

# PLANNING COMMITTEE AGENDA

**Tuesday, 15 December 2020 at 7.15pm**

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

Members of the public will be able to view and listen to this meeting via YouTube.  
To access the meeting please use the link below:  
<http://www.braintree.gov.uk/youtube>

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

**Membership:-**

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

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

A WRIGHT  
Chief Executive

## INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

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

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

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

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

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

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

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

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

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

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

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

For the Planning Committee only, the order in which questions and statements will be read is members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

**Documents:** Agendas, Reports, Minutes and public question time questions and statement can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

For further information on how the Council processes data, please see the Council's Privacy Policy. [https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

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

## **PUBLIC SESSION**

**Page**

**1 Apologies for Absence**

**2 Declarations of Interest**

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 8th December 2020 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications.

### **PART A**

#### **Planning Applications**

**5a Application No. 19 01025 FUL - Land West of Kelvedon Station, Station Road, KELVEDON 6 - 78**

**5b Application No. 20 01261 ADV - Travelodge, Victoria Street, BRAINTREE 79 - 89**

**5c Application No. 20 01421 VAR - Gridserve Electric Forecourt, Edison Way, GREAT NOTLEY 90 - 114**

### **PART B**

#### **Minor Planning Applications**

There are no applications in Part B.

**6 Urgent Business - Public Session**

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

#### **Exclusion of the Public and Press**

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

**7 Urgent Business - Private Session**

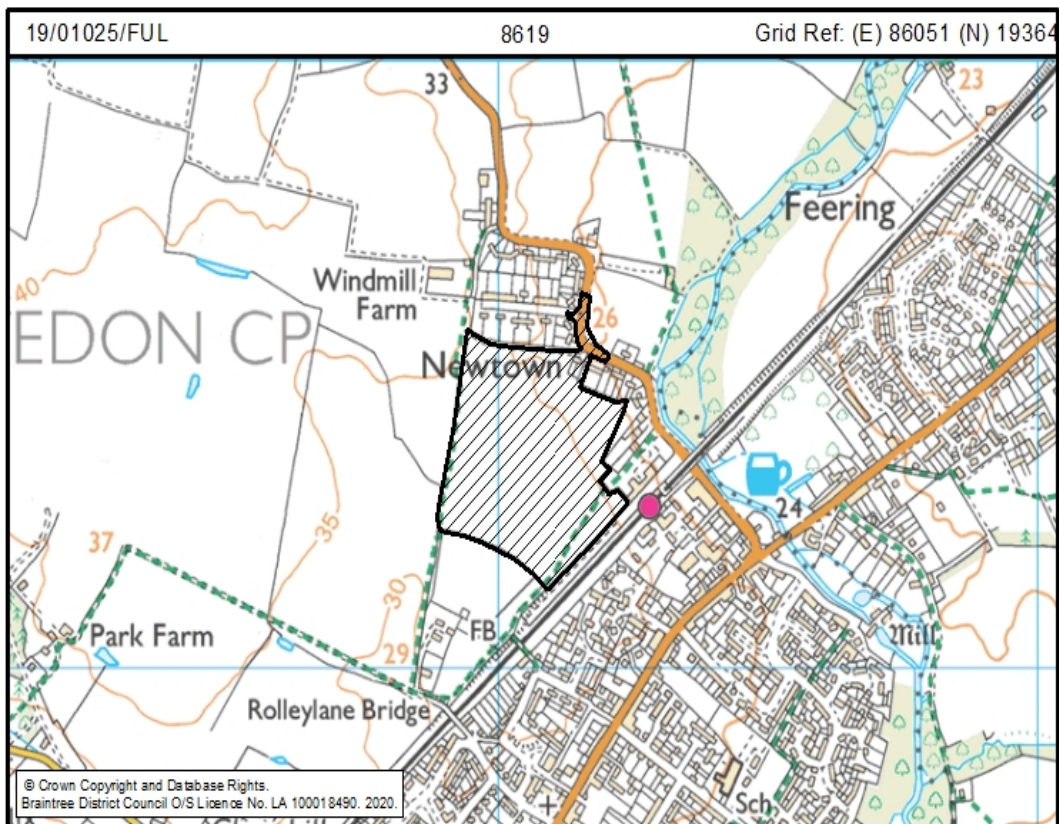
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A - DEFERRED ITEM

AGENDA ITEM NUMBER 5a

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

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



The application can be viewed on the link below.

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

## SITE HISTORY

19/00042/NONDET	Application for variation of condition 2 following grant of outline planning permission 17/00418/OUT - to amend approved Parameter Plan 3-100 including in respect of the developable area, public open space, drainage and building height limits.	Appeal Dismissed	11.12.19
95/00937/FUL	Erection of single garage	Granted	11.10.95
14/00158/FUL	Erection of two storey rear extension	Granted	02.04.14
17/00418/OUT	Application for outline planning permission with some matters reserved - Proposal for up to 250 new dwellings with all matters reserved except the means of access from the public highway which is proposed via an improved access off Coggeshall Road, including the demolition of two properties (Kings Villas) to facilitate the access	Granted with S106 Agreement	05.10.17
ALC/15/60004/PRE APP	Residential employment and community uses with associated open spaces and landscaping. New accesses, extension to station car park		
18/00779/DAC	Application for approval of details reserved by condition no. 19 of approved application 17/00418/OUT.	Granted	05.09.18
18/01674/VAR	Application for variation of condition 2 following grant of outline planning permission 17/00418/OUT - to amend approved Parameter Plan 3-100		06.09.19

19/00142/DAC	including in respect of the developable area, public open space, drainage and building height limits. Application for approval of details reserved by conditions 4, 11, 13, 14, 15, 22, 23 and 24 of approval 17/00418/OUT - Application for outline planning permission with some matters reserved - Proposal for up to 250 new dwellings with all matters reserved except the means of access from the public highway which is proposed via an improved access off Coggeshall Road, including the demolition of two properties (Kings Villas) to facilitate the access	Pending Consideration	
19/00147/REM	As above, no ES	Application Returned	
19/00303/VAR	Application for a variation of Condition 2 of planning permission 17/00418/OUT - To allow a revised Parameters Plan.	Pending Consideration	
19/00607/NMA	Application for a non-material amendment following grant of planning permission 17/00418/OUT - the re-wording of condition no. 1 attached to outline planning permission ref: 17/00418/OUT to enable the full implementation of the approved site access including demolition of two properties (Kings Villas) as depicted on approved access drawing ref: JNY8842-10 D	Granted	22.07.19
19/00679/REM	Application for approval of reserved matters following outline approval 17/00418/OUT - Application for outline planning permission with some	Pending Decision	



20/00003/PPA	<p>matters reserved - Proposal for up to 250 new dwellings with all matters reserved except the means of access from the public highway which is proposed via an improved access off Coggeshall Road, including the demolition of two properties (Kings Villas) to facilitate the access - Phase 1 (2 units) - Details of appearance, landscaping, layout and scale</p> <p>Application for approval of reserved matters following outline approval</p> <p>17/00418/OUT - Application for outline planning permission with some matters reserved - Proposal for up to 250 new dwellings with all matters reserved except the means of access from the public highway which is proposed via an improved access off Coggeshall Road, including the demolition of two properties (Kings Villas) to facilitate the access - Phase 1 (2 units) - Details of appearance, landscaping, layout and scale</p>	Pending Consideration
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**POLICY CONSIDERATIONS**

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage

RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

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

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

#### Braintree District Publication Draft Local Plan 2017

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

LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

### Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)  
 Essex Design Guide for Mixed Use and Residential Areas (2005)  
 Essex Design Guide Urban Place Supplement (2005)  
 Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS) SPD (2020)  
 External Lighting Supplementary Document  
 Open Space Supplementary Planning Document  
 Open Spaces Action Plan  
 Parking Standards – Design and Good Practice (September 2009)

### Other Guidance

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

### Kelvedon Neighbourhood Plan

The Kelvedon Neighbourhood Plan team completed a full report on their community survey carried out in June 2016 and a face to face consultation was carried out in July 2017 where direct feedback was sought on the Kelvedon Neighbourhood Plan draft policy suggestions under six headings: housing, education, health, environment, business and moving around.

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

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

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## NOTATION

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

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

The site was subject to further discussion by Members of the Local Plan Sub-Committee when the results of the public consultation were reported by Officers. Members of the Local Plan Sub-Committee voted to 'de-allocate' the site at their meeting on 12<sup>th</sup> April 2017 and instead a site on the northern side of London Road at the western end of the village was proposed for allocation instead. This was contrary to Officers recommendation.

However, when Full Council met to approve the Publication Draft Local Plan on 5th June 2017, the allocation of the application site was reconsidered. Full Council voted that this site should be allocated again for residential development. The Proposal Map for Kelvedon shows the site to be allocated for housing development in the Draft Local Plan that has been submitted to the Planning Inspectorate for examination. Please refer back to 'Policy Considerations' above for more information on this.

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

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

## PLANNING HISTORY

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

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

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

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

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

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

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

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

- Decision: Granted (22nd July 2019).

## SITE DESCRIPTION

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

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

the Public Highway, as well as land within the ownership and control of the former owners of the land on the opposite side of Coggeshall Road is included, to facilitate the provision of adequate highway visibility.

The northern boundary of the site runs adjacent to the southern side boundary of 26 Newtown and along the rear garden boundaries of No's 1 – 19 (odds) Observer Way. The site's western boundary follows an established field hedge and Public Right of Way (PRoW) (FP 92-21) with its south western boundary adjoining a paddock which separates the site from Bridge Farm.

Another PRoW (FP 92-12) runs broadly parallel with the railway line towards the south eastern edge of the site and connects from Coggeshall Road through the curtilage of Kings Meadow Court and leads both to the railway footbridge that links into Church Road, as well as to Bridge Farm.

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

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

## PROPOSAL

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

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

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

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

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

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

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

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

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

#### Market Housing

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

#### Affordable Housing

54 no 1 and 2-bedroom apartments



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

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

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

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

#### Green Approach

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

#### Formal Urban

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

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

### Railway Edge

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

### Countryside Edge

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

### Central Open Space

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

### Overall Landscaping Detail

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

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

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

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

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

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

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

## SUMMARY OF CONSULTATION RESPONSES

### Anglian Water

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

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

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

#### BDC Environmental Services

No objection subject to conditions.

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

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

#### BDC Housing Research and Development

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

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

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

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

#### BDC Waste Services

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

#### ECC Education

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

#### ECC Place Services - Principal Ecological Consultant

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

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

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

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

#### ECC Flood and Water Management

No objection subject to conditions - Further to the receipt of additional information and having reviewed the Flood Risk Assessment and other associated documents which accompanied the planning application they raise no objection to the granting of planning permission subject to the imposition of a number of recommended conditions requiring measures to reduce the risk of flooding during development; submission and approval of the detailed surface water drainage scheme; details of maintenance arrangements for the SuDS scheme and a requirement to keep maintenance logs.

#### ECC Highways

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

- Construction traffic management plan;
- A priority junction and right turn lane in Coggeshall Road to provide access to the proposal site as shown in principle on the planning application drawings;
- An index-linked contribution towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction;
- An upgrade to the two bus stops which best serve the proposal site;
- Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street as shown in principle on the planning application drawings;
- Further financial contribution of £6,500 towards improvements to the Public Right of Way (PROW) which runs through the southern end of the site, with a minimum two links between the PROW; and
- A residential travel packs; a residential travel plan and monitoring fees in accordance with Essex County Council guidance.

#### Historic Buildings Consultant

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

#### ECC Historic Environment Officer

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

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

#### ECC Minerals & Waste Planning

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

#### Essex Police

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

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

#### Highways England

Offer no objection to the proposal.

#### Natural England

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

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



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

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

#### Network Rail

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

#### NHS England

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

### PARISH / TOWN COUNCIL

#### Kelvedon Parish Council

Object to the proposals.

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

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

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

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

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

#### Feering Parish Council

Object to application.

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

- December 2020 Response:
  - Still no reference to previously agreed road or footway improvements, or junction improvements at the junction of Station Road and Kelvedon High Street, or the Parish Council's request for a foot and cycle access to the station car park;
  - No information on the site street lighting;
  - No lighting on the Public Right of Way ("PRoW") between the station and the development which would mean people feel vulnerable walking particularly late at night. Solar movement lighting which has been placed on areas of the development would also be beneficial on the PRoW to alleviate this issue;
  - Revised plans state that amenity space for 10-12 properties are sub-standard as they are below the NPPF policy standard;
  - Electric Vehicle Charging Points – Note that CALA Homes intend to include connection points subject to capacity. A development of this scale should be future proofed with infrastructure installed at the outset.

## REPRESENTATIONS

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

### Principle of Development

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

### Highways and Transportation

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

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

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

## Design and Layout

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

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

### Landscape and Ecology

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

### Living Conditions

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



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

### Community Infrastructure

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

### Flood Risk

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

### Other Matters

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

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF)

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

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

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

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

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

## The Development Plan

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

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

The application site is located close to, but outside the village envelope of Kelvedon and as such is located on land designated as countryside in the Adopted Core Strategy and Adopted Local Plan. Kelvedon is identified in the Adopted Core Strategy as a 'Key Service Village', one of six within the District. 'Key Service Villages' sit below the main towns, but above 'Other Villages' within the settlement hierarchy, and are defined within the Core Strategy as *'large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*.

The designation of Kelvedon as a Key Service Village has been carried forward into the Draft Local Plan, and also allocates the application site (KELV335) for the erection of up to 300 dwellings. In addition, as highlighted above Kelvedon Neighbourhood Plan Draft Policy HO1 acknowledges that the site has been granted outline planning permission for 250 dwellings, under planning application reference 17/00418/OUT.

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

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

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

## 5 Year Housing Land Supply

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

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

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

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

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

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

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

## SITE ASSESSMENT

### Location and Access to Services and Facilities

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

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

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

### Design and Layout

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

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

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

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

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

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

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

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

Whilst the number of flats is slightly greater than for some other schemes of this size and semi-rural location, Officers are conscious that Government policy has advocated developments of a higher density around transport hubs. It is not unreasonable to expect that the proximity of the site to the railway station would encourage developers to consider a higher proportion of flats than might typically be the case on other sites within the District.

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

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

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

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

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

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

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

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

## Landscape and Ecology

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 of the Adopted Core Strategy states that *'the restoration and enhancement of the natural environment will be encouraged through a variety measures'*. These aims are supported by Policies RLP80 and RLP84 of the Adopted Local Plan.

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

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

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

*4.16 The analysis highlights that development within Parcel 1j should be located away from the flood plain of the River Blackwater. The existing vegetation framework should be enhanced with hedgerows and tree planting to Parcel boundaries improved. Development should reflect the vernacular features in Kelvedon to provide greater visual connections with the main settlement and improve the approach to Kelvedon from the Coggeshall Road. The scale and form of development should reflect the settlement patterns of the village and be sensitive to the setting of the Conservation Area. Key views*



*from public footpath routes should be protected and the amenity value of these links preserved. Opportunities to enhance connections with the river and green links between the settlements and the wider landscape should also be taken.”*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Therefore, having made their own assessment of the site, considered the applicant's landscape and ecological documentation submitted in support of the proposal, the Council's own Landscape Capacity Analysis study of the site, and taking advice from ECC's Ecological Consultant, Officers consider that there should be no objection to the proposed residential development on the grounds of landscape or ecological impact, subject to the imposition of reasonable planning conditions.

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

### Agricultural Land

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

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

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

### Flood Risk and Drainage

Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Adopted Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk.

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

Notwithstanding third party concerns with regard to a flooding, the proposed development is located within Flood Zone 1 (low probability risk). Parts of Coggeshall Road/Station Road are located within Flood Zones 2 & 3 on the Environment Agency's Flood zone maps, and so has a 1 in 100 or greater annual probability of river flooding. The identified flood zone is however approximately 90m to the east of the vehicular access to the site. In the event of a flood event, access to and from the site could become restricted although it would not prevent cars entering/leaving the site north along Coggeshall Road. It is also noted that if access to the village along Coggeshall Road were to be restricted in a flood event pedestrian routes into the village by way of the PRow network would enable future residents to have safe access to local shops and other community facilities.

It is acknowledged that local residents have expressed concerns about the risk of surface water flooding as a result of the development. The applicant has had to demonstrate through their application that surface water run-off from the site can be controlled and then discharged in a manner that does not increase flood risk elsewhere, this follows extensive negotiations between

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

Having reviewed the proposals and associated documents and having received additional clarification on a number of points, the Lead Local Flood Authority confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.

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

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

### Highways and Access

Part 9 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should however only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment (TA) is submitted with all proposals for major new development.

As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means, such as walking, cycling and public transport.

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

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

*The Local Highway Authority (LHA) highlight that in terms of the Station Road/ Swan Street/High Street/Feering Hill/ junction, they are looking to secure improvements to this junction. As with the Inworth Road/Feering Hill/Rye Mill Lane/London Road junction, given the uncertainty around future traffic flows in the area (primarily potential, but emerging/unknown A12/A120 improvements), they are minded to secure a financial contribution towards providing traffic signals which could incorporate formal controlled pedestrian crossing facilities at the Station Road/ Swan Street/High Street/Feering Hill/ junction. The financial contribution will assist in allowing the Highway Authority to signalise the junction, if this is deemed the most appropriate course of action in light of the emerging plans for the A12.*

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

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

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

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

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

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

*Concerns have been raised over the impact that construction traffic would have passing through Kelvedon Village, although this would only be for a temporary period and therefore is considered not to be a reason to withhold*

*planning permission for a permanent residential development which would add much needed houses to the District's dwelling stock."*

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

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

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



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

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

Therefore, from a highway and transportation perspective the impact of the proposal is considered acceptable to the LHA subject to the imposition of a number obligations and conditions as explained in the consultations section of this report. Whilst all matters raised by the Parish Council and third parties with regard to highways have been taken into account, in the absence of an objection to the proposal from the LHA, and having regard to the fall-back position, it is considered that the Council would not be able to substantiate a reason for refusal on the basis of highway capacity or safety grounds.

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

Finally on this issue, it is noted that parking provision does not meet with Kelvedon's emerging Neighbourhood Plan where it highlights the need for one off-road parking space per bedroom. While the proposal would not comply with the Neighbourhood Plan in this regard, as highlighted above, given the stage of preparation the Neighbourhood Plan can only currently be given limited weight. Conversely, the Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 spaces per dwelling are required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres. The development would be laid out in a manner that adheres to the Council's adopted parking standards and is therefore considered to be acceptable.

### Living Conditions

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

The Essex Design Guide states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage*

*point, a minimum of 25 metres between the backs of houses may be acceptable". It goes on to state that "where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved".*

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

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

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

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

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

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

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

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

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

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

### Noise

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

The dominant noise for the site is from the railway and this means that maxima levels, particularly at night, are high as trains runs 24 hours a day.

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

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

### Contaminated Land

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

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

### Air Quality

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

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

### Heritage

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

Third party comments with respect to the impact that the proposal would have

upon views out of the Conservation Area are noted. However, there is existing development e.g. Church Road, Dowches Drive, Trews Gardens/Saxon Place and the commercial area which includes Goldkey Industrial Estate and The Deal of Kelvedon premises largely intervening between it and the site. The closest the Conservation Area boundary gets to the site is the north western face of the railway line and bridge where it passes over Coggeshall Road/Station Road and which is largely obscured from view from the site by dwellings fronting Coggeshall Road and Kings Meadow Court.

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

### Archaeology

In its glossary, the NPPF highlights that *“There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them”*. Policy RLP106 of the Adopted Local Plan and Policy LPP63 of the Draft Local Plan also apply, these state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

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

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

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

### Site Assessment Conclusion

There are no objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse impacts.

### Habitat Regulations Assessment (HRA / RAMS)

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

### PLANNING OBLIGATIONS

Policy CS11 of the Adopted Core Strategy states that the Council will work with partners, service delivery organisations and the development industry to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered in a timely, efficient and effective manner.

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

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

#### **Affordable Housing**

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in the countryside adjacent to the village of Kelvedon where the provision of 40% affordable housing accords with the requirements of Policy CS2.

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

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

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

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

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

### **Community Building**

Policy CS11 of the Adopted Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could

include 'transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities'.

The Heads of Terms submitted by the applicant acknowledge this and include a contribution towards improvements to multi-function community facilities, such as Community Halls. Officers have previously discussed the village's requirements with the Parish Council and they have identified a project to replace the existing pavilion building at the Kelvedon Recreation Ground with a larger new, improved facility to encompass, amongst other things changing facilities; a social area for the football club / meeting space and possible parish office in the future. The Parish Council have confirmed that this is a project that they still want to pursue. To provide some additional flexibility for the Parish Council it is recommended that the agreement also allow for improvements to the existing building, if subsequently this is found to be a more viable option. Based on schemes of a comparable scale, in the District, the contribution sought is £118,490.

## **Education**

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

According to Essex County Council Childcare Sufficiency Data there would be insufficient capacity within existing providers of early years and childcare in the area to meet the demand for places generated by the development. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met additional provisions will be needed and a project to expand provision would be required. A financial contribution of £267,341 (index linked to April 2019) is requested for this purpose.

The primary and secondary school priority admissions areas for this proposed development would be Kelvedon St Mary's C of E Primary and the Honywood Community Science School. The Education Authority have confirmed that there remains sufficient capacity in the area to accommodate pupils from a development of the size.

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



## **Healthcare**

In their consultation response in 2019 NHS England has advised the Council that there is insufficient capacity at the two GP practices operating within the vicinity of the application site to accommodate the number of residents (approximately 600) that would arise from a development of this size. The two primary healthcare services directly impacted by the proposed development at that time were the Kelvedon and Feering Health Centre and the Brimpton House Surgery.

The development would generate and subsequently increase demand upon existing constrained services. NHS England state that the development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

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

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

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

## **Highways and Transport**

The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development.

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

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

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

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

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

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

### **Public Open Space**

Policy CS10 of the Adopted Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site.

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

The S106 also include the following:

- Outdoor Sports, a financial contribution of £221,505.79 (index linked) to be spent at Kelvedon Recreation Ground, paid prior to the first occupation of 24 dwellings;
- Public Open Space (on-site) to be provided with a minimum area of 1.9535ha for informal Open Space and equipped play; a further 0.6572 ha of land to be managed for Ecological purposes. Whilst this will have a visual amenity value access to this land will be restricted / discouraged and so it is not defined as Public Open Space. Areas of Public Open Space; and amenity spaces, along with internal estate roads and pathways

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

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

The SPD also specifies that a financial contribution should be sought towards the provision of off-site outdoor sports facilities and allotment provision. Officers have discussed how the future needs of residents of this development could best be provided for through these financial contributions as follows:

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

## PLANNING BALANCE AND CONCLUSION

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

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

permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that

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

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

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

The application site lies outside the Kelvedon Village Envelope as designated in the Adopted Local Plan with its north western boundary running broadly parallel and to the south east of the railway line (on its opposite side). There are no other specific designations on the site in the adopted Development Plan, nonetheless, the site has the benefit of an outline planning permission for 250 dwellings, under planning application reference 17/00418/OUT; and is also identified as Site 335 in the Draft Local Plan. Therefore it is considered that the principle of development of this site has already been deemed

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

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

Clearly in times where there is significant pressure to increase the delivery of developable housing land, the granting of planning permission for 238 homes would make a not insignificant contribution to meeting the Council's Objectively Assessed Needs. This, along with the provision of 95 much needed affordable housing units, of an appropriate dwelling type mix to meet social needs, also weighs heavily in favour of the proposal. The applicant has submitted a suite of detailed documents which demonstrate that the site is free of any constraints to residential development which cannot be resolved by way of conditions and through planning obligations (S106 agreement).

The proposal would also give rise to the provision of public open space and children's play space on site. Financial contributions towards the off-site provision of outdoor sports facilities and allotments would also be provided. The scheme would generate a significant number of construction jobs during the build phase, in addition to bringing new residents to Kelvedon to provide further support for existing services and facilities.

As with the previous outline planning application, the LHA has also found that the proposal would not give rise to a material increase in traffic, nor would it give rise to conditions that would be detrimental to highway safety, provided that their recommended access and highway improvements are implemented. The applicant has agreed to make a financial contribution to the Highway Authority that can be used to carry out junction improvements at the Station Road/Feering Hill/Swan Street/High Street junction, if these are deemed necessary by the Highway Authority. By improving the operation of the junction the impact of traffic generated by this development can be effectively mitigated if the scheduled A12 improvement scheme does not reduce traffic flows through the village. The concerns of residents about existing queues at the junction are noted but the Highway Authority consider that traffic conditions and queues will improve following completion of the A12 works. It has also been agreed that the applicant would carry out a package of works to improve the footway along Coggeshall Road / Station Road, which would provide an improved walking environment for both future residents of this development and existing residents who currently use the footway which is relatively narrow in places.

The site has been assessed as having the capacity to accommodate the proposed quantum of development without significant adverse impacts on the wider landscape or upon ecology. The site is capable of providing strategic

landscaping and public open space in accordance with Braintree District Council's adopted policy requirements, whilst ensuring that SUDS techniques can be employed to minimise the risk of off-site surface water flooding. The applicant has demonstrated to the satisfaction of the Lead Local Flood Authority the principles of how surface water can be managed within the site to slow the rate of runoff through the use of attenuation measures before it is discharged and this system will be maintained by a Management Company that will be funded by residents of the development.

The site is considered to be well positioned for access to the facilities of the village, as well as to both bus and rail services connecting to the local towns, service centres, and beyond.

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

In this particular case there are not considered to be any specific policies in the Framework that would indicate that a development of housing at this site should be restricted. This means that the LPA must consider the proposals in the context of the 'tilted balance' indicated by paragraph 11 d) of the Framework; i.e. to consider whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Having assessed the specific merits of the application, Officers consider that the adverse impacts of permitting the proposed development would not significantly and demonstrably outweigh the benefits which the proposal would bring when considered against the Council's policies and the requirements of the NPPF, both individually and taken as a whole.

### RECOMMENDATION

It is therefore RECOMMENDED that subject to Natural England confirming that they have no objection to the Council's Habitat Regulations Assessment and proposed mitigation measures and the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing** - 95 dwellings on-site to be Affordable Housing, with 67 dwellings provided for affordable rent and 28 dwellings provided through shared ownership; to include the provision of 2 x 2

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

- **Allotments** - Financial contribution of £7,082.82 (index linked) to fund improvements at Stoney Flint allotment site, Church Hill, Kelvedon;
- **Community Facility** - Financial contribution of £118,490 to be used for improvements at the Pavilion building, or towards the erection of a new building at Kelvedon Recreation Ground;
- **Education** - Financial contributions for Early Years and Childcare provision in the locality of £267,341; and financial contribution of £171,693.50 towards the cost of secondary school transport for future residents (both contributions to be index linked to April 2019).
- **Equipped Play:**
  - Children's play equipment to be provided on-site, with a value of up to £60,000; and
  - Financial contribution of £88,771.55 (index linked) to fund the expansion, modification or improvement of the Multi Use Games Area at Kelvedon Recreation Ground, The Chase, Kelvedon;
- **Health** - Financial contribution of £90,080 (index linked) towards the provision of capacity improvements at the Kelvedon & Feering Health Centre, or new Primary Health care facilities to serve patients from the village of Kelvedon;
- **Highways & Transport:**
  - Financial Contributions:
    - £238,000 (index lined) towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction;
    - Contributions totalling £46,500 for the Highway Authority to widen and surface to a minimum of 2 metres PRow 92\_12 to connect the PRows to the east and west of the site, and provide links from the PRow to the development; and Off-site works to surface the existing PRow 92\_12 to a width of 1 metre connecting the application site to Kings Meadow Court in the east and a width of 1.5 metres to the footbridge over the railway line to the west;
  - Highway Works:
    - Bus stop improvements at two locations for buses serving the site;
    - Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street;
    - The provision of a new pedestrian footbridge on PRow 92\_21

over the ditch on the north western site boundary.

Monitoring Fee:

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

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

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

RECOMMENDATION

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

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

Reason

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

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

Reason

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



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

The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork. This shall result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

#### Reason

The site is of archaeological interest and the programme of archaeological works must be completed prior to development commencing, in order that any archaeological remains that do exist on the site are assessed and recorded before they might be harmed by construction activity

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

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

#### Reason

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

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

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

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme approved in writing by the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

- 6 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until details of the means of protecting all of the existing trees, shrubs and hedges identified to be retained on Plan L1082-2.1-2005 Rev P2 have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development.

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

trees, shrubs or hedges.

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

Reason

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

- 7 No removal of hedgerows, trees or shrubs shall take place in any phase of the development, between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason

In the interests of biodiversity and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

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

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

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

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

#### Reason

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

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

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

#### Reason

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

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

- 10 Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

#### Reason

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

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

#### Reason

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

- 12 All external amenity areas shall achieve a noise level of less than 55 dB LAeq,16hr; and Internal noise levels shall not exceed noise levels given within Table 4 of BS8233 (2014) Guidance on Sound Insulation and Noise Reduction in Buildings. The maximum level of 45dB(A) arising from passing trains shall not be exceeded within bedrooms between the hours of 2300 to 0700 hours.

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

Reason

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

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

Reason

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

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

Reason

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

- 15 No above ground development shall commence until samples of the materials to be used on the external finishes of the development hereby permitted, including the internal walls within car ports, have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

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

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

Reason

In the interests of facilitating sustainable transport for future residents.

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

Reason

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

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

Reason

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

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

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

Reason

To ensure appropriate maintenance arrangements are put in place to

enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

Reason

In the interests of sustainable development.

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

Reason

In the interests of sustainable travel.

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

Reason

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

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

Reason

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

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

Reason

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



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

Reason

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

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

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

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

To protect the amenities and privacy of adjoining occupiers.

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

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

Reason

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

refuse and recyclable materials from households.

## INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)
- 4 Prior to the commencement of the development hereby permitted arrangements shall have been agreed in writing with the local planning authority for safeguarding, diverting or extinguishing any public rights of way across the site including the provision and maintenance of temporary fencing and signposting where appropriate.
- 5 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.

- 6 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at [www.braintree.gov.uk/streetnaming](http://www.braintree.gov.uk/streetnaming). Enquiries can also be made by emailing [streetnaming@braintree.gov.uk](mailto:streetnaming@braintree.gov.uk).
- 7 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 8 Your attention is drawn to Conditions 33, 34, 35 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

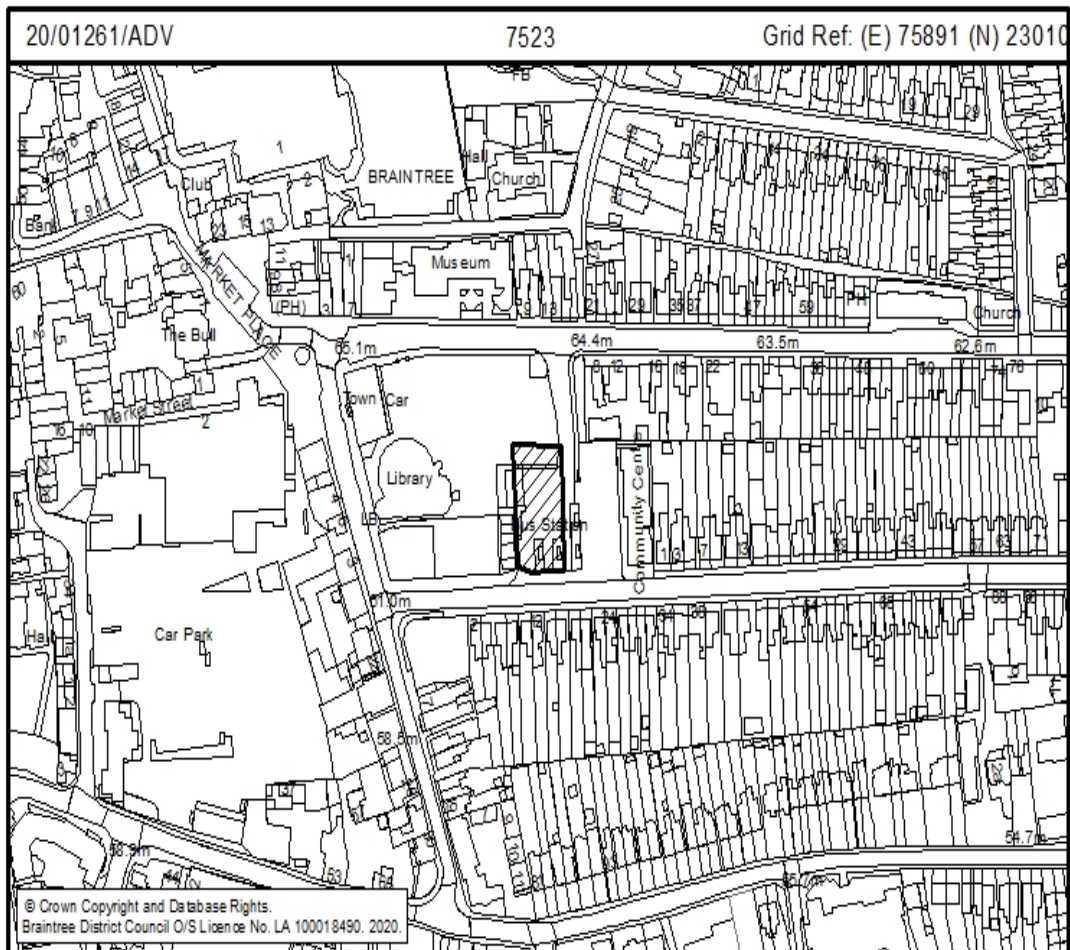
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01261/ADV  
DATE: 03.08.20  
VALID:  
APPLICANT: Travelodge Hotels  
Mr Caslake, Sleepy Hollow, Aylesbury Road, Thame, Oxon OX9 3AT  
AGENT: Ashleigh Signs  
Mrs Gillian Shepley, Ashleigh House, Beckbridge Road, Normanton, WF6 1TE  
DESCRIPTION: Installation of 6 externally illuminated signs  
LOCATION: Travelodge, Victoria Street, Braintree, Essex

For more information about this Application please contact:  
Lisa Page on:- 01376 551414 Ext. 2516  
or by e-mail to: [lisa.page@braintree.gov.uk](mailto:lisa.page@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEHLI5BFFWI00>

## SITE HISTORY

08/01367/FUL	Formation of new entrance at Manor Street, near to Town Hall car park and closure of current entrance. The road that leads to the bus park from Manor Street will solely become "Buses Only"	Granted	29.08.08
18/01337/FUL	Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works.	Granted	04.04.19
19/02031/DAC	Application for approval of details reserved by condition 12 of approval 18/01337/FUL	Part Grant, Part Refused	17.12.19
19/02032/DAC	Application for approval of	Granted	17.12.19



19/02236/DAC	details reserved by condition 13 of approved application 18/01337/FUL Application for approval of details reserved by	Granted	03.04.20
19/02308/LBC	condition 23 of approved application 18/01337/FUL Removal of part of an external wall to rear of the Town Hall and re-instatement	Granted	12.06.20
20/00213/DAC	Application for approval of details reserved by conditions 6 & 7 of approved application 18/01337/FUL	Part Grant, Part Refused	06.03.20
20/00254/NMA	Non-Material Amendment to permission 18/01337/FUL granted on 04.04.2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses). Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works. Amendment would allow	Granted	29.04.20

	<ul style="list-style-type: none"> <li>- The standing seam roof to be changed to ribbed ply</li> <li>- Shadow gap size to be modified</li> <li>- Building basement modified</li> <li>- Alteration to Louvres above first floor</li> <li>- East block to be moved from the north boundary and widened</li> </ul>		
20/00380/DAC	Application for approval of details reserved by condition 20 of approved application 18/01337/FUL	Granted	10.03.20
20/00531/DAC	Application for approval of details reserved by conditions 3 & 4 of approved application 18/01337/FUL	Granted	06.08.20
20/00645/DAC	Application for approval of details reserved by condition 6 of approved application 18/01337/FUL	Granted	05.05.20
20/00729/DAC	Application for approval of details reserved by condition 12 of approved application 18/01337/FUL		16.06.20
20/00787/VAR	Variation of Condition 2 'Approved Plans' of permission 18/01337/FUL granted 04/04/2019 for: Demolition of existing toilet block and adjacent vacant building to provide for the development of 31no. residential units (C3 Use), comprising 2 blocks (located to the east and west) up to 4 storeys in height containing a mix of one, two and three bedroom apartments; and the conversion and extension of the existing drill hall building (4no. units), containing a mix of one and two bedroom apartments (C3 Use). Provision of a Live Well Hub (D1 Use) at first	Pending Decision	

floor level, Hotel (C1 Use) within the southern block to a height of 5 storeys and 3no. ground floor level units including retail (A1 / A2 / A3 Uses) and commercial uses (B1 and D1 Uses).

Replacement bus station facility, car parking, amenity space, public open space, landscaping and associated works. Variation would allow alterations to the approved plans to include:-

Public toilets added to the scheme, by converting half a current retail unit;

Lift Overruns shown to meet current regulations;

Roof maintenance requirements;

Louvre removed from the top of the curtain walling in the retail units;

Vertical fin removed to 2 balconies;

The ramp to provide direct access to the library plant changed to a metal staircase;

Ventilation added to the car park entrance off Manor Street due;

The bus station roof changed from monolithic to individual units;

Change to the design of the balconies on the residential units;

Tenure change (from 12 shared ownership and 23 outright sale, to 12 affordable rent and 23 shared ownership).

20/00819/DAC

Application for approval of details reserved by conditions 5,14,15,21 & 27 of approved application 18/01337/FUL

Pending Decision

20/00845/DAC

Application for approval of

01.07.20

20/01062/DAC	<p>details as reserved by condition 13 of approved application 18/01337/FUL</p> <p>Application for approval of details reserved by condition 8 of approved application 18/01337/FUL</p>	<p>Pending Consideration</p>
20/01414/DAC	<p>Application for approval of details as reserved by conditions 10 &amp; 18 of approved application 18/01337/FUL</p>	<p>Pending Consideration</p>

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90        Layout and Design of Development  
RLP107      Outdoor Advertisements  
RLP108      Fascias and Signs in Conservation Areas

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

CS9            Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1            Presumption in Favour of Sustainable Development  
SP6            Place Shaping Principles  
LPP1          Development Boundaries  
LPP50        Built and Historic Environment  
LPP55        Layout and Design of Development  
LPP56        Conservation Areas  
LPP58        Shop Fronts, Fascias and Signs in Conservation Areas  
LPP60        Heritage Assets and their Settings

#### Neighbourhood Plan

None

#### Other Material Considerations

None

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the land is owned by Braintree District Council.

#### SITE DESCRIPTION

The application site consists of the Travelodge building currently being erected on the Manor Street site which is being redeveloped for mixed use. The Travelodge building is located to the south of the Manor Street site. The

building will have an active frontage with Victoria Street and on to the internal bus station.

The site is located within the defined town centre boundary of Braintree. It is also sited within the Braintree Conservation Area and there are a number of listed buildings in the locality, including the Grade II\* Listed Town Hall.

## PROPOSAL

The application seeks advertisement consent for the installation of six externally illuminated advertisements to be erected on the Travelodge building currently being erected.

The 6 signs in terms of their siting on the building and size are as follows:

### **Signs 1, 2 and 3**

Vertical signage to be erected on the eastern elevation (internal elevation facing the bus station), the southern elevation fronting Victoria Street, and western flank end (facing the Job Centre). All measure 5325 mm x 1177 mm. Signs 1-3 propose the logo to be constructed in aluminium. The letters would be aluminium construction with white vinyl to the face. These signs would be illuminated via LED trough-lights above and below the sign.

### **Sign 4**

A horizontal fascia to be located on the eastern internal elevation above the glazed reception area. The sign would measure 4985 mm x 825 mm. Constructed in aluminium with fret cut individual letters and logo and vinyl text. This sign would be illuminated via a LED trough-light above.

### **Sign 5**

A horizontal fascia to be located to the Victoria Street elevation above the glazed reception entrance. The sign measures 2600 mm x 800 mm. Constructed in aluminium with fret cut individual letters and logo. This sign would be illuminated via LED trough-light above.

### **Sign 6**

A directional sign located at eye level adjacent to the Travelodge entrance. The sign measures 1000 mm x 835 mm. Constructed in aluminium with fret cut individual letters and logo to the face. This sign would be illuminated via an LED trough-light above.

## SUMMARY OF CONSULTATION RESPONSES

### ECC Highways

No objection.

### ECC Heritage Consultant

No objection.

## PARISH / TOWN COUNCIL

N/A

## REPRESENTATIONS

None.

## REPORT

### Advertisement Regulations 2007

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

### Highway Safety Impacts

The proposed signage would be externally illuminated, and although the signs would be visible for users of the highway and for buses within the internal bus station area, they are not of a size, siting or design that they would be overly prominent or distracting for highway users. Essex County Council Highways raise no objections to the application on grounds of impacts on highway safety noting that the luminance levels do not exceed the recommended level of 600 cd/m for a medium district area (small town centre).

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

### Visual Amenity

Within the Adopted Local Plan, advertisement consent is mainly addressed within Policies RLP107, RLP108 and RLP109 which outline that particular importance shall be paid to the design and siting of outdoor advertisements in sensitive locations. In particular in Conservation Areas, advertisements should be of an appropriate siting, size and design, with any necessary illumination in the form of discreet external lighting.

The vertical signs (Signs 1-3), although quite large in length, are proportionate to the building on which they would be installed. Their detailed design consists of individual lettering applied to the building and would result in good quality signage. The materials and lighting via external trough lighting would equally be appropriate.

The other signs (Signs 4-6) are also well sited on the building and are of a scale, design and materials that are appropriate. These signs are externally lit

via overhead trough lighting which would be discreet and acceptable in the context.

Overall, the proposed signage would not be unduly prominent and nor would it result in advertisement clutter. The signage would respect the host building in terms of its size, siting, design, materials, and means of illumination and would be sympathetic to the character, appearance and amenity of the Conservation Area and would not be detrimental to the setting of nearby listed buildings.

### CONCLUSION

The proposed signage would not give rise to any highway safety impacts due to their size, siting and means of illumination.

The proposed signage is well designed, being of an appropriate size, siting, design and materials. Furthermore, the external means of illumination would be low key and appropriate. They would be acceptable with regards to visual amenity. The application is therefore recommended for approval.

### 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

Signage Details	Plan Ref: 150213 (REV A) Sign 1-3
Signage Details	Plan Ref: 150213 (REV A) Sign 4-6
Proposed Elevations & Floor Plans Elevation	Plan Ref: 150213 (REV A) South
Proposed Elevations and Floor Plans Elevation	Plan Ref: 150213 (REV A) West
Proposed Elevations and Floor Plans Elevation	Plan Ref: 150213 (REV A) East
Site Plan	Plan Ref: 150213 (REV A)

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.



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

Reason

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

INFORMATION TO APPLICANT

1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

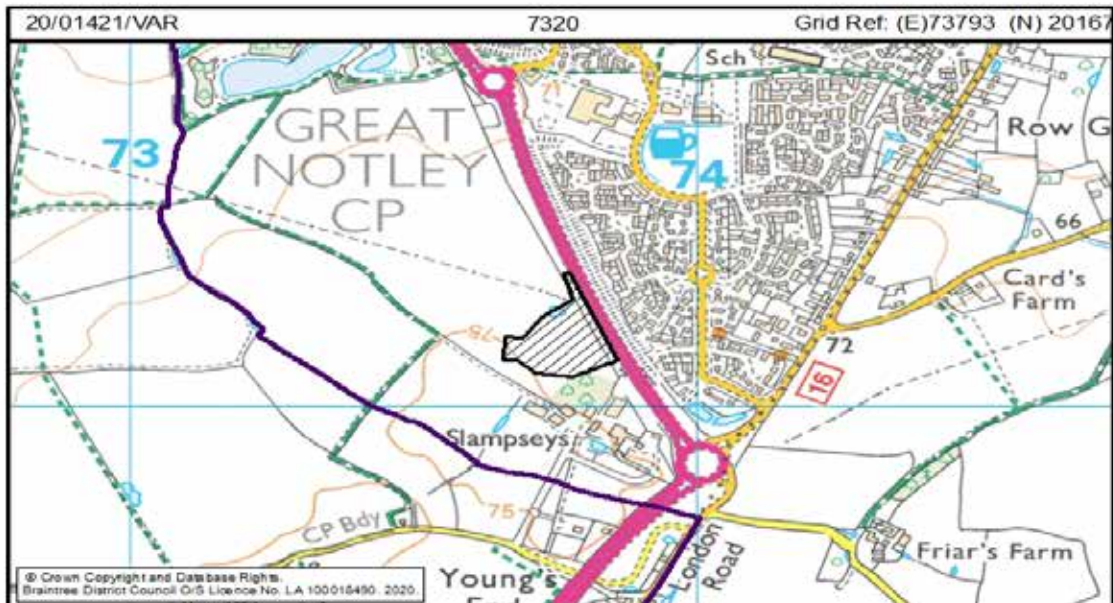
APPLICATION NO: 20/01421/VAR  
DATE VALID: 01.09.20

APPLICANT: Gridserve  
Mr Raoul Tufnell, Thorney Mill Lane, Iver, SL0 9AQ

DESCRIPTION: Variation of Condition 1 (Approved Plans) and Condition 3 (Arboricultural impact assessment) of approved application 20/00155/VAR granted 15/05/2020 for: Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved application 19/01092/FUL granted 30/09/2019 for: Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. To allow updated design drawings and materials to main building, Updated landscaping scheme and lighting, Updated ecological statement. Variation would allow: Condition 1: Extension to the clearance of the tree belt and revision to retail store, Condition 3: Updated arboricultural impact assessment,

LOCATION: Gridserve Electric Forecourt, Edison Way, Great Notley, Braintree, Essex, CM77 7QW

For more information about this Application please contact:  
Lisa Page on:- 01376 551414 Ext. 2516  
or by e-mail to: [lisa.page@braintree.gov.uk](mailto:lisa.page@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFTCW2BF GD600>

## SITE HISTORY

17/01235/FUL	Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure.	Granted	26.10.17
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.	Granted	30.09.19
19/01855/DAC	Application for approval of details reserved by conditions 12, 14, 18, 21 and 22 of approval 19/01092/FUL	Granted	28.10.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x	Refused	30.03.20

20/00155/VAR	<p>internally illuminated totem signs and 14 x non illuminated wayfinder signs.</p> <p>Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved application 19/01092/FUL granted 30/09/2019 for: Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.</p> <p>Variation would allow:</p> <ul style="list-style-type: none"> <li>- Updated design drawings and materials to main building</li> <li>- Updated landscaping scheme and lighting</li> <li>- Updated ecological statement</li> </ul>	Granted	15.05.20
20/00776/ADV	<p>9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.</p>	Granted	22.09.20
20/00005/PPA	<p>Variation of Condition 1 (Approved Plans) and Condition 3 (Arboricultural impact assessment) of approved application 20/00155/VAR granted 15/05/2020 for: Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved</p>		

application 19/01092/FUL  
granted 30/09/2019 for:  
Proposed development of  
an Electric Forecourt,  
comprising of 24 core  
electric vehicle charging  
points, energy storage, a  
mix of ancillary dwell  
facilities, car parking, hard  
and soft landscaping and  
access arrangements off  
the A131, Great Notley. To  
allow updated design  
drawings and materials to  
main building, Updated  
landscaping scheme and  
lighting, Updated ecological  
statement.  
Variation would allow:  
Condition 1: Extension to  
the clearance of the tree  
belt and revision to retail  
store  
Condition 3: Updated  
arboricultural impact  
assessment

## POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP76	Renewable Energy
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

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP112	Town Centre Uses
RLP113	Shopping Areas

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

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
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

## Neighbourhood Plan

None.

## Supplementary Planning Guidance

Essex Parking Standards Design and Good Practice 2009  
External Lighting Supplementary Planning Document

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application site is located on land owned by Braintree District Council. Great Notley Parish Council have also objected to the proposal contrary to Officer recommendation.

The application was previously scheduled to be considered at Planning Committee on 24<sup>th</sup> November 2020, however the application was deferred as following further discussions with the applicant, it was necessary to further clarify the extent of tree removal proposed within the scope of the application. These discussions have now taken place and the extent of tree removal has been reduced. This report and recommendation has been updated to reflect the proposed amendments.

## NOTATION

The application site is located outside the Great Notley Village Envelope as designated in the Adopted Local Plan. It sits partly within an area allocated for strategic employment land provision.

The application site also sits partly within an area proposed for allocation for employment use as part of a much larger employment site allocation in the Draft Local Plan which would be located within the revised Village Envelope. This is known as the Horizon 120 Business and Innovation Park and benefits from a Local Development Order that was granted by the Council earlier this year.

The application has been advertised as a departure from the Council's Adopted Development Plan.

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site lies in the countryside and measures approximately 2.3ha. It formally consisted of a portion of agricultural land with limited associated trees and boundary hedge and fronts onto the A131 (although historically there was no access to this road). To the north and west the site is bounded by further agricultural land. To the south lies Slamsey's Farm which contains two Grade II listed buildings.



In terms of the wider context, there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south. Great Notley Country Park lies to the north and expansive agricultural land to the west. Works are also underway on the Horizon 120 Business and Innovation Park.

On site, the Gridserve building and electric charging forecourt has been constructed and completed, with launch of the site due to take place in December 2020.

## PROPOSAL

This Section 73 (Minor Material Amendment) application relates the Gridserve Electric Forecourt proposal that was originally granted planning consent on 30th September 2019 (19/01092/FUL) and subsequently varied under a separate Section 73 application as approved on 15th May 2020 (20/00155/VAR).

The original permission (19/01092/FUL) was a full planning permission for an electric vehicle charging forecourt comprising 24 charging points, energy storage facilities, ancillary 'dwell' facilities for drivers/passengers, car parking, hard and soft landscaping and access arrangements from the A131.

The earlier Section 73 application (20/00155/VAR), approved; a minor re-alignment of the A131 road access (to comply with permitted adjacent Horizon 120 scheme as the access is shared between the two sites); redistribution of car parking spaces within the Forecourt; and a minor extension to the size of the proposed stairwell on the Gridserve building.

This current application seeks planning consent for design adjustments to the scheme that are considered minor in scale and nature and are proposed to optimise the appearance and function of the development. The changes are as follows:

- Further removal of the tree belt along the eastern boundary abutting the A131 (T1, G8 and G9).
- Change to the siting and altered design specification of the retail storage facility.

As outlined within the application submission, the justification for the tree removal works relate to a desire to maximise the visibility of the development from the A131. The revisions to retail storage facility, consist of a re-siting of the building slightly further to the north (to be adjacent to the transformer and other associated facilities, but still within the 3 metre enclosure) and minor changes to the footprint. These changes are understood to be required to accord with the retailer's storage requirements.

During the course of the application, and to address comments made by Officers, consultees and third parties, the application has been amended to

substantially reduce the extent of tree removal from the tree belt along the south-eastern edge of the site, and to provide compensatory on site planting, with the provision of 15 native trees and 150 native species mixed hedgerow whips to be planted at the northern end of the development.

## SUMMARY OF CONSULTATION RESPONSES

### ECC SUDs

No objection.

### ECC Archaeology

Comment that an archaeological evaluation has been completed at the above site in response to an archaeological condition on application 19/01092/FUL. All fieldwork has been completed and no further archaeological fieldwork will be required. The site has been signed off to allow development to proceed and a time extension was allowed to enable the site to be written up into a report. The report has not yet been received and this will be required as a condition on this application.

### ECC Highways

No objection.

### Highways England

No comments.

### BDC Environmental Health

No comments received.

### BDC Landscape

The latest set of amendments regarding the extent of tree removal has been subject to input from BDC Landscape Officers. Their formal comments will either be circulated to Members prior to Committee, and/or will be verbally reported to Members at the Committee itself.

### BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures.

### Historic Buildings Consultant

Comment that any development of the site will cause a low level of harm to the setting of the heritage assets within Slamseys Farm. Whilst this position is maintained with this current application, the revised proposals are an

improvement upon the initially submitted plans, and therefore do not object to the revised drawings.

The consideration is to the wider setting of the assets at Slamseys Farm and the appreciation of Slamseys as a whole site/historic farmstead. The consented scheme and revised proposals retain a green area between the Gridserve site and Slamseys which allows for the two entities to be read as distinctly separate when viewed from the A131. This tree cover will act as a break and visual stop between the bright, modern appearance of the new retail building and agricultural/storage units within the northern section of Slamseys Farm. The more tree/hedgerow cover there is, the bigger the gap and the lower the impact upon the setting of Slamseys Farmstead, not only the listed buildings, by increasing the ability to read the two sites as distinct, rather than a coalesced whole.

## PARISH / TOWN COUNCIL

### Great Notley Parish Council

To the original submission and first amendment (wherein the removal of Tree Group G27 was reduced to only 9no. trees), they responded with an objection to the application, commenting with the following:-

- The applicant wishes to remove a number of trees, including well established trees. For the environmental benefit of the area the trees should be retained. Trees should only be permitted to be removed if there is demonstrable evidence in support of such a proposal.
- A number of trees and areas of vegetation have already been removed and the charging station and associated buildings are clearly visible from the A131. If visibility of the site increased, the development and the associated advertising would be obtrusive in an area, including close to a residential area.
- Note that the Skyline business on the A131 has some vegetation shielding the development. Retaining trees and vegetation is of benefit for the environment and general visual appearance.
- Concern for additional lighting. Development in close proximity to residential use should have the least amount of adverse light pollution.

The Parish Council have been formally notified of the further changes to the application which now only seek the removal of T1 and Tree Groups G8 and G9. Any comments made by the Parish will be either circulated to Members prior to Committee, and/or will be verbally reported to Members at the Committee itself.

## REPRESENTATIONS

The application was advertised by way of site notices, newspaper advertisement and neighbour letters. To the original application, 6 neighbour representations were received (5 objections and 1 comment neither objecting nor supporting).

The comments received can be summarised as follows:

- Object to the clearance of trees. A business promoting "Green Energy" should not apply to destroy even more trees;
- The area is already a total eyesore without 'making anymore of it';
- Will provide opening up of the site and an uninterrupted view of the industrial site buildings, which is unnecessary for road safety;
- Hours of working should be 8am to 5pm, to prevent disturbance to the residents of Great Notley;
- No need to be prominent as such charge station services are mapped within the e-car system.

Re-consultation was undertaken on the first amendment (wherein the removal of Tree Group G27 was reduced to only 9no. trees to be removed). No further third party consultation were received.

There has been no formal third party re-consultation on the further amended proposal to reduce the total extent of tree removal to relate to only T1, G8 and G9.

An objection has been received from Cllr Butland (to the original application). His comments can be summarised as follows:

- The original scheme had support subject to only a limited loss of such the tree belt to enable the safe access and exit to and from the site. This objective has been achieved;
- The sole purpose in seeking this variation is maximise visibility from the carriageway. The visibility from the southbound carriageway of the A131 needs no further changes and is clear to traffic travelling in that direction and it only needs to go a short distance to the A131/London Road roundabout to access the site. Traffic approaching from Chelmsford along the A131 will only have to turn onto the Great Notley By-Pass to see the slip road and access into the site; this will be aided also by the large approved Totem Pole advert;
- No need to be visible as divers of electric vehicles will not, in the immediate future, set out on a journey without first establishing where charging points will be along their route. In addition many such vehicles also have GPS which also indicates where such facilities are;
- The Arboricultural Impact Assessment states that all the trees to be removed are of low value. Although they may individually be of low value, collectively they are of very high value in softening the visual impact;
- A higher visibility will not further emphasise the sustainability objectives of the development but rather is to draw greater attention to the retail element of the development.

Cllr Butland has been formally notified of the further changes to the application which now only seek the removal of T1 and Tree Groups G8 and

G9. Any comments received will be either circulated to Members prior to Committee, and/or will be verbally reported to Members at the Committee itself.

## REPORT

### Principle of Development

The principle of development has been established under the existing full planning permission for the site (Application Reference 19/01092/FUL) and earlier Section 73 application (Application Reference 20/00155/VAR). As noted above, the development has been implemented and indeed is due to open in late 2020.

The current application seeks only to make a minor material amendment to vary this existing permission. However, for completeness and because the proposed variation would form a new planning permission, the consideration of the principle of the original development is set out below.

The application site is located within the countryside. It sits partly within a larger area which is allocated for strategic employment land provision in both the Adopted Development Plan and the Publication Draft Local Plan. The larger part of the site lies outside this allocated area and sits within the countryside.

In terms of the adopted Development Plan, Policy CS4 of the Adopted Core Strategy allocates a large area (18.5ha) of land for an innovation and enterprise business park as part of the District's identified Strategic Employment Site provision.

Although it precedes the above allocation, Policy RLP28 of the Adopted Local Plan sets out the types of uses which are acceptable on industrial estates and business parks which constitutes the following uses from the former Use Classes Order - B1 (Business); B2 (General Industrial) and B8 (Storage and Distribution).

The proposal is for an electric vehicle charging station which is classed as a 'sui generis' use and is therefore a departure from both the Adopted Development Plan and the Draft Local Plan.

It is also noted that the larger part of the site would sit outside the strategic employment boundary allocation and would be located in unallocated countryside. This would also constitute a departure from the Development Plan and would be contrary to Policy CS5 of the Adopted Core Strategy which states that development outside settlement boundaries will be strictly controlled to uses appropriate to the countryside.

The proposal must therefore be assessed on its merits as the general principle of such development is contrary to adopted local planning policy.

## Sustainability

Whilst the proposed use does not comply with the former Use Classes of B1, B2 and B8 employment uses, it is a proposal which would generate employment. The use needs to be located adjacent to a main vehicular route through the District and is well suited to being positioned adjacent to an innovation and enterprise business park which has very significant public benefit in terms of sustainability.

The proposal would provide 24 electric vehicle charging points with 12 ultra-rapid (150kW with under 30 minute charge time) and 12 rapid (50kW with over 30 minute charge time) charging speeds available and would be able to cater for all vehicle types including HGV's. In this respect, the proposal would make a substantial contribution towards electric vehicle charging within the District and the proposed location would ensure it was well positioned to serve a much wider catchment.

In terms of Planning Policy, the NPPF acknowledges the increasing importance of electric vehicles in achieving sustainable development and states at Paragraph 110 that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. At the local level, the Draft Local Plan identifies at Paragraph 6.152 the need to encourage alternative approaches such as electric cars and to facilitate the infrastructure to support them to assist in reducing harmful emissions. Policy LPP44 of the Draft Local Plan builds on this, stating that development proposals should provide appropriate facilities for a variety of (sustainable) transport modes including 'facilities for charging points in and other ultra-low emission vehicles'.

There is clearly therefore planning policy support for such proposals and with electric vehicle ownership steadily increasing the provision of a major charging facility within the District is of clear benefit in terms of achieving and stimulating sustainable development.

## Layout, Design and Appearance

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (Paragraph 56) that 'good design is a key aspect of sustainable development' and that (Paragraph 58) developments should 'function well and add to the overall character of the area...establish a strong sense of place...are visually attractive as a result of good architecture and appropriate landscaping'.

The proposed layout is largely the same as that which was previously approved. It consists of the main charging area which contains 24 vehicle charging points and is covered by a canopy roof with inverted pitch with solar panels mounted on top of it. The hub building with its associated facilities and

services is located immediately adjacent to this with dedicated parking areas running along the north-eastern and southern boundaries of the site. An internal loop road provides access around the site and would lead back to a roundabout positioned on the outer side boundary. (This in turn would link to a new access road taken from the A131). Between the proposed main access and the hub building is the location of the required electrical infrastructure with associated substation, all of which are single storey structures, enclosed by a 3 metre high close boarded fence.

The changes sought within this application in respect of built form relate to the re-siting and design of the storage facility associated with the retail unit. The proposed siting would be within the same general area, being clustered with the other associated plant and similar. Its siting within the 3 metre high screen will ensure that there is no wider changes, nor any harm to the character and appearance of the area. The very modest changes to the design are understood to be required to accord with the retailer's storage requirements. These changes still result in the building being within the dimension and extent of that approved within the extant permission and as noted above, below the height of the fence panel.

### Heritage

There are two listed buildings and a dovecote located to the south of the application site at Slamseys Farm. The applicant submitted a Heritage Statement in support of their original application which assessed the potential impact of the proposed development upon these heritage assets. The Statement found no harm to be caused to any of these buildings. A further Heritage response was provided by the applicant during the course of this application.

The Historic Buildings Consultant has commented following the submission of the revised drawings and justification of the proposal. They comment that whilst the retention of as much of a green break between the two areas (the Gridserve site and Slamseys Farm) would be the best option, the revised drawings have largely addressed earlier concerns by reducing the number of trees marked for removal.

It is appreciated that there is no immediate visibility of the designated heritage assets from the site and that the relationship between the site and Slamseys Farm is limited. Instead, any impact is to be considered in terms of the impact to the setting of these assets and the appreciation of Slamseys as a whole site/historic farmstead. The consented scheme and the revised proposals retain a green area between the Gridserve site and Slamseys which allows for the two entities to be read as distinctly separate when viewed from the A131 and will act as a break and visual stop between the modern appearance of the new retail building and agricultural/storage units within the northern section of Slamseys Farm. The more tree/hedgerow cover there is, the bigger the gap and the lower the impact upon the setting of Slamseys Farmstead by increasing the ability to read the two sites as distinct, rather than a coalesced whole.

As with the extant permission, any development of the site will cause a low level of harm to the setting of the heritage assets within Slamseys Farm. Although the revised proposals are an improvement upon the initially submitted plans, this level of harm remains.

The proposal is therefore identified as causing less than substantial harm to the identified heritage assets and more specifically to be at the 'lower end' of the less than significant harm scale. In terms of public benefit, the development would make a very significant contribution to electric vehicle charging facilities within the District and ideally located on a major transport route. Officers consider that the public benefit of the proposal in facilitating more sustainable modes of transport outweighs the limited heritage harm identified.

### Landscaping

The application seeks the removal of a number of trees in addition to those already consented to be removed as part of the original application (19/01092/FUL).

This Section 73 application originally included the removal of trees from within Tree Group G27 (25 specimen trees from a total of 37 were proposed to be removed), as well as the removal of T1 and Tree Groups G8 and G9. However, following concerns expressed, the application has been amended and all of Tree Group G27 is now retained.

To clarify, this Section 73 application now seeks the removal of:-

- T1 (1no. Goat Willow - this aspect is now retrospective as the tree has in fact already been removed);
- G8 (2no. Goat Willows);
- G9 (6no. Goat Willows and 5no. Common Hawthorn);

The Arboricultural Impact Assessment demonstrates that in terms of the 'quality and value' category of the trees to be removed, all those within T1, G8 and G9 are classed as group C with a fair physiological condition.

Despite the low category quality of the individual trees to be removed, it is acknowledged that a degree of harm would result from their removal due to the softening that they provide to this immediate roadside elevation and the wider character of the area, and this does need to be considered in the planning balance (discussed later in this report). Indeed, the impact upon the wider landscape and character of the area has been a matter of concern from third parties on this application.

To compensate against the loss of trees, a robust planting scheme has been submitted, which is in the form of additional planting provision to supplement the approved and now planted soft landscaping scheme. The additional planting relates to the provision of 15 native trees and 150 native species of



mixed hedgerow whips. The 15 additional trees (*Acer campestre*) will be planted to the north and north-west of the approved SUDs system, and will grow to 1.5 – 2 metres in height. The 150 whips will be a native hedgerow mix providing a hedgerow of 23 metres in length, which will grow up to 1 metre in height. (Species to be: - *corylus avellana*, *crataegus mongyna*, *prunus spinose*, *rosa canina*, *ilex aquafolium* and *vibumumopulus*). These are also to be planted to the north of the SUDs system.

This additional planting will assimilate well with the existing approved landscape planting already implemented at the site. Furthermore, it will assist in softening the visual impact of the 3 metre boundary fence, (especially from the main access road for this site and the wider Horizon 120 site), which is somewhat prominent. It is considered that the species choice and specification is appropriate for the site and that overall it will improve the quality of the wider development and its setting.

Overall, and taking into account that the extent of tree removal has been reduced, with G27 now proposed to be retained, Officers are content that the replacement planting would adequately mitigate the loss of the loss of T1 and Tree Groups G8 and G9.

### Ecology

The Ecological Statement submitted with the application confirms that the habitat present on site doesn't meet the criteria for Priority Habitat, being defined as 'immature broadleaved plantation woodland'. In addition, it has confirmed that the proposed works are unlikely to result in adverse impacts to protected species and Priority Species and that the details contained within the approved Construction Environmental Management Plan (October 2019) will still be relevant for this application. Therefore, the mitigation measures identified in Ecological Statement to Support the Additional Tree Clearance (Arup, October 2020) should be secured and implemented in full to conserve Protected and Priority Species.

As noted above, to compensate for tree removal, additional planting will be secured with the provision of 15 native trees and 150 native species mixed hedgerow whips to be planted at the northern end of the development, as well as appropriate implementation and management of these additional features. This is supported and will ensure that the Local Planning Authority can demonstrate that measurable biodiversity net gains will still be delivered for this application, as outlined under Paragraph 170[d] & 175[d] of the NPPF.

Therefore, the submission of the revised information will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 and should be secured and implemented in full.

## Highways and Parking

This Section 73 application seeks no changes to highway layouts and would have no implications for highway and parking considerations from the original proposal. The previous highways and parking assessment is set out below for completeness.

Both ECC Highways and Highways England raise no objection. The original application was accompanied by a Transport Assessment which concluded that the development would have a negligible impact upon the existing road network. In terms of vehicle movements, the Transport Assessment predicted that the development could generate 85 inbound and 86 outbound vehicle movements in the pm peak hour (1700 – 1800). However, it is then assumed that 80% of these trips would be pass by or linked trips i.e. drivers already on the road network for another reason who would divert to recharge their car, in the same way petrol car drivers would stop to refuel on the way home from work as opposed to specifically undertaking a trip solely to refuel.

Applying this assumption, which Officers consider reasonable, reduces the developments unique trip generation from 173 movements to 34 movements, meaning that only 34 new trips would be generated by drivers undertaking a trip for the sole purpose of refuelling their vehicle.

With regard to parking, the Essex Parking Standards (2009) do not set out a requirement for an electric vehicle charging station as the concept is a new one. However, standards are set out for petrol filling stations which offer a reasonable comparison. The requirement detailed is for 1 space per 20sqm of retail floorspace only. The applicant's proposal includes a maximum of 190sqm of retail floorspace and 117sqm of restaurant/café floorspace at ground floor level. This would generate a maximum requirement of 10 and 24 spaces respectively.

At first floor level the use is specified as 'assembly and leisure' which generates a requirement of 1 space per 20sqm with a maximum requirement of 14 spaces. Overall, based on individual calculations of the different floorspace types within the proposal the maximum parking requirement is 48 spaces. However, it is important to note that this calculation is reached by applying different sections of the parking standards and is not considered to be a particularly realistic or appropriate calculation. The retail, restaurant other uses within the hub building are all aimed at drivers already using the charging station and are not designed to operate in the manner that a normal retail facility or café/restaurant would operate. It is reasonable to assume that a large proportion of people using the above facilities will be doing so whilst their vehicle is charging.

Overall, the applicant proposes 32 car parking spaces on the site, in addition to the 24 charging bays and 5 peripheral spaces for staff with 5 staff members anticipated in total. A parking enforcement regime would also be put in place using ANPR cameras and permitting a 3 hour maximum stay in non-charging

spaces (i.e. standard parking spaces). The combined total of charging spaces and car parking spaces is 61 spaces. The Essex Parking Standards provide a limited degree of guidance but this is a bespoke development and Officers consider that an individual approach is required when assessing parking provision. The parking standards maximum requirement of 48 parking spaces is comparable to the 61 spaces proposed, considering that 24 of these spaces are charging bays but also that many people visiting the site will be there to charge their cars rather than just to use for example the modest retail facility.

### Amenity

The nearest dwellings are located on the opposite side of the A131 at a distance of approximately 85metres. As discussed on the extant scheme, although the charging station is not identified as being a use which is likely to generate a large amount of noise, the Council's Environmental Health Team did recommend that a safeguarding condition be imposed to ensure that noise levels do not have a detrimental impact upon existing residents in the area. A further condition relating to details of external lighting was also imposed along with a standard set of conditions to safeguard the amenity of the area during the construction process.

The removal of the further trees from this roadside will not result in any increased impact to neighbouring properties due to the distances involved, and taking into account the modest amount of tree removal and quality of those trees. No further lighting is proposed and the conditions imposed previously regarding noise and lighting will be re-imposed. With such conditions in place, it is not considered that the proposal would have a detrimental impact upon the amenity of the area.

### Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding. As per the extant permission, a SuDS system consisting of a new pond has been constructed on the site. Outflow from the pond are to be controlled into the existing ditch which runs adjacent to the A131. The changes proposed within this Section 73 application do not alter the proposed SuDS system.

Essex County Council were consulted as the Lead Local Flood Authority and have no objection to the proposal. As with the earlier applications, conditions are required to ensure that the drainage scheme is constructed in accordance with this approved scheme and appropriately maintained.

In terms of foul drainage, the applicant considers it likely that a septic tank will need to be installed although this would no longer be required if the wider employment site is developed with associated infrastructure.

## Archaeology

The site has been identified as having the potential for below ground archaeological remains within the site. Conditions were attached to the original planning permission requiring archaeological works to be carried out. These have now been completed and it is not therefore necessary to re-impose all of these conditions although a condition requiring a final archaeological report to be submitted and a condition requiring ongoing archaeological monitoring to be completed is required.

## PLANNING BALANCE AND CONCLUSION

The proposal is a minor material amendment to a previously approved scheme and the proposed amendments are considered, on balance, to be acceptable.

As a whole, the proposed development would sit partly within an allocated strategic employment area and partly in the countryside although the larger part of the scheme is located in the latter. Whilst the proposal represents a departure from the adopted and the emerging Development Plans, planning permission has been granted for the electric vehicle charging station which is now built out. The development will bring a significant and tangible public benefit to the District and represents a cutting edge proposal with significant benefits in terms of making a real difference to the viability of owning an electric vehicle in this area.

Officers consider that there is some justification in the desire to open up the site to maximise its visibility. The building has been designed to articulate its function, and increased visibility will increase awareness of electric vehicles opportunities and provide encouragement for their use more widely.

Furthermore, in this case, the proposal seeks to remove 14 trees which are all categorised as group C. The extent of tree removal has been reduced, with Tree Group G27 now proposed for retention. The additional proposed planting on site, which involves a further 15 native trees and 150 native species mixed hedgerow whips, are of an appropriate species mix would compensate for that being removed. Additionally, the replanting on site, would assist in screening the prominence of the 3 metre high fence, as well as demonstrating that measurable biodiversity net gains would be delivered.

Whilst the concerns raised within the consultation responses are noted in terms of the further 'opening up of the site frontage', Officers consider that this is a high quality building in terms of its contemporary layout, design and materials. It is a building that positively adds to the quality of the area and therefore the harm in it being 'seen' is limited. Allowing the Gridserve building to be more prominent within this street scene will result in a 'focal building' to the entrance of the wider Horizon 120 when approaching from the south and demonstrate that you are entering a high quality business area on the approach into Braintree.

Overall, it is considered that the proposal would bring clear environmental, economic and associated social benefits and constitutes sustainable development, as the harms arising from the proposal can be mitigated through the proposed compensatory planting.

As a whole, the design of the proposal remains contemporary and appropriate for a cutting edge facility such as that proposed. The proposed amendments are minor and are considered on balance to be acceptable.

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

Access Details	Plan Ref: IT2021/SK/02	
General	Plan Ref: Energy Storage Container	Version:
REV A		
General	Plan Ref: Substation Details	Version: REV A
General	Plan Ref: Transformer Details	Version: REV A
Location Plan	Plan Ref: 8266 001	
Section	Plan Ref: 004	Version: P3
Proposed Floor Plan	Plan Ref: 8266-005	Version: P1
General	Plan Ref: 8266-0010	Version: C2
Fencing Layout/Details	Plan Ref: 8266-0016	Version: C1
Section	Plan Ref: MR19-083/103	Version: B
Section	Plan Ref: MR19-083/104	Version: B
Roof Plan	Plan Ref: 8266-007	Version: P1
General	Plan Ref: P19-0716	Version: E
Proposed Site Plan	Plan Ref: 8266-BOW-A0-ZZ-DR-A-0008	Version:
C6		
Landscape Masterplan	Plan Ref: MR19-083/101	Version: D
Management plan	Plan Ref: MR19-083/102	Version: D

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

Reason

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

- 2 The external materials and finishes shall be as indicated on the approved plans.

Reason

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

- 3 The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment completed by Treework Environmental Practice, dated 3rd December 2020.

The approved means of tree/hedge protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

#### Reason

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

- 4 The approved enclosures/boundary treatments shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as such.

#### Reason

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

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

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

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

Reason

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

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

Reason

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

- 7 The energy storage containers hereby permitted shall have an external colour finish of Moss Green (RAL 6005) or similar.

Reason

To minimise the visual impact of the development on the surrounding area.

- 8 The development shall only be carried out in accordance with the Construction Method Statement approved under Condition Discharge Application 19/01855/DAC which 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.

- 9 The applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion of 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 the submission of a publication report.

Reason

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

- 10 The sound pressure level from the installed equipment hereby permitted shall not cause any increase in the background noise level (5 minute LA90) when measured at the boundary of the nearest noise sensitive property.

Reason

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

- 11 No use of the development shall take place until the access arrangements as shown in principle on the planning application drawings have been provided or completed.

Reason

To protect highway efficiency of movement and safety

- 12 The development shall only be carried out in accordance with the Construction Environmental Management Plan approved under Condition Discharge Application 19/01855/DAC which shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

To allow the LPA to discharge its duties under s40 of the NERC Act 2006 (Priority habitats & species).

- 13 The provision of the new attenuation pond to be located on the adjacent Horizon 120 site to the north as mitigation for the removal of the existing dried pond located on the application site shall be provided in accordance with the Great Crested Newt Non-Licensed Method Statement details approved under planning applications 19/01616/FUL and 19/01525/FUL.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to Discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 14 Prior to the first use of the development a Biodiversity Mitigation and Enhancement Strategy shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Appraisal Report (Arup, 14 June 2019). The Strategy shall include timescales for implementation. The works shall be implemented in accordance with the approved details and timescales and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to Discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 15 The development shall take place only in accordance with the detailed surface water drainage scheme for the site approved under Condition Discharge Application 19/01855/DAC.



Reason

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

- 16 The scheme approved under Condition Discharge application 19/01855/DAC to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall continue to be implemented as approved.

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 17 Prior to the first use of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

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

- 18 The applicant or any successor in title must maintain yearly logs of maintenance in accordance with Condition 17 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.

19 A programme of archaeological monitoring shall be completed in accordance with the detail set out in the document 'Land West of the A131, London Rd, Great Notley, Braintree, Essex: Written Scheme of Investigation for an Archaeological Investigation' (Jan 2020).

Reason

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER