwellings until the reserved matters application for the retail units has been submitted to the Council
- To construct the Retail Units to Completion in accordance with a Reserved Matters approval prior to the first Occupation of more than 200 Dwellings
- Not to permit more than 3 retail units at the site
- Not to permit any retail unit with a Gross Floor space of above 300sq.m
- Not to permit the cumulative Gross Floor space to go above 500sq.m
- Not to permit any Retail Unit to be amalgamated with another Retail Unit

- Irrespective of the Order not to permit any change of use of a Retail Unit other than to a Retail Use
- Irrespective of the Order not to permit more than 1 (one) of Retail Units to be used as hot food takeaways

The applicant has expressed their commitment to provide the retail uses. There has been no suggestion that their provision would be subject to marketing, or interest being expressed by commercial operators. The S106 Heads of Terms are designed to ensure the delivery of the retail uses in a timely manner and then to control the nature of the retail businesses in order that these supplement the existing retail offer in the village.

Residential Phasing

A Residential Phasing Strategy is proposed to be secured through the S106 Agreement. This is because of both the size of the site and the fact that it would contain two highway access points, which could facilitate the potential for a phased approach to develop the site. Officers therefore consider this is an appropriate inclusion within the S106 Agreement to establish how development would come forward on the site.

Community Building

With reference to Policy LPP82 of the Section 2 Plan the Council considers the widest reasonable definition of infrastructure when considering what is necessary. In this case, Officers consider that this should include the provision of appropriate community facilities. Over recent years the village of Kelvedon has grown with new housing developments including the development which is under construction at Monks Farm and the proposed development at Watering Farm. These residential developments will increase the residential population and there is a need to ensure that residents have access to a range of facilities including a community hall for meetings, activities and functions.

As Members will likely be aware the Council has sought a community building contribution from other planning applications in Kelvedon towards a scheme that the Parish Council have identified at the Recreation Ground. It is therefore considered appropriate that this development also contribute towards the cost of providing this facility for the benefit of the village as a whole.

The level of contribution has been fixed, for the same reason Officers have fixed the outdoor sport contribution, so that the contribution can be paid earlier in the development process. The financial contribution is £144,886. The applicant has agreed that the contribution would be paid relatively early in the process, prior to occupation of the 60th dwelling as the Council do not want to delay the possible delivery of the community building.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is 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. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.27 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2, RLP62, RLP80, RLP84, RLP90, RLP100 and RLP138 of the Adopted Local Plan, Policies CS2, CS5, CS7, CS8 and CS10 of the Core Strategy, Policies LPP1, LPP33, LPP44, LPP53, LPP55, LPP60, LPP70, LPP71 and LPP73 of the Section 2 Plan, and Policies HO1, HSC1, ED1, ED2, NE3 NE5, NE7 of the Neighbourhood Plan.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight. Policy LPP1 of the Section 2 Plan reiterates the above about protecting the intrinsic character and beautify of the countryside. Given the status of the Section 2 Plan (which is now at modifications stage following examination) it is considered this policy can be attributed significant weight. Draft Policy HO1 of the Neighbourhood Plan states that further new residential development above Local Plan Housing requirements will be supported where it is demonstrated that the provision of necessary infrastructure can be achieved. Given the status of the Neighbourhood Plan it is considered this policy can be attributed significant weight.

Policy RLP62 of the Adopted Local Plan states that Planning permission will not be granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless: i) adequate preventative measures have been taken to ensure that any discharges or emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment; and ii) adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment. This policy is considered to be broadly in accordance with Paragraph 185 of the

NPPF, which seeks new development to take into account the likely impacts of development on all receptors. Taking this into account, it is considered this policy is not out of date and should be given significant weight. Policy RLP62 is echoed by Policy LPP73 of the Section 2 Plan but does not limit it to existing residents. Given the status of the Section 2 Plan it is considered this policy can be attributed significant weight. Draft Policy NE7 of the Neighbourhood Plan is also similar in its requirements. Given the status of the Neighbourhood Plan it is considered this policy can be attributed significant weight.

Policy RLP80 of the Adopted Local Plan requires that new development must successfully integrate into the local landscape and that proposals that fail to do so will not be permitted. Policy CS8 of the Core Strategy is a wide ranging policy concerning the natural environment and biodiversity. Amongst other things the policy requires that consideration is given to landscape impact. It states that development must have regard to the character of the landscape and its sensitivity to change and, where development is permitted, it will need to enhance the locally distinctive character of the landscape in a manner that accords with the Landscape Character Assessment for the area. The underlying objectives of Policies RLP80 and CS8 are to protect the landscape character and amenity of the countryside and require a decision maker to consider the established landscape character and its sensitivity to change. Both are considered to be consistent with paragraph 174 of the NPPF and are not considered to be out of date. They can be given significant weight. The above important considerations regarding landscape character and features are also taken forward in Policy LPP71 of the Section 2 Plan. Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight. Draft Policy NE5 of the Neighbourhood Plan states that housing development should seek to protect key views as identified within the Neighbourhood plan. Given the status of the Neighbourhood Plan it is considered this policy can be attributed significant weight.

Policy RLP84 replicates this expectation of protection by stating that development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended, will not be accepted. It is considered that this policy should be given significant weight as it aligns with the NPPFs ambition to protect biodiversity. This policy is echoed by Policy LPP70 of the Section 2 Local Plan. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight. Draft Policy NE3 of the Neighbourhood Plan requires all development proposals to seek to maintain and enhance Green Infrastructure and biodiversity and wherever possible provide environmental Net Gains. Given the status of the Neighbourhood Plan it is considered this policy can be attributed significant weight.

Policy CS7 of the Core Strategy promotes accessibility for all, and in particular states that future development will be provided in accessible locations to

reduce the need to travel, an objective contained within Paragraph 105 the NPPF. It is considered that this policy is not out-of-date and can be given significant weight. Policy LPP44 of the Section 2 Plan also reiterates the above with a focus on facilitating sustainable modes of transport through new developments. Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight.

Policy RLP90 of the Adopted Local Plan seeks inter alia to ensure that developments recognise and reflect local distinctiveness in terms of scale, density, height and massing. All of these factors go to the heart of good urban design, which is a significant consideration as set out within Section 12 (Achieving Well-designed Places) of the NPPF. Moreover, the 2021 NPPF has introduced a significant emphasis on 'beautiful design' NPPF including references in Paragraphs 8b, 73c, 125, 126, and 128. This change therefore not only seeks to secure good design but also seeks to raise the overall standard of a development in conjunction with a number of other new policy additions such as the requirement for tree lined streets. As such, it is considered that RLP90 is not out-of-date and can be given significant weight. Policy LPP55 of the Section 2 Plan also reiterates many of the above points set out in Policy RLP90 and the NPPF. Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight.

Policy CS2 of the Adopted Core Strategy seeks to secure 40% affordable housing on sites outside of the main towns (Braintree, Witham and Halstead) in order to meet the affordable housing demand within the district. Securing affordable housing on new development is consistent with the NPPF and can be given significant weight. Policy LPP33 of the Section 2 Plan is consistent with Policy CS2 but introduces the 10% mandate for different types of affordable housing ownership (e.g. starter home). Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight.

Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. Policy LPP60 of the Section 2 Plan reiterates the above. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 195 and 196 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively.

Policy RLP100 of the Adopted Local Plan pre-dates the NPPF and lacks the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. It is considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can be afforded reduced weight. However, as set out above, the Council also have

a statutory duty when assessing planning applications that affect Listed Buildings and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

Policy RLP138 of the Adopted Local Plan and Policy CS10 of the Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, open space, sport and recreation provision are delivered. Offsetting the impacts of development is important for any application and consistent with the NPPF. It is considered these policies can be attributed significant weight. Policy LPP53 of the Section 2 Plan also reiterates the above. Given the status of the Section 2 Plan, it is considered this policy can be attributed significant weight.

Draft Policy HSC1 of the Neighbourhood Plan states that the creation of new and improved healthcare facilities within the village will be encouraged, including provision for essential and additional GP services being provided to a higher standard and including other specialised services such as treatment of minor injuries. Any loss of existing services, which thereby reduce the provision of health services to our increasing population should be avoided. Furthermore, Draft Policy ED1 of the Neighbourhood Plan supports the continued provision of nursery day care facilities within the village, and states that planning applications for additional nursery day care facilities within the Village Development Boundary which provide appropriate onsite parking provision will be supported. Draft Policy ED2 of the Neighbourhood Plan also supports the provision of improved preschool provision within the Village Development Boundary. Draft Policy NE3 of the Neighbourhood Plan requires all development proposals to seek to maintain and enhance Green Infrastructure and biodiversity and wherever possible provide environmental Net Gains. Given the status of the Neighbourhood Plan it is considered these policies can be attributed significant weight.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing Land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. 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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being);
- an environmental objective (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Adverse Impacts

The adverse impacts and the weight that should be accorded to these factors are set out below:

Conflict with the Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside. This conflict is afforded significant weight.

The Development would conflict with Policy RLP21 of the Adopted Local Plan as the care home would also be located in the countryside. However taking into account that it would form part of a wider residential development, it is considered that this conflict should only be afforded limited weight.

The Development would conflict with Policy RLP100 of the Adopted Local Plan as the development would have a less than substantial (medium to low) impact on the setting of 7 Listed Buildings. This conflict should be afforded significant weight.

There would also be a partial conflict with Policy CS8 of the Core Strategy on account of the loss of BMV agricultural land, these factors are afforded limited weight.

Conflict with the Section 2 Plan

The proposal would conflict with Policy LPP1 of the Section 2 Plan and it has not been allocated for residential development. This conflict is fundamental, although as the Section 2 Plan is yet to be adopted, this conflict can only be given significant weight and not full weight at the time of writing.

The Draft Neighbourhood Plan

Protected Views

The development would have a direct impact on a protected view as set out by Draft Policy NE5 of the Neighbourhood Plan. However this view has been assessed to be inconsequential, and thus this conflict is considered to be of limited weight, despite the significant weight to be attributed to the policy overall.

Day Care/Nursery

The day care/nursery facility would not be located in the village boundary as currently defined, therefore in conflict with Policies ED1 and ED2 of the Neighbourhood Plan. However, as the site would form its own development boundary as part of a wider development, this conflict is considered to be of limited weight, despite the significant weight to be attributed to the policy overall.

Character and Appearance of the Area and Landscape Character

A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site. However, these effects would be highly localised and would not result in an unacceptable impact upon the character and appearance of the area, thus are attributed limited weight in the planning balance. Any impacts are able to be mitigated.

Tree/Hedge Loss

A degree of harm would arise from the loss of hedges in those areas where alternative layout solutions do not exist. There is however the option to translocate the healthy parts of the hedges to be removed, thereby minimising the overall loss. Furthermore, it is considered that much of this harm will be mitigated through the provision of a biodiversity net gain across the site and obligations to provide new trees in accordance with Paragraph 131 of the NPPF for all new streets to be tree lined, this obligation also extending to a requirement that opportunities are taken to provide new trees elsewhere in new developments. Benefits such as enhanced habitat management, provision of public space and enhanced sustainable transport links cannot be derived without some hedge loss occurring. Taking the above into account, Officers attribute this harm limited weight.

Heritage Impact

The proposal will result in less than substantial harm to seven listed buildings; 4 middle of scale (Church Hall Farm buildings) and 3 lower end of scale (St Marys Church and Crabs Farm). Cumulatively, it is Officers opinion the development of the site would result in a high degree of heritage harm that would weigh heavily against the application, especially in the context of paragraph 199 of the NPPF which attributes “great weight” to heritage asset conservation. It is considered that this cumulative harm should be given significant weight.

Noise

The site would be affected by two noise receptors; the railway line and A12. It is considered however that sufficient mitigation measures can be put in place to avoid any detrimental impacts on the amenity of future residents. As such, while there is potential for harm, this harm can be mitigated and thus is only given very limited weight.

Best and Most Versatile Agricultural Land

Whilst a degree of harm would arise from loss of BMV land given the contextual prevalence of such land throughout the District, this harm is judged to remain very limited and accordingly very limited weight is given to this loss in the planning balance.

Mineral Safeguarding

The development would also result in the loss of a mineral safeguarding area, within a Mineral Safeguarding Zone in the Adopted Minerals Plan (2014). However, owing to the size and lack of suitability of the site, it is considered that this conflict can only be afforded very limited weight.

Highways

The development would result in a degree of impact upon the highway network through increased vehicle movements. However, this can be mitigated to an acceptable level whilst acknowledged is therefore given only limited weight.

Summary of Public Benefits

The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

Delivery of Market and Affordable Housing

The development would facilitate the provision of up to 300 new dwellings, comprising up to 180 market dwellings and up to 120 affordable dwellings. This is afforded significant weight, given the scale of the development. The

mix of affordable housing has also been agreed despite the outline stage of the application. This is an additional benefit as it provides certainty at the Reserved Matters Stage.

The provision of this housing would also deliver associated economic and social benefits, some of these would only exist during the construction phases, whereas others would be sustained, such as the increased patronage of existing services and facilities in the Town.

Delivery of New Care Home

The development would facilitate the development of an up to 64 bed care home. It would provide social and economic benefits, including the creation of new jobs, increased demand for services which will be met by local businesses and be beneficial in improving the supply and availability of this type of specialist housing. It would also contribute (albeit to a lesser extent) to the Council's five year housing land supply. These benefits are considered to be of significant weight in the context of the wider benefits of this development.

Delivery of New Health Centre

The developer in this case proposes to provide a new Health Centre which when completed would be leased to the GP practice, to which the NHS are in agreement with in principle. Furthermore, Officers are satisfied that the new Health Centre is required and can be delivered at an early stage in the development process. While the centre would not be gifted to the NHS, the development would still secure a proportionate financial contribution of £123,740 which would go towards fitting out the new facility and transferring the practice.

Overall, it is considered that the provision of a new Health Centre is a very substantial benefit to the scheme owing to the current healthcare situation in Kelvedon and the surrounding/adjoining villages (Feering, Easthorpe, Messing, Inworth, Rivenhall End, Rivenhall, Coggeshall Hamlet and Skye Green). As such, the new healthcare centre is afforded very significant weight.

Delivery of Early Years and Childcare

The application in this case also seeks to provide land for a new early years and childcare facility (EY&C) within the overall Community Hub. The developer has an EY&C provider lined up to build the EY&C facility, which would be built prior to the occupation of any residential dwelling on the site. As such, the facility will be delivered more quickly than if the land were transferred to the County Council for them to deliver the facility themselves. The development would therefore not only offset its demand but also enable faster deliver. This therefore weighs in favour of the application and should be given more than moderate weight.

Delivery of Retail Unit(s)

The application in this case proposes up to 500sqm of gross retail floor space, spread across two buildings. The units would be delivered at a later stage of development, but are unlikely to attract end users at an early stage owing to the need for customers to survive. The applicant has expressed their commitment to provide the retail uses. There has been no suggestion that their provision would be subject to marketing, or interest being expressed by commercial operators. The provision of the retail units is considered to be an important benefit to the scheme and in conjunction with its location in the Community Hub, should be given significant weight.

Open Space

As indicated on the Land Use Parameters Plan, the proposed development would provide a variety of public open space on the site, including the provision of allotments and play space. In total, the open space provision would be 5.8ha, which is over the policy requirement for a development of this size (1.74ha cumulatively) and will offer benefits to the wider community which go beyond those necessary to meet the needs of local residents. Contributions towards formal sport will also be in accordance with policies.

The provision of open space far in excess of the standards is considered to be a more than moderate benefit in the planning balance.

Infrastructure Improvements

The development would deliver improvements to the existing pedestrian network including new unaided crossing points and footway widening where achievable, while also delivering improvements to other infrastructure including bus stops, Travel Packs and a Travel Plan. These benefits are considered to be of moderate weight.

Location and Access to Services and Facilities

The site is in an accessible location with access to local services and facilities which could support a degree of day-to-day living. Public transport options also exist which would reduce the reliance on the private motor vehicle. The location of the site is a moderate benefit weighing in favour of the development.

Planning Balance

When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that although finely balanced, the benefits of the proposal, particularly when factoring in the Health Centre outweigh the adverse impacts, including the conflict with the Development

Plan, including the Neighbourhood Plan. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

It is therefore RECOMMENDED that:

- 1) Subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Terms:
 - **Residential Phasing:** A residential phasing strategy to be submitted.
 - **Affordable Housing:** 40% of the dwellings with an agreed unit mix (as set out in the above report)
 - Triggers: Due to scale of development there are three different triggers:
 - Not to permit the Occupation of more than 30% of the Market Dwellings until such time as 20% of the Affordable Housing Dwellings have been constructed and are available for Occupation.
 - Not to permit the Occupation of more than 50% of the Market Dwellings until such time as 50% of the Affordable Housing Dwellings have been constructed and are available for Occupation.
 - Not to permit Occupation of more than 80% of the Market Dwellings until such time as all of the Affordable Dwellings have been constructed and are available for Occupation.
 - If the Development comes forward in more than one phase, then the trigger changes slightly to bite on the individual phase as opposed to all units.
 - Affordable dwellings should be deliverable without reliance on public subsidy.
 - **Public Open Space:** On site provision of public open space as approved on Land Use Parameter Plan with a minimum of 5.8Ha, to include area of equipped play (0.15Ha), allotments (0.17Ha), amenity spaces, specified HRA mitigation (dog waste bins and circular walk) along with internal estate roads and pathways. Suitable management company arrangements for public open space, amenity area, play spaces. Triggers for delivery of Public Open Space and allotment land to be agreed.
 - **HRA/RAMS:** Financial contribution of £127.30 per dwelling (index linked) paid prior to commencement of development to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar and the Dengie SPA & Ramsar and securing of on-site mitigation measures.

- **Skylarks:** Provision of Skylark plots to provide mitigation for disturbance of ground nesting birds prior to the commencement of development and their maintenance for a period of 10 years.
- **Education:**
 - Provision of Early Years and Childcare Facility on site with a minimum of 27 places
 - Not to submit any Reserved Matters application for any part of the Site containing Dwellings unless and until the Reserved Matters application for the Early Years Facility has been submitted
 - To construct and complete the Early Years Facility on the Early Years Land in accordance with a Reserved Matters approval prior to the first Occupation of any of the Dwellings on the site
 - Primary School Places contribution and Secondary School transport contribution , with the contribution to be calculated when the number of dwellings and number of qualifying units are known in accordance with Essex CC Developer Guide to Infrastructure Contributions (2020) and index linked to April 2020.
 - Triggers for payments of contributions to be agreed.
- **Library:** £77.80 per dwelling for local library improvements.
- **Highways:** Improvements to / provision of:
 - Conversion of the traffic island in Church Street (immediately north-west of St. Mary's Square) to a pedestrian island with corresponding dropped kerbs/tactile paving
 - Tactile paving in Maldon Road immediately south-east of St. Mary's Square
 - A dropped kerb/tactile paving crossing point in London Road south of The Cloisters
 - Widen the footway along the north side of London Road to a minimum 2 metres over both sections of the proposal site's frontage (except for the bridge south-west of The Cloisters)
 - Dropped kerb/tactile paving crossing points with possible pedestrian island(s) in London Road at and/or in the vicinity of the proposal site's two sections of frontage
 - Upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)
 - Improvements in accordance with details approved (in relation to highway improvement works above)
 - All above highway works to be provided prior to the first occupation of the Health Centre.
 - Travel Plan monitoring fee.

- **Community Building:** Financial contribution of £144,886 prior to occupation of the 60th Dwelling.
- **Outdoor Sport Contribution:** Financial contribution of £278,525 prior to occupation of the 60th Dwelling.
- **Healthcare:** Provision of land for a Health Centre
 - Not to submit any Reserved Matters application for any part of the Site containing Dwellings unless and until the Reserved Matters application for the Health Centre has been submitted to the Council
 - To construct the Health Centre on the Health Centre Land to completion in accordance with a Reserved Matters approval, prior to the first occupation of any of the dwellings
 - A financial contribution of £123,740 payable prior to commencement of development, in order to mitigate the impact of the additional residents that the development would create.
- **Care Home:** Provision of a 64 bedroom care home on site
 - Not to submit reserved matters for the residential dwellings until a reserved matters application has been submitted for the care home
 - To construct the care home prior to the 50th occupation of the residential dwellings. Restricting its use to a care home.
 - Reasonable endeavours to enter in to a collaboration agreement with the GP Practice.
- **Retail:** Provision of no more than 500sq.m gross floor space for retail purposes
 - Not to Occupy more than 100 Dwellings unless and until the Reserved Matters application for the Retail Units has been submitted to the Council
 - To construct the Retail Units on the Retail Land to Completion in accordance with a Reserved Matters approval prior to the first Occupation of more than 200 Dwellings
 - Not to permit more than 3 retail units at the site
 - Not to permit any retail unit with a Gross Floor space of above 300sq.m
 - Not to permit the cumulative Gross Floor space to go above 500sq.m
 - Not to permit any Retail Unit to be amalgamated with another Retail Unit

AND

- 2) Subject to the approval of the Appropriate Assessment from Natural England.

The Planning Development Manager be authorised to GRANT 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.

CONDITIONS AND REASONS

- 1 The development hereby permitted shall only be carried out in accordance with the approved plans listed below:

Location Plan: Reference - EG003-001 REV 00
Design Code: Reference - 2-12
Parameter Plan - Development Density: EG003-PR-04 I
Parameter Plan - Land Use - EG003-PR-01 I
Parameter Plan - Storey Heights - EG003-PR-05 I
Parameter Plan - Green Spaces: EG003-PR-03 L

Reason

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

- 2 Details of the:

- (a) Scale,
- (b) Appearance,
- (c) Layout,
- (d) Landscaping, and
- (e) Access

of the buildings/site (hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out in accordance with these matters approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

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

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 300 residential dwellings, a Health Centre, Early Years and Childcare Facility, a 64 Bed Care Home and a maximum of 3 Retail Units cumulatively totaling no more than 500sq.m gross floor space, all with associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure and shall demonstrate compliance with the parameter plans and the Design Code listed above.

Reason

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

- 4 The landscaping scheme required by Condition 2 of this permission shall incorporate a detailed specification of hard and soft landscaping works for the residential plots. This shall include plant/tree types and sizes, plant numbers and distances, and written specifications including cultivation and other operations associated with plant and grass establishment, colour and type of material for all hard surface areas and method of laying, and an implementation programme.

The landscape scheme shall also clarify which hedges (or part thereof) are to be translocated as indicated on the submitted Arboricultural Report and the new locations for said translocated hedges within the development.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in accordance with the approved implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out before in accordance with the agreed implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

Reason

Landscape planting is integral to the character to the development and it is considered desirable for these to be dealt with concurrently with the reserved matters.

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

ground levels.

Reason

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

- 6 Concurrent with the submission of each reserved matters for the residential dwellings, details of the following relevant to that reserved matters area shall be submitted to and approved in writing by the Local Planning Authority:
- i) A Confirmation Report from an Approved Inspector or Local Authority Building Control Service that the drawings for all houses and ground floor flats proposed as affordable dwellings and shown on the submitted Affordable Housing Scheme as such (or any revisions of this Scheme subsequently submitted for approval as part of the application) have been designed to comply with Building Regulations 2015 (as amended) Part M(4) Category 2.
 - ii) A Confirmation Report from an Approved Inspector of Local Authority Building Control Service that the drawings for any bungalows proposed as affordable dwellings and shown on the Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) as needing to be compliant with Building Regulations 2015 (as amended) Part M(4) Category 3 have been designed as such.
 - iii) Sufficient detail confirming that the affordable dwellings as shown on the submitted Affordable Housing Scheme (or any revisions of this Scheme subsequently submitted for approval as part of the application) meet or exceed the Technical Housing Standards - Nationally Described Space Standards (2015) criteria.

The affordable dwellings shall only be built in accordance with the approved details and, in the case of plots indicated in the Affordable Housing Scheme to be constructed in accordance with Building Regulations 2015 Part M(4) Category 2 or Building Regulations Part M(4) Category 3, prior to their occupation, written confirmation from an Approved Inspector or Local Authority Building Control Service shall be submitted to and approved in writing with the Local Planning Authority to certify that they have been built to the agreed standard.

Reason

In the interests of amenity; to ensure the affordable dwellings are built an acceptable standard to perform their optimum function. Details are required at Reserved Matters stages in order that the degree of compliance with the above specified criteria can be evaluated and assessed.

- 7 Concurrent with the submission of the first reserved matters for the residential dwellings in any phase, details of the noise bund shall be submitted to the Local Planning Authority to confirm the height, width and footprint of the noise bund in accordance with principles set out in the approved Design Code and Noise Report submitted with the Outline application approval. The approved details shall be adhered to in perpetuity and the bund constructed prior to the first occupation of any dwelling in any phase.

Reason

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

- 8 Concurrent with the submission of the first reserved matters for the residential dwellings in any phase, details of any noise attenuation measures (not including the bund referred to in Condition 7) to protect noise sensitive receptors in each residential phase shall be submitted to the Local Planning Authority for approval. The approved noise attenuation scheme shall be implemented in accordance with the agreed details. The results of the noise attenuation measures shall be submitted to the Local Planning Authority to verify that the measures work, prior to occupation of each affected dwelling.

Reason

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

- 9 Concurrent with the submission of the first reserved matters for the residential dwellings in any phase, an overheating assessment in accordance with Acoustics, Ventilation and Overheating Residential Design Guide January 2020 and a detailed strategy for ventilation/cooling shall 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 an adequate living environment for the future occupiers of the proposed development.

- 10 Concurrent with the submission of the first reserved matters application (other than the health centre), a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain Report and audit templates (July 2021), shall be submitted to and approved in writing by the Local Planning Authority, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- o Baseline data collection and assessment of current conditions on site;

- o A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- o Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- o Details of the implementation measures and management of proposals;
- o Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

In order to demonstrate measurable net gains for biodiversity and allow the LPA to discharge its duties under the NPPF (2021) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 11 Concurrent with the submission of any reserved matters relating to landscaping under Condition 2 (d) of this decision, a Landscape Ecological Management Plan (LEMP) for that reserved matters area shall be submitted to and 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 shall 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) as updated by the Environment Act 2021.

- 12 Concurrent with the submission of any reserved matters for layout under Condition 2(c) of this decision, a Refuse Scheme for that reserved matters area shall be provided including the following details:

- Location of refuse bins and recycling materials
- Their storage areas and waste/recycling presentation points;
- Appearance of any associated screening or/and enclosures;
- Confirmation that distances travelled by local authority refuse vehicle operatives from the location where a refuse vehicle are intended to stop to the presentation points specified do not exceed 20m each way for 2 wheeled bins and 15 meters for 4 wheeled bins;
- Confirmation of 26 tonne carrying capacity of all roads intended for use by local authority refuse vehicles;
- Refuse vehicle swept path analysis for all roads intended for use by local authority waste vehicles;
- Where relevant, provision of sufficient indemnity to prevent legal action against Braintree District Council for any damage or repairs caused to private roads (not intended for adoption by the Local Highway Authority) that are necessary to be used by the Council when performing its refuse collection functions.

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 retained.

Reason

In the interests of amenity; to ensure that the development layout provides suitable facilities, to prevent the unsightly storage of refuse containers and that these requirements are accounted for in a layout presented at reserved matters stages.

- 13 Concurrent with the submission of any reserved matters for layout under Condition 2(c) of this decision, a strategy for the provision of Electric Vehicle Charging Points and a Broadband Strategy for the development within that reserved matters area, shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason

To ensure that the new development makes adequate provision for electric vehicle charging and broadband in the interests of creating a sustainable development. Details are required concurrent with the reserved matters as the provision of these features can affect layout.

- 14 Concurrent with the submission of any reserved matters for appearance or layout under Conditions 2(b) or (c) of this decision, a plan for that reserved matters area indicating the location and general design of all walls, fences, other boundary treatments and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and permanently retained as such thereafter.

Reason

In the interests of visual amenity, to ensure the appearance of boundary treatments are considered in conjunction with the design of the dwellings.

- 15 Concurrent with the submission of any reserved matters for layout under Condition 2(c) of this decision, a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity shall be submitted for that reserved matters area. The Lighting Scheme shall detail the following:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of development within that reserved matters area, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting (other than domestic lighting on individual properties) be installed on the site without prior consent from the Local Planning Authority.

Reason

To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practice advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). The details are required to accompany the layout at reserved matters

stage to allow these considerations to be evaluated and assessed as part of the reserved matters submission.

- 16 No development on any residential phase of the development shall commence until the full details of two priority access junctions onto London Road have been submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To protect highway efficiency of movement and safety. These details are required pre-commencement to ensure that suitable access is achieved for the residential phases.

- 17 No development on any phase of the development shall commence until a construction traffic management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan for every phase.

Reason

To protect highway efficiency of movement and safety. These details are required pre-commencement to ensure the measures are appropriate and can be put in place before development commences.

- 18 No development (except demolition) shall commence within any phase of the development until a detailed surface water drainage scheme for that phase of the development, 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.
- If Infiltration is proven to be unviable then discharge rates should be limited to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying

time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

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

- 19 No development on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details.

The assessment shall include:

- A survey of the extent, scale and nature of contamination;
- An assessment of the potential risks to: a) human health; b) property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; c) adjoining land; d) groundwater and

surface waters; e) ecological systems; and f) archaeological sites and ancient monuments.

If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 20 No development or preliminary groundworks shall commence within any phase of the development until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution for that phase of the development 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 167 and paragraph 174 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. Methods for preventing or mitigating this should

be proposed.

21 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:

- 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; particle matter and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition, 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 Method Statement shall be adhered to throughout the construction period for the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

22 a) No development or preliminary groundworks can commence on any phase of the development until a programme of archaeological trial trenching has been submitted and approved in writing by the Local Planning Authority for that phase of the development.

b) A mitigation strategy for each phase of the development detailing the excavation/preservation strategy shall be submitted to and approved in writing by the Local Planning Authority.

c) No development or preliminary groundworks can commence on those areas containing archaeological deposits within each phase of the development until the satisfactory completion of fieldwork, as detailed in

the mitigation strategy, has been submitted to and approved in writing by the Local Planning Authority for that phase of the development.

d) Within 6 months of the completion of fieldwork within any phase of the development, a post-excavation assessment shall be submitted to and approved in writing by the Local Planning Authority for that phase of the development. The assessment will include 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 assets of archaeological importance. Failure to agree a method for mitigation of harm to archaeological assets identified in the fieldwork prior to groundworks occurring may risk the loss or damage of archaeological assets.

- 23 No development or preliminary groundworks on any phase shall commence until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the Local Planning Authority, in accordance with the details contained in the Updated Preliminary Ecological Appraisal (Southern Ecological Solutions Ltd, September 2021).

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 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) as updated by the Environment Act 2021.

- 24 No development or preliminary groundworks on any phase shall

commence until a Reptile Method Statement is submitted to and approved in writing by the Local Planning Authority, following the provision of updated Reptile Surveys. This will contain precautionary mitigation measures and/or works to reduce potential impacts to reptiles during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 25 No development or preliminary groundworks on any phase shall commence until the Local Planning Authority has been provided with either:
- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) A GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) A statement in writing from the Natural England 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 the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

- 26 No development or preliminary groundworks on any phase shall commence until a Breeding Bird Survey has been submitted to and approved in writing by the Local Planning Authority, in line with the BTO Common Bird Census methodology. If surveys identify the presence of Priority Farmland birds which will be affected by the development, a Farmland Bird Mitigation Strategy shall also be submitted to and approved in writing by the Local Planning Authority prior to or concurrent with the submission of the first of the reserved matters for any relevant phase.

The Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery

The Farmland Bird Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all habitat features shall be delivered for a minimum period of 10 years.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 27 No development on any phase, including site clearance, preparatory works or construction, shall commence until a scheme for the protection of trees to be retained (the Tree Protection Plan) and the appropriate working methods for the translocation of Hedges 1,2 and 3 (as appropriate) as set out in the arboricultural report (the Arboricultural Method Statement) in accordance with BS:5837: Trees in relation to design, demolition and construction-Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

A detailed survey plan drawn to an adequate scale indicating the height, girth, spread, species and exact location of all existing trees, shrubs and hedges on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed in accordance with BS5837:

Trees in relation to design, demolition and construction - Recommendations - (or in an equivalent British Standard if replaced);

A schedule in relation to every tree and hedge identified listing details of any proposed pruning, felling, translation or other work;
Details of any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area.

The scheme for the protection of trees to be retained and the development shall be carried out in accordance with the approved details.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

- 28 No above ground development shall commence within any phase of the development, until a scheme for on-site foul water drainage works, including connection point and discharge rate, for the relevant phase, has been 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 implemented in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

- 29 No above ground development shall commence in any phase of the development unless and until samples of the materials to be used on the external finishes of the development within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure a high quality palette of materials is used to help produce a high-quality development.

- 30 The residential phase of development shall not be occupied until the developer provides a Residential Travel Information Pack to include six one day vouchers for use with the relevant local public transport operator for each dwelling, promoting the use of sustainable transport, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 31 Notwithstanding the details submitted, a Travel Plan for the residential phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation / first use of the development, the approved Travel Plan shall be implemented and the use shall thereafter only be operated in accordance with the approved Travel Plan.

Reason

In the interest of highway safety and the efficient operation of the highway network and in order the development promotes public transport, walking and cycling and limits the reliance on the private car.

- 32 Prior to the occupation of any residential phase 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, for that phase of the development, 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. Failure to provide the above required information prior to occupation may result in the installation of a system.

- 33 Prior to occupation of any residential phase of the development, on site measures to avoid impacts from the development alone to the Blackwater Estuary SPA & Ramsar, the Dengie SPA & Ramsar and the Essex Estuaries SAC shall be submitted to, and be approved in writing by, the Local Planning Authority.

The content of the onsite measures shall be in line with the approved Habitats Regulations Assessment and shall include the following:

- a) Purpose and conservation objectives for the proposed measures;
- b) Detailed designs of the interpretation board and leaflets;
- c) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development;
- d) Locations of proposed interpretation boards by appropriate maps and plans; and
- e) Details of initial aftercare and long-term maintenance.

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

Reason

To avoid Adverse Effects to Site Integrity from the development alone to the Blackwater Estuary SPA & Ramsar, the Dengie SPA & Ramsar and the Essex Estuaries SAC and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended).

- 34 In each residential phase of development, no dwelling unit shall be occupied until the internal and external areas of dwelling units are protected from external noise in accordance with BS8233:2014 and the current Noise Policy Statement for England.

The internal ambient noise levels shall not exceed the guideline values in BS8233:2014 Table 4 and WHO L_{max} level as given below:

Resting -Living room 35 dB LAeq,16hour (daytime)
Dining - Dining room/area 40 dB LAeq,16hour (daytime)
Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour
Sleeping/Nighttime Bedroom 30 dB LAeq,8hour
Typical nighttime L_{max} level shall not exceed 45dB(A)

External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dB LAeq,16hr. If

a threshold level relaxation to 55 dBLAeq,16hr is required for external areas, full justification should be provided to the Local Planning Authority.

Reason

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

- 35 Noise from plant and equipment at commercial premises including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property.

Reason

To ensure an adequate living environment for the future occupiers of the proposed development adjacent / near to the commercial units.

- 36 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 protecting neighbour amenity during construction.

- 37 No piling or any other foundation designs using penetrative methods shall be undertaken on the site during the construction of any phase of the development unless and until:

a) A system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services for the relevant development phase. The approved system shall be adhered to throughout the construction process and the development shall be carried out in accordance with the approved details; and

b) The applicant has demonstrated to the satisfaction of and received approval in writing from the Local Planning Authority that the area of the site where piling or any other penetrative foundation designs are proposed does not present an unacceptable risk to groundwater resulting from the construction methods proposed. The development shall be carried out in accordance with the approved details.

Reason

To protect the amenity of existing residents in the locality and because piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and

creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

- 38 The applicant or any successor in title must maintain yearly logs of maintenance for the approved SUDs scheme 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.

INFORMATION TO APPLICANT

- 1 Where there is a reliance on closed windows to meet internal levels then the overheating assessment will require an accompanying CIBSE TM59 or equivalent overheating assessment for the proposed site layout and internal layout design and where necessary a scheme for alternative means of ventilation to enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions. Noise from any alternative ventilation system will be shown not to present an adverse impact on occupants.

The noise attenuation performance of any noise attenuation measures shall be verified prior to the occupation of noise sensitive properties.

A sensitivity study of the height of the bund with the proposed layout is required to demonstrate that the best practicable noise attenuation option is adopted.

Sensitive uses on the site such as schools and health centres shall also be assessed to ensure that their function is not affected by transport noise

For this development noise impact from any noise increase from the A12 widening scheme (if approved) may also be considered within the assessment.

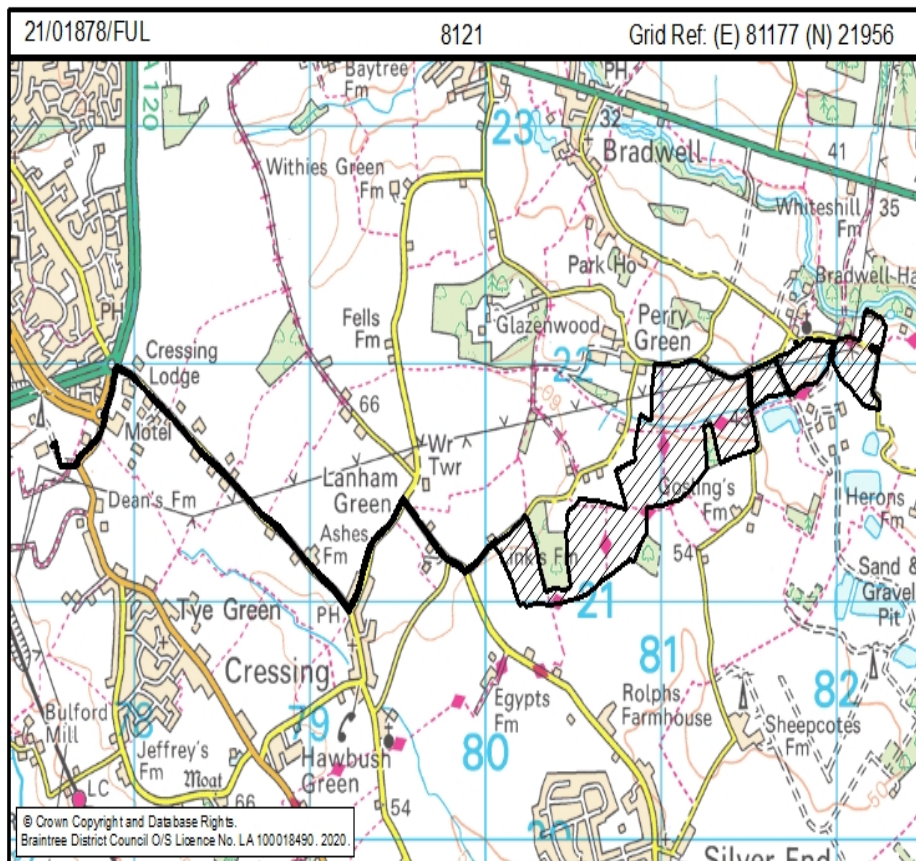
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 21/01878/FUL
DATE VALID: 09.06.21
APPLICANT: Links Solar Farm Limited
Mr James Hartley-Bond, Oxygen House, Grenadier Road, Exeter Business Park, Exeter, EX1 3LH
AGENT: DWD Property + Planning
Mr Nick Bowen, 6 New Bridge Street, London, EC4V 6AB, United Kingdom
DESCRIPTION: Construction and operation of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping.
LOCATION: Land East Of Periwinkle Hall, Links Road, Perry Green, Bradwell, Essex

For more information about this Application please contact:
Mathew Wilde on:- 01376 551414 Ext. 2512
or by e-mail to: mathew.wilde@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUFWGYBF LWQ00>

SITE HISTORY

21/00560/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2017 - Screening Request (Regulation 6) - Proposed solar photovoltaic farm and associated infrastructure.	Screening/ Scoping Opinion Adopted	24.03.21
21/00665/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2017 - Screening Request (Regulation 6) - Proposed solar photovoltaic farm and associated infrastructure.	Screening/ Scoping Opinion Adopted	24.03.21

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and has published main modifications for consultation. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords significant weight to the Section 2 Plan.

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 Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP50	Built and Historic Environment
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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

Bradwell Neighbourhood Plan

The Bradwell Neighbourhood Plan is fully adopted and comprises the following relevant policies:

- Policy 1 - Protecting and Enhancing the Natural Environment and Green Infrastructure
- Policy 2 - Protection of Special and Sensitive Landscapes
- Policy 5 - Protecting and Enhancing the Historic Environment
- Policy 6 - Drainage and Flood Management
- Policy 9 - Transport
- Policy 10 - Design
- Policy 11 - Developer Contributions

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site comprises a number of parcels of agricultural land totalling 50.49 hectares. It is situated within the open countryside with Bradwell to the north-east, Coggeshall, to the north-west, Silver End to the south and Cressing to the south-west. The parcels therefore lie within the Silver End Farmland Plateau. There is no development currently on the site, aside from a large overhead electricity line (likely 400kv) with pylons that cross the northern section.

There are a number of smaller hamlets and standalone properties within the immediate vicinity of the site. An operational minerals extraction site is immediately adjacent to the north-eastern edge of the site. The Essex Way, and other Public Rights of Way, run through and are adjacent to the site.

Heritage assets are also situated at various locations and distances from the red line site boundary. These include Holy Trinity Church (Grade I) at 0.34km from the western boundary; Bradwell Hall (Grade II) at 0.38km from the western boundary, Goslings Farm and structures (Grade II) at 0.25km from the south boundary, and Silver Birches (Grade II) at 0.1km from the northern boundary. All distances measured are from the shortest distance from the closest red line site boundary.

The site is also adjacent to 'Links Wood', a local wildlife site, and a Tree Protection Order woodland known as the Jubilee Plantation. The site also comprises hedges and trees on some of its boundaries. 81% of the agricultural land has been classified as Subgrade 3b (moderate value) and 16% of the agricultural land has been classified as Subgrade 3A (good value and within the 'best and most versatile category'). 3% is classified as other land.

The nearest existing solar farm to this site is approximately 2.2km away, north- east of White Notley.

PROPOSAL

The application proposes a solar photovoltaic farm with a 40 year lifespan on the various parcels of agricultural land. The solar farm would connect into the sub-station near to Galleys Corner via an underground cable within highway land which would be installed to transfer the power generated into the electricity grid.

The application originally sought to develop 12 parcels of land with an overall site area of 65.8 hectares. However, through the consultation period a number of issues were identified (heritage impact and proximity to nearby properties). The developer sought to address these issues by removing developable zones 9-12 (on the eastern extent), which removed approximately 13 hectares, leaving 50.49 hectares as now proposed.

The development would comprise solar panels (estimated to generate 35 megawatts (MW) of renewable energy per year), battery storage, and other associated infrastructure, including substation, switch room, inverters, security cameras, fencing, access tracks and landscaping. The application is supported by a Development Zone Plan which sets out the maximum extent to which the solar panels and their associated paraphilia can extend to. All other details submitted (other than access) are indicative only and would be secured via condition if the application is approved. This is because the application follows the Rochdale Envelope Principles (see 'proposed development' section of report for explanation).

As well as a reduction in the site area, the maximum possible extent of the parcels were also reduced slightly during the life of the application to be further away from Public Rights of Way and allow for greater mitigation planting. A secondary access was also removed on the eastern aspect of the site, leaving only the access on Links Road near to Links Wood.

SUMMARY OF CONSULTATION RESPONSES

Highways England

No objection subject to a condition requiring a Construction Traffic Management Plan.

Essex Highways

Initially sought additional clarity regarding the site access arrangements and the arrangements for construction activities. An updated Transport Statement and new Construction Traffic Management Plan was subsequently submitted. The Highways Officer reviewed the documents and raised no objections, subject to conditions and informatives relating to an updated Construction Traffic Management Plan, access in accordance with details and no unbound materials within 15m of the access.

Historic Buildings Consultant

The Historic Buildings Consultant (HBC) considered the impact of the solar panels on the heritage assets identified in the site description.

For the Holy Trinity Church (Grade I) and Bradwell Hall (Grade II), the HBC concludes that there would be no direct impact on the significance of these buildings, but sets out the proposal would still constitute a degree of change to the assets wider setting. Therefore there would be less than substantial harm to these buildings. For Goslings Farm (and other listed buildings all Grade II) and Silver Birches (Grade II), the HBC sets out that the impact on these assets would be more tangible but remain in the realms of less than substantial.

If the development is approved, the HBC recommends conditions about landscaping, screening and planting to ensure the harm of the development is not exacerbated to these buildings.

Environmental Health

No objection subject to conditions regarding a noise report for the substation, inverters, heating and cooling units. Also a condition relating to working hours.

Essex Fire & Rescue

Commented with a number of requirements for the access to the development to ensure that a fire vehicle could adequately attend the site. These requirements are discussed in the fire risk section in the below report.

ECC SUDS

No objection subject to a number of conditions relating to drainage details and a soil management plan.

Anglian Water

No objection as no connection to Anglian Water Sewers.

Civil Aviation Authority

No response received.

ECC Archaeology

No objection following submission of an updated WSI which detailed an evaluation of the surviving archaeological deposits at the site.

Natural England

No objection.

Cadent Gas

No objection.

National Grid

No objection.

ECC Minerals and Waste

No objection following submission of additional information.

Independent Landscape Consultant, Wynne-Williams Associates (WWA) (Commissioned to provide specialist independent advice to BDC)

Initially raised concerns about the proximity of the solar panels to the Essex Way which runs through the site. Following changes which pulled the panels back from the boundary (and added some hedging) – WWA was more satisfied with the scheme's reduced impact. They did however say that any development on these parcels will change the experience of traversing the

Essex way which is a negative impact, but would reduce over time. These comments are discussed more in the report.

ECC Ecology

Initially raised a holding objection due to insufficient ecological information. Further information was subsequently submitted. The Ecology Officer assessed the additional information and raised no objection subject to securing skylark mitigation and conditions.

PARISH / TOWN COUNCIL

Bradwell Parish Council

Neither objects nor supports the application, setting out the following summarised comments:

- Supports projects which help the environment but some issues
- Traffic disruption caused by trenching for an underground HV cable will be intolerable - chosen route is not wide enough to allow closure of one lane for works and passage of HGVs
- Solar farm too close to dwellings at Perry Green
- Country lanes around the site cannot accommodate HGV traffic
- Should be no HGV on site while the roadworks to bury cable are taking place
- Temporary access requires hedgerow / tree removal
- Not clear how construction traffic will access the A120

REPRESENTATIONS

13 objections (some from the same address) have been received on the application, including from Cllr Walsh (one of the local Ward Councillors) setting out the following summarised comments:

- Green energy shouldn't be at the expense of green spaces and wildlife habitat;
- Should have been EIA development
- Premature to decide application now with SPD being considered by Braintree for Solar Energy Schemes
- Risk scheme might not actually connect into the network
- Not a 'farm' as 'solar farm' would suggest
- Significant impact on the character of the area – will change it to an industrial landscape with all associated paraphernalia (e.g. fencing cameras etc);
- Valued local landscape
- Ruin tranquillity of the area;
- Panels will be visible due to undulating landscape even with screening;
- Screening will take a number of years to mature and will weaken significantly in winter months;
- Will interrupt several established footpaths;

- Significant disruption during construction – local roads unsuitable for large construction traffic – possible safety implications with local people walking and cycling on route:
 - o Links Road, linking Links wood, the main access, is only 3m wide;
 - o Hard left bend from A120 to be negotiated – risk of HGV damaging properties;
 - o Visibility significantly restricted;
 - o No street lighting on the lanes;
 - o 6 metre wide easement under Links Road- not a good idea to put underground cable here
 - o May be better to have the power cable go above ground for a stretch
 - o Cabling not discussed with all local landowners (instead of utilising the road) to access the sub-station at Galleys Corner
 - o Significant traffic from the cable laying
- Wildlife detrimentally affected – light but also feeding habits;
 - o Area rich with wildlife – many bird species present, partly due to ‘shoot’ where feed is left out for game animals like pheasants
 - o Solar panels potentially unsafe for birds who might mistake them for water
- Increased flooding risk;
- Detrimental change to the Essex Way footpath;
- Significantly impact the setting of the ancient woodland
- Loss of Agricultural land – Grade 2 not predominantly grade 3b as stated:
 - o Not been demonstrated other sites are available with poorer quality land;
 - o Other brownfield site (old quarry land) nearby which would be less impactful
- Rooftops on brownfield sites should be considered instead
- Tenanted farmers being made redundant to facilitate the panels
- Cost benefit of the solar panels overstated
- Existing trees and hedges should be protected if development is allowed

REPORT

PROPOSED DEVELOPMENT

The application proposes to develop the site for use as a solar farm, utilising the Rochdale Envelope approach. The Rochdale Envelope approach is an acknowledged way of assessing renewable energy schemes and has been used by other Local Planning Authorities. The rationale for this approach is to allow flexibility once a contractor has been appointed to optimise the layout and design of the solar panels for maximum energy generation. The technology is also improving on a regular basis; committing to a detailed scheme at this early stage may mean that newer (and possibly less impactful) panels / associated paraphilia couldn't be included at a later stage.

This approach therefore involves assessing the maximum parameters for the elements where flexibility is required and provides a worst-case scenario. This is why the site has been split up into 8 ‘Development Zones’ as set out on the

Development Zone Plan. The Development Zones represent the maximum edge to which the solar panels could extend to; as well as the other associated paraphilia.

The extent of the Development Zones were reduced during the course of the application; the proposal originally included 12 parcels, but four were removed owing to heritage concerns regarding Listed Holy Trinity Church (this matter is discussed further in the heritage section below). The maximum distance of these areas were also reduced to have less impact on Public Rights of Way (this is discussed further in the landscape impact section below).

The exact details of development would therefore be secured through condition. Subject to planning permission being granted, when these details are submitted within a Discharge of Conditions Application (DAC), Officers would seek to follow the same process as a conventional planning application and undertake a public consultation on the detailed proposals. With regard to the determination of the DAC application(s), Officers would report the application(s) to Planning Committee for determination (just for detailed layout and elevations). Therefore in essence, while this application is a Full application, it is similar to an Outline application in scope with details to be secured later, similar to a residential development with Outline and subsequent Reserved Matters applications.

Despite the Rochdale Envelope approach, an indicative plan has been submitted which shows how the panels may be configured within the various plots, as well as the associated paraphilia for energy management and security purposes. The energy management items include:

- Solar Panels – No more than 3m high, with a gap of 3-4m between each panel. Approximately 1-2m deep;
- Inverters within shipping containers – Approx. size 12m long, 2.5m wide and 3m high – Approximately 7 in number;
- Batteries within shipping containers– Approx. size 12m long, 2.5m wide and 3m high – Approximately 3 in number;
- Substation (Customer) – Approximate size 10m long, 4m wide and 3m high – 1 in number;
- Substation (District Network Operator [DNO]) – Approximate size 8m long, 5.4m wide and 4.1m high – Approximately 3 in number.

These include inverters which would need to be located within each parcel; they would convert the direct current ('DC') generated by the solar panels into alternating current ('AC'). Transformers, contained within the inverter cabins, convert the low voltage output from the inverters to high voltage suitable for feeding into the local electricity distribution network. The batteries would store up electricity at peak times and then supply electricity to the grid when the solar output is lower.

The Customer (or Solar Farm) Substation is where all the power produced by the panels is amassed and readied prior to sending to the grid. There is some safety equipment in the Customer substation which is under the control of the

solar operator. There is then a cable which sends the power from the Customer substation to the District Network Operator (DNO) substation. In the DNO substation building there is safety equipment which is only accessible by the DNO which in this case is UK Power Networks. This makes sure the power is safe to send out to the wider network offsite. In essence, both contain similar equipment but give two points of control. All of the energy management equipment on site would be connected via underground cables.

The substations are of a more permanent construction on a concrete base than the inverters and batteries which are not. They receive electricity from the Inverters before transferring it to the local electricity distribution network (near Galleys Corner in this case). This would be via an underground cable on highway land. It is understood that the developer is seeking alternative arrangements to avoid temporary disturbance to the Highway network during installation, however this is not something that can be controlled by the Local Planning Authority as these would relate to separate agreements, and in any case, has yet to be secured. Notwithstanding this, to do any works to the highway the developer would need a S50 licence with the Highway Authority, who would make sure any disturbances are minimised as far as possible.

The solar panels would also need to be secured appropriately. This would include fencing approximately 2m high, gates for access and CCTV/Infrared Cameras on 3-4m high poles. These final details would all be secured by condition. It should be noted that plans have been submitted on the website for these various features, but all are indicative to give an idea of the maximum impact of the development. The only plans for approval would be the Development Zone Plan, Construction Traffic Management Plan (which includes the site access), and Landscape Strategy Plan.

The solar panels have a 40 year life expectancy. As such, this application seeks permission for 40 years to erect the solar panels with the associated paraphilia discussed above. However, 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 would ensure that in the long term, the agricultural character of the site remains when the use finishes.

Despite this, the impact of the solar panels must be duly considered as if they were not temporary, particularly given the extent of their lifespan. The principle of erecting the panels, as well as its associated impacts are discussed below.

PRINCIPLE OF DEVELOPMENT

Policy CS5 of the 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 of the Strategy

specifies the encouragement of renewable energy. 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 2021 (NPPF) at Paragraph 152 requires the planning system to support renewable energy and associated infrastructure. Paragraph 158 of the NPPF goes further to say *“approve the application if its impacts are (or can be made) acceptable.”*

It is noted that the applicant estimates that the solar farm has the capability to generate circa 35 Megawatts of energy per year. A development of this scale would 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. The development would therefore generate a potential significant benefit. However, it should also be noted that Paragraph 158 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”*.

It is observed that the considerations identified in Policy RLP76 of the Adopted Local Plan do in fact mirror those identified in the Planning Practise 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 Section 2 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 significant weight but may not, of its self, be sufficient to render the proposal in compliance or contrary to the emerging plan as a whole. Therefore, whilst forming a determinative judgement on the basis of the precise wording of Policy LPP76 alone is not fully recommended, such general factors are material in their own right and should generally be factored into the consideration of the wider planning balance.

In any case, the application is supported by an Alternative Site Assessment, which is intended to act as a sequential test. This assessment looked at the availability of other sites situated on previously developed and/or non-agricultural land, or lower or equal grade agricultural land. Commercial rooftops were not accessed as there were none known which were of

comparable size, and in any case the Planning Practice Guidance does not mention rooftops when considering alternative sites for ground mounted solar farms.

The report reviewed 53 different sites within a 3.5km search radius of the point of connection (to a substation near Galleys Corner). It is reported that 3.5km is the maximum distance that an underground cable would be expected to travel to reach a substation, thus this is why this distance was chosen. This site is approx. 2.6km from the substation. It should be noted that a solar farm cannot operate appropriately if there is no existing or proposed new substation for the power to be sent to.

These 53 sites were found using Local Plan documents, the brownfield register and the estates gazette website (searching for commercial/industrial land within the search area). They were filtered into sites that are constrained (previously developed land) and unconstrained (lower or equal grade agricultural land) and assessed against a number of criteria. The sites which were below 50ha were filtered out as this is below the extent of the proposed application. Combining multiple sites to achieve 50ha were not considered as this wouldn't be realistic or comparable to the application proposal.

The remaining 4 sites (including the application site) were assessed against a number of criteria which included inter alia; land availability, topography, distance from connecting point, obstacles, size/shape, clear or not, PROWs, flood risk, and other considerations such as wooded areas. The other three sites (Land north east of Springwood Industrial Estate, Land south of Fritch Way and Land east of Great Notley) were found to have more constraints than the application site, while their availability for development was not apparent. The proposed application site was therefore chosen by the applicant as sequentially the most appropriate and feasible site.

Having reviewed the report, Officers consider that it generally provides a robust assessment of alternative sites. While further evidence could have been sought about the general availability of other sites, there were other factors which made the sites less suitable overall comparatively to the application site. As such, notwithstanding the weight to be attached to Policy LPP76 of the Section 2 Plan, it is considered that the site could be sequentially preferable.

However, whilst the site could be deemed to be sequentially preferable, this does not automatically mean that it is generally acceptable and complies with other relevant planning policies. A careful assessment of the impacts of the panels is required. This is set out in the remaining report below.

SITE ASSESSMENT

Landscape Impact

Policy CS8 of the 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.

Policy 1 of the Adopted Neighbourhood Plan states that development proposals should protect, and where possible, enhance the natural environment. Policy 2 of the Adopted Neighbourhood Plan states that development proposals within the Blackwater River Valley or the Silver End Farmland Plateau Landscape Character Areas should demonstrate that the proposal will:

- i. Protect and enhance the special features and the overall character of the Landscape Character Area;
- ii. Protect and where possible improve access to open countryside within the Landscape Character Area for recreation.

The site in this case is within the Silver End Farmland Plateau as identified within the Neighbourhood Plan. Due to the size of the development, there are potential implications on landscape character and visual amenity. As such, the application was accompanied by a Landscape and Visual Assessment (LVA), the content of which was assessed by the Council's external Landscape Consultant, Wynne Williams Associates (WWA).

For the avoidance of doubt, landscape character is a broader assessment which looks the distinctive features and characteristics of a given area, whereas visual effects/amenity is the more localised assessment from specific viewpoints which a person, building or other receptor would experience.

WWA conclusions upon review of the applicants LVA were that it was generally robust in terms of the methodology utilised. However, WWA identified a number of discrepancies between their opinion and the opinion of the applicants LVA; most often that the landscape and visual effects by year 15 would be higher than reported by the appellant. The main area of concern centred on the impacts of the development from the Essex Way.

In order to address these concerns, the Applicant increased the buffer between the PROW and the panels by approximately 5 metres, to achieve a minimum offset of 15m between the panels and the route. Hedgerows were also included along the boundaries of the southern section of the Site in response to WWA comments to assist in reducing landscape character and visual effects. An updated LVA was submitted to accompany this change, as well as an updated Landscape Strategy Plan and updated Development Zone Plan.

The updated LVA acknowledged that due to the very nature of the development, it would completely change the existing character of the land comparatively to the surrounding agricultural field parcels. The LVA sets out however that this change is not necessarily negative, with some beneficiary

impacts being accumulated due to increased vegetation planting which would be secured, especially in year 15. Overall, the applicants LVA concludes that in terms of landscape character and visual amenity, the development would only create localised visual effects in the long term which would not have an unacceptable impact on the landscape character of the wider area. The applicants LVA also considers that any impacts are outweighed by the beneficial landscape effects on both wildlife and landscape fabric due to the proposed implementation of the landscape strategy.

WWA considered that the updated LVA had been amended to provide an appropriate assessment of the potential landscape impacts and visual effects. WWA considered that the changes which had been made with regards to set backs and mitigation measures would help to reduce the impacts of the development. However, WWA still considered that there would be harm:

“Reviewing the latest proposals, it is our assessment that overall, the scheme will have minor adverse landscape character effects 15 years after completion. We also predict that the scheme will have major/moderate adverse visual effects on users of the Essex Way long distance footpath and two residential properties at Year 15. For most other visual receptors, visual effects will be limited to a minor adverse level by Year 15.”

So in terms of the wider landscape character, the overall impact would now be minor adverse at year 15 (after the development had been implemented) owing to the low height of the panels and paraphernalia in conjunction with existing and proposed trees/hedges. It is understood that this impact is the lowest level of adverse impact which could be attributed. It should be noted that this impact would be higher at year 1, until such time that the mitigation planting had time to become established.

Assessing the longer term impacts of the development as the baseline for the assessment is common practice in assessing landscape harm. This is in line with Paragraph 158 of the NPPF which states to *“approve the application if its impacts are (or can be made) acceptable.”* As such, in terms of landscape character, there would be some harm arising from the development albeit at a low level in the longer term.

In terms of more localised visual effects, the main issue still centres around the Essex Way PROW as set out by WWA. While the 5m increased separation (total approx. 15m) and additional hedge planting would help, WWA considers that there would still be a major/moderate adverse impact on users of the Essex Way. WWA sets out that to overcome this harm, there would need to be a significant reduction in the number of panels, which would of course limit the overall purpose and benefit of the scheme. There would also be a major/moderate adverse visual impact at year 15 on two residential properties ‘Links Cottage’ on the very western tip of the site, and ‘Ash House’ on the very north western edge of the site. It should be noted that this harm is purely in relation to landscape matters; the impact on these properties (including that of the landscape harm) is discussed further in the Neighbour

Impact section below. Any other visual receptor however has been categorised as 'minor adverse.'

As such, for the specific receptors of the Essex Way and the two residential properties, there would be a higher level of visual harm. However, it should be noted that as this harm is more localised, the overall weight it carries is less than if there was a moderate/significant landscape character harm, as this would have wider ramifications owing to its broader nature.

Overall, while the revisions have reduced the impact of the development, there would still be some low level landscape harm and moderate/significant harm to three receptors. The development would therefore introduce a partial conflict with Policy CS8 of the Core Strategy, Policy RLP80 of the Adopted Local Plan and Policy 1 of the Adopted Neighbourhood Plan. These harms would need to be weighed in the overall planning balance (at the end of this report).

Ecology, Biodiversity & Arboriculture

Policy CS8 of the 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 174(d) of the NPPF requires that proposals minimise their impacts on, and providing net gains for, biodiversity as appropriate.

Policy RLP81 of the Adopted Local Plan states that the Planning Authority will encourage landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows.

Policy 1 of the Adopted Neighbourhood Plan states that development proposals should protect, and where possible, enhance the natural environment. It further states that all proposals should seek to deliver net biodiversity gain, in addition to protecting existing habitats and species. Any proposals which negatively affect, or have the potential to negatively affect, the natural environment should demonstrate that any negative impacts on biodiversity, including flora and fauna, and local wildlife (including wildlife habitats), will be adequately mitigated.

Ecology

An ecological assessment and extended phase 1 habit survey has been submitted with the application. The report identifies that the red line site is primarily in agricultural use which has a low ecological value. The site is however near to an ancient woodland (Links Wood) and plantation which has high ecological value. As alluded to in the Landscape Section above, steps have been taken to ensure that the high value ecological areas are not detrimentally affected; this includes a 15m stand off from Links Wood in

accordance with Natural England's advice for Ancient Woodlands, minimum 10m buffer zone from other established woodland features and trees and minimum 5m buffer from all other boundary features.

A Landscape Strategy Plan has also been submitted which sets out a principle to infill gaps in existing hedges with native planting, plant new hedgerows to provide more habitat and screening for the solar arrays, new wildflower meadows along the margins of the solar arrays, and additional ecotone (transitional) planting within the 15m development buffer zone to Links Wood. A landscaping plan condition is recommended to tie in all of these details. It should be noted that the land may also be able to be used for grazing in and around the solar panels. This would depend on agreement with the landowner and would not impact upon the proposed ecological habitats described above.

The Councils Ecological Consultant reviewed the ecological assessment and initially raised an objection due to insufficient information regarding Great Crested Newts and Skylarks. The Ecology Consultant therefore sought further information to ascertain the likely impacts of the development. The developer subsequently submitted an ecology addendum letter and licence to address these concerns. The Ecology Consultant reviewed the information and was satisfied that the additional information was sufficient to recommend no objection.

The Ecology Consultant sought the provision of 12 skylark plots to mitigate the impact of the loss of existing habitat. As these could not be delivered on site, Officers have suggested a condition to secure these skylark plots off site. The Ecology Consultant also advised that the development would demonstrate biodiversity net gains, and recommends a condition for a Biodiversity net gain assessment to ascertain how significant this would be.

The Ecology Consultant therefore recommended a number of conditions relating to the following; Construction Environmental Management Plan, Natural England Licence, Biodiversity Net Gain Assessment and Ecological Design Strategy. Officers have also included the Skylark plots condition. Overall, it is considered that the ecology impacts of the development would be more than mitigated and through conditions, enhanced overall. As such, it is considered the development would comply with the above ecology related policies.

Arboriculture

This application was not initially supported by an Arboricultural Impact Assessment, as the developer was confident that no trees or hedgerows would need to be removed to facilitate the development. However, Officers sought more certainty that this would indeed be the case. As such, the Appellants provided an Arboricultural Impact Assessment during the course of the application. This also included a Tree Protection Plan.

The report demonstrates that the development would not require the removal of any existing trees or hedgerows. The Development Zone Plan, which would secure the maximum extent of development, leaves sufficient gaps to existing vegetation to ensure that they would not be affected. The arboricultural report does however recommend the removal of an ash tree (T8) on the site boundary due to its poor condition. It should be noted however that this would not be a requirement of the development itself as it would be located in the gap between two development parcels.

Overall, it is considered that the development would maintain existing hedgerows/trees, and through the Landscape Strategy Plan which secures additional planting, would only strengthen and enhance the existing vegetation. As such, it is considered from an arboricultural perspective that the development is acceptable.

Heritage

Policy RLP100 of the Adopted Local Plan Review requires that proposals do not harm the setting of listed buildings, whilst Paragraph 199 of the NPPF provides guidance if harm to the setting of a listed building is identified to occur.

Policy 5 of the Adopted Neighbourhood Plan states inter alia that development proposals should protect and where appropriate enhance non-designated heritage assets, including those identified in Figure 8 of the Adopted Neighbourhood Plan (which identifies heritage features). Any proposal which could impact on a non-designated heritage asset should demonstrate how the significance of the asset has been acknowledged and addressed.

Focusing firstly on heritage assets; the development has the potential to affect a number of Listed Buildings/Structures. These include Holy Trinity Church (Grade I) by the western boundary; Bradwell Hall (Grade II) also by the western boundary, Goslings Farm and structures (Grade II) by the southern boundary and Silver Birches (Grade II) on the northern boundary. These buildings/structures are at various distances from the site (0.1km-0.4km), but none are within the site itself.

As stated above, originally the proposal included 12 parcels for development, but four were removed during the course of the application owing to heritage concerns regarding the listed Holy Trinity Church. These four parcels were at the very east of the site and wrapped around the top of the operational minerals extraction site. The overall site area for development was therefore reduced by some 13 Hectares. The application was also later supported by an additional heritage statement to explore the significance of the heritage assets and the likely impacts of development.

Looking at each heritage asset in turn; the first is the Grade I listed Holy Trinity Church and its associated Grade II listed building Bradwell Hall. The Historic Buildings Consultant (HBC) considers that with the removal of the four

parcels the development would have no direct impact on the significance of either building. However, the HBC still considers that the development would still constitute a change to the assets wider setting, resulting in less than substantial harm. Turning to the four Grade II listed Structures at Goslings Farm and the Grade II listed House Silver Birches; the HBC considers that the impact on these buildings would be more tangible than the Church (above), but would still remain in the realms of less than substantial harm.

Officers agree with the conclusions of the Historic Buildings Consultant; there will undoubtedly be some impact on these heritage assets, however this impact would not be substantial given the nature of the panels and the proximity of the heritage assets.

This harm however in isolation does not justify recommending the refusal of planning permission. As per Paragraph 202 of the NPPF, this harm needs to be weighed against the public benefits of the scheme in the overall planning balance. This is set out at the end of the report but specifically in relation to the heritage balance it is considered that the balance falls in favour of granting planning permission i.e. the clear public benefits of the scheme outweigh the limited heritage harm identified.

Design

Paragraph 131 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 10 of the Adopted Neighbourhood Plan states *inter alia* that all new development proposals should be of a high quality design which contributes positively to the character and appearance of the surrounding area and they should include a high-quality design which will contribute positively to the character and appearance of the surrounding area in accordance with the Bradwell with Pattiswick Parish Village Design Statement. This policy also picks up a number of key issues around energy efficiency, protecting the natural environment, protecting trees and hedgerows and incorporating tree planting.

The proposed development is extensive and will be visible from surrounding roads at least until the proposed planting has had time to establish. The locations of the panels and associated paraphilia are not yet formalised, however Officers are satisfied in this case that through conditions, these elements can be adequately screened/mitigated in the wider landscape. Moreover, none of these elements would be of a size larger than single storey. A condition controlling colours as well as size/appearance of the ancillary structures such as the inverters, substation etc is recommended if the application is to be approved. This will assist in blending these ancillary

elements into the wider landscape, and also making sure they are appropriate for the rural location.

It is therefore considered that the proposals are likely to result in undesirable visual impacts in the short term, however, these could be minimised as much as possible through the above conditions and appropriate placement. As such, from a design point of view, it is considered that there would be an appropriate level of compliance with the aforementioned policies and that in pure design terms the development would not be harmful.

Impact on Neighbouring Residential Amenities

The site is located in the countryside with few residential properties around it. The only properties which would be directly opposite the red line boundary of the site are Links Cottage and Ash House. This is why in terms of visual (landscape) impact, these properties were classified as major/moderate adverse at year 15. All other properties in the area would be separated by intervening agricultural fields. This does not however mean that there would be no impact on these properties.

Furthermore, it is important to note that a “right to a view” is not a planning consideration. Therefore while in landscape terms these panels would have adverse visual impacts on Links Cottage and Ash House, this in itself is not tantamount to detrimental harm to the amenity of those occupiers. As such, for the purposes of assessing neighbour impact (not landscape analysis), an objective assessment is required as to whether the Solar Panels and other paraphernalia would unacceptably harm the amenity of occupiers by virtue of noise, pollution, overshadowing, overbearing or overlooking.

In terms of noise impact from the substations, the Environmental Health Officer is satisfied that there wouldn't be a detrimental impact on neighbouring properties. However to ensure that this is the case, a condition has been recommended to measure noise at the nearest sensitive receptor to determine that they will not be impacted by the final location of any proposed substation.

In this case, owing to the low nature of the panels and associated paraphilia, the only other impact (other than temporary during construction) would be that of light pollution, coming from the panels. This could come in the form of glint, which may be produced as a direct reflection of the sun in the surface of the solar PV pane, or glare, which is a continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

In that regard, a glint and glare assessment has been submitted with the application. This looks at ground based receptors including residential dwellings as well as aviation assets. The assessment utilised a 750m study for ground receptors and a 30km study for aviation receptors. Aviation receptors are discussed later in the glint and glare section.

The impacts are split into four categories for ground based assessments:

- High - Solar reflections impacts of over 30 hours per year or over 30 minutes per day;
- Medium - Solar reflections impacts between 20 and 30 hours per year or between 20 minutes and 30 minutes per day;
- Low - Solar reflections impacts between 0 and 20 hours per year or between 0 minutes and 20 minutes per day;
- None - Effects not geometrically possible or no visibility of reflective surfaces likely due to high levels of intervening screening.

The report identified possible high impacts from glint and glare at 13 receptors, medium impacts at 4 receptors and low impact at 7 receptors within the study area from a desktop based assessment. Following completion of a site visit to determine impacts, this number was reduced to 3 high impact receptors, 2 low impact receptors and none for all remaining receptors.

The three 'high' impact receptors in this case are Links Cottage (Receptor 8 as identified in report), Green Pastures (to the south of the panels Receptor 17 as identified in the report) and Bromans (middle north of the site, Receptor 29 as identified in the report). The report however identifies that with the mitigation measures which it proposes, including 3m high hedge planting and infilling of existing hedge gaps, that the impacts of the development from glare would remain low for 2 receptors and reduce to none for all remaining receptors over time.

In this case, the mitigation measures proposed tally up with the landscape plan principles. A detailed landscape plan would follow by condition to provide the detail set out within these parameters.

One receptor which would not receive any glint or glare impact is Ash House; this is because of the southern orientation of the panels. This is confirmed within Appendix A, Figure 1 of the glint and glare report. As such, despite the panels being readily visible from Ash House, there would be little to no impact in terms of light pollution.

Overall, in terms of light pollution, there would be an initial glint/glare impact on three residential receptors which will be high. This impact will however be reduced significantly over time while mitigation planting becomes established. As such, the weight to be attached to this harm is less in the planning balance.

Taking all of the above into account, it is considered that a moderate harm should be applied to three residential properties, which would weigh against the application in the planning balance.

Highway Considerations

Policy 9 of the Adopted Neighbourhood Plan states that proposals for new development should:

- i. Provide parking in accordance with the adopted Essex County Council Parking Standards;
- ii. Protect public rights of way, including footpaths, cycle routes and bridleways; and
- iii. Not create a significant potential risk or be detrimental to the safety of the highway network.

The site is proposed to be accessed from Links Road near Links Cottage. Initially there were two accesses proposed, however the eastern access has since been removed from the proposal. In terms of the access from Links Road, the Highway Authority initially queried the visibility splays shown on the proposed access, as they appeared to be over third party land. The plans were amended to show the visibility splay outside of third party land and instead within highway owned land. The Highway Authority reviewed these access visibility splays and raised no objection, subject to a condition that the access is installed as shown.

The Highway Authority also requested that the developer submit vehicle tracking, to show that HGV's could access the site appropriately. A Construction Traffic Management Plan (CTMP) was also requested as part of the planning application documentation. This is usually asked for via condition, however because most of the traffic generation will be during construction, the Highway Authority considered that it would be appropriate to assess it as part of the planning application.

Having reviewed this additional documentation, the Highway Authority was satisfied with the tracking and principles set out in the CTMP. There were however a number of additional points which the Highway Authority wished to be included within the CTMP document. This included; a package of measures to protect users of the PROWs during construction, and a revised internal haul route so that no access point between the development parcels utilises a PROW (other than a crossing point). It should be noted that that the panel locations would not require diversion of any footpath, and there would be a minimum 15m offset from the Essex Way PROW.

Construction traffic in any case is temporary in nature; any disturbance will be short term. Once the panels are in operation, the site would have a very low output of vehicle movements. The Construction Traffic Management Plan required through condition, would form an approved document which the developer would need to adhere to during construction. Impacts on the local road network from the underground cabling to join up with the sub-station at Galleys Corner would also be temporary in nature, thus a short term disturbance.

Overall, having regard to the response received by the Highway Authority, Officers are satisfied that the proposal would not give rise to an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. The proposal is therefore compliant with the NPPF in this regard.

It should also be noted that the site is partly located with safeguarded land for the new A120. However, National Highways have not raised an objection to the development; presumably due to its temporary nature. As such, Officers do not raise any specific issue with this, as National Highways are the deciding body on such matters.

Impacts on Aviation

The glint and glare report also looks at the impact on Aviation receptors within 30km of the site. 11 Aerodromes are located within this area, however the report considers that only two airfields need consideration due to their size and location; these are the Earls Colne Airfield and the Andrews Field Airfield. The report found that there would be no impacts from the development on the four runways and two Air Traffic Control Towers combined at both airfields respectively.

Officers have considered the findings of the report and have no reason to disagree with its assessment or findings. Officers did also consult the Civil Aviation Authority, however no comments were received.

As such, from an aviation perspective, it is considered that the proposal is acceptable.

Best and Most Versatile Land

Policy CS8 of the Core Strategy requires *inter alia* that development should protect the Best and Most Versatile (BMV) agricultural land. In this case a minor proportion of the site (16%) is classified 3a (good value or 'best and most versatile') agricultural land, but the majority of the site is classified 3b (81%) which is poorer quality. 3% of the land is classified as other land (not in an agricultural use).

A number of comments were received suggesting that the site is actually primarily Grade 2 agricultural land (very good quality and within the 'best and most versatile category) as this is indicated on high level classification maps. However, in order to fully assess the agricultural quality of the site, the Applicant commissioned an agricultural quality survey which took place in March 2021. It used robust observations and soil sampling at various locations to determine the soil quality and its suitability for agriculture, in line with standard practice and the grading system. Therefore while the higher level maps might suggest Grade 2, Officers are satisfied that the detailed assessment carried out by the Applicant's report is a fair reflection of the conditions of the ground.

In any case, the loss of the small tract of BMV land would therefore weigh negatively in the planning balance against this proposal, but only to a limited extent given the fact that Braintree District has a proliferation of BMV land, and the loss of this small amount of BMV land would not 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

Policy 6 of the Adopted Neighbourhood Plan states that development proposals should where appropriate avoid and reduce the risk of flooding (including fluvial and surface) on site and elsewhere in the catchment, and manage water and waste water discharge.

A flood risk assessment was submitted with the application. 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. ECC SUDS have raised no objection to the development subject to a drainage strategy condition 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. The proposal is therefore judged to comply with the requirements of Policy RLP69 of the Adopted Local Plan and Policy CS8 of the Core Strategy, as well as the Adopted Neighbourhood Plan.

Archaeology

The applicants in this case worked with the Archaeological Officer to assess the archaeological potential of the site through a written scheme of Investigation (WSI). This report comprised multiple stages and trial trenching. Often these requirements are by condition, however in this case these details were provided as part of the planning application. Overall, the Archaeological Officer raised no objection to the development and suggested conditions to cover sampling from specific areas.

Fire Risk

Fire risk has also been considered as part of this application. Officers consulted the Health and Safety Executive (HSE), Environmental Health Officer and Fire Service on the application.

The HSE raised no objection to the development as it would not be near to a potential major hazard site (e.g. control of hazards site or nuclear site). The application also passed the HSE self-assessment which is completed by the Local Planning Authority when required.

The Environmental Health Officer raised no objections with regards to possible fires, primarily commenting on possible noise impacts from the generators.

The Fire Service response was more targeted and provided a list of criteria that the development should adhere to in order to provide suitable access for

fire engines, in the unlikely scenario of a fire. It sets out that these requirements are covered under building regulations. At this stage the development is only approving the access and development parcels. However, the Applicants technical note sets out that all of the criteria as necessary can be met on site to ensure that the standards (as necessary) are complied with.

Officers are satisfied in this case that from a fire safety perspective, the proposal is acceptable in planning terms. A condition and linked informative is recommended to ensure that the relevant requirements discussed above are taken into account at the detailed layout stage.

Community Benefit

It should be noted that the developer has entered into discussions with the Parish Council to offer them a community benefit, should the application be approved. This benefit could amount to over £100,000+ during the life of the application. It is reported that this is a standard offer by the Developer on all similar solar farm applications.

Officers are however unable to attribute any weight to this benefit; it would be formed by way of legal agreement separate to Braintree District Council. Therefore Braintree, as the relevant Local Planning Authority, would not be the enforcing authority as it would not be party to the agreement. There is also no policy basis upon which to secure this benefit in planning terms. As such, Officers note the proposed community benefit, however no weight is given to it in the planning balance.

PLANNING BALANCE AND CONCLUSION

The starting point for decision making is the Adopted Development Plan. In this case the proposal is considered to comply in principle with the most important policies of the Development Plan, including Policy RLP76 of the Adopted Local Plan and Policy LPP76 of the Draft Section 2 Local Plan which support solar powered energy schemes. These Policies are also considered to be up-to-date by way of their consistency with the NPPF. Paragraph 11c of the NPPF therefore directs that such proposals should be approved without delay.

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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being);
- an environmental objective (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Summary of Public Benefits

Renewable Energy

The proposal is a renewable energy project, which in principle is supported by National and Local Policy on account of the benefits it would deliver by providing carbon free electricity to the network. The site would directly contribute to the government's aim to achieve their carbon net zero targets to limit the impacts of global warming. Overall, it is considered that the benefit of the solar panels would carry significant weight and the ability of the scheme to provide sustainable energy to the wider network weighs heavily in its favour.

Employment Opportunities

The proposal would also deliver moderate benefits by providing local employment opportunities in the construction phase and additional more limited employment opportunities during the operational phases in addition to generally contributing to sustaining jobs in the wider solar power industry.

Biodiversity Net Gain

Biodiversity net gain would also be achieved, with a richer and more varied ecological habitat being provided in comparison to the existing lower value agricultural fields which form the majority of the application site.

Summary of Adverse Impacts

Overview

The Solar Panels are not however without consequence. They would result in a higher level of harm to the landscape, visual receptors and heritage assets at year 1, while this harm would be reduced at year 15 owing to mitigation measures proposed. Paragraph 158 of the NPPF states when determining planning applications for renewable and low carbon development, local planning authorities should inter alia "(b) approve the application if its impacts are (or can be made) acceptable." It is therefore appropriate to assess the harm of the application primarily at a later stage once the mitigation measures have had some time to become established.

Landscape Impact

The development at year 15 would still have a low level of landscape harm and a moderate/significant visual harm (in landscape terms) to three receptors including users of the Essex Way. It is considered this harm should be given moderate weight in the overall balance as the impacts are more localised.

Heritage Impact

In terms of heritage assets, the impacts of the development would be less than substantial on a number of heritage assets and are outweighed by the public benefits of the proposal. Owing to the low level of harm on these assets, it is considered that these harms should also be given moderate weight.

Residential Amenity Impact

There would also be some short term impacts of glint and glare on three residential receptors, however these impacts would reduce significantly over time with specific mitigation measures proposed. As such, it is considered that this harm should also be given moderate weight.

BMV Agricultural Land

Finally, there would be a small loss of Grade 3a agricultural land as a result of the development. Owing to the small amount, and the remaining abundance of BMV agricultural land remaining in the district, it is considered that this impact is limited.

Planning Balance

Officers have taken into account the significant benefits that would arise from the solar panels and weighed this against the harms arising above to landscape/amenity, heritage, impacts on neighbours and loss of BMV agricultural land. In this case, it is considered that the significant benefits of the development would outweigh the cumulative harms that would arise from the development in the overall planning balance. As such, Officers recommend that planning permission be granted for the proposed development.

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: SP-01	Version: 10
Land Use Parameter Plan	Plan Ref: LCS038 DZ-01	Version: 13
Landscape Masterplan	Plan Ref: edp6971_9011j	
Access Details	Plan Ref: 2102007-13	Version: F

CONDITIONS AND REASONS

- 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 solar panels/solar array hereby permitted shall not exceed the limits contained within the approved Development Zone Plan Reference LCS038 DZ-01 13.

Reason

The development has been assessed against these parameters only therefore any expansion beyond this would require further assessment under a new planning application.

- 3 No development shall commence until full details (which must be within the parameters set out in the submitted Planning Design and Access Statement dated June 2021 Ref 15407 and completed by DWD Property & Planning) of the final locations and dimensions, design, materials and colour (where appropriate) to be used for the panel arrays, inverters, substation, control building, switch room, CCTV cameras, fencing and any other components of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the use.

Reason

In order for the Local Planning Authority to further assess the impacts of the precise detail of the development once the location of these elements has been identified. This is required pre-commencement as the development has been approved in line with the Rochdale Envelope principles.

- 4 No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority regarding all proposed hard standing and internal vehicle routes of the development.

Reason

In order for the Local Planning Authority to be satisfied that sufficient fire

safety measures have been incorporated. This is required pre-commencement as the development has been approved in line with the Rochdale Envelope principles.

- 5 The access shall be installed in accordance with the details contained within Plan Reference 2102007-13F and thereafter shall be retained as such. The visibility splays shall be retained free of obstruction above 600mm at all times.

Reason

In the interests of highway safety and for the avoidance of doubt, in the interests of proper planning.

- 6 No development shall commence until a detailed Landscape Scheme has been submitted to and approved in writing by the Local Planning Authority which provides details of the following:

A) How the principles contained within the Landscaping Plan (Reference: edp6971_d011j) have been followed)

B) Details of soft landscaping 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.

C) Details of a long term management plan within the red line 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 (including watering) 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. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with the approved details.

Development shall only commence in strict accordance with the Landscape Scheme and Landscape Management Scheme, which shall subsequently be implemented only in accordance with the approved details for the lifetime of the use hereby approved. Any trees or plants which die, are removed, or become seriously damaged or diseased during the life of the development shall be replaced in the next planting season with others of a similar size and species.

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. To ensure that new trees are suitably

irrigated until they become established and in order to enhance the appearance of the development and in the interests of amenity and privacy.

- 7 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment dated L496-DOC01 and the following mitigation measures detailed within the FRA shall be provided in accordance with the FRA:

Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100-year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective treatment of surface water runoff to prevent pollution.

- 8 No development shall commence 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.

- 9 Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved 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 on

the site.

Reason

In order to protect biodiversity and protected species, the amenity of the locality and to avoid unnecessary light pollution and 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).

- 10 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. In any case, the Panels shall be removed at the latest by the 31st December 2064. Prior to the removal of any panels a scheme (to include timescales) for the reinstatement of the site to agricultural land alongside any retained ecological habitat areas shall be submitted to and approved in writing by the Local Planning Authority. The site shall be reinstated in accordance with the approved details.

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 and to ensure that a balance is achieved between reinstating agricultural land and safeguarding established ecological habitat areas.

- 11 Prior to commencement of development a noise report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that operational noise from inverters, substations, and from the heating ventilation and cooling units shall not cause any increase in the background noise level (15 minute LA90) when measured at the boundary of noise sensitive property.

Reason

To protect neighboring amenity.

- 12 A) All works carried out within the archaeological areas (1 to 4) identified in the WSI submitted (AOC, 2021) shall be carried out under archaeological control in accordance with the WSI.

B) No development or preliminary groundworks, beyond area 1 to 4, shall take place until a programme of archaeological evaluation 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.

C) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part B) above and confirmed by the Local

Authority archaeological advisors.

D) A mitigation strategy detailing the excavation / preservation strategy for the site shall be submitted to and approved in writing by the Local Planning Authority following the completion of the archaeological evaluation.

E) No development or preliminary groundworks can commence on those areas containing archaeological deposits within the site until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

F) 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). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest. Failure to provide the above required information prior to commencement may result in harm to interests of archaeological importance.

- 13 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 Ecological Assessment (Landscape Science Consultancy Ltd, June 2021).

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.

14 No development shall commence unless the Local Planning Authority has been provided with either:

a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) A GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

c) A statement in writing from the Natural England 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 the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

15 No development shall commence until a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), has been submitted to and approved in writing by the Local Planning Authority, using the DEFRA Biodiversity Metric 3.0 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals; and
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2021)

- 16 No development shall commence until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

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

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

Reason

To allow the LPA to discharge its duties under the 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).

- 17 The development hereby approved shall only be carried out in accordance with the recommendations and tree protection plan contained with the Arboricultural Report Reference: THL-R21-147, dated 23rd November 2021. The approved means of protection shall remain in place for the duration of construction and 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.

Reason

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

- 18 No development shall commence until the 'Construction Traffic Management Plan' is revised and submitted to and approved in writing by the Local Planning Authority to include the following:

- A) A package of signage and safety measures to protect the users of the PROW network within the site during the construction phase
- B) A revised internal haul route to that shown on planning application drawing 'Links Braintree Indicative Layout LCS038 PLE-01 Rev 23' (see linked informatives 3, 4 & 6).

The development shall be carried out in accordance with the approved Plan.

Reason

To protect highway efficiency of movement and safety. This condition is required pre-commencement as it relates to safety measures that need to be put in place before development commences.

- 19 No unbound material shall be used in the surface treatment of the access within 15 meters of the Highway Boundary.

Reason

To avoid displacement of loose material onto highway in the interests of highway safety.

- 20 No development shall commence until a Skylark Mitigation Strategy, to secure 12 skylark mitigation plots to compensate for the losses arising from the development, has been submitted to and approved in writing by the Local Planning Authority.

The Skylark Mitigation Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed Skylark nest plots;
- b. Detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c. Locations of the Skylark plots in nearby agricultural land by appropriate maps and/or plans;
- d. Persons responsible for implementing the compensation measure.

No development shall commence until the approved Skylark Mitigation Strategy has been implemented to the satisfaction of the Local Planning Authority, and thereafter all features shall be retained for a minimum period of 10 years.

Reason

To allow the Local Planning Authority to discharge its duties under the NERC Act 2006 (Priority habitats & species).

INFORMATION TO APPLICANT

- 1 In respect of Condition 4, the relevant Fire Service standards should either be exceeded or met and demonstrated as such in any

submission. Any development that does not meet this criteria as appropriate will not be supported.

The standards set out by the Fire Service are as follows:

- The surface of the access road should be capable of sustaining a load of 18 tonnes for pumping appliances.
 - Changes of direction by bends should accommodate a turning circle of 17.8m and a sweep circle of 19.0m.
 - The overall width of the access path should not be less than 3.7m.
 - Openings or gateways should not be less than 3.1m.
 - Headroom should not be less than 3.7m.
 - Where any changes of levels are involved, as in the case of a kerb, they should be ramped, or have a kerb height not exceeding 90mm.
 - In addition, dead-end access routes longer than 20m require turning facilities as Fire and Rescue vehicles should not have to reverse more than this distance.
 - For any proposed buildings on the site, access for a pumping appliance should be provided to within 45m of all points inside the building.
- 2 A professional archaeological contractor should undertake any archaeological investigation. An archaeological brief detailing the requirements can be produced from Essex County Council.
 - 3 In respect of Condition 4, the indicative internal haul route shown on planning application drawing 'Links Braintree Indicative Layout LCS038 PLE-01 Rev 23' should be revised to avoid Footpath 30 Bradwell.
 - 4 The applicant should obtain the PROW official width and alignment from PROWPlanning@essexhighways.org

It is incumbent upon the applicant to determine the exact location and full width of any PROW affected by the proposal

The PROW network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. Any Footpath affected by the proposal should be maintained free and unobstructed at all times to ensure the continued safe passage by the public. Any temporary closure of a route on the Definitive Map of PROW should be applied for under the Highways Act 1980. All costs associated with this should be borne by the applicant and any damage caused to the route should be rectified by the applicant within the timescale of the closure.

- 5 Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible). There should

be no drainage of surface water onto highway. All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org.

- 6 All costs associated with the implementation of the Construction Traffic Management Plan should be met by the applicant including but not limited to any Temporary Traffic Regulation Order(s) and signing and lining.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER