

# PLANNING COMMITTEE AGENDA

**Tuesday, 16th April 2024 at 7.15pm**

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

**THIS MEETING IS OPEN TO THE PUBLIC**

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

Councillor J Abbott  
Councillor J Beavis  
Councillor L Bowers-Flint  
Councillor T Diamond  
Councillor M Fincken  
Councillor J Hayes  
Councillor D Holland (Vice-Chairman)

Councillor A Hooks  
Councillor A Munday  
Councillor I Parker (Chairman)  
Councillor F Ricci  
Councillor P Schwier  
Councillor G Spray

Substitutes: Councillor K Bowers, Councillor M Green, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright, Vacancy.

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

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than 24 hours before the start of the meeting.

D GASCOYNE  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS**

### **Declarations 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**

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the meeting.

For example, if the meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the meeting 'in person', or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the on-line form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/County Councillors/District Councillors/Applicant/Agent.

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

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement may be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#).

**Health and Safety**

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

**Substitute Members**

Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

**Documents**

Agendas, Reports and Minutes may be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Data Processing**

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)

**Mobile Phones**

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

**Webcast and Audio Recording**

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

**Comments and Suggestions**

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

**1 Apologies for Absence****2 Declarations of Interest**

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 26th March 2024 (copy to follow).

**4 Public Question Time**

Only Registered Speakers will be invited by the Chairman to speak during public question time.  
Please see the agenda notes for guidance.

**5 Planning Applications**

To consider the following planning applications.

<b>5a</b>	<b>App. No. 24 00027 FUL - Notley High School, Notley Road, BRAINTREE</b>	<b>6 - 40</b>
<b>5b</b>	<b>App. No. 24 00578 FUL - Sports Ground, Spinks Lane, WITHAM</b>	<b>41 - 54</b>
<b>5c</b>	<b>App. No. 23 03067 FUL - Sports Ground, Spinks Lane, WITHAM</b>	<b>55 - 88</b>
<b>5d</b>	<b>App. No. 24 00352 FUL - New Rickstones Academy, Conrad Road, WITHAM</b>	<b>89 - 126</b>
<b>5e</b>	<b>App. No. 23 02334 FUL - Strutt Memorial Ground, Maldon Road, HATFIELD PEVEREL</b>	<b>127 - 153</b>
<b>5f</b>	<b>App. No. 23 02367 FUL - The Grange, 33 Lyons Hall Road, BRAINTREE</b>	<b>154 - 186</b>
<b>5g</b>	<b>App. No. 23 02807 OUT - Land West of Horizon 120, Horizon Boulevard, GREAT NOTLEY</b>	<b>187 - 306</b>
<b>5h</b>	<b>App. No. 24 00290 LBC - September Barn, North End, LITTLE YELDHAM</b>	<b>307 - 317</b>

**5i App. No. 24 00313 FUL - 8 Swinbourne Drive, BRAINTREE 318 - 331**

**6 App. No. 23 03030 TPO - Priory House, Ashen Road, 332 - 342**  
**OVINGTON**

**7 Urgent Business - Public Session**

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

**8 Exclusion of the Public and Press**

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

*At the time of compiling this agenda there were none.*

**PRIVATE SESSION**

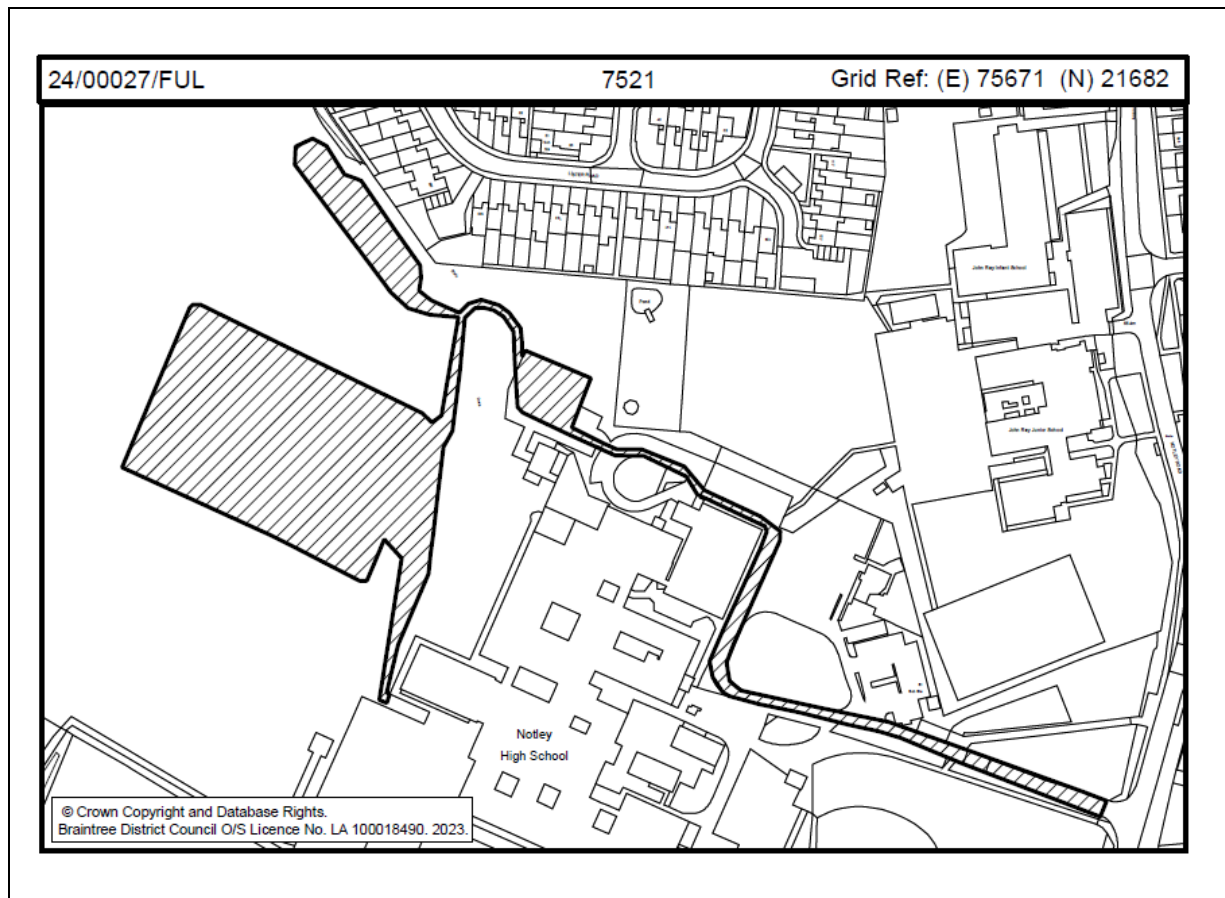
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**9 Urgent Business - Private Session**

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

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
Application No:	24/00027/FUL	
Description:	3G synthetic pitch with sports lighting, perimeter fencing, storage container, and access paths.	
Location:	Notley High School, Notley Road, Braintree	
Applicant:	Mr Marc Mabbott, Notley High School and Sixth Form, Notley Road, Braintree, Essex, CM7 1WY	
Agent:	Mr Neil McHugh, MUGA UK Ltd, Mill Farm, Hathern Road, Shepshed, LE12 9RP	
Date Valid:	5th January 2024	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Jack Street For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2515, or by e-mail: <a href="mailto:jack.street@braintree.gov.uk">jack.street@braintree.gov.uk</a>	

## Application Site Location:



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability,</p>



	<p>gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:  <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 24/00027/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website:  <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 This planning application seeks permission to construct a floodlit third generation (3G) Artificial Grass Pitch (AGP), along with associated perimeter fencing, storage container, and pedestrian paths. The development would be located within the grounds of Notley High School, Notley Road, Braintree. The application site is situated within the existing grass school playing fields. The facility would operate between 08:30 hours – 22:00 hours on weekdays, and 09:00 hours – 20:00 hours on weekends and public holidays.
- 1.2 The facility would offer sport opportunities for both pupils of the High School and members of the wider community and general public, who will be able to book to use the facility. The development can be considered as both a school and community facility. Policy LPP60 of the Adopted Local Plan supports the creation of new school facilities, whilst Policy LPP61 of the Adopted Local Plan states that the provision of new or enhanced community facilities will be supported wherever possible. The application site is located outside the Braintree Town development boundary, but the High School site is allocated for Educational Use in the Adopted Local Plan. As the report sets out, no conflict has been identified with policies within the Adopted Local Plan.
- 1.3 The facility would comprise the AGP, which would be demarcated to allow the capability to allow different sports to be played simultaneously on the pitch, enclosed within a 4.50m high plastic coated welded mesh. The proposed facility would be lit by 6no. 14.0m high lighting columns, positioned at the corner and centre of the pitch split 3no. on either side. The application also proposes the installation of 13no. 1.0m high bollard lighting columns along the proposed pedestrian path. The appearance of the facility is built to an acceptable standard of design which would not detrimentally impact or appear out of keeping with the prevailing character of the school site. It is considered that the development would also be acceptable with regards to ecological and highway policies.
- 1.4 Officers acknowledge that the proposed 3G AGP will increase the intensity of use of the site, particularly in the evenings, and that higher levels of noise would be produced at some times. The application has been submitted with documentation which sets out how the Applicant intends to manage noise emanating from the site, including a Noise Management Scheme and a Code of Conduct. Officers consider that with the mitigation that is being proposed, there would be no unacceptable adverse impact on the amenities of adjoining residential properties, and Officers consider the benefits outweigh the harms on account that the latter can be controlled, wherein subject to the recommended conditions, the it is recommended that planning permission is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is deemed to be 'significant' by the Planning Development Manager.
- 2.2 This is one of four planning applications that have been submitted to Braintree District Council to provide new flood lit Artificial Grass Pitches (AGP).
- 2.3 The planning applications are the result of work by Council Officers and the Football Foundation. Braintree District Council has committed to provide over £1.1million of financial contributions, that the Council had secured through Section 106 Agreements for improvements to Outdoor Sports facilities, to help to provide two new AGPs in Witham and two new AGPs in Braintree. The Council are working with the Football Foundation to deliver the AGPs. If Braintree District Council grant planning permission, a formal application will be submitted to the Football Foundation to secure the funding required to cover the balance of the cost to install the pitches. If all four pitches are delivered, the investment by the Football Foundation will be in excess of £2million. If planning permission is granted and the Football Foundation confirm funding in the summer, the pitch would be installed later this year.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is located at Notley High School, an educational facility comprising of a co-educational secondary school as well as Braintree Sixth Form. The application site is situated within the playing fields to the immediate north-west of the school's built facilities. Currently the location of the proposed AGP is used by the school as part of their grass sports fields. The south and east of the application site is characterised by a gently sloping topography, which declines toward the pitch. Around the perimeter of the sports field there are number of trees, sometimes on or near banks where levels change more suddenly, and some of these trees are substantial and mature.
- 5.2 The application site is accessed off Notley Road to the east which provides pedestrian and vehicle access and associated parking areas. The application site would be accessed through the car park and via a proposed pedestrian path along the northern perimeter of the site area.

- 5.3 The application site is neighboured to the north-east by existing residential properties along Lister Road and to the north by residential properties on Tortoiseshell Way and several cul-de-sacs formed to its south, namely Clouded Yellow Close, Speckled Wood Court, Brimstone Court and Skipper Court. The Hawthorns is situated further to the north-west. A small woodland and narrow agricultural field provide some separation between the school's southern boundary and the A120.
- 5.4 The site gently declines toward the west, wherein from particular vantages toward the north and west the site may be visible albeit against the backdrop of surrounding residential development, the school, and any intervening landscape between the aforementioned features.
- 5.5 The application site is identified as being of archaeological interest on the Council's safeguarding mapping. There are no listed buildings or scheduled monuments at the site.

## 6. PROPOSAL

- 6.1 The application proposes development as follows: "3G synthetic pitch with sports lighting, perimeter fencing, storage container, and access paths." Each aspect of the proposal is detailed below, including an explanatory summary of the terminology used.

### 3G Artificial Grass Pitch

- 6.2 The application proposes a third generation ('3G') synthetic pitch, also known as an AGP. 3G AGPs are currently the newest generation of synthetic turf supported by the Football Foundation and Football Association and are designed to offer similar characteristics to natural turf, such as mimicking ball bounce and ball roll. Sport England guidance states that a properly maintained AGP can sustain up to 80 hours of use a week, providing an average of around 1,400 playing opportunities. This compares favourably to a good quality grass pitch, which can sustain just six hours a week, accommodating an average of around 100 playing opportunities.
- 6.3 The footprint of the AGP playing area proposed for the site would measure 61.0m x 97.0m, or a total footprint of 5,917sq.m. A full-sized adult football pitch measures 100m x 64m, but to maximise benefits, whilst controlling costs, the Football Foundation is now funding pitches which are slightly smaller at 91m x 55m. The pitch size is large enough to still accommodate a wide range of training needs and competitive games by all junior age groups up to Under 16's. Adults would still be able to use the pitch for competitions, but it would be the smallest size pitch that competitive adult football can be played under the FA rules. The pitch would also be capable of providing a variety of football pitch sizes by utilising various coloured paint lines to demarcate the playing surface.

### Sports Lighting

- 6.4 The application proposes 6no. pitch light columns indicated as 'PLC' on Drawing No. 'MCA-MUK3086-02 Rev E'. These would comprise of 14.0m high galvanised light columns with luminaires to each column and would be positioned at each corner of the pitch with two on either side of the centre of the long edge of the pitch. The application also includes 13no. 1.0m high bollard lights which would be erected alongside the proposed pedestrian path.

### Perimeter Fencing

- 6.5 The proposed layout of the perimeter fencing is demonstrated on Drawing No. 'MCA-MUK3086-02 REV E'. The layout comprises of a 4.50m high plastic-coated welded mesh fencing with a 250mm infill retaining board across the eastern, southern, western, and north-western perimeter of the AGP. An area of asphalt surfacing is indicated along the northern edge of the pitch, with a 1.20m high fence with 250mm infill retaining board along the north edge of the pitch and a 4.50m high fence along the northern and north-eastern perimeter of the AGP facility. The layout demonstrates the locations of single and double gates within the fence.
- 6.6 The appearance of the fencing is shown on Drawing No. 'MCA-MUK3086-10'. The fencing would be twin bar mesh fencing with rubber washers to reduce vibration and noise. The abovementioned strip of asphalt between the 1.20m and 4.50m fencing on the north of the proposed pitch would provide a 'spectator area', wherein its fencing includes a handrail.
- 6.7 Drawing No. 'MCA-MUK3086-02 REV E' also indicates the inclusion of a 3m high retractable divide net, which can allow subdivision of the pitch to prevent interference between adjacent playing areas.

### Storage Container

- 6.8 A storage container is proposed at the western conclusion of the asphalt along the northern perimeter of the pitch, for the purposes of equipment storage. The container, as it appears on Drawing No. 'MCA-MUK3086-10', comprises a 6.10m x 2.40m metal container of a typical appearance, measuring 2.590m in height.

### Access Paths

- 6.9 The application proposes a new pedestrian path to be formed from the west of the existing pedestrian car parking area to the east of the site. Following its trajectory from the car park, the path travels in a curve between two areas of tree planting and loops into a straight direction along the east of the AGP and toward an existing gate at the school facility. The 'Proposed Site Plan' shown in Drawing No. 'MCA-MUK3086-03 Rev C' demonstrates the surface would be a porous asphalt. Areas of 'no-dig' construction are shown on Drawing No. 'MCA-MUK3086-12 Rev D'.

### Removed Earth Bund

- 6.10 The original submission included an earth bund which would be created to utilise the soil that would be excavated to create a level surface to construct the AGP on. The earth bund was shown to be constructed on the edge of the sports field, immediately to the rear of properties that front onto Lister Road.
- 6.11 Following the receipt of written representations from Lister Road residents objecting to the inclusion of the bund, on the grounds that it would allow people to climb up onto it and look into their properties and that it could become a location where people would behave in anti-social way, partially hidden behind the bund. At the Case Officers request the Applicant has agreed to remove the bund from their plans, and the Council has publicised the revised plans showing this omission. However, as the site area had been drawn to incorporate the bund, which has now been removed, the red edged boundary remains. The Applicant may choose to remove the spoil from the site, which would necessitate no further planning consent, or should an alternative location be chosen on the site then a separate planning application for its siting would be required. For the purposes of this assessment, however, no development is proposed within the area to the north of the site, where it had been proposed the bund would be located.

### Hours of Operation

- 6.12 The proposed hours of operation are as follows:
- Monday to Friday 08:00 hours – 22:00 hours  
Saturdays 08:00 hours – 20:00 hours  
Sundays 08:00 hours – 20:00 hours  
Public and Bank Holidays 08:00 hours – 20:00 hours

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Sport England

- 7.1.1 No objection, subject to conditions summarised below.
- 7.1.2 *Artificial Grass Pitch Certification.* The AGP shall meet FIFA Quality Standard accreditation or equivalent International Artificial Turf Standard prior to first use. An informative is recommended that the pitch is tested every three years to achieve and maintain the required accreditation.
- 7.1.3 *Artificial Cricket Wicket.* Details of the proposed re-location of the cricket wicket within the site edged blue shall be provided prior to commencement of any development on the playing field, including details of siting and suppliers' specification. The wicket shall be provided prior to first use of the AGP.

- 7.1.4 *Topsoil Bund Landscaping Scheme.* Condition recommended for the landscaping of the previously proposed topsoil bund, including details for the gradients and design proposals for sport and physical activities. Following the omission of the bund, Sport England confirmed their request of this condition is withdrawn.
- 7.1.5 *Community Use Agreement.* Condition requiring a Community Use Agreement to be submitted to and approved by the Local Planning Authority (in consultation with Sport England) prior to first use of the AGP to ensure community access to the facility is secured in practice.
- 7.2 BDC Ecology
- 7.2.1 No objection with respects to the proposed development, including the proposed external lighting. Recommended a condition requiring a Biodiversity Enhancement Layout, which would provide the finalised details and locations of the proposed biodiversity enhancements, shall be submitted to, and approved in writing by the Local Planning Authority prior to first use. The agreed details shall be implemented and retained in that manner thereafter.
- 7.2.2 Comments were raised with respects to the earth bund on the original scheme. On the omission of the bund, the Ecology Officer was re-consulted although no additional comments were raised.
- 7.3 BDC Environmental Health
- 7.3.1 *Lighting.* Do not consider that the lighting would cause undue amenity impact to residents of houses in the immediate area.
- 7.3.2 *Noise.* Noted the submission of a Noise Management Plan which should be considered a 'live' document regularly managed, maintained, reviewed, and updated. Further details recommended within a revised Noise Management Plan which can be agreed by condition. Noted the application has been modelled on Sport England AGP Acoustic Guidance (based upon the WHO Community Noise levels), with specific regard given to existing residents and concluded that it is likely that the nearby resident's amenity will be affected by this activity via the possible characteristic noise(s) previously discussed (shouting / vehicular movements / whistles / football impacting football infrastructure, i.e. fencing). A 'no whistle' policy, the prevention of amplified speakers, and a revised Noise Management Plan to address Environmental Health's comments are recommended by condition.
- 7.3.3 *Contaminated Land.* There are two small unknown potential contamination infills within the site. Although these are not within the application site area, a condition is recommended to control any unforeseen contamination being discovered during construction.
- 7.3.4 *Construction Management.* Conditions recommended with respects to hours of construction activities, the prevention of burning of materials, the

requirement for a Dust and Mud Control Management Scheme prior to installation, and informatives recommended to ensure best and most courteous practice during construction.

- 7.3.5 Recommended that the hours of operation are controlled to the hours proposed in the application form, and that all activity and light illumination shall cease outside the hours stated.

7.4 ECC Archaeology

- 7.4.1 A programme of archaeological investigation will be required which will monitor any groundworks which have potential to impact on archaeological remains. This is recommended as a pre-commencement condition.

7.5 Essex Highways

- 7.5.1 No comment.

7.6 ECC Lead Local Flood Authority

- 7.6.1 Holding objection raised to the originally submitted plans and documentation.
- 7.6.2 Following the submission of revised and additional information, including the Drainage Detail (Section Plan) (Drawing No. MCA-MUK2101-05 REV B') and the revised Storm Drainage Strategy (Document Ref. 'R-00148-001-SDS-0 REV A'), the Lead Local Flood Authority submitted no objection, subject to conditions requiring the submission and approval of a surface water drainage plan for the construction period; development to be carried in accordance with the submitted Flood Risk Assessment; a maintenance plan detailing the maintenance arrangements; and a requirement to maintain yearly logs of maintenance.

8. PARISH / TOWN COUNCIL

- 8.1 N/A.

9. REPRESENTATIONS

- 9.1 A planning notice was displayed in various locations nearby to the application site, including outside the school, various locations on Lister Road, Tortoiseshell Way and the cul-de-sacs formed off this road. The residential properties along the roads listed in section 5.3 of this report were notified in writing.
- 9.2 In response to the original submission, the Local Planning Authority received 7no. representations in objection to the proposal. These are summarised below.



## Summary of Objections Received – Original Submission

- 9.3 Please note that the below intends to provide a summary of the representations received. Where similar points were raised by multiple persons, these are consolidated as one entry. The comments are available in full online and have been considered in their totality by the Case Officer during the assessment process.
- Concern that the proposed path may result in adjacent gardens being flooded.
  - Concern raised toward the lighting and its impact on local residents, particularly given the hours are stated up until 10pm.
  - Conditions required to ensure lighting is promptly switched off at the stated hours which should be enforced.
  - Lighting would harm the character and appearance of the area, which is predominantly residential and low-rise.
  - Concern raised toward noise emanating from the proposed development, including balls being kicked, whistles, shouting (including foul language) and cheering, which would impact local residents. Vehicular movements associated with the facility would impact local residents.
  - Accept there would be some noise from the school (during school time and after school activities), however the operation of the site until 10pm, including associated lighting and noise sources up until this time, are of concern.
  - The path and facility, given its proximity to neighbours, may result in anti-social behaviour being experienced by nearby residents.
  - The development may adversely impact the health of trees on site.
  - Questions raised why the facility could not be moved elsewhere within the site.
  - The proposed earth bund would impact on privacy of residents.
- 9.4 One comment suggested that the development would negatively impact property value, however this is not a material planning consideration.
- 9.5 One comment suggested one of the trees on-site is protected by a Tree Preservation Order ('TPO'). However, this is not identified on Council databases. Nevertheless, the impact on trees is a material consideration and the submitted Arboricultural Impact Assessment (Document Ref. 'JSL5009\_770') has been reviewed and assessed accordingly.
- 9.6 Following the omission of the bund and the subsequent receipt of revised plans, a planning notice was again sited in the locations and the persons residing on the roads listed in the preceding paragraph were re-consulted by letter. One representation was received in response to the second round of consultations, which was in objection.

## Summary of Objections Received – Revised Proposal

9.7 Please note that the below intends to provide a summary of the representations received. Where similar points were raised by multiple persons, these are consolidated as one entry. The comments are available in full online and have been considered in their totality by the Case Officer during the assessment process.

- Concern raised toward the noise which would emanate from the site. Acknowledge an acceptance of noise source from the school field, but consider the hours of operation up until 10pm are excessive and would impact local residents.
- The noise sources may also include audible foul language, to the detriment of local residents.
- Resultant noise would impact local residents' quality of life.

## 10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is located on the fringes of, but adjacent to, the Braintree town development boundary, as designated in the Adopted Local Plan. The application site is therefore located outside a designated development boundary, and as set out in Policy LPP1 of the Adopted Local Plan development in such areas will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

10.2 However, whilst the development could be argued to conflict to some degree with Policy LPP1 of the Adopted Local Plan, the Notley High School site is allocated as 'Education Land' on the Braintree South Proposals Map in the Adopted Local Plan. Policy LPP60 of the Adopted Local Plan sets out the Council's planning policies in respect of Educational Establishments. Sites, like the Notley High School site, are protected for educational use. The policy goes on to state that the Council will support appropriate and well-designed proposals for new school and education facilities in sustainable locations on sites of a sufficient size to accommodate the range of facilities required. Officers consider that this policy supports the provision of the proposed AGP on the site. The facility is appropriate to an educational setting and will be used by the school during the school day to deliver Physical Education lessons and schools sporting programme. The all-weather surface will help the school deliver this through the school year, improving access to sport. As set out below, Officers also consider that the development is well-designed and that the school can accommodate a development of this size and type. Whilst the school site is outside the settlement boundary, it is adjacent to the settlement boundary and is surrounded on three sides by existing built development. It is also noted that land on the opposite side of the A120 is allocated for a Strategic housing-led mixed use development (Land East of Great Notley). The school site is within walking and cycling distance of a significant population

and can also be accessed by public transport and could be considered a sustainable location.

- 10.3 As well as offering a new facility that will improve the schools sporting facilities, the AGP facility would also be available to members of the wider community and general public, including local junior/youth football clubs when it is not being used by the school. The development can be considered both as a community and school facility for the purposes of this assessment, and Policy LPP61 of the Adopted Local Plan states that the provision of new or enhanced community facilities will be supported wherever possible.
- 10.4 Policy SP6 of the Adopted Local Plan seeks to facilitate the delivery of a wide range of social infrastructure required for healthy, active, and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable. Paragraph 102 of the National Planning Policy Framework ('NPPF') highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.
- 10.5 Whilst the settlement boundary runs around the outside of the school site the Adopted Local Plan designation as an Educational Establishment lends policy support for appropriate facilities which support the educational use of the site. Considering its position and context with the existing school, as well as the policy positions of Policies SP3, SP6, LPP60 and LPP61 of the Adopted Local Plan, Officers consider that the principle of development is therefore acceptable, subject to material considerations and the concluding planning balance.

## 11. SITE ASSESSMENT

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

- 11.1.1 Policy LPP52 of the Adopted Local Plan requires *inter alia* that proposals achieve a high standard of visual design which recognise and reflect local distinctiveness in terms of scale, density, height, and massing of development, and also to ensure development affecting the public realm shall be of a high standard of design and materials, using appropriate landscaping where possible. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.2 Whilst the proposed lighting columns, perimeter fencing, and synthetic pitch materials would appear as a visually distinct feature within the surrounding more natural playing fields, Officers consider that the introduction of the

AGP would not be out of character within the sports field or wider school site.

- 11.1.3 The AGP would be enclosed by 4.5m high fencing. The Applicant's Design and Access Statement (Document Ref. 'MCA-MUK3086-DAS REV E') states that the proposed type and quality of fencing is consistent with current Football Associated ('FA') technical requirements for fencing to enclose AGPs, wherein for all intents and purposes one can consider the design is conventional insofar as sports infrastructure design is concerned. Whilst the rectangular enclave created by the fencing would be noticeable against the field, it would be legible and easily read as a sport facility.
- 11.1.4 The proposed lighting columns would be 14.0m high and would comprise of a narrow column with mounted aluminium lamps and fittings at its apex. Although the columns would be a noticeable feature given their height, they would again be legible as part of the proposed facility.
- 11.1.5 It is accepted that there is potential for light columns of a considerable height to be glimpsed from wider vantages in the surrounding area and that the resulting visual impacts should be managed accordingly.
- 11.1.6 The proposed asphalt spectator area would be enclosed within the fence, and thus the contrast between the hard surfacing and the grassed areas would be mitigated by the dividing barrier which creates a visual distinction between the facility and the remaining playing field. The utilisation of a shorter (1.20m) fence with handrail to allow onlookers to spectate behind a barrier would not create a visually jarring appearance, given the difference in height compared to the surrounding fence line and the continuation of the 250mm panelling from the fence it carries on from.
- 11.1.7 The proposed container within this area of asphalt similarly benefits from the mitigation offered by the fenced enclosure, appearing as an incidental structure within the facility as opposed to a feature of the wider field.
- 11.1.8 The proposed pedestrian access path and bollard lighting would curve between existing tree planting and vegetation down a gentle slope into the site and run straight along the east of the AGP facility. The bollard lights would provide an effective means to navigate the pathway in darker hours or inclement weather conditions. The step-free path further aids the navigability and accessibility of the path. The pathway and its lighting would not compromise the character of the site, nor would it appear out of keeping with the proposed character of development.
- 11.1.9 Officers consider that the proposed development would appear as a relatively conventional and readily legible sports facility. Yet whilst the individual features of the development interact to create an acceptably designed facility, its siting and interaction with its locale requires consideration.

- 11.1.10 The AGP facility would be proposed at the foot of a slight incline in the local topography, therein to some degree helping the pitch to settle into the landscape of the playing field. If viewed from a western viewpoint, the development would be read against the backdrop of trees atop the embankment and the school buildings behind, as well as the residential development of the Braintree settlement across to the north of the site. From the east, the site would be read within the context of the playing field, much akin to the sports courts to the south of the site albeit noted that these do not benefit from comparable lighting. Nevertheless, the lighting is concentrated onto the pitch, which is level to the playing field, and eased by the site-specific conditions – namely the embankments and trees.
- 11.1.11 The AGP would be positioned within a reasonable proximity to Notley High School to be read as a facility related to the institution. Its legibility, conventional design and site specific context, do not raise any conflicts with policies within the Adopted Local Plan in terms of design and visual appearance.
- 11.2 Landscaping
- 11.2.1 The application is supported by an Arboricultural Impact Assessment (Document Ref. 'JSL5009\_770'). This document appraises and assesses the adjoining trees to the site, which amounts to 15no. in total. This includes 7no. Category A (high quality), 4no. Category B (moderate quality), 3no. Category C (low quality), and 1no. Category U (dead/dying). 7no. groups of trees were also surveyed, all of which were Category B (moderate quality). The report concludes that the development would not necessitate any tree removal but does recommend tree protection measures are followed during construction to avoid damaging any trees.
- 11.2.2 The proposed pedestrian path does pass a number of the existing trees but the use of porous asphalt and the utilisation of 'no dig' methods in areas closer to root protection areas of nearby specimens during construction is considered an appropriate design response. This can be controlled by a suitably worded condition.
- 11.2.3 The site boundary is drawn tightly around the features subject to this planning application, wherein there would have originally been limited opportunity for landscaping within the red edged site area. However, the removal of the topsoil earth bund presents a remaining red edged site area now devoid of development. Although the bund may have presented some ecological opportunity if appropriately planted and maintained, so to can the appropriate landscaping of this area. A planning condition can be recommended to bring forward a landscaping scheme, including all details of any proposed planting (including plant type, colour, and size), as well as controlling the composition of all the pathways to be porous as indicated.

### 11.3 Ecology

- 11.3.1 Policy LPP66 of the Adopted Local Plan states *inter alia* that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. In addition to the development plan, which as a whole seeks to protect, enhance, monitor, and manage biodiversity within the District, the local authority is duty bound by national legislation to consider and appropriately manage biodiversity (and any resulting developments thereon to) by development; i.e. the Natural Environment and Rural Communities Act ('NERC') 2006.
- 11.3.2 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Sub-paragraph 180(d) outlines that this can be achieved by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180(d) of the NPPF states that Local Planning Authorities should encourage opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 11.3.3 The Council's Ecology Officer has reviewed the application. Although the application is not supported by ecological information, the Ecology Officer notes that it is considered unlikely that the application site has any suitable terrestrial habitat to support protected or Priority species, that would be impacted by the proposals. The impacts to designated sites, protected species, priority species/habitats can be predicted using best practice methodology, and no unacceptable impacts are predicted.
- 11.3.4 The Ecology Officer has considered to submitted lighting information; the Lighting Strategy (Christy Lighting Masts Ltd., Drawing No. '1'), Lighting Assessment (Christy Lighting Masts Ltd, November 2023), and the Lighting Design Statement (Christy Lighting Masts Ltd, November 2023). Taking into account the lighting information and the lack of light spillage beyond the pitch, it is considered the proposed lighting will not impact upon foraging and commuting bats, if there were to be any in the area, as the lighting will be directed away from boundary habitats which may impact upon the foraging and commuting routes for this European Protected Species. This aspect is considered acceptable.
- 11.3.5 The Ecology Officer has recommended a condition requiring the submission of a Biodiversity Enhancement Layout ('BEL'), providing the finalised details and locations of proposed biodiversity enhancements on site, prior to first use of the facility. This may include bird boxes, and invertebrate/bee boxes. The BEL shall be submitted to and approved in writing by the local planning authority and the approved measurements

implemented and retained thereafter. Subject to this condition, the scheme is acceptable in ecological grounds.

- 11.3.6 Officers note the Ecology Officer raised comments toward the originally proposed bund. Following its omission from the plans, the Ecology Officer was invited to comment again but raised no objection to its removal.

#### 11.4 Highway Considerations

- 11.4.1 Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards ('the Parking Standards'), which state that "prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided".
- 11.4.2 The proposed development would utilise the existing car park facilities at the site which are provided for school staff, students, and visitors. The car park is arranged into different sections formed on the north side of the main access into the site. When being used by the public, outside of school hours, the facility would be able to utilise the existing car park, with its nearest section to the east of the site (positioned from where the proposed access path is proposed), allowing vehicular parking closest to the facility. Officers consider that the car park is of a suitable capacity to accommodate the proposed development, and no conflict with Policy LPP43 of the Adopted Local Plan is identified.
- 11.4.3 The proposed site plan (Drawing No. 'MCA-MUK3086-03 Rev C') indicates that the aforementioned car park closest to the proposed AGP facility would be used during construction works as a temporary parking area for contractors. This is further detailed in the submitted Construction Management Plan ('CMP'). Officers accept the details set out in the CMP, and conditions are recommended to ensure best practice is followed in the interests of residential amenity of neighbours. Informatives have been recommended by the Council's Environmental Health department to provide further guidance. Nevertheless, the temporary use of this parking area should not, with careful management, detrimentally impact the wider school facility when in use, with an acceptable level of parking retained in the remainder of the car park.
- 11.4.4 Essex Highways were consulted on the proposal, and no comment was raised to suggest the scheme is unacceptable from a parking, visibility, or highway safety perspective. Policy LPP52(m) of the Adopted Local Plan states that development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users, which is reinforced by the NPPF. No evidence has been identified to suggest conflict with this policy, wherein the development is acceptable in this regard.

## 11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Policy SP7 of the Adopted Local Plan also seeks to protect neighbouring residential amenity with regard to noise, vibration, smell, overbearing and overlooking.
- 11.5.2 It is acknowledged that the proposed facility would introduce new sources of noise and lighting compared to the existing use of the site. Indeed, representations received from local residents acknowledge a tolerance and acceptance of noise sources emanating from the site given its use as a school. However, the judgement must be on the proposed impacts that would be introduced; namely any predicted noise and lighting impacts during the proposed hours of operation which extend later than the current use of the site for school and after school activities. This judgement must take into account all material considerations and any agreed management strategies.
- 11.5.3 With respects to lighting, the proposed lighting information demonstrates that light spillage beyond the pitch would be negligible due to the proposed design and filament of the lighting columns and lamps. The proposed lighting, which utilises modern lighting technologies, provides a more controlled light source than traditional floodlighting systems as the submitted information demonstrates. Owing to the concentration of light onto the pitch, with limited light spillage beyond the AGP, the lighting would not appear to unacceptably impact on local residential amenity when taking this into account together with the distance between the distance of almost 70 metres between the facility and closest neighbouring properties on Lister Road and intervening landscaping from certain angles.
- 11.5.4 Nevertheless, to ensure the protection of residential neighbouring amenities can be appropriately managed, two conditions with respects to lighting are recommended by Officers. The first condition is to control the hours of illumination only to those hours proposed within this application (as set out in Paragraph 6.12 of this report). The second would require a post-installation assessment whereby the lighting columns, once installed, are assessed to demonstrate the expected light levels are met. The assessment, including the any settings, tilt, and orientation of the light, shall be noted and this configuration shall thereafter be retained. Should adjustments be required, this shall be agreed in writing by the Local Planning Authority. This allows the Local Planning Authority to manage the lighting appropriately to ensure continued acceptability. With these conditions, the lighting can be considered acceptable.
- 11.5.5 With respects to noise, the application is proposed in accordance with Sport England AGP Acoustic Guidance which itself is based upon the WHO



Community Noise levels. Based on this guidance the distance between the proposed AGP and the nearest residential property is in excess of the minimum separation distance where it is deemed there could be unacceptable noise impacts on residential properties. Nevertheless, there is an acknowledgement that the facility would result in increased noise levels and a variance in noise experience, i.e. persons shouting, noises of balls hitting infrastructure such as fences or goalposts, whistles should a game be refereed, and vehicular movements to and from the car park.

- 11.5.6 The application is supported by a Noise Management Plan ('NMP') ('Rev A' document). The document identifies that the NMP should be considered a 'live' document which can be revised so as to address issues should they arise. A 'noise monitoring supervisor' would ensure all policies and procedures are adhered to, and users of the facility would consent to a Code of Conduct to ensure they agree to use the facility in a respectful manner. In terms of operational strategies, a neoprene isolator will be fitted to the perimeter ball stop fencing to avoid the fence rattling when struck with a ball, which maintenance personnel will check weekly and tighten if required.
- 11.5.7 The Council's Environmental Health department has reviewed the application, including the NMP, and concur it should be considered a live document. Indeed, the Environmental Health Officer in response highlights that certain matters are acceptable, such as the acoustic treatment to the proposed development and the carrying out of monitoring and maintenance. However, further details would be required to the NMP to clarify certain points raised, such as the role of personnel, a clear and understandable monitoring protocol, and a continual review of the NMP and revision if necessary. It is noted that the NMP suggests logs can be kept of noise complaints and provided to the Local Planning Authority on request which can help to identify any defects in the NMP. Whilst much of the submitted NMP is acceptable, because the Council would want to see some further details added, it is recommended that if planning permission is granted, a condition is added requiring the submission and approval of a revised NMP to address these additional matters. The approved NMP can then be reviewed on a regular basis, unless logs demonstrate a review is needed at any time sooner. Subject to this condition, the Environmental Health Officer concludes they would be satisfied in this respect.
- 11.5.8 It is accepted that the Applicant has not undertaken any noise monitoring assessment at the site, to ascertain the exact noise levels at present, however, the proposed facility is compliant with national guidance provided by Sport England in terms of separation distance from residential properties. On this basis the Council's Environmental Health Officer and Planning Officers acknowledge that an assessment of baseline noise levels is not required to assess this application. It is considered that this factor, together with the capability to revise and thereafter monitor the NMP, can appropriately manage noise sources.

- 11.5.9 Officers acknowledge that concern has been raised by local residents about the use of audible foul language that may emit from the proposed facility. It is acknowledged that impulsive sources of noise are difficult to manage, and thus conditions should seek to deter this and manage out the noise. This includes the requirement for users of the facility to sign a Code of Conduct declaration upon booking. The Code of Conduct notes that anti-social behaviour, swearing or foul language will not be tolerated and those in breach can be dismissed from the pitch and cancelled from future hire agreements. This provides a clear procedure to plan out anti-social behaviour from the facility.
- 11.5.10 It is therefore acknowledged that there would likely be an impact in terms of noise source, although mechanisms would allow control for this to be appropriately managed by the facility together with the Local Planning Authority. The impacts and noise management methods therefore must be balanced in the concluding planning balance.
- 11.5.11 In addition to the above, construction management conditions have been recommended by the Council's Environmental Health department. This would control the hours of construction works, the prevention of piling unless an agreed piling strategy has been submitted to and approved in writing by the Local Planning Authority to prevent undue vibration and noise, as required by Policy SP7 of the Adopted Local Plan, the prevention of any form of amplified speaker or noise source, the prevention of refuse burning, and the requirement to provide a Dust and Mud Control Management Scheme plan prior to commencement. These conditions are recommended in the interests of nearby residential amenity.
- 11.5.12 The facility itself, namely the built infrastructure that forms it (i.e. the AGP, fencing, container, pathway), would not introduce any unacceptable impacts in terms of overshadowing or an overbearing sense of enclosure. Taking into account the site context, it is not considered the development would unacceptably impact on neighbouring privacy given the use of the field at present and intervening boundary treatments (i.e. walls, fences) behind properties as well as landscaping (i.e. trees).
- 11.5.13 Subject to the recommended controls and planning conditions above, Officers do not consider the scheme would result in an unacceptable impact to neighbouring residential amenity.

## 11.6 Flooding and Drainage Strategy

- 11.6.1 Policy LPP74 of the Adopted Local Plan provides guidance insofar as to how new development should manage and control flooding and drainage matters. The acceptability of the scheme in this respect has been informed through consultation with the Lead Local Flood Authority ('LLFA') within Essex County Council.
- 11.6.2 The LLFA raised a holding objection to the proposal on 19.02.2024, requesting further information with respects to discharge rates, surface

water treatment, and a more detailed drainage plan. On the submission of revised information and through further consultation, the LLFA considered the information submitted as of 18.03.2024 was sufficient to remove their holding objection. This is subject to recommended conditions as set out above.

- 11.6.3 It is considered that, subject to condition, the scheme is acceptable from a flooding and drainage strategy.

## 12. CONCLUSION

- 12.1 The application proposes new sporting infrastructure, which is encouraged and supported in principle by the Adopted Local Plan; namely Policies SP3, SP6, LPP61, and LPP78 as well as the NPPF. However, this is subject to material considerations demonstrating the development in this location is acceptable. It is accepted that there would be particular impacts of the development, most notably impacts to local residential amenity in terms of noise. However, Officers consider that if this type of facility is to be provided then it should be located in an accessible location and on a site where it can be managed and controlled. Whilst there are residential properties nearby, subject to conditions, it is considered that the potentially adverse impacts that could arise from noise and the floodlights can be appropriately mitigated and managed on an ongoing basis and would not result in an unacceptable impact on the amenities of those residents. This is true also for relevant drainage and ecology matters which are acceptable subject to conditions.
- 12.2 The benefits of the proposal, namely improved access to all-weather sports facilities for the school and the wider community would help to deliver a range of health and well-being benefits, are considered to attract significant weight in the planning balance. The provision of all-weather sports pitches will also help relieve pressure on the District's grass sports pitches and help meet growing demand for sports facilities. Although potential adverse impacts are acknowledged, in terms of impacts to the nearest residents, it is considered these can be sufficiently managed and mitigated by planning conditions and as such attract moderate weight in the balance. Officers consider the benefits outweigh the harms on account that the latter can be controlled, wherein subject to the recommended conditions, it is recommended that planning permission is granted for the proposal.

## 13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made: Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Planning Layout	MCA-MUK3086-02	E
Proposed Block Plan	MCA-MUK3086-03	C
Location Plan	MCA-MUK3086-04	D
General	MCA-MUK3086-07	D
Landscape Masterplan	MCA-MUK3086-12	D
Lighting Plan	Lighting Design Statement	28TH NOVEMBER 2023
Arboricultural Report	JSL5009_770	V1
Lighting Plan	A23-0719029/bl	28-11-2023
Drainage Details	Storm Drainage Strategy	R-00148-001-SDS-A
Lighting Plan	1	N/A
Drainage Details	MCA-MUK3086-05	B
Elevations	MCA-MUK3086-10	N/A
General	MCA-MUK3086-11	N/A

#### Condition(s) & Reason(s)

##### Condition 1

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

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

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

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

##### Condition 3

(A) No development or preliminary groundworks of any kind shall take place until a programme of archaeological monitoring has been secured in accordance with a written scheme of investigation which has been submitted by the Applicant and approved in writing by the Local Planning Authority.

(B) The Applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of

completion of the archaeological fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable investigation and recording of this site of archaeological importance. The details are required prior to the commencement of development to ensure that the site is appropriately recorded prior to loss of any details of archaeological significance. This information is required prior to development commencing so that suitable archaeological investigation can be agreed and carried out before development commences. Failure to complete the investigation before works start could result in items of archaeological interest being destroyed or lost.

#### Condition 4

No development shall commence, including any works of demolition, until a revised Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The revised Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- 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;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

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

Reason: In the interests of neighbouring residential amenity. This information is required prior to development commencing so that suitable measures to manage construction activity can be agreed and put in place before works start.

#### Condition 5

No development shall commence until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and

supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period, the Project Arboricultural Consultant shall submit a short report to 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 to the complete satisfaction of the Local Planning Authority.

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

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

#### Condition 6

No above ground development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant or tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

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 agreed implementation programme.

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

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

Reason: To enhance the appearance of the development and in the interests of visual amenity.

#### Condition 7

No above ground development shall commence until details of the siting and suppliers specification of the artificial cricket wicket shall be submitted to and

approved in writing by the Local Planning Authority. The artificial cricket wicket shall be constructed in accordance with the approved details prior to first use of the Artificial Grass Pitch hereby approved.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and facilities on the site.

#### Condition 8

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

Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. This information is required prior to development commencing so that suitable measures to manage water during construction can be agreed and put in place before works start.

#### Condition 9

No development above ground level shall commence until a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed biodiversity enhancements, as contained in the Ecological Appraisal (Coyne Environmental, October 2023), has been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 10

Prior to the first use of the artificial grass pitch, evidence of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and
- (b) Confirmation that the facility has been registered on the Football Foundation's

## Register of Football Turf Pitches.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

### Condition 11

Following the installation of the lighting hereby approved, and prior to first use of the development hereby approved, a post-installation assessment by a competent person/lighting specialist shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall ensure that the predicted light levels within the approved plans/documents above are achieved, lighting is sufficiently shielded, and the approved lighting columns are positioned and/or tilted to minimize light spillage and glare. Any remedial actions necessary to achieve the levels contained in the approved report shall be implemented prior to first use of the facility. The agreed guideline levels and site light levels/settings and positions as at that assessment shall be retained and adhered to thereafter.

Reason: To ensure that lighting is fit for purpose whilst also balancing consideration of visual and residential amenity and biodiversity in recognition of the local and national policy objectives.

### Condition 12

Prior to first use of the development hereby permitted, a revised Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated NMP shall include:

- Details of the person / job role whose responsibility will be to act (amongst other duties) as a Single Point of Contact for matters concerning the management of noise and their contact details. This person must be responsible and have the authority to carry out the overall control of noise management in general and deal with any strategic issue(s) that may occur.
- A protocol for recording and responding to noise complaints.
- Details of measures to maintain the mitigation measures that form part of the development, including the maintenance of mesh fencing around the artificial grass pitch.
- Arrangements for management and monitoring of activity when the artificial grass pitch is being used.
- Timescales for reviewing and resubmitting an updated Noise Management Plan to the Local Planning Authority.

The development shall be operated in accordance with the details contained within the approved Noise Management Plan, or any subsequent Noise Management Plan approved by the Local Planning Authority.

Reason: In the interest of neighbouring residential amenity.



#### Condition 13

Prior to first use of the artificial grass pitch hereby permitted, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the artificial grass pitch and supporting ancillary changing and parking facilities and will set out the arrangements for ensuring effective community use of the facility, including details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for regular review agreement by the Local Planning Authority. The development shall not be used at any time other than in strict compliance with the approved agreement.

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

#### Condition 14

Prior to first use of the development hereby permitted, a Drainage Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

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

#### Condition 15

During the construction phase of the development hereby approved, 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 08:00 hours - 18:00 hours

Saturday 08:00 hours - 13:00 hours

Sundays, Public and Bank Holidays - No work

Reason: In the interest of neighbouring residential amenity.

#### Condition 16

The artificial grass pitch and floodlighting hereby approved shall not be used outside of the following hours:

Monday to Friday 08:00 hours - 22:00 hours

Saturdays 08:00 hours - 20:00 hours

Sundays 08:00 hours - 20:00 hours

Public and Bank Holidays 08:00 hours - 20:00 hours

Reason: In the interest of neighbouring residential amenity.

Condition 17

The bollard lighting hereby approved, as shown on Drawing No. 'MCA-MUK3086-02 Rev E', shall be illuminated no later than 15 minutes after the latest permissible use of the artificial grass pitch as listed in Condition No. 15.

Reason: In the interest of neighbouring residential amenity.

Condition 18

There shall be no amplified speaker use for any purposes.

Reason: In the interest of neighbouring residential amenity.

Condition 19

The Applicant or any successor in title must maintain yearly logs of maintenance with respects to drainage matters, which should be carried out in accordance with any approved Drainage Maintenance Plan as required by Condition No. 14. 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.

Condition 20

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and the following must be completed before any further development takes place:

- a) An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority; and
- b) Where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority; and
- c) Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 21

The external materials and finishes shall be as indicated on the application form and permanently retained as such.

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

#### Informative(s)

##### Informative 1

You are advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

##### Informative 2

The approved facility should comply with the Sport England's Natural Turf for Sport design guidance <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces> and the England & Wales Cricket Board's TS6 document on Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use and for the system installed to be an ECB approved non turf system - see <https://www.ecb.co.uk/news/74645/cricket-surface-types> for further details of the ECB TS6 document and approved non-turf systems.

##### Informative 3

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- Should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

##### Informative 4

You are reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

#### Informative 5

The revised Construction Management Plan as required by Condition 4 should address the comments raised by the Council's Environmental Health Department on 29.02.2024. Please note the following also:

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

#### Informative 6

Bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc.).

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP60	Educational Establishments
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
02/00987/ECC	Proposed double relocatable classbase	Deemed Permitted	19.06.02
02/01499/ECC	Installation of two new two storey lift shafts	No Objections Raised	29.08.02
03/00987/ECC	Change of use of land for stationing of two new relocatable classrooms one single, one double to provide three new classbases	Deemed Permitted	27.06.03
03/00988/ECC	Construction of new link corridor at rear of school to connect two existing school buildings	Deemed Permitted	27.06.03
04/00267/ECC	Installation of new double relocatable unit to provide two new classbases	Deemed Permitted	07.04.04
75/00571/P	Provision of one RL9 relocatable three classroom block.	Granted	26.06.75
76/00173/P/CC	Store shed	Granted	04.08.76
77/00666/P	Proposed erection of 4' high chain link fencing on 9' high angle iron intermediate standards to increase height of existing 5' high chain link fencing at rear of Caretakers garden to 9' high.	Granted	03.08.77
04/00754/ECC	Erection of extension to form store room	Deemed Permitted	27.05.04
92/00460/PFBN	Proposed Curriculum Development Centre	No Objections Raised	03.06.92
05/00213/ECC	Erection of single storey extension to existing school building comprising 7 no. classrooms and faculty office with ancillary WC accommodation to replace 7 no. relocatable	No Objections Raised	29.03.05

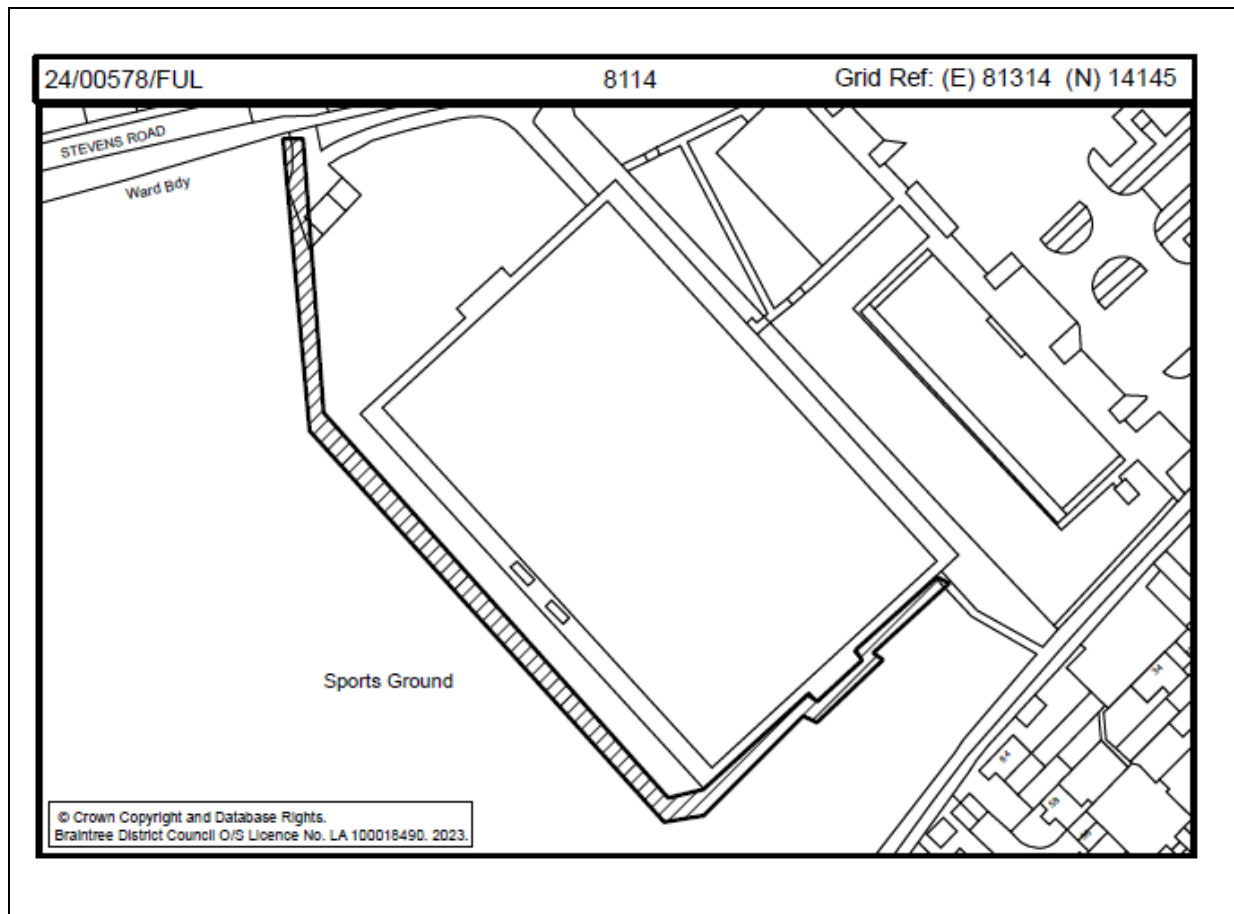
	classrooms		
05/00959/ECC	Retention of 4 existing single storey relocatable classrooms, with 2 to be removed by the end of 2009 and the remaining to be removed by the end of 2010	Deemed Permitted	24.06.05
06/01247/FUL	Erection of wind turbine to partly power the school and erection of a safety fence	Granted	11.08.06
07/01102/ECC	Erection of new two storey sixth form building to provide 15 classbases and performing arts facility along with a refectory to accommodate a maximum of 300 students	Deemed Permitted	30.10.07
08/01049/FUL	Provision of 34 no. space tarmac car park over existing overspill car park, works to include provision of bollard lighting, fencing, repairs to existing ditch and provision of an "orchard" to screen the car park	Granted	30.06.08
08/00067/DAC	Application for approval of details reserved by condition no: 3 of approval 08/01049/FUL	Granted	02.02.09
08/02004/FUL	Erection of single storey extension to enlarge 2 existing classrooms	Granted	01.12.08
08/02139/ECC	Proposed construction of a new single storey Sports Hall PE facility to house 3 sport courts	Deemed Permitted	27.02.09
10/00986/ECC	The continued use of two double temporary classbased for a temporary period until 31st August 2013	Deemed Permitted	26.08.10
13/00502/ECC	Consultation on Essex County Council application - The continued use of 2 double classbases for a temporary period until 31	Deemed Permitted	04.06.13

	August 2018 without compliance with Condition 2 (time limit) attached to planning permission CC/BTE/82/10		
13/00947/ADV	Proposed replacement school signage at main school site entrance on Notley Road	Granted	11.10.13
21/01649/FUL	Erection of single-storey extension to replace 2 x old demountables (4 classrooms) with 4 x new classrooms linked to main building.	Granted	10.08.21
22/03225/VAR	Variation of condition 2 'Approved Plans' of permission 21/01649/FUL granted on 10/08/2021 for: Erection of single-storey extension to replace 2 x old demountables (4 classrooms) with 4 x new classrooms linked to main building. Variation would allow:- Removal of link hallway between existing to new proposed building. Fire escape doors moved. Alterations to glazing. Canopies added to north & west elevations.	Granted	30.01.23



<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	24/00578/FUL	
<b>Description:</b>	Erection of 2.5m high acoustic fencing.	
<b>Location:</b>	Sports Ground Spinks Lane Witham	
<b>Applicant:</b>	Braintree District Council, Causeway House, Bocking End, Braintree, CM7 9HB	
<b>Agent:</b>	Mr Michael Eastman, Surfacing Standards Limited, Office 2, Empingham House, Ayston Road, Uppingham, LE15 9NY	
<b>Date Valid:</b>	14th March 2024	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Jack Street For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2515, or by e-mail: <a href="mailto:jack.street@braintree.gov.uk">jack.street@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul>

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 24/00578/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located within the existing Witham Sports Ground sited on Spinks Lane, Witham. The application proposes the erection of a 2.5m high acoustic fence along the south-eastern perimeter of an existing second-generation (2G) artificial grass pitch, on its south-eastern perimeter. The existing Artificial Grass Pitches (AGP) at the Witham Sports Ground is enclosed by powder coated mesh fencing but is not currently enclosed by any means of enclosure that would provide an acoustic barrier.
- 1.2 The acoustic fencing is presented in connection with the adjacently proposed third generation (3G) artificial grass pitch facility and associated works, which is subject to Application Reference 23/03067/FUL. The acoustic fence subject to this application has been proposed to provide some betterment to residents adjoining the site and is a response to the concerns of some residents about the cumulative noise should both the 2G and 3G pitch facilities be in operation at the same time. The plans show the fencing would link across to the acoustic fencing that is proposed as part of the Application Reference 23/03067/FUL for the 3G AGP pitch.
- 1.3 Officers do not consider the introduction of the fencing would demonstrably impact the character and appearance of the site, nor the wider area. The development would not appear to unacceptably conflict with local design policy, whether it was built concurrently with the adjacently proposed facility (subject to its approval), or if built independently in the event the neighbouring facility were not approved or constructed.
- 1.4 The submitted information suggests the provision of this fence should lead to a decrease in the predicted cumulative noise level when compared to the modelling in which the acoustic fence only serves the adjacently proposed 3G AGP facility. In the event the adjacent AGP facility were not granted, the acoustic fence would improve the conditions on site given that it would provide acoustic treatment where currently there is none.
- 1.5 Officers consider that the fencing would serve to improve the conditions on site, and no unacceptable conflict with relevant policies within the Adopted Local Plan with respects to design and neighbouring impact have been identified. Officers therefore recommend that planning permission is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the Applicant is Braintree District Council.
- 2.2 The Council is currently considering planning applications for the development of four new flood lit Artificial Grass Pitches (AGP). These planning applications are the result of work by Council Officers and the Football Foundation. Braintree District Council has committed to provide over £1.1million of financial contributions, that the Council had secured through Section 106 Agreements for improvements to Outdoor Sports facilities, to help to provide two new AGPs in Witham and two new AGPs in Braintree. The Council are working with the Football Foundation to deliver the AGPs. If Braintree District Council grant planning permission a formal application will be submitted to the Football Foundation to secure the funding required to cover the balance of the cost to install the pitches. If all four pitches are delivered, the investment by the Football Foundation will be in excess of £2million. If planning permission is granted and the Football Foundation confirm funding in the summer, the pitch would be installed later this year.
- 2.3 As set out within the report, this planning application, for the erection of a timber acoustic fence, is linked to the proposed development at the Witham Sports Ground, which is one of the four new AGPs that are proposed. This application was submitted in response to concerns raised by some residents about the proposed new 3G AGP.
- 2.4 The publicity period for this application expires on 5th April, so at the time of publication of this report, the publicity period has not expired. Any consultation responses or representations that are received prior to the Planning Committee meeting will be reported to Members.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is located at the existing Witham Sports Ground sited on Spinks Lane, Witham. The application site borders an existing second-generation ('2G') artificial pitch on its south-eastern perimeter.
- 5.2 The site is accessed from Spinks Lane to the north-east of the application site, where access is provided to the facility building, containing changing

rooms and toilets, and associated parking areas which are shared with the Adult Community Learning Centre which is situated next to the sports facility building.

- 5.3 To the south-east of the application site, a pedestrian footpath runs across the perimeter of the wider sports ground beyond which are residential properties along Epping Way. A residential cul-de-sac known as Stevens Road borders the grounds to the north, with the boundary typified by an established high-scale hedgerow treatment. The remainder of the sport ground south-west of the application site is open playing fields, which conclude where the grounds meet with the fence boundary separating it from the residential properties along Alan Road and Turstan Road.

## 6. PROPOSAL

- 6.1 The application proposes the erection of 2.5m high acoustic fencing along the south-eastern perimeter of an existing artificial grass sports pitch at the site. The fencing would comprise timber posts and timber boarded panels. The panels would be constructed with a density that provides an acoustic barrier.
- 6.2 The proposed development would consist of an 8m run of fencing which would connect to the eastern end of a 2.5m high acoustic fence that is proposed along the south-eastern side of the proposed new 3G artificial grass pitch ('AGP') facility proposed separately to this application. The purpose of this acoustic fence is to provide additional control of the cumulative noise from both the existing 2G and the proposed 3G pitch facilities.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Braintree District Council Environmental Health

- 7.1.1 No objections to the proposal, subject to a standard condition to control construction working hours.

## 8. PARISH / TOWN COUNCIL

### 8.1 Witham Town Council

- 8.1.1 No response at the time of writing this report. If a response is received prior to the Planning Committee meeting this will be reported to Members.

## 9. REPRESENTATIONS

- 9.1 A planning notice was displayed in various locations nearby to the application site, including outside the facility access on Spinks Lane, on Epping Way, and on Stevens Road. Immediate neighbours were notified by letter.

- 9.2 No written representations had been received at the time of writing this report. If any representations are received prior to the Planning Committee meeting they will be reported to Members.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The application site is located within the Witham town development boundary as defined on the inset maps within the Adopted Local Plan. Policy LPP1 of the Adopted Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement. The application site and the rest of the Witham Sports Ground is designated for Formal Recreation on the inset map for Witham South in the Adopted Local Plan.
- 10.2 The development is considered acceptable in principle as per Policy LPP1 of the Adopted Local Plan, and the principles in the policies outlined above.

## 11. SITE ASSESSMENT

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

- 11.1.1 Policy LPP52 of the Adopted Local Plan requires *inter alia* that proposals achieve a high standard of visual design which recognise and reflect local distinctiveness in terms of scale, density, height, and massing of development, and also to ensure development affecting the public realm shall be of a high standard of design and materials, using appropriate landscaping where possible. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.2 The site context is characterised by its existing use as a sports ground, including the existing 2G AGP to which the proposed fencing would adjoin on its south-eastern edge. The immediate surrounds of the application site are thus typified by the existing AGP, which comprises a synthetic grass surface, rectangular enclosure formed by mesh fencing, floodlighting, football and hockey goals and other associated paraphernalia.
- 11.1.3 The application proposes timber boarded acoustic fencing along the south-eastern perimeter of the existing AGP, in order to provide additional acoustic screening. Officers note that the fencing would be visible, although it is considered it would be read as an incidental feature of the sport facility particularly against the higher existing fence, and Officers do not consider the introduction of the timber fencing would demonstrably impact the character and appearance of the site, nor the wider area.



- 11.1.4 The fencing would include a side panel which would link to an adjoining acoustic fence that forms part of the proposed facility that is subject to a separate planning application. The two fences / developments would be acceptable when viewed cumulatively.
- 11.1.5 Although the submitted plans show the fencing would link across to the acoustic fencing that is proposed as part of the Application Reference 23/03067/FUL for the 3G AGP pitch, this is a stand alone planning application and must be considered on its own merits.
- 11.1.6 The timber fence would not be much higher than a 2m high garden fence and would extend over 8m. The fence would be seen in association with the existing AGP, mesh enclosures, and floodlights and as such could be seen as a further ancillary feature of the existing pitch and would not detrimentally impact upon the character of the area and as such is considered to be acceptable.
- 11.1.7 Officers do not consider the scheme would conflict with policies from a design and appearance perspective.
- 11.2 Impact upon Neighbouring Residential Amenity
- 11.2.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Policy SP7 of the Adopted Local Plan also seeks to protect neighbouring residential amenity with regard to noise, vibration, smell, overbearing and overlooking.
- 11.2.2 The acoustic fencing is proposed in connection with the adjacently proposed 3G AGP facility subject to Application Reference 23/03067/FUL. Although the supporting information for the adjacent application suggests that the proposed AGP design and noise management mechanisms would successfully manage any impacts in terms of noise, the additional acoustic fence proposed in this application for the existing AGP facility has been proposed as a means of betterment for residents in Epping Way, helping to mitigate the cumulative noise that would be produced should both AGP facilities be in operation at the same time.
- 11.2.3 The Noise Impact Assessment (Acoustic Consultants Ltd., Document Ref. '10534/FD, v.4') ('NIA') updates the NIA which was submitted as part of the proposed 3G AGP facility (Application Reference 23/03067/FUL). The updated NIA does demonstrate a slight decrease in the predicated cumulative noise level when compared to the modelling in which the acoustic fence only serves the adjacently proposed 3G AGP facility. Therefore, the proposed acoustic fence would appear to be beneficial to proposed development at the site.

- 11.2.4 Taking this into consideration, Officers note that the application proposes additional acoustic treatment to improve the conditions on site when compared to the existing arrangement whereby the existing facility does not have an acoustic fence. In the event the adjoining facility were not approved, the acoustic fence if erected would serve to improve the conditions on site by providing acoustic treatment where currently there is none.
- 11.2.5 The fencing, by virtue of its scale and distance from the nearest properties to the south-east along Epping Way as well as the intervening pathway, fencing and any landscaping is not considered to introduce any unacceptable impacts in terms of overshadowing or an overbearing sense of enclosure. No adverse impacts on privacy are anticipated.
- 11.2.6 Taking this into account, Officers do not consider the scheme would result in an unacceptable impact to neighbouring residential amenity.

## 12. CONCLUSION

- 12.1 The application is brought forward in connection with a neighbouring planning application for a 3G AGP facility and associated works. The acoustic fence is proposed in order to assist with the management of cumulative impacts in terms of noise from both facilities. It is considered that the fencing would serve to improve the conditions on site and raises no unacceptable conflict with relevant policies within the Adopted Local Plan with respects to design and neighbouring amenity impact, whether it is provided in connection with the acoustic fence proposed along the 3G AGP, or in the event that it is provided on its own and without the 3G ATP being provided.
- 12.2 Taking the above assessment into account, Officers recommend this application for approval.

## 13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Proposed Site Plan	02	00
Proposed Elevations	03	00
Location Plan	01	01

#### Condition(s) & Reason(s)

##### Condition 1

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

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

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

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

##### Condition 3

During the construction phase of the development hereby approved, 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 08:00 hours - 18:00 hours

Saturday 08:00 hours - 13:00 hours

Sundays, Public and Bank Holidays - No work

Reason: In the interest of neighbouring residential amenity.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP52	Layout and Design of Development
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

### APPENDIX 3:

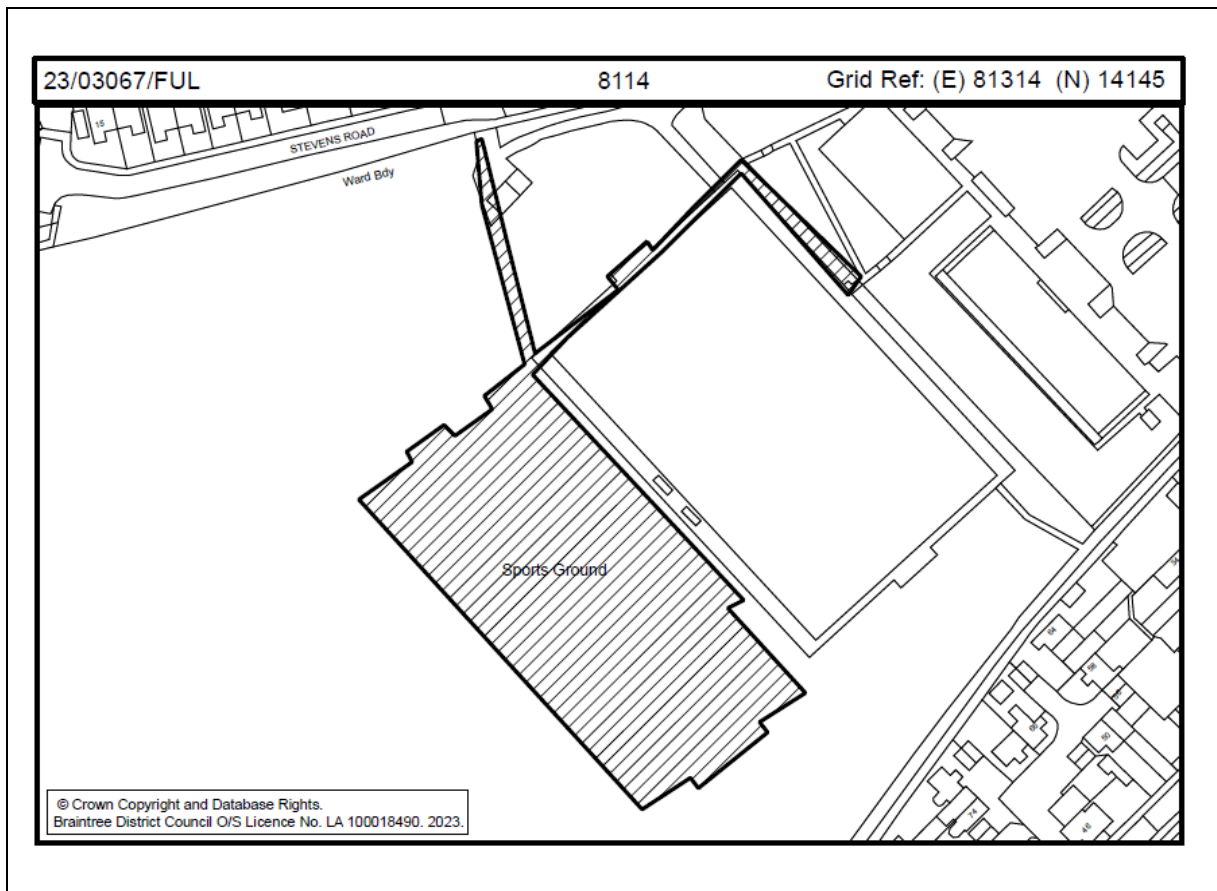
#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
18/00015/ADV	Proposed site identification signs (1 x replacement sign and 1 x additional sign)	Granted	10.05.18
22/00599/ECC	Consultation on Essex County Council application no. CC/BTE/12/22 - Installation of new heating plant (air source heat pumps).	No Objections Raised	21.03.22
05/00614/ECC	The erection of a building for use as headquarters by the North Essex Adult Community College, replacement changing pavilion and replacement all weather pitch with floodlighting, together with associated car parking, for educational and community use	No Objections Raised	20.04.05
05/01162/ECC	New adult community college, changing pavilion and all-weather pitch with floodlighting, together with associated car parking	Deemed Permitted	01.08.05
05/02278/ECC	Amendment to condition 2 attached to planning permission CC/BTE/73/05 to allow an increase in the width of the fenced enclosure to provide storage space and a spectator viewing area, and two 12m long x2.4m deep recesses behind the goal, an increase in the height of the enclosure fencing from 4m to 5m behind the goals, and an erection of 3no. pedestrian access gates and a pair of 3m wide maintenance access gates	Deemed Permitted	15.12.05

07/00191/ECC	The continuation of use without compliance with Condition 11 (access to site) attached to planning permission CC/BTE/73/05, to allow emergency vehicle and maintenance vehicle access only from Stevens Road. Access to the car park will remain in Spinks Lane only	Withdrawn	16.03.07
09/00426/FUL	Proposed perimeter fencing	Refused	23.09.09
23/03067/FUL	Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights and an access footpath	Pending Decision	

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
Application No:	23/03067/FUL	
Description:	Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights and an access footpath	
Location:	Sports Ground Spinks Lane Witham	
Applicant:	Braintree District Council, Causeway House, Bocking End, Braintree, CM7 9HB	
Agent:	Mr Michael Eastman, Surfacing Standards Limited, Office 2, Empingham House, Ayston Road, Uppingham, LE15 9NY	
Date Valid:	4th January 2024	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Jack Street For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2515, or by e-mail: <a href="mailto:jack.street@braintree.gov.uk">jack.street@braintree.gov.uk</a>	

**Application Site Location:**





<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p> <p>Whilst not material to the consideration of the Planning Application, the proposed development is on land owned and managed by Braintree District Council. If the development is implemented there would be financial implications for the Council, with monies received from pitch rental but also liabilities from maintaining the facility. These matters have been considered and Cabinet has previously accepted the financial implications arising from the development.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the</p>

	<p>Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> <li>§ Cabinet Agenda (Item 6 – New Artificial Grass Pitches in Braintree and Witham) &amp; Minutes - 25th September 2023</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 23/03067/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (External Lighting SPD)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 This planning application seeks permission to construct a floodlit 3G Artificial Grass Pitch (AGP), along with associated perimeter fencing, acoustic fencing, hardstanding areas, storage container, and a pedestrian path. The development would be located adjacent to an existing floodlit AGP, on an area that is currently used as part of the grass playing fields at the Witham Sports Ground, which is owned by Braintree District Council.
- 1.2 The application site is located within the Witham Town Development Boundary, as designated in the Adopted Local Plan. The Witham Sports Ground site also has a Formal Recreation designation on the Witham South Proposals Map in the Adopted Local Plan. Officers consider that in principle, the proposed development is supported by the Adopted Local Plan policies, but that an assessment of the impacts arising from the proposed development is required.
- 1.3 It is considered that the development would be acceptable with regards to appearance, design, environmental and highway policies.
- 1.4 The Witham Sports Ground is surrounded on three sides by residential properties and careful consideration needs to be given to the amenities of neighbours. The proposed AGP is 47m from the closest residential property on Epping Way. The application includes assessments of both lighting and noise from the proposed development.
- 1.5 The site is an existing public sports facility and an existing floodlit AGP has been operating here for many years. Officers acknowledge that the proposed 3G AGP will increase the intensity of use of the site, particularly in the evenings, and that higher levels of noise will be produced at some times, however it is considered that with the mitigation that is being proposed, there would be no unacceptable adverse impact on the amenities of adjoining residential properties, and it is recommended that planning permission is granted subject to conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is Braintree District Council and the proposed development will be on land owned by the Council.
- 2.2 This is one of four planning applications that have been submitted to Braintree District Council to provide new flood lit Artificial Grass Pitches (AGP).
- 2.3 The planning applications are the result of work by Council Officers and the Football Foundation. Braintree District Council has committed to provide over £1.1million of financial contributions, that the Council had secured through Section 106 Agreements for improvements to Outdoor Sports facilities, to help to provide two new AGPs in Witham and two new AGPs in Braintree. The Council are working with the Football Foundation to deliver the AGPs. If Braintree District Council grant planning permission, a formal application will be submitted to the Football Foundation to secure the funding required to cover the balance of the cost to install the pitches. If all four pitches are delivered, the investment by the Football Foundation will be in excess of £2million. If planning permission is granted and the Football Foundation confirm funding in the summer, the pitch would be installed later this year.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is located at the existing Witham Sports Ground sited on Spinks Lane, Witham. The application site is situated within an existing playing field to the south-west of the facility, which currently comprise a large grass field (approx.250m deep and up to 300m wide) demarcated into various individual sport pitches. On the immediate north-east of the site is an existing flood lit artificial grass pitch ('AGP') built to an earlier second-generation ('2G') standard. The existing AGP contains a full size football / hockey pitch and is enclosed by welded mesh fencing and gates.
- 5.2 The site is accessed from Spinks Lane to the north-east of the application site, where access is provided to the facility building, containing changing rooms and toilets, and associated parking areas which are shared with the Adult Community Learning Centre which is situated next to the sports

facility building. Pedestrian access would be around the north-west of the facility building.

- 5.3 To the south-east of the application site, a pedestrian footpath runs across the perimeter of the wider sports ground beyond which are residential properties along Epping Way. A residential cul-de-sac known as Stevens Road borders the grounds to the north, with the boundary typified by an established high-scale hedgerow treatment. The remainder of the sport ground south-west of the application site comprises open playing fields, which conclude where the grounds meet with the fence boundary separating it from the residential properties along Alan Road and Turstan Road.

## 6. PROPOSAL

- 6.1 The application proposes development as follows: "Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights and an access footpath." Each aspect of the proposal is detailed below, including an explanatory summary of the terminology used.

### 3G Artificial Grass Pitch

- 6.2 The application proposes a third generation ('3G') synthetic pitch, also known as an AGP. 3G AGPs are currently the newest generation of synthetic turf supported by the Football Foundation and Football Association and are designed to offer similar characteristics to natural turf, such as mimicking ball bounce and ball roll. Sport England guidance states that a properly maintained AGP can sustain up to 80 hours of use a week, providing an average of around 1,400 playing opportunities. This compares favourably to a good quality grass pitch, which can sustain just six hours a week, accommodating an average of around 100 playing opportunities.
- 6.3 The footprint of the AGP playing area proposed for the site would measure 61.0m x 97.0m, or a total footprint of 5,917sq.m. A full-sized adult football pitch measures 100m x 64m, but to maximise benefits, whilst controlling costs, the Football Foundation is now funding pitches which are slightly smaller at 91m x 55m. The pitch size is large enough to still accommodate a wide range of training needs and competitive games by all junior age groups up to Under 16's. Adults would still be able to use the pitch for competitions, but it would be the smallest size pitch that competitive adult football can be played under the FA rules. The pitch would also be capable of providing a variety of football pitch sizes by utilising various coloured paint lines to demarcate the playing surface.

### Perimeter Fencing and Acoustic Fencing

- 6.4 The proposed layout of the perimeter fencing is shown on Drawing No. '04 Rev. 01'. The layout would comprise a 4.50m high fence line around the north-east, north-west and south-west perimeter of the site, whereas a

4.50m high fence line with a 2.50m high acoustic fence would bound the south-east of the facility. The proposed site plan includes a recess panel of acoustic fencing measuring 5.0m from the south corner and across the south-western perimeter of the facility. A strip of hardstanding would be created along the north perimeter of the AGP, with a 1.20m high fence line introduced between the hardstanding and the pitch. The layout demonstrates the locations of single and double gates within the fence.

- 6.5 The appearance of the fencing is shown on Drawing No. '05 Rev. 00'. The fencing would be twin bar mesh fencing, finished in powder coated dark green. The segments with acoustic fencing would utilise the same mesh fencing to 4.50m with the 2.5m high timber acoustic fence outside the AGP and mesh fence.

#### Hardstanding Area

- 6.6 The application proposes a hardstanding area on the north edge of the AGP, which would be constructed with porous macadam surface material. Hardstanding is also proposed to the rear of the goal areas, providing storage areas for various portable goalposts.

#### Storage Container

- 6.7 A storage container is proposed at the conclusion of the asphalt along the western perimeter of the pitch, for the purposes of equipment storage. The container, as it appears on Drawing No. '05 Rev. 00', comprises a 6.06m x 2.44m metal container of a typical appearance, measuring 2.59m in height.

#### Floodlights

- 6.8 The application proposes 6no. high steel mast lighting columns, measuring to 13.0m from ground level to apex with LED luminaries. The floodlights would be positioned close to each corner of the pitch with two on either side of the centre of the long side of the pitch.

#### Access Footpath

- 6.9 The proposed pedestrian access path is shown on Drawing No. '03 Rev 01'. The pathway adjoins the AGP facility to the north of the AGP and extends in a north-easterly trajectory to meet an existing gate which controls access between the school facility and the playing fields.

#### Hours of Operation

- 6.10 The proposed hours of operation are as follows:
- Monday to Friday: 08:30 hours – 22:00 hours
  - Saturdays: 09:00 hours – 20:00 hours
  - Sundays: 09:00 hours – 20:00 hours
  - Public and Bank Holidays: 09:00 hours – 20:00 hours

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 No comment on either the originally submitted scheme, nor the revised information.

### 7.2 Sports England

- 7.2.1 No objection, subject to the condition summarised below.
- 7.2.2 *Artificial Grass Pitch Certification.* The AGP shall meet FIFA Quality Standard accreditation or equivalent International Artificial Turf Standard prior to first use. An informative is recommended that the pitch is tested every three years to achieve and maintain the required accreditation.

### 7.3 BDC Ecology

- 7.3.1 No objection to the proposed development, including the proposed external lighting. Noted the submitted Ecological Appraisal (Coyne Environmental Consultancy Ltd, October 2023) and require that the recommendations set out in said Appraisal are secured by condition and implemented. Recommend that a Biodiversity Enhancement Layout for biodiversity enhancements in accordance with the Ecological Appraisal is submitted to and approved in writing by the Local Planning Authority.
- 7.3.2 No objection with respects the proposed external lighting. The submitted documentation, including the Lighting Assessment Information (Surfacing Standards Ltd, November 2023) and Sports Lighting Statement (Surfacing Standards Ltd, December 2023), are considered acceptable and it is not considered the works would impact upon foraging and commuting bats as the lighting will be directed away from boundary habitats and environmental sensitive zones (mature trees to boundaries) which may impact upon the foraging and commuting routes for this European Protected Species.
- 7.3.3 The scheme is considered acceptable to the Ecology Officer, subject to the abovementioned planning conditions.

### 7.4 BDC Environmental Health

- 7.4.1 Initial Consultation Response (30<sup>th</sup> Jan) - Unable to recommend approval for this application based on the current information. Environmental Health would therefore recommend that there should be further consideration of the following matters:
- Controls on the intensity of use – to consider frequency of use and the proposed timings generally but particularly at weekends and bank holidays.
  - Restrictions of use – e.g. not used by general public, not used outside any agreed hours etc.

- No amplified public announcement system put in place. There shall be no amplified speech or music used on the site.
- Control of the glare from the lighting – the comment by the Town Council about adverse lighting might suggest that there have been local complaints about the existing column lighting.
- A management plan would need to be provided to cover the control of noise and lighting to prevent reasonable cause for complaint. Noise matters would include voices of users (including persons as they arrive and leave), crowd noise, whistles, noise from balls rebounding etc. Clear lines of communication for the local community to report concerns and to ensure action is taken to prevent and control noise as far as reasonably practicable and as quickly as possible.

#### 7.4.2 Second Consultation Response (14<sup>th</sup> March)

**Lighting** - It is noted that the lighting information confirms that there will not be an increase in light levels affecting nearby property. Environmental Health recommends that there is post installation testing of the lighting to ensure compliance with the light level objectives relating to light spillage and light intensity. Further to that then lighting shall be switched off promptly at the end of the evening sessions.

**Noise** – It is acknowledged that the Applicant accepts that a noise management plan will require agreement and adherence thereafter. This should include the maintenance of the acoustic fence. It accepts a specific noise control condition to prevent amplified noise. It is noted that a 2.5m fence is proposed around the AGP to the Eastern perimeter. It is recommended that if this is to be to one side of the pitch only that there is a return to the ends of the fence of sufficient distance to reduce noise traveling around the barrier. A 2.5m height does not completely remove the line of sight to the windows of residential property, it does provide a continuous barrier which may be maintained and offer some sound attenuation at ground floor level/garden area of the residential properties. Environmental Health recommends that the internal surface of the acoustic fence is treated acoustically to prevent reflective noise and full details of the fencing shall be submitted for approval and installation shall be in accordance with agreed plans.

It is the case that noise from the site may not be entirely contained as it is an open air pitch and therefore the aim would be to minimise noise and source through court design and noise prevention to make noise levels acceptable and tolerated but noise may not be eliminated. Best practicable means would vary from site to site dependant on the actual activities on site and for the operators of the site to control the noise rather than for Environmental Health determining best practicable means for the operators. If that was the case then Environmental Health might suggest a reduction in the intensity of use/ hours of use during the evening hours, but Environmental Health understands this would not be acceptable to the Applicant. Environmental Health does take into account that there is an existing AGP on site and the intensity of the existing use later in the evening is similar to that proposed and therefore there is already noise of



the same character present in the area at the same times as the proposed site which would be accepted by nearby residents as Environmental Health receives no complaints about the lighting and noise from that existing use currently. If there is a decision to grant then standard environmental health conditions relating to construction are recommended.

7.5 ECC Lead Local Flood Authority

7.5.1 Holding objection raised to the originally submitted plans and documentation.

7.5.2 Following the submission of revised and additional information, including the proposed Drainage Strategy (Drawing No. '08 Rev 01'), Hydrology Plan (Drawing No. '12'), and supplementary drainage information provided by the Applicant, the Lead Local Flood Authority ('LLFA') raised no objection subject to conditions. These are detailed below.

7.5.3 The first condition would require the development to be carried out in accordance with the Drainage Strategy approved by the LLFA (Document Ref. 'SIS041, Issue 1'). The second condition would require that a maintenance plan, as set out in the above strategy document, but including the flow control device, detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, including any funding arrangements if necessary. The third condition requires that the Applicant (or any successor in title) must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan, which should be made available for inspection upon a request by the Local Planning Authority.

7.6 Essex Highways

7.6.1 Responded to advise they have no comments to make on this proposal.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 No objection in principle but Members asked that steps be taken to secure additional parking on match days, that existing fencing be repaired and strengthened, and that any potential adverse effects from the existing floodlights be mitigated.

9. REPRESENTATIONS

9.1 A planning notice was displayed in various locations nearby to the application site, including outside the facility access on Spinks Lane, several positions along Epping Way, Stevens Road, the pathway where it converges at the southern corner of the sport grounds (north of Osbert

Road), and Alan Road to the south of the site. Immediate neighbours were also notified by letter.

- 9.2 When the application was first submitted the Council's IT system identified the site address as being on Stevens Road, despite the application form and the vehicular access being off Spinks Lane. To avoid any confusion Officers arranged for further consultation letters to be sent out the next day so it was clear where the site was. In response to the original submission, 8no. representations; 6no. in objection and 2no. general comments have been received. These are summarised below.

#### Summary of Objections Received

- 9.3 Please note that the below intends to provide a summary of the representations received. Where similar points were raised by multiple persons, these are consolidated as one entry. The comments are available in full online and have been considered in their totality by the Case Officer during the assessment process.

#### Original Submission (Objections)

- Concerns raised about foul language emanating from the site.
- Questioned whether a warden can effectively manage noise source.
- Concern raised about the proposed floodlighting, particularly due to the height and direction of the proposed lighting columns.
- Concern raised should any access be formed from Stevens Road.
- Identified antisocial behaviour and instances of alleged trespass onto the facility via defects in the existing gates at Stevens Road.

#### Original Submission (General Comments Received)

- Clarity sought on the construction traffic routes into the site and construction working hours.
- Clarity sought on the red line on Drawing No. '02 01' which extends toward Stevens Road.

- 9.4 Following additional information being submitted, namely in terms of lighting and use, planning notices were again sited in the locations and the persons residing on the roads listed in the preceding paragraph were re-consulted by letter. One representation was received in response to the second round of consultations, which was in objection.

#### Summary of Objections Received – Revised Proposal

- 9.5 As above, the below intends to provide a summary of the representations received. The comments are available in full online and have been considered in their totality by the Case Officer during the assessment process.

- Raised concern toward lighting and noise impacts resulting from the proposed development.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The application site is located within the Witham town development boundary as defined on the inset maps within the Adopted Local Plan. Policy LPP1 of the Adopted Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement. These matters are considered further within the body of this report. The site is also allocated for Formal Recreation on the Proposals Map for Witham South in the Local Plan.
- 10.2 Policy SP3 of the Adopted Local Plan states that development will be accommodated within or adjoining settlements according to their scale, sustainability, and existing role both within each individual District. Witham is identified as one of the District's main towns in Policy SP3 and is therefore the type of location where this type of community sports facility should be considered, being within a main population centre and with good transportation connectivity.
- 10.3 The proposed development is located within an existing sports ground, next to an existing ATP, and as such can be considered appropriate. The AGP facility would offer sport opportunities for the community, including local junior/youth football clubs, and would be situated within an established sports ground site within the town. The development can be considered as a community facility for the purposes of this assessment, and Policy LPP61 of the Adopted Local Plan states that the provision of new or enhanced community facilities will be supported wherever possible.
- 10.4 Policy SP6 of the Adopted Local Plan seeks to facilitate the delivery of a wide range of social infrastructure required for healthy, active, and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable. Paragraph 102 of the National Planning Policy Framework ('NPPF') highlights that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.
- 10.5 The development is considered acceptable in principle as per Policy LPP1 of the Adopted Local Plan, and the principles in the policies outlined above.

## 11. SITE ASSESSMENT

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

- 11.1.1 Policy LPP52 of the Adopted Local Plan requires *inter alia* that proposals achieve a high standard of visual design which recognise and reflect local distinctiveness in terms of scale, density, height, and massing of development, and also to ensure development affecting the public realm shall be of a high standard of design and materials, using appropriate landscaping where possible. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.2 The site context is characterised by its existing use as a sports ground, including the existing 2G AGP on land that is immediately to the north of the proposed new 3G AGP facility. The existing AGP, which includes floodlighting and perimeter fencing with a row of hedging along its southern boundary, is an established feature within the wider sports ground. The introduction of a second AGP, with associated fencing and floodlighting, is not considered by Officers to be out of character within the wider playing field.
- 11.1.3 The introduction of fencing and floodlighting, although already present at the existing AGP facility, would proliferate the appearance of these features within the immediate locality. However, it is not considered the visual impact of these features would be out of keeping with the prevailing character of the sports ground and its existing context.
- 11.1.4 The fencing, proposed at 4.5m high, would be a noticeable addition, albeit alongside a similar enclosure around the existing AGP. It is understood that the proposed type and quality of fencing is consistent with current Football Association ('FA') technical requirements for fencing to enclose AGPs, wherein for all intents and purposes one can consider the design is conventional insofar as sports infrastructure design is concerned.
- 11.1.5 It is acknowledged that the boundary fencing includes an acoustic wooden panel fence running across the south-eastern perimeter of the proposed AGP facility, including a return across the southern corner. The acoustic fence would create a solid visual barrier and would not look out of place given the surroundings. Officers consider it would be viewed as an incidental feature of the site, which would not demonstrably harm the character of the proposed development, nor the wider area.
- 11.1.6 The proposed lighting columns, at 13.0m in total height, could be a more noticeable feature, including cumulatively with other floodlighting. Objectors have also expressed concerns about the existing floodlighting and the cumulative effect of floodlighting both AGPs. It is accepted that there is potential for light columns of a considerable height to be glimpsed from

wider vantages in the surrounding area. However, the submitted lighting information demonstrates a strategy to concentrate light onto the proposed AGP and prevent light spillage from the proposed columns.

- 11.1.7 In terms of lighting, the Council's Environmental Health ('EH') department has considered the submitted information with respects to the proposed lighting columns. Further information was requested to allow an appreciation of the cumulative impact of the proposed lighting with particular reference to the existing lighting levels on-site and within adjoining residential dwellings. The subsequently proposed information, namely the lighting spillage comparison plan (Drawing No. '10 Rev 00'), demonstrates the spillage of the existing floodlights, which utilise lights built to a previous standard, compared with the proposed lights built to a present standard. It is indicated that the spillage from the proposed lighting would be less than from the existing flood lights and would not result in an unacceptable cumulative impact if illuminated at the same time as the existing facility.
- 11.1.8 Officers recommend a condition is attached to any grant of planning permission to require a post-installation assessment is carried out wherein the lighting can be installed and tested to ensure that the lighting performs anticipated. The lighting position (i.e. orientation, tilt) which achieve the required lighting levels shall be noted within a document to be submitted to the Local Planning Authority and the lighting shall be retained in that manner. Furthermore, a separate condition would ensure illumination ceases outside of the consented hours.
- 11.1.9 The proposed new asphalt hardstanding area would be enclosed within the 4.5m high fence, although it would be on the outer flank of the AGP at the north corner of the site. Nevertheless, the hardstanding would be enclosed within the fencing and would appear as an incidental feature associated with the AGP facility. The utilisation of a shorter (1.20m) internal barrier to allow onlookers to spectate behind a barrier would not create an unacceptable visual arrangement.
- 11.1.10 The proposed container within this area of asphalt similarly benefits from the partial visual mitigation offered by the fenced enclosure, appearing as an incidental structure within the facility as opposed to an isolated feature of the wider field. Its visual impacts are not considered unacceptable or in conflict with relevant design policies.
- 11.1.11 The AGP facility would be positioned within a reasonable proximity to existing 2G ATP facility at the sports ground and would read within the context of its wider field. Officers consider that its conventional design, and the site specific context do not raise any conflicts with the abovementioned policies in terms of design and visual appearance.

## 11.2 Ecology

- 11.2.1 Policy LPP66 of the Adopted Local Plan states *inter alia* that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. In addition to the Development Plan, which as a whole seeks to protect, enhance, monitor, and manage biodiversity within the District, the Local Planning Authority is duty bound by national legislation to consider and appropriately manage biodiversity (and any resulting developments thereon to) by development; i.e. the Natural Environment and Rural Communities Act ('NERC') 2006.
- 11.2.2 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Sub-paragraph 180(d) outlines that this can be achieved by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180(d) of the NPPF states that local planning authorities should encourage opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 11.2.3 The Council's Ecology Officer has reviewed the application, including the submitted information set out in the Ecological Appraisal (Coyne Environmental Consultancy Ltd, October 2023) which includes a Preliminary Ecological Appraisal. The Ecology Officer considers that there is sufficient ecological information available for determination. The site is not identified as being a high risk area for and specific species or protected habitats.
- 11.2.4 The lighting information, namely the Lighting Assessment Information and Sports Lighting Statement (Surfacing Standards Ltd, March 2024), was reviewed by the Ecology Officer. An opportunity was also provided to assess revised documentation, such as the proposed spillage comparison plan (Drawing No. '10 Rev 00'). No objection was raised toward the findings, as the lighting will be directed away from boundary habitats and environmental sensitive zones (mature trees to boundaries) which may impact upon the foraging and commuting routes for this European Protected Species.
- 11.2.5 The Council's Ecologist raises no objection provided that the recommendations for ecological enhancements made within the Appraisal are secured by condition and implemented in full. An informative is also recommended about ecologically sensitive working practices during construction. Subject to the recommended condition, the scheme is acceptable on ecological grounds. Officers note that the post-installation light condition will ensure the expected lighting levels are met and would not impact wildlife as has been predicted.

### 11.3 Highway Considerations

- 11.3.1 Essex Highways were consulted on the proposal, and a consultation response was provided which stated that they offer no comment. On the grounds no issues were raised Officers consider that the scheme is acceptable from a parking, visibility, or highway safety perspective. Policy LPP52(m) of the Adopted Local Plan states that development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users, which is reinforced by the NPPF. No evidence has been identified to suggest conflict with this policy, wherein the development is acceptable in this regard.
- 11.3.2 Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards ('the Parking Standards'), which state that prior to any development, the developer must demonstrate that adequate parking will be provided. The parking standards for a destination such as a sports ground are expressed as a maximum and not a minimum. It is considered that the existing facility car park at the Sports Ground can accommodate the required capacity.
- 11.3.3 Officers note that Witham Town Council suggested that additional parking should be secured on matchdays. However, it is not clear that the proposed development would require this. The AGP will be located on land that is already used for sport, so this is not a completely new use of the site. The AGP can be used for both match play and training, and it is possible that at times it will be used more intensely than the existing grass pitch capacity on the application site this is not considered to require the provision of additional car parking at the site.
- 11.3.4 The scheme is considered acceptable from a highway's perspective.

### 11.4 Impact upon Neighbouring Residential Amenity

- 11.4.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Policy SP7 of the Adopted Local Plan also seeks to protect neighbouring residential amenity with regard to noise, vibration, smell, overbearing and overlooking.
- 11.4.2 The application site is currently utilised as a sports ground benefitting from an existing 2G AGP and a wider layout of grass turf playing fields. The hours of use proposed are consistent with the existing facility, wherein the proposal would not introduce a new activity to the local area, or at different times than is currently the case. The development would, however, intensify the existing experience of noise and lighting by virtue of it doubling

the amount of AGP facilities within the site, although this does not automatically mean that there will be a doubling of activity as some existing users of the 2G pitch will transfer some or all their custom to the 3G pitch if this is available.

- 11.4.3 With respects to lighting, the Council's Environmental Health Officer was concerned that the information on lighting levels supplied initially with the application did not assess the cumulative lighting levels at nearby residential properties. The Applicant produced a further assessment, and the proposed lighting information demonstrates that light spillage beyond the pitch would be negligible due to the proposed design of the lighting columns and lamps. Owing to the concentration of light onto the pitch, with negligible potential of spillage, the lighting would not appear to unacceptably impact on local residential amenity, even when accounting for the existing and older floodlighting system at the 2G pitch.
- 11.4.4 Nevertheless, to ensure the protection of residential neighbouring amenities can be appropriately managed, two conditions with respects to lighting are recommended by Officers. The first condition is to control the hours of illumination only to those hours proposed within this application (as set out in Paragraph 6.10 of this report). The second would require a post-installation assessment whereby the lighting columns, once installed, are assessed to demonstrate the expected light levels are met. The assessment, including any settings, tilt, and orientation of the light fittings, shall be noted and this configuration shall thereafter be retained. Should adjustments be required, this shall be agreed in writing by the Local Planning Authority. This allows the Local Planning Authority to manage the lighting appropriately to ensure continued acceptability. With these conditions, the lighting can be considered acceptable.
- 11.4.5 Policy SP7 of the Adopted Local Plan sets out to protect neighbouring amenity from noise sources. The nearest residential properties to the proposed AGP are on Epping Way, at least 47 metres away from the edge of the proposed pitch. The application is supported by a Noise Impact Assessment (Document Ref. '10534/FD') ('NIA'). Noise from the playing of sport, including noise from balls hitting the edge of the court, whistles, and loud voices, will be of a distinctive character. The Applicant's acoustic consultant has carried out a site noise survey to determine the existing residual noise climate during the proposed hours of use. The assessment also includes modelling of predicted noise emission from the AGP at the nearby properties, based on noise level data from activities measured at existing AGPs. The Applicants NIA concludes that noise from the development would potentially be noticeable but not intrusive and would result in 'no observed adverse effect', which is defined in the National Planning Policy Guidance as 'Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.'
- 11.4.6 In light of the above findings the application also includes a Noise Management Plan ('NMP') which has been informed by the findings of the



Noise Impact Assessment. The NMP outlines clear procedures for reporting and escalation where non-compliance with a Code of Conduct, which users would be required to consent to upon booking, is identified. The NMP sets out supervision requirements for users of the facility and would include a single point of contact for noise complaints. The NMP can be considered a live document, which can be controlled by condition and reviewed if necessary.

- 11.4.7 In terms of operational acoustic strategies to further minimise noise, the fencing panels are fixed onto posts with 8mm galvanised security bolts to U-shaped brackets, which would contain threaded inserts and neoprene washers (inserts) to reduce panel rattle and vibration from ball impacts. In addition, the NIA models for the expected noise impacts and the application proposes the utilisation of an acoustic barrier consisting of solid wooden 2.5m high fence panels with a return across the south perimeter to help contain noise. The Applicants NIA concludes the use would be in accordance with industry guidance, and the NMP would offer ongoing management of any noise impacts.
- 11.4.8 Officers note concerns raised not solely toward noise by local residents, but the use of audible foul language that does emit from the existing facility and may emit from the proposed facility. It is acknowledged that impulsive sources of noise are difficult to manage, and thus conditions should seek to deter this and manage out the noise so far as is practical. This includes the requirement for users of the facility to sign a Code of Conduct declaration upon booking, and the appointment of a Noise Monitoring Officer. The Code of Conduct notes that anti-social behaviour, swearing or foul language will not be tolerated and those in breach can be dismissed from the pitch and cancelled from future hire agreements. This provides a clear procedure to plan out anti-social behaviour from the facility.
- 11.4.9 The Council's Environmental Health department have reviewed the application, and their initial response was a holding objection. Some concerns were expressed about some of the assumptions used within the Applicant's assessment and they requested further information be provided about the current level of use of the existing AGP and the projected intensity of use for both the existing and proposed AGPs. This additional information was provided, and the Environmental Health Officer was reconsulted. Their response notes that the Applicant accepts that it would be necessary on the grant of any planning permission that adherence to the NMP is required by condition. An additional requirement should be imposed for the NMP to include a log of any complaints to be kept and made available to the Local Planning Authority upon request to allow review of the document if necessary. A condition is recommended to require a finalised NMP is submitted prior to first use of the development. The NMP should also include a commitment that it will be regularly reviewed and approved by the Council to ensure that it can be modified if the need arises.
- 11.4.10 The Environmental Health department accepts that the site is an existing public sports facility and there must be expectation from the persons living

close to the site that there will be noise from that use. It is acknowledged that there would likely be an impact in terms of noise source at some times, although mechanisms would allow control for this to be appropriately managed and mitigated. Whilst the AGP would be available for use by the general public, users would need to book the facility and abide by the terms and conditions of use, that would be informed by the Noise Management Plan. The impacts and mitigation therefore must be balanced in the concluding planning balance.

- 11.4.11 Officers acknowledge that the properties along Epping Way would be closest to the pitches. To provide additional betterment to the nearest residents, Officers have requested that the acoustic fence extends beyond the south eastern boundary of the new 3G AGP and along the existing 2G AGP. It was not possible to include this additional stretch of fence within this planning application as it was outside the red line of the application site. The Applicant has submitted an additional planning application for the additional acoustic fencing to the southeast of the existing AGP. The fence will join the proposed acoustic fencing from this application and run parallel to the existing AGP fence line providing additional acoustic mitigation to the nearest residencies. The additional planning application for the acoustic fence will also be determined by the Planning Committee. In the event that Members approve the additional acoustic fence it is recommended that a planning condition is attached to this planning permission which requires the erection of the additional acoustic fence prior to the first use of the new 3G AGP.
- 11.4.12 In addition to the above, construction management conditions have been recommended by the Council's Environmental Health department. This would control the hours of construction works, the prevention of piling unless an agreed piling strategy has been submitted to and approved in writing by the Local Planning Authority to prevent undue vibration and noise as required by Policy SP7 of the Adopted Local Plan, the prevention of any form of amplified speaker or noise source, the prevention of refuse burning, and the requirement to provide a Dust and Mud Control Management Scheme plan prior to commencement. These conditions are recommended in the interests of nearby residential amenity.
- 11.4.13 Residents in Stevens Road are concerned that the development could be accessed from their road, as there has been a historic access here and the plan indicates a route from Stevens Road to the site. The Applicant and Agent have assured Officers that this is not the intention but for the avoidance of doubt it is recommended that there is a condition which states that access should not be created via Stevens Road, in the interests of neighbouring residential amenity. Details of temporary signage to direct construction traffic to the site via the entrance on Spinks Lane and prohibiting construction traffic from entering Stevens Road shall be required by condition, to further reduce the risk of construction traffic inadvertently entering Stevens Road.

11.4.14 The facility itself, namely the built infrastructure that forms it (i.e. the AGP, fencing, container, pathway), would not introduce any unacceptable impacts in terms of overshadowing or an overbearing sense of enclosure. Taking into account the site context, it is not considered the development would unacceptably impact on neighbouring privacy given the use of the field at present and intervening boundary treatments.

11.4.15 Subject to the recommended controls and planning conditions above, Officers do not consider the scheme would result in an unacceptable impact to neighbouring residential amenity.

## 11.5 Flooding and Drainage Strategy

11.5.1 Policy LPP74 of the Adopted Local Plan provides guidance insofar as to how new development should manage and control flooding and drainage matters. The acceptability of the scheme in this respect has been informed through consultation with the Lead Local Flood Authority ('LLFA') within Essex County Council.

11.5.2 The LLFA raised a holding objection to the initial proposals and requested further information with respects to discharge rates, surface water treatment, and a more detailed drainage plan. On the submission of revised information and through further consultation, the LLFA considered the additional information submitted was sufficient and that they raise no objection to the application, subject to conditions.

11.5.3 It is considered that, subject to conditions, the scheme is acceptable from a flooding and drainage strategy.

## 11.6 Other Matters

11.6.1 Witham Town Council have recommended that the existing site fencing be repaired and that any potential adverse effects from the existing floodlights are mitigated. The site boundary fencing and existing floodlighting are outside of the red edged site which sets the remit of this planning application and therefore the stated works are outside development management control insofar as this application is concerned. Nevertheless, these points are noted and have been communicated to the Council's Leisure Manager.

## 12. CONCLUSION

12.1 The application proposes new sporting infrastructure, which is encouraged and supported in principle by the Adopted Local Plan; namely Policies SP3, SP6, LPP61, and LPP78 as well as the NPPF. However, this is subject to material considerations demonstrating the development in this location is acceptable. It is accepted that there would be particular impacts of the development, most notably impacts to local residential amenity in terms of noise. However, Officers consider that if this type of facility is to be provided then it should be located in an accessible location and on a site where it

can be managed and controlled. Whilst there are residential properties nearby, subject to conditions, it is considered that the potentially adverse impacts that could arise from noise and the floodlights can be appropriately mitigated and managed on an ongoing basis and would not result in an unacceptable impact on the amenities of those residents. This is true also for relevant drainage and ecology matters which are acceptable subject to conditions.

- 12.2 The benefits of the proposal, namely improved access to all-weather sports facilities and the resulting community and health impacts, are considered to attract significant weight in the planning balance. Although potential adverse impacts are acknowledged, in terms of impacts to the nearest residents, it is considered these can be sufficiently managed and mitigated by planning conditions and as such attract moderate weight in the balance. Officers consider the benefits outweigh the harms on account that the latter can be controlled, wherein subject to the recommended conditions, it is recommended that planning permission is granted for the proposal.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made: Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Block Plan	03	01
Block Plan	04	01
Drainage Details	08	01
Other	Sports Lighting	02
	Impact Statement	
Other	Floodlighting	02
	performance report	
Lighting Plan	10	00
Other	OptiVision LED gen	N/A
	3.5	
Lighting Plan	06	01
Existing and Proposed Plans	09 Rev 01	N/A
Location Plan	02	01
Elevations	05	00
Drainage Details	07	00

#### Condition(s) & Reason(s)

##### Condition 1

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

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

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

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

##### Condition 3

No development shall commence until details of temporary signage directing construction traffic to the development site, and prohibiting construction traffic from Stevens Road, have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be erected prior to the commencement of development and shall be retained throughout the construction period.

Reason: To protect the amenities of the occupiers of nearby residential properties and the surrounding area and in the interests of highway safety. Details of the signage and its erection is required prior to the commencement of development to

ensure that such measures are in place from the outset.

#### Condition 4

No development shall commence until a dust and mud control management scheme, which specifies the provisions to be made for the control of dust from construction/excavation/vehicle activities on the site, has been submitted to and approved in writing by the Local Planning Authority. The approved dust and mud control management scheme shall be adhered to throughout the site clearance and construction process.

Reason: To protect the amenities of the occupiers of nearby residential properties and the surrounding area, and for highway safety. These details are required prior to the commencement of development as the approved arrangements will need to be put into place before the development commences.

#### Condition 5

No development above ground level shall commence until a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed biodiversity enhancements, as contained in the Ecological Appraisal (Coyne Environmental, October 2023), has been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

#### Condition 6

Prior to first use of the development hereby permitted, a Drainage Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

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

#### Condition 7

Prior to the first use of the artificial grass pitch, evidence of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and
- (b) Confirmation that the facility has been registered on the Football Foundation's

## Register of Football Turf Pitches.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

### Condition 8

Prior to the first use of the development hereby permitted, the acoustic fence to the south east of the new Artificial Grass Pitch hereby approved and the acoustic fence to the south east of the existing Artificial Grass Pitch at the Witham Sports Ground, as granted by Application Reference 24/00578/FUL, shall be erected.

Reason: To protect the amenities of neighbouring residential properties.

### Condition 9

Following the installation of the lighting hereby approved, and prior to first use of the development hereby approved, a post-installation assessment by a competent person/lighting specialist shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall ensure that the predicted light levels within the approved plans/documents above are achieved, lighting is sufficiently shielded, and the approved lighting columns are positioned and/or tilted to minimize light spillage and glare. Any remedial actions necessary to achieve the levels contained in the approved report shall be implemented prior to first use of the facility. The agreed guideline levels and site light levels/settings and positions as at that assessment shall be retained and adhered to thereafter.

Reason: To ensure that lighting is fit for purpose whilst also balancing consideration of visual and residential amenity and biodiversity in recognition of the local and national policy objectives.

### Condition 10

Prior to first use of the development hereby permitted, a revised Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated NMP shall include:

- Details of the person / job role whose responsibility will be to act (amongst other duties) as a Single Point of Contact for matters concerning the management of noise and their contact details. This person must be responsible and have the authority to carry out the overall control of noise management in general and deal with any strategic issue(s) that may occur.
- A protocol for recording and responding to noise complaints.
- Details of measures to maintain the mitigation measures that form part of the development, including the maintenance of mesh fencing around the artificial grass pitch.
- Arrangements for management and monitoring of activity when the artificial grass pitch is being used.

- Timescales for reviewing and resubmitting an updated Noise Management Plan to the Local Planning Authority.

The development shall be operated in accordance with the details contained within the approved Noise Management Plan, or any subsequent Noise Management Plan approved by the Local Planning Authority.

Reason: In the interest of neighbouring residential amenity.

#### Condition 11

The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy ref SIS041, Issue 1, dated 13/11/23, by SSL, and the following mitigation measures detailed within the Strategy:

- Limiting the discharge from the site to 0.76l/s 2.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

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

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

#### Condition 12

During the construction phase of the development hereby approved, 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 08:00 hours - 18:00 hours

Saturday 08:00 hours - 13:00 hours

Sundays, Public and Bank Holidays - No work

Reason: In the interest of neighbouring residential amenity.

#### Condition 13

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

Reason: In the interest of neighbouring residential amenity.

#### Condition 14

The artificial grass pitch and floodlighting hereby approved shall not be used outside of the following hours:



Monday to Friday 08:30 hours - 22:00 hours  
Saturdays 09:00 hours - 20:00 hours  
Sundays 09:00 hours - 20:00 hours  
Public and Bank Holidays 09:00 hours - 20:00 hours

Reason: In the interest of neighbouring residential amenity.

Condition 15

There shall be no amplified speaker use for any purposes.

Reason: In the interest of neighbouring residential amenity.

Condition 16

There shall be no construction traffic or deliveries shall use Stevens Road, Witham in association with the development hereby approved.

Reason: In the interest of neighbouring residential amenity.

Condition 17

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Drainage Maintenance Plan as required by Condition No. 6. 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.

Condition 18

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and the following must be completed before any further development takes place:

- a) An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority; and
- b) Where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority; and
- c) Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Condition 19

The external materials and finishes shall be as indicated on the application form and permanently retained as such.

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

#### Informative(s)

##### Informative 1

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- Should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

##### Informative 2

You are reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

##### Informative 3

i) You are advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

ii) The approved facility should comply with the Sport England's Natural Turf for Sport design guidance <https://www.sportengland.org/guidance-and-support/facilities-andplanning/design-and-cost-guidance/outdoor-surfaces> and the England & Wales Cricket Board's TS6 document on Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use and for the system installed to be an ECB approved non turf system - see <https://www.ecb.co.uk/news/74645/cricket-surface->

[types](#) for further details of the ECB TS6 document and approved non-turf systems.

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
11/00545/FUL	Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access	Granted	16.09.11
12/00031/DAC	Application to discharge condition no. 25 of approved application 11/00545/FUL - Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access	Granted	02.03.12
12/00045/DAC	Application to discharge condition no. 23 of approved application 11/00545/FUL - Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access	Granted	24.02.12
12/00475/FUL	Minor material amendment to planning permission 11/00545/FUL (Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access) - Moving of building footprint 1.5m to the north-west along with associated car parking and landscaping	Granted	12.06.12
13/00039/DAC	Application for approval of details reserved by condition no. 8 and 24 of approval 12/00475/FUL	Granted	15.03.13
13/00043/DAC	Application for approval of details reserved by condition no. 12, 13, 14, 15, 20, 22 and 27 of approval 12/00475/FUL	Granted	26.04.13

13/00076/DAC	Application to discharge conditions relating to approved application, 12/00475/FUL - Minor material amendment to planning permission 11/00545/FUL (Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access) - Moving of building footprint 1.5m to the north-west along with associated car parking and landscaping	Part Grant, Part Refused	28.11.13
14/00201/FUL	Variation of condition 11 of approved application 11/00545/FUL - Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access of to enable construction works to take place during extended hours (ie. Monday to Friday 07.30 hrs - 20.00 hrs and Saturday to Sunday 08.00 hr - 16.30 hrs)	Granted	15.05.14
14/00085/DAC	Application to discharge condition no. 6 of approved application 11/00545/FUL - Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access	Granted	29.04.14
14/00563/FUL	Application for removal of condition No. 18 following grant of planning permission 11/00545/FUL	Granted	26.06.14
14/00611/FUL	Application for variation of condition no. 17 following grant of planning permission 11/00545/FUL	Granted	26.06.14
14/00715/ADV	Proposed signage	Granted	03.07.14

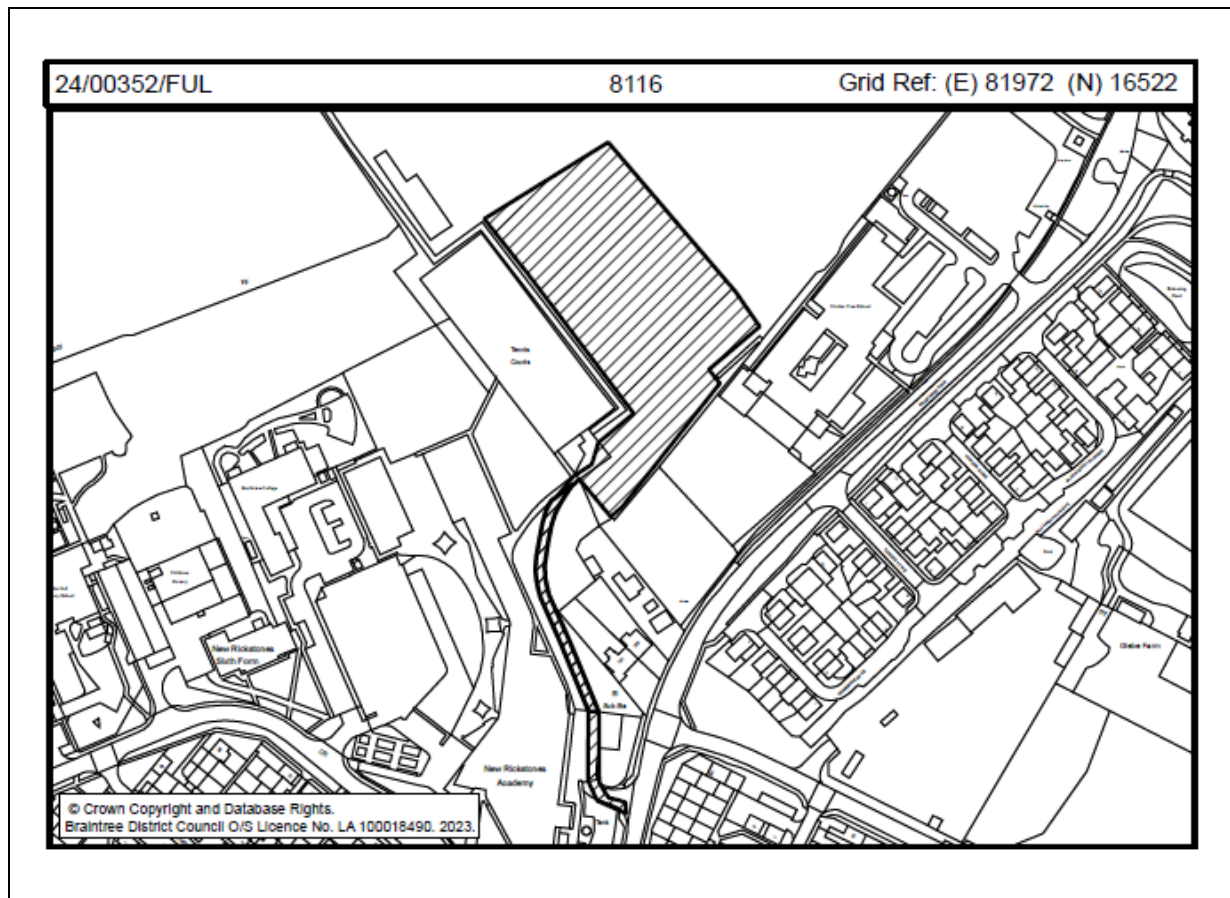
14/00133/DAC	Application for approval of details reserved by condition no. 5 of approved application 11/00545/FUL	Granted	09.01.15
14/00154/DAC	Application for approval of details reserved by condition no. 17 of approved application 11/00545/FUL	Granted	30.07.14
15/00973/FUL	Variation of condition no. 17 relating to approved application 11/00545/FUL -(Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access) - A number of disposal options and uses are being considered for the vacant Bramston Sports centre site therefore we need more time to identify the final use for the site and whether or not the existing traffic lights would be required as part of a future scheme. Braintree District Council requires this planning condition to be extended by a further 12 months while disposals options of the site are considered and approved.	Withdrawn	23.06.16
20/01442/FUL	Retention of car parking management system, including ANPR camera system and associated signage structures.	Granted	28.10.20
20/01443/ADV	Retention of 15 non-illuminated pole or wall mounted car parking management signs.	Granted	28.10.20
05/00614/ECC	The erection of a building for use as headquarters by the North Essex Adult Community College, replacement changing	No Objections Raised	20.04.05

	pavilion and replacement all weather pitch with floodlighting, together with associated car parking, for educational and community use		
05/01162/ECC	New adult community college, changing pavilion and all-weather pitch with floodlighting, together with associated car parking	Deemed Permitted	01.08.05
05/02278/ECC	Amendment to condition 2 attached to planning permission CC/BTE/73/05 to allow an increase in the width of the fenced enclosure to provide storage space and a spectator viewing area, and two 12m long x2.4m deep recesses behind the goal, an increase in the height of the enclosure fencing from 4m to 5m behind the goals, and an erection of 3no. pedestrian access gates and a pair of 3m wide maintenance access gates	Deemed Permitted	15.12.05
07/00191/ECC	The continuation of use without compliance with Condition 11 (access to site) attached to planning permission CC/BTE/73/05, to allow emergency vehicle and maintenance vehicle access only from Stevens Road. Access to the car park will remain in Spinks Lane only	Withdrawn	16.03.07
09/00426/FUL	Proposed perimeter fencing	Refused	23.09.09
24/00578/FUL	Erection of 2.5m high acoustic fencing.	Pending Consideration	



<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
Application No:	24/00352/FUL	
Description:	Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, hard-standing areas, storage container, floodlights, access paths and bund.	
Location:	New Rickstones Academy, Conrad Road, Witham	
Applicant:	Mr Ian Dickinson, 3rd Floor, 183 Eversholt Street, London, NW1 1BU	
Agent:	Mr Tom Betts, S&C Slatter, Stephen's Yard, Enborne, Newbury, RG20 0HA	
Date Valid:	14th February 2024	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Jack Street For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2515, or by e-mail: <a href="mailto:jack.street@braintree.gov.uk">jack.street@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability,</p>

	<p>gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p> <p>The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:  <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 24/00352/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website:  <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 This planning application seeks planning permission to construct a third generation (3G) artificial grass pitch (AGP) with perimeter fencing, storage container, pedestrian paths, and earth bund. The site is located at the New Rickstones Academy, Witham. The application site is situated within the existing grass sports playing fields, which includes an existing hardstanding tennis forecourt directly adjacent on the south-west of the site. The proposed facility would operate between 08:30 hours – 22:00 hours on weekdays, and 09:00 hours – 18:00 hours on weekends and public holidays.
- 1.2 The facility would offer sport opportunities for both pupils of the Secondary School and members of the wider community, who will be able to book to use the facility. The development can be considered as both a school and community facility. Policy LPP60 of the Adopted Local Plan supports the creation of new school facilities, whilst Policy LPP61 of the Adopted Local Plan states that the provision of new or enhanced community facilities will be supported wherever possible. The application site is located inside the Witham Town development boundary, although the application site falls within the Parish of Rivenhall. As the report sets out, Officers consider that the proposals would not in principle conflict with policies within the Adopted Local Plan.
- 1.3 The proposed lighting would be concentrated onto the pitch and would avoid excessive light spillage across to surrounding residential properties. Submitted plans indicate the development would not result in an unacceptable impact to neighbouring residential amenity, nor on ecology grounds. The appearance of the proposed facility has been designed to an acceptable standard and would not detrimentally impact or appear out of keeping with the prevailing character of the school sites (The Rickstones Academy playing field stands behind the Chatten Free School). As part of the construction, it is proposed that an earth bund is constructed to a height of 3 metres, to the south of the AGP. Subject to conditions concerning landscaping, management, and tree protection the bund is considered to be acceptable in principle. It is considered that the development would also be acceptable with regards to ecological and highway policies.
- 1.4 It is acknowledged that the development would result in an increase in noise and lighting at the site, however Officers consider that the lighting scheme has been designed to an appropriate standard and the potential issue of noise disturbance can be suitably mitigated through a condition requiring that the facility is operated in accordance with a Noise Management Plan.
- 1.5 Officers consider the benefits outweigh the harms on account that the latter can be controlled, wherein subject to the recommended conditions, it is recommended that planning permission is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is deemed to be 'significant' by the Planning Development Manager.
- 2.2 This is one of four planning applications that have been submitted to Braintree District Council to provide new flood lit Artificial Grass Pitches (AGP).
- 2.3 The planning applications are the result of work by Council Officers and the Football Foundation. Braintree District Council has committed to provide over £1.1million of financial contributions, that the Council had secured through Section 106 Agreements for improvements to Outdoor Sports facilities, to help to provide two new AGPs in Witham and two new AGPs in Braintree. The Council are working with the Football Foundation to deliver the AGPs. If Braintree District Council grant planning permission, a formal application will be submitted to the Football Foundation to secure the funding required to cover the balance of the cost to install the pitches. If all four pitches are delivered, the investment by the Football Foundation will be in excess of £2million. If planning permission is granted and the Football Foundation confirm funding in the summer, the pitch would be installed later this year.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is located at New Rickstones Academy, a secondary co-educational school located on the corner of Conrad Road and Rickstones Road on the edge of the town of Witham. Whilst the school site is an extension of the town, the site is actually located within the Parish of Rivenhall. The site subject to this application, comprises part of the schools' grass sports fields demarcated into various individual sport pitches. The school site is accessed from Conrad Road to the west of the school facility, and the car parking for the site is located in this area.
- 5.2 Immediately west of the site is an existing hard court enclosed by chain link fence and marked out to provide four netball courts and multi-use game court. To the west of the hard court are the school buildings of the New Rickstones Academy. To the south-east of the site is Chatten Free School, a special educational needs and disabilities ('SEND') facility and its associated external areas. South of the site is an enclosed yet undeveloped

area of scrubland, to the west of which (and over 50 metres south-west of the application site) are a small cluster of residential dwellings known as Nos. 1 and 2 Rivenhall Fields adjacent to which are Nos. 151 and 153 Rickstones Road further south-west. The north and east of the site are typified by open playing fields enclosed by a tree-planted perimeter edge.

- 5.3 The site is located within a Critical Drainage Area, and the Lead Local Flood Authority were consulted on the application accordingly.
- 5.4 The school grounds and the tree planted perimeter to the north of Rickstones Road are covered by a Tree Preservation Order ('TPO') group ('23/2010 -A1'). The AGP 40m from the school to the west and 65m northward from the tree planted highway perimeter at its nearest points, although the proposed earth bund would conclude at the fringe of the TPO group.

## 6. PROPOSAL

- 6.1 The application proposes development as follows: "Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, hard-standing areas, storage container, floodlights, access paths and bund." Each aspect of the proposal is detailed below, including an explanatory summary of the terminology used.

### 3G Artificial Grass Pitch

- 6.2 The application proposes a third generation ('3G') synthetic pitch, also known as an AGP. 3G AGPs are currently the all-weather synthetic turf surface supported by the Football Foundation and Football Association and are designed to offer similar characteristics to natural turf, such as mimicking ball bounce and ball roll. Sport England guidance states that a properly maintained AGP can sustain up to 80 hours of use a week, providing an average of around 1,400 playing opportunities. This compares favourably to a good quality grass pitch, which can sustain just six hours a week, accommodating an average of around 100 playing opportunities.
- 6.3 The footprint of AGP playing area proposed for the would measure 61.0m x 97.0m, or a total footprint of 5,917sq.m. A full-sized adult football pitch measures 100m x 64m but to maximise benefits, whilst controlling costs, the Football Foundation is now funding pitches which are slightly smaller at 91m x 55m. The pitch size is large enough to still accommodate a wide range of training needs and competitive games by all junior age groups up to Under 16's. Adults would still be able to use the pitch for competitions, but it would be the smallest size pitch that competitive adult football can be played under the FA rules. The pitch would also be capable of providing a variety of football pitch sizes by utilising various coloured paint lines to demarcate the playing surface.

### Perimeter Fencing

- 6.4 The proposed layout of the perimeter fencing is shown on Drawing No. 'S23-195/DWG/0004 Rev. 00' and 'S23-195/DWG/0010 Rev. 00' and the elevational design and appearance of the fencing is shown on Drawing No. 'S23-195/DWG/0009 Rev. 00'. The proposal is for a 4.50m high plastic coated welded mesh fence on the outer perimeter of the proposed AGP facility, with an internal 1.20m high pitch barrier between the artificial pitch and the hardstanding area. Pedestrian and vehicular gate accesses are indicated on this plan.

### Hardstanding Area

- 6.5 The application proposes a hardstanding area on the west edge of the AGP, which would be constructed with porous asphalt surface materials. Hardstanding is also proposed to the rear of the goal areas, providing storage capability for various goal post types.

### Storage Container

- 6.6 A storage container is proposed at the conclusion of the asphalt along the western perimeter of the pitch, for the purposes of equipment storage. The container, as it appears on Drawing No. 'S23-195/DWG/0009 Rev. 00', comprises a 6.09m x 2.43m metal container of a typical appearance, measuring 2.59m in height.

### Floodlights

- 6.7 The application proposes 6no. high steel mast lighting columns, measuring to 15.0m from ground level to apex with LED luminaries. and would be positioned at each corner of the pitch with two on either side of the centre of the long edge of the pitch. The application also includes 2no. 4.0m high lamp posts with LED luminaries which are designed to illuminate the proposed pedestrian path.

### Access Paths

- 6.8 The proposed access path is demonstrated on Drawing No. 'S23-195/DWG/0003 Rev. 00'. The pathway adjoins the AGP facility at its south-western corner and extends toward a south-westerly trajectory to meet an existing gate which controls access between the school facility and the playing fields.

### Bund

- 6.9 The earth bund, as shown on Drawing No. 'S23-195/DWG/0003 Rev 00' and the provided visualisation plans, would comprise a triangular mound created from recycled spoil associated from works to level the AGP site area. The gradients and provided information indicate the bund would measure 3.0m at its highest point, which declines across to the north-east.



The Design and Access Statement (S&C Slatter, Feb 2023, 'Rev 00' document) outlines the bund would be sown with wildflower meadow to provide habitat for a variety of species.

#### Hours of Operation

- 6.10 The proposed hours of operation are as follows:

Monday to Friday 08:00 hours – 22:00 hours  
Saturdays 08:00 hours – 18:00 hours  
Sundays 08:00 hours – 18:00 hours  
Public and Bank Holidays 08:00 hours – 18:00 hours

### 7. SUMMARY OF CONSULTATION RESPONSES

#### 7.1 Sport England

- 7.1.1 No objection, subject to conditions summarised below.

- 7.1.2 *Artificial Grass Pitch Certification.* The AGP shall meet FIFA Quality Standard accreditation or equivalent International Artificial Turf Standard prior to first use. An informative is recommended that the pitch is tested every three years to achieve and maintain the required accreditation.

- 7.1.3 *Community Use Agreement.* Condition requiring a Community Use Agreement to be submitted to and approved by the Local Planning Authority (in consultation with Sport England) prior to first use of the AGP to ensure community access to the facility is secured in practice.

#### 7.2 BDC Ecology

- 7.2.1 No objection with respects to the proposed development, including the proposed external lighting. Noted the submitted Ecological Appraisal (RPS Group, February 2024) and require that the recommendations set out in the Appraisal are secured by condition and implemented. Highlights that a non-licensed method statement for Great Crested Newts will be required to be submitted prior to any works commencing, which should be secured by Condition. Recommend that a Biodiversity Enhancement Strategy for biodiversity enhancements in accordance with the Ecological Appraisal is submitted to and Local Planning Authority for approval in writing.

#### 7.3 BDC Environmental Health

- 7.3.1 *Lighting.* Do not consider that the lighting would cause undue amenity impact to residents of houses in the immediate area. A condition is recommended by the Environmental Health Officer to require a light management plan to be submitted for approval to ensure that light noise and light levels are managed appropriately so as to not unreasonably affect nearby residents and adhered to thereafter, and a 'post-installation assessment' to ensure the predicted light levels are met and the

configuration is provided within a document submitted and approved in writing by the Local Planning Authority. The configuration of the light (including orientation and tilt) shall thereafter be retained as approved. A further condition should ensure the lighting is switched off outside of the proposed hours.

7.3.2 *Noise.* Noted the submission of a Noise Management Plan. Noted that noise from the playing of the sport including noise from balls hitting the edge of the court, whistles and loud voices will be of a distinctive character and therefore will be noticeable at the nearest residential premises so details on the on the management of intensity of use is recommended. Revisions to the Noise Management Plan recommended, with it stated that a decision to grant permission should seek to enforce the Noise Management Plan by condition.

7.3.3 *Contamination.* Recommend that the conditions set out in the submitted contamination report ('Site Investigation Report', JRR, May 2023) are implemented in regard to waste soil handling and disposal. A discovery clause condition was recommended.

7.3.4 *Construction Management.* Conditions recommended with respects to hours of construction activities, the prevention of burning of materials, the requirement for a Dust and Mud Control Management Scheme prior to installation, and informatives recommended to ensure best and most courteous practice during construction.

#### 7.4 ECC Lead Local Flood Authority

7.4.1 Holding objection raised to the originally submitted plans and documentation.

7.4.2 Following the submission of revised information and re-consultation with the Lead Local Flood Authority, the holding objection was removed subject to the conditions recommended in their response dated 02.04.2024 and as outlined in Appendix 1.

#### 7.5 ECC Highways

7.5.1 No comment.

#### 8. PARISH / TOWN COUNCIL

##### Witham Town Council

8.1 No objection subject to ensuring that this development does not exacerbate the poor parking situation and affect the amenity of residents during construction; and the lighting would be locked to ensure it turns off when the facility closes.

## Rivenhall Parish Council

- 8.2 The Parish Council were consulted on the application, but no consultation response has been received. If a response is received this will be reported to Members at Planning Committee.

## 9. REPRESENTATIONS

- 9.1 A planning notice was displayed in various locations nearby to the application site, including outside the school grounds at various locations on Conrad Road, Rickstones Way (both sides), the cul-de-sacs formed off the road to the south-east, and Forest Road. Nearby residential properties and non-residential premises along the roads listed were consulted by letter.

- 9.2 In response to the original submission, the local authority received 1no. representation in objection to the proposal. This is summarised below.

### Summary of Objections Received

- 9.3 Please note that the below intends to provide a summary of the representations received. The comments are available in full online and have been considered in their totality by the Case Officer during the assessment process.

- Lack of parking at the site and the current impact of the Academy on traffic flow, and the potential impact the development could cause.
- The development could cause parking and highway impacts, in particular should vehicles park on the surrounding residential roads as opposed to the facility.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The application site is located within the Witham town development boundary as defined on the inset maps (2A – Witham North, although the site is located within the Parish of Rivenhall) within the Adopted Local Plan. Policy LPP1 of the Adopted Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement. Policy SP3 of the Adopted Local Plan also states that development will be accommodated within or adjoining settlements according to their scale, sustainability, and existing role both within each individual district. The provision of an AGP facility is considered appropriate spatially being located on the edge of Witham, which is one of the District's main towns.

- 10.2 As well as being within the development boundary the site is also allocated as 'Education Land' on the Proposals Map in the Adopted Local Plan. Policy LPP60 of the Adopted Local Plan sets out the Council's planning

policies in respect of Educational Establishments. Sites, like the Rickstones Academy, are protected for educational use. The policy goes on to state that the Council will support appropriate and well-designed proposals for new school and education facilities in sustainable locations on sites of a sufficient size to accommodate the range of facilities required. Officers consider that this policy supports the provision of the proposed AGP on the site. The facility is appropriate to an educational setting and will be used by the school during the school day to deliver Physical Education lessons and schools sporting programme. The all-weather surface will help the school deliver this through the school year, improving access to sport. As set out below, Officers also consider that the development is well-designed and that the school can accommodate a development of this size and type. The school site is within walking and cycling distance of a significant population and can also be accessed by public transport and could be considered a sustainable location. The proposed development within school grounds can be considered appropriate.

- 10.3 The AGP facility would offer sport opportunities for school students as well as members of the wider community access to an all-weather surface that can be used to play a number of sports. The development can be considered both as a community and school facility for the purposes of this assessment, and Policy LPP61 of the Adopted Local Plan states that the provision of new or enhanced community facilities will be supported wherever possible.
- 10.4 Policy SP6 of the Adopted Local Plan seeks to facilitate the delivery of a wide range of social infrastructure required for healthy, active, and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation, as far as is practicable. Paragraph 102 of the National Planning Policy Framework ('NPPF') highlights that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.
- 10.5 The development is considered acceptable in principle as per Policies LPP1 and LPP60 of the Adopted Local Plan, and the principles in the policies outlined above.

## 11. SITE ASSESSMENT

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

- 11.1.1 Policy LPP52 of the Adopted Local Plan requires *inter alia* that proposals achieve a high standard of visual design which recognise and reflect local distinctiveness in terms of scale, density, height, and massing of development, and also to ensure development affecting the public realm shall be of a high standard of design and materials, using appropriate landscaping where possible. Policy SP7 of the Adopted Local Plan states

that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

- 11.1.2 Whilst the proposed lighting columns, perimeter fencing, and synthetic pitch materials would appear as a visually distinct feature they would be seen alongside the existing hard courts and its enclosure as well as against the backdrop of the three storey Rickstones Academy and the single storey Chatten Free School. Officers consider that the introduction of the AGP would not be out of character within the sports field or wider school site.
- 11.1.3 The fencing, proposed at 4.5m high, would be a noticeable addition. It is understood that the proposed type and quality of fencing is consistent with current Football Association ('FA') technical requirements for fencing to enclose AGPs, wherein for all intents and purposes one can consider the design is conventional insofar as sports infrastructure design is concerned. Whilst the rectangular enclave created by the fencing would be noticeable against the field, it would reflect the adjacent tennis court enclosure save for the additional height. Nevertheless, the proposed AGP fencing would be legible and easily read as a sport facility within the school grounds.
- 11.1.4 The proposed lighting columns, at 15.0m in total height, would be a noticeable addition to the sports field and the surrounding area. The lighting would comprise narrow column with lamps positioned at the apex. Although the columns would be a noticeable feature given their height, they would be legible as part of the proposed facility, and again seen in close proximity, or against the backdrop of the three storey school buildings.
- 11.1.5 It is accepted that there is potential for light columns of a considerable height to be visible from wider vantages in the surrounding area and that the resulting visual impacts should be managed accordingly. However, the submitted lighting information demonstrates a strategy to concentrate light onto the proposed AGP and prevent light spillage from the proposed columns. In terms of lighting and potential visual impacts, the Council's Environmental Health ('EH') department has considered the submitted information with respects to the proposed lighting columns. The documents have been reviewed by EH and Officers are advised that the information provided is acceptable.
- 11.1.6 Officers would recommend a condition is attached to any grant of planning permission to require a post-installation assessment is carried out wherein the lighting can be installed and tested to ensure that the envisaged lighting levels are achievable. The lighting position (i.e. orientation, tilt) which achieve the lighting levels shall be noted within a document to be submitted to the Local Planning Authority and the lighting shall be retained in that manner. Furthermore, a separate condition will ensure illumination ceases outside of the consented hours.
- 11.1.7 The proposed asphalt hardstanding area would be enclosed within the fence, although it would be on the outer flank of the AGP which adjoins

close to the hardstanding tennis court. Nevertheless, the hardstanding would be enclosed within the fencing and would appear as an incidental feature associated with the AGP facility. The utilisation of a shorter (1.20m) internal barrier to allow onlookers to spectate behind a barrier would not create an unacceptable visual arrangement.

- 11.1.8 The proposed container within this area of asphalt similarly benefits from the mitigation offered by the fenced enclosure, appearing as an incidental structure within the facility as opposed to a feature of the wider field. Its visual impacts are not considered unacceptable or in conflict with relevant design policies.
- 11.1.9 The proposed bund, though also noticeable at the proposed overall height of 3.0m, does provide the benefit of providing a land form which will offer some degree of containment and screening. It would be a distinguishable feature, but Officers note the presence of several undulating landforms within the vicinity of New Rickstones Academy and the adjacent Chatten Free School. Whilst they do not necessarily set a design precedent, it does mean that the creation of an earth bund would not be out of keeping with its surrounds in principle. If properly landscaped the feature could have a relatively natural appearance in time.
- 11.1.10 However, Officers note that the bund would extend partially into the designated TPO Group which encompasses the school grounds and extends across the western perimeter of the site to meet with the highway perimeter tree planting on the north of Rickstones Road. Whilst Officers have observed this area of the TPO Group designation is largely devoid of trees, there is one specimen south-west of the bund at the north-east corner (although beyond) the neighbouring residential property. Whilst the implications of this are discussed further in the 'Landscaping' section of this report, there is insufficient information submitted for Officers to assess the impact on the adjoining tree. As a result, although the bund is not objectionable in principle subject to proper landscaping and maintenance, a condition is recommended to an Arboricultural Method Statement ('AMS') to set out the protection measures and impacts of development on the adjoining tree. As the findings of an AMS require revision to the bund, the bund is at this time not agreed until a separate condition demonstrating the final profile, height, gradient and design of the bund (by section plan) as well as a bund landscaping and maintenance strategy has been submitted to an approved in writing by the Local Planning Authority. Nevertheless, the principle of inserting a bund in this location is not objectionable and its final design can be controlled and assessed by planning condition in the interests of both visual and residential amenity, and in the interests of the adjoining trees.
- 11.1.11 The AGP facility and ancillary development would be positioned within a reasonable proximity to New Rickstones Academy and read within the context of a large, modern educational establishment. Its legibility, conventional design, and site specific context do not raise any conflicts with local plan policy in terms of design and visual appearance.

## 11.2 Landscaping & TPO Group

- 11.2.1 A designated TPO Group (23/2010 -A1) encompasses the Rickstones Academy School, extends across the western perimeter of the site, and meets with an established tree belt along the north of Rickstones Road. Policy LPP65 of the Adopted Local Plan states that the Council will consider the protection of established healthy trees which offer significant amenity value to the locality, and that where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal.
- 11.2.2 The AGP pitch would be developed on an area of open sports field and would be positioned some distance of approximately 35m as measured from the south-western corner of the facility to the outer eastern edge of the TPO Group area closest to the AGP. Officers note that the closest section of the TPO Group is predominantly comprised by grass and bisected by a steel gate, which separates an adjoining pathway from the school grounds to the hard courts and the currently undeveloped segment of field on the east. There is, however, a tree at the corner of the field where it meets the north-eastern corner of the residential garden of Rivenhall Fields which falls within the TPO Group area.
- 11.2.3 The proposed path and the westernmost section of the earth bund extend within the TPO Group. The pathway would not adjoin any trees and would be located some 23m north of the highlighted tree at the corner of the field. It is not anticipated that the pathway would impact the health and wellbeing of the tree, nor prejudice the TPO Group given it would cover an area of open field with a lack of trees adjoining its proposed location.
- 11.2.4 The earth bund, however, could be constructed closer to the identified tree within the TPO Group. Although the plans do not identify the tree, it is visible on the visualisation plans (see Drawing Nos. 'S23-195/DWG/0011' and 'S23-195/DWG/0013'). The bund is shown to conclude some 6.50m from the tree, albeit at its lowest point, with the highest (3.0m) segment of the bund positioned approximately 15.90m from the tree at its closest point. The Council would need to be satisfied that the increased weight of the bund, and use of plant and machinery during construction, would not adversely affect impact or compress the root area of the tree and affect the health of the tree.
- 11.2.5 The submitted plans do not identify the tree and no Arboricultural information has been submitted. Therefore, no works shall commence on the bund until an Arboricultural Method Statement (or equivalent) has been submitted to ensure the works can be carried out without unacceptable impact on the adjoining tree. A separate condition will prevent the bund from being developed until finalised details have been submitted demonstrating its design, landscaping and maintenance arrangements as

informed by the aforementioned Method Statement. In this way, the Authority can be sure the works are carried out without adversely impacting the tree. In the event the design, profile, height, or position of the bund needs amendment, the separate condition requiring bund details can account for this. As such, potential impacts can be managed by condition in the interests of the adjoining trees health and its wellbeing.

- 11.2.6 As mentioned above, a condition is recommended also requiring details of landscaping and maintenance of the bund. The submitted Design and Access Statement suggests a wildflower sown landscaping, although further details of this including plant types, colour, and locations shall be provided prior to construction of the bund as part of a landscaping strategy. Furthermore, the strategy shall include details as to how the bund will be maintained including any mowing, watering, and weeding requirements and how these will be managed.
- 11.2.7 The hardstanding paths would be porous, which is supported.
- 11.2.8 Subject to the conditions discussed above, Officers consider impacts can be managed and the application is therefore acceptable in this manner.

### 11.3 Ecology

- 11.3.1 Policy LPP66 of the Adopted Local Plan states *inter alia* that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. In addition to the development plan, which as a whole seeks to protect, enhance, monitor, and manage biodiversity within the District, the local authority is duty bound by national legislation to consider and appropriately manage biodiversity (and any resulting developments thereon to) by development; i.e. the Natural Environment and Rural Communities Act ('NERC') 2006.
- 11.3.2 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Sub-paragraph 180(d) outlines that this can be achieved by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180(d) of the NPPF states that local planning authorities should encourage opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 11.3.3 The Council's Ecology Officer has reviewed the application, including the submitted information set out in the Ecological Appraisal (RPS Group, February 2024). The Ecology Officer considers there is sufficient ecological information is available for determination, provided that recommendations made within the Appraisal are secured by condition and implemented in full.



This is necessary to conserve protected and priority species and habitats, particularly bats, and mammals that may commute and forage across the application site during the construction period.

- 11.3.4 Based on the information submitted, the Ecology Officer has highlighted that a non-licenced method statement for Great Crested Newts ('GCN') will be required to be submitted prior to any works commencing, which should be secured by condition. This is because records for GCN were returned in the desk study approximately 0.2km from the site, and two ponds were identified to South East of the site; the closest of these was 180 m from the site boundary, including a recently constructed surface water attenuation pond. Whilst there is no suitable terrestrial habitat for GCN within the application site area, the condition is recommended as a precaution to ensure the local authority discharges its statutory duties to manage potential impacts on protected species, particularly should their presence be identified on or near to a site.
- 11.3.5 The Ecology Officer has recommended a condition requiring the submission of a Biodiversity Enhancement Strategy ('BES'), providing the finalised details and locations of proposed biodiversity enhancements on site, prior to first use of the facility. The BES shall be submitted to and approved in writing by the Local Planning Authority and the approved measurements implemented and retained thereafter. Subject to this and the other conditions recommended by the Ecology Officer, the scheme is acceptable in ecological grounds.

#### 11.4 Highway Considerations

- 11.4.1 Essex Highways were consulted on the proposal, and a consultation response was provided which stated that they offer no comment. On the grounds no issues were raised Officers consider that the scheme is acceptable from a parking, visibility, or highway safety perspective. Policy LPP52(m) of the Adopted Local Plan states that development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users, which is reinforced by the NPPF. No evidence has been identified to suggest conflict with this policy, wherein the development is acceptable in this regard.
- 11.4.2 Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards ('the Parking Standards'), which state that prior to any development, the developer must demonstrate that adequate parking will be provided. The parking standards for a destination such as a sports ground are expressed as a maximum and not a minimum. It is considered that the existing facility car park at the Sports Ground can accommodate the required capacity.
- 11.4.3 Officers note the concerns of Witham Town Council and one resident about the development exacerbating existing parking issues. The provision of the AGP will not increase the number of people attending the site during the

school day. The public will be able to book to use the facility outside of school hours but at these times there will be no students coming and going from the site and most or virtually all the school staff will not be there. This would mean that all the spaces in the existing school car park will be available for users of the facility. On this basis Officers are satisfied that existing parking arrangements will be acceptable for the proposed new use.

11.4.4 The scheme is considered acceptable from a highway's perspective.

11.5 Impact upon Neighbouring Residential Amenity

11.5.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Policy SP7 of the Adopted Local Plan also seeks to protect neighbouring residential amenity with regard to noise, vibration, smell, overbearing and overlooking.

11.5.2 The application site is currently utilised as a school sports field, although the proposed development would introduce new lighting and noise sources beyond the standard hours associated with a school (including after school activities). As such, the judgement must be on the proposed impacts that would be introduced; namely any predicted noise and lighting impacts during the proposed hours of operation which extend later than school and after school activities. This judgement must take into account all material considerations and any potential mitigation strategies.

11.5.3 With respects to lighting, the proposed lighting information demonstrates that light spillage beyond the pitch would not be significant due to the proposed design of the lighting columns and lamps. The lighting design and distance to the nearest residential properties (85m<), the lighting would not appear to unacceptably impact on local residential amenity.

11.5.4 Nevertheless, to ensure the protection of residential neighbouring amenities and to limit, so far as is practicable, light pollution can be appropriately managed, two conditions with respects to lighting are recommended by Officers. The first condition is to control the hours of illumination only to those hours proposed within this application (as set out in Paragraph 6.9 of this report). The second would require a post-installation assessment whereby the lighting columns, once installed, are assessed to demonstrate the expected light levels are met. The assessment, including the any settings, tilt, and orientation of the light, shall be noted and this configuration shall thereafter be retained. Should adjustments be required, this shall be agreed in writing by the Local Planning Authority. This allows the Local Planning Authority to manage the lighting appropriately to ensure continued acceptability. With these conditions, the lighting can be considered acceptable.

- 11.5.5 Policy SP7 of the Adopted Local Plan sets out to protect neighbouring amenity from noise sources. The application is supported by a Noise Maintenance Plan ('NMP') ('Rev 00' document) based on the findings of the Noise Impact Assessment (Document Ref. '10528/SF') ('NIA'). Noise from the playing of sport, including noise from balls hitting the edge of the court, whistles, and loud voices, will be of a distinctive character. The NMP outlines clear procedures for reporting and escalation where non-compliance with a Code of Conduct, which users would be required to consent to upon booking, is identified. The NMP sets out supervision requirements for users of the facility and includes a single point of contact for noise complaints. In terms of operational strategies, a neoprene isolator will be fitted to the perimeter ball stop fencing to avoid the fence rattling when struck with a ball, which maintenance personnel will check and correct if required.
- 11.5.6 The Council's Environmental Health department have reviewed the NMP and recommend that if planning permission is granted that a condition is imposed that requires that the site operates in accordance with an approved Noise Management Plan. Taking into account the further details recommended by the Environmental Health department, namely further information with respects to capacity of the facility, and to allow for an additional requirement for a log of any complaints to be kept and made available to the local authority upon request to allow review of the document, if necessary, a condition is recommended to require a revised NMP is submitted prior to first use of the development.
- 11.5.7 It is acknowledged that there would likely be an impact in terms of noise source, although mechanisms would allow control for this to be appropriately managed and mitigated by the facility through planning condition. The impacts and mitigation therefore must be balanced in the concluding planning balance.
- 11.5.8 In addition to the above, construction management conditions have been recommended by the Council's Environmental Health department. This would control the hours of construction works, the prevention of piling unless an agreed piling strategy has been submitted to and approved in writing by the Local Planning Authority to prevent undue vibration and noise as required by Policy SP7 of the Adopted Local Plan, the prevention of any form of amplified speaker or noise source, the prevention of refuse burning, and the requirement to provide a Dust and Mud Control Management Scheme plan prior to commencement. These conditions are recommended in the interests of nearby residential amenity.
- 11.5.9 With respects to impacts in terms of overlooking, overshadowing and whether the development would introduce an overbearing sense of enclosure, it is not considered that the facility would result in such effects. However, there is potential that the earth bund at 3m in total height could allow people to stand at the top of the bund and this could allow views towards the private amenity spaces to the south-west. However, the Applicant has proposed to landscape the bund so as to encourage

biodiversity. The use of wildflower and any wild grass could deter people from climbing the bund. Officers also note that the no objections have been received from local residents about the proposed bund and acknowledged that the bund may conversely provide screening from the surrounding field and that the bund may benefit residents by enhancing screening of ground levels. A condition is recommended for the bund, requiring further details including its maintenance, management, and any measures to prevent personnel from mounting it to its highest point.

- 11.5.10 Overall, it is considered that potential impacts can be mitigated and continually managed by suitably worded conditions controlling matters of noise, lighting, and outlook. These conditions would allow continued control by the Local Planning Authority to ensure any future impacts can be managed. Subject to conditions, the application would address potential policy conflicts.

## 11.6 Flooding and Drainage Strategy

- 11.6.1 Policy LPP74 of the Adopted Local Plan provides guidance insofar as to how new development should manage and control flooding and drainage matters. The acceptability of the scheme in this respect has been informed through consultation with the Lead Local Flood Authority ('LLFA') within Essex County Council.
- 11.6.2 The LLFA raised a holding objection to the proposal on 21.03.2024, requesting further information with respects to the proposed finished levels/gradients and dimensions of the proposed pitch and calculation of available storage, existing greenfield run-off calculations, demonstration that the drainage system can accommodate the critical 1/30 yr. + 45% CC event without flooding, and the layout of the proposed outfall to the ditch.
- 11.6.3 On the submission of revised information and through further consultation, the LLFA considered the information submitted as of 02.04.2024 was sufficient to remove their holding objection. This is subject to recommended conditions as set out in Appendix 1.

## 12. CONCLUSION

- 12.1 The application proposes sport infrastructure, which is encouraged and supported by local plan policy; namely Policies SP3, SP6, LPP60 and LPP61 of the Adopted Local Plan, as well as the NPPF. However, this is subject to material considerations demonstrating the development in this location is acceptable. It is accepted that there would be impacts of the development, most notably impacts to local residential amenity in terms of potential exposure to elevated levels of noise and potentially by overlooking from the top of the proposed bund. Furthermore, the bund may impact the health of a tree which falls within a designated TPO Group. However, it is considered these impacts can be controlled and mitigated by planning conditions. This is true also for relevant drainage and ecology matters which are acceptable subject to conditions.

- 12.2 The benefits of the proposal, namely improved access to all-weather sports facilities for the school and the wider community would help to deliver a range of health and well-being benefits, are considered to attract significant weight in the planning balance. The provision of all-weather sports pitches will also help relieve pressure on the District's grass sports pitches and help meet growing demand for sports facilities. Although potential adverse impacts are acknowledged, in terms of impacts to the nearest residents, it is considered these can be sufficiently managed and mitigated by planning conditions and as such attract moderate weight in the balance. Officers consider the benefits outweigh the harms on account that the latter can be controlled, wherein subject to the recommended conditions, it is recommended that planning permission is granted for the proposal.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made: Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	S23-195/DWG/0001	00
Block Plan	S23-195/DWG/0003	00
Floor Plan	S23-195/DWG/0004	00
Levels	S23-195/DWG/0005	00
Lighting Plan	S23-195/DWG/0007	00
Elevations	S23-195/DWG/0009	00
Elevations	S23-195/DWG/0010	00
Section	S23-195 / DWG / 0014	00
Drainage Details	R-fra-27214-01	A
Other	Ecological Appraisal - Eco020007	1
Other	R-SI-25303-01-00	00

#### Condition(s) & Reason(s)

##### Condition 1

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

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

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above with the exception of the earth bund / grass mound as shown on Drawing Nos. 'S23-195/DWG/0003', 'S23-195/DWG/0004', 'S23-195/DWG/0005', 'S23-195/DWG/0007', 'S23-195/DWG/0008', 'S23-195/DWG/0011', 'S23-195/DWG/0012', 'S23-195/DWG/0013', and 'S23-195/DWG/0014' which is not approved.

Reason: For the avoidance of doubt and in the interests of proper planning, and to ensure further information can be provided with respects to the earth bund in the interests of tree protection and visual amenity.

##### Condition 3

No development shall commence until plans demonstrating the design and appearance of the earth bund / grass mound as shown on Drawing Nos. 'S23-195/DWG/0003', 'S23-195/DWG/0004', 'S23-195/DWG/0005', 'S23-195/DWG/0007', 'S23-195/DWG/0008', 'S23-195/DWG/0011', 'S23-195/DWG/0012', 'S23-195/DWG/0013', and 'S23-195/DWG/0014' have been submitted to and approved in

writing by the Local Planning Authority. The plans should include details of the form, height, and gradient of the earth bund / grass mound by elevational plan and section, and details of the landscape treatment including details of surfacing and planting proposed.

Reason: In the interests of visual and residential amenity. This information is required prior to development commencing so that suitable details can be agreed and implemented before development commences.

#### Condition 4

No development shall commence until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period, the Project Arboricultural Consultant shall submit a short report to 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 to the complete satisfaction of the Local Planning Authority.

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

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

#### Condition 5

No development shall commence until a Great Crested Newt Method Statement has been submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning

Authority 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). This information is required prior to development commencing so that a suitable method statement can be agreed and implemented before development commences. Failure to implement the scheme could result in a protected species being harmed.

#### Condition 6

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

Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. . This information is required prior to development commencing so that suitable measures to manage water during construction can be agreed and put in place before works start.

#### Condition 7

No development shall commence, including any works of demolition, until a revised Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The revised Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- 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;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

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



Reason: In the interests of neighbouring residential amenity. This information is required prior to development commencing so that suitable measures to manage construction activity can be agreed and put in place before works start.

#### Condition 8

No development shall commence until a dust and mud control management scheme, which specifies the provisions to be made for the control of dust from construction / excavation / vehicle activities on the site, has been submitted to and approved in writing by the Local Planning Authority. The approved dust and mud control management scheme shall be adhered to throughout the site clearance and construction process.

Reason: To protect the amenities of the occupiers of nearby residential properties and the surrounding area, and for highway safety. These details are required prior to the commencement of development as the approved arrangements will need to be put into place before the development commences. This information is required prior to development commencing so that suitable measures to manage construction activity can be agreed and put in place before works start.

#### Condition 9

No development above ground level shall commence until a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal (RPS Group, February 2024), has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 10

No development above ground level shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant or tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an

implementation programme.

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 agreed implementation programme.

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

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

Reason: To enhance the appearance of the development and in the interests of visual amenity.

#### Condition 11

Following the installation of the lighting hereby approved, and prior to first use of the development hereby approved, a post-installation assessment by a competent person/lighting specialist shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall ensure that the predicted light levels within the approved plans/documents above are achieved, lighting is sufficiently shielded, and the approved lighting columns are positioned and/or tilted to minimize light spillage and glare. Any remedial actions necessary to achieve the levels contained in the approved report shall be implemented prior to first use of the facility. The agreed guideline levels and site light levels/settings and positions as at that assessment shall be retained and adhered to thereafter.

Reason: To ensure that lighting is fit for purpose whilst also balancing consideration of visual and residential amenity and biodiversity in recognition of the local and national policy objectives.

#### Condition 12

Prior to first use of the artificial grass pitch hereby permitted, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the artificial grass pitch and supporting ancillary changing and parking facilities and will set out the arrangements for ensuring effective community use of the facility, including details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for regular review agreement by the Local Planning Authority. The development shall not be used at any time other than in strict compliance with the approved agreement.

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

#### Condition 13

Prior to first use of the development hereby permitted, a revised Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated NMP shall include:

- Details of the person / job role whose responsibility will be to act (amongst other duties) as a Single Point of Contact for matters concerning the management of noise and their contact details. This person must be responsible and have the authority to carry out the overall control of noise management in general and deal with any strategic issue(s) that may occur.
- A protocol for recording and responding to noise complaints.
- Details of measures to maintain the mitigation measures that form part of the development, including the maintenance of mesh fencing around the artificial grass pitch.
- Arrangements for management and monitoring of activity when the artificial grass pitch is being used.
- Timescales for reviewing and resubmitting an updated Noise Management Plan to the Local Planning Authority.

The development shall be operated in accordance with the details contained within the approved Noise Management Plan, or any subsequent Noise Management Plan approved by the Local Planning Authority.

Reason: In the interest of neighbouring residential amenity.

#### Condition 14

Prior to first use of the development hereby permitted, a Drainage Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

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

#### Condition 15

Prior to the first use of the artificial grass pitch, evidence of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and

(b) Confirmation that the facility has been registered on the Football Foundation's Register of Football Turf Pitches.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

#### Condition 16

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (RPS Group, February 2024), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may 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).

#### Condition 17

The development shall be carried out in accordance with the recommendations made in the Site Investigation Report (JPP, May 2023, Document Ref. 'R-SI-25825-01-00 Rev. 00'), in particular with regard to waste soil handling and disposal.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Condition 18

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (Document Ref. 'RFRA-27214-01-A', by JPP Consulting, dated March 2024) and the following mitigation measures detailed within the Flood Risk Assessment:

- Limiting the discharge from the site to 1.5l/s 2.
- Providing attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water

runoff to prevent pollution.

Condition 19

During the construction phase of the development hereby approved, 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 08:00 hours - 18:00 hours

Saturday 08:00 hours - 13:00 hours

Sundays, Public and Bank Holidays - No work

Reason: In the interest of neighbouring residential amenity.

Condition 20

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

Reason: In the interest of neighbouring residential amenity.

Condition 21

The artificial grass pitch and floodlighting hereby approved shall not be used outside of the following hours:

Monday to Friday 08:00 hours - 22:00 hours

Saturdays 08:00 hours - 18:00 hours

Sundays 08:00 hours - 18:00 hours

Public and Bank Holidays 08:00 hours - 18:00 hours

Reason: In the interest of neighbouring residential amenity and to limit the impacts upon landscape, amenity and biodiversity.

Condition 22

The amenity light lamp posts with LED luminaries hereby approved, as shown on Drawing No. 'S23-195/DWG/0004', shall be illuminated no later than 15 minutes after the latest permissible use of the artificial grass pitch as listed in Condition No. 21.

Reason: In the interest of neighbouring residential amenity and to limit the impacts upon landscape, amenity and biodiversity.

Condition 23

There shall be no amplified speaker use for any purposes.

Reason: In the interest of neighbouring residential amenity.

Condition 24

The Applicant or any successor in title must maintain yearly logs of maintenance with respects to drainage matters, which should be carried out in accordance with any

approved Drainage Maintenance Plan as required by Condition No. 14. 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.

#### Condition 25

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and the following must be completed before any further development takes place:

- a) An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority; and
- b) Where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority; and
- c) Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Condition 26

The external materials and finishes shall be as indicated on the application form and permanently retained as such.

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

#### Informative(s)

##### Informative 1

You are advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

##### Informative 2

The approved facility should comply with the Sport England's Natural Turf for Sport design guidance <https://www.sportengland.org/guidance-and-support/facilities-andplanning/design-and-cost-guidance/outdoor-surfaces> and the England & Wales Cricket Board's TS6 document on Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use and for the system installed to be an ECB approved non turf system - see <https://www.ecb.co.uk/news/74645/cricket-surface-types> for further details of the ECB TS6 document and approved non-turf systems.

### Informative 3

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- Should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

### Informative 4

With respects to the Construction Management Plan required by Condition No. 7, the following is noted:

- All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.
- Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.
- In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

### Informative 5

Bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc.).

### Informative 6

Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department on (01376) 551414 prior to commencement.

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.



## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP60	Educational Establishments
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
00/00150/ECC	Change of use of land for stationing of 14 no. demountables providing 18 no. classrooms and 2 prep rooms and construction of new car park	No Objections Raised	17.02.00
00/00924/FUL	Erection of extension to existing sixth form block	Granted	06.07.00
00/01624/ECC	Proposed change of temporary car park into a permanent car park	Deemed Permitted	12.02.01
02/01612/ECC	Provision of new changing rooms and internal refurbishment of internal layout	Deemed Permitted	07.10.02
71/00044/CC	11,000 volt overhead power line from adj. Conrad Road to adj. Tusser Close.	Granted	03.05.72
73/00004/CC	Proposed 8 Form Entry Comprehensive School, Ancillary Buildings And Playing Fields. App. 2.12.73		
75/00357/	Proposed Erection Of First Instalment Of An 8 Form Comprehensive School. Granted 13.8.75		
75/00997/CC	Proposed Erection Of House For School Caretaker. Deemed Granted 12/2/76		
75/01133/CC	Proposed 2 form entry infants and junior school ancillary buildings, caretakers house and associated playing fields.	Granted	05.01.76
76/01093/CC	Proposed 2 form entry Infants School ancillary buildings and playing fields.	Granted	25.11.76
76/01176/CC	Proposed erection of 9ft	Granted	22.11.76

	high chain link fencing and gates to new tennis courts.		
77/00254/CC	Proposed 3 to 5 form entry extensions and additional car parking.	Granted	06.05.77
77/00932/CC	Proposed erection of 9 feet high chain link fencing to highway boundary of school playing field.	Granted	21.09.77
81/00498/CC	6 relocatable classrooms.	Granted	05.06.81
86/01233/	Renewal Of Permission For 6 Relocatable Classrooms. Deemed Granted 21.10.86. Cc/14/86		
86/01233/CC	Renewal of permission for 6 relocatable classrooms.	Granted	21.10.86
90/01442/PFWS	Erection Of Satellite Dish	Granted	17.10.90
92/00795/ECC	Creation of Environmental Studies Area	Deemed Permitted	26.08.92
95/01441/FUL	Proposed olympic standard gymnasium	Granted	18.03.96
96/01452/FUL	Proposed change of roof and vertical cladding to gymnasium	Granted	27.01.97
97/00150/FUL	Proposed new sixth form block	Granted	26.03.97
97/00635/FUL	Erection of new classroom block	Granted	01.08.97
99/01805/FUL	Erection of new purpose built day nursery for 55 children together with additional ten car parking spaces and erection of new school hut	Granted	02.02.00
04/02431/FUL	Proposed single storey dance studio with link to school	Granted	31.01.05
08/01229/FUL	The installation of 3 demountable classbases. Construction of a new front entrance canopy	Granted	06.08.08
09/00660/FUL	Creation of a new dirt track and hard standing area for cycle training (motorised and non-motorised) within the Academy curriculum.	Granted	24.07.09

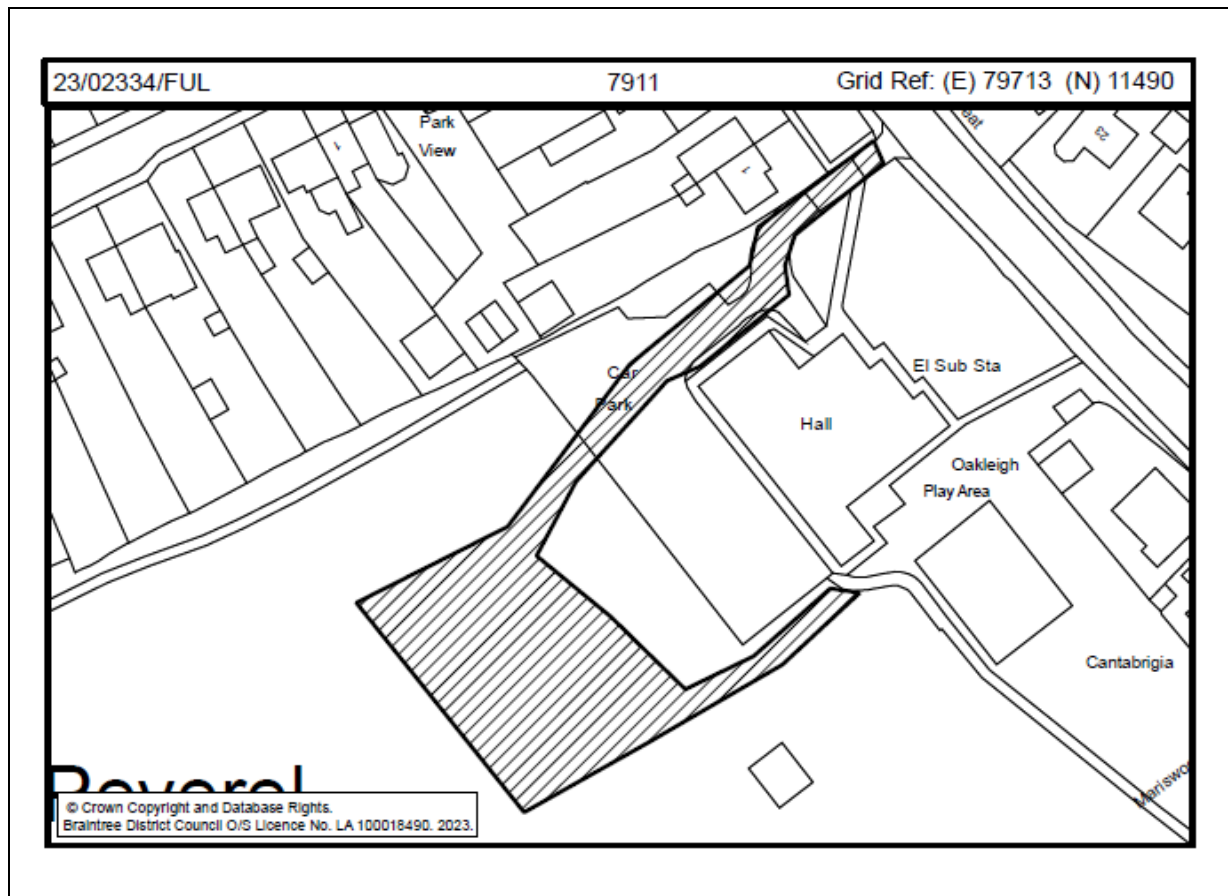
	MOT type1 access road and 1.8m chain link fence/gates will be provided for security and access		
09/00002/SCR	Request for screening opinion	Permission not Required	
09/01012/FUL	Redevelopment to provide a replacement three storey building for new Rickstones Academy with new access arrangements from Conrad and Rickstones Road, associated parking for 104 vehicles, 160 cycle spaces and other associated works, including landscaping and provision of a temporary access from Rickstones Road during construction	Granted	04.11.09
10/00457/OUT	Demolition of existing English block (3 classbase) and installation of new modular nursery building for the existing Puddleduck nursery to relocate before the new build academy is undertaken	Granted	27.05.10
10/00082/DAC	Application for approval of details reserved by condition no. 1, 3b, 4a, 5, 11, 19, 20 and 26 of approval 09/01012/FUL	Granted	21.07.10
10/00965/REM	Erection of new modular nursery - reserved matters application following outline approval (10/00457/OUT)	Granted	08.09.10
10/00246/DAC	Application for approval of details reserved by condition no. 2 of approval 09/01012/FUL	Granted	08.10.10
10/00270/DAC	Application for approval of details reserved by condition nos. 3a and 25 of approval 09/01012/FUL	Part Grant, Part Refused	21.12.10

11/00027/NMA	Application for a non-material amendment following a grant of planning permission 09/01012/FUL - The existing sports hall structure unable to support the original extent of cladding proposed.	Granted	03.05.11
11/00092/DAC	Application for approval of details reserved by condition nos. 3a, 6, 17, 18, 22, 23 and 24 of approval 09/01012/FUL	Withdrawn	24.02.12
11/00111/DAC	Application to discharge conditions 3a, 6, 17, 18, 22, 23 and 25 of approved application 09/01012/FUL	Granted	13.12.11
11/00275/DAC	Redevelopment to provide a replacement three storey building for new Rickstones Academy with new access arrangements from Conrad and Rickstones Road, associated parking for 104 vehicles, 160 cycle spaces and other associated works, including landscaping and provision of a temporary access from Rickstones Road during construction	Granted	29.10.12
12/00020/FUL	Retention of 1 no. demountable classbase with revised access arrangements and improved landscaping	Withdrawn	05.03.12
15/00431/FUL	Erection of three canopies to existing courtyard seating areas	Granted	18.05.15
21/00206/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order 23/10 - Thin trees by 70% and reduce the main limbs down to 2 to 3 metres - Please refer to	Granted	02.03.21

	accompanying drawing for details / reasons for proposed works.		
21/00612/P14JPA	Notification for prior approval for the installation of solar photovoltaics (PV) equipment on the roof	Prior Approval Required and Given	16.04.21

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/02334/FUL	
<b>Description:</b>	Construction of two outdoor tennis courts with associated floodlighting	
<b>Location:</b>	Strutt Memorial Ground, Maldon Road, Hatfield Peverel	
<b>Applicant:</b>	Mrs Sarah Gaeta, Hatfield Peverel Parish Council, Village Hall, Maldon Road, Hatfield Peverel, Essex, CM3 2HP	
<b>Agent:</b>	Mr Lee West, Sports Facility Planning & Design Limited, 39 Hemwood Road, Windsor, SL4 4YX	
<b>Date Valid:</b>	4th October 2023	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Fiona Hunter For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2521, or by e-mail: <a href="mailto:fiona.hunter@braintree.gov.uk">fiona.hunter@braintree.gov.uk</a>	

## Application Site Location:





<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application. In accordance with the Fee Regulations the Parish Council were only required to pay 50% of the standard application fee.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not</li> </ul>

	<p>including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p> <p>The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 23/02334/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Hatfield Peverel Neighbourhood Plan</li> <li>§ External Lighting Supplementary Planning Document (SPD)</li> <li>§ Essex Parking Design and Good Practice</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 This planning application seeks planning permission to construct two tennis courts, with hard courts, along with ancillary perimeter fencing, pedestrian path, and flood lights. The site is located at the Strutt Memorial Recreation Ground, Maldon Road, Hatfield Peverel. The application site is situated within the existing grass playing fields, to the rear of the village hall and car park. The Applicant has stated that the tennis courts would be made available for use at the following times:

Winter (defined as being when the UK is on Greenwich Mean Time (GMT))

Monday to Saturday: 09:00 hours – 21:00 hours

Sundays, Public and Bank Holidays: 10:00 hours – 19:00 hours

Summer (defined as when the UK is on British Summer Time)

Monday to Saturday: 09:00 hours – 22:00 hours

Sundays, Public and Bank Holidays: 10:00 hours – 22:00 hours

- 1.2 The Applicant proposes that the tennis courts would be available for hire by the public, and that only hirers who have paid to use a court would be able to gain entry through the access gate.
- 1.3 The application is located within the Hatfield Peverel settlement development boundary wherein Policy LPP1 of the Adopted Local Plan allows for the principle of development, subject to design, amenity and highway criteria.
- 1.4 The application site is also designated on the Hatfield Peverel Proposals Map for Formal Recreation wherein Policy LPP50 of the Adopted Local Plan protects open spaces from inappropriate development and should take account of the local context, avoiding the erosion of recreational function and maintaining or enhancing the character of open spaces. The proposal is considered to be consistent with policies contained within the Hatfield Peverel Neighbourhood Plan. As the report sets out, Officers consider that the proposals would not in principle conflict with policies within the Development Plan.
- 1.5 The appearance of the proposed facility has been designed to an acceptable standard and would not appear out of character with the surroundings.
- 1.6 It is acknowledged that the development would result in an increase in noise and lighting at the site, however Officers are satisfied that it has been demonstrated that a lighting scheme can be provided and that planning conditions can be used to mitigate the potential adverse impact from light and noise.

- 1.7 Officers consider the benefits of providing this new tennis facility would outweigh the modest harms subject to the recommended conditions, it is recommended that planning permission is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE
- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager.
- 2.2 The planning application has been submitted by Hatfield Peverel Parish Council, but the District Council have received a number of objections received from local residents. If approved, the proposed development will be funded from financial contributions that the District Council have received from developers, from Section 106 agreements. The Planning Development Manager considers that given this combination of factors that it is appropriate that the application is determined by the Planning Committee.
- 2.3 Braintree District Council has secured financial contributions from the developers of new housing in the village which can be used to provide new or improved outdoor sport facilities in the village.
- 2.4 Currently there are no tennis courts in Hatfield Peverel. The Parish Council identified through engagement during the development of the first Neighbourhood Plan in 2015 that the local community considered the provision of tennis courts was desirable. The Parish Council state that they undertook further community engagement about sports facilities in 2022, which again identified that residents considered that the provision of new tennis courts remained a high priority. In light of the priority attached to the provision of new tennis courts during the prior community engagement, the Parish Council have developed the proposals which are subject to this planning application.
3. POLICY CONSIDERATIONS
- § See Appendix 2
4. SITE HISTORY
- § See Appendix 3
5. DESCRIPTION OF THE SITE AND SITE CONTEXT
- 5.1 The application relates to land within the Strutt Memorial Recreation Ground, which is accessed off the Maldon Road in Hatfield Peverel. The main body of the application site is located to the west of the village hall, approx. 18m from edge of the village hall car park. The existing vehicular access off the Maldon Road leads into an existing car park with a tarmac surface. Pedestrian access would be via a tarmac path which already runs from the village hall car park to the recently installed outdoor gym equipment, which is located to the south of the pedestrian path and the application site.

- 5.2 The main body of the application site is currently laid to grass. Whilst the Recreation Ground has historically been used to provide grass sports pitches for football matches, that use is advised to have been discontinued for several years.
- 5.3 Residential properties surround most of the Recreation Ground with back gardens backing onto the Recreation Ground from dwellings on New Road to the north; Beech Rise to the west; Maldon Road to the east; and De Vere Close to the south. The village infant and junior school also backs onto the southern boundary of the Recreation Ground.
- 5.4 There are a number of Public Rights of Way which through the Recreation Ground. PROW 90\_18 passes across the northern boundary of the Recreation Ground, PROW 90\_52 runs from the northern side of the Recreation Ground along the western boundary, turning east along the southern boundary, before turning north and running to the east of the MUGA, and PROW 90\_51 runs along the north eastern edge of Recreation Ground and across the rear of the village hall car park.

## 6. PROPOSAL

- 6.1 This application seeks full planning permission for the construction of a hardstanding which would be marked out to provide two tennis courts. The hardstanding would measure approximately 30.5m by 35m and would be constructed using porous asphalt. The hard courts would be enclosed by a 3m high dark green welded mesh fence, with access through a lockable gate at the southern end of the courts, accessed off a porous tarmac path running from the car park by the village hall.
- 6.2 In addition it is proposed that there would be nine 8m high lighting columns which would carry a total of ten LED housings which are designed to illuminate the courts. The LED housings would be mounted on top of the light columns giving a total height of 8.3m.
- 6.3 The proposed hours of operation are as follows:

### Winter (defined as being when the UK is on Greenwich Mean Time (GMT))

Monday to Saturday: 09:00 hours – 21:00 hours

Sundays, Public and Bank Holidays: 10:00 hours – 19:00 hours

### Summer (defined as when the UK is on British Summer Time)

Monday to Saturday: 09:00 hours – 22:00 hours

Sundays, Public and Bank Holidays: 10:00 hours – 22:00 hours

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Sport England

#### **Initial Response (Oct 2023) – Holding Objection**

- 7.1.1 There is currently insufficient information to enable Sport England to assess the application against the National Planning Policy Framework (NPPF), in particular Paragraph 99, and Sport England's Playing Fields Policy. Site plans should be provided to show the potential football pitch layouts that could be accommodated on the remaining playing field if the development was implemented. The site has been used for marking out football pitches in the past and it is unclear whether the proposal would prejudice the potential to accommodate football pitches on the remaining playing field if required in the future.

#### **Updated Response (Jan 2024)**

- 7.1.2 Support the principle of the application. The tennis courts have been proposed by Hatfield Peverel Parish Council in response to a long identified need for tennis court provision in the village. The scheme is fully supported by the Lawn Tennis Association (LTA). It is therefore considered to be a clear need for the tennis courts and that they would offer significant sport related benefits to the local community.
- 7.1.3 Impact on the playing field - At present, the playing field is not marked out for playing pitches. The Football Foundation (who represent the FA and Essex County FA) have advised Sport England that the site has not been marked out for football pitches for a number of years after the football pitches were relocated to another site in the village. However, as there is a shortfall of football pitches in the District, the Football Foundation advised that they would be reluctant to lose the ability to play football at the site in the event that there is a need for the site to accommodate football pitches on the site in the future. The Applicant has submitted a site plan which indicatively shows the tennis courts would not reduce the number or types of football pitches that could be accommodated on the playing field when compared to the historic use of the site. As the tennis court proposal relates to the provision of a new outdoor sports facility on the existing playing field Sport England raise no objection to the application as the proposal complies with their policy under 'Exception 5' of their adopted Playing Fields Policy and Paragraph 103 of the NPPF.
- 7.1.4 Hours of Use and Sports Lighting - The proposal for the tennis courts to include sports lighting is welcomed as this will offer significant sports development benefits in terms of facilitating use by the community during peak periods of demand in the evening and other periods of poor daylight. If planning permission is granted, it is recommended that any condition that may be imposed by the Council relating to the hours of use of the lighting and the use of the tennis courts is not overly restrictive. In this regard, it is advised that peak community use of tennis courts on similar sites usually

extends until 10.00pm. on weekday evenings. If the Council wishes to impose a planning condition restricting the hours of use of the tennis courts or its sports lighting, consideration should be given to using Condition 14 from our model conditions schedule.

7.1.5 If the Council required that sports lighting were omitted or imposed significant restrictions on its use, this may affect Sport England's position on the planning application as the potential sport related benefits would be diminished plus it may affect the feasibility and sustainability of the project.

7.1.6 No conditions are requested on this occasion.

## 7.2 BDC Ecology

7.2.1 No objection - Given the scope and scale of the proposals and that it is not considered likely that the application site has any suitability to support protected species, the impacts of development to designated sites, protected species, priority species and habitats can be predicted.

7.2.2 The proposed lighting will not impact the existing boundary trees and vegetation as these features will not be exposed to lighting levels of approximately 1 lux (equivalent to twilight), which may impact upon foraging and commuting routes for bats. However, it would be preferable for warm-white light to be used (3000k) to minimise the potential impacts to foraging and commuting bats.

## 7.3 BDC Environmental Health

### **Initial Consultation Response (Feb 2024) - Holding objection**

7.3.1 Noise - There is no specific noise assessment included in the application nor are any details of screening and noise management supplied. It would be helpful to confirm any proposed screening and any noise/ASB management plan.

7.3.2 Lighting - It is noted that the floodlights are specified as 110000 lumens. This does seem to be exceptionally high output and with the proposal that the lights will be at 8m height and not at zero degree tilt then there is concern about the light intensity/light spillage/impact to the nearby residential properties (approx. 20m distance). It is noted that the Lux plans (assumed to be at ground level) show contours to 0.2 Lux rather than 0 Lux within the boundary of the site shared with residential property. The information provided is in a technical format.

7.3.3 It is unclear what the resultant Ev levels are at ground and first floor levels of the nearest residential premises. There is no information of existing light levels (Ev) or lighting in the area as to the current base line assessment to indicate whether E3 or E2 provides an appropriate baseline to the light pollution impact.



## **Updated Consultation (March 2024) – No objection subject to conditions**

- 7.3.4 Lighting - Supplementary lighting information has now been provided by the Applicant which aids the interpretation of the technical information submitted to date and that appropriate guideline lighting levels will be met. Lights should be maintained at 0 degree tilt. It is recommended that post installation of the lighting, it is confirmed that the illuminance levels and light intensity are met in accordance with the ILP guidelines and as shown in information submitted by the Applicant's lighting specialist.
- 7.3.5 Noise - The application has not made a specific assessment of the noise from the proposed courts. It is recognised that this is a recreation field so persons will be present during day time and weekends/bank holidays as part of the existing use during day light hours but less likely to be used during the hours of darkness. The introduction of lighting extends the hours of use. The noise that is likely to be created by the proposed use of the site is not likely to be significant. It might increase if it is used for tuition or larger group activities where persons wait to use the court or spectate or where a tennis ball machine is used. It is not expected that there will be the use of whistles as is likely to be present for team sports, but Environmental Health would expect that there is a noise/ASB management plan for the tennis courts if permission is granted and for the management plan to be adhered to thereafter. Details are provided of issues that the management plan will be required to contain. There shall be no amplified noise associated with the use of the courts and the noise/use of tennis ball machines considered.
- 7.3.6 Conditions are recommended to control construction activities, including permitted hours of construction activity; dust and mud control; and no burning.
- 7.4 ECC Highways
- 7.4.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the public's rights and ease of passage over public footpath nos. 18, 51 and 52 (Hatfield Peverel) being maintained free and unobstructed at all times.
8. PARISH / TOWN COUNCIL
- 8.1 Hatfield Peverel Parish Council
- 8.1.1 No consultation response received (NB - the Parish Council are the Applicant).
9. REPRESENTATIONS
- 9.1 Fourteen representations objecting to the application have been received from twelve different properties. A summary of the main grounds for objecting to the application are set out below:

- Lack of engagement with neighbouring residents who may be impacted by the proposals.
- Proposed times of use are too late for a residential area.
- There are already tennis courts nearby in Witham, Terling and Wickham Bishops. The tennis courts will not be widely used year-round and will result in the loss of green space which is valued by local residents.
- There is no need for two courts – if only one court is provided that will reduce the amount of green space and detract from the beautiful, wide open green space.
- If they have to be provided, the tennis courts (and the recently installed outdoor gym) would be better located in the south eastern part of the Recreation Ground, near the existing MUGA, where there are fewer properties; where it would blend in more; and avoid breaking up the open space.
- The courts will not be partly screened from neighbouring residential properties as the application suggests.
- The courts do not need to be flood lit – there will be ample availability even without floodlighting. The light columns will appear out of place and unattractive, visually intrusive, contribute to light pollution and adversely affect both residents neighbouring the Recreation Ground and the areas ecology. Flood lighting will disturb residents sleep, health, and well-being.
- The fencing and lighting columns will combine with the outdoor gym equipment further detracting from the appearance of the Recreation Ground.
- Noise from people playing tennis will disturb residents in their gardens during the summer months.
- The money would be better spent on other projects – e.g. improving water pressure in the village, providing more streetlights, or improving other community facilities.
- Trees should be planted along the north and west of the court to help screen the fence and light columns.
- It will increase traffic with people driving to the courts, adding to noise and air pollution.

9.2 One representation was received neither objecting to, nor supporting, the Planning Application.

- Two tennis courts are not required. If they are built, could the courts be marked out for use by other sports? There are lots of netball teams operating in the Chelmsford area and teams are looking for courts to play games and train on.

## 10. PRINCIPLE OF DEVELOPMENT

10.1.1 The application site is located within the Hatfield Peverel settlement development boundary where the principle of development is acceptable in principle as established by Policy LPP1 of the Adopted Local Plan, subject

to design, amenity and highway criteria. These criteria are considered in the following sections of this report.

- 10.1.2 The application site is also designated on the Proposals Map for Formal Recreation. Policy LPP50 of the Adopted Local Plan is concerned with the Provision for Open Space, Sport and Recreation. Under this policy, existing open space, sports, and recreational buildings are protected from inappropriate development. When considering planning applications which could impact on open space, the policy states that the Council will weigh any benefits being offered to the community against the loss of open space that will occur. Furthermore, the policy requires that development should take account of the local context and should avoid any erosion of recreational function and maintaining or enhancing the character of open spaces; ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment; protect public rights of way; and mitigate the impact of any development on biodiversity and nature conservation.
- 10.1.3 Policy HPE4 of the Adopted Hatfield Peverel Neighbourhood Plan states that the provision of additional sports and recreation facilities will be encouraged in appropriate locations. Policy HPE3 of the Adopted Hatfield Peverel Neighbourhood Plan states that no building will be allowed on the Strutt Memorial Recreation Ground unless it is to provide for clearly identified and evidenced needs directly associated with recreational use.
- 10.1.4 Paragraph 96 of the NPPF directs that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which: a) promote social interaction; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example by encouraging the active and continual use of public areas; and c) enable and support healthy lifestyles – for example through the provision of safe and accessible green infrastructure.
- 10.1.5 Paragraph 97 of the NPPF states that planning decisions should also provide the social, recreational, and cultural facilities and services the community needs.
- 10.1.6 Paragraph 103 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

## 10.2 Sporting Provision – Playing Fields

10.2.1 The proposed development would take place at an existing Recreation Ground and would involve the creation of an enclosed hardstanding on an area currently laid to grass. The Recreation Ground is not currently used by football teams but historically the site has had football pitches marked out and used by football teams.

10.2.2 Sport England have been consulted on the application as they are a statutory consultee on any application which involves playing field land. Sport England's policy is set out in their document 'Playing Fields Policy and Guidance.' This states that Sport England oppose development on all sports pitches in all but exceptional circumstances. It then goes on to provide examples of exceptions that would apply. The development proposed involves the provision of two tennis courts with floodlights and fencing. As the proposal relates to the provision of a new facility on existing playing fields the proposal has been considered against Exception 5 of Sport England's 'Playing Fields Policy'. This states:

*"Exception 5 - The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field."*

10.2.3 Although the Recreation Ground is not currently used to provide football pitches Sport England initially raised a holding objection on the basis that no information had been provided to demonstrate whether the development would adversely affect the potential provision of grass sport pitches.

10.2.4 Sport England have discussed the proposed tennis courts with the Football Foundation (who represent the FA and Essex County FA). The Football Foundation confirmed that the Recreation Ground has not been marked out for football pitches for approximately 10 years after the football teams relocated to the Keith Bigden Memorial Ground. However, as there is a shortfall of football pitches in the district there is a concern that the tennis courts would prevent football pitches being marked out if there is a need for the site to accommodate football pitches on the site in the future.

10.2.5 The Parish Council subsequently submitted an indicative plan which demonstrated that the siting of the tennis courts would not reduce the number or types of football pitches that could be accommodated. The Football Foundation has confirmed that they are satisfied that the tennis courts would not prejudice the use of the playing field for football pitches if they were required in the future.

10.2.6 The tennis courts have been proposed by the Parish Council in response to a long identified need for tennis court provision in the village. The Lawn Tennis Association (LTA), the governing body, have advised Sport England that the design and layout of the courts meet LTA court and floodlighting

guidance, and that the LTA consider the courts would offer significant sport related benefits to the local area.

- 10.2.7 Given the above assessment, Sport England raises no objection to the application because it is considered to accord with exception 5 of their Playing Fields Policy and Paragraph 103 of the NPPF. Officers agree that the development would not result in an unacceptable loss of sporting facility, and indeed would enhance the sporting facilities offered.

### 10.3 Need

- 10.3.1 It is noted that a number of objectors question whether there is a need for either one or two tennis courts in the village, pointing out that there are tennis courts available in other towns and villages. There is no policy requirement to identify a need for a new sporting facility, however the Applicant's intention is to provide a new facility for residents of the village and responds to need / demand identified through public consultation that they have previously undertaken. Irrespective of whether there is spare capacity during daytime, evenings or at weekends at these other facilities these new courts are primarily intended to provide a facility for local residents, improving accessibility and reducing the need to drive to other towns or villages. As noted above (Paragraph 10.2.6) Sport England and the LTA both state that they believe the provision of the tennis courts will provide significant sport benefits to the area.

### 10.4 Policy Conclusion

- 10.4.1 Overall, Officers consider the principle of the proposed development to be acceptable. The provision of a new sporting facility in an established recreation ground can be considered an appropriate use and form of development. A number of objectors refer to the reduction in the quantity of Open Space at the Recreation Ground and that the tennis courts would reduce the amount of space for informal activities like walking, running, cycling and children playing. Whilst the courts would reduce the extent of the Open Space there would still be wide open spaces and the ability for users to walk / run around the perimeter of the space. Officers do not consider that there would be an adverse impact on the use of the playing field for informal use, or formal sporting purposes, and as such that there is no objection to the principle of development.

## 11. SITE ASSESSMENT

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

- 11.1.1 Policy LPP52 of the Adopted Local Plan requires that new development achieve a high standard of visual design which recognise and reflect local distinctiveness in terms of scale, density, height, and massing of development, and also to ensure development affecting the public realm shall be of a high standard of design and materials, using appropriate

landscaping where possible. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

- 11.1.2 The application is situated within an attractive area of public open space that serves as the main village recreation space. Much of the site is laid to grass but there are also surfaced paths; an equipped children's play area; Multi Use Games Area (MUGA) and a recently installed outdoor gym. There is a significant area of hardstanding where a car park is situated between the Recreation Ground and the village hall. Officers consider that the uses mean that the site displays several typical characteristics of a village recreation ground, and that it is not unusual to see formal outdoor sports facilities such as tennis courts.
- 11.1.3 A number of objectors have said that if tennis courts are to be provided then there are more suitable locations at the Recreation Ground. Members will understand that the Local Planning Authority must make a decision on the proposals contained within the planning application, and an assessment must be made on whether the development is acceptable or not. However, for Members information, the Applicant has provided the background to the decision to propose that the courts are located in this location. Reasons cited include the need to provide the courts at the correct orientation (i.e. north to south); proximity to the car park and the facilities in the village hall; keeping away from existing trees and hedges; and avoids existing pedestrian paths. The location was selected in consultation with contractors who have experience of constructing tennis courts.
- 11.1.4 Officers acknowledge that the introduction of the coloured hard court, fencing enclosure, and the floodlighting, would be noticeable and have a visual impact, however Officers do not consider that they would appear out of keeping with the prevailing character of the Recreation Ground, and that it is not uncommon in parks and recreation grounds to see facilities such as is proposed here.

## 11.2 Landscaping

- 11.2.1 Objectors have suggested that if the tennis courts are provided in this location, that trees should be planted along the northern and western side of the courts to help soften its appearance and in time help to screen the enclosure and light columns. No tree planting is proposed adjacent to the courts. Although Officers understand that the Parish Council do propose to plant a couple of trees on the Recreation Ground boundary to the north of the courts, as Officers consider that the appearance of the proposed development to be acceptable there is no need to screen the courts. That is not to say that the Parish Council should not plant trees if they want to but that Officers do not consider that this planting should be required by planning condition.

### 11.3 Ecology

- 11.3.1 The application included a biodiversity checklist which did not indicate that there was a need for further ecological information due to presence of protected species or ecologically sensitive habitats.
- 11.3.2 The Council's Natural Environment Officer has confirmed that given the scope and scale of the proposals it is not considered likely that the application site has any suitability to support protected species, the impacts of development to designated sites, protected species, priority species and habitats can be predicted.
- 11.3.3 The Outdoor Lighting Design (Sports Facility Planning and Design Ltd, August 2023) has been assessed from an ecological perspective and they are satisfied that the proposed lighting would not impact the existing boundary trees and vegetation in a manner that could adversely impact upon foraging and commuting routes for bats. It is however commented that it would be preferable for warm-white light to be used as lighting which emits an ultraviolet component or that have a blue spectral content have high attraction effects on insects, which may lead in a reduction in prey availability for some light sensitive bat species. The Applicant has advised that they do not believe this change would be appropriate for the use, or necessary as the site is not identified as being one where bats are likely to be commuting or foraging.

### 11.4 Highway Considerations

- 11.4.1 Vehicular access to the tennis courts would be via the existing vehicular entrance off Maldon Road which leads into a surfaced car park which currently provides 34 bays. Visitors to the tennis courts who need to drive can park in the car park. Officers do not consider that there would be a need to provide additional parking spaces specifically to serve the tennis courts.
- 11.4.2 The Highway Authority have raised no objection to the proposed development in their consultation response, but their response does highlight that there are three Public Rights of Way which pass through the Recreation Ground. The Public Rights of Way do not cross the proposed location of the tennis courts. The Public Right of Way network is protected by the Highways Act 1980 and unauthorised interference with any PROW would be a breach of this legislation. Officers recommend that an informative that the public right of way shall be maintained free and unobstructed at all times.

### 11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring

properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Policy SP7 of the Adopted Local Plan also seeks to protect neighbouring residential amenity with regard to noise, vibration, smell, overbearing and overlooking.

- 11.5.2 The application site is currently utilised as part of a larger village recreation ground. The site contains mix of grass field, which has historically been used for formal outdoor sport (football) but has in recent used for a mix informal recreation, and semi-formal /informal sports activity including the use of the outdoor gym equipment and the MUGA. The introduction of two flood lit tennis courts would introduce a new activity at the site and there would be noise and light.

### **Noise**

- 11.5.3 Policy SP7 of the Adopted Local Plan sets out to protect neighbouring amenity from noise sources. It is proposed that the courts would be provided within an existing Recreation Ground which is open to the public all day so there is already activity on the site throughout the day. The courts would however introduce a new activity and the floodlights would increase activity during the evening.
- 11.5.4 Officers consider that the use of tennis courts would usually be at a relatively low intensity, compared to some other sports. Public tennis courts have different use characteristics to other sports facilities. For example, tennis courts do not tend to attract crowds to watch games; tennis does not require the use of a whistle; and when used for match play a tennis court is only used by either 2 or 4 people. Whilst no noise assessment has been provided by the Applicant as part of the planning application the Council's Environmental Health Officer (EHO) acknowledges that the noise that is likely to be created by the proposed use of the courts for tennis is not likely to be significant and Planning Officers concur.
- 11.5.5 Open access courts can attract anti-social behaviour (ASB) which can create noise issues. However, the Applicant proposes that access to the courts would be controlled. The courts would be gated and locked and only hirers who have booked the court would be able to access the gate. The Lawn Tennis Association (the national governing body for tennis) advocate this arrangement and Officers are aware that this type of system has been successfully used at courts operated by other councils in Essex.
- 11.5.6 Whilst it is not envisaged that noise from the courts would have an unacceptable impact on the occupants of nearby residential dwellings, the EHO recommends that a noise/ASB management plan is developed and implemented as a condition of any planning permission. The management plan shall as a minimum include but not be limited to number of persons using the court at any one time, prevention of anti-social behaviour, a complaints procedure should local residents wish to report ASB/noise/light concerns, maintaining a register of complaints and outcomes and a commitment to review the plan with the District Council and implement any



revisions made to subsequent plans that are agreed. In addition, it is recommended that there should be a condition that there shall be no amplified noise.

## **Lighting**

- 11.5.7 With respects to lighting, the Council's EHO was concerned that the information on lighting levels supplied initially with the application did not provide sufficient clarity to allow an informed assessment of the potential impact on the residents living in properties nearest to the courts. The Applicant produced further information which allowed the EHO to assess the proposals. The proposed lighting information demonstrates that light spillage beyond the courts would be limited and that the guideline levels for Environmental Zone 2 (low district brightness areas) would be met and lighting louvres would be used to reduce glare as necessary.
- 11.5.8 It is noted that in their consultation response the Council's EHO recommends that the lights shall be maintained at 0 degree tilt, however this is not what the Applicants lighting scheme proposes and what has been assessed. On the basis that the Applicant has demonstrated that a lighting scheme can be installed that would illuminate the proposed courts to the required standard, and which would not cause light pollution to the occupants of nearby residential properties, Officers are content to recommend the application for approval with a condition that a final lighting scheme is submitted to and approved by the Council prior to installation.
- 11.5.9 As an additional control, to ensure the protection of residential neighbouring amenities can be appropriately managed, two conditions with respects to lighting are recommended by Officers. The first condition is to control the hours of illumination only to within those hours proposed in this application. The second would require a post-installation assessment whereby the lighting columns, once installed, are assessed to demonstrate the expected light levels are met. The assessment, including any settings, tilt, and orientation of the light fittings, shall be noted and this configuration shall thereafter be retained. Should adjustments be required, this shall be agreed in writing by the Local Planning Authority. This allows the Local Planning Authority to manage the lighting appropriately to ensure continued acceptability. With these conditions, the approved lighting scheme would be considered acceptable.
- 11.6 Flooding and Drainage Strategy
- 11.6.1 The application states that the hardstanding would be constructed using porous tarmac. This would allow water to permeate through the hardstanding and dissipate into the ground. Officers are satisfied that given the use of material and the fact that the courts are surrounded by extensive grassed areas, there is no objection to the proposed development on surface water drainage arrangements.

12. CONCLUSION

- 12.1 The application proposes the provision of a new sport facility, which is encouraged and supported by local plan policy; namely Policies SP3, SP6, and LPP50 of the Adopted Local Plan, as well as the NPPF. However, this is subject to material considerations demonstrating the development in this location is acceptable. It is accepted that there would be impacts of the development, including a reduction to the openness of the recreation ground that some residents currently enjoy and potential impacts to local residential amenity in terms of potential exposure to a new source of noise and one which could occur later in the evening. The introduction of flood lights could also adversely affect residential amenity if not well designed and installed. Officers believe that the recommended conditions can effectively control lighting and mitigate noise and that as a result there should be no unacceptable impact on residential amenity.
- 12.2 The proposed development would provide new tennis courts that would be accessible to local residents and the lighting would improve accessibility and the use of the courts. These benefits are considered to attract significant weight in the planning balance. Although some modest potential adverse impacts are acknowledged, in terms of impacts to the nearest residents, it is considered these can be sufficiently managed and mitigated by planning conditions and as such attract moderate weight in the balance. Officers consider the benefits outweigh the harms, and consequently it is recommended that planning permission is granted for the proposal.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	2023 CAS 002 010	B
	A	
Planning Layout	2023CAS 002 013A	A
Proposed Elevations	2023CAS 002 015A	N/A

#### Condition(s) & Reason(s)

##### Condition 1

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

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

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

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

##### Condition 3

No development shall commence until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved dust and mud control management scheme shall be adhered to throughout the construction process.

Reason: In the interests of neighbouring residential amenity. This information is required prior to development commencing so that suitable measures to manage construction activity can be agreed and put in place before works start.

##### Condition 4

No above ground development shall commence until a schedule of the types and colour of the materials to be used in the development hereby permitted 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 permanently retained as such.

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

#### Condition 5

No above ground development shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to first use of the tennis courts 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.

#### Condition 6

Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity and the night-time landscape shall be submitted to and approved by the Local Planning Authority. The scheme shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications). All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed on the site.

Reason: In order to protect the amenity of the locality and to avoid unnecessary light pollution.

#### Condition 7

Following the installation of the lighting hereby approved, and prior to first use of the development hereby approved, a post-installation assessment by a competent person/lighting specialist shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall ensure that the predicted light levels within the approved plans/documents above are achieved, lighting is sufficiently shielded, and the approved lighting columns are positioned and/or tilted to minimize light spillage and glare. Any remedial actions necessary to achieve the levels contained in the approved report shall be implemented prior to first use of the facility. The agreed guideline levels and site light levels/settings and positions as at that assessment shall be retained and adhered to thereafter.

Reason: To ensure that lighting is fit for purpose whilst also balancing consideration of visual and residential amenity and biodiversity in recognition of the local and national policy objectives.

#### Condition 8

Prior to first use of the development hereby permitted, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The updated NMP shall include:

- Details of the person / job role whose responsibility will be to act (amongst other duties) as a Single Point of Contact for matters concerning the management of noise and their contact details. This person must be responsible and have the authority to carry out the overall control of noise management in general and deal with any strategic issue(s) that may occur.

- A protocol for recording and responding to noise complaints.
- Details of measures to maintain the mitigation measures that form part of the development, including the maintenance of mesh fencing around the artificial grass pitch.
- Arrangements for management and monitoring of activity when the artificial grass pitch is being used.
- Timescales for reviewing and resubmitting an updated Noise Management Plan to the Local Planning Authority.

The development shall be operated in accordance with the details contained within the approved Noise Management Plan, or any subsequent Noise Management Plan approved by the Local Planning Authority.

Reason: In the interest of neighbouring residential amenity.

#### Condition 9

During the construction phase of the development hereby approved, 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 08:00 hours - 18:00 hours  
 Saturday 08:00 hours - 13:00 hours  
 Sundays, Public and Bank Holidays - No work

Reason: In the interest of neighbouring residential amenity.

#### Condition 10

The tennis courts and floodlighting hereby approved shall not be used outside of the following hours:

During Winter Time (defined as being when the UK is on Greenwich Mean Time (GMT))

Monday to Saturday: 09:00 hours - 21:00 hours  
 Sundays, Public and Bank Holidays: 10:00 hours - 19:00 hours

During Summer Time (defined as when the UK is on British Summer Time)

Monday to Saturday: 09:00 hours - 22:00 hours  
 Sundays, Public and Bank Holidays: 10:00 hours - 22:00 hours

Reason: In the interest of neighbouring residential amenity.

#### Condition 11

There shall be no amplified speaker use for any purposes.

Reason: In the interest of neighbouring residential amenity.

## Informative(s)

### Informative 1

When discharging the Noise Management Plan condition the Applicant is advised that this should also include the need for restrictions on the number of persons using the court at any one time; prevention of anti-social behaviour; and consider the noise/use of tennis ball machines considered.

### Informative 2

i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public rights and ease of passage over public footpath nos. 18, 51 and 52 (Hatfield Peverel) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the Applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

iii. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

## Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

#### Hatfield Peverel Neighbourhood Development Plan 2015 - 2033

HPE1	Natural Environment and Bio-diversity
HPE3	Strutt Memorial Ground
HPE4	Sport and Recreation Provision
FI2	Parking

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
09/00782/FUL	Recreational ground to be used as a multi-use games area	Granted	20.08.09
09/01442/FUL	Variation of condition no. 3 of planning approval 09/00782/FUL to allow Hatfield Peverel Football Club to use the MUGA pitch after dusk and to secure the pitch via CCTV and signage advising that pitch is closed after dusk to general public	Refused	05.01.10
10/00196/FUL	Erection of 6m high CCTV mast and camera	Granted	08.04.10
10/00030/DAC	Application for approval of details reserved by condition no. 5 of approval 09/00782/FUL	Granted	18.02.10
10/00231/FUL	Variation of condition no. 3 of planning approval 09/00782/FUL to allow Hatfield Peverel Football Club (HPFC) to use the MUGA pitch after "sunset" rather than "dusk" and variation of condition no. 6 to allow HPFC to use the MUGA pitch for training purposes under existing floodlights on Wednesday, Thursday and Friday nights between 19:00 and 21:30	Withdrawn	03.03.10
10/00307/FUL	To allow Hatfield Peverel Football Club to use the MUGA pitch under the existing floodlights on Wednesday, Thursday and Friday nights between the hours of 19:00 and 21:30	Granted	19.05.10
11/00336/FUL	Removal of condition 3 of approval 09/00782/FUL	Granted	10.05.11

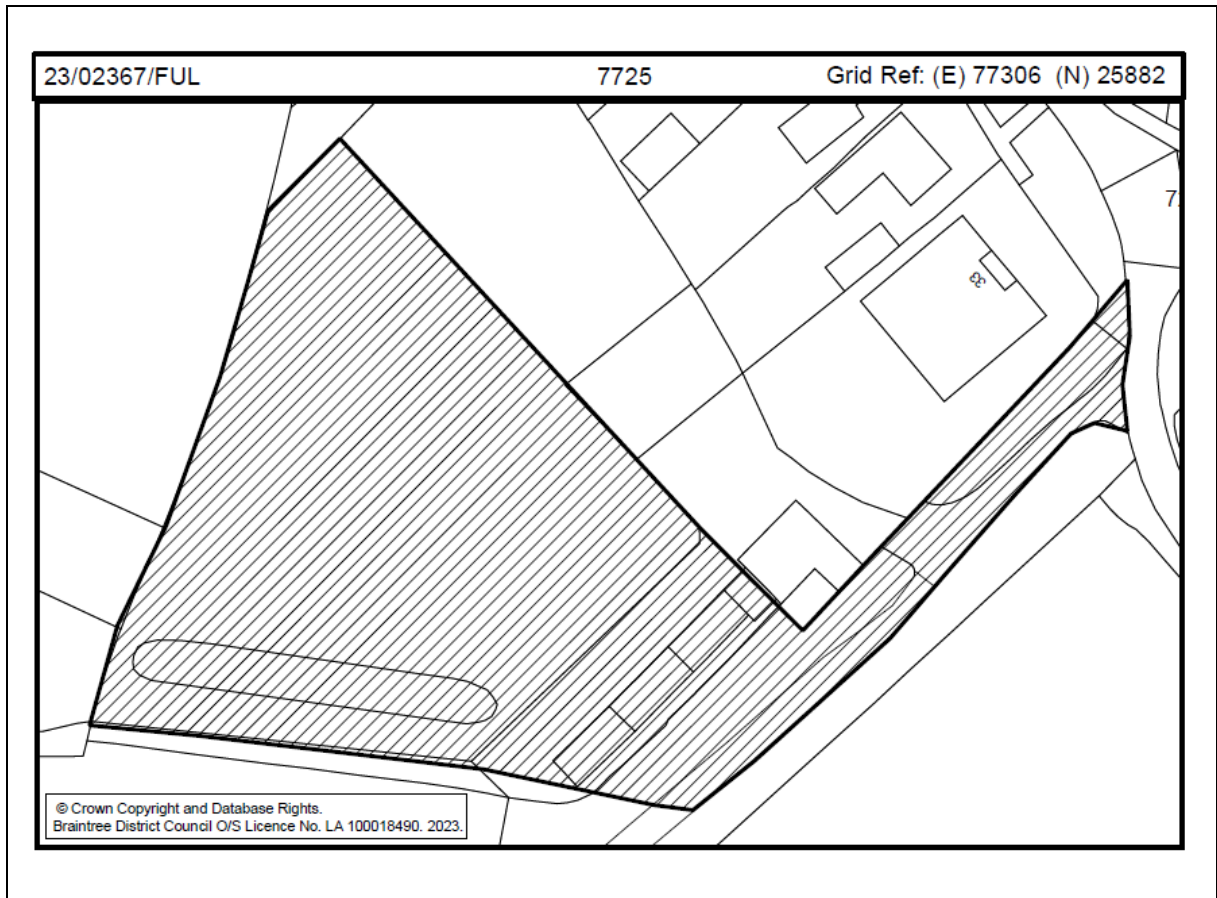


	relating to securing of gates to the multi-use games area outside the hours of 0800 to dusk		
13/00951/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of old football pavilion		10.09.13

**Agenda Item: 5f**

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/02367/FUL	
<b>Description:</b>	Erection of 8 No. dwellings with associated access and landscaping	
<b>Location:</b>	The Grange 33 Lyons Hall Road Braintree	
<b>Applicant:</b>	R J Waddell Properties Ltd, C/o Agent	
<b>Agent:</b>	Mr Rory Baker, Ceres Property, A3 East Gores Farm, Salmons Lane, Coggeshall, CO6 1RZ	
<b>Date Valid:</b>	5th December 2023	
<b>Recommendation:</b>	<p>It is RECOMMENDED that the following decision be made:</p> <ul style="list-style-type: none"> <li>▪ Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.</li> </ul>	
<b>Options:</b>	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> <li>a) <b>Agree</b> the Recommendation</li> <li>b) <b>Vary</b> the Recommendation</li> <li>c) <b>Overturn</b> the Recommendation</li> <li>d) <b>Defer</b> consideration of the Application for a specified reason(s)</li> </ul>	
<b>Appendices:</b>	<b>Appendix 1:</b>	Reason(s) for Refusal Submitted Plan(s) / Document(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	<p>Janine Rowley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2551, or by e-mail: <a href="mailto:janine.rowley@braintree.gov.uk">janine.rowley@braintree.gov.uk</a></p>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting</li> </ul>

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>▪ Planning Application submission: <ul style="list-style-type: none"> <li>▪ Application Form</li> <li>▪ All Plans and Supporting Documentation</li> <li>▪ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="#">p-</a> by entering the Application Number: 23/02367/FUL.</p> <ul style="list-style-type: none"> <li>▪ Policy Documents: <ul style="list-style-type: none"> <li>▪ National Planning Policy Framework (NPPF)</li> <li>▪ Braintree District Local Plan 2013-2033</li> <li>▪ Neighbourhood Plan (if applicable)</li> <li>▪ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located outside of the village boundary. There are residential properties to the north of the site, but the remainder of the site is surrounded by countryside.
- 1.2 The application seeks full planning permission for 8no. dwellings and a single point of access is proposed from Thistley Green Road for both vehicles and pedestrians.
- 1.3 The application site is not allocated for development and is located beyond any designated town or village development boundary in the Adopted Local Plan.
- 1.4 The development of an unallocated site outside of a defined development boundary is contrary to the Development Plan. In addition, the proposal would give rise to harm to the character and appearance of the local area, be harmful to existing trees and it would fail to deliver a high standard of design.
- 1.5 Officers consider that the scheme, by way of the site area and through design has been artificially engineered such that it does not provide affordable housing or fall to be classed as a major development requiring other planning obligations. It is also an inefficient use of land.
- 1.6 The proposal would fail to provide a suitable sustainable drainage system.
- 1.7 There are also detrimental impacts on the Blackwater Estuary Special Protection Area/Ramsar site and the Essex Estuaries Special Area of Conservation as no payment has been secured by a signed legal agreement or upfront payment. There is no agreed Section 106 Agreement to secure all the identified planning contributions required to mitigate the impacts of increased demand for services and facilities, including affordable housing, health provision, open space, or a refuse strategy.
- 1.8 When considering the planning balance, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, it is recommended that planning permission is refused for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part B of the Council's new Scheme of Delegation, at the request of the Chairman and Vice-Chairman of the Committee.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site is located on the southern side of Lyons Hall Road, to the rear of the properties Nos. 27 to 33. The site is located outside of the development boundary and is therefore located within the countryside. The site mainly consists of an existing ménage and open undeveloped land laid to grass, except for the eastern part of the site whereon there are single storey structures used for storage.

5.2 To the east and south are open agricultural fields, whilst the settlement of High Garrett sits to the west, predominantly following the A131 corridor.

6. PROPOSAL

6.1 Planning permission is sought to erect 8no. detached dwellings (2 x 2 bed, 4 x 3 bed and 2 x 4 bed) with associated landscaping, hardstanding and parking areas. All proposed dwellings are 2 storey in height with an overall height ranging from 6.4m to 7.2m.

Table 1. Detail breakdown of the residential scheme.

	Internal floorspace	No. of Bed	Garden Area (sq.m)
Plot 1	114sq.m	2	112
Plot 2	114sq.m	2	95
Plot 3	160sq.m	3	103
Plot 4	190sq.m	3	145
Plot 5	160sq.m	3	187
Plot 6	190sq.m	3	279
Plot 7	190sq.m	4	293
Plot 8	190sq.m	4	226

6.2 The proposed materials include slate roof tiles, vertical timber cladding stained black, grey Eternit cladding, Zinc fascias, bi folding doors, windows, photovoltaic solar panels.

- 6.3 Each dwelling would benefit from two parking spaces and two visitor parking spaces are also proposed.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Essex Fire and Rescue

- 7.1.1 No objections.

### 7.2 BDC Ecology

- 7.2.1 The Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology Consultancy Ltd, September 2023), submitted by the Applicant, relating to the likely impacts of development on designated sites, protected and Priority species/habitats has been reviewed.

- 7.2.2 Sufficient ecological information is available for determination for this application and that with appropriate mitigation measures, secured, the development can be made acceptable. Therefore, the mitigation measures as detailed in the Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology Consultancy Ltd, September 2023), must be secured and implemented in full. This is necessary to conserve protected and Priority species, particularly Priority Habitat (hedgerow), nesting birds, bats, hedgehogs, amphibians and reptiles that may forage and commute across the site during the construction period.

- 7.2.3 Biodiversity enhancement measures should be delivered for this application, to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2023. This should be secured as a condition of any consent via a Biodiversity Enhancement Layout and should follow the recommendations as outlined in the Preliminary Ecological Appraisal Including a Protected Species Assessment (Skilled Ecology Consultancy Ltd, September 2023). We also recommend that the replacement Priority habitat (native hedgerow) and tree planting is detailed on an appropriate soft landscaping plan to ensure that appropriate compensatory planting can be achieved. Furthermore, the site contains proposed residential development which is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar site, and Essex Estuaries SAC.

- 7.2.4 Therefore, Natural England's standard advice should be followed to ensure compliance with the Habitats Regulations. The LPA is therefore advised that a financial contribution should be secured in line with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), which will need to be secured by legal agreement or S111. Payment, and we note that this has been paid. The LPA will also need to prepare a Habitat Regulations Assessment - Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer



contribution for delivery of visitor management at the Habitats Sites. Impacts will be minimised subject to conditions imposed ensuring the development is carried out in accordance with all mitigation measures and a biodiversity layout plan is provided.

7.3 BDC Environmental Health

7.3.1 No comments received.

7.4 BDC Landscaping Services

7.4.1 The supporting information includes an Arboricultural Impact Assessment (Ref. SHA 1649 AIA Rev A).

7.4.2. **Tree removals** – 30 trees are proposed for removal. 20 of these are Category C, the remaining 10 are Category U, and 23 of the losses are from within orchard planting which is around 10yrs old.

7.4.3 **Root Protection Areas (RPAs)** – There is encroachment or level change effecting the RPA of 4 trees (54, 63, 66, 67). Noted that 3 of these trees are Category A, and that T67 is described as "approaching veteran status" although what this means in the context of NPPF is not explained. The RPA encroachment is largely minor, but is not sufficiently justified, and fails to reference BS5837:2012 clause 5.3.1:

"The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should:

a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;

b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth."

7.4.4 **Pruning requirements** – A minor amount of pruning is required, largely in the vicinity of plot 1 and by parking bays. T80 is to be pruned on one side by "up to 2m".

7.4.5 **Other impacts** – the report does not include specific detail on services/utilities but states these should be routed outside of RPAs where possible.

7.4.6 Limited detail has been provided regarding the post development pressure – gutter guards have been recommended, and shading has been acknowledged as an issue, but the issue has not been given full consideration. Plots 7 and 8 are likely to have significant shading issues,

and while I note the report states these have been "set back as far as practicable" I do not consider that the distance between the trees and the proposal is sufficient. I would refer to Local Plan policy LPP65:

"...Where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal..."

- 7.4.7 No specific detail has been given on construction working room, there is generic detail on demolition work, hazardous substances, compaction and site storage/compound, but no site-specific detail. Given the proximity of works to trees, this is a concern.

**Mitigation measures:**

- 7.4.8 The report details that there is scope for replacement planting, but it is not clear how this is achievable onsite: plans show planting as indicative only, or outside of the redline boundary - there is no evidence to show new trees are appropriate to offer commensurate value to those lost, or have appropriate space above and below ground to reach maturity, and offsite planting reduces the control of the LA to ensure these properly establish.
- 7.4.9 RPA encroachments are largely covered through a watching brief, with some use of ground protection for construction access.
- 7.4.10 No mitigation other than gutter guards is evident to resolve future pressures on the trees.
- 7.4.11 The report includes an Arboricultural Method Statement (AMS) but this has some generic sections, and a lack of clarity over some activities.

**Conclusion**

- 7.4.12 The cumulative impacts to trees appear significant. There is substantial loss of trees, albeit of low size and quality, and the level of development on site is likely to put pressure on significant high quality retained trees, as well as any new planting.
- 7.4.13 The proposal appears to be overdevelopment of the site from an arboricultural perspective.

7.5 BDC Waste Services

- 7.5.1 The access road to the proposed development needs to be adopted highway or built to an adopted standard and maintained as such, in order for the 11 m long, 2.6m wide 26,000kg waste collection vehicles to access the site. Waste receptacles will need to be presented where the boundary of each proposed property meets the access road on collection days.

## 7.6 ECC Highways

- 7.6.1 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority. From a highway and transportation perspective, providing the development is carried out in accordance with submitted drawing JTP 713 DR1, the impact of the proposal is acceptable to the Highway Authority subject to a condition required to submit a construction traffic management plan, which can be controlled by condition if the application is deemed acceptable.

## 7.7 ECC Suds

- 7.7.1 Raised a holding objection to the proposal based on the following reasons:

- Please provide the drainage calculations for the 1 in 100-year event plus 45% climate change as the current calculations are showing that climate change has not been added.
- Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.
- Please provide a more detailed drainage plan. Clarification on attenuation tanks under the permeable paving.

## 8. PARISH / TOWN COUNCIL

- 8.1 N/A

## 9. REPRESENTATIONS

- 9.1 The application has been publicised by way of a site notice, press notice and notification letters to adjoining residents. In response, 9no. letters of objection have been received stating:

- Increased traffic.
- Increased pollution.
- No local amenities to serve the new dwellings.
- Impact on existing ecology would be harmful.
- Removing trees will destroy the area.
- Overlooking and loss of privacy.
- The design of the dwellings are not in keeping with the surrounding character and appearance of the area.

- The proposal would harm the local wildlife including owls, bats and squirrels which is not acceptable.
- Loss of a greenfield site.
- The proposal would result in increased pressure on existing drainage given the existing blockages along Church Lane and Lyons Hall Road and significant rainfall results in flooding.
- The ecological appraisal survey has not been completed accurate as barn owls have been witnessed in September 2023.
- Appearance of dwellings are so far removed from the existing character of the area.
- The countryside should be protected.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework

- 10.1.1 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).
- 10.1.2 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.
- 10.1.3 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.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant

application was made prior to the publication of the December 2023 version of the NPPF.

- 10.1.5 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 (see below).

## 10.2 5 Year Housing Land Supply

- 10.2.1 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Council's Local Plan is up to date and complies with the NPPF.
- 10.2.2 However, Footnote 79 of the NPPF sets out that this provision only applies to planning applications which were submitted on or after the date of publication of the revised NPPF (December 19th 2023). As this application was received prior to that date, the Council must consider it in relation to the 5 year housing land supply.
- 10.2.3 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply.
- 10.2.4 The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, and given that they were only recently adopted, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

## 10.3 The Development Plan

- 10.3.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013-2033.

- 10.3.2 Policy LPP1 of the Adopted Local Plan states that development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.
- 10.3.3 The application site is located outside of a designated development boundary within the countryside and is not allocated for residential use. The proposed development is therefore contrary to Policy LPP1 of the Adopted Local Plan, which states outside of the development boundaries development will be strictly controlled to uses appropriate to the countryside.
- 10.3.4 It should be noted planning permission has been previously sought for six dwellings (Application Reference: 21/01882/OUT), at this site and is a material planning consideration when determining this application. The application was refused for the following reason:

*“The proposed development would, by reason of its location, design and nature, fail to reinforce local distinctiveness of the built environment and represents a stark visual intrusion into the local landscape which would be out of keeping with the prevailing character, appearance and pattern of existing development in the area. It represents a departure from Development Plan policies without reasonable justification. When considering the planning balance having regard to the requirements of the NPPF as a whole, the adverse impacts of granting permission would outweigh the benefits. The proposal would be contrary to the NPPF, Policies RLP2, RLP80 and RLP90 of the Adopted Local Plan (2005), Policies CS5 and CS8 of the Core Strategy (2011), and Policies SP1, SP3 and SP7 of the Shared Strategic Section 1 Local Plan (2021)”.*

- 10.3.5 The principle of development is unacceptable as it conflicts with Policy LPP1 of the Adopted Local Plan. All other material considerations are discussed in detail below.

#### 10.4 Application Site Capacity and Affordable Housing Thresholds

- 10.4.1 When assessing applications against the Adopted Local Plan thresholds for Affordable Housing provision and other planning obligations, the Council will carefully consider whether an Applicant has sought to avoid the threshold through design.
- 10.4.2 In this case it is Officers view that the Applicant has created an artificial application site where the land within the red line area (0.49ha) is just below the 0.5ha threshold for providing affordable housing in accordance with Policy LPP31 of the Adopted Local Plan. In addition, it is noted that a blue line to indicate any other land in the Applicant's control has not been provided as part of this application. The site area for Application Reference 21/01882/OUT was different to that now proposed and land registry documents show that a larger area than the red lined site area is within the

same title, such there seems no reason why a larger site area could not be put forward. The submitted location plan shows an area of land to the north of the site, immediately behind the rear garden of the properties on Lyons Hall Road which has not been included within the site area and no valid planning reason has been given as to why this has not been included.

- 10.4.3 Officers are of the view the red line has been artificially construed to fall below 0.5ha. In addition, it is Officers view that the proposed red line makes for an inefficient use of land, deliberately leaving out the area to the north of the development site for no valid reason and in doing so this area of land becomes redundant. Furthermore, the scheme for 8no. units falls below the major development threshold, however in Officers view the site layout demonstrates 8no. detached properties on generous sized plots, with garden areas well in excess of the recommended sizes. In Officers' opinion this has been deliberately designed as such so that the scheme delivers less than 10 units and remains as a minor development. The site area as currently proposed (or a larger site area which is 0.5ha or over), together with a mixture of different house types (i.e. to include semi-detached properties), with reduced garden sizes, could easily accommodate a greater no. of units and make for a more efficient use of land.
- 10.4.4 Officers conclude therefore that the scheme, by design, has been artificially engineered such that it does not provide affordable housing or fall to be classed as a major development. It is also an inefficient use of land, contrary to the NPPF. The planning obligation requirements which would be sought for a major development are set out below.

## 10.5 Housing Mix

- 10.5.1 Policy LPP35 of the Adopted Local Plan states that an assessment carried out for the Council by independent consultants indicates that the need for open market housing in the District is 4% one bedroom, 31% two bedroom, 45% three bedroom and 20% four bedroom. All new developments are expected to meet this broad range of sizes for open-market housing, unless it can be proven to the satisfaction of the Local Planning Authority that the site may be more suited to an alternative mix of housing types.
- 10.5.2 The proposed development would include 8 no. dwellinghouses, which are all detached properties. The proposed mix would include 2 x 2 bedrooms, 4 x 3 bedrooms and 2 x 4 bedrooms. The proposed mix would reflect the Council's standards in accordance with Policy LPP35 of the Adopted Local Plan. Notwithstanding the acceptable mix, the house types and site layout could be amended such to make a more efficient use of the land.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 109 states that the planning system should actively manage

patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

- 11.1.2 Policy LPP42 of the Adopted Local Plan seeks to promote development in accessible locations in order to reduce the need for travel, particularly private car use.
- 11.1.3 The application site is located outside of but adjoining the town development boundary as set out in the Adopted Local Plan the High Garret is considered a third-tier village, which is deemed one of the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transports links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third-tier village. A garage and a public house are situated about 1km to the north along A131. Whilst High Garrett itself does not contain many services and facilities, there are good bus services connecting to the central areas of Braintree and Bocking for shops, clinics, schools and other facilities. The site is only about 400m walking distance to the bus stops with hourly services to Braintree and Bocking where the main facilities and services are situated.
- 11.1.4 Unlike other sites within High Garrett, it is considered that this application site would have good access to public transport and as such there are opportunities for the future residents not to be reliant upon private means of transport. Subject to other measure to encourage the use of sustainable transport choices including widening of the footway and the Resident Travel Packs. This approach has previously been considered acceptable under Application Reference 21/01882/OUT.
- 11.2 Design, Appearance and Impact upon the Character and Appearance of the Area
  - 11.2.1 The NPPF seeks a high-quality design as a key aspect to achieving sustainable development. Further, Policy LPP52 of the Adopted Local Plan seeks to ensure a high-quality design and layout in all developments. At the national level, the NPPF is also clear in its assertion (Paragraph 131) that 'good design is a key aspect of sustainable development' and that (Paragraph 135) developments should 'function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place'.
  - 11.2.2 High Garrett is a settlement formed with a strong and distinctive linear pattern of development, with houses lining the A131 and Lyons Hall Road. Dwellings are typically set forward within their respective plots, leaving deep rectangular-shaped rear gardens. Bungalows are the predominant



house type on the southern side of Lyons Hall Road, whilst 2 storey dwellings are on the northern side and fronting the A131 to the west.

- 11.2.3 Whilst there is no uniformity in the appearance of these surrounding dwellings, there is a regularity to their architectural style and layout, with simple roof forms and projections. In stark contrast, the proposed development would form a small enclave of houses sitting behind the linear form of the local built environment, representing a backland development that does not integrate visually with the existing settlement. It is an alien form of development that goes against the grain of the prevailing built environment and therefore appears incongruous as a result.
- 11.2.4 The overall layout appears at odds with the grain of the surrounding development which is dominated by large properties on generous plot sizes with good distance to the plot boundaries. The submitted site plan and design of the dwellings would create a small suburban cul-de-sac, which is unlike the prevailing local character, where single dwellings front the road and back onto open fields to the north of the site.
- 11.2.5 Concerns are also raised in respect of the extent of hardstanding dominating the layout and the poor arrangement of the visitor parking. There would also be no space for significant tree planting as required by Paragraph 136 of the NPPF.
- 11.2.6 Furthermore, by virtue of the overall scale and massing of the dwellings proposed, the scheme would result in a dominating effect within this countryside location.
- 11.2.7 In terms of elevational design, the overall proposal is not attractive, the houses are poorly articulated, dominated by excessively large roofs out of character to the surrounding traditional properties, failing to preserve the local distinctiveness of the surrounding area. The palette of materials is alien to the surrounding context. For example, the Zinc and Cedar are not defining aspects of the local palette, nor are the Equitone cement panels resulting a palette of materials out of keeping with the traditional character and appearance of the area.
- 11.2.8 The proposed development results in a bland street design, monotonous and repetitive design failing to provide an attractive environment or create an appropriate sense of place. In light of the above the proposed development by reason of its siting, layout, poor detailed design would appear overly dominant and out of keeping and detrimental to the character and the appearance of this countryside location. The proposal has therefore not overcome the previous reason for refusal which concluded that the scheme failed to reinforce local distinctiveness of the built environment and represented a stark visual intrusion into the local landscape, which would be out of keeping with the prevailing character, appearance and pattern of existing development in the area.

- 11.2.9 The proposal would not reinforce local distinctiveness and would not meet the criteria of Policies SP7 and LPP52 of the Adopted Local Plan, requiring new development to meet high standards of urban and architectural design, including high standards of layout, design and landscaping and buildings that reflect or enhance the area and are of high architectural quality. The location and proposed form of development, with the associated scale, layout and elevational design, would also erode the openness of the countryside, urbanising an open field and harmfully affecting the appearance of the local area, failing contrary also to Policy LPP67.

*Refuse storage*

- 11.2.10 No objections have been raised by the Councils Waste Officer subject to appropriate conditions, which can be imposed if the application is deemed acceptable.

*Proposed residential amenity*

- 11.2.11 The Nationally Described Space Standards, which are incorporated into Policy LPP35 of the Adopted Local Plan, set out the requirements for internal space in new dwellings. In accordance with planning policy two-bedroom four person dwellings require an internal floorspace of 79sq.m, three-bedroom six person dwellings require 102sq.m and four-bedroom 8 person dwellings require 124sq.m. The three house types proposed are in excess of the standards.

*Amenity Space*

- 11.2.12 The Essex Design Guide (EDG) recommends minimum garden sizes of 50sqm for two-bedroom properties and in excess of 100sq.m for three-bedroom properties plus. All of the dwellings would benefit from amenity space in excess of current planning policy standards. As discussed above it is considered that the large gardens areas has been used to reduce the number of units proposed. However, there is concern in relation to the overall useability of the amenity space in terms of coverage of trees whereby the Councils Landscaping Services have confirmed Units 7 and 8 would have excessive shading when the trees T63, T64, T66, T67 to the south and western boundaries are in full leaf, resulting in a poor standard of amenity space. This is discussed in more detail below.

11.3 Trees

- 11.3.1 Paragraph 186 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees. Policy LPP65 of Adopted Local Plan states trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is good arboricultural reason for their removal.

- 11.3.2 The application is accompanied by Arboricultural Impact Assessment Report dated December 2023 (reference: SHA 1649 AIA Revision A). The tree survey accompanying this application indicates the presence of 11 trees, 23 groups and 2 hedgerows in an around the proposed development site. It is noted the trees protected under TPO 36A/01, on the adjacent Honeycomb Self Storage Site. The survey also indicates 5 trees, 1 entire group and sections of 11 other groups are to be removed to allow for the development as set out in the table below:

Trees Categorisation	Total	Trees/groups/hedges to be retained	Trees/groups/hedges to be removed
Category A (high value)	3	3	0
Category B (moderate value)	10	10	0
Category C (low value)	55	35	20
Category U (unsuitable for retention)	12	2	10
Total	80	50	30

- 11.3.3 The Arboricultural Officer has reviewed the proposal and states there are a number of design pressures. There is encroachment or level change effecting the root protection areas of 4 trees (T54, T63, T66, T67) and it is noted three of these trees are Category A, and T67 is described as "approaching veteran status". The root protection area encroachment is largely minor, but is not sufficiently justified failing to reference BS5837:2012 clause 5.3.1 which states:

*"The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should:*

- a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;*
- b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth."*

- 11.3.4 The Arboricultural Officer acknowledges limited detail has been provided regarding the post development pressure of the proposed development for example, Plots 7 and 8 are likely to have significant shading issues due to the insufficient distances of the dwellings to the trees and it is likely these

existing trees (T63, T64, T66 and T67) will be under significant pressure for felling or heavy pruning.

- 11.3.5 The Arboricultural Officer acknowledges the offset for tree losses however, it is not clear how this is achievable on site. The plans show planting as indicative only, or outside of the redline boundary and there is no evidence to show new trees are appropriate to offer commensurate value or have appropriate space above and below ground to reach maturity. With the proposed offsite planting, there is no access to maintain the trees and it is not clear with respect to the overall ownership given the land to the north and south falls outside of the red line. This is contrary to BS:5837 Section 5.6.
- 11.3.6 The Arboricultural Officer recommends refusal of the application. The cumulative impacts to trees appear significant and the level of development on site is likely to put pressure on significant high quality retained trees, including impact on root protection areas as well as any new planting.
- 11.3.7 In light of the above, the proposal is contrary to Policies SP7, LPP1, LPP52 and LPP65 of the Adopted Local Plan and the National Planning Policy Framework.

#### 11.4 Ecology

- 11.4.1 Policy LPP64 of the Adopted Local Plan is relevant in terms of Protected Species, Priority Species and Priority Habitat. It details that Nationally Designated sites (including Sites of Special Scientific Interest (SSSIs)), should be protected from development which is likely to adversely affect the features for which they are designated. In regard to the protected species, it details that where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.
- 11.4.2 The Council's Ecology Officer has reviewed the Protected Species Assessment (Skilled Ecology Consultancy Ltd, September 2023), submitted by the applicant, relating to the likely impacts of development on designated sites, protected and priority species and habitats. No objections are raised based on the basis that mitigations measures can be secured appropriately through conditions and implemented accordingly. The conditions would conserve protected and priority species, particularly Priority Habitat (hedgerow), nesting birds, bats, hedgerows, amphibians and reptiles that may forage and commute across the site during the construction period. In addition, biodiversity enhancement measures can be controlled by condition including the replacement priority habitat (native hedgerow) and tree planting is detailed on an appropriate soft landscaping plan to ensure appropriate compensatory planting can be achieved.

- 11.4.3 In light the above, subject to conditions no objections are raised on ecological grounds.
- 11.5 Highway Considerations
- 11.5.1 Paragraph 109 of the NPPF is explicit that development proposals should identify and pursue opportunities to promote walking, cycling and modes of transport. Paragraph 107 of the NPPF goes on to state the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 of the NPPF states development shall only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.5.2 The proposed vehicle access is via the junction of Thistley Green Road, Lyons Hall Road and Willoughbys Lane. Thistley Green Road is a public right of way, heading in a south-westerly direction.
- 11.5.3 Residents have raised concerns associated with increased traffic, trip generation, the existing road network and on street parking. The perception is that the increase in vehicles from the development would exacerbate the current problems.
- 11.5.4 ECC Highways have reviewed the application and raised no objections to the proposed development on highway safety and impact on the existing highway network, subject to conditions requiring the submission of a Construction Management Plan and a footway from the junction of Thistley Green Road (byway) and Lyons Hall Road (outside number 33) to provide a continuation of the existing footway provision (outside number 31). No objections have been raised by ECC Highways in relation to the visibility splays at exit on Thistley Green Road onto Lyons Hall Road, which are achievable. On this basis, the proposed access is therefore considered to be acceptable, as it has demonstrated to the satisfaction of the Highway Authority that the access is safe and would not cause a hazard to highway safety.
- 11.5.5 In relation to the parking requirements on site, Policy LPP43 of the Adopted Local Plan recommends that all new development is provided with sufficient parking in accordance with the adopted Essex County Council Vehicle Parking Standards. In this case, two vehicle parking spaces are provided for each dwelling and two visitor parking spaces which is in accordance with policy requirements.
- 11.5.6 The proposal is therefore considered to be acceptable on highway grounds.

## 11.6 Impact upon Neighbouring Residential Amenity

- 11.6.1 The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policies SP7 and LPP52 of the Adopted Local Plan all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.
- 11.6.2 Plots 2, 3, 4, 5, 6 would be set between 5.5m to 13.6m to the boundary to the north which includes an orchard and grassland. Beyond that are the rear gardens of properties in Lyons Hall Road. In terms of back-to-back distances these would range from 40m to 50m which is in excess of the Essex Design Guide 25m back-to-back distances. Therefore, whilst concerns have been raised by residents in terms of the impact on the amenities of existing occupiers by reason of overlooking and loss of privacy to the north, Officers consider there is sufficient distance to mitigate against overlooking and loss of privacy. It is not considered the proposal would result in loss of privacy, increase overshadowing, loss of light or overbearing impact on the residential amenities enjoyed in Lyons Hall to the north given the separation distances between the proposed development and existing residential occupiers.
- 11.6.3 It is not considered Plots 1, 7 and 8 would result in material harm to any residential occupiers given to the immediate south of the site is open countryside.
- 11.6.4 Whilst it is noted there is a residential property to the south west corner of the site (No.282 Broad Road) adjacent to Plot 7, taking into account the siting of the dwelling and separation distance in excess of 40m, the proposed development would not give rise to overlooking, loss of privacy, loss of light or overbearing impact.
- 11.6.5 In light of the above, it is not considered the proposal would result in material harm to the nearby residential properties and thus no objection is raised in terms of overlooking, overshadowing, loss of light, overbearing in accordance with Policy LPP52 of the Adopted Local Plan.

## 11.7 Flooding and Drainage Strategy

- 11.7.1 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding, and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.
- 11.7.2 Policy LPP74 of the Adopted Local Plan seeks to minimise exposure of people and property to the risks of flooding. Policy LPP75 of the Adopted Local Plan requires developments in Critical Drainage Areas to seek betterment to a greenfield run off rate. Policy LPP76 of the Adopted Local Plan refers to SUDS design being an integral part of the layout and should reflect up to date standards.

- 11.7.3 The application site is located within Flood Zone 1 (a low probability risk of flooding), however, given the scale of development, there is a requirement for the application to be supported with a Flood Risk Assessment (FRA). The application is accompanied by a SUDs Report carried out by Levee Consulting which the Local Lead Flood Authority (LLFA) have reviewed.
- 11.7.4 During the course of this planning application, The Lead Local Flood Authority raised a holding objection based upon the Suds Report carried out by Levee Consulting Revision C dated 15th May 2024 due to the variable discharge rates not being acceptable therefore not demonstrating adequate surface water drainage can be achieved contrary to policy.
- 11.7.5 Subsequently a revised Suds Report Revision D received on the 24th January 2024 carried out by Levee Consulting has subsequently been submitted. The Lead Local Flood Authority maintains a holding objection as no drainage calculations for a 1 in 100-year event plus 45% climate change have been provided and a drainage plan demonstrating attenuation has not been provided.
- 11.7.6 In light of the above, the application fails to satisfy the abovementioned policies.
- 11.8 Heritage and Archaeology
- 11.8.1 Both the Development Plan and the NPPF seek to ensure that new developments preserve the significance of heritage assets and their settings. The application site is not located within a Conservation Area or within the setting of a listed building.
- 11.8.2 Whilst no comments have been received from Essex County Council Place Services (Archaeology), it is noted previously under Application Reference 21/01882/OUT, no objections were raised to the application subject to planning conditions relating to further archaeological evaluation.
- 11.8.3 The Essex Historic Environment (HER) Record shows that the proposed development lies along a historic route along which sporadic settlement is depicted on the Chapman and Andre maps and so predates 1777. To the south is the hamlet of Thistley Green. Further south an ancient trackway from Bocking Church Street towards Halstead and Stisted follows the line of Thistley Green Road and survives as a hollow way south of this, thought to date from the 13th century or earlier. The site of Lyons is located to the east further along Lyons Hall Road, which is a protected lane at this point, the existing house is a Grade II listed building dating to the 17th century and is likely medieval in origin. To the north east is the medieval moated site of Willoughbys Farm, the farmhouse dates to the 15th century and is a listed building.
- 11.8.4 The proposed development lies within a fairly well-preserved medieval landscape and the potential for further remains associated with medieval

settlement and activity to survive within the proposed development area are high. In addition, Broad Road follows the line of a major Roman road. The proposed development has potential to disturb or destroy archaeological remains associated with medieval or earlier activity.

- 11.8.5 Planning conditions relating to the securing of the above would therefore be required on any grant of consent to ensure that the impact of the development upon any archaeological non-designated heritage assets could be mitigated by way of archaeological excavation and recording.

11.9 Renewable Energy

- 11.9.1 Policy LPP71 of the Adopted Local Plan states that applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes. Planning permission will only be granted for proposals that demonstrate the principles of climate change mitigation and adaptation into the development.

- 11.9.2 The planning statement accompanying this application has made a commitment to My Energi which is a green energy company testing new software to reduce the environmental impact and energy wastage of new homes, the applicant is committed to bringing forward an exemplar development that enables local families to realise significant cost savings and the energy efficiency.

- 11.9.3 The statement provided by My Energi details the range of eco-smart products as well as how specifically they will be incorporated into the proposed development to provide an exemplar proposal. The products include an eco-smart Electric Vehicle (EV) charger, grid compatible and also capable of utilising 100% green energy generated by solar panels, wind turbines or other domestic renewable technologies. An eco-smart power diverter, redirecting extra power to a designated heating appliance, such as an immersion heater, storage, heater, underfloor heating, electric heater etc. Finally, a state-of-the-art home battery solution, allowing users to provide and store electricity based on how much energy is being used, how much is generated from renewables and the electricity tariff.

- 11.9.4 Whilst it is noted the Applicant has a commitment to providing on site renewable energy in line with the aforementioned policy in respect of reducing environmental impact and energy wastage of new homes, Officers are of the view that this benefit does not justify a departure from the Development Plan. This is considered further in the planning balance below.

11.10 Habitat Regulations Assessment (HRA / RAMS)

- 11.10.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:



- Blackwater Estuary Special Protection Area and Ramsar site;
- Dengie Special Protection Area and Ramsar site;
- Essex Estuaries Special Area of Conservation.

- 11.10.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.
- 11.10.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.
- 11.10.4 The proposed mitigation measures would consist of the securing of a financial contribution of £163.86 per dwelling erected towards offsite visitor management measures at the above protected sites.
- 11.10.5 Instead of an up-front payment, the Applicant has indicated that this financial contribution would be secured by a S106 Agreement. However, the contributions have not been secured and a S106 agreement has not been signed by the relevant parties.

#### 11.11 Planning Obligations

- 11.11.1 As stated above Officers are of the view that the application site area has been engineered in a manner to avoid the affordable housing threshold and the site deliberately designed such that it would not be a major development. Officers are of the view that affordable housing and other obligations should be provided.
- 11.11.2 In accordance with Policy LPP31 of the Adopted Local Plan, 30% of affordable housing should be provided on site equating to 2.4 affordable units. The Council's Housing Enabling Officer has confirmed that the Council has high levels of housing need and on-site provision of affordable housing is the preferred approach to address this. Specifically in this case, however, a commuted payment (£241,500) in lieu of affordable housing would be more appropriate. This payment would provide subsidy to deliver affordable rented housing elsewhere in the district.
- 11.11.3 In addition to affordable housing, given the engineered nature of the site and that a greater number of units could be secured on the current or an enlarged site such the proposal would amount to a major development, it is considered that other planning obligations, as set out below, should be sought. No such Section 106 Agreement is currently in place.

## NHS

- 11.11.4 The NHS will seek a contribution towards healthcare for all major developments. A financial contribution would be required in order to increase capacity for the benefit of patients of the primary care network operating in the area. This may be achieved through any combination of extension, reconfiguration, or relocation of premises and/or clinical staff recruitment or training.

## Open Space

- 11.11.5 Policy LPP50 of the Adopted Local Plan states that all developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces SPD. The Councils Open Space SPD sets out details on how standards will be applied. A financial contribution would be sought for the provision of new or improved outdoor sport and allotments to help mitigate the additional demand generated by this development for such facilities. There is also a requirement to secure the ongoing management and maintenance of any public open space and amenity areas provided within the site.

## Refuse

- 11.11.6 Policy LPP70 of the Adopted Local Plan states proposals for all new developments should prevent unacceptable risks from all emissions and other forms of pollution. Policy LPP52 of the Adopted Plan states designs shall incorporate details of waste storage and collection arrangements.
- 11.11.7 A Section 106 Agreement would need to require the submission of the Refuse Strategy prior to the occupation of the site to ensure that the refuse and recycling is collected and removed.

## 12.1 PLANNING BALANCE AND CONCLUSION

- 12.1.1 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).
- 12.1.2 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.
- 12.1.3 As indicated above, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply. The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

#### Development Boundary Designation within the Development Plan

- 12.1.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".
- 12.1.5 The proposed development would be contrary to Policy LPP1 of the Adopted Local Plan as it proposes development outside of defined development boundaries and within the countryside. Full weight is afforded to this conflict.

## 12.2 Summary of Adverse Impacts

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

### **Site Area**

- 12.2.2 It is Officers' opinion that the site has been artificially engineered at 0.49ha to fall below 0.5ha threshold for providing affordable housing and in addition the site layout/dwellings designed deliberately to avoid being classed as a major development. No valid planning reason has been given as to why land to the north of the site plan cannot be included within the red line. The site as it is currently proposed (or enlarged to 0.5ha or more) could, with the use of different house types and a reduction in the size of garden areas, comfortably contain more than 10 units. Significant weight is afforded to the deliberate engineering of the site area and design to avoid planning obligations and the subsequent inefficient use of land.

### **Harm to the Character and Appearance of the Area**

- 12.2.3 The proposed development would, by reason of its location, layout, design and nature, fail to reinforce local distinctiveness of the built environment and by reason of detailed design represents a stark visual intrusion into the local landscape which would be out of keeping with the prevailing character, appearance and pattern of existing development in the area. It would fail to achieve a high quality of design resulting in a form development which would be out of keeping with and detrimental to the prevailing character and appearance of the countryside. Significant weight is afforded to this conflict.

### **Harm to trees**

- 12.2.4 The siting of residential development would result in the loss of a number of trees and the level of development on site is likely to put pressure on significant high quality retained trees, as well as any new planting, failing to comply with Policy LPP65 of the Adopted Local Plan. Significant weight is afforded to this harm.

### **Flooding and Drainage**

- 12.2.5 The Lead Local Flood Authority raises an objection based upon the submitted drainage information, which fails to demonstrate an acceptable sustainable drainage proposal contrary to policy. Significant weight is afforded to this harm.

### **Planning Obligations**

- 12.2.6 There is no agreed Section 106 Agreement to secure all the identified planning contributions required to mitigate the impacts of increased demand for services and facilities, including affordable housing, health

provision, open space, or a refuse strategy. The failure to acquire the required planning contributions and on-site provision would result in unacceptable pressure and detrimental impacts on these infrastructure. Significant weight is therefore afforded to this harm.

### 12.3 Summary of Public Benefits

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

#### **Delivery of Market and Affordable Housing**

- 12.3.2 The provision of 8no. dwellings would provide the delivery of market housing. Limited weight is afforded given the small scale of the development and the Council's current 5 Year Housing Land Supply position.

#### **Economic and Social Benefits**

- 12.3.3 The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. However, given the scale of development proposed, this is only afforded moderate weight.

#### **Environmental Benefits**

- 12.3.4 The proposal would make a commitment to increasing renewable energy provision and adaption of climate change during the lifetime of the development through the use of My Energi, which is a green energy company. However, given the scale of development, this is only afforded moderate weight.

### 12.4 Summary of Neutral Factors

- 12.4.1 There is no identified harm in terms of heritage assets and their settings, or ecological impacts. These are considered to be neutral factors in the planning balance.

### 12.5 Conclusion and Planning Balance

- 12.5.1 Taking into account the above, while the proposal complies with some Development Plan policies which weigh in favour of the proposal, it is considered that the proposal conflicts with the Development Plan as a whole.
- 12.5.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, an important material consideration is whether the Council can

demonstrate a 5 Year Housing Land Supply and consequently, whether Paragraph 11d) of the NPPF is engaged.

- 12.5.3 As indicated above, the Council is currently able to demonstrate a 5 Year Housing Land Supply and therefore Paragraph 11d) of the NPPF is not engaged.
- 12.5.4 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan. It is therefore recommended that planning permission is refused for the proposed development.
- 12.5.5 Notwithstanding the above, if the 'tilted balance' was engaged, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context, it would be recommended that planning permission be refused for the proposed development.

### 13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application REFUSED for the reasons outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### REASON(S) FOR REFUSAL / SUBMITTED PLAN(S) / DOCUMENT(S)

#### Submitted Plan(s) / Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location / Block Plan	01	B
Topographical Survey	02	N/A
Proposed Site Plan	03	B
Proposed Site Plan	04	D
Proposed Floor Plan	05	A
Proposed Elevations	06	A
Proposed Floor Plan	07	A
Proposed Elevations	08	A
Proposed Floor Plan	09	A
Proposed Elevations	10	A
Proposed Elevations	11	A
Proposed Floor Plan	12	A
Proposed Elevations	13	A
Proposed Elevations	14	A
Street elevation	15	B

#### Reason(s) for Refusal

##### Reason 1

The site is located in the countryside and falls outside of the defined village envelope as identified in the Adopted Local Plan. The proposal is therefore contrary to Policy LPP1 of the Adopted Local Plan. Furthermore, the proposed development would, by reason of its location, layout and design would create an enclave of housing which, fails to reinforce local distinctiveness of the built environment and by reason of its detailed design represents a stark visual intrusion into the local landscape which would be out of keeping with the prevailing character, appearance and pattern of existing development in the area. The proposed development would fail to achieve a high quality of design resulting in a form development which would be out of keeping with and detrimental to the prevailing character and appearance of the countryside. The proposal would therefore be contrary to the National Planning Policy Framework, and Policies SP1, LPP1, LPP50, LPP52 and LPP67 of the Braintree District Council Local Plan (2013-2033).

##### Reason 2

The proposal would result in significant pressure on the existing trees to be removed or reduced given the extent of shading they will cause to rear gardens and the subsequent impact upon residential amenity. The proposed replacement planting is not achievable on site and there is no evidence to suggest the new trees offer commensurate value or have appropriate space to reach maturity. In addition, insufficient information has been provided to justify the encroaching into the root protection areas of high value trees, which are of significant value to the landscape of the area. The application is contrary to Policies SP7, LPP1, LPP52 and LPP65 of the

Braintree District Local Plan 2013-2033 and the National Planning policy Framework.

#### Reason 3

Insufficient information has been submitted to demonstrate the drainage calculations for the 1 in 100 year event plus 45% climate change, the drainage plan is insufficiently detailed and clarification on attenuation tanks has not been provided. It has not therefore been demonstrated that an adequate surface water drainage strategy can be provided. The proposal is therefore considered to be contrary to Policy LPP74 of the Braintree District Local Plan (2013-2033) and the National Planning Policy Framework.

#### Reason 4

The site has been artificially engineered at 0.49ha to fall below 0.5ha threshold for providing affordable housing and in addition the site layout/dwellings designed deliberately to avoid being classed as a major development. No valid planning reason has been given as to why land to the north of the site cannot be included within the red line and a more efficient use of land come forward. The site as it is currently proposed (or enlarged to 0.5ha or more) could accommodate 10 or more units.

The scheme has been deliberately engineered to avoid planning obligations. Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- Affordable Housing
- A financial contribution for the NHS
- Provision of and contribution towards open space and ongoing onsite maintenance of open space
- A refuse strategy

These requirements must be secured through a Section 106 Agreement; however a Section 106 Agreement has not been prepared or completed. In the absence of securing such planning obligations, the proposal would be contrary to Policies SP6, LPP31, LPP50 and LPP78 of the Braintree District Local Plan 2013-2033, and the Open Space Supplementary Planning Document (2009).

#### Reason 5

The proposed development fails to secure appropriate mitigation with regards to increased recreational pressure on the Blackwater Estuary Special Protection Area and RAMSAR, and the Essex Estuaries Special Area of Conservation. In the absence of such mitigation, the proposed development would result in, on its own and in combination with other projects, detrimental impacts on the integrity of these European designated sites protected under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The proposed development is therefore contrary to Policy SP2 of the Braintree District Local Plan (2013-2033).



## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP76	Sustainable Urban Drainage Systems
LPP78	Infrastructure Delivery and Impact Mitigation

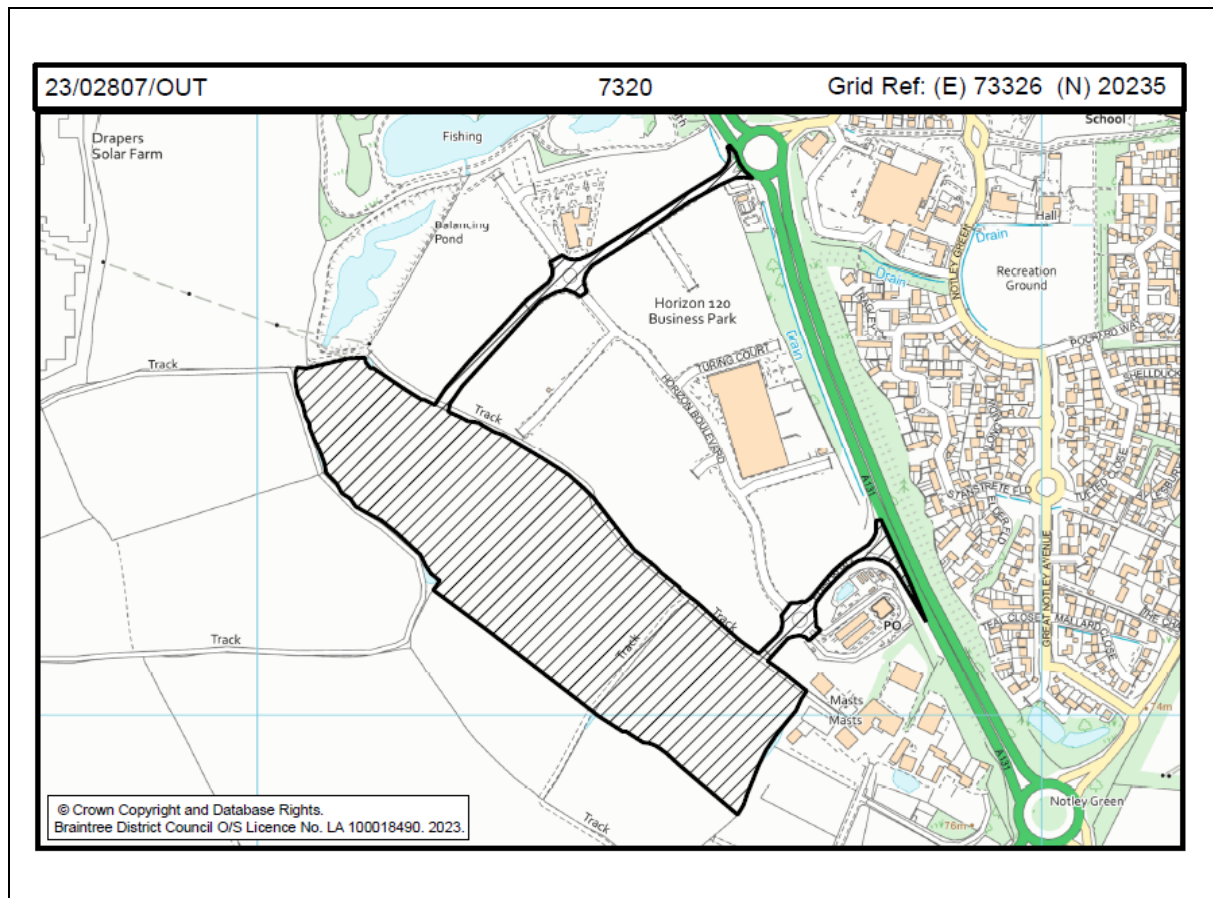
### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
94/00792/FUL	Erection of two stables	Granted	05.08.94
11/01482/FUL	One and a half storey front, side and rear extension	Granted	09.12.11
12/00313/FUL	Erection of a five bedroom chalet bungalow	Granted	30.04.12
14/00402/AGR	Application for prior notification of agricultural building - building for storage of agricultural machinery	Withdrawn	14.04.14
14/00528/FUL	Replacement of asbestos nissan hut with timber storage barn and extension of existing stable block	Granted	13.06.14
18/01878/FUL	Single storey side extension	Granted	03.01.19
19/01165/HH	Single storey side extension	Refused	29.08.19
21/01882/OUT	Outline planning permission with all matters reserved apart from access, for the demolition of existing buildings and the construction of 6 No. dwelling houses.	Refused	05.11.21
22/01668/ELD	Application for a Lawful Development Certificate for an Existing Use - Single storey outbuilding	Refused	20.09.22
22/02930/HH	Retention of outbuildings for creation of home office, playroom and domestic storage associated with occupants of the house.	Granted	18.01.23

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
Application No:	23/02807/OUT	
Description:	Hybrid Planning application for part full, part outline consent for up to 55,000sqm of employment floorspace. <i>(Full description of development is set out at Paragraph 6.1 of the Committee Report)</i>	
Location:	Land West of Horizon 120, Horizon Boulevard, Great Notley	
Applicant:	Mr D Warburton, Cronos Construction Projects Ltd on behalf of the Marsh Group, Third Floor, Innovation House, 97 London Road, Bishops Stortford, Herts, CM23 3GW	
Agent:	Mr Lee Melin, Strutt and Parker, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF	
Date Valid:	30th November 2023	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms Outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) Outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Alison Rugg For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2522, or by e-mail: <a href="mailto:alison.rugg@braintree.gov.uk">alison.rugg@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As Outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:  <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 23/02807/OUT.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website:  <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The site extends to 13.75ha and is currently used as arable farmland. The existing adjacent Horizon 120 business park and Gridserve sit to the east of the site with the A131 and Great Notley village beyond. Horizon 120 business park is currently under construction. The application site is located outside the development boundary and is therefore a departure from Policy LPP1 of the Adopted Local Plan.
- 1.2 This application forms a hybrid planning application which seeks part full, part outline planning permission for up to 55,000sq.m of employment floorspace. Full planning permission is sought for a 15,925sq.m (GEA) building for B8 uses, with ancillary office space (Use class E(g)(i)) and associated amenity space landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works on the southern part of the site (3.7ha).
- 1.3 Outline planning permission (with access, appearance, landscaping, layout and scale all reserved) is sought for up to 39,075sq.m of employment space for Research and Development (E(g)(ii)), and/or Industrial Process (E(g)(iii)), and/or General industrial (B2), and/or Storage or distribution (B8) with ancillary office (Use class E(g)(i)) with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure. The area of the outline application extends to 9.38ha to the north of the site and is accompanied by a Design Code and Illustrative Masterplan.
- 1.4 The proposal would represent much needed Grade A commercial floorspace supply in the mid to larger size band (1000+ sqm) where there is little to no availability. Substantial economic and social benefits would arise from the proposal. It has been estimated that the potential number of employees would vary from approximately 579 for the lowest employee generating use (B8), to approximately 1,450 for research and development (E(g)(ii)). Further jobs would be created during the construction phase also. This job creation would in turn boost the local economy. Social benefits would arise from the creation of new jobs, resulting in additional spending to support local services and facilities, alongside further investment into local infrastructure.
- 1.5 The overall design is of a high quality and is well thought out. The proposed developed areas sit within a landscape setting which has been designed to successfully integrate the development into the surrounding context in a sympathetic and attractive manner and to enhance biodiversity. The landscape led approach would provide a holistic environment throughout the site and make use of quality material and a coherent design strategy. The landscaping would incorporate sustainable drainage measures, movement corridors and enhance biodiversity. The landscape strategy would provide natural buffers along boundaries with landscape bunds providing acoustic and visual mitigation along sensitive boundaries. No harm has been identified to the Listed Buildings to the south. The scale of

the development would sit comfortably within the immediate context. The overall building designs and consideration of mass have been well thought out and the design has evolved in order to positively respond to existing buildings, short range views and sensitive boundaries.

- 1.6 For the detailed element of the application the site achieves a considerable biodiversity net gain that weighs strongly in favour of the development, exceeding the proposed regulatory requirement by some 30% and 5% respectively. The outline element of the application proposes landscaping as a reserved matter with all details yet to be submitted.
- 1.7 The development would take a holistic approach to the integration of sustainable design from inception, focussing on reducing carbon emissions and also on exceeding the minimum requirement of BREEAM 'Very Good'. The environmental performance of any new buildings, particularly with regard to CO2 emissions, would aspire to exceed the national standards set by the current Building Regulations. Any new building would achieve a carbon emission reduction improvement over and above the Building Regulations Approved Document L2A requirements. A minimum of 30% of the projected energy requirements of a plot, including the building, would be provided through renewable energy technology. The principles have been embedded in the Design Code, which all applications at reserved matters stage would be required to adhere to. In terms of the full element of the application, a minimum of 30% of the projected energy requirements of the plot would be achieved by the use of Air Source Heat Pumps (ASHP) along with a roof mounted Photovoltaic array.
- 1.8 A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site, but this harm is seen as localised. The proposal includes significant planting, with appropriate landscape buffers, high quality design, and control on height of buildings within the application site which would help to mitigate the visual effects, reducing the harm in the long term. However, it should also be recognised that the surrounding landscape has already had a major change with the introduction of Horizon 120 and the adjacent Solar Farm.
- 1.9 Development on the site would give rise to vehicular movements which would place additional strain upon the existing highway infrastructure in the locality. However, these effects would not be as great as they would otherwise be on account of the measures being taken to encourage employees to take up alternative sustainable modes of transport, and additional enhancement of the highway network. The development proposes improvements to the existing transport network to mitigate the impacts of development and whose effects would extend beyond the immediate boundary of the development into the wider community. These benefits include a public transport financial obligation to fund sustainable transport modes into the site, delivery of improvements to highways to mitigate network capacity and enhancements to the existing PRow network.



- 1.10 The proposal would result in the loss of 13.7ha of Grade 2 agricultural Best and Most Versatile Agricultural land. However, this loss is mediated when it is appreciated that Braintree as a District overall has a proliferation of such land. Furthermore, the site would be a natural extension of the existing Horizon 120 development and therefore the precise location of the site is a key part to this application.
- 1.11 A degree of harm would arise from the loss of 2 trees and a stretch of hedgerow where access into the site is necessary and where alternative layout solutions do not exist. However, it is considered that much of this harm would be mitigated through the provision of biodiversity net gain across the site and obligations to provide new trees within the development. Benefits such as enhanced habitat management, provision of open space and enhanced PRow network cannot be derived without some tree loss occurring.
- 1.12 There are no objections from the relevant statutory consultees and Officers consider that the proposed development is acceptable, subject to relevant planning conditions and a Section 106 Agreement.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site extends to 13.75ha and is currently used as arable farmland, set across two fields, with trees and hedgerow confined to the field boundaries around the perimeter of the site. An established tree line follows an existing ditch and cuts through the bottom portion of the site running northeast-southwest through the site.
- 5.2 The existing adjacent Horizon 120 business park and Gridserve sit to the east of the site with the A131 and Great Notley village beyond. Horizon 120 business park is currently under construction with buildings ranging from 11-14.5m in height.
- 5.3 To the northwest and southwest of the site, within the jurisdiction of Uttlesford District Council, a large solar farm has recently been granted consent (Application Reference UTT/22/0007/FUL). The solar farm extends across approximately 114ha of predominantly arable land. Great Notley Country Park is located further to the north-east.
- 5.4 Slamsey's Farm sits to the south-east of the site which incorporates farmland, building accommodation and storage. A day care and yoga facility are also located on the farm. Slamsey's Farm contains three Grade II listed buildings, which include two barns and a dovecote. The south of the site comprises of farmland, with Chelmsford City Racecourse beyond.
- 5.5 An existing bridleway (PROW 311\_27) crosses through the bottom portion of the site in a south-west to north-east direction and continues along the north-eastern boundary of the proposed site and the northern boundary of the existing Horizon 120 Business Park. An existing footpath (PROW 311\_12) runs along the northern boundary of the site.
- 5.6 The site is located in Flood Zone 1 and is not at risk of fluvial, tidal or reservoir flood risk. The site is not the subject of any site-specific designations and there are no internationally designated sites within 10km. The entire site comprises Best and Most Versatile Agricultural land

(Grade 2). The site is also located in a Minerals Safeguarding Area and a Waste Consultation Area. A Local Wildlife Site (White Court Wood) is located approximately 750 metres to the north-east of the site, within Great Notley Village.

## 6. PROPOSAL

- 6.1 This application forms a hybrid planning application which seeks part full, part outline permission for up to 55,000sq.m of employment floorspace. The full description of development is as follows:

*Hybrid Planning application for part full, part outline consent for up to 55,000sqm of employment floorspace. Full planning permission for a 15,925sq.m (GEA) building for Storage and Distribution (Use class B8), with ancillary office (Use class E(g)(i)) and associated amenity space landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works. Outline planning permission (with all matters reserved) for up to 39,075sq.m of employment space for Research and Development (E(g)(ii)), and/or Industrial Process (E(g)(iii)), and/or General industrial (B2), and/or Storage or distribution (B8) with ancillary office (Use class E(g)(i)) with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.*

- 6.2 Full planning permission is sought for a 15,925sq.m (GEA) building for B8 uses, with ancillary office space (Use class E(g)(i)) and associated amenity space landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works on the southern part of the site (3.7ha) (the 'Southern Site'). The building would be 13.92m in height to the parapet and 15.5m to the ridge, consisting of a vertically laid micro rib cladding in anthracite grey, with aluminium framed windows and doors.
- 6.3 Access to the Southern Site is predetermined with the only available route for vehicles being the extension of the western stub leading off the existing Phase 1 roundabout, with direct access to the A131. An extension of this existing road would lead into the Southern Site, as well as extending and linking the existing footpaths and cycle route connections from Horizon 120. The service yard space would be located to the south of the building, adjacent to Slamseys Farm, with 107 car parking spaces located to the north and east of the site.
- 6.4 Existing vegetation, including hedgerow and mature trees, form the boundaries throughout the Southern Site. The proposed development would incorporate additional planting and swales to the south-eastern and south-western boundaries, including a 3m high landscape bund to the south to provide visual and acoustic mitigation to the adjacent Slamseys Farm. The layout for the Southern Site also provides a 3m acoustic barrier to the yard area along the south-western boundary and further tree planting is proposed along this edge to provide further visual and acoustic mitigation.

- 6.5 A footpath is proposed to run along the perimeter of the south-east and south-west boundaries, for use by employees of the site. The landscape scheme, integrated into the layout, offers employees break out and amenity spaces.
- 6.6 The layout provides for a new access to Slamseys Farm in the south-eastern corner of the site and also completes the circular pedestrian route from the bridleway in the Northern Site, through to the footpath network in Zone C of Horizon 120. In order to enhance biodiversity, SUDs are incorporated along the south-western boundary, providing a sustainable drainage feature that would feed into the overall drainage strategy.
- 6.7 Outline planning permission (with all matters reserved) is sought for up to 39,075sq.m of employment space for Research and Development (E(g)(ii)), and/or Industrial Process (E(g)(iii)), and/or General industrial (B2), and/or Storage or distribution (B8) with ancillary office (Use class E(g)(i)) with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.
- 6.8 Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage. The indicative and illustrative plans show buildings of a rectangular form, with building lines close to the development plot boundary, unless fronted by staff/visitor parking or amenity space and soft landscaping. The exact design and massing of the building(s) is unknown at this time, however the outline application is accompanied by a Design Code and Parameter Plans which are submitted for approval, and an illustrative masterplan, which demonstrates one way in which the site might accommodate the quantum of development proposed.
- 6.9 The area of the outline application extends to 9.38ha to the north of the site and would accommodate the balance of the 55,000sq.m for which planning permission is sought i.e. up to 39,075sq.m. The supporting information states that the development plots need to remain flexible (in terms of the number of buildings provided) given that the end user is currently unknown.

## 7. ENVIRONMENTAL IMPACT ASSESSMENT

- 7.1 An Environmental Impact Assessment (EIA) Screening Opinion was requested from the Council on 13<sup>th</sup> July 2023 by the Applicant.
- 7.2 A formal response from the Council, issued on 29<sup>th</sup> November 2023, confirmed that an Environmental Impact Assessment was not required to be submitted in support of the proposal (Application Reference 23/01818/SCR).

## 8. SUMMARY OF CONSULTATION RESPONSES

8.1 A public consultation was undertaken for the proposal. During the planning process, additional information was provided based on consultee comments. A further consultation was undertaken with consultees and any members of the public who had expressed interest in the application during the first consultation.

### 8.2 Active Travel England (ATE)

8.2.1 In ATE's initial comments concern was raised that the planning application provided a limited assessment of walking and cycling trips to the site from Braintree and recommended that further qualitative assessment be carried out with a view to understanding what opportunities were available to promote active travel among commuting trips. Advice was also provided that the proposed cycle parking could be improved through the addition of two stands designed for non-standard cycles.

8.2.2 The Applicant's response provides some basic qualitative assessment of routes from Braintree to the site. This assessment is limited in detail, however, and the Applicant's position remains that the development of the original Horizon 120 employment park suitably assessed active travel to the area, involved consultation on active travel improvements necessary, and as such has already delivered the required improvements.

8.2.3 ATE would note to the Applicant and LPA that this development site is outside of the Horizon 120 masterplan, which was adopted in 2012 and outside of the more recently adopted Horizon 120 Local Development Order (LDO). While improvements may have facilitated the original Horizon 120 at the time, the assumption by the Applicant that these would necessarily be suitable for the proposed extension to the business park, and whether the quality of infrastructure meets guidance and standards published since 2012 is not convincing.

8.2.4 The development would result in a significant increase in the number of employees at the site and an assessment of this would be worthwhile. Relying on the development 'piggy-backing' on earlier improvements fails to acknowledge improved standards published in LTN 1/20, the objectives of Gear Change, or the greater priority placed on active travel in more recent versions of the NPPF. It also fails to acknowledge the Local Cycling and Walking Infrastructure Plan for Braintree, which as highlighted in ATE's initial response includes routes towards the application site.

8.2.5 Overall therefore, ATE is doubtful that the Applicant has convincingly addressed ATE's initial comments on this matter. However, in discussions with the Local Authority Case Officer, ATE is satisfied that agreements to developer contributions will involve discussions with the local highway authority. With this in mind, ATE is satisfied to change its recommendation to No Objection. Should contributions be agreed by the local authority ATE would recommend that a proportion of these be allocated towards

delivering relevant improvements within the Braintree LCWIP and would be grateful to be notified of these agreements.

- 8.2.6 The Applicant has confirmed that stands for non-standard cycles will be added to the cycle stores. ATE recommends a suitable condition to cover these details.

8.3 Anglian Water

- 8.3.1 No comments confirmed.

8.4 Chelmsford City Council

- 8.4.1 It is important that the impact on Chelmsford is adequately assessed including traffic impacts given the Great Leighs Racecourse and new strategic growth that is proposed at Great Leighs in the adopted Chelmsford Local Plan. Although the site can be reached by a number of non-car modes, including on foot, by bike and by bus the submitted information does not recognise the proposed strategic growth outside of Braintree District, within Great Leighs. Improved transport links to Great Leighs would be beneficial as part of the development.

8.5 Environment Agency

- 8.5.1 No comments confirmed.

8.6 Essex Fire and Rescue

- 8.6.1 Following a review of these documents I would like to draw your attention to the following:

- 8.6.2 Approved Document B Volume 2 – BUILDINGS OTHER THAN DWELLINGS Section 16: Fire mains and hydrants. Provision of private hydrants - A building requires additional fire hydrants if both of the following apply. A) It has a compartment with an area more than 280m<sup>2</sup>. B) It is being erected more than 100m from an existing fire hydrant.

- 8.6.3 If additional hydrants are required, these should be provided in accordance with the following. ... a. For buildings provided with fire mains – within 90m of dry fire main inlets. b. For buildings not provided with fire mains – hydrants should be both of the following. i. Within 90m of an entrance to the building. ii. A maximum of 90m apart. Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

8.7 Essex Police

- 8.7.1 Whilst there are no apparent concerns with the layout, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

8.8 Natural England

8.8.1 No comments confirmed.

8.9 Ramblers Association

8.9.1 No comments received.

8.10 Uttlesford District Council

8.10.1 No comments received.

8.11 BDC Environmental Health

*Noise*

8.11.1 The Spectrum Noise Assessment dated November 2023 considers predicted noise at nearby receptors to the development at Slamseys Farm house and Blackley Cottages in Blackley Lane to the south and west of the site from four industrial units at the application site (which is to the west of the existing Horizon Phase 1 site). These receptors are different to those assessed for Horizon Phase 1 to the east of the subject site and there is no intervening A131 noise to mask noise nor is there any existing continuous acoustic screening between the source noise and the receptor properties.

8.11.2 The Noise Assessment Report confirms that the aim is to demonstrate that the southern detailed part of the application can operate with other uses and the noise not be intrusive to the nearest residential occupiers. Environmental Health acknowledges that the detail for three northern units are for illustrative purposes only. Therefore for that area of the site future detailed site applications would need to demonstrate that additional noise from those units would not give rise to noise levels from operations that would unreasonably impact nearby residential occupiers. Therefore twenty four hour operation may not be accepted at the current time for that area of the site until site details and an accompanying noise report are able to be provided.

8.11.3 For the southern area of the site where final site layout detail is provided, the Spectrum Acoustic Report accompanying the application concludes that nighttime and daytime noise levels will not exceed assumed worst case background noise levels when considered at the nearest residential premises to that area of the site. (These being at Blackley Lane Cottages and Slamseys Farm assessed in accordance with BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound)).

8.11.4 It is appropriate to note that the noise assessment is a theoretical one making assumptions about the type and intensity of activity at the proposed site assessment. To secure the certainty of the Spectrum Noise Report conclusion that the objective level is achieved then a noise limit condition is

recommended for the detailed area of the site for both night time and daytime periods. An additional objective noise level condition specific to the design of air handling equipment and external plant/equipment noise is also recommended to limit the output from those noise sources.

- 8.11.5 Primary noise source operations predicted in the noise report are loading bay activity, comprising noise of varying character such as banging, engine noise, reversing noise, brake noise, material handling, shutter closing and opening, loading on and off vehicles, persons shouting etc - the nature of the noise is potentially sporadic noise with varying noise levels and character type.
- 8.11.6 The Spectrum Report by assessing noise using BS4142 includes prediction of the intensity of use at sites and certain noise reduction practices such as no bleeper alarms being used. As the Spectrum Report relies on assumptions as to the intensity of operations described as the worst case noise emission then any permission must ensure through condition that the noise emission levels predicted for the site for individual operations within the report are not exceeded at the operational stage and therefore noise levels maintained to acceptable levels.
- 8.11.7 In addition to the need to control loading bay activity for all the sites then to protect against intrusive continuous noise, in particular low frequency or tonal noise from external plant/equipment a specific noise condition that the noise level from this type of plant/equipment shall be installed so that resultant noise does not exceed the existing background noise level and with no dominant tonal noise at nearest residential property is recommended.
- 8.11.8 Environmental Health would generally expect that the site does not influence noise levels at all noise sensitive receptors including those receptors assessed during Phase 1 which is indicated by the mapping provided within the noise report. It is recommended that in addition to an appropriate noise level condition for the loading bay noise then details of best practicable means (Noise Management Plan) shall be agreed and implemented throughout the life of the unit's operation as part of any consent to protect nearest noise sensitive premises.
- 8.11.9 In section 5.3 of the noise report it is noted that the initial simulations of the noise model indicated that the target noise thresholds at receptors were exceeded during daytime and nighttime operations. Accordingly, the mitigation has been modelled with the aim of reducing operational noise to acceptable levels.
- 8.11.10 Accordingly, the modelled activity truly represents a scenario of intensive activity. As a result, the predicted noise levels at residential locations are at the upper end of potential levels from the site. Given that the accumulated noise from these scenarios complies with the daytime, nighttime and maximum noise level criteria, this gives confidence that use of the site for 24-hour operations would be acoustically acceptable. For the great majority



of time, it is predicted that noise levels from the site will be lower than shown in this analysis, thereby reducing the noise impact according to the guidance in BS4142.

- 8.11.11 Conditions have been recommended which include the implementation of the noise mitigation measures for the full element of the application, submission of a Noise Impact Assessment for the Outline element of the application, Noise Management Plan, piling restrictions, hours of operation, dust and mud control scheme.

#### *Air Quality*

- 8.11.12 The conclusions of the report are noted that the proposed development is expected to comply with all relevant local, regional and national air quality policy, and as such, air quality should not pose any significant obstacles to the planning process. Environmental Health would encourage actions to minimise emissions to air (NO<sub>2</sub> and particulate matter) and implementation of sustainable activities including low emission vehicles.

#### *Contaminated Land*

- 8.11.13 No former contaminated uses have been identified for the site. A condition has been recommended.

#### 8.12 BDC Waste Services

- 8.12.1 No comments confirmed.

#### 8.13 ECC Archaeology

- 8.13.1 A geophysical survey has been completed across the area covered by a full application which lay adjacent to an area of archaeological activity revealed during excavation of the Electric Forecourt. The geophysical survey did not detect any evidence for the presence of archaeological remains which would be considered of such significance to preclude development where present. The Desk Based Assessment and geophysical survey have provided sufficient information on which to determine the application and there is moderate potential for the presence of archaeological remains of local significance. Conditions have been recommended.

#### 8.14 ECC Ecology Consultant

- 8.14.1 We are satisfied that sufficient ecological information is available for determination of this application, following the submission of the Memorandum of Understanding for Skylark Plots. In addition, we are satisfied that the further confidential Badger Survey report identifies no impacts upon the protected species.
- 8.14.2 This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats and, with appropriate mitigation

measures secured, the development can be made acceptable. The mitigation measures identified in the submitted documents for this application should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. As a result, we recommend that the finalised proposals for biodiversity during the construction phase should be outlined within a Construction Environmental Management Plan (CEMP: Biodiversity) to be secured as a pre-commencement condition of any consent.

- 8.14.3 With regard to Skylark, it is highlighted that the Breeding Bird Surveys in line Common Bird Census methodology have identified that a probable density of two Skylark territories is likely to be present within the application site, at a worst-case scenario. As a result, the Memorandum of Understanding for Skylark Plots (Whirledge & Nott) indicates that four Skylark plots will be delivered as off-site mitigation, within suitable nearby agricultural land. This land will be situated outside of the Applicant's control and the delivery of the plots will be brokered with the landowner by Whirledge and Nott, for a period of 10 years. As a result, we are satisfied that the Skylark plots can be secured as part of Section 106 Agreement or via a separate pre-commencement condition of any consent which submits the finalised legal agreement between the developer and landowner.
- 8.14.4 In addition, the Ecological Impact Assessment (Tyler Grange Ltd, November 2023) highlights that the majority of the habitat suitable for foraging/commuting bats will be retained within the site. However, it is advised that a sensitive lighting scheme is developed to minimise any impacts upon waterbodies and boundary habitat. The lighting scheme should follow BCT & ILP Guidelines<sup>1</sup>. Therefore, a suitably qualified ecologist must advise the external lighting strategy, which should also summarise the following measures will be implemented:
- Light levels should be as low as possible as required to fulfil the lighting need.
  - Environmentally sensitive zones should be established within the development, where lighting could potentially impact important foraging and commuting routes for bats.
  - Warm White lights should be used in properties preferably at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- 8.14.5 Light columns should be as short as possible as light at a low level reduces the ecological impact. The use of cowls, hoods, reflector skirts or shields should be considered to prevent horizontal spill. Lux levels should be directed away from boundary edges and environmentally sensitive zones and kept as low as possible. This should preferably demonstrate that the boundary features and environmentally sensitive zones are not exposed to

lighting levels of approximately 1 lux. This is necessary to ensure that light sensitive bat species, will not be affected by the development.

- 8.14.6 As previously highlighted, we welcome the provision of the three Biodiversity Metric 4.0 – Calculation Tool for both development phases and the overall application. Whilst a net loss is currently demonstrated for the hybrid application of -12.34 habitat units (-61.27%) and a gain of 2.71 hedgerow units (15.00%), the Applicant is confident that 75 medium sized urban trees and 320 small sized urban trees can be planted to provide a measurable biodiversity net gain. As a result, it is reiterated that this seems like a high amount of tree planting, so whilst we support this tree planting in principle, we highlight that further information needs to be provided to demonstrate how medium sized urban trees will be delivered prior to commencement. If it is considered that this tree planting is not reasonable, then the soft landscaping of the outline application may need to be amended or off-site habitat creation/enhancement may be required. As a result, it is recommended that the finalised measures are secured via a bespoke Biodiversity Net Gain Plan, which secures the finalised Biodiversity Metric 4.0 – Calculation Tool, as well as the aftercare and monitoring of the habitat creation/enhancement for a 30-year period.
- 8.14.7 We also welcome the measures contained in the enhancements and aftercare Landscape Ecological Management Plan (Tyler Grange Ltd, November 2023) for the full planning application. We support the planting specifications and schedules, as well as the bespoke biodiversity enhancement measures for bird boxes, bat boxes, log piles and hibernacula. However, we indicate that management for the soft landscaping may need to be adjusted to ensure it is deliverable for a 30-year period, in line with the condition requirements of the post-implementation habitat creation/enhancement for the finalised Biodiversity Metric 4.0. In addition, a separate condition to secure the locations of the bespoke biodiversity enhancement measures should be secured for this application.
- 8.14.8 This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended). Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.
- 8.14.9 We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.
- 8.14.10 Conditions in relation to the following are recommended: Full Planning Application: Ecological Impact Assessment, Construction Environmental Management Plan for Biodiversity, Biodiversity Net Gain Plan, Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design, Skylark Mitigation Strategy. Outline: Ecological Appraisal Recommendations, Construction Environmental Management Plan for Biodiversity, Biodiversity Net Gain Plan, Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design, Skylark Mitigation Strategy.

## 8.15 ECC Economic Development

- 8.15.1 We continue to support growth of employment at Horizon 120 and wish to see further success of similar quality in Phase 2 in order to deliver “good jobs” in line with Essex County Council’s plans and strategies including the Sector Development Strategy (ESDS), Everyone’s Essex, and Levelling Up Strategy. To clarify, neither the ESDS nor the Council seeks to restrict growth in the logistics sector.
- 8.15.2 Size of buildings: We recognise that the Indicative Layout Plan is indicative, and we are satisfied that, at this stage, Phase 2 is sufficiently flexible and capable of accommodating a range of larger and smaller buildings, in attractive settings, that meet sectoral/user needs across use classes from grow-on space to B8 warehouses.
- 8.15.3 Use classes and sectoral issues: Our concern is that because the logistics sector requires large quantity of land and is currently experiencing very high growth, there is a risk that Phase 2 is developed solely with B8 uses that the large format buildings indicated on the plan could precipitate. We therefore urged Braintree District Council to limit B8 uses to help maximise job creation and secure a higher proportion of higher-productivity employment opportunities.
- 8.15.4 The Braintree Local Plan (2022) paragraph 4.8 also recognises the importance of grow-on premises, including around Braintree. It states *“The economy of the District is dominated by small and medium-sized businesses. It retains a relatively large proportion of industrial-type occupations, and whilst there are a growing number of jobs in the office-based sector, this is significantly below the Essex and national averages. Most employment areas are located around the main towns of Braintree, Halstead and Witham, as well as a large rural business park at Earls Colne Airfield, but rural employment also plays an important part of the economy. ECC has undertaken a ‘Grow on Space Feasibility Study’ to explore the need for employment ‘Grow-On Space’ within the County. Such flexible employment space, between 100 – 300 sq m in scale, is required to enable flexible premises for businesses to move on from incubation / enterprise centres / start-up spaces, and free up the units for other start-ups. The Essex Economic Commission also identified an inadequate supply of flexible tenures (eg. Grow-on Space), which is holding back successful businesses that want to expand and grow. The Council will consider which interventions are the most appropriate and viable to ensure the provision of flexible local employment space (by tenure) in the Plan area.”*
- 8.15.5 Accordingly, we consider that development of B8-only would restrict the opportunity for slower-paced but higher-value sectors to benefit from the prestige of Horizon 120 and potentially dilute Horizon 120’s significance in high-value key growth sectors, particularly advanced manufacturing, life sciences and digi-tech.

8.15.6 Conclusion: We are satisfied that Braintree District Council will (as set out in Local Plan Paragraph 4.8) consider whether to limit the amount of B8 development on Phase 2 and, should it consider limits are required, undertake any intervention that it considers appropriate.

8.16 ECC Highways

8.16.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

- Prior to commencement of the development a construction traffic management plan, to include but shall not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved plan.
- No occupation of the development shall take place until the following have been provided or completed:
  - a) A £440,000 index-linked from April 2023 contribution towards public transport service improvements plus Essex County Council's Section 106 Agreement monitoring fee(s) (details shall be agreed with the Local Planning Authority prior to commencement of the development).
  - b) A travel plan in accordance with Essex County Council guidance plus Essex County Council's travel plan monitoring fee(s).
- No occupation of that element of the proposal subject to outline planning permission shall take place until improvements to Bridleway 27 Great Notley between the south-west and northern boundary have been provided or completed (details shall be agreed with the Local Planning Authority prior to commencement of the development).
- No occupation of that element of the proposal subject to outline planning permission shall take place until a capacity improvement at the B1256 Pods Brook Road arm of the A120 Pannars junction as shown in principle on planning application drawing number IT2359/TA/02 produced by Intermodal Transportation has been provided or completed.

8.16.2 If the public transport contribution is spent on providing improvements to and/or a new local bus service or services, excluding any digital or on-demand services, then up to a pair of bus stops to Essex County Council specification shall be provided at the northern end **and** southern end of that part of Horizon 120 subject of the Local Development Order. Any bus stop shall be provided or completed prior to commencement of the improved and/or new bus service or services (details shall be agreed with the Local Planning Authority prior to commencement of the development).

8.17 ECC Historic Buildings Consultant

- 8.17.1 No heritage assets will be directly affected by the application, however the Site is north of Slamseys Farm (also known as Great Slamseys or Slamseys), which features two Grade II listed barns (list entry numbers: 1122816 and 1338135). A Grade II listed Dovecote is also within Slamseys Farm (1308642), although the farmhouse itself is not listed. The setting of the farm changed greatly in the twentieth century due to the construction of the A131 and housing to the east of this road, between the A131 and London Road.
- 8.17.2 Recent changes to the setting of these heritage assets include the construction of the Gridserve site and Horizon 120, to the north-west of the listed buildings. A solar farm has recently been permitted to the south-west. As a consequence, the once rural, open setting of the farm has been removed, with only a small section of agricultural land remaining. Conversion of the listed barns from agricultural to residential/business use, including associated landscaping, has further affected their significance, changing how these buildings are experienced, appreciated and understood. Collectively, the alterations to the setting and physical structure of the listed buildings, has caused less than substantial harm to their significance.
- 8.17.3 A heritage statement has been submitted in support of this application, which follows a lengthy pre-application consultation with the local authority. As part of this, a site visit was undertaken. The use of a hybrid application, which provides full details of the southern part of the Site, is positive, as it allows for greater consideration of the most sensitive section of the Site from a built heritage perspective. As part of this, the height of the building on the southern section has been determined in part by the relationship it will have with Slamseys, as well as the overall Site layout. Consequently, new planting is proposed along the boundary shared with Slamseys, and the building positioned away from this boundary. These measures provide adequate mitigation to ensure a buffer is created between the Slamseys site and the new development, whilst achieving the level of development desired.
- 8.17.4 The Applicant's heritage statement concludes that the proposals will have no greater effect on the setting of the listed buildings than the existing development. This is because the new buildings will be largely concealed from view, with the topography and presence of modern warehouse-style barns in the western section of the Slamseys site meaning the existing sense of enclosure Slamseys possesses remains intact. I agree with this conclusion, and therefore also feel that no additional harm will occur to the significance of the identified listed buildings, were this application permitted.

8.18 ECC Lead Local Flood Authority

- 8.18.1 No objection, subject to conditions.

## 8.19 ECC Minerals and Waste

- 8.19.1 Mineral Matters Mineral Resource Assessment (MRA): The points raised in the MRA are noted. It also commented that even if mineral extraction had been viable and practicable it would have brought mineral development in too closer proximity to the existing commercial development to the north-east.
- 8.19.2 Mineral Infrastructure Impact Assessment (MIIA): The assessment does not consider whether there would be any adverse impact on the effective working of the quarry from the non-mineral development i.e., would the proposed non-mineral development put any additional constraints on the mineral development, which could be addressed through mitigation as part of the non-mineral development. While it is understood that the mineral development might potentially generate more dust than the construction or use of the proposed development, that is to miss the issue. The quarry is to the south-west of the proposed site, such that the prevailing winds would carry any dust from the quarry across the proposed non-mineral development.
- 8.19.3 The assessment concludes that no additional mitigation is required as part of the proposed non-mineral development, as existing mitigation and regulation by the Mineral Planning Authority and Environment Agency should ensure dust are adequately controlled. However, it is noted that potential users of the proposed non-waste development are “research and development of products or processors” and “industrial processors”. Should any of these uses be particularly sensitive to dust, then it would be for the proposed non-mineral development to include measures to mitigate any impacts, to ensure there is no adverse impact on the effective working of the waste development i.e., that the quarry is required to employ measures over and above what would normally be required to manage dust and impact the effective working of the quarry. In order for the MWPA not raise objection, it is requested that a condition be imposed requiring that ventilation details are required for any use that may be impacted by dust.
- 8.19.4 Waste Infrastructure Impact Assessment (WIIA): Similar to the MIIA above the assessment concludes that no additional mitigation is required as part of the proposed non-waste development, as existing mitigation and regulation by the Waste Planning Authority and Environment Agency should ensure odour and dust are adequately controlled. Thus, the same comments are raised as those for the MIIA.
- 8.19.5 Site Waste Management Plan (SWMP): It is considered that the SWMP provides sufficient detail at this outline stage. The intentions set out through the section 8.6 Reuse of Arisings are strongly supported, and the intentions behind Section 9.2 are also supported as an appropriate tool for identifying opportunities to improve resource efficiency. Should outline permission be granted, then an updated SWMP would be expected as part of the full application. This should include quantifications of forecasted waste arising,

recycling and re-use targets and a more detailed strategy for the monitoring of actual waste arising and its management during the construction phase, based on the framework set out in the SWMP. Potential management sites for the types of waste identified as arising from the site should also be identified.

9. PARISH / TOWN COUNCIL

9.1 Great Notley Parish Council

9.1.1 No objection.

9.2 Black Notley Parish Council

9.2.1 No comments received.

10. REPRESENTATIONS

10.1 A total of 2 objections and 1 general comment have been received and are summarised below. For avoidance of doubt, no objections were withdrawn in response to re-consultation undertaken:

- § The development should have been scrutinised during the Local Plan process.
- § Feels as if the development is a fait accompli because the exhibition stated that the LPA expressed support.
- § Most of the claimed benefits are policy requirements.
- § There is not a major local problem with job availability and the local economy would not be improved by increasing unskilled jobs.
- § Significant commuting into the local area.
- § Pressure for further housing which the urban extensions proposed at Braintree were not planned to cope with additional employment development.
- § Permanent loss of large areas of open countryside.
- § Additional landscape paths may be provided, but the pleasure from those walks and character of area will be harmed forever.
- § The owners of the phase 2 site are the owners of the Solar Farm and they should contribute land to Great Notley Country Park.
- § Access into the southern end of the Country Park via the crossing at the Tesco roundabout is already intimidating and dangerous.
- § Strong case to replace the crossing with another tunnel.
- § The development will sandwich the existing bridleway 27.
- § Why has the permissive route not been defined as a Bridleway, permission can be removed at any time.
- § The area is important to equestrians and will have a detrimental impact in accessing the wider area.
- § We are hoping there will be an opportunity to install integral swift nesting boxes on the units.



## 11. PRINCIPLE OF DEVELOPMENT

- 11.1 The site forms a speculative development adjacent to the approved 75,000sq.m of floorspace within the Horizon 120 Business Park which gained approval via a Local Development Order (LDO) in 2020, with a detailed Design Code and Wayfinding/ Public Art Strategy. Horizon 120 is currently under construction with some buildings fully occupied. Whilst this application does constitute a standalone development in its own right, it would essentially form an extension to the employment use already approved at Horizon 120, increasing the floor area of the Horizon 120 Business Park by an additional 55,000sq.m, whilst utilising the existing highway infrastructure to access the site.
- 11.2 Unlike the adjoining Horizon 120 site, the application site is not identified in the Adopted Local Plan as an employment site, whereby Policy LPP2 applies. Furthermore, it is located outside a defined development boundary. Policy LPP1 of the Adopted Local Plan seeks to restrict development outside development boundaries exclusively to uses identified as being appropriate to the countryside, the objective being to protect and enhance valued landscapes, sites of biodiversity or geological value and soils and to protect the intrinsic character and beauty of the countryside. Paragraph 3.15 states that outside of the development boundaries, it is considered that new development would not normally be able to meet the NPPF planning principles and that the test of sustainable development would be unable to be met. This conflict with the Development Plan carries significant weight in the planning balance and would need to be weighed against the benefits of the proposal. Whilst the site did not form part of the Local Plan process, it has come to fruition due to the success of the existing Horizon 120 Business Park, and as such the proposal forms an extension to the existing Horizon 120 and would not sit in isolation in the countryside.
- 11.3 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).
- 11.4 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. As such the conflict with the Development Plan weighs against the principle of development but must be balanced against other material considerations. The character that surrounds the application site has significantly changed since the publication of the Local Plan. The once arable nature of the land and its surroundings has been eroded with commercial development. The application site is constrained in nature, essentially sandwiched between the existing Horizon 120 Business Park, and a large Solar Farm occupying

over 100ha of land to the west that has recently been granted consent by Uttlesford District Council (Application Reference UTT/22/0007/FUL).

Need

- 11.5 The NPPF requires planning policies and decisions to create the conditions in which businesses can invest, expand and adapt by placing significant weight on supporting economic growth and productivity. The NPPF seeks to ensure 'that sufficient land of the right type is available in the right places and at the right time to support growth'. The NPPF generally supports the development of new employment land to accommodate a range of businesses and industries and emphasises the role of planning in supporting economic growth and creating conditions in which businesses can invest, expand, and thrive. It emphasises flexibility to respond to changing economic circumstances.
- 11.6 Section 1 of the Adopted Local Plan sets out the overall need for employment land in North Essex within Policy SP5. For Braintree, a range of 20.9ha to 43.4ha is required for 2017 to 2033 and Section 2 Local Plan then allocates 42.1ha of new employment land to meet this need. The evidence base for this requirement was based on the Employment Land Needs Assessment (ELNA 2015).
- 11.7 The demand for modern premises is qualitative as well as quantitative, with occupiers and investors increasingly requiring buildings that meet the increasingly stringent environmental requirements of Energy Performance Certificates (EPC), and the Environmental Social and Governance (ESG) agenda. ESG is a set of emerging standards by which commercial entities (including developers) are assessed by decision makers and investors. In this context, investors and owners are increasingly conscious that less sustainable property assets would depreciate in value or become un-investable if they do not keep pace with the sustainability, and particularly the net zero, agenda. The need to bring existing stock in line with energy policies and sustainable development strategies would require significant investment. It means that occupiers, and the institutions that fund development, are factoring in the cost of sustainability policies, which in turn drives demand for modern, ESG compliant buildings.
- 11.8 In terms of uses, the application seeks full approval for a 15,925sq.m (GEA) building for Storage and Distribution (Use Class B8), with ancillary office (Use class E(g)(i)) with the outline component seeking approval for the principles of up to 39,075sq.m of employment space for a range of uses including Research and Development (E(g)(ii)), and/or Industrial Process (E(g)(iii)), and/or General industrial (B2), and/or Storage or distribution (B8) with ancillary office (Use class E(g)(i)). Due to the outline nature of the northern section of the site, the size and range of the buildings has not yet been confirmed and would come forward at a reserved matters stage.
- 11.9 To justify the need of these range of uses, particularly the B8 element of the full application, the Applicant has submitted a 'Braintree Industrial

Market Report' (November 2023) produced by BNP Paribas which sets out the justification and market demand for such units within the District. The report reflects that *the first phase of Horizon 120 has principally catered for past demand with the proposed second phase brought forward to target present and future demand, and that the demand is now driven by a need for new stock of significant size for the regional market. The report sets out the lack of provision for larger commercial units and the move towards more modern, sustainable and efficient premises. It confirms that the supply for new stock in the mid-size bracket has been at a minimum. This would present an opportunity to capture demand from larger scale operators such as parcel delivery, third party logistics, retailers and major manufacturers [and] the UK has the most advanced ecommerce market in Europe with expected annual growth of c.5.16% until 2025 reaching c.£113 billion in market value.*

- 11.10 There is also substantial growth in companies seeking modern commercial buildings that better reflect a sustainable economy and addressing the challenges around climate change. Whilst not planning policy requirements, modern Environmental, Social and Governance (ESG) compliant development has been recognised as a key to achieving the Councils Climate Change Strategy and reducing emissions. The legal duties on the largest companies, through regulations such as the Companies Act, will place requirements on publicly quoted companies to incorporate Climate Related Financial Disclosures in their annual reports, increasing the likelihood of investment in the best operating buildings and reducing investment in older or poorly performing buildings.
  
- 11.11 In terms of current availability, the Marketing Report provides a table of current schemes and their rental achievement. The table emphasises the 'lack of standing stock available in Braintree and the surrounding area in a market where demand remains unabated' and 'the lack of available stock supports the case for further development in the region given the lack of options that can support current and future occupational requirements'. The report concludes that Braintree is a market that, similar to others, is currently experiencing an all-time low level of stock with demonstrable demand for up and built options.
  
- 11.12 The proposal would represent much needed Grade A supply in the mid to larger size band (1000+ sqm) where there is 'little to no availability'. The constraint on Grade A stock is set to continue with only Columbia Threadneedle's land to the north of Stansted being of competition of any scale in the next 18-24 months, such that Horizon Phase 2 would be expected to garner significant interest. The report reflects on the economic evidence supporting the Local Plan and finds that there were changes in the economic circumstances since production, including working practices, manufacturing techniques, energy efficiency requirements and inflation/ interest rate spikes, finding the current stock and planned new space to be inadequate to support the anticipated demand for modern space. Officers are minded to agree with this approach and conclusion.

- 11.13 The ELNA combines an employment land review with sector-by-sector economic analysis. It's seven recommendations are adopted by the Council and includes the strategy of allocating new employment land at high performing clusters at locations accessible to the strategic highway network, for example Horizon 120 is co-located with Skyline 120. At the core of the ELNA's methodology is the economic theory of agglomeration which would be enhanced by expanding on industry sectors where there is relative specialisation and competitive strength, by spatially co-locating business into clusters. The ELNA also notes that sites along strategic road networks... may be able to capture an increasing share of logistics activities associated with both London Stansted Airport and Harwich International Port.
- 11.14 The subject site is adjacent to Horizon 120 which is a successful development that has secured specialised tenants after the proposal gained LDO consent. This is a proposed extension of circa 13ha to the site which would be above the higher end of the requirement outline in Policy SP5 of the Adopted Local Plan, on land outside of the development boundary, although it is in an accessible location near high performing employment clusters at Horizon 120, Skyline 120 and Springwood Drive. As with residential homes, the employment land requirement is a minimum, not a cap, and the NPPF is clear that significant weight should be attributed to economic growth and productivity whilst balancing the loss of best and most versatile agricultural land.
- 11.15 In general, the performance of employment clusters in Braintree Town is observed as positive. Internal enquires regarding the adjacent Horizon 120 site shows there is strong market demand for high performance units at this location despite the adverse factors affecting the national economic stagnation.
- 11.16 Most units are occupied. Plots 6, 7 and 8 still to come in for a planning application under an LDO however these are relatively smaller serviced plots of up to 8,000sq.m. A site in front of the Plaza is yet to be developed for office/hotel/complimentary facilities and has not begun construction and EOS which is an enclosure of 9 smaller units are not fully occupied with 6 of the units available to let.
- 11.17 The site benefits from favourable location coefficients. It is directly accessible via the A120 and A131 strategic road network within close proximity to Stanstead Airport and the M11. There is a lack of supply for Grade A, with legacy stock urgently requiring renovation to meet EPC C energy efficiency regulations, and are some distance away from meeting the higher requirements of Grade A. The general lack of supply in the 1000sq.m range is observable as low voids in the District and an apparent lack of supply from neighbouring Essex authorities.
- 11.18 Notwithstanding the above, ECC Economic Development have commented that there should be a restriction on the quantity of B8 use on the site, to allow smaller start up buildings to come forward. This has been considered

by Officers. BDC remains committed to providing grow-on and start up spaces. This is evident in our commitments at Gershwin Park and Horizon 120, but also within smaller Local Plan LPP2 employment allocations at growth locations in Springwood Drive (a), Great Notley (e), land east of Broad Road (f) and Feering (g). These are all allocations in residential settings where a single large B8 logistics unit would not be appropriate. There is not a special reason or prestigious reason (aside from limited co-location with advanced manufacturing) why grow-on/start up would succeed at the application site and not at the above locations.

- 11.19 Skyline 120 has been a success and is fully occupied, meanwhile the nearby permitted LDO to Horizon 120 includes EOS Units 1-9 and Plots 6,7 and 8. These are office and B8/B2 units which are ideal for smaller and growing businesses. Half the units at EOS have remained unlet meanwhile, in contrast, the largest plots at Horizon 120 are all occupied. Gershwin Park, which provides opportunities for medium size offices, small B8/B2 units and (more recently) an enterprise centre has remained undeveloped for over a decade. It should be noted that undeveloped opportunity sites will not feature in the ESDS statistics. Development associated with this application would not negatively impact the above available opportunities for grow-on and start up units.
- 11.20 Officers conclude that intervention is not appropriate on this application to ensure there is grow-on/start up space for the following reasons. Firstly, space which is suitable for units in the 100-300sq.m range remains undeveloped/ unoccupied at Horizon 120, Gershwin Park and at 4 other allocations pursuant to Policy LPP2 of the Adopted Local Plan. This application would not negatively impact the above available opportunities for grow-on and start up units. Braintree is a leading provider of industrial units in the >150sq.m and 150sq.m to 500sq.m categories and it would be misleading to compare the Districts ratio of industrial unit sizes with other Districts in Essex, when so many other Districts are constrained and unable to provide any units in the 1,000sqm+ range. Braintree should continue to specialise and exploit its lead in the provision of large industrial-type units which helps provide the economy a competitive advantage. Whilst it is not yet known what the market conditions would be when the reserved matters for the outline element of the application come forward, allowing flexibility in the uses would allow for market demand to be fully appreciated at the time.
- 11.21 In terms of economics, substantial economic benefits would arise from the proposal. Using the HCA Guide, it has been estimated that the potential number of employees would vary from approximately 579 for the lowest employee generating use (B8), to approximately 1,450 for research and development (E(g)(ii)). Further jobs would be created during the construction phase also. This job creation would in turn boost the local economy. Social benefits would arise from the creation of new jobs, resulting in additional spending to support local services and facilities, alongside further investment into local infrastructure. The Applicant has stated that during the construction phase, they would engage with local employment agencies to ensure opportunities are advertised locally and the

governance of the occupation stage would include regular engagement within the area in terms of volunteering and activities. A condition has been recommended that construction and occupation jobs are advertised locally, to help boost the local economy and create jobs for local residents.

- 11.22 In conclusion, whilst the site falls outside of the development boundary, the surrounding area is already intensely developed for commercial purposes and on balance is considered that the development of this site, in this location, is well related to existing Horizon 120 development and would assist in achieving the wider economic objectives of the Development Plan. The delivery of this proposal would represent bringing forward land to enable a choice of uses and competition in the market for mid-sized industrial units for which there is a dearth of supply and could satisfy the NPPF policy to respond flexibly to changes in the market. The location is supported by the ELNA as a point of agglomeration for logistics and as an accessible location to the strategic road network. The proposal is outside of the development boundary, however there are significant benefits of delivering enough land to meet need demand. Evidence from the pandemic driven change to storage and distribution, the success of such units at neighbouring Horizon 120, plus the lack of regional supply demonstrated by the Applicant suggests that there is a strong demand. There are also additional benefits accruing from the energy efficiency and sustainability of new buildings.
- 11.23 The evidence provided with the application shows justification for the B8 use within the full element of the application and the range of uses within the outline element of the application would give full flexibility for occupiers.

## 12. SITE ASSESSMENT

### 12.1 Design and Appearance

- 12.1.1 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design. Policy LPP52 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments in the District.
- 12.1.2 At the national level, the NPPF is also clear in its assertion at Paragraph 131 that: *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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'*. There is therefore a strong policy basis for achieving a high degree of quality.
- 12.1.3 The details submitted as part of this hybrid application were produced following an extensive pre-application process involving significant engagement with Officers from Planning; Landscaping, Ecology, Highways and Design specialisms. This included detailed Design Workshops, a number of pre-application meetings, site visits, design and layout critique's

and regular discussions between the Local Planning Authority and the Applicant's Design Team. Consequently, the level of detail submitted, and the proposed quality of the proposal is considered by Officers to be high and is underpinned by a carefully considered and detailed Design Code.

- 12.1.4 The submitted Design Code provides significant detail regarding proposed character areas, public realm and landscape details, details of road, cycleway and footpath typologies. This includes factors such as proposed building materials and design types/principles, location and types of planting and building heights.
- 12.1.5 The outline element of the application, which forms the northern parcel of the site, is accompanied by Parameters Plans for formal approval, which cover Land Use, Building Heights and Transport and Movement. An Illustrative Masterplan was submitted which Officers considered demonstrate that the floor area proposed could be suitably accommodated on the site, however this would not form part of the suite of approved documents. The Parameter Plans have been subject to revision throughout the process and a Design Code has been submitted to accompany the application.
- 12.1.6 Access into the site can be achieved by utilising the existing roads within the adjacent Horizon 120 business park. Access to the outline element of the application would be from the access road that serves Plot 5/6/7. The access road would cross the existing bridleway 27 into the site. The details of the crossing point would come forward at the reserved matters stage, however, the Design Code features an acceptable and safe solution of design for such crossing and the ECC PRow Officer has raised no objection at this stage. The Design Code sets the principles for the internal road hierarchy and parking strategy which has been demonstrated in the submitted illustrative masterplan.
- 12.1.7 Whilst it is unknown how many buildings would come forward for the Outline plot, the Design Code follows the principles of the existing Horizon 120 business park, firstly due to its success, but also for consistency. The proposed layout consists of a developable area which sits inside a significant landscape buffer. Within the landscape buffer is a permissive path which provides a circular walk around the site and links into the existing PRow network. The existing bridleway which crosses the centre of the site and then heads to the north along the eastern boundary, would remain and would continue to be operative as a bridleway, but would be significantly enhanced as part of this application. The permissive path would essentially extend the opportunities for walkers/ cyclists and equine users and has been designed to take all users into consideration.
- 12.1.8 A large SUD's drainage basin is located to the northern tip of the site known as 'northern park'. This acts as an extension to the adjacent SUD's/ wildlife area at Horizon 120. The northern park area acts as an amenity area for employees/ members of the public, as well as creating new habitats to promote biodiversity and ecology. Seating areas and larger

meeting areas would be located along the permissive path, to allow for resting stops, as well as fitness opportunities.

- 12.1.9 The main strategic green space of the development would be the structural landscape buffer for the site. As well as providing a new walking route, the existing perimeter vegetation would be bolstered by additional native tree and hedgerow planting as well as understorey shrub and grassland to maximise opportunities for maintaining and creating new habitats. Proposed planting and amenity areas would be used for various functions which include noise mitigation, addressing the visual impact of development, and enforce or create new views.
- 12.1.10 A 'green finger' corridor would be located in the centre of the site to provide additional tree planting and wildlife habitat. The 'green finger' would remain flexible in its location within set parameters until the building plots are known. The structural landscaping for the outline element of the application totals 2.40ha. The Design Code sets out the planting species and design of the landscape buffers throughout the site.
- 12.1.11 In terms of built form, building height would not exceed 16.5m. An LVA was undertaken for the preparation of the application and in order to inform and establish a scale appropriate to the site. The findings of the LVA were that the site is relatively well contained visually with many of the viewpoints being so distant that the scale of the proposed development would not be significantly sensitive when compared to the adjacent Horizon 120 development. However, routes through and around the site are closer and as such they are where the most impact would be likely. The design for the Southern Site and the parameters for the Northern site are based upon providing additional landscape planting from that required under the Design Code for Horizon 120. In addition, building set-backs from the edge of the site have been established. Whilst the application seeks buildings which are higher than the adjacent Horizon 120 site, this is thoroughly mitigated by the increased set-backs which would be a minimum of 17m for the lowest buildings increasing to a minimum of 19m for buildings at 16.5m high.
- 12.1.12 The mass of the buildings from close range has been considered in detail with a study of roof types being undertaken which compared a model building when designed with a full parapet roof, as required under the Design Code for Horizon 120, to a building with a gabled roof, barrel vaulted roof and hipped roof. The study demonstrated that to maximise the reduction in the overall mass of the building, a hipped roof design would be most effective with a lower height of the external walls and overall reduced building mass. This approach is considered acceptable.
- 12.1.13 The development density of each plot would range from 40%-60% based on the buildings GEA. The Design Code sets out the materiality that would be the expectation at the Reserved Matters Stage. Essentially the majority of the facades shall consist of profile metal sheeting and composite metal panels for the main building. The panels can be used in both horizontal and



vertical planes, which would assist in breaking up the massing. Cladding the whole building in one single colour is not acceptable. Different shades and colours must be used to ensure a high standard of design.

- 12.1.14 In terms of the Full element of the application, this comprises of a standalone building of approximately 15,925sq.m GEA for B8 use with ancillary office content, parking, external service areas, landscape and a new access. Whilst the submitted Design Code does not cover this part of the application the principals established are utilised within the design.
- 12.1.15 Access to the southern site is predetermined with the only available route for vehicles, being the extension of the western stub from the existing Horizon 120 roundabout, with direct access to the A131. An extension of this existing road would lead into the Southern Site, as well as extending and linking the existing footpaths and cycle route connections from Horizon 120.
- 12.1.16 The new access road into the southern site would therefore provide suitable vehicular routes throughout the site, whereby a road would wrap around the northeast and eastern portions of the site, to provide parking. The car parking areas create the separation required to ensure the building isn't overly dominant to the footpath, bridleway or existing trees. A new access point to Slamseys Farm would be created in south-eastern corner. A new permissive path along the eastern boundary would link up to the existing bridleway to the north, creating a circular footpath network.
- 12.1.17 The building is consciously located to the north of the plot to maximise the visual separation. The placement of the building responds to the need to protect the visual amenity and not detract from the setting of the listed buildings at Slamseys Farm. The development would incorporate an extensive, cohesive landscape strategy along the boundaries, providing approximately 0.95ha of structural landscaping, to provide mitigation to the sensitive site surroundings. The landscape strategy would include a 3m height bund to the southeast and southwestern boundaries, which would incorporate new tree planting to aid visual mitigation to Slamseys Farm. In order to enhance biodiversity, SUDs are incorporated along the south-western boundary, providing a sustainable drainage feature that would feed into the overall drainage strategy.
- 12.1.18 In terms of materiality, the building would be constructed using metal composite cladding and rainscreen cladding. Panel colours have been strategically graded in order to provide emphasis where darker toned corners of the building blend into a lighter tone centrally, creating visual interest. In order to accentuate the office entrance, there would be a change of texture and colour utilised to frame the prominent area. A rainscreen cladding with a stone texture would articulate the entrance. A full height glazed curtain wall wraps around the corner of the front focal elevation, and the office is articulated through full height glazing, with contrasting infill panels and integrated louvre vents. The office element is wrapped with a contrasting projecting canopy.

- 12.1.19 The plot density at 42.15% is based on GIA and is in accordance with the aspirations of the Design Code, and what has been approved on Horizon 120. The building is slightly taller than the adjacent building on Horizon 120 (that being 13m in height). However, the roof form is different when compared with the existing Horizon 120 roof forms. The proposed building has an overall ridge height of 15.5m, with eaves height at circa 13.9m. Whilst the building is taller to the highest point, due to the different roof form, the bulk and mass appear reduced when compared with a similar building with height to parapet in Horizon 120 business park.
- 12.1.20 The overall design is of high quality and well thought out. The proposed developed areas sit within a landscape setting which has been designed to successfully integrate the development into the surrounding context in a sympathetic and attractive manner and enhance biodiversity. The landscape led approach would provide a holistic environment throughout the site and make use of quality material and a coherent design strategy. The landscape would incorporate sustainable drainage measures, movement corridors and enhance biodiversity. The landscape strategy would provide natural buffers along boundaries with landscape bunds providing acoustic and visual mitigation along sensitive boundaries. The scale of the development would sit comfortably within the immediate context. The overall building designs and consideration of mass have been well thought out and the design which has evolved in order to positively respond to existing buildings, short range views and sensitive boundaries. To ensure a high quality development, conditions have been recommended in relation to samples of materials, building maintenance and a signage and wayfinding strategy.

## 12.2 Landscape and Visual Impact

- 12.2.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 180 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 12.2.2 Policy LPP67 of the Adopted Local Plan states that the LPA will take into account the different roles and character of the various landscapes in the District and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Proposals should be informed by, and be sympathetic to, the character of the landscape as identified in the District Councils Landscape Character Assessments. Proposals which may impact on the landscape such as settlement edge, countryside, or large schemes, will be required to include an assessment of their impact and should not be detrimental to the distinctive landscape features. It goes on to say that additional landscaping including planting of native species of trees, hedgerows and other flora may be required to maintain and enhance these features.

- 12.2.3 The September 2006 Local Character Assessment was jointly published by Braintree DC, Brentwood BC, Chelmsford Borough (now City) Council, Maldon DC and Uttlesford DC. The character assessment stipulates that the site is located within the Felsted Farmland Plateau Landscape Character Area, which is identified as containing the following key characteristics - gently undulating farmland, network of narrow winding lanes, many small woods and copses provide structure and edges in the landscape. The farmland is predominantly arable with field boundaries delineated by fragmented hedgerows.
- 12.2.4 The site is situated on the western side of a higher area of land which runs north to south. To the east land falls away to the River Brain and to the west the land falls away to the River Ter. Land rises to the southeast before dropping away to the west again. The wider landscape is undulating with some localised higher points to the north at Great Notley Country Park and Rayne Village. The site has a gradual 10m fall from 77m AOD at the southeast and 67m at the northwest and follows the contours of the surrounding landscape. The report concludes that the site and the immediate landscape is of medium landscape value.
- 12.2.5 Due to the scale of the development, the application was accompanied by a Landscape and Visual Assessment (LVA), the content of which was assessed by the Council's external Landscape Consultant, Wynne Williams Associates (WWA). Further information was sought from the Applicant during the application process in relation to cumulative impacts.
- 12.2.6 For the avoidance of doubt, landscape character is a broader assessment which looks at the distinctive features and characteristics of a given area, whereas visual effects/amenity is the more localised assessment from specific viewpoints which a person, building or other receptor would experience.
- 12.2.7 The site and immediate context do not feature geological, geomorphological or physiographic interest that contribute positively to the landscape. The site is predominantly arable farmland which holds little ecological value. There are mature trees and hedgerows within the site which contribute to the wider green infrastructure network.
- 12.2.8 Three Grade II listed buildings are located 150m – 230m southeast of the site. There is limited intervisibility between these and the site. Other heritage designations fall outside of the immediate site context. There are established hedgerows along some of the boundaries. There is a line of mature oak trees that run north-east to south-west across the site, trees appear in good condition and hedgerows along the site boundaries have been maintained.
- 12.2.9 In terms of distinctiveness, the site and its immediate context do not contain any rare or unusual features. The local landscape character and urban context is typical of that being described within the publish landscape character assessment. There is a public bridleway that crosses east to west

through the middle of the site and along the northern site boundary. Users of the bridleway experience views of the site and the wider landscape as they pass through. The bridleway connects to Great Notley Country Park approximately 150m north of the site.

- 12.2.10 There are views from within the site of the wider landscape but these are often filtered by the vegetation around the site boundary. Due to the relatively flat land there are limited long distance views surrounding the site. These are often filtered by field boundary vegetation and/ or experienced within the context of the existing Phase 1 Horizon 120 development. The site is not particularly wild or tranquil. The existing Phase 1 Horizon 120 development is situated immediately east of the site with elements of this still being under construction.
- 12.2.11 The trees and hedgerows within the site and the surrounding context provide a local contribution to the green infrastructure network. The bridleway crossing the site connects to the wider network of path and also to Great Notley Country Park and to Horizon 120 Business Park.
- 12.2.12 The report included a series of viewpoints taken within and around the vicinity of the site. The viewpoints taken from the PRow within or close to the site showed that users experience wide, open views of the site. Along Blackley Lane, filtered views of the site are available at specific points where there are gaps in the roadside vegetation. Residents at the property along Blackley Lane have views of the site's southern boundary vegetation and filtered views into the site as shown in VP13. At Horizon 120 Business Park, views are largely constrained by the existing development. There are some views of the site vegetation with people on upper floors of buildings likely to experience more open views of the site.
- 12.2.13 From Great Notley Country Park highpoint within the park, there are filtered views of the existing Phase 1 Horizon 120 development in the distance over the intervening vegetation with the majority of the site hidden behind the development. From the west, there are filtered views of the site seen within the context of the existing Phase 1 Horizon 120 development and the wider landscape. Further west towards Willows Green Development views become even more filtered. Residents along Main Road may experience filtered views of the vegetation on site through windows on the upper floors of their houses. Due to the combination of topography and existing vegetation surrounding the site, long distance views are restricted.
- 12.2.14 The largest landscape effect would be on the site and immediate context with a major/ moderate adverse effect initially, reducing to a moderate adverse effect in the long term. All other effects on landscape character as addressed as minor adverse – negligible initially and negligible in the long term.
- 12.2.15 The largest visual effects would be on the users of PRow crossing the site and users of PRow immediately to the east with major / moderate adverse effects initially and moderate adverse effects in the long term. All other

effects are assessed as ranging between moderate adverse to negligible initially and minor adverse to negligible in the long term.

- 12.2.16 The report concludes that whilst there would inevitably be some adverse landscape and visual effects initially it is judged that the effects of the proposed development and the consequential effects would, however, be localised and limited in their extent.
- 12.2.17 In terms of the cumulative effects, these take into consideration the approved Solar Farm which spans 114ha to the west of the site, and the existing Horizon 120 development. The report concludes that cumulatively there would initially be a slight increase in assessed landscape effects at year 1, however the landscape proposals for the solar farm, as well as the landscape proposals within this application represent robust mitigation that would reduce the impact as the planting matures. The landscape proposals for the solar farm, would strengthen the local landscape structure within the immediate landscape context west of the site and subsequently as planting matures, by year 15, this would likely screen the views of the proposed development from the identified visual receptors within this landscape.
- 12.2.18 As stated previously, the Applicants report was assessed by an independent Landscape Consultant, Wynne Williams Associates. WWA was in general agreement with the findings of the report and during the process requested further information with regards to the cumulative impacts of the surrounding developments. There was a difference in opinion in terms of two elements of the effects. WWA stated that ‘, for the site and immediate surroundings, it is my opinion that the LVA slightly underestimates the magnitude of landscape change. Although I can appreciate there would be some benefits to individual landscape elements across the site, such as hedgerow and increased tree planting, the level of perceived character change would still remain ‘high’ by Year 15. The scale of proposed commercial structures would still dominate the adjacent landscape. WWA assessed landscape effects to remain at a ‘major’ adverse level for the site and immediate surroundings by Year 15’.
- 12.2.19 WWA went on to state that ‘relating to assessment of visual effects within the LVA, the visual sensitivity for some receptor groups is underestimated. People using PROWs in the vicinity of the site are ‘high’ sensitivity visual receptors as they are likely to be using the rural land for recreation, with views forming part of their enjoyment. The LVA judges these people to be of ‘medium’ or ‘medium/high’ sensitivity. WWA also assessed residents within the vicinity to be ‘high’ sensitivity receptors instead of the ‘medium’ or ‘medium/high’ stated within the LVA’. It was agreed that the extent and presence of built development within the immediate context of the site would increase but not to the extent that it would result in an increase in the judged magnitude of change and the assessed effects on the site and its’ immediate context resulting from the proposed development alone.
- 12.2.20 Having regard to the specific criteria impacting upon issues assessed under this section, and to the above findings in respect of landscape and visual

impact, it is considered that the key criteria relevant to this part of the assessment would be Policy LPP67 of the Adopted Local Plan in that 'development that would not integrate into the local landscape would be resisted' including 'creating and enhancing the biodiversity value of wildlife corridors' and 'additional landscaping including planting of native species of trees, hedgerows and other flora'. The proposal includes significant planting, with appropriate landscape buffers and control on height of buildings within the application site would help to mitigate the visual effects. These would all aid in the mitigation of the landscape and visual impacts of the site. However, it should also be recognised that the surrounding landscape has already had a major change with the introduction of Horizon 120 and the adjacent Solar Farm. Having said that, the magnitude and harm of such a development and its impacts should not be dismissed in the context of the landscape. The site and its immediate context has the ability to absorb change, as it has done already with approved commercial schemes, and therefore the introduction of the proposed development adjacent to the existing Horizon 120 and the intervisibility between the two developments would not give rise to any further unacceptable landscape and visual harm.

### 12.3 Heritage

- 12.3.1 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses.
- 12.3.2 Paragraph 205 of the NPPF advises that, when considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'. The 'setting of a heritage asset' is defined as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'
- 12.3.3 Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 207 and 208 of the NPPF address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Proposals that would result in substantial harm or total loss of significance should be refused,

unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (as per Paragraph 207 of the NPPF). Whereas Paragraph 208 of the NPPF emphasises that where less than substantial harm would arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.

- 12.3.4 Policy LPP57 of the Adopted Local Plan states that the Council would seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design, and use of adjoining land.
- 12.3.5 There are no heritage assets within the site which would be directly affected by the application, but the following assets are located within Slamseys Farm, directly to the south of the site, those being:
- Slamseys Farm – Listed Barn - Grade II (NHLE: 1122816);
  - Slamseys Farm – Listed Barn - Grade II (NHLE:1338135);
  - Slamseys Farm – Dovecote - Grade II (NHLE:1308642).
- 12.3.6 Although the Farmhouse itself isn't listed, the setting of the farm changed greatly in the twentieth century due to the construction of the A131 and housing to the east of this road, between the A131 and London Road. Recent changes to the setting of these heritage assets include the construction of the Gridserve site and Horizon 120, to the north-west of the listed buildings. A solar farm has recently been permitted to the south-west. As a consequence, the once rural, open setting of the farm has been removed, with only a small section of agricultural land remaining. Conversion of the listed barns from agricultural to residential/business use, including associated landscaping, has further affected their significance, changing how these buildings are experienced, appreciated and understood. Collectively, the alterations to the setting and physical structure of the listed buildings, has caused less than substantial harm to their significance.
- 12.3.7 A Heritage Statement has been submitted in support of this application, which follows a lengthy pre-application consultation with the Historic Buildings Consultant. The Historic Buildings Consultant has concluded that the use of a hybrid application, which provides full details of the southern part of the site, is positive, as it allows for greater consideration of the most sensitive section of the site from a built heritage perspective. As part of this, the height of the building on the southern section has been determined in part by the relationship it would have with Slamseys Farm, as well as the overall site layout. Consequently, new planting is proposed along the boundary shared with Slamseys Farm, and the building positioned away from this boundary. These measures provide mitigation to ensure a buffer is created between Slamseys Farm and the new development, whilst achieving the level of development desired.

- 12.3.8 The Applicant's Heritage Statement concludes that the proposals would have no greater effect on the setting of the listed buildings than the existing development. This is because the new buildings would be largely concealed from view, with the topography and presence of modern warehouse-style barns in the western section of the Slamseys Farm meaning the existing sense of enclosure Slamseys possesses remaining intact. The Historic Buildings Consultant agreed with these conclusions that there would be no additional harm to the significance of the identified Listed Buildings.

#### 12.4 Ecology and Biodiversity

- 12.4.1 Paragraph 180(d) of the NPPF requires that proposals minimise their impacts on, and provide net gains for, biodiversity. Paragraph 180 of the NPPF states that when determining planning applications, LPAs should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for.
- 12.4.2 Paragraph 180(c) of the NPPF states that development resulting in the deterioration or loss of irreplaceable habitats (such as ancient woodland and ancient veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 12.4.3 Policies SP7 and LPP63 of the Adopted Local Plan states that all new development proposals should incorporate biodiversity creation and enhancement measures. Policy LPP64 of the Adopted Local Plan Outlines that where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer would be required to undertake an ecological survey and would be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species. Furthermore, Policy LPP66 of the Adopted Local Plan requires that development proposals provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.
- 12.4.4 The site is not covered by any statutory or non-statutory sites designated for nature conservation importance. There are no international or European/ nationally statutory designated sites within the search area. However, seven non-statutory designated sites (Local Wildlife Sites) in Essex are located within 2km of the site. The closest is Cuckoo Wood (White Court Wood) located approximately 0.7km north of the site. All Local Wildlife Sites are considered to be of County ecological importance.
- 12.4.5 The application was accompanied by an Ecological Impact Assessment, and a Landscape and Ecological Mitigation Plan, the Essex Biodiversity Checklist relating to the impacts of development on designated sites,



protected and priority species and habitats along with a Biodiversity Net Gains Assessment.

- 12.4.6 The Ecological Impact Assessment states that an extended Phase 1 habitat survey was undertaken in February 2023. This comprised a search of the proposed development site to identify any habitats likely to be of conservation value and investigated the presence (or likely presence) of protected species of plants and/or animals. Surveys from the existing Horizon 120 were also used as evidence to suggest likely species in the area.
- 12.4.7 Amphibians, reptiles, birds, bats, water voles, hedgehogs, Great Crested Newts and protected species were assessed. The survey recorded protected or otherwise notable species of plants, animals, and habitats, including habitats and species that are listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, the Wildlife and Countryside Act (as amended 1981) (WCA) and Annex I, II and IV of the Habitats Directive. Further surveys were then undertaken for bats, Great Crested Newts and water voles. Of species of particular relevance, which would be suitably mitigated in the Landscape Environmental Management Plan are as follows:

*Amphibians*

- 12.4.8 Great Crested Newts were evidenced at one pond adjacent to the western boundary of the site (WB3). The hedgerow bases provide suitable terrestrial habitat for foraging and sheltering amphibians, including Great Crested Newts.

*Badgers*

- 12.4.9 Two inactive badger setts have been recorded on site and one within 30m of the site boundary, although the use could not be determined due to limited access. All badger setts identified can be retained as part of the proposals within the appropriate landscape buffers.

*Bats*

- 12.4.10 16 trees were identified on site as having bat roosting potential. No trees with bat roosting potential would be removed under the proposals for the site and they would be buffered during construction using their root protection areas. Bat activity and static surveys undertaken across the site recorded six species/ species groups of bats. Activity levels recorded during the surveys undertaken were relatively low with most activity concentrated around the boundaries of the site.

*Birds*

- 12.4.11 Surveys for breeding birds indicate that there are two probable Skylark and one probable Lapwing territories on site with the open arable areas and

species of Greenfinch, Linnet, Wren, Greenwing and Yellowhammer recorded.

#### *Invertebrates*

- 12.4.12 The hedgerows, ponds and seasonally wet ditches have the potential to support a common assemblage of invertebrates only.

#### *Reptiles*

- 12.4.13 The hedgerow bases on site have the potential to support common reptiles such as slow worm and common lizard, however, these would be expected to be low in number if present.

#### *Water Vole*

- 12.4.14 The seasonally wet ditches along the boundaries of the site and the adjacent ponds are connected to the wider landscape and could have the potential to support water voles. Further surveys were undertaken, and no evidence was found, and as such water voles are considered likely absent from the site.

#### *Western European Hedgehog*

- 12.4.15 Habitats on site that could support foraging and sheltering hedgehog are primarily the hedgerow bases. Hedgehogs are a Species of Principle Importance and consideration is required to ensure legal compliance to have regard for their conservation.
- 12.4.16 A Landscape Ecological Mitigation Plan has also been submitted which sets out the Applicant's intention for mitigation within the site. The scheme has been subject to mitigation through design, layout of its physical form and its construction programme and method. Proposed green space enhancements including a linked network of green corridors, open spaces and wetland habitats (SUDs) which are likely to be highly beneficial to bats and other wildlife and result in a significant net gain to biodiversity. There would be green strips and/ or buffer planting around all boundaries, and through the centre of the site, as well as the creation of new habitat including native tree planting, grassland and scrub planting along with ornamental shrub planting. Rain gardens and SUDs would also create habitats which are not currently present on the site. A landscaping / planting scheme has been devised to provide a mix of wildlife friendly species and greater structural diversity, with planting species specified within the Design Code to ensure compliance for the outline element of the application.
- 12.4.17 In terms of Skylark mitigation, a Skylark Mitigation Strategy would require compensation measures to be provided on suitable land, during the lifetime of the development. This would involve the provision of skylark plots on nearby agricultural land for a period of ten years as secured by condition.

- 12.4.18 In terms of Biodiversity Net Gain, development sites should lead to net biodiversity gain of at least 10% with the provisions of the recent Environment Act 2021. As a Hybrid application, a metric was completed for the full element of the application and the outline element of the application, following that a 'hybrid' metric was created for the site.
- 12.4.19 Calculations show that the full element of the application would include a net gain of 40.47% in habitat units and 15.91% in hedgerow units. The calculations of the outline element of the application highlights a loss of - 61.27% habitat units and a gain of 15.08% hedgerow units. As a result, the total calculations of the hybrid application, is currently -9.32 of habitat units (- 33.72%) and a net gain of 4.68 habitat units.
- 12.4.20 The full detailed element of the application therefore considerably exceeds the national 10% BNG requirement on development. The outline part of the site concerns cropland and a poor condition small pond that is bisected by the red line boundary. For hedgerows the site has a line of native, semimature trees along a wet ditch and species rich native hedgerows. The metric for the outline application considers only a basic landscaping approach at this stage. The Applicant recognises that the combined BNG assessment results in a net loss of habitat units and a net gain in hedgerow units. The Ecological Impact Assessment sets out ways to achieve a net gain overall, with the detailed landscaping plans for the Outline proposal (which are submitted in Outline for the purposes of this application).
- 12.4.21 The Applicant's ecologist has therefore recommended that 75 medium sized urban trees and 320 small sized urban trees would be planted to provide a measurable biodiversity net gain. The LPA's Ecological Consultant has stated that this appears to be a high amount of tree planting and Statutory Biodiversity Metric User Guide states that only small sized urban trees should be recorded if planting new trees at a precautionary principle. Therefore, whilst the tree planting is supported in principle, the LPA's Ecologist highlighted that further information needs to be provided to demonstrate how medium sized urban trees would be delivered prior to commencement. If it is considered that this tree planting is not reasonable, then the soft landscaping for the outline element may need to be amended at Reserved Matters stage, or off-site habitat creation / enhancement may be required. As a result, it is recommended that the finalised measures are secured via a bespoke Biodiversity Net Gain Plan, which secures the finalised Biodiversity Metric 4.0 – Calculation Tool, as well as the aftercare and monitoring of the habitat creation / enhancement for a 30-year period.
- 12.4.22 For the full element of the application, the site achieves a considerable biodiversity net gain that weighs strongly in favour of the development, exceeding the proposed regulatory requirement by some 30% and 5% respectively. The outline element has reserved matters for landscaping with all details yet to be submitted by way of Reserved Matters. The currently assessed net loss in habitat units would therefore be addressed at the reserved matters stage and the recommendations of the EIA would be fully

considered. The Design Code and Parameter Plans for the development, combined with the recommendations of the EIA and the establishment of a significant net gain on the southern parcel, indicate considerable credibility and reliability that the northern parcel would also meet the regulations.

- 12.4.23 Under Regulation 55 of the Habitat Regulations, activities which would otherwise contravene the strict protection regime offered to European protected species under Regulation 43 can only be permitted where it has been shown that the following three tests have been met: - the activity must be for imperative reasons of overriding public interest or for public health and safety; - there must be no satisfactory alternative; and - the favourable conservation status of the species in question must be maintained.
- 12.4.24 Case law sets out that Local Planning Authorities must engage with these three tests at the planning application stage and demonstrate that they are satisfied that the three tests have been met prior to granting planning permission. In this case, it is considered that the tests would be met as (i) for the reasons set out under Section 10.5 (Principle of Development – Need) above, (ii) the works affecting the protected species would be necessary to enable the development to proceed in a logical / efficient manner; and (iii) the proposed mitigation measures would satisfactorily maintain the relevant species' status. It is therefore considered that the proposal would meet the requirements of the Habitats Regulations 2017 in respect of protected species and would also comply with Policy LPP67 of the Adopted Local Plan.
- 12.4.25 The LPA's Ecologist has assessed the information and no objections have been raised, subject to the above comments and conditions recommended. These include (in relation to the Full): Ecological Impact Assessment, Construction Environmental Management Plan for Biodiversity, Biodiversity Net Gain Plan, Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design, Skylark Mitigation Strategy. In relation to the Outline: Ecological Appraisal Recommendations, Construction Environmental Management Plan for Biodiversity, Biodiversity Net Gain Plan, Biodiversity Enhancement Strategy, Wildlife Sensitive Lighting Design, Skylark Mitigation Strategy.

## 12.5 Arboriculture

- 12.5.1 Paragraph 136 of the NPPF states that existing trees should be retained wherever possible. Policy LPP65 of the Adopted Local Plan sets out that trees which make a significant positive contribution to the character and appearance of their surroundings would be retained unless there is a good arboricultural reason for their removal. An Arboricultural Survey accompanied the application, which surveyed a total of 36 individual trees, 7 tree groups and 6 hedgerows. There are no TPO's within the site or surroundings.
- 12.5.2 The site is surrounded by an established tree/ hedge line, with several trees within hedgerows around the perimeters of the site. There is also an

established line of mature trees that cross the site east to west along the edge of the PRow, consisting of Ash, English Oak and Field Maple. All of the trees are in good health and categorised as grade B trees. They are a significant feature in the landscape and clearly visible from the PRow.

In order to facilitate the development, namely the two access points into the site, one to the north-east and one to the south-east, 2 trees and a total of 42m length of hedgerow would be required to be removed. The trees/ hedgerow to be felled are as follows:

Tree/ Group	Species	Category	Length (m)	Reason
T33	English Oak	U	-	Tree in poor condition. Located in bridleway.
T34	Ash	C	-	Removed to allow access to northern site.
H48	Mixed native broadleaved hedge species	B	21m	Removed to allow access to northern site.
H45	Mixed native broadleaved hedge species	B	21m	Removed to allow access to southern site.

- 12.5.3 When assessing proposed tree and hedge loss it is necessary to consider whether it is proposed for justifiable reasons, if it is being kept to a reasonable minimum, and where it is essential if appropriate replanting is secured.
- 12.5.4 The proposed tree / hedge removals are located to the vehicular access points into the site, one to the north-east within the outline element of the application, and one to the south-east within the full element of the application. Due to the nature of the site, that being greenfield, and the boundary nature of the existing vegetation positioning, it is not possible to retain all existing trees and hedges and achieve vehicular access into the site. Furthermore, the access points into the site are fixed by the existing road network on the existing Horizon 120 site.
- 12.5.5 Whilst it is regrettable that there would be tree/ hedge loss, importantly, the remaining existing trees and groups of trees on the site are being retained, particularly around its boundaries and through the centre of the site where well established mature tree cover exists.
- 12.5.6 In terms of tree planting, the scheme includes significant proposals, landscape buffers, green corridors and street trees and a commitment to net gain made across the site meaning that more trees (approximately 450) would be planted than are lost.

- 12.5.7 In terms of protection of existing trees, and although the footprint of the proposal does not directly affect existing trees, space required for construction activities such as access for machinery, materials storage, welfare facilities, etc., has the potential to affect trees. Appropriate offsets to the root protection zones of existing trees in such locations would need to be ascertained, and a condition has been recommended to ensure that details come forward to prevent any harm to the existing trees on site by way of an Arboricultural Method Statement and Tree Protection Plan on both the outline and full element of the application. This document is to be approved prior to the commencement of development on site.
- 12.5.8 Taking the above into consideration, Officers consider that the impact of the proposal is limited for a scheme of this size. The Applicant proposes a net gain in tree planting against those lost, and the site contains expansive areas of interconnected green infrastructure and buffer zones. As with all such major developments there is a degree of landscape harm which forms the basis of the assessment of this application. On balance, Officers consider that the provision of new trees, to be provided at a variety of maturity levels, on site would be significantly more than the number lost in any regard. All new planting areas and existing retained areas would be actively professionally managed, secured via a Section 106 Agreement.
- 12.6 Loss of Agricultural Land
- 12.6.1 Paragraph 180 of the NPPF requires that the economic and other benefits of the best and most versatile agricultural land be taken into consideration when determining planning applications which would result in the loss of such land. Footnote 62 to Paragraph 181 states that (for Local Plan allocations) where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development. Although this footnote relates specifically to plan-making and not the determination of planning applications it is still considered relevant insofar as it identifies the importance of the loss of agricultural land as a material planning consideration in the overall planning process.
- 12.6.2 Paragraph 6.28 of the Adopted Local Plan states that the majority of agricultural land in Braintree District is classified as Grade 2 or 3, with 65.8% (40,243 hectares) of agricultural land classified as Grade 2, and 29.9% (18,304 hectares) as Grade 3. The national agricultural land classification maps do not distinguish between Grade 3a and 3b agricultural land, which can only be established through more detailed survey work).
- 12.6.3 Best and most versatile agricultural land is classed as land within Grades 1; 2 and 3a of the Agricultural Land Classification and the NPPF. The application has been accompanied by an Agricultural Land Classification Assessment Report. The assessment is based upon the findings of a study of published information on climate, geology, and soil in combination with a

soil investigation carried out in accordance with the Ministry of Agriculture, Fisheries and Food 'Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land', October 1988 (the ALC Guidelines). In this case the entire site (13.7ha) is classified as Grade 2 'Best and Most Versatile' (BMV) agricultural land.

- 12.6.4 The entire application including the outline and full elements, results in a loss of 13.7 hectares of the Districts Grade 2 BMV land as a consequence of this development, and would therefore weigh negatively in the balance against this proposal. However, it should be noted that the site would be a natural extension of the existing Horizon 120 and therefore the location of the site is key to its success.
- 12.6.5 This loss is also mediated when it is appreciated that Braintree as a District overall has a proliferation of BMV land. Furthermore, given the unavailability of brownfield land within the District and the nature of this application, in that it is an extension of an already established existing employment business park, it is considered that the loss of BMV land would not be of a scale likely to significantly undermine the provision of such land throughout the District as a whole.
- 12.6.6 In any case, the loss of BMV land would weigh negatively in the planning balance against this proposal, but only to a limited extent given the fact that Braintree District has a proliferation of BMV land, and the loss of a small percentage of BMV land would not significantly undermine the provision of such land throughout the District as a whole. This consideration has been taken into account in the wider planning balance as detailed in the conclusion to this report.

## 12.7 Archaeology

- 12.7.1 Paragraph 200 of the NPPF advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk based assessment and, where necessary, a field evaluation.
- 12.7.2 Previous investigations of the land adjacent showed evidence for prehistoric archaeology, with a concentration of Late Iron Age to Roman activity to the south closer to the route of the Roman road. An excavation revealed agricultural and industrial activity which suggests the presence of a settlement or farmstead within close proximity.
- 12.7.3 A Desk Based Assessment was submitted with the application which established that there is an archaeological interest within the site. The Desk Based Assessment concluded that there are currently no recorded archaeological remains within the site boundary. The assessment identified that the site has a moderate to high potential for remains of Iron Age and Roman date, a moderate potential for Bronze Age remains and a generally

low potential for settlement remains from all other past periods of human activity. A geophysical survey was completed which did not detect any evidence for the presence of archaeological remains which would be considered of such significance to preclude development where present. The Desk Based Assessment and geophysical survey have provided sufficient information on which to determine the application, and there is moderate potential for the presence of archaeological remains of local significance.

- 12.7.4 The Historic Environment Officer is satisfied with the information provided but recommended further information by way of appropriate conditions prior to any works starting on site.

12.8 Flooding and Drainage

- 12.8.1 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. Policy LPP76 of the Adopted Local Plan has the same objectives.
- 12.8.2 A Flood Risk Assessment and Drainage Strategy were submitted with the application. The site is located exclusively in Flood Zone 1 and therefore is at low risk of flooding. The Drainage Strategy provided with this application is for both the southern and northern sections. The strategy is to use open ditches and swales that would integrate with the environment and drain to a larger SUDS features during storm events. The southern site has a separate SUDS strategy to the northern section, however, both are based on the same principles.
- 12.8.3 The site is underlain by London Clay and infiltration techniques are therefore impractical. Above ground SUDS would be utilised to manage discharge to a green field run-off rate, with a 40% allowance to accommodate climate change.
- 12.8.4 The detailed application includes full details of the swales, storm drains, perforated pipes and interceptors proposed within the development. The main drainage feature for the full application lies to the west of the proposed building in the form of a large swale that runs the full length of the site. For the outline element of the application, the main drainage feature sits to the north of the site in the form of an attenuation basin. The attenuation basin acts not only as a drainage solution, but also as an amenity area and biodiversity enhancer for the site, much in the same way as the adjacent attenuation pond to the north of the existing Horizon 120 site.
- 12.8.5 Essex County Council as the Lead Local Flood Authority has assessed the application in detail and have no objection subject to conditions on both the full element and outline element of the application relating to the requirement for a detailed surface water drainage scheme for the



northern section of the site, the submission of a construction surface water management plan to control run off during the build phase and two conditions relating to long term SUDs maintenance and management plans and logs.

- 12.8.6 Officers are satisfied in this case that from a flood risk and sustainable drainage perspective, the proposal is acceptable in planning terms.

12.9 Highway Considerations

- 12.9.1 NPPF Paragraph 109 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 12.9.2 Paragraph 114 of the NPPF requires that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development on the road network would be severe. Paragraph 104 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 12.9.3 Policy LPP42 of the Adopted Local Plan seeks to safeguard existing Public Rights of Way... development which would adversely affect the character of, or result in loss of existing or proposed rights of way, would not be permitted unless alternative routes or diversions can be arranged which are at least as attractive, safe and convenient for public use.
- 12.9.4 Policies LPP37 and LPP55 of the Adopted Local Plan require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users. Policy LPP4 of the Adopted Local Plan requires that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.
- 12.9.5 Policy LPP45 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with the adopted Essex County Council Vehicle Parking Standards 2009 (VPS).

Access

- 12.9.6 Access into the proposal site would be via two new access points, 1 to the north parcel and one to the southern parcel. The access points would come off of the existing spur roads within the existing Horizon 120 sites, enabling a seamless extension of the road, footway and cycle way network.
- 12.9.7 Access to the Southern Site, which forms the detailed element of the application, is predetermined with the only available route for vehicles being

the extension of the western stub from the existing Phase 1 roundabout, with direct access to the A131. An extension of this existing road would lead into the Southern Site, as well as extending and linking the existing footpaths and cycle route connections from Horizon 120 Phase 1. The new access road into the Southern Site would therefore provide suitable vehicular routes throughout the plot, whereby a road would wrap around the northeast and eastern portions of the plot, to provide parking in accordance with the vehicle parking standards.

- 12.9.8 The southern plot would incorporate minor kerb realignment to the existing road leading into the plot, to provide a more efficient, safer access to the plot that also allows for vehicle manoeuvrability. The new access road would branch off to provide access into the service yard area to the southeast, a separation between the operational space and car parking provides both legibility and safety to the users of the site.
- 12.9.9 The indicative layout for the Northern Site shows how the existing route created in Horizon 120 could be extended and integrated into a new development. The access would be formed from the existing spur off the northern roundabout with access directly to the A131, Tesco and the Great Notley village centre via the Cuckoo Way roundabout. Access into the Northern Site would include minor kerb realignment from within the Phase 1 spur, which is not yet constructed, with the realignment allowing for greater manoeuvrability for vehicles, and two-way traffic to accommodate a safe and efficient route.
- 12.9.10 Existing footpath and cycle networks from within Horizon 120 would be linked into throughout the Northern Site, creating safe access for all users of the site as well as enhancing the transport network for the overall development. Dropped kerbs with tactile paving would be provided at the site entrances to create safe crossing points, in keeping with the existing road and footpath/ cycle network throughout Horizon 120.

#### *Trip Generation*

- 12.9.11 Discussions have been ongoing with the Highways Authority during the course of the development. The Applicant submitted a Transport Assessment (TA) to accompany the application. The TA considered the highways implications of both the proposed development and a cumulative assessment with other developments within the surrounding area, which are coming forward. The TA concludes that in the worst case scenario, there would be an additional 213 trips in the AM peak hour, and 197 in the PM peak hour. The Highways Authority are satisfied that the proposed development would not have an adverse impact on the surrounding highways network, in accordance with the National, Regional and Local Transport Objectives.
- 12.9.12 Modelling outputs however show that the queue on Pods Brook Road is predicted to increase from 28 to 40 vehicles during the PM peak hour following the addition of the development traffic. The Highway Authority

recognises that a capacity improvement at the B1256 Pods Brook Road arm of the A120 Panners junction was necessary to mitigate the development. This would involve an increased approach road width of 6m on Pod's Brook Road which would enable two full approach lanes to the roundabout to be provided rather than the existing short 2 lane flare. The proposed development would therefore be required to undertake these works to mitigate the impact of the development on the highway network which shall be secured by way of Section 106 Agreement.

### *Walking*

- 12.9.13 In terms of walking to the site, the 2021 National Travel Survey indicates that 83% of journeys under one mile (1.6km) are undertaken on foot and as such this distance is considered as acceptable in order to provide an indication of the likely walk-in catchment for the development proposal.
- 12.9.14 The opportunities to provide additional walking routes to the Horizon 120 site, which the site is accessed through, are relatively low given that the entire eastern boundary of the Horizon 120 site is dedicated to the A131. The closest residential area which offers amenities, and a large Tesco store, is located to the east (Great Notley), which leads into Braintree Town Centre. There are limited facilities within walking distances to the west. In order to cross the A131, a combined Toucan – pedestrian/equine/cycle crossing is located just to the north of the roundabout junction with Cuckoo Way. A pedestrian/cycle link connects the Horizon 120 site to the crossing point enabling pedestrians and cyclists to and from the site to safely cross the A131. This offers the option of walking to work for employees who live within the suitable walking distance of the site.
- 12.9.15 In terms of facilities for employees within walking distance, there are existing facilities on Horizon 120 and Gridserve development which include Costa Coffee, M&S Foods and the Plaza café. Further development to Zone 1 of the Horizon 120 development is yet to come forward with additional facilities within walking distance provided, preventing the need to use a vehicle.

### *Cycling*

- 12.9.16 The former national planning guidance PPG13 Paragraph 77 stated that "Cycling also has potential to substitute for short car trips, particularly those less than 5 kilometres, and to form part of a longer journey by public transport". 4.7 Taking into account the 5km cycle distance, which equates to approximately 20 minutes cycling time, the catchment area by cycle would cover the entire area of Great Notley and the majority of Braintree which provides for designated traffic free and on-road cycle routes within the local area.
- 12.9.17 In that regard, the majority of the route between Braintree station and the site is traffic free and once at the station, cyclists would then have only a short additional on road ride in order to access the town centre. Cyclists

would be able to utilise the pedestrian/cycle link at the roundabout junction and the Toucan aspect of the crossing on the A131. The site is located close to National Cycle Route (NCR) 16. Within Great Notley, NCR 16 passes as an off-road cycle lane along Great Notley Avenue and Notley Green towards the Tesco store. The proposal would have the propensity to attract work trips by cycle.

#### *Public Transport*

- 12.9.18 Braintree railway station is the nearest railway station to the site, located approximately 4.5km to the north-east of the site, which serves London Liverpool Street/Chelmsford and Colchester services. The railway station is therefore beyond the generally recognised walking threshold of 1km to access train services.
- 12.9.19 The nearest existing bus stops to the development site are located within the vicinity of the residential area in Great Notley and outside the nearby Tesco supermarket and Village Green at approximately 1 to 1.6km walking distance from the edge of the site (bus service 9/9A). Guidance generally recognises that walking distances to access bus services should lie between a desirable distance of 400m and an acceptable distance of 800m. Furthermore, it is generally recognised that the maximum convenient walking distance in order to access urban bus services is around 500m.
- 12.9.20 It is also an important consideration that the proposal would have access to the DigiGo 'on-demand' electric mini-bus service which serves the LDO site and connects the development to other business parks, Braintree Town Centre and villages nearby.
- 12.9.21 On assessment of the application and whilst the Applicants TA took the existing bus service 9/9A into consideration, ECC Public Transport have informed the Council that this bus service will be withdrawn in July 2024, with the effect that there will be no current operational bus services operating within the vicinity of the site.
- 12.9.22 The Highways Authority have therefore requested a financial contribution of £440,000 to provide public transport service improvements. This could be by the creation of a new bus route which could potentially also link the site to Stansted and Chelmsford, or the contribution could be made towards the extension of the DigiGo electric mini bus service which already serves the Horizon 120 business park. This contribution has been accepted by the Applicant.
- 12.9.23 The Highways Authority have also requested that should a new bus service be viable, two pairs of bus stops within the vicinity of the existing Horizon 120 site would be provided. The requests are considered necessary to mitigate the development in relation to the additional strain on public transport facilities and a Section 106 Heads of Term has been recommended.

- 12.9.24 It is considered that the above demonstrates that the development would be accessible by non-car modes and in particular would have the propensity to attract trips to work on foot, by cycle and potentially by bus. It is proposed that in order to encourage the use of non-car modes the occupiers of the proposed units would be required to sign up to the Travel Plan. A condition has been recommended in this regard.
- 12.9.25 Within this context, the Highway Authority have no objection to the application and agree with the findings of the Transport Assessment; therefore, the NPPF would direct against refusing this application on highway grounds. The site has demonstrated the potential to provide access to alternative means of sustainable transport. It accords with policy for the focus of mitigation to shift towards improving existing networks which encourage use of more sustainable modes of transport rather than concentrate on facilitating the motor car instead. The Highway Authority has experience of sites with similar constraints elsewhere in Essex and has observed that a generous package of improvements to existing sustainable transport networks can be effective at reducing trip rates from developments as a whole.
- 12.9.26 The package of measures in this case seeks to deliver a strong network of cycle and footpaths within the site, links to the existing Horizon 120 development with a commitment to expand the bus infrastructure serving the site. This seeks to increase the offer for more sustainable transport modes, presenting employees of the development with a realistic alternative to the motor car and means to make smarter transport choices should they wish to do so. Overall, it is considered that these measures have the potential to deliver a reduction in congestion within the road network than would otherwise be the case without them, helping to make active travel and public transport a viable alternative to the motor car. Turning to the internal arrangements of roads and uses on the site, the Highway Authority raises no objections to any elements and the proposal would not give rise to an unacceptable impact upon highway safety or result in residual cumulative impact upon the road network that would be severe.

#### *Car Parking Provision*

- 12.9.27 As the southern site forms the detailed element of the application the quantum of parking to be provided for that part of the site has been considered in detail. The layouts and parking provision for the northern part of the site would come forward by way of Reserved Matters application/s, are a requirement of the Design Code and would be assessed in accordance with the relevant Essex Car Parking Standards at the time of assessment.
- 12.9.28 The full element of the scheme would accommodate a standalone B8 warehouse building of approximately 15,925sq.m. The Essex Car Parking Standards would require a maximum of 106 car parking spaces,

a minimum of 48 cycle parking spaces, 6 powered two wheeler space and 5 disabled spaces.

- 12.9.29 The layout plan submitted for the full element of the scheme, shows that 107 car parking spaces would be provided, which is marginally above the parking requirement, i.e. by 1 space, and includes the appropriate number of accessible spaces for disabled persons. It is proposed that 6 of the car parking spaces be designated as car sharing spaces. A total of 48 sheltered cycle parking spaces are proposed. These are located adjacent to the building entrance. A revision was made during the application process, based on Active Travel England requirements whereby 5% of cycle parking spaces should be for accessible use. These have been incorporated into the proposal. Six double electric vehicle car charging points have been proposed, which would service 12 vehicles, with the ducting provided to support future provision for 7 electric vehicle charging points. Officers are therefore satisfied that the car parking arrangements for the site are acceptable.

#### *Public Rights of Way*

- 12.9.30 Policy LPP42 of the Adopted Local Plan seeks to safeguard existing Public Rights of Way... development which would adversely affect the character of, or result in loss of existing or proposed rights of way, will not be permitted unless alternative routes or diversions can be arranged which are at least as attractive, safe and convenient for public use.
- 12.9.31 Existing bridleway (Great Notley 27) cuts through the centre of the site in a south-west, north-east orientation, before heading north along length of the eastern boundary. The bridleway then cuts through the northern section of the existing Horizon 120 business park. Footpath 12 is located along a section of the north-eastern tip of the site and links into the PRow network to the north west and beyond. There are no proposed diversions or stopping up of the PRow as part of this development.
- 12.9.32 Two sections of the existing bridleway, Great Notley 27, sit within the entirety of the site subject to outline permission. The first being the south-west, north-east section of bridleway which cuts through the centre of the site, located adjacent to the northern boundary of the full element of the permission. This stretch of the bridleway is approximately 190 metres in length. The same bridleway then takes a sharp turn and heads north along the eastern boundary of the application site and western boundary of the existing Horizon 120 business park. A 170 metre stretch of the bridleway is located within the boundary of the outline permission, with the remainder located outside of the red line, sitting within the remit of the strategic landscaping and management of the existing Horizon 120 business park.
- 12.9.33 The north-south existing bridleway is notably and typically rural in nature, with no formality in terms of ground material and overgrown and poorly managed at present. Given the potential increase in usage, improvement works have been proposed along the bridleway which sit within the remit of

the outline application. The details of this are presented within the submitted Design Code and place emphasis on management of existing trees, additional tree and buffer planting along the boundary, along with a hoggin re-surfacing. The bridleway width surface would remain at 3m in width to allow safe use by cyclists, pedestrians and equine users. The proposed development on this stretch of bridleway would be mainly shielded from view by the line of mature existing trees along the boundary of the proposal site. Any gaps in the hedges would be planted up to mitigate the view for users of the PRow.

- 12.9.34 The south-west, north-east section of bridleway that crosses through the site would be subject to an entire change in character from the existing situation of open fields. The existing bridleway currently runs through the edge of an agricultural open field to open fields beyond. The proposed changes to the bridleway would include a more formalised 3m wide hoggin surfaced path, with a minimum width of 21m of structural landscape, which includes the existing line of mature trees and landscape buffers. As stated above, in the landscape character assessment of the application, there would be a change in character to the users of the existing PRow network as a direct result of the proposed development, however, with the existing Horizon 120 and the approved solar farm, the landscape has already been eroded. The substantial strategic landscaping corridor proposed, which incorporates additional trees and landscape buffers, would help to mitigate the impact in terms of loss of views. The nature of the PRow would change, and would become more formalised and managed, which could also be seen as a benefit.
- 12.9.35 The proposal also includes a circular walk around the site which links into the PRow network, which is fully accessible to members of the public, equine users and cyclists. Whilst these have not been designated as PRow, a condition has been recommended to ensure the circular walk remains open for the perpetuity of the development.
- 12.9.36 Details of how the construction traffic can be adequately managed during the construction process to ensure that there would be no conflict with users of the PRow has not been submitted, however can be managed within the Construction Management Plan (CMP), which has been recommended by way of condition. The PRow Officer requested that planting does not occur within 3m of the PRow and the Design Code has been amended to address this. The Design Code also includes an indicative design of the northern access point which crosses the existing PRow. No objections have been raised by the PRow Officer.
- 12.9.37 In conclusion, the Highway Authority has no objection to the application subject to a number of conditions including Section 106 obligations for upgrades to Pods Brook Road junction, a financial contribution to Public Transport and additional bus stops if a new service is provided, and the submission of a Travel Plan. Conditions have also been recommended for details of the improvements to Bridleway 27 and details to address construction management. Officers are satisfied in this case that from a

highways perspective, the proposal is acceptable in planning terms, subject to the above, and there is no impact on highway safety.

#### 12.10 Impact upon Neighbouring Residential Amenity

- 12.10.1 Paragraph 135 of the NPPF seeks to ensure good standards of amenity for existing and future users whilst Paragraph 191 seeks to ensure that new development is appropriate for its location taking into account the likely effects on living conditions including noise and light pollution. Paragraph 135 of the NPPF requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy LPP70 states that proposals should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality.
- 12.10.2 The nearest residential properties to the site are Slamseys Farm directly to the south-east of the site, and 1 and 2 Blackley Lane which sit approximately 100m from the nearest boundary on the western edge of the southern plot. All other properties in the area would be separated by intervening agricultural fields, Blackley Quarry, the existing Horizon 120 and the A131. This does not however mean that there would be no impact on these properties.
- 12.10.3 It is important to note that a “right to a view” is not a planning consideration. Therefore, while in landscape terms there would be an impact on the closest residents, this in itself is not tantamount to detrimental harm to the amenity of those occupiers. As such, for the purposes of assessing neighbour impact (not landscape analysis), an objective assessment is required as to whether the proposal would unacceptably harm the amenity of occupiers by virtue of noise, overshadowing, outlook, overbearing or overlooking.

#### *Noise*

- 12.10.4 In terms of noise, a Noise Assessment Report has been undertaken at locations representative of proposed noise sensitive receptors to support the planning application for the development. It should be noted that the noise generated by the construction activities associated with the development have the potential to temporarily increase noise levels at nearby residential properties from the operation of equipment and machinery. Due to the transient nature of construction activities the potential for receptors to be affected would depend on where within the application site the noisy activity takes place, the nature of the activity and controls and meteorological conditions. The cumulative noise has also been taken into consideration due to the quantity of noisy activities in the area for example Chelmsford Racecourse, A131 traffic noise, existing activities on Horizon 120. Noise associated with the proposed employment operation has also been assessed as part of the detailed element of the application.



- 12.10.5 The full detailed element of the site, which sits closest to the residential properties to the south, includes noise mitigation. The assessment includes the beneficial effects of a substantial landscape buffer on the western and southern boundary of the site, which incorporates a 3m high noise bund with planting to the southern boundary and a 3.0m high acoustic barrier to the south-western element of the service yard. The proposed acoustic barrier and bund are considered to represent a suitable mitigating measure.
- 12.10.6 BDC's Environmental Health Officer has assessed the noise assessment. They conclude that for the southern area of the site, the Noise Report accompanying the application concludes that night time and daytime noise levels would not exceed assumed worst case background noise levels when considered at the nearest residential premises to that area of the site, those being at Blackley Lane Cottages and Slamseys Farm (assessed in accordance with BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound)).
- 12.10.7 It is appropriate to note that the noise assessment is a theoretical one making assumptions about the type and intensity of activity at the proposed site assessment. To secure the certainty of the Spectrum Noise Report conclusion that the objective level is achieved then a noise limit condition is recommended for the detailed area of the site for both night time and daytime periods. An additional objective noise level condition specific to the design of air handling equipment and external plant/equipment noise is also recommended to limit the output from those noise sources.
- 12.10.8 Primary noise source operations predicted in the noise report are loading bay activity, comprising noise of varying character such as banging, engine noise, reversing noise, brake noise, material handling, shutter closing and opening, loading on and off vehicles, persons shouting etc. The nature of the noise is potentially sporadic noise with varying noise levels and character type.
- 12.10.9 The Spectrum Report by assessing noise using BS4142 includes prediction of the intensity of use at sites and certain noise reduction practices such as no bleeper alarms being used. As the Spectrum Report relies on assumptions as to the intensity of operations described as the worst case noise emission then any permission must ensure through condition that the noise emission levels predicted for the site for individual operations within the report are not exceeded at the operational stage and therefore noise levels maintained to acceptable levels. A condition has been recommended to this effect, along with a condition to control loading bay noise and a noise management plan to be implemented throughout the life of the units operation.
- 12.10.10 Accordingly, the modelled activity truly represents a scenario of intensive activity. As a result, the predicted noise levels at residential locations are at the upper end of potential levels from the site. Given that the accumulated noise from these scenarios complies with the daytime, night-time and

maximum noise level criteria, this gives confidence that use of the site for 24-hour operations would be acoustically acceptable. For the great majority of time, it is predicted that noise levels from the site would be lower than shown in this analysis, thereby reducing the noise impact according to the guidance in BS4142.

- 12.10.11 BDC Environmental Health have recommended conditions in relation to construction operating hours, dust control and mitigation, burning of waste, piling, noise mitigation provision, fixed plant on buildings and the submission of a Noise Management Plan. It is considered that these conditions would adequately mitigate any potential noise impact from the proposal site.

#### *Air Quality*

- 12.10.12 The Applicant has submitted an Air Quality Assessment which concludes that the proposed development does not raise any significant or other residual adverse impacts on the health and/or quality of life for any existing or proposed receptors, as a result of any anticipated changes to air quality. The Council's Environmental Health Officer raises no concerns with the methodology of the assessment. Appropriate conditions have been recommended to mitigate any impacts on air quality during the construction process.

#### *Lighting*

- 12.10.13 In terms of lighting, the full element of the application does include the location of lighting and the design considerations which include Energy Efficiency, Night-time Light Pollution, Ecology Considerations, Impact on Neighbouring Sites and BREEAM Requirements. The lighting essentially follow the same principles as approved at the adjacent Horizon 120.
- 12.10.14 Whilst the location of the lighting seems appropriate for such location, ECC Ecology have requested a lighting condition which requires further assessment with particular emphasis on wildlife sensitive lighting to be considered. A condition has therefore been recommended.
- 12.10.15 In terms of the Outline element of the application, no lighting details have been submitted. A condition has therefore been recommended, taking biodiversity into account.
- 12.10.16 Given the site's proximity to the A131, the existing Horizon 120 and Blackleys Quarry, the proposed development is not expected to detrimentally impact the area. Therefore, it is considered that the proposals would not give rise to an unacceptable noise, light, or air quality impact to existing residential properties subject to the recommended conditions.

## 12.12 Minerals and Waste

- 12.11.1 The site lies within a Minerals Safeguarding Area (MSA) for sand and gravel identified in the Essex Minerals Local Plan (2014). This Plan forms part of the Development Plan and contains Policy S8 which directs that *“Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.”*
- 12.11.2 Paragraph 218 of the NPPF states that *“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”*
- 12.11.3 The Essex Minerals Local Plan plans for mineral provision up to 2029. Sections 2.22 & 2.23 of the document explains that sand and gravel resources in Essex are significant in national, sub-national and local terms; with Essex being one of the largest producers in the UK. However, the majority of the sand and gravel produced (about 78%) is used within the County itself and this looks unlikely to change in the long term. Consequentially the main factor influencing the production of sand and gravel is the need to meet the minerals demand for Essex itself, much of which is required to support the construction industry. The most extensive and significantly mixed (i.e. of most versatile application) resource lies geographically within the centre and north of Essex, including Braintree District.
- 12.11.4 The Essex County Council Minerals Waste Planning Authority (MRWA) currently advise that there are sufficient existing, permitted, preferred and reserve mineral sites within the pipeline in the immediate future up to 2029 meet the identified demand of 4,310,000 tonnes per annum for sand and gravel within the County. This would ensure a steady and adequate supply in the short term. However, in the long term, MSA's also provide security by protecting these finite resources for the future. In selecting such areas for designation, the MWPA is not required to work on the presumption that the resources defined would ever be worked.
- 12.11.5 The application was accompanied by a Mineral Resource Assessment and a Mineral Infrastructure Impact Assessment, which included the viability of extraction and the location given the existing Horizon 120 Business Park. A Waste Infrastructure Impact Assessment and a Site Waste Management Plan were also provided in support of the application. The proposal site is also located in close proximity to Blackley Quarry to the south, and therefore impacts from the proposed development have been taken into consideration.
- 12.11.6 ECC, as the Minerals and Waste Authority, were in general agreement with the findings of the reports and raise no objection to the application. Conditions were recommended in relation to a Site Waste Management Plan being submitted at the Full and REM stage, and a condition requiring

details of ventilation to be submitted. The conditions have been recommended as suggested.

- 12.11.7 Officers therefore do not consider that there are any grounds in relation to Minerals and Waste to recommend that the application is refused.

12.12. Energy Efficiency and Sustainability

- 12.12.1 Policies LPP71 and LPP72 of the Adopted Local Plan sets out that Applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change changes have been incorporated into their scheme. It is stated that measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling. Additionally, Policy LPP72 of the Adopted Local Plan requires all new non-residential buildings with a floor area in excess of 500sq.m to achieve a BREEAM rating of 'Very Good'.
- 12.12.2 In terms of the outline element of the application, the Design Code sets the principles of the aspirations to be achieved on site in relation to sustainable design and energy efficiency. The development would take a holistic approach to the integration of sustainable design from inception, focussing on reducing carbon emissions and also on exceeding the minimum requirement of BREEAM 'Very Good' as per Policy LPP72 of the Adopted Local Plan.
- 12.12.3 The environmental performance of any new buildings, particularly with regard to CO2 emissions, would aspire to exceed the national standards set by the current Building Regulations. Any new building would achieve a carbon emission reduction improvement over and above the Building Regulations Approved Document L2A requirements. A minimum of 30% of the projected energy requirements of a plot, including the building, would be provided through renewable energy technology, which has also been achieved on the existing Horizon 120 Business Park. The principles have been embedded in the Design Code, which all applications at Reserved Matters stage would be required to adhere to.
- 12.12.4 In terms of the full element of the application, the Applicant has submitted an Energy Strategy Report to accompany the application which sets out a minimum of 30% of the projected energy requirements of the plot, including the buildings would be provided through renewable energy technology. This has been achieved through the design of the building fabric, the use of Air Source Heat Pumps (ASHP) to provide heating to the office areas along with a roof mounted Photovoltaic array.
- 12.12.5 The Applicant has undertaken a BREEAM assessment for the southern building that concludes the proposal is on target to meet BREEAM 'Excellent'. The ratings for each unit in the northern parcel would be undertaken as those proposals are submitted and would be expected to

achieve a minimum 'Very Good' and also target an 'Excellent' rating. The proposals would meet the requirement within Policy LPP72 of the Adopted Local Plan of 'Very Good', but it is anticipated that they would be exceeded.

- 12.12.6 The development also aims to achieve an EPC rating of A+, which is met by a small fraction of the Certificates issued for non-domestic buildings in the UK. The proposal also aims to achieve high standards in ESG, which covers a variety of policy aims and standards.
- 12.12.7 The sustainability of the proposal is considered to be a significant benefit adding to the UK's commitment to net zero. The full element of the application would incorporate renewable energy and is on target to meet BREEAM 'Excellent', with the outline element of the application also set for the 'excellent' target.
- 12.12.8 Conditions have been recommended on the full and outline element of the application that evidence of a minimum BREEAM 'Very Good' is achieved. A condition has been recommended on the outline element of the application that an Energy Strategy be submitted with any future Reserved Matters application, to ensure compliance with the aspirations of the Design Code and to ensure that sustainable methods and renewable energy are incorporated into the design of the building.

#### 12.13 Refuse Facilities

- 12.13.1 No details have been provided regarding commercial refuse and recycling facilities which would need to be incorporated into the development. There is also a need for refuse bins to be placed throughout the site and a refuse strategy to ensure that the site does not become untidy. Whilst no details have been provided such measures can be controlled through the use of a planning condition requiring details to be submitted and approved.

### 13. PLANNING OBLIGATIONS

- 13.1 Paragraph 57 of the NPPF sets out that planning obligations should be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL regulations).
- 13.2 Policy SP6 of the Adopted Local Plan states that all development must be supported by the provision of infrastructure, services and facilities that are identified to serve the needs arising from the development. The policy refers to various types of infrastructure, services and facilities, including transportation and travel and social infrastructure which includes health and wellbeing and open space.
- 13.3 Policy LPP78 of the Adopted Local Plan states that permission will only be granted if it can be demonstrated that there is sufficient appropriate

infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.

- 13.4 Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (not exclusively):

- § Financial contributions towards new or expanded facilities and the maintenance thereof;
- § On-site construction of new provision;
- § Off-site capacity improvement works; and/or
- § The provision of land.

### **Highways and Transport**

- 13.5 As set out previously the Applicant has produced a Transport Assessment which assesses the impact that the development would have on the highway network. The Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. The Travel Plan, Construction Traffic Management Plan and improvements to Bridleway 27 Great Notley have been imposed by way of condition. In addition, the Highway Authority has identified the following additional measures to support sustainable transport objectives which would be included within a Section 106 Agreement:
- 13.6 No occupation of the development shall take place until the following have been provided or completed:
- a) A £440,000 index-linked from April 2023 contribution towards public transport service improvements plus Essex County Council's Section 106 Agreement monitoring fee(s) (details shall be agreed with the Local Planning Authority prior to commencement of the development); and
  - b) A travel plan in accordance with Essex County Council guidance plus Essex County Council's travel plan monitoring fee(s).
- 13.7 If the public transport contribution is spent on providing improvements to and/or a new local bus service or services, excluding any digital or on-demand services, then up to a pair of bus stops to Essex County Council specification shall be provided at the northern end **and** southern end of that part of Horizon 120 subject of the Local Development Order. Any bus stop shall be provided or completed prior to commencement of the improved and/or new bus service or services (details shall be agreed with the Local Planning Authority prior to commencement of the development).
- 13.8 No occupation of that element of the proposal subject to outline planning permission shall take place until a capacity improvement at the B1256 Pods

Brook Road arm of the A120 Panners junction as shown in principle on planning application drawing number IT2359/TA/02 produced by Intermodal Transportation has been provided or completed.

- 13.9 In terms of a contribution towards public service transport, discussions are ongoing as to what the contribution would be used towards i.e. a new bus service that operates into the existing Horizon 120 site, or an extension to the existing DigiGo service that runs within the existing Horizon 120 Business Park. Should a new bus service be the preferable option, then the Applicant has agreed to provide bus stops within the existing Horizon 120 Business Park site, the location of which would be agreed with the LPA in consultation with the Highway Authority. It should also be noted that whilst the principle is accepted, the trigger of 6 months of providing the bus stops is still being discussed with the Applicant. Members will be updated.

### **On Site Open Space and Amenity Space**

- 13.10 Policy LPP50 of the Adopted Local Plan states that all developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces SPD.
- 13.11 A clause has been recommended in the Section 106 to secure the on site open space and amenity space. The development as a whole shall provide a minimum area of 3.35ha of structural landscaping and further areas of Open Space and Amenity Areas as shall be identified in the Reserved Matters applications. As well as the specification for the areas of Structural Landscaping the Open Space Specification and Amenity Areas Specification shall include details of planting, tree management, street furniture, outdoor gym equipment, signage (including public right of way), Surface Water Drainage features, dog waste bins, treatment of Public Rights of Way and pathways and estate roads. Details of the management of Open Spaces and Amenity Spaces, including details of a management company and its funding arrangements shall also be included.
- 13.12 In addition to the obligation to submit and gain approval for the detailed setting out of the Open Spaces and Amenity Areas, and for their delivery, the agreement would also require that the Applicant submit details of their future management. This would need to include the details of a Management Company that would be appointed to maintain the land and the funding arrangements for the Management Company. This is necessary to ensure the on-going maintenance of the Open Space and Amenity Areas.
- 13.13 Heads of Terms

### **Highways**

- § Highway Works - Complete highway capacity improvement works at the B1256 Pods Brook Road arm of the A120 Panners junction, as shown in principle on planning application drawing number

IT2359/TA/02 produced by Intermodal Transportation. No occupation of any buildings in the outline element of the application will take place until the improvement works have been provided or completed.

- § Public Transport Contribution - A financial contribution of £440,000 (index-linked from April 2023) payable to Essex County Council, to be used towards public transport service improvements (including digital or on-demand services) serving the development. No occupation of any buildings in the Full or Outline element of the application will take place until the payment has been made.
- § Bus Stops - If Essex County Council commission a new bus service that will serve the Horizon 120 site (excluding any digital or on-demand services) and serve notice on the Applicant within 5 years of the receipt of the Public Transport Contribution, the Applicant shall provide a maximum of two bus stops at the northern end **and** southern end of that part of Horizon 120 on land that is owned by the District Council and which is subject of the Local Development Order. The location and specification of the bus stops shall be agreed by the Council and the County Council and shall be provided within 6 months of the County Council serving notice on the Applicant.
- § Commercial Travel Plan Monitoring Fee to Essex County Council (£6,760 (index-linked) one-off payment prior to commencement)

#### **On-Site Open Space and Amenity Space**

- § The development as a whole shall provide a minimum area of 3.35ha of structural landscaping as shown in principle on plan numbered SK 005, and further areas of Open Space and Amenity Areas as shall be identified in the Reserved Matters applications. As well as the specification for the areas of Structural Landscaping the Open Space Specification and Amenity Areas Specification shall include details of planting, tree management, street furniture, outdoor gym equipment, signage (including public right of way), Surface Water Drainage features, dog waste bins, treatment of Public Rights of Way and pathways and estate roads. Details of the management of Open Spaces and Amenity Spaces, including details of a management company and its funding arrangements shall also be included.

#### **Monitoring Fees**

- § Applicant to pay Section 106 Monitoring Fees to Braintree District Council and Essex County Council

### **14. PLANNING BALANCE AND CONCLUSION**

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



this case the site is located outside of a designated development boundary and is therefore contrary to Policy LPP1 of the Adopted Local Plan. These policies are considered to be up to date by way of their consistency with the NPPF and National Guidance. When considering the basket of the most important policies for the determination of this application as a whole, it is considered that in the main these policies are not out-of-date and are broadly consistent with the Framework.

14.2 A planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal. In undertaking this planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development.

14.3 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).

14.4 Conflict with the Development Plan and NPPF

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

14.4.2 The proposed development would be contrary to Policy LPP1 of the Adopted Local Plan because it proposes development outside of defined

development boundaries and within the countryside, albeit not arguably because it offends the wider countryside preservation interests specifically acknowledged within this policy. This conflict is afforded significant weight.

#### 14.5 Summary of Adverse Impacts

- 14.5.1 A number of potential adverse impacts are evaluated below. The degree to which harm is caused, and the weight that should be accorded to this harm, is set out below:

##### **Harm to Landscape Character**

- 14.5.2 A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site, but this harm is seen as localised. The proposal includes significant planting, with appropriate landscape buffers, high quality design, and control on height of buildings within the application site which would help to mitigate the visual effects, reducing the harm in the long term. However, it should also be recognised that the surrounding landscape has already had a major change with the introduction of Horizon 120 and the adjacent Solar Farm. The site and its immediate context has the ability to absorb change, as it has done already with the approved commercial schemes. Therefore, the introduction of the proposed development adjacent to the existing Horizon 120 and the intervisibility between the two development, would not give rise to any further unacceptable landscape and visual harm. This is therefore afforded limited weight in the planning balance.

##### **Harm to Neighbouring Residential Amenity**

- 14.5.3 Given the relationship between the site and existing residential properties, the development has the potential to adversely impact upon the amenity of occupiers through any piling and general noise and disturbance. However, this would be mitigated through the imposition of conditions. As such there would be a low level of harm and this is therefore afforded minimal weight.

##### **Harm to Trees and Hedgerows**

- 14.5.4 A degree of harm would arise from the loss of 2 trees and a stretch of hedgerow where access into the site would need to be formed, and where alternative layout solutions do not exist. However, it is considered that much of this harm would be mitigated through the provision of biodiversity net gain across the site and obligations to provide new trees within the development. Benefits such as enhanced habitat management, provision of open space and enhanced PRow network cannot be derived without some tree loss occurring. Taking the above into account, Officers attribute this harm limited weight.

## **Highways Considerations**

- 14.5.5 It is inevitable that development on the site would give rise to vehicular movements which would place additional strain upon the existing highway infrastructure in the locality. However, these effects would not be as great as they would otherwise be on account of the measures being taken to encourage employees to take up alternative sustainable modes of transport, and additional enhancement of the highway network. It has been judged that the residual cumulative impacts on the road network would not be 'severe' within the meaning of Paragraph 115 of the NPPF and thus would not be sufficiently substantial as to outweigh the benefits of this proposal in isolation. In the opinion of Officers, this harm has been attributed limited weight.

## **BMV Agricultural Land**

- 14.5.6 The proposal would result in the loss of 13.7ha of Grade 2 Best and Most Versatile Agricultural land. However, this loss is mediated when it is appreciated that Braintree as a District overall has a proliferation of BMV land. Furthermore, the site would be a natural extension of the existing Horizon 120 and therefore the location of the site is key to the success of this application. It is considered that the loss of BMV land would not be of a scale likely to significantly undermine the provision of such land throughout the District as a whole and is therefore considered to have moderate weight in the overall planning balance.

## **14.6 Summary of Public Benefits**

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

### **Economic and Social Benefits**

- 14.6.2 The proposal would represent much needed Grade A supply in the mid to larger size band (1000+ sqm) where there is 'little to no availability'. Substantial economic and social benefits would arise from the proposal. It has been estimated that the potential number of employees would vary from approximately 579 for the lowest employee generating use (B8), to approximately 1,450 for research and development (E(g)(ii)). Further jobs would be created during the construction phase also. This job creation would in turn boost the local economy. Social benefits would arise from the creation of new jobs, resulting in additional spending to support local services and facilities, alongside further investment into local infrastructure. This economic benefit is given significant weight in the overall planning balance.

### **Biodiversity Net Gain**

- 14.6.3 For the detailed element of the application the site achieves a considerable biodiversity net gain that weighs strongly in favour of the development,

exceeding the proposed regulatory requirement by some 30% and 5% respectively. The outline element of the application has reserved matters for landscaping with all details yet to be submitted. The currently assessed net loss in habitat units would therefore be addressed at the reserved matters stage and the recommendations of the EIA would be fully considered. The Design Code and Parameters for the development, combined with the recommendations of the EIA and the establishment of a significant net gain on the southern parcel, indicate considerable credibility and reliability that the northern parcel will also meet the regulations. This benefit is given substantial weight in the overall planning balance.

### **Energy Efficiency**

- 14.6.4 The development would take a holistic approach to the integration of sustainable design from inception, focussing on reducing carbon emissions and also on exceeding the minimum requirement of BREEAM 'Very Good'. The environmental performance of any new buildings, particularly with regard to CO2 emissions, would aspire to exceed the national standards set by the current Building Regulations. Any new building would achieve a carbon emission reduction improvement over and above the Building Regulations Approved Document L2A requirements. A minimum of 30% of the projected energy requirements of a plot, including the building, would be provided through renewable energy technology. The principles have been embedded in the Design Code, which all applications at Reserved matters stage would be required to adhere to. In terms of the full element of the application, a minimum of 30% of the projected energy requirements of the plot, by the use of Air Source Heat Pumps (ASHP) along with a roof mounted Photovoltaic array. This benefit is given substantial weight in the planning balance.

### **Infrastructure Improvements**

- 14.6.5 The development proposes improvements to the existing transport network to mitigate the impacts of development and whose effects would extend beyond the immediate boundary of the development into the wider community. These benefits include a public transport financial obligation to fund sustainable transport modes into the site, delivery of improvements to highways to mitigate network capacity and enhancements to the existing PRow network. These benefits have been attributed moderate weight in the planning balance.

### **Design**

- 14.6.6 The overall design is of high quality and well thought out. The proposed developed areas sit within a landscape setting which has been designed to successfully integrate the development into the surrounding context in a sympathetic and attractive manner and enhance biodiversity. The landscape led approach would provide a holistic environment throughout the site and make use of quality material and a coherent design strategy. The landscape would incorporate sustainable drainage measures,

movement corridors and enhance biodiversity. The landscape strategy would provide natural buffers along boundaries with landscape bunds providing acoustic and visual mitigation along sensitive boundaries. The scale of the development would sit comfortably within the immediate context and no harm has been identified to the Listed Buildings to the south. The overall building designs and consideration of mass have been well thought out and the design which has evolved in order to positively respond to existing buildings, short range views and sensitive boundaries. The high quality design and layout of the proposal is given significant weight in the overall planning balance.

14.7 Conclusion and Planning Balance

- 14.7.1 When considering the planning balance and having regard to the adverse impacts and benefits outlined above and to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently, it is recommended that planning permission is granted for the proposed development.

15. RECOMMENDATION

- 15.1 It is therefore RECOMMENDED that subject to the Applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the Heads of Terms set out above:
- 15.2 The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) Outlined within APPENDIX 1.
- 15.3 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Landscaping	PL301	N/A
Landscaping	PL303	N/A
Location Plan	PL001	N/A
Site Layout	PL003	N/A
Proposed Floor Plan	PL004	N/A
Proposed Elevations	PL005	N/A
Proposed Roof Plan	PL006	N/A
Other	15380/P09	N/A
Other	PL110	N/A
Other	PL111	N/A
Landscaping	PL305	N/A
Landscaping	PL306	N/A
Landscaping	PL308	N/A
Landscaping	PL309	N/A
Landscaping	PL310	N/A
Landscape Specification	PL311	N/A
Landscape Specification	PL312	N/A
Existing Site Plan	PL200	A
Land Use Parameter Plan	PL201	A
Movement and Permeability Plan	PL202	A
Height Parameters Plan	PL203	A
Landscaping	PL300	N/A
Landscape Plan	11480_SK005	N/A
Tree Plan	11480_SK006	N/A
Site Plan	PL002	B
Landscaping	PL302	B
Landscaping	PL304	B
Landscaping	PL307	B
Arboricultural Report	PJC/6240/23-01	N/A
Heritage Statement	Archaeology Desk Based Assessment JAC28771	V2
Other	Ecology Report - Badger - 15380_R04_JW	R04
Other	Energy Strategy Report	Issue 2
Noise Details	PJB9584/22359/V1. 1	V1.1
Other	Ecological Impact Assessment -	Rev A

Other	15380_R02a_JW	
Flood Risk Assessment	Design Code - PRC	Rev B
	South Site 13434	Rev 4
	R100	
Flood Risk Assessment	North Site 13434	Rev 2
	R100	
Other	LEMP 15380_R03	N/A
Other	Transport	Vol 1
	Assessment	
Other	Transport	Vol 2
	Assessment	
Transport Plan	IT2359/TA/02	N/A

### Condition(s) & Reason(s)

### CONDITIONS IN RELATION TO THE FULL PERMISSION

#### F1. Time Limit

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

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

#### F2. Approved Plans

The development hereby permitted shall only be implemented in accordance with the approved plans listed above.

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

#### F3. Drainage

The development hereby permitted on the southern site shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Report, ref 13434-R100, Rev 4, dated 17/11/23 by Baynham Meikle Consulting Engineers and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to match the existing greenfield run-off rates for the 1/1 yr, 1/30 yr and 1/100 yr rainfall events respectively.
- Provision of attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

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

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

#### F4. Drainage

No development or preliminary groundworks including any site investigation shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution, has been submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved scheme.

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. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed to ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Failure to provide the above required information before commencement of works may result in work being carried out that results in an increased flood risk and pollution hazard from the site.

#### F5. Drainage Maintenance

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

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

#### F6. Drainage Maintenance

The applicant or any successor in title must maintain yearly logs of maintenance



which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

#### F7. Archaeology

- a) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- b) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part a) and confirmed by the Local Authority archaeological advisors.
- c) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
- d) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- e) The applicant will submit to the local planning authority a post excavation assessment which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable full investigation and recording of assets of archaeological importance. Failure to agree a method for mitigation of harm to archaeological assets identified in the fieldwork prior to groundworks occurring may risk the loss or damage of archaeological assets. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

#### F8. Landscaping

Prior to the implementation of the landscaping scheme hereby approved, a strategy for the watering and maintenance of the landscaping shall be submitted to and approved in writing by the Local Planning Authority. Once approved the watering and

maintenance of the landscaping scheme shall be carried out in accordance with the approved details.

The scheme of landscaping indicated upon the approved plan(s) / documents, shall be implemented in accordance with the approved implementation programme. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the approved landscaping scheme is implemented and that appropriate measures are put in place to ensure that new trees are suitably irrigated until they become established and in order to enhance the appearance of the development and in the interests of amenity and privacy.

#### F9. Arboricultural Method Statement & Detailed Tree Protection Plan

No development, including site clearance, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

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

#### F10. Removal of Vegetation

All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not reasonably practicable then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

#### F11. Accessible Landscaping

All landscaping provided as part of the development hereby permitted, shall be fully accessible and useable by disabled people, including wheelchair and scooter users and people with sight impairment.

Reason: To ensure that the site is accessible and usable for all.

#### F12. Ecological Appraisal

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Tyler Grange Ltd, November 2023) and the Badger Survey Report (Tyler Grange Ltd, November 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

#### F13. Construction Environmental Management Plan

Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

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

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing with respect to protected species.

#### F14. Biodiversity Net Gain Plan

No development shall commence unless and until a Biodiversity Net Gain Plan demonstrating a minimum 10% net gain in biodiversity within a 30 year period as a result of the development, which has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Biodiversity Metric 4.0 as applied in the area in which the site is situated at the relevant time.

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

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for on-site biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
- c) Proposals for the off-site biodiversity net gain;
- d) A management and monitoring plan for off-site biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

#### F15. Biodiversity Enhancement Strategy

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species, prepared by a suitably qualified ecologist in line with the recommendations of the Landscape Ecological Management Plan (Tyler Grange Ltd, November 2023), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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 NPPF 2023 and s40 of the NERC Act 2006 (as amended). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

#### F16. Wildlife Sensitive/ Lighting Design Scheme

No above ground development shall commence until a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include the following details:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging, in accordance with Guidance Note 08/23 (Institute of Lighting Professionals).
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the

development, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

Reason: To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing, and construction work being started.

#### F17. Skylark Mitigation Strategy

Prior to commencement, a finalised Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of Skylark territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure;
- b) Detailed methodology for the compensation measures
- c) Locations of the compensation measures by appropriate maps and/or plans;
- d) Persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for the lifetime of the development.

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing for the protection of protected species.

#### F18. Construction Management Plan

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- Measures to manage the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;

- 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;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

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

Reason: To protect highway efficiency of movement and safety. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

#### F19. Site Waste Management Plan

No development shall commence, including any works of demolition, until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include the following details:

- present a site wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation,
- establish strategic forecasts in relation to expected waste arisings for construction,
- include waste reduction/recycling/diversion targets, and monitor against these,
- advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Reason: To show how the site is promoting reduce, reuse and recycle of natural minerals and the amount of mineral sent to landfill, in the interests of climate change. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

#### F20. Travel Plan

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

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

#### F21. Electric Vehicle Charging

The electric vehicle charging points as detailed on the hereby approved plan(s) shall be installed prior to occupation and thereafter retained.

Reason: In the interest of securing sustainable development and contributing to reduce carbon emissions.

#### F22. Cycle Parking

Prior to first occupation, the cycle parking as shown on the Proposed Site Layout Plan PL 002A shall be constructed and available for use by staff. This cycle parking shall be covered and shall include a minimum of two stands suitable for the secure parking of non-standard cycles. Once constructed and completed in accordance with the approved details, the cycle stores shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To ensure sufficient cycle parking provision is made and that the guidance in LTN 1/20 on Cycle Infrastructure Design is complied with as a minimum.

#### F23. Refuse and Recycling

No above ground development shall commence until details of the location and design of refuse bins, recycling materials storage areas and bin collection points have been submitted to and approved in writing by the Local Planning Authority. The details shall include the timescales for provision. The development shall only be implemented in accordance with the approved details and thereafter retained.

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

#### F24. Construction Working Hours

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 interest of neighbouring residential amenity.



#### F25. Piling

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

Reason: In the interest of neighbouring residential amenity

#### F26. Noise

The required acoustic mitigation measures shall be implemented prior to occupation and remain in perpetuity for the lifetime of the development. This shall comprise:

- a) A 3m high acoustic barrier (min. 10kg/m<sup>2</sup>) to the south-west side of the South Site loading bay. Gates to the south-western boundary in the closed position shall provide equivalent noise reduction or greater as that of the acoustic fencing in the closed position.
- b) A 2m high fence around the south-east and north-east sides of the South Site loading bay.
- c) Landscaping with a ridge height 3m above local ground level on the south-east side of the South Site.

Reason: In the interest of neighbouring residential amenity

#### F27. Fixed Plant

Fixed plant serving the building shall comply with the approved Noise Impact Assessment and achieve a sound pressure level during normal operating conditions of at least 10 dB below the background noise level (LA<sub>90,1hr</sub>) of 46dB (daytime) and LA<sub>90,15min</sub> 35dB (night time) as estimated at nearest noise sensitive dwellings. Night time maximum sound levels from fixed plant should not exceed LAF<sub>max,typ</sub> 60dB outside bedroom windows at noise sensitive dwellings. The noise shall have no prominent low frequency noise tone at any residential property when assessed in accordance with Chapter 9 of BS4142:2014+A1:2019.

Reason: In the interest of neighbouring residential amenity

#### F28. Noise Management Plan

Within 6 months of first beneficial occupation of a plot, a Noise Management Plan shall be submitted and approved in writing by the Local Planning Authority. The NMP shall include measures that the operator will take to manage and/or reduce noise from the operations, which may include separate measures for day and night time operations, and shall include:

- a) Measures to reduce engine idle time for HGVs and other commercial vehicles;
- b) Measures to reduce the use of reversing beepers, sirens and warning noises in outdoor areas;

- c) Managing the time that roller shutters remain open to that necessary for delivery/export of goods;
- d) Managing the volume of any tannoy or alert system(s);
- e) Managing the operation of fixed plant to necessary periods and any automated on/off operations;
- f) Operations/procedures as assumed within Noise Impact Assessment ref. PJB9584/22359/V1.1 (dated 16-11-2023)
- g) Use of gates to the south western boundary.

The approved NMP (or any revised NMP submitted and approved in writing by the Council under this condition) shall be adhered to in perpetuity.

Reason: In the interest of neighbouring residential amenity.

#### F29. Dust Sensitivity

Prior to beneficial use of the development by a user sensitive to dust, a scheme for the air intake, insulation and ventilation and filtration systems for the building(s), including a scheme of maintenance, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the buildings are brought into beneficial use and maintained thereafter in accordance with the approved details.

Reason: To prevent the successful operation of Mineral Extraction at Blackleys Quarry and in accordance with the “agent of change” as set out in the NPPF paragraph 193.

#### F30. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and the following must be completed before any further development takes place:

- a) An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority; and
- b) Where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority; and
- c) Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### F31. BREEAM

Notwithstanding the submitted Energy Strategy Report Issue 2 (dated 17<sup>th</sup> November 2023), the development hereby permitted shall not be occupied or brought into use unless and until details of the final Building Research Establishment (BRE) certificate confirming that the development design for the relevant part of the permanent building(s) achieves a minimum BREEAM rating of VERY GOOD. The details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of energy efficiency and sustainability.

### F32. Signage and Wayfinding

Prior to occupation of the development hereby approved, details of signage and wayfinding shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure signage and wayfinding is appropriate for the site and the adjacent H120 Business Park and creates a sense of place and high quality design.

### F33. Building Maintenance

Prior to occupation, a maintenance strategy for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be permanently maintained in accordance with the submitted strategy, unless any variations are agreed in writing with the Local Planning Authority.

Reason: To ensure a high quality development is maintained over the lifetime of the development.

### F34. Broadband

Prior to occupation of the commercial unit hereby approved, a fibre broadband connection shall be provided to a broadband infrastructure providers network.

Reason: To ensure that all new dwellings / commercial units are provided with appropriate internet connectivity that will improve commercial opportunities and facilitate working from home and improve residents' connections to essential online services and social networks.

### F35. Materials

No above ground development shall commence until samples of the materials to be used on the external finishes of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

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

#### F36. No External Storage

There shall be no external storage or display of equipment, plant, goods or materials within the site whatsoever.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or to protect residential amenity, and to protect the operation of the site.

#### F37. Local Labour

Evidence of local advertisement of jobs during the construction and occupation stage shall be made available to the Local Planning Authority on request. All evidence shall be retained for future inspection by the Local Planning Authority.

Reason: To ensure that thought has been given to local labour provision and ensure local advertisements of jobs during the construction and occupation stage.

#### F38. Refuse Vehicle Access

Any road which is required to carry a refuse vehicle shall be constructed to take a load of 26 tonnes.

Reason: To ensure that the access within the development is adequate to allow for the refuse collections to take place and to avoid damage to the road surface.

#### F39. Use of Site / Building(s)

The building/use hereby permitted shall only be used for B8 use (Storage and Distribution) and for no other purposes including any other purpose in Use Class B2 (General Industrial) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order).

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the amenities of the locality and neighbouring amenity.

#### F40. Trade Counters

The direct sale of goods to customers within the plot is not permitted, regardless of how these goods are purchased.

Reason: To ensure that no alternative use is made of the premises which would be detrimental to highway safety, parking standards, or to the amenities of the locality and neighbouring amenity, and to ensure that retail uses are not introduced.

## CONDITIONS IN RELATION TO THE OUTLINE PERMISSION

### O1. Time Limit

Details of the:

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

of the buildings/site (hereinafter referred to as "the Reserved Matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out in accordance with these matters approved.

Application for approval of the Reserved Matters shall be made to the local planning authority not later than 5 years from the date of this permission.

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

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

### O2. Scope of Development

The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 39,075sqm of employment space for Research and Development (E(g)(ii)), and/or Industrial Process (E(g)(iii)), and/or General Industrial (B2), and/or Storage or Distribution (B8) with ancillary office (Use class E(g)(i)) with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure and shall demonstrate compliance with the approved plans listed above.

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

### O3. Works in accordance with details and documents

With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved in outline shall be carried out in accordance with the drawings submitted with the application. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

#### O4. Phasing Plan

Either prior to or concurrent with the submission of the first Reserved Matters application for the site the applicant shall submit a Phasing Plan to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved Phasing Plan, or such other amended Phasing Plan as may be subsequently submitted and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: To ensure that the Local Planning Authority and statutory consultees are aware of the order in which the site is proposed to be built out and the predicted timescales for this.

#### O5. Accordance with Design Code

The development hereby permitted shall be carried out in accordance with the Design Code Rev B Dated November 2023.

Each Reserved Matters application of the outline element of the development, shall be accompanied by a compliance statement explaining how that phase accords with the approved Design Guide and Parameter Plans.

Reason: To ensure the development proceeds in accordance with the Design Code.

#### O6. Landscaping

The landscaping scheme required under Condition OU1 of this decision, shall incorporate a detailed specification of hard and soft landscaping works for each commercial plot. This shall include plant/tree types and sizes, plant numbers and distances, and written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying, and an implementation programme. Details shall also include furniture/ gym equipment and amenity areas.

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

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

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

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

scheme.

Reason: The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended). To enhance the appearance of the development and in the interests of amenity and privacy.

#### O7. Accessible Landscaping

All landscaping provided as part of the development hereby permitted, shall be fully accessible and useable by disabled people, including wheelchair and scooter users, people with sight impairment.

Reason: To ensure that the site is accessible and usable for all.

#### O8. Implementation of Landscaping

Structural Landscaping identified on drawing 11480-SK005, including that required for SuDS purposes and the adjacent permissive route, is to be implemented as soon as reasonably practicable, and in any case, no later than the end of the first available planting season from when construction commences.

Once constructed, the permissive route located within the structural landscaping, shall remain in perpetuity for the lifetime of the development.

Reason: To ensure the landscaping is implemented in a timely manner to the benefit of the character and appearance of the area.

#### O9. Arboricultural Method Statement & Detailed Tree Protection Plan

No development, including site clearance, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the

Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

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

#### O10. Removal of Vegetation

All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not reasonably practicable then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

#### O11. Drainage

No works except demolition shall take place in any phase until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting the run-off rates from the site to match the existing greenfield run-off rates for the 1/1 yr, 1/30 yr and 1/100 yr rainfall events respectively. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event,
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, OR, if impracticable
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.



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

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

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

#### O12. Drainage

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and 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. Methods for preventing or mitigating this should be proposed.

#### O13. Drainage Maintenance

Prior to occupation of any building, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any

part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

#### Q14. Drainage Maintenance

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

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

#### Q15. Travel Plan

A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation / first use of the development, the approved Travel Plan shall be implemented and the use shall thereafter only be operated in accordance with the approved Travel Plan.

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

#### Q16. Bridleway Improvements

Prior to the commencement of development details of improvements to Bridleway 27 Great Notley between the south-west and northern boundary shall be submitted to and approved in writing by the Local Planning Authority. No occupation of any building(s) subject to outline planning permission shall take place until the agreed improvements have been provided or completed in accordance with the approved details.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking. The details are required prior to commencement of development to ensure their compatibility with the detailed site layout.

#### O17. Implementation of Access and Road

Prior to occupation of any development, the building must be capable of being accessed from the adopted road network via the H120 Business Park Spine Road and a Side Road.

Reason: To ensure safe and suitable vehicle access can be achieved.

#### O18. Signage and Wayfinding Strategy

A signage and wayfinding strategy must be submitted to, and approved by, the Local Planning Authority prior to the implementation of any signage and/or wayfinding within the site benefitting from Outline permission. The strategy should be in general accordance with section 6.0 of the Design Code. All signage and wayfinding must accord with the approved strategy.

Reason: To ensure signage and wayfinding is appropriate for the site and the adjacent H120 Business Park and creates a sense of place and high quality design.

#### O19. Construction Traffic Management Plan

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- Measures to protect the PRow network;
- Measures to manage the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- 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;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

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

Reason: To protect highway efficiency of movement and safety. This condition is required prior to commencement because the potential impacts to neighbouring amenity is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

#### O20. Condition – Archaeology

- a) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- b) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part a) and confirmed by the Local Authority archaeological advisors.
- c) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
- d) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
- e) The applicant will submit to the local planning authority a post excavation assessment which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable full investigation and recording of assets of archaeological importance. Failure to agree a method for mitigation of harm to archaeological assets identified in the fieldwork prior to groundworks occurring may risk the loss or damage of archaeological assets. This condition is required prior to commencement to protect and preserve potential archaeological assets and is fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

#### O21. Construction Working Hours

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 interest of neighbouring residential amenity.

#### O22. Piling

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

Reason: In the interest of neighbouring residential amenity

#### O23. Noise

Concurrent with the submission of any Reserved Matters for appearance, scale or layout under Condition OU1 of this decision, A Noise Impact Assessment for that Reserved Matters area, prepared in accordance with BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound), shall be submitted for approval to the Local Planning Authority detailing any noise mitigation measures that are required to reduce noise levels to acceptable levels at noise sensitive receptors.

The agreed measures will be implemented prior to operation of the building commencing in the outline application area.

Reason: To ensure there is no impact on residential amenity and to ensure the layout and design of the development that is agreed at Reserved Matters stages can take into account the visual and practical implications of providing noise mitigation measures that safeguard the amenity of existing and future residential occupiers.

#### O24. Noise Management Plan

Within 6 months of first beneficial occupation of a plot, a Noise Management Plan shall be submitted and approved in writing by the Local Planning Authority. The NMP shall include measures that the operator will take to manage and/or reduce noise from the operations, which may include separate measures for day and night time operations, and shall include:

- a) Measures to reduce engine idle time for HGVs and other commercial vehicles;
- b) Measures to reduce the use of reversing beepers, sirens and warning noises in outdoor areas;
- c) Managing the time that roller shutters remain open to that necessary for delivery/export of goods;
- d) Managing the volume of any tannoy or alert system(s);
- e) Managing the operation of fixed plant to necessary periods and any automated on/off operations;

The approved NMP (or any revised NMP submitted and approved in writing by the Council under this condition) shall be adhered to in perpetuity.

Reason: In the interest of neighbouring residential amenity

#### O25. Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and the following must be completed before any further development takes place:

- a) An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority; and
- b) Where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority; and
- c) Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### O26. Dust Sensitivity

Prior to beneficial use of the development by a user sensitive to dust, a scheme for the air intake, insulation and ventilation and filtration systems for the building(s), including a scheme of maintenance, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the buildings are brought into beneficial use and maintained thereafter in accordance with the approved details.

Reason: To prevent the successful operation of Mineral Extraction at Blackleys Quarry and in accordance with the “agent of change” as set out in the NPPF paragraph 193.

#### O27. Ecological Appraisal

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Tyler Grange Ltd, November 2023) and the Badger Survey Report (Tyler Grange Ltd, November 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

## O28. Construction Environmental Management Plan

Prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing with respect to protected species.

## O29. Biodiversity Net Gain Plan

No development shall commence unless and until a Biodiversity Net Gain Plan demonstrating a minimum 10% net gain in biodiversity within a 30 year period as a result of the development, which has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Biodiversity Metric 4.0 as applied in the area in which the site is situated at the relevant time.

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

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for on-site biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how

- the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
- c) Proposals for the off-site biodiversity net gain;
  - d) A management and monitoring plan for off-site biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

### O30. Biodiversity Enhancement Strategy

Concurrent with the submission of Reserved Matters for layout or landscaping, Condition OU1 of this decision, a Biodiversity Enhancement Strategy for protected and Priority species for that Reserved Matters area, prepared by a suitably qualified ecologist in line with the recommendations of the Landscape Ecological Management Plan (Tyler Grange Ltd, November 2023), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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 NPPF 2023 and s40 of the NERC Act 2006 (as amended).

### O31. Lighting Strategy

Concurrent with the submission of Reserved Matters relating to landscaping or layout under Condition OU1 of this decision, a Lighting Scheme for that Reserved Matters area, designed to promote personal safety, protect amenity and the night-time



landscape and biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include the following details:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging, in accordance with Guidance Note 08/23 (Institute of Lighting Professionals);
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

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

#### O32. Skylark Mitigation Strategy

Prior to commencement, a finalised Skylark Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of Skylark territories identified as lost or displaced. This shall include provision of offsite compensation in nearby agricultural land, prior to commencement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure;
- b) Detailed methodology for the compensation measures
- c) Locations of the compensation measures by appropriate maps and/or plans;
- d) Persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for the lifetime of the development.

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species). These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing for the protection of protected species.

### O33. Broadband

Prior to occupation of each commercial unit, a fibre broadband connection shall be provided to a broadband infrastructure providers network.

Reason: To ensure that all new dwellings / commercial units are provided with appropriate internet connectivity that will improve commercial opportunities and facilitate working from home and improve residents' connections to essential online services and social networks.

### O34. Building Maintenance

Concurrent with the submission of Reserved Matters for layout, a maintenance strategy for the external surfaces of the building(s) for that Reserved Matters area, shall be submitted to and approved in writing by the Local Planning Authority. The building(s) shall thereafter be permanently maintained in accordance with the submitted strategy.

Reason: To ensure a high quality development is maintained over the lifetime of the development.

### O35. Energy Strategy

Concurrent with the submission of Reserved Matters for layout and appearance under Condition OU1 of this decision, an Energy Strategy for that Reserved Matters area, evidencing how a minimum of 30% of the projected energy requirements of a plot, including the building, are provided through renewable energy technology, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is sustainable and contributes towards reducing CO2 emissions.

### O36. BREEAM

No phase of the development hereby permitted shall not be occupied or brought into use unless and until details of the final Building Research Establishment (BRE) certificate confirming that the development design for the relevant part of the permanent building(s) achieves a minimum BREEAM rating of VERY GOOD. The details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of energy efficiency and sustainability.

### O37. Electric Vehicle Charging

No above ground development shall commence until an Electric Vehicle Charging Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Reason: In the interest of securing sustainable development and contributing to reduce carbon emissions.

### O38. Site Waste Management Plan

No development shall commence, including any works of demolition, until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include the following details:

- Present a site wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation,
- Establish strategic forecasts in relation to expected waste arisings for construction,
- Include waste reduction/recycling/diversion targets, and monitor against these,
- Advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Reason: To show how the site is promoting reduce, reuse and recycle of natural minerals and the amount of mineral sent to landfill, in the interests of climate change. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

### O39. Local Labour

Evidence of local advertisement of jobs during the construction and occupation stage for each Reserved Matters application, shall be made available to the Local Planning Authority on request. All evidence shall be retained for future inspection by the Local Planning Authority.

Reason: To ensure that thought has been given to local labour provision and ensure local advertisements of jobs during the construction and occupation stage.

### O40. Refuse Vehicle Access

Any road which is required to carry a refuse vehicle shall be constructed to take a load of 26 tonnes.

Reason: To ensure that the access within the development is adequate to allow for the refuse collections to take place and to avoid damage to the road surface.

#### O41. Refuse and Recycling

Prior to first occupation of the relevant phase of development hereby approved, a refuse /recycling management strategy shall be submitted to and approved in writing by the Local Planning Authority. All refuse/ recycling shall be managed in accordance with these details.

Reason: To reduce pollution and the likelihood of infestation.

#### O42. Trade Counters

The direct sale of goods to customers within the site is not permitted, regardless of how these goods are purchased.

Reason: To ensure that no alternative use is made of the premises which would be detrimental to highway safety, parking standards, or to the amenities of the locality and neighbouring amenity, and to ensure that retail uses are not introduced.

#### Informative(s)

##### Informative 1 – Drainage

LLFA also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.  
<https://www.essex.gov.uk/protectingenvironment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk)). The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

##### Informative 2 - Highways

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available

### Informative 3 – Essex Fire and Rescue

Essex Fire and Rescue draw your attention to the following:

- Building Control Approved Document B Volume 2 - (BUILDINGS OTHER THAN DWELLINGS):

Section 16: Fire mains and hydrants: Provision of private hydrants

Section 16.8: A building requires additional fire hydrants if both of the following apply. a) It has a compartment with an area more than 280m<sup>2</sup>. b) It is being erected more than 100m from an existing fire hydrant.

Section 16.9: If additional hydrants are required, these should be provided in accordance with the following - a) For buildings provided with fire mains - within 90m of dry fire main inlets. b) For buildings not provided with fire mains - hydrants should be both of the following. i. Within 90m of an entrance to the building. ii. A maximum of 90m apart.

Section 16.10: Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP5	Employment
SP6	Infrastructure & Connectivity
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP45	New Road Infrastructure
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP49	Health and Wellbeing Impact Assessment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
21/01783/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the	Granted	02.08.21

	Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy		
23/01818/SCR	Town and Country Planning Environmental Impact Assessment) Regulations 2017 SI 2017/571 Screening Opinion Proposal on 13.75ha of land to the west of the existing Horizon 120 Business Park to provide up to 55,000sqm of floor space for Research and Development, and or Industrial processes, and/or B2 (General Industrial), and or B8 Storage or Distribution	Screening/Scoping Opinion Adopted	29.11.23
24/00442/FUL	PLOTTING - Erection of an employment building comprising of uses falling within Use Classes E(g)(i, ii, iii) and B8 (or a combination of those uses) with associated access, service areas, parking and landscaping.		
00/00139/TEL	Erection of one 15 metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and ancillary development	Refused	09.03.00
89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses upto maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health	Granted	12.12.91



	centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development		
93/01236/OHL	Proposed 33kv dual circuit overhead line diversion	No Objections Raised	10.11.93
95/01057/REM	Structural landscaping to bypass bunding (areas 16 & 18)	Granted	31.01.96
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Proposed business park	Pending Consideration	
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.	Granted	26.10.17

	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.		
18/00003/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.	Screening/Scoping Opinion Adopted	07.08.18
19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19
19/00950/ADV	Proposed erection of two temporary signage boards	Granted	16.10.19
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	Granted	30.09.19

	access arrangements off the A131, Great Notley.		
19/01525/FUL	Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
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 internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Refused	30.03.20
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub	Granted	16.04.20

	area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure.		
20/00444/NMA	Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.	Granted	22.05.20
20/00445/NMA	Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left	Granted	22.05.20

	in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.		
20/00473/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL	Granted	02.12.20
20/00474/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL	Granted	02.12.20
20/00548/DAC	Application for approval of details reserved by condition 10 of approved application 19/01616/FUL	Granted	19.06.20
20/00549/DAC	Application for approval of details reserved by condition 10 of approved application 19/01525/FUL	Granted	19.06.20
20/00859/ADV	Display of double sided site signage	Granted	21.08.20
20/00860/ADV	Display of double sided site signage	Granted	21.08.20
20/00898/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL	Granted	24.06.22
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL	Granted	24.06.22
20/01502/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy'	Granted	09.12.20

	<p>of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures.</p>		
20/01503/VAR	<p>Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01525/FUL granted 10/02/2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Variation would allow revised wording of the condition regarding implementation of mitigation measures.</p>	Granted	09.12.20
20/00001/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10</p>		06.11.20

	(Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P11 (Building Maintenance) and P12 (Renewable Energy).		
20/00002/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone A (Enterprise Centre comprising offices and a cafe with associated landscaping and parking) pursuant to the discharge of conditions G2 (Compliance Checklist) G7 (Construction Management Plan) P1 (Plot Landscaping) P2 (Access) P3 (Parking) P6 (Surface Water Drainage) P7 (Foul Drainage) P11 (Building Maintenance) and P12 (Renewable Energy).		08.01.21
20/02234/DAC	Application for approval of details as reserved by conditions of approved application 20/01502/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan; 18 - post excavation strategy.	Granted	18.11.21
20/02236/DAC	Application for approval of details as reserved by conditions of approved application 20/01503/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological	Granted	18.11.21

	Management Plan.		
21/01300/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone C (Erection of industrial/R&D unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure.) pursuant to the discharge of Conditions G1. (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10. (Signage and Wayfinding Strategy); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P4. (Pedestrian Footpaths); P6. (Surface Water Drainage); P7. (Foul Drainage); P8. (Noise); P9. (Building Use); P11. (Building Maintenance); P12 (Renewable Energy); and S3. (Landscape Maintenance).		21.05.21
21/01783/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub	Granted	02.08.21



	<p>area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy</p>		
21/02715/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P10 (Building Maintenance) and P11</p>		08.10.21

	(Renewable Energy).		
21/02944/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO		04.11.21
21/03015/FUL	Construction of western spur off roundabout with landscaping.	Granted	23.03.22
21/03016/VAR	Variation of Condition 1 (Approved Plans) of permission 20/01503/VAR granted 09/12/2020. Variation would allow - Minor amendment to the siting of the western spur of the southern roundabout.	Granted	23.03.22
21/03516/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for		22.12.21

	<p>Parcels 1,2 &amp; 3 Zone C - The erection of 3no. buildings totaling circa 14,927m<sup>2</sup> GEA of Use Class B8 (Storage or distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p>		
22/00254/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m<sup>2</sup> GEA of Use Class E (g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2.</p>		14.03.22

	(Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
22/00822/FUL	Erection of acoustic fence and landscaping	Granted	23.12.22
22/00965/LDOCC	Schedule C alterations to Enterprise Centre constructed under schedule A approval ref.20/00002/LDOCC, comprising additional events floor space, elevational changes, additional emergency escape route, art installation and landscaping alterations. Discharge of conditions G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage, Wayfinding and Public Art), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance), and P11 (Renewable Energy).		25.05.22
22/01205/DAC	Application for approval of details as reserved by condition S3 (Landscape Maintenance Strategy outside of plots) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.	Granted	24.08.22
22/01206/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for		15.06.22

	the Plot 5 (Zone B). The erection of 1no. building totalling circa 3,145m <sup>2</sup> GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1 (Design Code Compliance), G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
22/01730/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) - Compliance Checklist application for site wide Wayfinding Strategy concerning Signage, Public Art and Furniture in accordance with Condition G2 (Compliance Checklist) of Schedule B, Class 2 and 3; Condition G1 (Design Code Compliance); and Condition G10 (Signage, Wayfinding and Public Art) of Schedule B Class 1.		05.08.22
22/02233/DAC	Application for approval of details as reserved by condition G11 part (a) only (Highways Improvements) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.	Pending Consideration	
22/02356/LDOCC	Horizon 120 Business and		17.10.22

	<p>Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B) - The erection of 1no. building split between 2no. units, totalling circa 3,196m<sup>2</sup> GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p>		
22/02935/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 &amp; 3 Zone C - The erection of 3no. buildings totalling circa 14,927m<sup>2</sup> GEA of Use Class B8 (Storage or Distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10</p>		08.12.22

	(Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
22/03139/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m <sup>2</sup> GEA of Use Class E (g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		23.12.22
23/00119/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and		24.02.23

	Development (E(g)(ii) unit with offices E(g)(i) and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO (AMENDMENT TO PREVIOUS APPLICATION 21/02944/LDOCC).		
23/00688/FUL	Retention of pallet store shed.	Granted	19.06.23
23/01494/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B) - The erection of 1no. building split between 2no. units, totalling circa 3,517sqm GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction		18.07.23

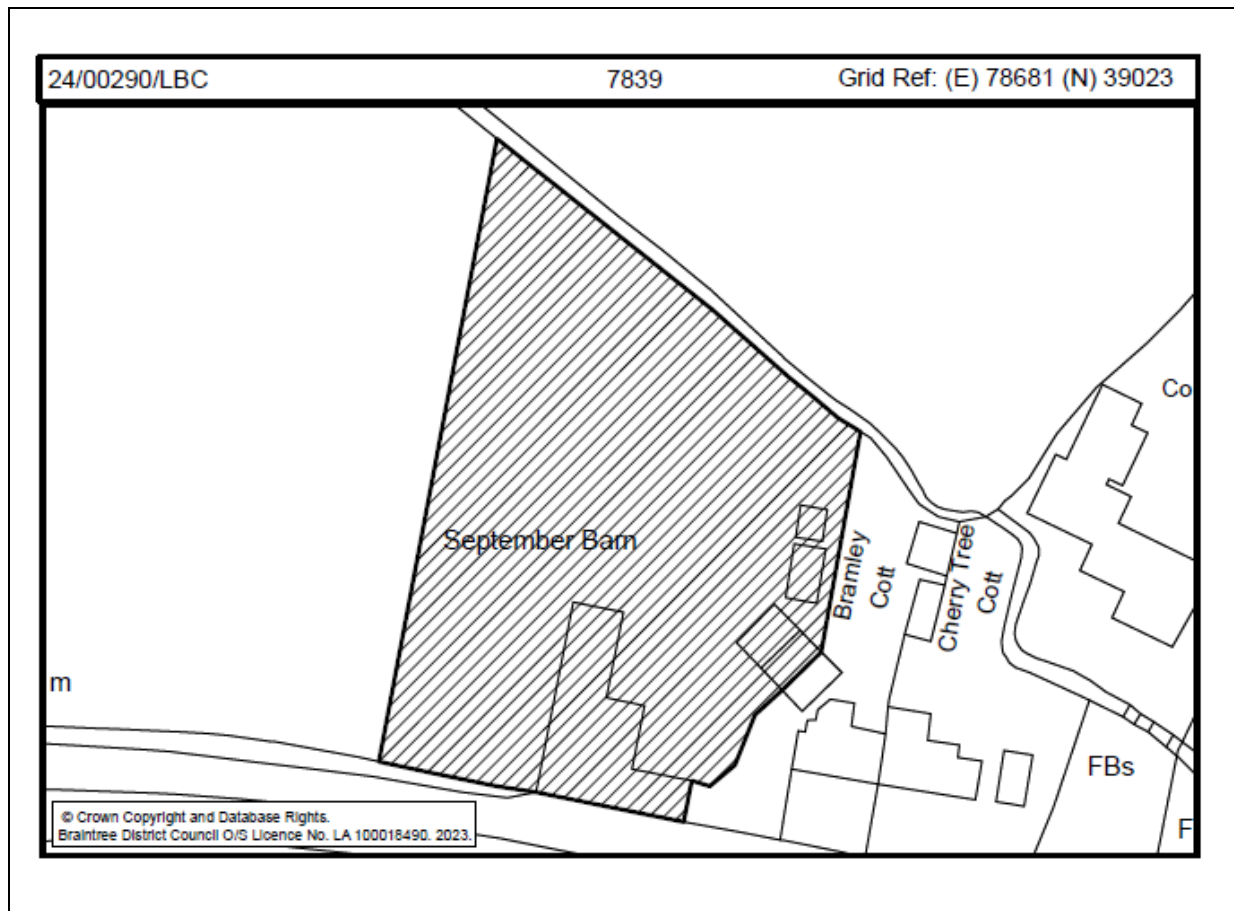


	Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
23/02765/FUL	Change of use from Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display to Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display and Retail Sale (Use Class E(a)) and collection of medical/ disability aids from the existing Display Area.	Pending Decision	
24/00211/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development totalling circa 5,357sqm GEA of (E(g)(ii) unit with offices E(g)(i) and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul		11.03.24

	Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
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<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	24/00290/LBC	
<b>Description:</b>	Replacement of 11 No. windows	
<b>Location:</b>	September Barn North End Little Yeldham	
<b>Applicant:</b>	Mr And Mrs Aidan Corbishley, September Barn, North End, Little Yeldham, Essex, CO9 4LG	
<b>Agent:</b>	N/A	
<b>Date Valid:</b>	7th February 2024	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Harrison Lockwood For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2543, or by e-mail: <a href="mailto:harrison.lockwood@braintree.gov.uk">harrison.lockwood@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The</p>

	<p>Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:  <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 24/00290/LBC.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website:  <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application seeks Listed Building Consent for the replacement of 11 windows. The proposal follows a permission granted on 23.06.2021, for the replacement of windows in the north and west elevation under Application Reference 21/01024/LBC. This proposal would see the remainder of the windows at the dwellinghouse replaced in a similarly like-for-like manner.
- 1.2 The statement supplied with the proposal refers to the fact that water damage over the years has contributed in rot to the base of some windows. The application would therefore maintain the continued upkeep of the heritage asset.
- 1.3 The proposed replacements comprise stained oak frames with double glazed casements and would be painted black to match all other window openings in the barn.
- 1.4 The ECC Historic Buildings Consultant has considered that the windows proposed for replacement all date to the modern conversion of the building and have no heritage significance. As such, their like-for-like replacement would not be objectionable in heritage terms.
- 1.5 The proposal would therefore not have an impact upon the significance of the Listed Building and it is recommended that Listed Building Consent is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is an employee of Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 September Barn is Grade II listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest (List Entry No. 1165126). The site is located within North End, to the southeast of Little Yeldham. The dwelling sits on the western most edge of the village envelope and benefits from a large garden, with no neighbours to the west.

- 5.2 This application follows the grant of Application Reference 21/01024/LBC, in which the other windows in the northern and western elevations were proposed for replacement. This consent has subsequently been implemented and the proposal is for the replacement of the remaining windows.

6. PROPOSAL

- 6.1 The proposal is for the replacement of 11 windows including 1 on the north elevation, 1 on the east elevation, 2 on the south elevation and 7 on the west elevation. All replacements would be with stained oak window frames and double glazed casements.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 ECC Historic Buildings Consultant

- 7.1.1 No objection.

8. PARISH / TOWN COUNCIL

8.1 Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council

- 8.1.1 No objection. Reference is drawn to the discrepancy within the validated address which has now been rectified.



9. REPRESENTATIONS

- 9.1 A site notice was displayed to the front of the site and the immediate neighbour at Bramley Cottage was notified of the proposal. No representations have been received.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 The proposal is for Listed Building Consent, wherein the assessment carried out is strictly in relation to the impact of the works upon the heritage asset. The proposed replacement windows are considered like-for-like and formal planning permission is not therefore required.

11. ASSESSMENT

11.1 Heritage

- 11.1.1 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 207 develops upon this further, noting that where a proposed development leads to substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.
- 11.1.2 This is reflected in Policy LPP57 of the Adopted Local Plan which outlines the requirement that for designated heritage assets, the development must meet the tests set out in national policy. It then goes on to specify the following:
- The works or uses include the use of appropriate materials and finishes.
  - The application submitted contains details of the significance of the heritage asset, within a Heritage Statement which should include any contribution made by their setting.
  - There may be a requirement for appropriate specialist recording to be carried out prior to the change of use, demolition or conversion of a listed building or associated historic building.
- 11.1.3 Necessary expertise has been sought from a Historic Buildings Consultant in accordance with Paragraph 201 of the NPPF which outlines that local planning authorities should take account of the available evidence and any necessary expertise in their determination. The ECC Historic Buildings Consultant has concluded that the proposal would not have an impact on the significance of the listed building and therefore raises no objection.
- 11.1.4 The windows proposed for replacement all date to the conversion of the building and have no heritage significance. Furthermore, their replacement with like-for-like timber would not alter the appearance of the building.

12. CONCLUSION

- 12.1 Taking into account the above assessment, it is concluded that the proposal complies with the Development Plan and objectives of the NPPF. It is therefore recommended that Listed Building Consent is granted for the proposal.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	N/A	N/A
Block Plan	N/A	N/A
Elevations	North	N/A
Elevations	East	N/A
Elevations	South	N/A
Elevations	West	N/A
Design and Access Statement	N/A	N/A

#### Condition(s) & Reason(s)

##### Condition 1

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

Reason: This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

##### Condition 2

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

Reason: To ensure that the work does not affect the character or setting of the listed building on the site.

##### Condition 3

The external materials and finishes shall be as indicated on the approved plans and application form.

Reason: To ensure the use of appropriate materials having regard to the listed building on this site.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

LPP57          Heritage Assets and their Settings

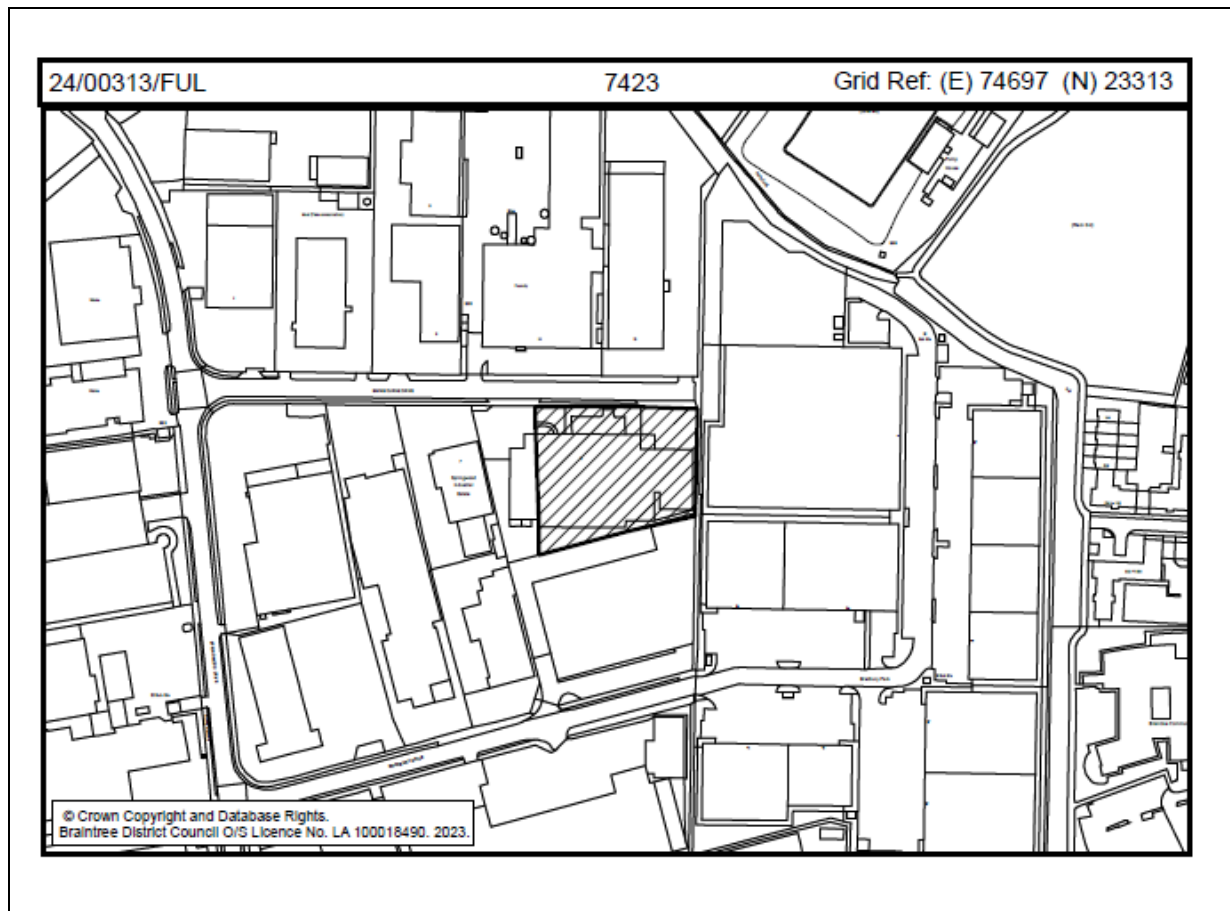
### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
84/00081/P	Proposed conversion of barn to dwelling	Granted	
84/01200/P	Stationing of mobile home whilst building works in progress	Granted	
85/01220/P	Proposed conversion of barn to dwelling	Granted	
85/01221/LB	Proposed conversion of barn to dwelling	Granted	
86/00672/P	Proposed garages and improvements to vehicular access	Granted	
86/00673/LB	Proposed garages and improvements to vehicular access	Granted	
87/01099/P	Erection of two detached dwellinghouse with garages and construction of vehicular access	Refused	
06/01650/FUL	Erection of extension to conservatory and additional windows to west elevation	Refused	18.09.06
06/01651/LBC	Erection of extension to conservatory and additional windows to west elevation	Refused	18.09.06
06/02137/FUL	Additional windows to west elevation and internal alterations	Granted	28.12.06
06/02138/LBC	Additional windows to west elevation and internal alterations	Granted	28.12.06
13/00326/LBC	Replacement front door and frame	Granted	14.05.13
13/00275/DAC	Application for approval of details reserved by condition no. 3 of approved application 13/00326/LBC	Granted	17.01.14
21/01024/LBC	Replacement of window in North elevation and window/door panel in West elevation.	Granted	23.06.21

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	24/00313/FUL	
<b>Description:</b>	Change of use of from Class B2 (General Industrial) to Class B8 (Storage or Distribution).	
<b>Location:</b>	8 Swinbourne Drive Braintree Essex	
<b>Applicant:</b>	IMD Trading Ltd, 2 Square Deal Units, 5 West Road, Harlow, CM20 2BQ	
<b>Agent:</b>	Miss Claire Day, Hybrid Planning & Development Limited, The Old Vyner Street Gallery, 23 Vyner Street, London, E2 9DG	
<b>Date Valid:</b>	9th February 2024	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Janine Rowley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2551, or by e-mail: <a href="mailto:janine.rowley@braintree.gov.uk">janine.rowley@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul>



	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 24/00313/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located within the Springwood Industrial Estate within Braintree which is allocated as a Strategic Employment Site within Policy LPP2 of the Adopted Local Plan.
- 1.2 The application seeks full planning permission for the change of use from general industrial (Use Class B2) to warehousing (Use Class B8).
- 1.3 Policy LPP3 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2 and B8 will be refused.
- 1.4 The proposal would maintain a policy compliant industrial usage of the site, carrying an economic and social benefit consistent with the planning objectives contained within Paragraph 11 of the NPPF.
- 1.5 In terms of access, layout and design, no operational development is proposed. No adverse impacts from the proposed change of use have been identified. No adverse impacts have been identified on highway grounds or parking implications.
- 1.6 The proposal is therefore considered acceptable subject to appropriate conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is situated within the defined development boundary for Braintree and within the Springwood Industrial Estate which is allocated as an Employment Area in the Adopted Local Plan. The site is situated to the south side of Swinbourne Drive, amongst numerous other industrial units. The area to the front of the existing building is used for storage of relevant material and employees currently park to the front of the site.

6. PROPOSAL

- 6.1 The proposal is for a change of use of from Class B2 (General Industrial) to Class B8 (Storage or Distribution).
- 6.2 The application does not propose amendments to the exterior of the building, nor does it propose amendments to the car parking spaces within the site.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 There are assets owned by Anglian Water or those subject to adopted agreement within or close to the development boundary.

*Wastewater Treatment*

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

*Used Water Network*

- 7.1.3 A full assessment cannot be made due to no drainage strategy accompanying this planning application. However, a condition in relation to the foul and surface water strategics is recommended.

- 7.2      Essex Fire and Rescue
- 7.2.1    No objections.
- 7.3      Essex Police
- 7.3.1    No comments.
- 7.4      ECC Highways
- 7.4.1    No objections.
- 7.5      ECC Suds
- 7.5.1    No comments.
- 8.       PARISH / TOWN COUNCIL
- 8.1      Town Council
- 8.1.1    N/A
- 9.       REPRESENTATIONS
- 9.1      No letters of representation have been received in connection with this application.
- 10.      PRINCIPLE OF DEVELOPMENT
- 10.1.1   The application site is located within the town development boundary wherein the principle of development is acceptable, as laid out in Policy LPP1 of the Adopted Local Plan, provided it satisfies amenity, design, environmental, highway criteria and other material considerations. Policy LPP2 of the Adopted Local Plan states that all employment sites and sites or buildings in current or recent use as an employment site will be retained as such uses where they continue to offer a viable and sustainable location for such uses.
- 10.1.2   Springwood Industrial Estate is allocated as an Employment Policy Area on the proposals map of the Adopted Local Plan. Policy LPP3 of the Adopted Local Plan states that the following uses will be considered appropriate and will be permitted and retained: b) general industrial (Use Class B2) and storage/distribution (Use Class B8).
- 10.1.3   The statement accompanying the application outlines that IMD Trading Limited is an importer and distributor of bathroom and kitchen products seeking to relocate from Harlow. The proposal would require a change of use from general industrial (Use Class B2) to storage and distribution (Use Class B8). The proposed change of use would continue to comply with Policy LPP3 of the Adopted Plan, therefore no objection is raised in

principle. Whilst it is acknowledged there would be some loss of floorspace due to the removal of one of the internal mezzanine floors, the overall footprint remains the same and there is no loss of allocated employment land to non-business/industrial uses. It is also apparent the floorspace lost by way of the removal of the mezzanine, could be reinstated in the future.

- 10.1.4 The principle of the proposed change of use is acceptable, subject to the various policy criteria and other material considerations which are discussed in detail below.

## 11. SITE ASSESSMENT

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

- 11.1.1 Policy LPP52 of the Adopted Local Plan together with the NPPF seek to ensure high quality design and layout in all developments.
- 11.1.2 The application does not propose amendments to the external appearance and design of the building, nor does it propose amendments to the existing layout of car parking spaces to the front of the site. Therefore, no objections are raised in respect of design and layout.

### 11.2 Highway Considerations

- 11.2.1 Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking and cycle parking in accordance with the Council's Adopted Parking Standards. The Transport Assessment carried out by Hybrid, demonstrates the traffic impact with the extant B2 site use compared to the future B8 site use results in a reduction over both peak hours (0800-0900 and 1700-1800) resulting in a daily benefit to the local highway network and to the safety of all road users.
- 11.2.2 The site currently provides parking for 12 spaces between the two car parks to the front of the site. In accordance with the adopted Vehicle Parking Standards for use Class B8, 1 space per 150sq.m is required. The total gross internal floorspace equates to 1744sq.m and therefore 12 parking spaces are required. 12 vehicle parking spaces are shown on the proposed drawings; thus, a compliant level of car parking would be provided.
- 11.2.3 The vehicle access to the site will remain as per the current arrangement suitable for access and egress in a forward gear for both cars and delivery vehicles. It is anticipated that an average of 3 HGV deliveries per week would continue to enter and exit the site as per the current arrangements.
- 11.2.4 The Highway Authority have been consulted on the application and raised no objections on the highway network or safety. The proposal is policy compliant.

### 11.3 Impact upon Neighbouring Residential Amenity

- 11.3.1 Policy LPP52 of the Adopted Local Plan outlines that development shall not cause unacceptable impacts on the amenities of nearby residential properties.
- 11.3.2 The site is situated on an industrial estate and there would be no neighbouring residential properties in the immediate vicinity of the site that would be affected by the proposal.
- 11.3.3 The neighbouring industrial uses would not be harmed by the proposed change of use.

### 11.4 Flooding and Drainage Strategy

- 11.4.1 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding, and coastal change, and recognises that planning plays a key role in, amongst other things providing resilience to the impacts of climate change.
- 11.4.2 Policy LPP76 of the Adopted Local Plan states that all new development should include Sustainable Drainage Systems (Suds) appropriate to the nature of the site. Such systems shall provide optimum water runoff rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues, unless it can be clearly demonstrated that they are impracticable.
- 11.4.3 Essex County Council as Lead Local Flood Authority has considered the proposal and raises no objection as the proposal solely relates to a change of use of the existing building without any increase in the impermeable area.
- 11.4.4 Whilst it is noted Anglian Water have raised concerns due to no drainage strategy accompanying this proposal, this application solely relates to a change of use and no operational development is proposed. Officers therefore consider drainage conditions are not considered necessary nor reasonable in this instance.

## 12. CONCLUSION

- 12.1 The application site is located within the Springfield Industrial Estate which is allocated as a Strategic Employment Site within Policy LPP2 of the Adopted Local Plan.
- 12.2 The application seeks full planning permission for the change of use from Use Class B2 (General Industrial) to Use Class B8 (Storage or Distribution).

- 12.3 The proposed change of use to Use Class B8 (Storage or Distribution) would continue to permit an employment use in accordance with Policy LPP3 of the Adopted Local Plan.
- 12.4 No external changes are proposed to the design and appearance of the existing building nor the site layout.
- 12.5 The development proposals would not have a material impact on the traffic generation of the site and sufficient vehicle parking is to be provided.
- 12.6 The proposal is therefore considered acceptable subject to appropriate conditions.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	168_300	N/A
Site Plan	168_301	N/A
Existing Ground Floor Plan	168_302	N/A
Existing 1st Floor Plan	168_303	N/A
Existing Roof	168_304	N/A
Proposed Ground Floor Plan	168_305	N/A
Proposed 1st Floor Plan	168_306	N/A
Proposed Roof Plan	168_307	N/A
Existing Elevations	168_308	N/A
Proposed Elevations	168_309	N/A
Other	001	N/A

#### Condition(s) & Reason(s)

##### Condition 1

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

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

##### Condition 2

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

Reason: For the avoidance of doubt and in the interests of proper planning as to what is permitted.

##### Condition 3

The building subject to this application shall only be used for storage and distribution and for no other purposes including any other purpose in Use Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order).

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the allocated employment area.



### Informative(s)

#### Informative 1

It is emphasised that this permission allows a change of use only. Any alterations materially affecting the external appearance of the building will require planning permission for which a separate application would need to be submitted for consideration.

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP43	Parking Provision
LPP52	Layout and Design of Development
LPP76	Sustainable Urban Drainage Systems

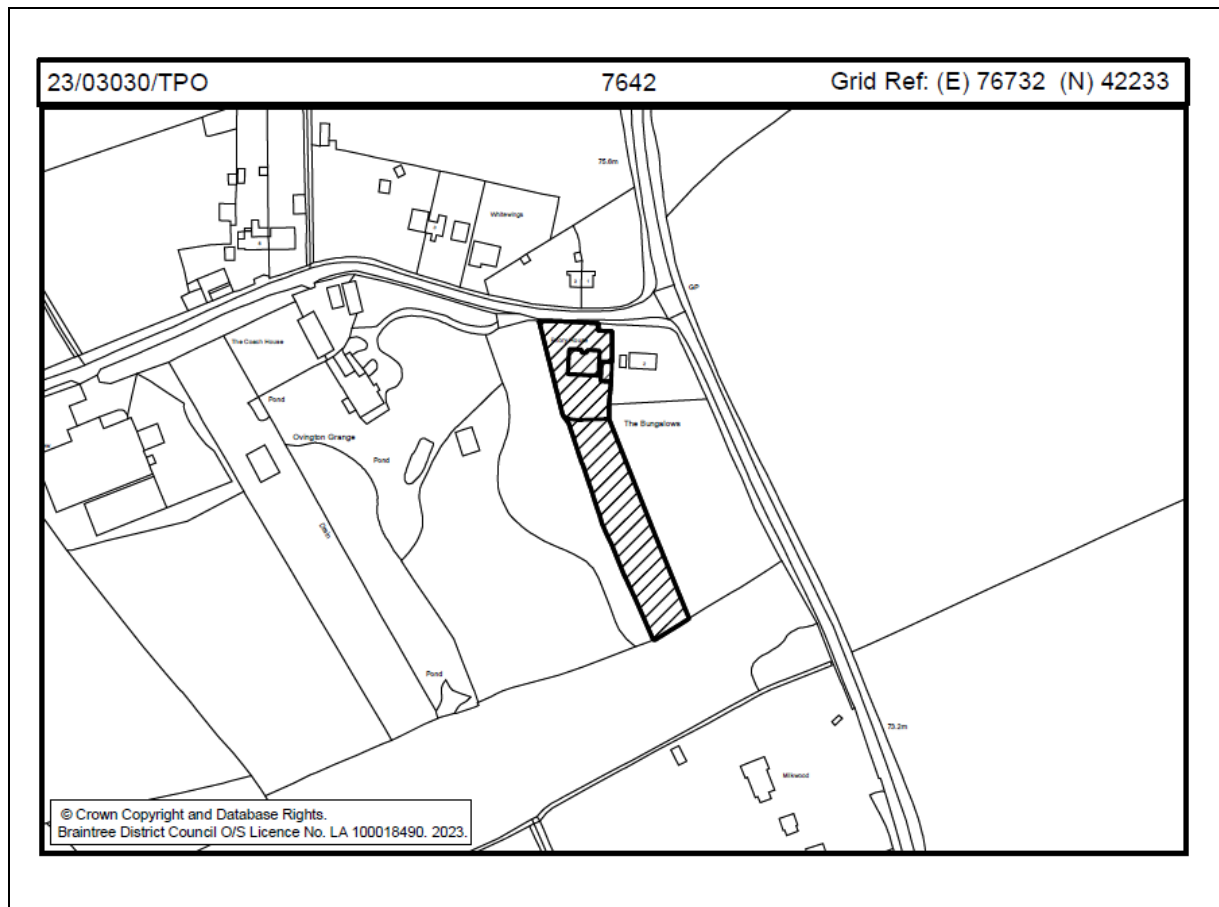
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
06/02134/FUL	Erection of extension to existing factory unit	Granted	15.02.07

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 16th April 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/03030/TPO	
<b>Description:</b>	<p>Notice of intent to carry out works to trees protected by Tree Preservation Order TPO - 11A/76 - T1: Poplar stem pollarded down to approximately 4.5m (approx. 15ft). Leaning heavily towards applicants property. Also removal of lowest limb (L1). T2: Remove overhanging Poplar limb (L2) to eliminate risk if the limb were to fail. T3: Poplar stem pollarded down to approximately 4.5m (approx. 15ft). Leaning heavily across paddock and is unbalanced.</p>	
<b>Location:</b>	Priory House, Ashen Road, Ovington	
<b>Applicant:</b>	Mr and Mrs Havers, Priory House, Ashen Road, Ovington, Essex, CO10 8JY	
<b>Agent:</b>	Mr Sam Daw, SD Tree Services, 59 Bourne Brook View, Colchester, CO62FJ	
<b>Date Valid:</b>	20th December 2023	
<b>Recommendation:</b>	<p>It is RECOMMENDED that the following decision be made:</p> <p>§ Application GRANTED subject to the Condition(s) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</p>	
<b>Options:</b>	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> <li>a) <b>Agree</b> the Recommendation</li> <li>b) <b>Vary</b> the Recommendation</li> <li>c) <b>Overturn</b> the Recommendation</li> <li>d) <b>Defer</b> consideration of the Application for a specified reason(s)</li> </ul>	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	<p>Christopher Paggi</p> <p>For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2548, or by e-mail: <a href="mailto:christopher.paggi@braintree.gov.uk">christopher.paggi@braintree.gov.uk</a></p>	

## Application Site Location:



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to an appeal or challenged via the High Court.
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The</p>

	<p>Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:  <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 23/03030/TPO.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website:  <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 This application seeks consent for works to three trees protected by Tree Preservation Order (TPO) TPO – 11A/76. The works would relate to three Poplars, T1, T2 & T3.
- 1.2 The Applicant seeks permission to pollard the stem leaning on T1 & T3 to 4.5 metres including the removal of the lowest limb also the removal of the overhanging limb on T2.
- 1.3 The Council's Landscape Services Team are currently being supported by the Arboricultural Team at Place Services. This application for works to protected trees has been reviewed by Place Services on behalf of the Council. It is considered that all trees in question are a prominent feature of the local area and are visible from the public realm. However, it is considered that the proposed works would not have a long-term detrimental impact upon the visual amenity and landscape value provided to the surrounding area due to adjacent vegetation and greenery. Place Services also advised that the proposed works would have minimal impact on the tree's health.
- 1.4 Having considered the information available, Officers are content that the works to trees T1, T2, and T3, as set out above, can be supported. Consequently, it is recommended that consent is granted for the proposals.



2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is an employee of Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site comprises a detached property located on Ashen Road in Ovington. The trees subject to this application are located to the rear of the property.

6. DETAILS OF TREE PRESERVATION ORDER

- 6.1 The tree(s) subject to this application are protected under the following Tree Preservation Order (TPO): TPO - 11A/76. The application relates to three Poplars, T1, T2 & T3.

7. PROPOSAL

- 7.1 The application seeks permission for the following works to three trees which are subject to the above Tree Preservation Order (TPO):
- § T1: Poplar stem pollarded down to approximately 4.5m (approx. 15ft). Leaning heavily towards Applicants property, and removal of lowest limb (L1).
  - § T2: Remove overhanging Poplar limb (L2) to eliminate risk if the limb were to fail.
  - § T3: Poplar stem pollarded down to approximately 4.5m (approx. 15ft). Leaning heavily across paddock and is unbalanced.

8. SUMMARY OF CONSULTATION RESPONSES

8.1 Place Services, Essex County Council

- 8.1.1 The Council's Landscape Services Team are currently being supported by the Arboricultural Team at Place Services. This application for works to protected trees has been reviewed by Place Services on behalf of the Council, who have raised no objections to the proposed works subject to conditions.

9. PARISH / TOWN COUNCIL

9.1 Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council

9.1.1 No response received.

10. REPRESENTATIONS

10.1 One letter of representation has been received from the resident at Ovington Grange, which neither objects or supports the application, but comments that special care should be taken with regard to wildlife in the area. The area is particularly rich in wildlife and recommend that any works carried out bearing in mind the need to minimise any disturbance to wildlife.

11. SITE ASSESSMENT

11.1 National Planning Practice Guidance states that in considering an application to undertake works to protected trees, the Local Planning Authority should assess the impact of the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions, and whether any requirements apply in regard to protected species.

11.2 As outlined above, the Council's Landscape Services team are currently being supported by Place Services at Essex County Council. The trees subject to this application, namely T1, T2 & T3 Poplars, are situated within the private grounds of the application site. It was observed that trees T1-T3 are in an overall good condition with good crown vitality with all T1-3 Poplars measuring approximately 22m in height with approximately 5 metres of lateral growth.

11.3 The Applicant seeks permission to pollard the stem leaning on T1 & T3 to 4.5 metres including the removal of the lowest limb also the removal of the overhanging limb on T2. All trees in question are a prominent feature of the local area and are visible from the public realm. However, it is considered that the proposed works would not have a long-term detrimental impact upon the visual amenity and landscape value provided to the surrounding area due to adjacent vegetation and greenery. Place Services also advised that the proposed works would have minimal impact on the tree's health.

11.4 Having considered the information available, Officers are content that the works to trees T1, T2, and T3, as set out above, can be supported.

12. CONCLUSION

12.1 Officers consider that, subject to conditions, the proposed works to the protected tree(s) will: safeguard established local amenity; ensure that the health of the tree is maintained; and will not result in (or will appropriately

ameliorate) any adverse loss to neighbouring amenity or property. It is recommended that consent is granted in accordance with the British standard recommendations for Tree Works (BS3998:2010).

13. RECOMMENDATION

13.1 It is RECOMMENDED that the following decision be made:

Consent is GRANTED for the works outlined below, in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1:

- § T1: Poplar stem pollard down to approximately 4.5m (approx. 15ft). Leaning heavily towards applicants' property. Also, removal of lowest limb (L1).
- § T2: Remove overhanging Poplar limb (L2) to eliminate risk if the limb were to fail.
- § T3: Poplar stem pollard down to approximately 4.5m (approx. 15ft). Leaning heavily across paddock and is unbalanced.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

##### **Plan Description**

Location Plan

Sketch Plan

##### **Plan Ref**

##### **Plan Version**

#### Condition(s) & Reason(s)

##### **Condition 1**

All works being completed within 2 years of the date of the formal decision notice.

##### **Condition 2**

All works to be carried out to my full satisfaction and in accordance with BS 3998: 2010 - `Tree Works – Recommendations`.

##### **Condition 3**

Providing the Council with 5 working days notice of intent to carry out the works.

#### Informative(s)

##### **Informative 1**

If you are instructing others to carry out works to trees or if you carry out these works yourself, you are required by law to consider the potential of these works affecting wildlife.

Birds are protected by the Wildlife and Countryside Act 1981. The bird nesting season runs from April until August and ideally tree works should be completed outside these times. If this is not possible then the tree/s should be checked for nesting birds prior to any works commencing.

Rare species (bats, otters, dormice, sand lizards, smooth snakes and great crested newts) have additional protection under The Habitats Regulations 1994 (as amended August 2007). It is an offence to disturb damage or destroy these species or their habitats, even if their habitats (nest sites, breeding sites or feeding areas) are not in use at the time. Incidental damage (due to inadequate checks) as a result of a legitimate forestry or arboricultural operation can no longer be held as a defence and if in doubt a licence should be sought from Natural England (0845 6014523) prior to the commencement of any works on site.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
08/01356/OUT	Erection of replacement dwelling	Granted	09.09.08
12/00435/OUT	Erection of replacement dwelling	Granted	06.06.12
14/00763/REM	Application for approval of reserved matters following outline approval 12/00435/OUT - Erection of replacement dwelling	Granted	23.07.14
14/00205/DAC	Application for approval of details reserved by condition no. 5 of approved application 12/00435/OUT and condition nos. 3, 5 and 8 of approved application 14/00763/REM	Granted	30.09.14