

**Planning Committee Member Update - Application No. 23/02807/OUT – Land West of Horizon 120, Horizon Boulevard, Great Notley**

**Agenda No:5g**

This update to Members relates to two items - 1) Conditions; and 2) Agreed S106 Heads of Term – Bus Stops.

**1. Conditions**

- Removal of conditions F11 and O7 – Accessible Landscaping

On reflection these conditions were considered to be unnecessary because the requirement for parts of the Open Space to be accessible is established within the landscape scheme which is recommended for approval for the southern part of the site and in the Design Code for the northern part of the site. Accessibility has been and will be taken into account through the detailed element of the current application and through future Reserved Matters which will comply with the Design Code.

- Amendments to the wording of proposed conditions due to further discussions with the applicant to allow some additional flexibility. F16, F23, F36, F39, F40, O42 to read as follows:

**F16. Wildlife Sensitive/ Lighting Design Scheme (*Trigger point changed*)**

Prior to installation of any external lighting, 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.

**F23. Refuse and Recycling** *(Trigger point changed)*

Prior to occupation 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.

**F36. External Storage** *(Allowed with height restriction)*

No permanent external storage or display of equipment, plant, goods or materials shall exceed 2.5m in height.

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.

**F39. Use of Site/ Buildings** *(To include ancillary uses)*

The building/use hereby permitted shall only be used for B8 use (Storage and Distribution) and any ancillary uses, 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** *(Wording revised to strengthen condition)*

No trade counters, customer collection points or retail facilities shall be operated within the development, whether ancillary or otherwise, 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.

**O42. Trade Counters** (*Wording revised to strengthen condition*)

No trade counters, customer collection points or retail facilities shall be operated within the development, whether ancillary or otherwise, 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.

**2. Agreed S106 Heads of Terms – Committee Report Paragraph 13.13 – ‘Bus Stops’.**

A financial contribution of £110,000 to be paid to the Highways Authority for the provision of up to 4 bus stops within the existing Horizon 120 business park, has been agreed by the Applicant. The financial contribution will allow delivery of the bus stops by the Highways Authority, as opposed to the Applicant, should a new public bus service be commissioned.

The ‘Bus Stops’ Heads of Terms has consequently been amended as follows:

**Bus Stops** – A financial contribution of £110,000 (index-linked from April 2023) payable to Essex County Council, to be used towards the provision of up to two bus stops at the northern end and a maximum of two bus stops at the 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. No occupation of any buildings in the Full or Outline element of the application will take place until the payment has been made.

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