

# PLANNING COMMITTEE AGENDA

**Tuesday, 6th January 2026 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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To access the meeting please use the link below:

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

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

Councillor J Abbott

Councillor J Beavis

Councillor K Bowers

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

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 J Ayten, 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 E Williams, Councillor J Wrench, Councillor B Wright.

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.

## **INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS’ INTERESTS**

### **Declaration of Disclosable Pecuniary Interests (DPI) or Other Registerable Interests (ORI).**

Any Member with an Interest 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 ORI 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.

Please note that completion of the online form does not guarantee you a place to speak during Public Question Time.

We expect our confirmed Public Question Time speakers to attend the meeting in person, and they will only be permitted to attend remotely in exceptional circumstances. The request to join the meeting remotely would need to be submitted at the time of registering a request to speak.

You will receive email notification from the Governance Service confirming whether your request for Public Question Time 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.

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-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

### **Comments and Suggestions**

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended you 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, or Other Registrable 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 Previous Meetings**

To approve as a correct record the minutes of the meetings of the Planning Committee held on 18th November 2025 and 9th December 2025 (copies 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. 25 01097 FUL - 85 East Street, BRAINTREE</b>  | <b>6 - 19</b>    |
| <b>5b</b> | <b>App. No. 25 01487 FUL - Towerlands , Panfield Road, BRAINTREE</b>                                  | <b>20 - 75</b>   |
| <b>5c</b> | <b>App. No. 25 02205 FUL - Land to rear of Boars Tye Residential Home, Boars Tye Road, SILVER END</b> | <b>76 - 108</b>  |
| <b>5d</b> | <b>App. No. 25 02356 FUL - 6 Crittall Drive, BRAINTREE</b>  | <b>109 - 123</b> |

**6 Tree Preservation Order Application**

To consider the following application.

- |           |  |                  |
|-----------|--|------------------|
| <b>6a</b> | <b>App. No. 25 02387 TPO - Open Space at Stilemans Wood, BRAINTREE</b> | <b>124 - 134</b> |
|-----------|--|------------------|

**7 Exclusion of the Public and Press**

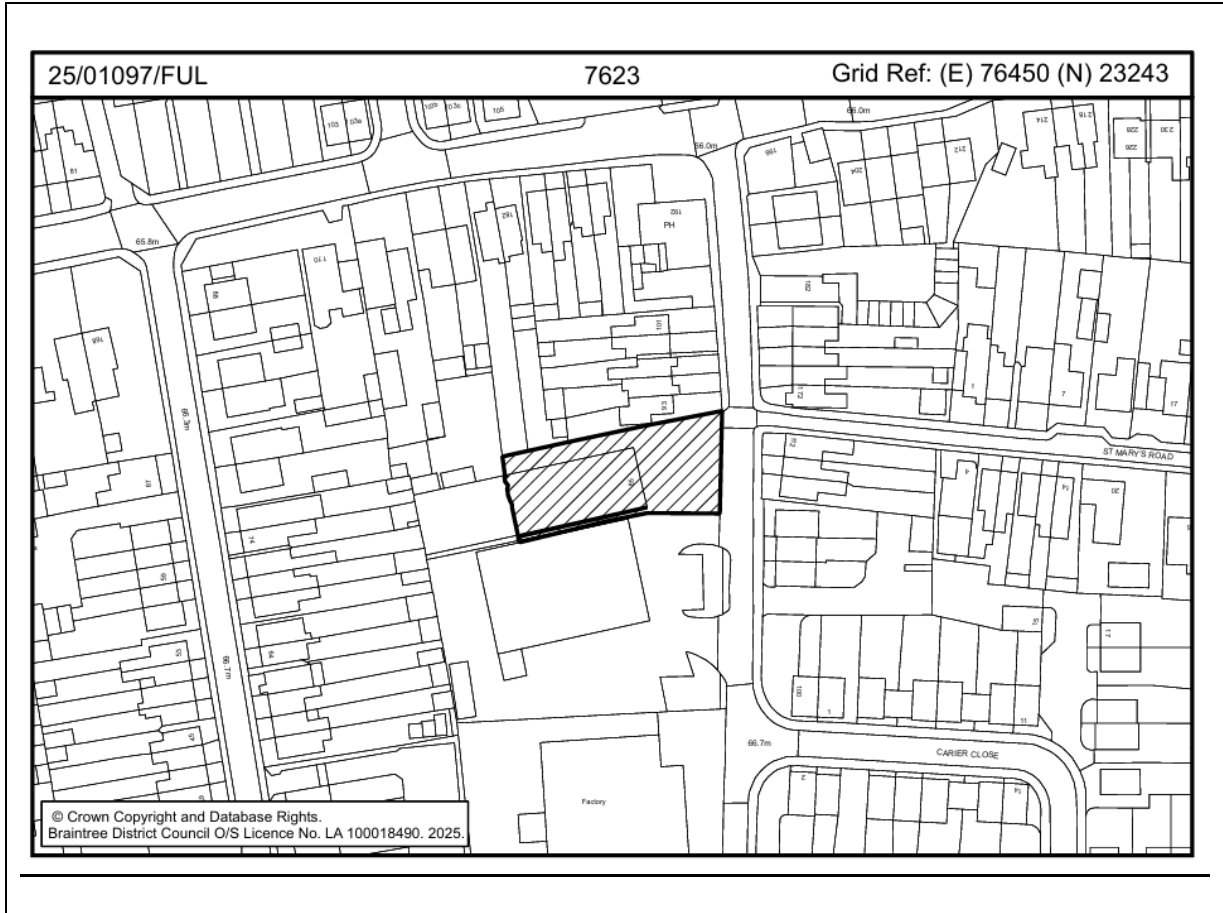
To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

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



<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 6th January 2026	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	25/01097/FUL
<b>Description:</b>	Proposed change of use from indoor sport and recreation class (e) to church hall class (f)
<b>Location:</b>	85 East Street, Braintree, Essex
<b>Applicant:</b>	Mrs Felicia Ayo-Ajala, 91A East Street, Braintree, Essex, CM7 3JW
<b>Agent:</b>	Mr John Baugh, Victoria House, 52 Midland Road, Higham Ferrers, Rushden, Northamptonshire, NN10 8DN
<b>Date Valid:</b>	6th June 2025
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> <li>▪ Application GRANTED subject to the Condition(s) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</li> </ul>
<b>Options:</b>	The Planning Committee can: <ol 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> </ol>
<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>	Daniel Bird For more information about this Application please contact the above Officer on: 01376 557828, or by e-mail: <a href="mailto:daniel.bird@braintree.gov.uk">daniel.bird@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>Local Government Review Implications:</b>	No LGR implications.
<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</li> </ul>

	<p>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> <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="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 25/01097/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 application seeks planning permission for the change of use from indoor sport and recreation, Use Class E(d) to church hall, Use Class F1(f), at the site addressed as 85 East Street. The site is located within the Braintree development boundary, outside of any Conservation Area and is not within the vicinity of any listed buildings.
- 1.2 The change of use would concern the existing building, and no changes are proposed to the exterior of the existing structure. The context of the site features a predominantly industrial nature to the south of the site, with residential dwellings to the north and east along East Street. The site is currently vacant since the previous tenants vacated the building. The adjacent church known as The Fountain of Life Church, which currently occupies the unit behind the application building, are looking to expand to occupy this unit too. The use would include bible studies and miscellaneous activities connected with religious worship.
- 1.3 The application would not introduce any unacceptable impacts on the residential amenities of adjacent neighbouring properties.
- 1.4 Parking provision and residual impacts on the highway in terms of traffic generation is considered acceptable.
- 1.5 The application overall is considered to comply with relevant national and local planning policies relevant to the proposal and the application is recommended for approval.

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 Agent is a Member 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 is located to the west of East Street, which is within the development boundary of Braintree. The site context features a number of commercial/industrial units to the south with residential units to the north and east of the site. The site is located outside of any Conservation Area and is not in proximity to any listed buildings.

5.2 The application site concerns a large industrial building with a garage door to the frontage and associated windows and access door. The design of the building is largely typical of other industrial buildings within the vicinity of the site and features a large expanse of hardstanding to the front, with a vehicular access route to the north side of the building. The building is set back rather considerably from the frontage of East Street and the hardstanding to the front of the building could accommodate the parking of vehicles.

5.3 The application relates to the change of use of the existing building, which was previously occupied for purposes within indoor sport and recreation Use Class E(d), to church hall, Use Class F1(f). The proposed use would be consistent with that of the building located to the west of the application site, which is also occupied by The Fountain of Life Church.

6. PROPOSAL

6.1 The application seeks planning permission for the change of use of the building from indoor sport and recreation, Use Class E(d) to church hall Use Class F1(f). This change can be accommodated without requiring external changes to the existing building.

7. SUMMARY OF CONSULTATION RESPONSES

**External Consultees**

7.1 N/A.

**BDC Consultee**

7.2 BDC Environmental Health

7.2.1 No objection, subject to conditions.

**ECC Consultee**

7.3 N/A.

8. PARISH / TOWN COUNCIL

8.1 N/A.

9. REPRESENTATIONS

9.1 A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. No representations have been received.

10. PRINCIPLE OF DEVELOPMENT

10.1 The site is located within the development boundary of Braintree, therefore complies with Policy LPP1 of the Adopted Local Plan.

10.2 Policy SP5 of the Adopted Local Plan, states that a strong, sustainable and diverse economy will be promoted across North Essex and the application site is located within a defined Employment Policy Area.

10.3 Policy LPP2 of the Adopted Local Plan states that all employment sites, including sites or buildings in current or recent use as an employment site, will be retained for such uses where they continue to offer a viable and sustainable location for such employment uses.

10.4 Within identified Employment Policy Areas, Policy LPP3 of the Adopted Local Plan states that the following uses will be considered appropriate and will be permitted and retained:

- a. Office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2)(Use Class E(g))
- b. General industrial (use class B2) and storage and distribution (use class B8)
- c. Repair of vehicles and vehicle parts

- d. Waste management facilities as appropriate taking into account neighbouring uses
- e. Services specifically provided for the benefit of businesses or workers based on the employment area.

Changes from B2 or B8 to E (other than E(g) Offices, Research and Development, Light Industrial) will not be permitted.

- 10.5 As stated in Policy LPP70 of the Adopted Local Plan, developments will not be permitted where there are unacceptable impacts arising from the development on the natural environment, amenity, health and safety of the public, air quality, water quality, odour, environment quality standards and noise.
- 10.6 The host building is located within an Employment Policy Area therefore Policy LPP3 is relevant. Policy LPP3 advocates for the retention of units within East Street to fall within B2, E(g) and B8. Whilst this is noted, the existing permitted use on site falls within Class E(d) and is therefore not compliant with the land use designation. Whilst the proposed Use Class (F) would fall outside of these designations, given the existing use and the use of the attached unit as an existing place of worship, Officers consider that it would be unreasonable in this case to conclude that the change of use would be unacceptable.

## 11. SITE ASSESSMENT

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

11.1.1 Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development. 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 proposal would include the conversion of the existing building known as 85 East Street, however no external changes to the existing building are proposed. As a result, the design and appearance of the site would remain consistent with the existing arrangement.

11.1.3 In addition to the host building, no changes are proposed to the land or boundary treatments to the existing building. In visual amenity terms, the scheme would result in no impact to the site or wider street scene and would also not alter the character of the site context.

### 11.2 Highway Considerations

11.2.1 Policy LPP43 of the Adopted Local Plan commits the LPA to the guidance outlined in the ECC Parking Standards (2009). Information contained within this document includes guidance for parking provision within sites designated as Places of Worship, which requires a vehicle maximum of 1

vehicle space per 10 square metres. Based on the information submitted, the hardstanding to the front of the site could accommodate 10 vehicles. This provision would be in addition to the existing parking provision located to the north of the rear unit already occupied by the church. The site could not accommodate parking to satisfy the maximum number of spaces advised by the guidance; however, it is recognised that the site is within a sustainable location accessible by other means, such it is not considered necessary to require the maximum standard in this case.

11.2.2 Based on the details supplied, the parking provision on site is considered by officers to be acceptable.

### 11.3 Impact upon Neighbouring Residential Amenity

11.3.1 The National Planning Policy Framework sets out that decisions should seek to ensure a high-quality amenity for all current and future occupiers of dwelling-houses. Policy LPP52 of the Adopted Local Plan state 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 such as overlooking, overshadowing, loss of light or loss of privacy.

11.3.2 Given that the building has been in-situ prior to the change of use, no unacceptable impacts in terms of overlooking, overshadowing, loss of light or loss of privacy have been identified.

11.3.3 Policy LPP70 of the Adopted Local Plan requires that new developments 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. Amongst other factors, unacceptable impacts in terms of noise will be resisted.

11.3.4 Following discussion with the Applicant and the Environmental Health team, the Applicant has supplied a noise statement and details in relation to noise insulation to the unit. These measures will be secured via condition should the application be approved and the Environmental Health team have raised no objection to these details. As a result, the scheme is considered acceptable in relation to neighbour amenity.

11.3.5 Although the building may attract forms of traffic associated with worshippers attending the site, this is not considered to be materially different to that which would be experienced by the existing lawful use. The existing place of worship adjacent has not attracted noise complaints since 2016.

11.3.6 As such, it is not considered that the application would give rise to any unacceptable noise or pollution impacts which may unacceptably impact neighbouring amenities, complying with Policies LPP52 and LPP70 of the Adopted Local Plan.

12. CONCLUSION

- 12.1 The application seeks planning permission for the change of use from indoor sport and recreation, Use Class E(d) to church hall, Use Class F1(f). Given the existing use of the building and the adjacent church, it is considered by Officers that in this case the proposed use would be acceptable.
- 12.2 The change of use would concern the existing building, and no changes are proposed to the exterior of the existing structure. The application would not introduce any unacceptable impacts on the residential amenities of adjacent neighbouring properties, and no adverse highway impacts are anticipated.
- 12.3 The application overall is considered to comply with relevant national and local planning policies relevant to the proposal and the application is recommended 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>
Supporting Documents	0737/05 A	Sound Insulation
Noise Details	N/A	Noise Management Plan
Block Plan	0737/04	N/A
Elevations	0737/03	N/A
Roof Plan	0737/02	N/A
Floor Plan	0737/01	N/A
Location Plan	N/A	N/A

Condition(s) & Reason(s)

Condition 1

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).

Condition 2

Approved Plan(s) / Document(s)

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

Use of Site / Building(s)

The building shall only be used as a Church Hall (Use Class F1(f)) and for no other purposes including any other purpose in Use Class F 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.

Condition 4  
Noise Management Plan

The use hereby permitted shall operate in strict accordance with the Noise Management Plan dated 17th October 2025 (signed by Felicia Ayo-Ajala) at all times.

Reason: In the interests of neighbouring residential amenity.

Condition 5  
Sound Insulation Measures

The sound insulation measures as shown on Drawing No. 0737/05 A (October 2025) shall be implemented in full prior to the first use of the building. A written report containing evidence of the sound insulation measures installed (to include photographs) shall be submitted to and approved in writing by Local Planning Authority prior to the first use of the building. Thereafter, the approved sound insulation measures shall be retained in the approved form.

Reason: In the interests of neighbouring residential amenity.

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
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP43	Parking Provision
LPP52	Layout and Design of Development
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Adopted Parking Standards SPD (2009)

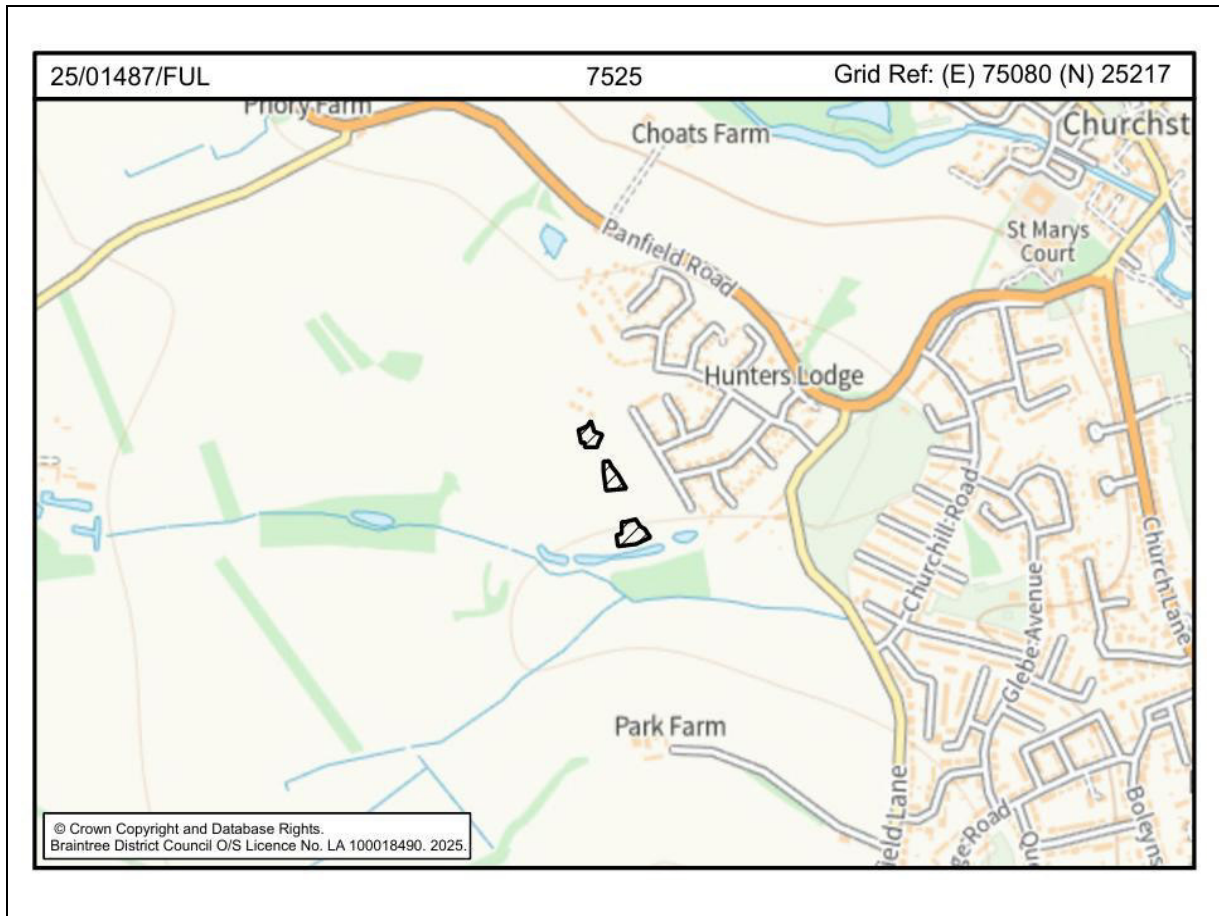
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
01/01690/COU	Change of use from tyre distribution depot for storage, sale, fitting and servicing of tyres, wheels and accessories to B8	Granted	29.01.02
02/01308/FUL	Proposed variation of conditions 1,4 and 5 of Planning Permission 01/1690/COU to allow permanent use of site for B8 storage and distribution and varying hours of HGV and other vehicle loading and unloading	Withdrawn	16.06.03
03/01443/COU	Change of use from tyre distribution depot to B8	Refused	02.09.03
04/01593/COU	Change of use to gym	Granted	17.11.04
05/01481/COU	Change of use to provide creche centre, after school club, leadership training, worship and administration offices	Granted	23.09.05
12/00423/FUL	Creation of replacement entrance and fire door to front elevation, installation of three wall mounted heat pump units on southern elevation	Granted	26.06.12

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 6th January 2026	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	25/01487/FUL
<b>Description:</b>	Creation of five additional dwellings within the approved scheme for Phase 3.
<b>Location:</b>	Towerlands, Panfield Road, Braintree
<b>Applicant:</b>	Dandara Eastern, Majesty House, Avenue West, Skyline 120, Braintree, CM77 7AA
<b>Agent:</b>	Michael Smith, JCN Design & Planning, 2 Exchange Court, London Road, Feering, Colchester, CO5 9FB
<b>Date Valid:</b>	3rd July 2025
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> <li>▪ 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) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</li> </ul>
<b>Options:</b>	The Planning Committee can: <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>Overtturn</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>	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 312753, or by e-mail: <a href="mailto:melanie.corbishley@braintree.gov.uk">melanie.corbishley@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>Local Government Review Implications:</b>	No LGR implications.
<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

	<p>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>
<p><b>Background Papers:</b></p>	<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="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 25/01487/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>
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1. EXECUTIVE SUMMARY

- 1.1 The wider development site is now located within the Town Development Boundary of Braintree. Previously the site operated as an Equestrian facility, a conference centre, and a golf course. Part of the site is already being developed for housing, as per the Outline planning permission (Application Reference 19/00786/OUT) and subsequent Reserved Matters approvals. The site lies within a Strategic Growth Location and is allocated for residential development in the Adopted Local Plan.
- 1.2 Phase 0 (Application Reference 21/03608/REM); Phase 1 (Application Reference 21/03231/REM) and Phase 2 (Application Reference 22/01469/REM) Reserved Matters have been approved for the site and have all been implemented. The Reserved Matters for Phase 3 (Application Reference 24/00633/REM) have also been approved.
- 1.3 This application seeks to introduce five additional dwellings on the east side of Phase 3, using land shown for residential development but not included in any approval of the Reserved Matters to date. The site is split across 3 small land parcels.
- 1.4 Officers are satisfied that the layout, appearance, and scale of the proposed 5 additional dwellings is acceptable and would sit comfortably with the existing streets permitted by Reserved Matters application 24/00633/REM.
- 1.5 Overall, subject to the conditions included at Appendix 1 and to the Applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure various planning obligations, including affordable housing, and financial contributions, it is recommended that planning permission is granted 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 A of the Council's Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The wider development site is now located within the Town Development Boundary of Braintree. Previously the site operated as an Equestrian facility, a conference centre, and a golf course.

5.2 Part of the site is already being developed for housing, as per the Outline planning permission (Application Reference 19/00786/OUT) and subsequent Reserved Matters approvals. The site lies within a Strategic Growth Location and is allocated for residential development in the Adopted Local Plan.

5.3 The wider site is bounded to the north by the B1053 (Deanery Hill). Panfield Lane is located to the east and abuts part of the site's boundary with the western boundary abutting agricultural land and/or woodland. A stream runs through the south-western corner of the site where a small pond is also located. To the south lies Panfield Lane, another strategic site allocated for residential development in the Adopted Local Plan.

5.4 Phase 0 (Application Reference 21/03608/REM); Phase 1 (Application Reference 21/03231/REM) and Phase 2 (Application Reference 22/01469/REM) Reserved Matters have been approved for the site with all being implemented. The Reserved Matters for Phase 3 (Application Reference 24/00633/REM) have also been approved.

5.5 This application seeks to introduce five additional dwellings on the east side of Phase 3, using land shown for residential development but not included in any approval of the Reserved Matters to date. The site is split across 3 small land parcels.

5.6 The land in Phases 3 and 4 are not in the same ownership and there is an irregular boundary between them which is not considered by the Outline planning permission or accompanying Parameter Plans and Design Code. As a result, the approved scheme for Phase 3 did not use all the land up to the boundary with Phase 4, leaving space where a more efficient scheme

that crosses the boundary could be proposed at a later date should the ownership of the sites be combined. However, the Applicant considers that this is unlikely and the Applicant wishes to complete their scheme for Phase 3 and fill in the gaps left on the edge of Phase 4, adding five additional dwellings to the total approved through the Outline planning permission.

## 6. PROPOSAL

6.1 This application is seeking full planning permission for five additional dwellings, two detached houses and a terrace of three houses. The two detached properties would have three bedrooms each and the terrace of three would be smaller two, bedroom properties.

6.2 The new dwellings would be located on the east side of Phase 3, using land shown for residential development but not included in any approval of the Reserved Matters to date and are split across 3 small land parcels.

## 7. SUMMARY OF CONSULTATION RESPONSES

### **External Consultees**

#### 7.1 Anglian Water

7.1.1 Assets Affected - new development must comply with Building Regulations and the Water Industry Act. Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary or affected by the proposals. The development site may contain private water mains, drains or other assets not shown on our records. These are private assets and not the responsibility of Anglian Water but that of the landowner.

7.1.2 When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take the latest DWF figures, as verified by the Environment Agency and add to this sites with planning consent. Based on the above assessment Bocking WRC is flow non-compliant. However, as the proposals are included within existing planning consent we are obligated to accommodate the domestic flows and we will plan investment, in consultation with the Environment Agency. The responsibility for implementing enhancement to WRC to enable an amended flow permit rests entirely with Anglian Water. Our investment programme aims to ensure that the WRC flow permit is sufficient to accommodate new development within the catchment.

7.1.3 The sewerage network at present has available capacity for the anticipated foul flows. However as advised above, any connection into our foul network from the proposed development will contribute to pollution and deterioration of the watercourse via the WRC as it cannot accommodate additional flows. If the LPA is minded to grant approval despite our WRC objection, the

developer will need to serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

7.1.4 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board

## 7.2 Essex Fire and Rescue

7.2.1 Advise that suitable access can be provided so that it accords with the Buildings Regulations. Advises that it is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. The Architect or Applicant is reminded that additional water supplies for firefighting may be necessary for this development. Encourages the use of water sprinkler systems, even when not required by the Building Regulations, as they can be effective in the rapid suppression of fires.

## 7.3 Health and Safety Executive

7.3.1 Do not advise, on safety grounds, against the granting of planning permission in this case.

## 7.4 NHS

7.4.1 Financial contribution of £3,800 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.

## 7.5 Natural England

7.5.1 This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

7.5.2 Your authority has measures in place to manage these potential impacts in the form of a strategic solution. Natural England has advised that this

solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

- 7.5.3 This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended).

### **BDC Consultee**

7.6 BDC Ecology

- 7.6.1 No ecological objection subject to a number of specifically worded conditions.

7.7 BDC Environmental Health

- 7.7.1 No objection subject to the new plots receiving the proposed contaminated land remedial measures already applied to the site.

7.8 BDC Housing Research and Development

- 7.8.1 This application seeks approval for construction of 5 additional residential dwellings in phase 3 of this development. Two of these dwellings are 2 bedroom houses (Plots 450 and 451) shown on HA location plan DN001-PH3A-PL09 rev A as being provided as affordable housing which is compliant with planning policy.

- 7.8.2 Housing, Research and Development are comfortable with the proposal that plot 450 is provided for shared ownership and plot 451 as affordable rent tenure. They support the application as it provides two additional new affordable homes on this development which will assist the Council in addressing housing need.

7.9 BDC Landscape Services

- 7.9.1 No comments received.

7.10 BDC Waste Services

- 7.10.1 All roads appear easily accessible for waste collection vehicles which are approximately 11 meters long x 3 meters wide. All access roads need to be built to a standard to sustain the weight of a 26 tonne RCV as it will not be the responsibility of the waste collection authority for any subsequent maintenance costs of these roads.

## **ECC Consultee**

### 7.11 ECC Education

7.11.1 Financial contribution sought for Primary School places and Secondary School places.

### 7.12 ECC Highways

7.12.1 Having reviewed the relevant submitted information, ECC Highways confirm that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a condition requiring the roads which would serve the proposal site are through roads or extended sufficiently further east to enable a replacement temporary size 3 turning head to be provided (the proposal site is currently being used as temporary turning heads).

7.12.2 Further conditions are requested requiring the vehicular and pedestrian access arrangements to be carried out in accordance with the submitted drawings, financial contributions towards highway improvements, public transport service improvements and the provision of residential travel information packs for each new property.

### 7.13 ECC SUDS

7.13.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, ECC SUDS do not object to the granting of planning permission subject to the same drainage conditions that were applied on Application Reference 19/007876/OUT.

## 8. PARISH / TOWN COUNCIL

8.1 N/A.

## 9. REPRESENTATIONS

9.1 No comments received.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

10.1.1 As set out in Paragraph 7 of the National Planning Policy Framework 2024 ("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 39 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 48 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 61 of the NPPF highlights the importance of ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need with an appropriate mix of housing types for the local community. Paragraph 78 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 of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies.
- 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 78 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 of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Council's Local Plan is up to date in this regard and complies with the NPPF.

10.2.2 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). The Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5 Year Housing Land supply.

10.2.3 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.

### 10.3 The Development Plan

10.3.1 Currently the Council's statutory Development Plan consists of The Braintree District Local Plan 2013 - 2033 and Neighbourhood Development Plans where these have been adopted.

10.3.2 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.

10.3.3 Policy LPP19 of the Adopted Local Plan states that: *A Strategic Growth Location has been identified at Towerlands Park and is shown on the Proposals Map. Development will be expected to provide:*

- Up to 575 new homes of a mixed size and type appropriate to the area.
- Affordable housing as per the Council's policy requirements.
- Primary school or contributions towards new primary school provision in the locality.
- A new 56 place stand-alone early years and childcare nursery on 0.13 hectares of suitable land allocated for education and childcare use.
- All access points will have to be agreed to the satisfaction of Essex County Council, as Highway Authority.
- Community facilities, including contributions to or provision of infrastructure for new NHS facilities.
- Local retail facilities.
- Public open space in accordance with the Open Space Study, Formal recreation in accordance with the Playing Pitch Strategy and informal recreation including landscaping to the rural edge.

*The main access to the site will be from Deanery Hill/Panfield Lane. An additional vehicle access will be sought from the Growth Location to the*

*south at North West Braintree. All access points will have to be agreed to the satisfaction of Essex County Council Highways.*

*The delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed.*

- 10.3.4 The principle of the use of this site for residential purposes has been established under the original outline planning permission (Application Reference 19/00786/OUT) which was issued on 9th April 2021. This included the detailed site access points.
- 10.3.5 Given all of the above, Officers are content that the general principle of the provision of 5 additional residential units is acceptable. As the 5 units would result in additional units above those permitted by the outline permission, their wider impact is assessed later in this report.

## 11. SITE ASSESSMENT

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

- 11.1.1 Paragraph 131 of the NPPF highlights that the creation of high quality buildings and places is fundamental to what a planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.
- 11.1.2 Paragraph 135 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 11.1.3 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.
- 11.1.4 In addition to this, Policy LPP52 of the Adopted Local Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.1.5 The Outline planning permission for the Towerlands site is accompanied by a Design Code which breaks the site up into character areas. The five proposed plots fall within two different character areas. Plots 450 to 452 are part of the Parkland Edge South character area and face south towards the green infrastructure that encloses the overall site, whilst Plots 468 and 485 are part of The Barns Rural Edge character area that defines the western side of the wider site and form part of the “back streets” that are away from the public open space.

- 11.1.6 The Design Code sets out the following design principles for the Parkland Edge South: Parkland Edge South has a continuous frontage overlooking the open space and linear park, which continues the green infrastructure corridor from The Barns Rural Area Character Area. The sloping site creates a natural enclosure and has the potential to allow for taller development within the park setting. A woodland stand with TPO flanks a substantial length of the open space on the south of the site boundary.
- 11.1.7 The Design Code sets out the materials permitted for this character area and provides specific guidance on block layout, building heights, boundary treatments, public realm and landscaping and parking. Officers consider that Plots 450-452 accord with the guidance contained with the approved Design Code for Parkland Edge South. During the life of the application the proportions of the terrace have been increased so that it sits sympathetically within the streetscene. The terrace would be constructed with red brick and red roof tiles and have coloured front doors with modest canopy porches. Officers consider that Plots 450-452 accord with the guidance contained with the approved Design Code for Parkland Edge South.
- 11.1.8 The Design Code sets out the following design principles for The Barns Rural Edge: The Barns Rural Edge character area forms an important frontage to the countryside to the north of the site. The development here is the lowest density on the site and arranged within courtyards which create a permeable green edge to built form.
- 11.1.9 The Design Code also sets out the materials permitted for this character area and again provides specific guidance on block layout, building heights, boundary treatments, public realm and landscaping and parking. Plot 468 sits alongside a 2½ storey pair but is designed as a taller property, incorporating a room in the roof space to match its neighbour and to contrast with the bungalows opposite, adding an element of differentiation. Plot 468 is finished in red facing bricks, black boarding and grey tiles with a simple flat top porch detail. Plot 485 is a two storey house where it matches the rest of the street and would be finished in a buff brick and black boarding and brown roof tile. It has a simple flat roof porch detail. Officers consider that Plots 468 and 485 accord with the guidance contained with the approved Design Code for The Barns Rural Edge.
- 11.1.10 The development is compliant with the Essex Design Guide in terms of back-to-back distances between new dwellings and garden sizes.
- 11.1.11 To ensure that the new properties retain sufficiently sized gardens and also maintain an acceptable relationship between each other, it is considered necessary to impose a planning condition removing permitted development rights for alterations, extensions and the building of outbuildings in rear gardens.

11.1.12 Overall the layout, appearance and scale of the proposed 5 additional dwellings is considered to be acceptable and would sit comfortably with the existing streets permitted by Reserved Matters application 24/00633/REM.

## 11.2 Landscaping

11.2.1 Given the size and scale of each of the plots, Officers do not consider that a full soft landscaping scheme is required. The siting of the new dwellings would not impact negatively on the previously approved street trees and landscaping approved under the Reserved Matters application 24/00633/REM. Landscape components for the current proposal by necessity consist only of grassed lawns and hardstand parking areas/pathways serving each dwelling.

## 11.3 Ecology

11.3.1 Policy LPP64 of the Adopted Local Plan seeks to ensure that developers undertake an ecological survey and demonstrate an adequate mitigation plan is in place to ensure no harm to protected or priority species.

11.3.2 Policy LPP66 of the Adopted Local Plan states 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.

11.3.3 The Council's Ecologist has reviewed the Preliminary Ecological Appraisal and Baseline Biodiversity Net Gain Assessment (Sam Watson Ecology Ltd, May 2025) and the Statutory Biodiversity Metric – Calculation Tool relating to the likely impacts of development on designated sites, protected species and Priority species and habitats and biodiversity net gains. The Council's Ecologist is satisfied that there is sufficient ecological information available to support determination of this application. 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.

11.3.4 The Council's Ecologist notes that the site is associated with the wider Towerlands Outline planning permission (Application Reference 19/00786/OUT). As a result, the site has been cleared prior to the further ecological assessment, with ecological mitigation measures embedded into the outline scheme. This includes a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) prepared for the construction phase (Condition 8 of the outline consent), as well as a Biodiversity Compensation and Enhancement Strategy (BCES) to ensure that the priority and protected species and habitats within the site are enhanced (Condition 9 of the outline consent).

11.3.5 As the site is largely unvegetated with bare ground within all three locations of the proposed new units, the Council's Ecologist is satisfied that no additional impacts on protected or notable species is assessed as likely to

occur due to the proposed development. Therefore, no further mitigation measures are required to be secured for protected species.

- 11.3.6 With regard to mandatory Biodiversity Net Gains, the Council's Ecologist supports the submitted BNG information. This includes habitat degradation considerations given the site clearance associated with the outline application. Therefore, the pre-development baseline has been taken from 25th August 2023, rather than the date of submission. Biodiversity Net Gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and the Council's Ecologist is satisfied that submitted information provides sufficient information at the planning application stage.
- 11.3.7 The Council's Ecologist recommends that a planning condition is imposed requiring the submission of a biodiversity gain plan prior to the commencement of development.
- 11.3.8 They are also generally satisfied that the post-intervention values are realistic and deliverable. However, it is indicated that the applicant will need to seek off-site enhancements via a habitat bank registered on the biodiversity gain site register to achieve a measurable biodiversity net gain in habitat units. Alternatively, the governments Statutory Biodiversity Credits could be used at a last resort.
- 11.3.9 The Council's Ecologist also recommends that reasonable biodiversity enhancements for protected, Priority and threatened species should be secured, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent. This should be additional to the measures secured as part of the Biodiversity Compensation and Enhancement Strategy as part of the associated wider outline consent.
- 11.3.10 This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.
- 11.3.11 The Council's Ecologist has recommended a planning condition to deliver a biodiversity enhancement strategy.
- 11.4 Impact upon Neighbouring Residential Amenity
- 11.4.1 The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of Adopted Local Plan states that there shall be no undue or unacceptable impact on the amenity of any nearby residential property.

- 11.4.2 Officers are content that the proposed 5 new houses would not have a detrimental impact or prejudice the amenity of neighbouring residential properties by reason of light, outlook or privacy.
- 11.5 Highway Considerations
- 11.5.1 The impact of the development of the Towerlands site on the highway network and the acceptability of the access points were assessed at the Outline planning stage and remain unchanged by this current full application.
- 11.5.2 ECC highways have reviewed the details for the additional five dwellings and have confirmed that from a highway and transportation perspective the impact of the proposals are acceptable.
- 11.5.3 Policy LPP43 from the Adopted Local Plan states that development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards. The Essex Car Parking Standards 2009 sets maximum parking standards for new developments in the District. For a residential use, for two bedroom properties, two parking spaces would be required.
- 11.5.4 Each property is provided with two off-street parking spaces, which is considered acceptable.
- 11.6 Flooding and Drainage Strategy
- 11.6.1 Flood risk and drainage were considered at the outline planning stage and a detailed set of related conditions are attached to the Outline planning permission in relation to this.
- 11.6.2 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.
- 11.6.3 Policy LPP74 of the Adopted Local Plan seeks to minimise exposure of people and property to the risks of flooding by following the national guidance. 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.
- 11.6.4 The Lead Local Flood Authority (LLFA) have been consulted and raise no objection to the proposals. They have requested that the same flooding related conditions that were imposed at the outline stage for the whole site, should be applied to this planning permission for the 5 extra units.
- 11.7 Habitat Regulations Assessment (HRA / RAMS)
- 11.7.1 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.
- 11.7.2 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.
- 11.7.3 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.
- 11.7.4 The proposed mitigation measures would consist of the securing of a financial contribution of £169.45 per dwelling erected towards offsite visitor management measures at the above protected sites.
- 11.7.5 This financial contribution would be secured by way of a Section 106 Legal Agreement.
- 11.8 Heritage
- 11.8.1 There are no heritage impacts associated with this development proposal.
12. PLANNING OBLIGATIONS
- 12.1 Paragraph 58 of the NPPF sets out that planning obligations should only 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) Regulation. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 12.2 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.
- 12.3 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.
- 12.4 Developers and land owners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.
- 12.5 The following has been identified as a matter that the District Council would seek to secure through a planning obligation and the applicant has agreed to enter into a Section 106 legal agreement in respect of these matters:

### **Affordable Housing**

- 12.6 In accordance with Affordable Housing Policy, 30% of the dwellings (equalling 2) are required to be provided as affordable housing. The application is proposing two, two bedroom houses (Plots 450 and 451) to be provided as affordable housing which is compliant with planning policy. BDC Housing is comfortable with the proposal that Plot 450 is provided for shared ownership and Plot 451 as affordable rent tenure.

### **Highway Improvements**

- 12.7 Financial contribution to mitigate the impacts of the development as follows: £3,503 towards the Springwood Drive/Rayne Road/Pods Brook Road roundabout improvement scheme and £9,313 towards public transport improvements in the locality.

### **Education**

- 12.8 ECC Education indicate that when estimating the number of children that a new housing development will generate, and that will require a school place (yield), ECC takes account of the number of houses that are suitable to accommodate children.
- 12.9 A financial contribution towards Education provision is required as follows: Primary Education (£30,675); Secondary Education (£28,127) and monitoring fees (£700 per obligation).

### **Healthcare Contributions**

- 12.10 Financial contribution of £3,800 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.

### **Outdoor Sport**

- 12.11 A financial contribution is required towards outdoor sport provision (£4,836.83).

### **Indoor Sport**

- 12.12 A financial contribution is required towards indoor sport provision (£4,695.83).

### **Community Facility**

- 12.13 A financial contribution towards the provision of a Community Facility (£1,000 index linked to April 2021).

### **Habitat Regulations Assessment (HRA/RAMS)**

- 12.14 The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site and Essex Estuaries Special Area of Conservation (SAC). A financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries Special Area of Conservation (SAC), (£169.45 per dwelling index-linked) for delivery prior to occupation would therefore be required.
- 12.15 Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects.

## **13. PLANNING BALANCE AND CONCLUSION**

### **13.1 Local Plan**

- 13.1.1 The Council's Local Plan is up to date and complies with the NPPF. Consequently, the presumption (at Paragraph 11d of the Framework) is not engaged and 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.

### **13.2 Development Boundary Designation within the Development Plan**

- 13.2.1 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".
- 13.2.2 As set out within Paragraph 48 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the

Development Plan, unless material considerations indicate otherwise. In this case, the application site is located within a defined development boundary where the principle of development is acceptable. The proposal therefore accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development.

### 13.3 Summary of Adverse Impacts and Public Benefits

13.3.1 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).

13.3.2 The adverse impacts and public benefits of the proposal are set out below.

### 13.3 Summary of Adverse Impacts

13.3.1 Officers do not consider that the scheme results in any specific adverse impacts. S106 Obligations and Conditions are set out in this report where impacts which would need to be mitigated and can be mitigated have been identified.

### 13.4 Summary of Public Benefits

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

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

13.4.2 The scheme would deliver 2no. two-bedroom affordable units and 3no. market dwellings. Moderate weight is attributed towards this benefit.

## **Location and Access to Services and Facilities**

- 13.4.3 Officers consider that in respect of access to services and facilities, the site is considered to be in a sustainable location. In addition, there is convenient access to public transport. Significant weight is assigned to this.

## **Economic and Social Benefits**

- 13.4.4 The development will accrue social benefits with the provision of dwellings and economic benefits during the construction process and thereafter with the spending powers of future occupiers. However, given the scale of development only limited weight is assigned to this

## 13.5 Conclusion

- 13.5.1 Taking into account the above, while the 5 dwellings would be additional to the 575 dwellings identified for the Towerlands Strategic Site Allocation, the application site sits within the Town Development Boundary and would slot into the consented Towerlands scheme in an acceptable and policy compliant manner. Overall, it is considered that the proposal complies with the Development Plan when taken as a whole. Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan.

- 13.5.2 When considering the planning balance, Officers have concluded that the adverse impacts of granting permission do not outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

## 14. RECOMMENDATION

- 14.1 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 following Heads of Terms:

- On-site affordable housing provision (2 units).
- Financial contribution towards Highways improvements at Springwood Drive roundabout and towards public transport improvements.
- Financial contribution towards Education provision (Primary Education and Secondary Education).
- Financial contribution towards health care provision.
- A financial contribution towards outdoor sport provision.
- A financial contribution towards indoor sport provision.
- A financial contribution towards community facility provision in the event that a contribution is payable.
- A financial contribution towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC.

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.

- 14.2 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>
Street elevation	DN001-PH3A-ST-01	A
Proposed Elevations and Floor Plans	DN001-PH3A-HA- HEC	A
Planning Layout	DN001-PH3A-PL-02	A
Planning Layout	DN001-PH3A-PL-03	A
Parking Strategy	DN001-PH3A-PL-04	A
Garden Study	DN001-PH3a-PL-05	A
Storey Height	DN001-PH3a-PL-06	A
Refuse Information	DN001-PH3a-PL-07	A
Location Plan	DN001-PH3a-PL-09	A
Location Plan	DN001-PH3A-PL-01	N/A
Proposed Elevations and Floor Plans	DN001-PH3A-PD- FRPA	N/A
Proposed Elevations and Floor Plans	DN001-PH3A-PD- GO6B	N/A

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

##### Condition 1

##### 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).

##### Condition 2

##### Approved Plan(s) / Document(s)

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

##### Levels

No development shall commence until full details of both the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) and of the finished garden levels and hard and soft surfaces in relation to existing ground levels have

been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of any ground levels and therefore any building(s) within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. To ensure that the development does not prejudice the appearance of the locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

#### Condition 4

##### Highways

No development shall commence until the roads which would serve the proposal site are through roads or extended sufficiently further east to enable a replacement temporary size 3 turning head to be provided (the proposal site is currently being used as temporary turning heads).

Reason: To protect highway efficiency of movement and safety. These details are required prior to the commencement of development for highway safety reasons.

#### Condition 5

##### SUDS - Detailed Drainage Scheme

No development shall commence until a detailed surface water drainage scheme, 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:

- Limiting discharge rates to their greenfield equivalent for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. Long term storage volumes should be limited back to 1.22 l/s/ha.
- 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 storage can half empty within 24 hours. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the 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 changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation of that phase.

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

#### Condition 6

##### SUDS - Contamination

No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from the infiltration of surface water through contaminated land which has the potential to impact upon groundwater quality is mitigated.

#### Condition 7

##### SUDS - Maintenance Plan

No development shall commence until 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 approved in writing by the Local Planning Authority.

The Maintenance Plan must include a requirement that annual maintenance logs must be maintained and that these should be available for inspection upon request by the Local Planning Authority. Should any part be maintenance by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place for the lifetime of the development to enable the surface water drainage strategy system to function as intended to ensure mitigation against flood risk. The details are required prior to the commencement of development to ensure the maintenance strategy is agreed from the outset.

Condition 8

SUDS - Construction Phase Flood Risk

No development, including engineering works shall take place until a scheme to minimise the risk of off-site flooding and pollution caused by surface water run-off during construction works associated with a specific phase has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development does not increase flood risk or contribute to water pollution during the construction phase. The details are required prior to the commencement of development to ensure that the required measures are in place from the outset.

Condition 9

SUDS - Pipe Clearance

The development hereby permitted shall not be commenced until the pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance 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.

Condition 10

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.

Condition 11

Biodiversity Enhancement Layout

Prior to any works above slab level, a Biodiversity Enhancement Layout for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) Detailed designs or product descriptions to achieve stated objectives;
- b) Locations of proposed enhancement measures by appropriate maps and

plans (where relevant);

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

Condition 12  
Broadband

Prior to occupation of each dwelling / commercial units 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.

Condition 13  
Highways

No occupation of the development shall take place until the following have been provided or completed:

- a) The vehicular and pedestrian access arrangements to the Towerlands site as required by Condition 31 of the outline planning permission for the site (Ref:19/00786/OUT).
- b) Residential Travel Information Packs in accordance with Essex County Council guidance.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

Condition 14  
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.

Condition 15

Construction Vehicle Hours

There shall be no construction vehicular movements to from or within the site outside the following times:

Monday to Friday 0800 hours - 1800 hours

Saturdays 0800 hours - 1300 hours

Sundays and Bank Holiday- no construction vehicular movements

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

Condition 16

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.

Condition 17

Contamination

The development hereby approved shall be carried out in accordance with the details approved under 22/00901/DAC.

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

Removal of Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of the dwellinghouse(s), provision of any building within the curtilage of the dwellinghouse(s), or alteration of the dwellinghouse(s), as permitted by Classes A, AA, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future development and in the interests of residential.

Condition 19  
EV Charge Points

Each new dwelling hereby permitted shall be provided with electric vehicle charging point infrastructure in line with the provision made to the dwellings on the wider Towerlands development.

Reason: To encourage and facilitate the use of more sustainable forms of transport.

Informative(s)

Informative 1

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Braintree District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP19	Strategic Growth Location - Former Towerlands Park Site
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP46	Broadband
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
LPP59	Archaeological Evaluation, Excavation and Recording
LPP61	Local Community Services and Facilities
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
LPP71	Climate Change
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>
15/00007/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Outline application for the site clearance and development of up to 1,150 homes, up to 5,000sq.m of B1 employment, and up to 3000sq.m of other commercial uses including a local centre with retail	Screening/ Scoping Opinion Adopted	30.06.15
17/00006/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential-led, mixed-use development comprising: 1. Demolition of existing buildings and structures; 2. Construction of 600 new dwellings including affordable homes; 3. Primary school or contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal recreation including landscaping to the rural edge;	Screening/ Scoping Opinion Adopted	08.08.17

	<p>7. Main access from Deanery Hill/Panfield Lane</p> <p>8. Potential additional vehicular access from the Growth Location to the south of the site;</p> <p>9. Associated engineering, drainage, access and other ancillary works.</p>		
18/00004/SCR	<p>Town &amp; Country Planning Act 1990 (as amended), Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request</p> <p>- 1. Demolition of existing buildings and structures;</p> <p>2. Construction of 700 new dwellings including affordable homes;</p> <p>3. Contributions towards new primary school provision in the locality;</p> <p>4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land;</p> <p>5. Local retail facilities;</p> <p>6. Public open space and formal and informal recreation including landscaping to the rural edge;</p> <p>7. Main access from Deanery Hill/Panfield Lane</p> <p>8. Potential additional vehicular access from the Growth Location to the south of the site;</p> <p>9. Associated engineering, drainage, access and other ancillary works.</p>	Screening/ Scoping Opinion Adopted	10.09.18
19/00786/OUT	<p>Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community</p>	Granted with S106 Agreement	09.04.21

	facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.		
21/01900/DAC	Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT	Granted	19.10.21
21/02625/DAC	Application for approval of details as reserved by condition 17 of approved application 19/00786/OUT	Granted	19.10.21
21/03199/DAC	Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT	Granted	13.07.22
21/03210/ADV	Display of non illuminated - 1 x V-Stack Sign, 5 x Flags, 1 x Totem Sign	Granted	21.12.21
21/03231/REM	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five	Granted	13.04.22

	<p>bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)</p>		
21/03438/DAC	Application for approval of details as reserved by conditions 14 and 22 of	Granted	14.09.22

	approved application (in relation to demolition stage of development only) 19/00786/OUT		
21/03439/DAC	Application for approval of details as reserved by condition 27 of approved application 19/00786/OUT	Granted	13.07.22
21/03500/DAC	Application for approval of details as reserved by condition 16 of approved application 19/00786/OUT	Granted	25.04.22
21/03608/REM	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for the ecological mitigation area at the northern end of the site (Phase 0) pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and	Granted	23.03.22

	diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)		
21/03714/DAC	Application for approval of details as reserved by conditions 14 & 22 of approved application 19/00786/OUT	Granted	14.09.22
22/00322/NMA	Non-Material Amendment to permission 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling. Amendment	Granted	14.09.22

	would allow:-Update to the text of condition 15 to specifically exclude the ecological mitigation area (Phase 0) from the restriction on the commencement of development.		
22/00534/NMA	<p>Non-Material Amendment to permission 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.</p> <p>Amendment would allow for: Change in parameter plan to reflect the form of</p>	Granted	24.03.22

	development approved for the Parkland Edge - South Character Area.		
22/00895/DAC	Application for approval of details as reserved by condition 18 of approved application 19/00786/OUT	Granted	13.07.22
22/00899/DAC	Application for approval of details as reserved by condition 19 (Detailed Suds Scheme) and 21 (Maintenance Plan) of approved application 19/00786/OUT	Granted	25.04.24
22/00901/DAC	Application for approval of details as reserved by condition 20 (SuDS) ,24 (Contamination) ,25 (Contamination), and 26 (Contamination) of approved application 19/00786/OUT	Granted	06.04.23
22/00904/DAC	Application for approval of details as reserved by condition 29 (Bus Stops) of approved application 19/00786/OUT	Granted	21.03.23
22/00907/DAC	Application for approval of details as reserved by condition 34 of approved application 19/00786/OUT	Granted	07.11.22
22/00914/DAC	Application for approval of details as reserved by condition 35 of approved application 19/00786/OUT	Granted	20.03.23
22/00915/DAC	Application for approval of details as reserved by condition 41 (Materials) of approved application 19/00786/OUT	Granted	20.03.23
22/01142/DAC	Application for approval of details as reserved by condition 36(a) and 36(b) (Piling) of approved application 19/00786/OUT	Granted	19.04.23
22/01469/REM	Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and	Granted	07.03.23

	Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance.		
22/01704/DAC	Application for approval of details as reserved by condition 2 (Landscaping) of approved application 21/03231/REM	Granted	30.04.24
22/01900/DAC	Application for approval of details as reserved by condition 6 (Levels) of approved application 21/03231/REM (Phase 1)	Granted	30.04.24
22/02084/FUL	Creation of a mixed-use building at the Neighbourhood Centre, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre.	Withdrawn	20.07.23
22/03145/NMA	Non-Material Amendment to approved application 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal	Granted	25.11.22

	<p>open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling. Amendment would allow for:</p> <ul style="list-style-type: none"> <li>- Amendment to the wording of the approved Parameter Plan: Development Framework (UNX003/PP/001 rev F) and the Design Code to reflect the use of the upper floors of the Neighbourhood Centre as office space rather than residential use, as proposed by application 22/02084/FUL.</li> </ul>		
22/03353/DAC	Application for approval of details as reserved by condition 10 (Internal highway network) of approved application 21/03231/REM	Granted	02.08.23
23/00080/DAC	Application for approval of details as reserved by condition 33 (Archaeology) of approved application 19/00786/OUT	Granted	23.03.23

23/00402/NMA	<p>Non-Material Amendment to permission 21/03232/REM granted 13.04.2022 for: Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and</p>	Withdrawn	07.12.23
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	diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.) Amendment would allow:- Update to the Knightswood house type.		
23/00434/DAC	Application for approval of details as reserved by condition 39 (LEMP) of approved application 19/00786/OUT	Granted	05.06.23
23/00680/DAC	Application for approval of details as reserved by condition 4 (Levels) of approved application 22/01469/REM (Phase 2)	Granted	30.04.24
23/00943/DAC	Application for approval of details as reserved by condition 49 (Affordable Housing Design Certificate) for Phase 1 of approved application 19/00786/OUT	Granted	14.07.23
23/00944/DAC	Application for approval of details as reserved by condition 27 (Tree Protection) Phase 2 of approved 19/00786/OUT	Granted	07.10.24
23/00955/DAC	Application for approval of details as reserved by condition 34 (Foul Water Drainage) for Phase 2 of approved application 19/00786/OUT	Granted	16.04.24
23/00957/DAC	Application for approval of details as reserved by condition 35 (Means of Enclosure) of approved application 19/00786/OUT - Phase 2	Granted	09.05.24
23/01230/DAC	Application for approval of details as reserved by condition 42 (Travel Plan) of approved application 19/00786/OUT	Granted	09.05.24
23/01342/DAC	Application for approval of	Granted	16.04.24

	details as reserved by condition 8(CEMP) & 9(Biodiversity) of approved application 21/03231/REM		
23/01343/DAC	Application for approval of details as reserved by condition 40 (Lighting) of approved application 19/00786/OUT	Granted	30.11.23
23/01350/NMA	Non-Material Amendment to permission 22/01469/REM granted 07.03.2023 for: Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance. Amendment would allow Block A (Plots 216-221) to have render omitted and replaced with boarding and brick detailing.	Granted	03.01.24
23/01356/NMA	Non-Material Amendment to permission 22/01469/REM granted 07.03.2023 for: Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom	Granted	03.01.24

	houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance. Amendment would allow plots 179 & 183 (House Type 3BBa) to have amended floor layout.		
23/01357/VAR	Variation of Condition 1 ( approved plans and documents ) of approved application 21/03231/REM granted 13/04/2022 for: Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area,	Pending Decision	

	<p>landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)</p> <p>Variation would allow for: Update to the Knightswood house type Updated list of drawings preceding condition 1</p>		
23/01639/DAC	Application for approval of details as reserved by condition 41 (Samples of materials) of approved application 19/00786/OUT (Phase 2)	Granted	30.04.24
23/02213/S106A	Application made under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to modify Schedule 10 (Affordable Housing) amending the definitions of 'Protected Tenant' ; 'Shared Ownership Lease'; 'Affordable Housing For Rent'; ' Nomination Rights' and insertion of a new Refuse Schedule	Granted	09.02.24

	containing obligations about access for the Council's refuse collection teams and the construction standards for roads to be used for refuse vehicles, of the Section 106 legal agreement relating to 19/00786/OUT.		
23/02549/DAC	Application for approval of details as reserved by condition 40 (Lighting) of approved application 19/00786/OUT (Phase 2)	Granted	03.01.24
24/00380/S106A	Application made under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to modify Schedule 15 (Highways), Schedule 16 (Highways Contribution), Schedule 17 (Public Transport Contribution) and Schedule 18 (Residents Travel Plan Monitoring Fee) of the Section 106 legal agreement relating to 19/00786/OUT. Amendments to schedules to include i) removal of the obligation for the Adjoining Site Link Road to be provided prior to the occupation of more than 50 dwellings; ii) delivery of the Smarter Choices Measures and Travel Plan; iii) improvement works at the junction of Pierrefitte Way, Rayne Road and Aetheric Road; iv) provision of new cycle	Withdrawn	13.08.25

	lanes on Panfield Lane; and v) advanced payment of the Highway Contribution and Public Transport Contribution.		
24/00524/DAC	Application for approval of details reserved by condition 50 of approval 19/00786/OUT	Granted	16.04.24
24/00525/DAC	Application for approval of details as reserved by condition 40 (Lighting) of approved application 19/00786/OUT (Phase 2)	Granted	16.04.24
24/00633/REM	Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 179 No. one, two, three, four and five bedroom houses, maisonettes and bungalows plus associated roads, parking and landscaping, together with the community growing area, neighbourhood play area and public art.	Granted	14.03.25
24/00715/DAC	Application for approval of details as reserved by conditions 19 (Detailed SUDS scheme) & 21 (SUDS Maintenance Plan) of approved application 19/00786/OUT (Phase 2)	Granted	09.05.24
24/00734/DAC	Application for approval of details as reserved by condition 15 (Great Crested Newt Licence) of approved application 19/00786/OUT	Granted	16.04.24
24/00889/DAC	Application for approval of details reserved by condition 49 (Part M4 -	Granted	29.08.24

	Design) of approval 19/00786/OUT		
24/00937/ADV	Retention of signage - Packaged Living (Spinning Fields) - 2 no. fence signs; 2 no. totem sign. 2 no. directional signs; 4 no. flag signs; 2 no. parking signs; 2 no. site map signs; 1 no. totem sign; 1 house plaque sign Towerlands Park - 2 no. fence sign; 1 no. large V sign; 2 no. double sided totem signs; 14 no. rigid flags; 1 no. totem sign; 3 no. parking signs; 2 no. gallow signs; 2 no. A board signs; 1 no, marketing suite fascia and 1 no. HA sign	Part Grant, Part Refused	27.06.24
24/00942/NMA	Non-Material Amendment to permission 22/01469/REM granted 07.03.2023 for: Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance. Amendment would allow: Update to the layout and building identified as Block B (Plots 169,170,171) to address the revised site boundary.	Granted	10.07.24
24/00967/DAC	Application for approval of	Granted	04.09.24

	details reserved by condition 48 (Proposed Boundary Treatment) of approval 19/00786/OUT		
24/00968/DAC	Application for approval of details reserved by condition 6 (Proposed Finish Levels) of approval 21/03231/REM	Granted	04.09.24
24/01044/DAC	Application for approval of details as reserved by condition 7 (Hedgehog Highway Strategy) of approved application 22/01469/REM (Phase 2)	Granted	02.09.24
24/02293/NMA	Non-Material Amendment to permission 22/01469/REM granted 07/03/2023 for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill. Amendment would allow the omission of the middle window to the communal stairs and replacement with a blind window within block of flats serving plots 169-171.	Granted	15.10.25
24/02493/VAR	Variation of Condition 1 (Approved Plans) of planning permission 21/03231/REM granted 13/04/2022: Application for approval of Reserved Matters for appearance,	Granted	27.11.25

	<p>landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.) Variation</p>		
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	would allow for the update of the house type for plots 13-20 from Knightswood to Cambridge, with accompanying alterations to plots 9 to 12 and 21 to 23.		
24/02603/NMA	Non-Material Amendment to permission 21/03231/REM granted 13.04.2022 for: Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from	Granted	15.10.25

	<p>Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)</p> <p>Amendment would allow:- Revisions to the approved landscaping scheme to the front off Plots 1 &amp; 2</p>		
24/02684/FUL	<p>Creation of a pair of mixed-use buildings at the neighbourhood centre for Towerlands Park, comprising retail and community uses on the ground floor and residential use (12 no. two bedroom apartments) on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre.</p>	Pending Decision	
24/02693/DAC	<p>Application for approval of details as reserved by condition 41 (Materials) of approved application 19/00786/OUT (Phase 3)</p>	Granted	16.06.25
25/00121/DAC	<p>Application for approval of details as reserved by condition 50 (Affordable Housing Construction Certificate for Plots 172-175, 179, 183, 197-204, 210-221, 239-254 &amp; 320-324)) of approved application 19/00786/OUT (Phase 2)</p>	Granted	15.07.25
25/00509/DAC	<p>Application for approval of details as reserved by conditions 19 (Detailed Drainage Scheme) and</p>	Granted	21.07.25

	21 (Maintenance Plan) for Phase 3 of approved application 19/00786/OUT		
25/00511/DAC	Application for approval of details as reserved by condition 34 (Foul Drainage) for Phase 3 of approved application 19/00786/OUT	Granted	13.05.25
25/00512/DAC	Application for approval of details as reserved by condition 35 (Gates/Fences/Wall or other means of enclosure) of Phase 3 of approved application 19/00786/OUT	Granted	18.06.25
25/00522/DAC	Application for approval of details as reserved by condition 27 (Tree Protection) of approved application 19/00786/OUT - Phase 3	Pending Consideration	
25/00666/DAC	Application for approval of details as reserved by condition 28 (PROW) of approved application 19/00786/OUT (Phase 3)	Pending Consideration	
25/00674/DAC	Application for approval of details as reserved by condition 3 (Floor Levels) of approved application 24/00633/REM (Phase 3)	Pending Consideration	
25/00689/DAC	Application for approval of details as reserved by condition 9 (Landscape and Materials) of approved application 24/00633/REM - Phase 3	Pending Consideration	
25/00692/DAC	Application for approval of details as reserved by condition 5 (Allotment fence - Welded Mesh Fence Panel System and Gates, such as the Heras Pallas or equivalent, 1.8m high, powder coated Moss Green) of approved application 24/00633/REM - Phase 3	Pending Consideration	

25/00693/DAC	Application for approval of details as reserved by condition 8 (Swift Bricks) of approved application 24/00633/REM	Pending Consideration	
25/00868/DAC	Application for approval of details as reserved by condition 49 (building regulations) of approved application 19/00786/OUT- Phase 3.	Granted	15.07.25
25/01011/NMA	Non-Material Amendment to permission 24/00633/REM granted 14.03.2025 for: Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 179 No. one, two, three, four and five bedroom houses, maisonettes and bungalows plus associated roads, parking and landscaping, together with the community growing area, neighbourhood play area and public art. Amendment would allow:- Revisions to the top floor plan and external appearance of the Gosford Plus house type for Plots 331 & 332.	Granted	21.10.25
25/01139/DAC	Application for approval of details as reserved by condition 14 (Construction Method Statement) & 22 (Off site flooding) of Phase 3 of approved application 19/00786/OUT.	Granted	22.07.25

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 6th January 2026	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	25/02205/FUL
<b>Description:</b>	Erection of 3no. detached 1no. bedroomed bungalows and associated landscaping.
<b>Location:</b>	Land To Rear Of Boars Tye Residential Home, Boars Tye Road, Silver End, Essex
<b>Applicant:</b>	Mr James O Connor, 2 Sky Peals Road, Woodford Green, IG8 9NE
<b>Agent:</b>	Mr Nixon Architecture, 15 Kings Head Centre, High Street, Maldon, CM9 5PN
<b>Date Valid:</b>	3rd October 2025
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: <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>	The Planning Committee can: <ol style="list-style-type: none"> <li>a) <b>Agree</b> the Recommendation</li> <li>b) <b>Vary</b> the Recommendation</li> <li>c) <b>Overtturn</b> the Recommendation</li> <li>d) <b>Defer</b> consideration of the Application for a specified reason(s)</li> </ol>
<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>	Britney Lees For more information about this Application please contact the above Officer on: 01376 312763, or by e-mail: <a href="mailto:britney.lees@braintree.gov.uk">britney.lees@braintree.gov.uk</a>



<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>Local Government Review Implications:</b>	No LGR implications.
<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> </ul>

	<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> <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="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 25/02205/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 comprises an 'L'-shaped parcel of land to the rear of Boars Tye House Residential Home. The site has been cleared of most of its vegetation and is currently vacant. There are no significant topographical changes.
- 1.2 The Applicant owns the wider parcel of land, delineated by the blue line boundary. The application site itself, delineated by the red line boundary, encompasses only part of this parcel of land. The site edged red is notably irregular in form.
- 1.3 The site is located within the Silver End Conservation Area. There are several listed buildings located to the north of the site which would have historically been associated with Boars Tye Farm, predating Silver End Garden Village. These include Grade II listed Boars Tye Farmhouse, Boars Tye Barn, and the Granary.
- 1.4 The site is located within the Silver End development boundary, wherein the principle of residential development is considered acceptable. Silver End is identified as a 'Second Tier' village within the Adopted Local Plan.
- 1.5 The site benefits from planning permission for the erection of a "*Proposed single storey 3 bedroom detached dwelling with double garage and associated landscaping.*" (Application Reference 23/00249/FUL). Therefore, the principle of residential development has been accepted on this site.
- 1.6 Full planning permission is sought for the erection of three detached, one-bedroom bungalows. The development would consist of only market dwellings.
- 1.7 Officers consider the design and appearance of the proposed bungalows acceptable. The design of the bungalows remains consistent with previously approved scheme, and it is evident that the proposed dwellings have been informed by the design of three identical bungalows along Silver Street. However, Officers are not satisfied that the site can accommodate three units. The separation distances between the proposed dwellings would be limited, resulting in a cramped and contrived layout.
- 1.8 Officers consider that the proposed rear private amenity space serving Plot 3 would not provide a high quality or usable outdoor environment given its insufficient size and irregular shape. Plot 1 and Plot 2 would have access to outdoor private amenity space in excess of the Essex Design Guide (2005) recommendation for a one-bedroom dwellinghouse.
- 1.9 Officers do not consider that the site would have an acceptable impact on the significance of the Silver End Conservation Area and the setting of the neighbouring listed buildings. The Council's Senior Historic Buildings

Consultant has identified less than substantial harm, which is not considered to be outweighed by public benefits.

- 1.10 Officers note a number of concerns with the scheme given a lack of information.
- 1.11 Officers are advised by Essex County Council Highways that the information provided does not demonstrate that access is safe for the proposed use. While the Highway Authority were previously satisfied that the access was safe for one dwelling, they are not satisfied that it has been demonstrated that the access is safe for the proposed density now sought.
- 1.12 The proposal does provide information regarding designated sites, Protected and Priority species, and Biodiversity Net Gain (BNG). However, the Council's Ecology Officer is not satisfied that the Ecology Statement was completed by a suitably qualified ecologist in line with British Standard BS 42020:2013.
- 1.13 The proposal fails to provide sufficient assurances that waste collection could be carried out to an acceptable standard.
- 1.14 There is uncertainty regarding the Arboricultural Impact Assessment with disparities identified, preventing a clear understanding of the arboricultural impacts of the proposal. Furthermore, there has been significant site clearance, and no evidence has been provided to demonstrate the extent of tree loss, the condition of trees removed, or the measures proposed to mitigate this loss.
- 1.15 Officers have considered the application and explored the potential to overcome the areas of concern by planning condition, as set out in the report below. However, Officers consider that the amount of additional information required would be beyond the scope of what could reasonably be secured during the lifetime of a planning application. Notwithstanding this, there are fundamental concerns regarding overdevelopment and harm to designated heritage assets.

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 Scheme of Delegation, at the request of the Chair and Vice Chair of the Planning Committee.

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 is located within the Silver End development boundary and comprises an 'L'-shaped parcel of land to the rear of Boars Tye House Residential Home. The site lies within the Silver End Conservation Area and is situated in close proximity to several Grade II listed buildings, including Boars Tye Farmhouse (List Entry Number: 1338256) and a group of modern movement dwellinghouses along Silver Street.

5.2 The site has been cleared of all vegetation and is currently vacant. Although, several trees remain both within the site and along its boundary with Silver End allotment gardens and Boars Tye Farmhouse. The site is flat with no significant topographical changes.

5.3 There is an existing vehicular access from Boars Tye Road. This access is located between a parcel of green open space, referred to as Boars Tye Green, and Boars Tye Barn. The site access also serves Boars Tye Barn and the Barn Bridal Boutique.

5.4 The site benefits from planning permission for the erection of a "*Proposed single storey 3 bedroom detached dwelling with double garage and associated landscaping.*" (Application Reference 23/00249/FUL). The principle of residential development on this site is therefore acceptable.

5.5 The submitted site plan indicates that the Applicant owns the wider parcel of land, delineated by the blue line boundary. The application site itself, delineated by the red line boundary, encompasses only part of this wider parcel. Whilst the site edged red is atypical in terms of its shape, it nonetheless comprises a valid red line boundary for the purposes of the application.

6. PROPOSAL

6.1 The application seeks full planning permission for the erection of three one-bedroom detached bungalows. The dwellings would be positioned in a

staggered linear arrangement across the site. Each dwelling would benefit from access to private outdoor amenity space and allocated off-street parking provision.

- 6.2 The dwellings would be served by an existing access from Boars Tye Road. In addition, the site can also be reached by alternative access currently used by Boars Tye House Residential Home, located approximately the north of the proposed access. However, this secondary access does not form part of the application and lies beyond the red line boundary.

## 7. SUMMARY OF CONSULTATION RESPONSES

### **External Consultees**

#### 7.1 Essex County Fire & Rescue Services

- 7.1.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 – Section 13. Access for the fire service is considered satisfactory subject to fire service access for firefighting purposes to the proposed development being fully compliant with ADB Volume 1, B5, Section 13 in respect of access widths, turning circles, clearance heights and carrying capacities. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

### **BDC Consultee**

#### 7.2 BDC Environmental Health

- 7.2.1 No comments received.

#### 7.3 BDC Ecology

- 7.3.1 Holding objection due to insufficient information.

- 7.3.2 *“We have reviewed the information submitted by the applicant including the Ecology Statement (Nixon Architecture, September 2025), relating to the likely impacts of development on designated sites, Protected and Priority species & habitats.*

*However, we are not satisfied that there is sufficient ecological information available for determination. This is because the Ecology Statement (Nixon Architecture, September 2025), states ‘the report contains the findings of a Preliminary Ecological Appraisal (PEA)’. However, we query if the Ecology Statement was completed by a suitably qualified ecologist as no details of the person completing the report, and no evidence of their qualifications, knowledge and experience have been provided in line with British Standard BS 42020:2013 para 4.3.2 which states:*

*Any individual dealing with ecological issues at any stage of the planning application process should be able to demonstrate that they have sufficient technical competence and experience to carry out particular tasks and activities for which they are responsible in the role they are performing. They should only attempt to offer a bona fide ecological opinion if they have the necessary knowledge, skills and experience to do so or have secured appropriate competent assistance. As a result, we recommend that clarification of the competency of the person completing the Ecology Statement is provided”.*

7.3 BDC Landscape Services

- 7.3.1 Landscape Services have objected to the revised Arboricultural Report and Tree Survey due to ambiguity within the documentation provided and also the lack of a detailed landscape plan.

**ECC Consultee**

7.4 Essex County Council Highways

- 7.4.1 Holding objection due to insufficient information.

- 7.4.2 *“From a highway and transportation perspective therefore, the impact of the proposal is not acceptable to the Highway Authority for the following reason:*

*The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility. The proposal is therefore contrary to policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance.”*

7.5 ECC Historic Buildings Consultant

- 7.5.1 The proposal would result in ‘less than substantial harm’ to the significance of the listed buildings associated with Boars Tye Farm, resulting in an effect that further removes the surviving vestiges of the buildings’ once rural setting.

- 7.5.2 The proposal would also result in ‘less than substantial harm’ to the setting of the Silver End Conservation Area due to the cramped nature of the site, which is at odds with the prevailing character of the Garden Village.

7.6 ECC Historic Environment Officer (Archaeology)

- 7.6.1 No objections raised, subject to the following pre-commencement conditions.

- 7.6.2 *“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 (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.*

*No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.*

*The Applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority”.*

## 8. PARISH / TOWN COUNCIL

### 8.1 Silver End Parish Council

8.1.1 Silver End Parish Council have objected to the proposed development. The proposed entrance to the front of the cart lodge entrance is in the curtilage of a listed building.

8.1.2 Officers have sought further clarification on these comments; however no further comments have been received.

## 9. REPRESENTATIONS

9.1 A site notice was displayed along Boars Tye Road and immediate neighbours were notified of the proposal by way of letter. In addition, a press notice was published in the Braintree & Witham Times.

9.2 In response, three representations have been received in objection to the proposal, although two of these were submitted from the same property. The comments raised can be summarised as follows:

- Overdevelopment of a small plot within a Conservation Area.
- Concerns regarding parking and access due to the confines of the space.
- In the setting of a listed granary on staddle stones and two Grade II listed buildings.
- The access road is narrow and already struggles with vehicular movements.
- Boars Tye Barn has been hit by vehicles several times, damaging the fence and hedge.
- The access is already used by staff, visitors and emergency vehicles attending to Boars Tye House Residential Home.
- The Council have refused an extension at our adjacent shop.
- Boars Tye Road is dangerous due to the speed of vehicles.
- The turning circle for fire appliances is too tight.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

- 10.1.1 As set out in Paragraph 7 of the National Planning Policy Framework 2024 (“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 39 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 48 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 61 of the NPPF highlights the importance of ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need with an appropriate mix of housing types for the local community. Paragraph 78 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 of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies.
- 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.

## 10.2 5 Year Housing Land Supply (5YHLS)

10.2.1 Paragraph 78 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 of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Council's Local Plan is up to date in this regard and complies with the NPPF.

10.2.2 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). The Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5 Year Housing Land supply.

10.2.3 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.

## 10.3 The Development Plan

10.3.1 Currently the Council's statutory Development Plan consists of The Braintree District Local Plan 2013 - 2033 and Neighbourhood Development Plans where these have been adopted.

10.3.2 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.

10.3.3 The application site is located within the Silver End development boundary, wherein the principle of development is acceptable subject to material considerations.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

11.1.1 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 Silver End is designated within the Adopted Local Plan as a 'Second Tier' village. These are villages which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a Second Tier village, subject to the specific constraints and opportunities of that village.
- 11.1.3 The site is located within a reasonable walking distance of a parade of shops along Broadway. This parade provides a range of retail services, including an East of England Co-Op, a pharmacy, and a post office. In addition, Silver End benefits from a primary school and a GP surgery. The routes to all of these facilities are paved and street lit, offering safe pedestrian access.
- 11.1.4 Although the services and facilities within Silver End may help to support some day-to-day needs, the services could not be relied upon fully to support all residential needs. The development would be reliant on services and facilities outside of Silver End, including secondary schools and larger supermarkets. These facilities can be found in Witham and Braintree.
- 11.1.5 Silver End falls within an established bus network. The closest bus stop, located outside the site access, provides regular services to Braintree and Halstead. A second bus stop is situated adjacent to Boars Tye Garage, offering services to Witham.
- 11.1.6 Whilst it is not beyond reasonable possibility that occupiers would choose to utilise the private vehicle as a primary mode of transport, there are sustainable modes of transport available, and opportunities for walking and cycling within Silver End. Accordingly, it is considered that the site would be located within a sustainable location. The application as a whole is not considered in conflict with Policies SP3 and LPP42 of the Adopted Local Plan.
- 11.2 Design, Appearance and Impact upon the Character and Appearance of the Area
  - 11.2.1 Paragraph 131 the NPPF highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development.
  - 11.2.2 Policy LPP35 of the Adopted Local Plan stipulates that development should create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need. This includes criteria ensuring that the density and massing of residential developments should relate to the character of the

site and its immediate surroundings, as well as the wider locality, and on-site amenity space and an appropriate standard of residential accommodation should be provided in accordance with the adopted guidance.

- 11.2.3 Policy LPP47 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.
- 11.2.4 Policy LPP52 of the Adopted Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.2.5 The proposal concerns the erection of three one-bedroom bungalows, each identical in scale and design. Whilst the dwellings largely replicate the form and appearance of the previously approved scheme (Application Reference 23/00249/FUL), the width of the dwellings has been reduced to accommodate the proposed increase in density.
- 11.2.6 It is clear that the design of the proposed dwellings have been informed by the original design of 70 – 74 Silver Street, a group of three identical bungalows designed by the Silver End Development Company as part of the original Silver End Garden Village. These dwellings also feature hipped roofs clad in pantiles and rendered elevations.
- 11.2.7 Accordingly, the proposed design would integrate sympathetically within the Silver End Conservation Area, responding to the established character of the locality. The single-storey height of the proposed dwellings would enable them to remain modest in scale, preventing the dwellings from appearing unduly prominent, particularly when taking into consideration the sensitive location of the site.
- 11.2.8 Whilst the bungalows would largely replicate the design of the previously approved dwelling, consideration must be given to acceptability of the proposed increased density of the site. The submitted plans indicate that the Applicant owns the wider site, which is delineated by the blue line boundary. The application site itself, delineated by the red line boundary, encompasses only part of this parcel of land. The site edged red is atypical in terms of its shape, however Officers are satisfied that the red line boundary does represent a complete and legally valid application site.
- 11.2.9 The proposed dwellings would be positioned in a staggered linear arrangement across the site. There would be a separation distance of 1.8 metres between each dwelling, however, because the red line boundary has been drawn around each individual dwelling, the side access between dwellings would fall beyond the application site. Accordingly, this does raise

concerns questions regarding ownership, access and management of the land beyond the application site.

- 11.2.10 There proposed dwellings would be erected across entire width of the site, with the side elevations of Plot 1 and Plot 3 built along the site edged red. Whilst Officers acknowledge that the land within the site edged blue would provide a buffer, this falls outside the application site and therefore should not be taken into consideration.
- 11.2.11 Accordingly, the proposed layout would appear cramped and contrived, offering limited separation distances between dwellings and no physical separation between the site boundaries. This arrangement would result in a poor layout of development, which would be detrimental to the prevailing character of the surrounding area.
- 11.2.12 The proposal therefore fails to comply with Policies SP7, LPP35 and LPP52 of the Adopted Local Plan and the objectives of the NPPF.

### 11.3 Heritage

- 11.3.1 Policy LPP57 of the Adopted Local Plan states that the Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.
- 11.3.2 Policy LPP53 of the Adopted Local Plan encourages the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the buildings, open spaces, landscape and historic features and views into, out from and within the constituent parts of designated areas.
- 11.3.3 The site is located within the Silver End Conservation Area and adjacent to three Grade II listed buildings associated with Boars Tye Farm. These include Barn South of Boars Tye Farmhouse (List Entry Number: 1122565), Granary at Boars Tye Farmhouse (List Entry Number: 1122564) and Boars Tye Farmhouse (List Entry Number: 1338256).
- 11.3.4 Boars Tye Farm is no longer operational as a working agricultural unit and consequently the site has been subdivided. Boars Tye Farmhouse is used as a residential care home, while the associated barn has been converted into a separate residential dwellinghouse. The Granary Barn is understood to be vacant.
- 11.3.5 The Council's Senior Historic Buildings Consultant was consulted to assess the impact of the proposal on the significance of the listed buildings and the Silver End Conservation Area. The buildings associated with Boars Tye Farm serve as an important reminder of the character and appearance of the area prior to the construction of Silver End Garden Village. Historically, Silver End was a small hamlet, largely consisting of sporadic farmsteads within a wider agricultural landscape. The agricultural land associated with

Boars Tye Farm was purchased by the Crittall Manufacturing Company for the creation of a factory and a model village to house its workers.

- 11.3.6 The design of the proposed dwellings has been informed by group of detached bungalows along Silver Street, which feature hipped roofs and rendered elevations. Accordingly, the proposed design and appearance of the dwellings are considered appropriate within the setting of the listed buildings and the Silver End Conservation Area.
- 11.3.7 However, by virtue of the quantity of development and change of use of the land, it is considered that the proposal would result in mid-level of 'less than substantial harm' to the significance of neighbouring listed buildings associated with Boars Tye Farm. The proposal would further erode the surviving vestiges of the buildings' once rural setting, introducing an increased sense of urbanisation in their setting.
- 11.3.8 There would also be a harmful effect on the Silver End Conservation Area due to the disruption of its designed layout and the resultant overdevelopment of the site, which is considered in conflict with the prevailing character of Silver End.
- 11.3.9 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 11.3.10 Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.3.11 Overall, the proposal has been identified as resulting in a mid-level of 'less than substantial harm' to the significance of both the Silver End Conservation Area and the listed buildings associated with Boars Tye Farm. Accordingly, Paragraph 215 of the NPPF is relevant.
- 11.3.12 Whilst it is acknowledged that some public benefits would emerge through the creation of construction jobs and the delivery of housing, this would be limited given the minor scale of development. Therefore, it considered that the public benefits of the proposal would not outweigh the impact it would have on the significance of the Silver End Conservation Area and setting of the adjacent Grade II listed buildings.
- 11.3.13 The proposal therefore fails to comply with Policies SP7, LPP47, LPP53 and LPP57 of the Adopted Local Plan and the objectives of the NPPF.

#### 11.4 Amenity of Future Occupiers

- 11.4.1 The NPPF sets out that decisions should seek to ensure a high-quality amenity for all future occupiers of dwellinghouses. Policy LPP35 of the Adopted Local Plan outlines that on-site amenity space which should accord with adopted guidance, including the national technical housing standards. Policy LPP52 of the Adopted Local Plan also states that residential developments shall provide a high standard of accommodation and amenity for all prospective occupants.
- 11.4.2 In calculation of the potential residential amenity afforded to future occupants, Officers recognise the Nationally Described Space Standards ['NDSS'] (2015) which establishes the requirements for internal amenity.
- 11.4.3 The submitted plans indicate that the proposed dwellings would benefit from one-bedroom. The NDSS states that a one-bedroom, single storey dwelling with 2 bedspaces would require a gross internal floor area ('GIA') of 50 square metres. The proposed dwellings would benefit from a GIA in excess of this requirement.
- 11.4.4 In terms of bedroom size, the proposed bedroom would have a GIA of 14.7 square metres and a width of 3.4 metres. This would similarly be in excess of the requirement for a double bedroom.
- 11.4.5 Officers note that the proposed dwellings would benefit from a study. The submitted plans originally submitted showed the study to have a GIA which would meet the criteria for a single-bedroom in accordance with the NDSS. Accordingly, it was considered that the dwellings could reasonably function as two-bedroom units and that amendments to the scheme would be required to accommodate this.
- 11.4.6 Following discussions with the Agent, revised plans were submitted reducing the GIA of the bungalows and study. The proposed study now has a GIA of 7.2 square metres and therefore would not be large enough to be considered a single bedroom under NDSS, nor would the dwellings themselves be sufficiently large enough to accommodate two bedrooms.
- 11.4.7 The Essex Design Guide (2005) requires a minimum private garden size of 100 square metres for most types of houses. This provision has been found to be an acceptable and workable minimum size that accommodates most household activities and is at the same time adequate to offer visual delight, receive some sunshine, and encourage plant growth.
- 11.4.8 There are some circumstances where 100 square metres is not appropriate, including for one or two bedroom dwellinghouses. The Essex Design Guide (2005) instead requires a minimum private garden size of 50 square metres for dwellinghouses with one or two bedrooms.
- 11.4.9 The submitted plans indicate that each dwelling would have access to 70 square metres of private outdoor amenity space. Officers have completed

their own measurements, where it has become apparent that the garden measurements on the submitted plans are inaccurate. Instead, Plot 3 would have access to 48 square metres of private rear amenity space, which would fall below the recommendations of the Essex Design Guide (2005). Plot 1 and Plot 2 would have access to rear gardens in excess of 50 square metres. Accordingly, the proposal fails to provide sufficient private amenity space to Plot 3.

- 11.4.10 The Agent has indicated that the private outdoor amenity space would be considered in excess if the land edged blue was also considered. However, this planning decision only relates to the application site delineated by the red line boundary.
- 11.4.11 Whilst the private amenity space for Plot 3 would fall below the recommendations of the Essex Design Guide (2005), this would only be a minor shortfall. The assessment of proposed amenity therefore must also consider its usability and accessibility. Officers consider that the usability of Plot 3's rear garden would be compromised by its irregular shape and limited depth, which measures 3.5 metres at its shallowest.
- 11.4.12 Officers note that these concerns regarding private amenity space are a consequence of the irregular shape of the red line boundary. Should the Applicant submit a further planning application, it is considered that amending the red line to encompass the entire parcel of land could overcome this reason for refusal. By including the full extent of the site within the application boundary, a more regular and usable garden area could be achieved.
- 11.4.13 The proposal would therefore be contrary to Policy LPP52 of the Adopted Local Plan and recommendations of the Essex Design Guide (2005).

## 11.5 Highway Considerations

### **Access**

- 11.5.1 Policy LPP52 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.
- 11.5.2 There is an existing vehicular access from Boars Tye Road. This access is located between a parcel of green open space, referred to as Boars Tye Green, and Boars Tye Barn. The site access also serves Boars Tye Barn and the Barn Bridal Boutique.
- 11.5.3 The road form from the access is narrow and contrived. Vehicles would leave Boars Tye Road and traverse a narrow track which bends in a northerly direction. They would then encounter a sharp bend in the track, requiring a left-turn before accessing the site itself. The access track, when measured from Boars Tye Road to the proposed turning circle, would have a length of approximately 92 metres.

- 11.5.4 The site access was considered acceptable under the previous application. The Highway Authority concluded that the existing access would be appropriate for a single dwelling, however the Applicant would be required to demonstrate that the highway access complies with modern highway standards for a development of a larger scale.
- 11.5.5 There is a hedgerow forming a boundary between the pedestrian footpath and Boars Tye Barn. This extends to existing access, partly obscuring visibility when looking north.
- 11.5.6 Essex County Council Highways were consulted on the proposal in order to assess whether the proposed increase to three dwellings would have a detrimental impact on highway safety. The Highway Authority have objected on the grounds of insufficient information, noting that additional information is required in respect of visibility splays as informed through speed surveys.
- 11.5.7 It would be open to the Applicant to conduct the additional surveys and provide visibility splays should a further planning application be submitted. However, it is not clear whether the results of these surveys would overcome the concerns regarding the visibility and safety of the access road. As such, a decision is made on the evidence provided, as informed by the Highway Authority.
- 11.5.8 Taking into account the road form from the access, and the intensity of vehicular movement that would result from the proposed development, it has not been demonstrated that the proposal would not have a detrimental impact on the safety of the highway and its users. Accordingly, the proposal fails to comply with Policy LPP52 of the Adopted Local Plan.

### **Parking**

- 11.5.9 Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. Accordingly, there is a requirement for dwellinghouses with one bedroom to have parking provision for one vehicle. Furthermore, the Adopted Parking Standards is explicit that vehicle parking standards should measure 5.5 metres by 2.5 metres.
- 11.5.10 The submitted plans show that each dwelling would have access to one designated off-street parking space, which each measure 5.5 metres by 2.5 metres. There are no tandem parking arrangements proposed.
- 11.5.11 Officers note that the designated off-street parking space for Plot 2 would be positioned adjacent to Plot 1, thereby requiring occupants to walk a short distance to access their vehicle. It is therefore considered possible that occupants of Plot 2 would instead choose to park directly outside their property for convenience. Whilst this would undermine the proposed

parking layout, Officers do not consider that this would constitute a reason for refusal in itself.

- 11.5.12 It is also possible that there would be more than one vehicle per dwelling. However, Officers are guided by the Adopted Parking Standards which states that a one-bedroom dwelling can have a minimum of 1 parking space.

### **Access for Essex Fire & Rescue Service**

- 11.5.13 Policy LPP52(h) of the Adopted Local Plan states that designs and layouts shall promote a safe and secure environment.
- 11.5.14 Paragraph 117 of the NPPF states that applications for development should allow for the efficient delivery of goods, and access by service and emergency vehicles.
- 11.5.15 Essex Country Fire & Rescue Services were consulted to assess the suitability of the proposed access and facilities. They raised no objection, instead deferring detailed observations to the Building Regulation consultation phase.
- 11.5.16 However, it has been stated that access will only be considered satisfactory if compliant with Approved Document B (Fire Safety). For dwellinghouses, access for a pumping appliance should be provided to within 45 metres of all points inside the dwellinghouse. However, the distance between Boars Tye Road and the proposed dwellings is approximately 100 metres in length with a 'pitch point' adjacent to Boars Tye Barn. This 'pitch point' in the access track has a width of 2.5 metres.
- 11.5.17 Approved Document B, Section 13 states that the minimum width of road required to enable access for a pump appliance (general-purpose fire truck) is 3.7 metres. Accordingly, an Essex Fire & Rescue Service pump appliance would be unable to pass the 'pinch point' and therefore would be unable to get within 45 metres of the proposed dwellings using the proposed access. This shortfall in access provision is a significant concern, as compliance with Approved Document B (Fire Safety) is necessary to ensure that emergency services can reach the proposed dwellings.
- 11.5.18 However, Officers note that access can be obtained using the existing access which serves Boars Tye Home Residential Home. There has been no information provided to demonstrate compliance with Approved Document B (Fire Safety); however it is reasonable to conclude that this would be acceptable to emergency services given the existing use of the building.
- 11.5.19 Taking into consideration the presence of an alternative access into the site, Officers are satisfied that matters relating to fire service access can be deferred to Building Control and addressed at that stage.

## 11.6 Impact upon Neighbouring Residential Amenity

- 11.6.1 Policy LPP52 of the Adopted Local Plan requires there to be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing of light or an overbearing impact. The NPPF also sets out the importance of creating places with a high standard of amenity for existing and future users.
- 11.6.2 The site would be within the vicinity of several properties along Silver Street, which are located to the east of the site. Furthermore, both Boars Tye Farm and Boars Tye Residential Home are located to the west of the site.
- 11.6.3 Taking into consideration the single-storey nature of the proposed dwellings, alongside the separation distance, Officers are satisfied that the proposal would not have a detrimental impact on the occupiers of the properties along Silver Street.
- 11.6.4 Similarly, it is considered that the proposal would not have an unacceptable impact on the occupiers of Boars Tye Barn. Whilst it is acknowledged that the proposal would result in additional vehicles passing the property, the level of activity generated is not considered to be so significant that it would have a detrimental impact on the occupiers of this property.
- 11.6.5 Furthermore, consideration should be given to whether there would be any neighbouring impact within the proposed development itself. The proposed dwellings would be positioned in a staggered linear arrangement, with Plot 1 set forward within the site. Each dwelling would benefit from two side windows serving the bedroom and kitchen/living room. However, by virtue of the staggered positioning of the dwelling, the side windows serving the bedroom would provide views across the neighbouring garden.
- 11.6.6 Officers note that these are secondary windows, with each bedroom also served by a primary window upon the rear elevation. Accordingly, were the Council minded to approve, a suitably worded condition would be imposed requiring these windows to be installed with obscure glazing.

## 11.7 Flooding and Drainage Strategy

- 11.7.1 The site lies in Flood Zone 1 (lowest risk of flooding). The NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.
- 11.7.2 The number of dwellings proposed is below the threshold whereby local planning policies are required to ensure that sustainable drainage systems ('SUDs') for the management of run-off are put in place through consultation with the relevant Lead Local Flood Authority.

## 11.8 Ecology Considerations

- 11.8.1 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Sub-paragraph 187(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 193(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.
- 11.8.2 Policy LPP66 of the Adopted Local Plan states 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. Policy LPP64 outlines that, in development proposals, management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.
- 11.8.3 The Council's Ecology and Natural Environment Officer was consulted to assess the application. The Ecology Officer has objected on the grounds of insufficient information, noting that it is not clear whether the Ecology Statement was completed by a suitably qualified ecologist. There has been no evidence submitted with the application to demonstrate that the author has the qualifications, knowledge and experience in line with British Standard BS 42020:2013.
- 11.8.4 The British Standard BS 42020:2013 states that:
- “Any individual dealing with ecological issues at any stage of the planning application process should be able to demonstrate that they have sufficient technical competence and experience to carry out particular tasks and activities for which they are responsible in the role they are performing. They should only attempt to offer a bona fide ecological opinion if they have the necessary knowledge, skills and experience to do so, or have secured appropriate competent assistance”* (Paragraph 4.3.2).
- 11.8.5 Accordingly, the Council's Ecology Consultant recommended that clarification of the competency of the person who completed the Ecology Statement is provided. Following discussions with the Agent, Officers have been advised that another site survey and Preliminary Ecology Survey ('PEA') would be necessary to overcome this holding objection.
- 11.8.6 In terms of Biodiversity Net Gain (BNG), applications are required to deliver a mandatory 10% measurable Biodiversity Net Gain, unless except under Paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

- 11.8.7 It should be noted that the submitted plans indicate that the Applicant owns the wider site, which is delineated by the blue line boundary. The application site itself, delineated by the red line boundary, encompasses only part of this parcel of land. The site edged red is atypical in terms of its shape, which Officers understand may have been manipulated to reduce Biodiversity Net Gain (BNG) requirements.
- 11.8.8 As discussed, the Council's Ecology Officer has objected on the grounds of insufficient information regarding the competency of the author of the Preliminary Ecology Survey and Biodiversity Report. Therefore, no commentary has been provided regarding the BNG information submitted. It would be open to the Applicant to appoint a suitably qualified ecologist to undertake ecology surveys should a further planning application be submitted.
- 11.8.9 Taking into account the insufficient information regarding the competency of the individual dealing with ecological issues, it has not been demonstrated that the proposal would not have a detrimental impact on Protected and Priority species & habitats, and that BNG requirements have been satisfied. Accordingly, the proposal fails comply with Policies LPP64 and LPP66 of the Adopted Local Plan.
- 11.9 Trees and Landscaping
- 11.9.1 Policy LPP65 of the Adopted Local Plan acknowledges that the quality of the trees is a material consideration and that, where trees are retained, suitable distances should be provided to ensure their continued wellbeing.
- 11.9.2 Policy LPP67 of the Adopted Local Plan states that in its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District.
- 11.9.3 The Landscape Services were consulted to comment on the proposal given the potential impact on the surrounding trees. Following an objection from Landscape Services, a revised Arboricultural Report and Tree Survey (TPS, October 2025) were submitted for further consideration.
- 11.9.4 Landscape Services have also objected to the revised Arboricultural Report and Tree Survey due to ambiguity within the documentation provided.
- 11.9.5 Table 5 of the Arboricultural Impact Assessment and Method Statement specifies the removal of G2 and G3 and replacement with an improved species selection. However, Section 6.1 states that no trees are to be removed to facilitate construction or access. These disparities prevent a clear understanding of the arboricultural impacts of the proposal. Notwithstanding this, these trees are located beyond the boundary fence and are located within the Silver End allotment site, which is under Braintree District Council ownership. Furthermore, no proposed landscape details have been accompanied the application.

- 11.9.6 Furthermore, there is evidence that significant vegetation removal has occurred at the site. Google Satellite Imagery indicates that the site previously benefitted from substantial coverage, since that time, the site has been cleared of all vegetation, as shown within the site photographs.
- 11.9.7 There have been no applications made to the Local Planning Authority by the Applicant to carry out tree work or to remove any of these trees. Furthermore, there has been no reference made to the removal of trees within the submitted Arboricultural Impact Assessment and Method Statement. It is therefore reasonable to assume that trees have been removed to accommodate the proposed development; however, no justification has been provided for this action. In the absence of clear supporting evidence, Officers are unable to fully assess the impact of this.
- 11.9.8 The proposal therefore fails to comply with Policies LPP65 and LPP67 of the Adopted Local Plan.
- 11.10 Archaeological Considerations
- 11.10.1 Policy LPP59 of the Adopted Local Plan states that where granting planning permission could affect archaeological deposits, an archaeological evaluation will be required and conditions utilised to ensure archaeological remains are excavated and recorded prior to the development commencing.
- 11.10.2 The application site is located adjacent to Boars Tye Farm, which is depicted on the *Map of the County of Essex* by Chapman and Andre (1777). There has been a Bronze Age settlement revealed along Boars Tye Road, alongside a Late Iron Age settlement which has been excavated.
- 11.10.3 Accordingly, there is potential for the remains associated with Boars Tye Farm to survive which will be affected by the proposed development.
- 11.10.4 While no objection has been raised from an archaeological perspective, a series of conditions have been recommended. These includes the submission of a Written Scheme of Investigation (WSI) and Post Excavation Assessment.
- 11.11 Habitat Regulations Assessment (HRA / RAMS)
- 11.11.1 The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site and the Essex Estuaries Special Area of Conservation (SAC).
- 11.11.2 Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impact on European designated sites are compliant with the Habitat Regulations.

- 11.11.3 Any residential development for a net gain of one or more new dwellings located within the Zone of Influence must mitigate its impact on the areas of Protected Essex coastline.
- 11.11.4 The proposed mitigation measures would consist of the securing of a financial contribution of £163.86 per dwelling erected towards off-site visitor management measures at the above protected sites. This would satisfy Policy SP2 of the Adopted Local Plan. A financial payment has been secured on the submission of this application.
- 11.12 Waste and Recycling
- 11.12.1 Policy LPP52(g) of the Adopted Local Plan requires designs to incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised. The drag distances for each resident should be in accordance with Building Regulations requirements of 30 metres from collection point to household for residents.
- 11.12.2 The submitted plans do not demonstrate waste storage locations. Notwithstanding this, Officers consider that there would be sufficient space to incorporate bin storage within garden spaces and/or front curtilage areas. These details can be secured through condition.
- 11.12.3 However, no information has been provided to demonstrate the collection arrangement for the proposed dwellings. It is not clear whether the access road can withstand the weight and width of a waste service vehicle. It is possible this could be controlled by planning condition or obligation, with the agreement of the Highway Authority.
- 11.12.4 However, BDC Waste Services have recently undertaken consultation on a revised waste strategy. Under the document put forward following this consultation, Waste Services propose that operatives will not access onto private land to collect waste and will only access public roads (i.e. those adopted by the Highway Authority). No property is within 30 metres of the public highway, wherein future residents presenting bins for kerbside collection at Boars Tye Road would be beyond carry distances considered reasonable and in accordance with Building Regulation standards.
- 11.12.5 As such, a public bin collection point would need to be positioned in an appropriate location, within a sufficient carry distance *and* capable of collection by waste operatives. It is not clear from the site plans that this is achievable. At present, there has been no information submitted to provide sufficient assurance that waste collection could be carried out to an acceptable standard.

## 12. PLANNING BALANCE AND CONCLUSION

### 12.1 Local Plan

12.1.1 The Council's Local Plan is up to date and complies with the NPPF. Consequently, the presumption (at Paragraph 11d of the Framework) is not engaged and 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.

### 12.2 Development Boundary Designation within the Development Plan

12.2.1 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".

12.2.2 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, the application site is located within a defined development boundary where the principle of development is acceptable. The proposal therefore accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development.

### 12.3 Summary of Adverse Impacts and Public Benefits

12.3.1 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);
- 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).

#### 12.4 Summary of Adverse Impacts

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

##### **Layout of Development**

- 12.4.2 The proposed development would appear cramped and contrived, offering limited separation distances between dwellings. This arrangement would result in a poor layout of development, which would be detrimental to the prevailing character of the surrounding area, and would be harmful to the setting of the adjacent listed buildings. Significant weight is afforded to this conflict.

##### **Outdoor Amenity Space**

- 12.4.3 The proposed rear private amenity space serving Plot 3 would not provide a high quality or usable outdoor environment by virtue of its size, depth and irregular shape. Moderate weight is afforded to this conflict.

##### **Harm to Designated Heritage Assets**

- 12.4.4 The application site is located within both the Silver End Conservation Area and setting of the adjacent Grade II listed buildings associated with Boars Tye Farm. The Council's Senior Historic Buildings Consultant has advised that the quantity of development proposed, together with the change of use of the land, would have a harmful impact on the significance of the listed buildings. The proposal would further erode the surviving vestiges of the buildings' once rural setting, introducing an increased sense of urbanisation that is at odds with their historic character.
- 12.4.5 The proposal is also considered harmful to the significance of the Silver End Conservation Area due to the disruption of its carefully designed layout and cramped nature of the development. In the absence of any significant public benefits to outweigh this harm, significant weight is afforded to these conflicts.

##### **Highway Safety**

- 12.4.6 The Highway Authority have objected due to a lack of supporting information, including speed surveys and visibility splays, which are necessary to assess the safety of the access on to Boars Tye Road.
- 12.4.7 Accordingly, the proposal fails to demonstrate that there would be a safe access to the site, as required by Policies LPP35 and LPP52 of the Adopted Local Plan. Full weight is given to this conflict.

## **Recycling and Waste**

- 12.4.8 The application has not been accompanied by a refuse strategy, and it has not been demonstrated that such a strategy could be implemented to an acceptable standard. Accordingly, the insufficient information is available to determine whether the proposal complies with Policy LPP52 of the Adopted Local Plan which requires details of waste collection arrangements. Moderate weight is afforded to this conflict.

## **Ecology**

- 12.4.9 The application fails to provide sufficient information to enable the Local Planning Authority to assess the likely impacts of the proposed development on protected and Priority Species, alongside whether the proposal meets the requirements of mandatory biodiversity net gain at application stage. In particular, insufficient information has been provided to demonstrate that the individual dealing with the ecological issues has sufficient technical competence and experience to carry out particular tasks and activities for which they are responsible in the role they are performing.
- 12.4.10 Accordingly insufficient information is available to demonstrate that the proposal complies with Policies LPP64 and LPP66 of the Adopted Local Plan. Significant weight can be given to this conflict.

## **Trees and Landscape**

- 12.4.11 The Arboricultural Report contains contradictory information and lacks clarity regarding the specifications for tree works. As a result, the Local Planning Authority cannot be satisfied that the proposal would not result in a further loss of trees, nor that any such loss would be appropriately mitigated. Furthermore, the application fails to provide information regarding the trees already lost, including their species, condition, and contribution to the character of the local landscape. Significant weight can be given to this conflict.

## 12.5 Summary of Public Benefits

### **Delivery of Market Housing**

- 12.5.1 The proposal would provide three units, providing the delivery of market housing and contributing to the Council's housing supply. However, given the limited scale of development, only limited weight can be given to this benefit.

### **Economic and Social Benefits**

- 12.5.2 The proposal would introduce three additional dwellings into Silver End. The construction of these dwellings would create additional job

opportunities, albeit temporary. There would also be social and economic benefits following occupation, in supporting local facilities in Silver End.

12.6 Conclusion

- 12.6.1 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 do not outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is 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 Plan	2508-01-	N/A
Existing Site Plan	2508-02-	N/A
Previously Approved Plans	2508-03-	N/A
Proposed Site Plan	2508-04-P1	N/A
Proposed Elevations and Floor Plans	2508-05-P1	N/A
Street Elevation	2508-06-P1	N/A
BNG Plan	25 : 115 - 5000	N/A

#### Reason(s) for Refusal

##### **Reason 1**

The proposed layout of the development would appear overly cramped and contrived with limited separation distance between the proposed dwellings, alongside the site boundary. This would result in a development which would be out of keeping with and detrimental to the prevailing character and appearance of the street scene and the surrounding area. The proposal is contrary to Policies SP7, LPP1, LPP35 and LPP52 of the Braintree District Council Local Plan 2013-2033 and the objectives of the National Planning Policy Framework.

##### **Reason 2**

The application fails to provide sufficient information to enable the Local Planning Authority to assess the acceptability of the proposal in terms of highway safety. The absence of key supporting information, including visibility splays, means the Local Planning Authority cannot be satisfied that the proposal would not have an unacceptable impact on the highway and its users.

The development therefore conflicts with Policy LPP52 of the Braintree District Local Plan, which require safe vehicular, pedestrian, and cycle access and ensure no detrimental impact on highway safety. In accordance with Paragraph 116 of the National Planning Policy Framework, planning permission should be refused where an unacceptable impact on highway safety would result and such harm cannot be ruled out at this stage.

##### **Reason 3**

The proposed development would have a harmful impact on the significance of Grade II listed Boars Tye Farmhouse, Boars Tye Barn, and the Granary. The proposal, by virtue of the quantity of development, would further erode the surviving vestiges of the buildings' once rural setting, introducing an increased sense of urbanisation. In addition, the proposal would have a harmful impact on the significance of the Silver End Conservation Area by disrupting its intentional layout and introducing a cramped form of development, which is at odds with the prevailing character. The proposal is considered to result in a mid-level of less than substantial

harm to the significance of these designated heritage assets, this harm is not considered to be outweighed by the public benefits arising from the proposal.

The proposal is contrary to Policies LPP47, LPP53 and LPP52 of the Braintree District Local Plan 2013-2033 and the objectives of the National Planning Policy Framework.

#### **Reason 4**

The proposed development fails to provide sufficient outdoor private amenity space. The usability of the proposed rear garden serving Plot 3 would be compromised by its irregular shape and limited depth. The garden would also fall below the standards recommended by the Essex Design Guide (2005). As a result, the scheme fails to provide an acceptable standard of residential amenity and is contrary to Policies SP7, LPP35 and LPP52 and Braintree District Local Plan 2013 - 2033 and the objectives of the National Planning Policy Framework.

#### **Reason 5**

The application fails to provide sufficient ecological information to enable the Local Planning Authority to assess the likely impacts of the proposed development on protected species and Priority Habitat. In particular, there has been no evidence submitted with the application to demonstrate that the individual dealing with ecological issues has the qualifications, knowledge and experience in line with British Standard BS 42020:2013. Accordingly, the application is contrary to Policies LPP64 and LPP66 of the Braintree District Local Plan and the objectives of the National Planning Policy Framework.

#### **Reason 6**

The application has not been accompanied by a refuse strategy, and it is not demonstrated that such a strategy can be reasonably implemented to an acceptable standard or be made acceptable by a planning condition or obligation. Insufficient information is therefore available to determine whether the application accords with Policy LPP52 of the Braintree District Local Plan which requires designs to incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised.

#### **Reason 7**

The Arboricultural Report contains contradictory information and lacks clarity regarding the specifications for tree works. As a result, the Local Planning Authority cannot be satisfied that the proposal would not result in a further loss of trees, nor that any such loss would be appropriately mitigated. Furthermore, the application fails to provide information regarding the trees already lost, including their species, condition, and contribution to the character of the local landscape. Accordingly, the proposal is contrary to Policies LPP65 of the Braintree District Local Plan and the objectives of the National Planning Policy Framework.

## APPENDIX 2:

### 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
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP53	Conservation Areas
LPP57	Heritage Assets and their Settings
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage

### Other Material Considerations

Essex Design Guide (2005)  
Essex Parking Standards (2009)

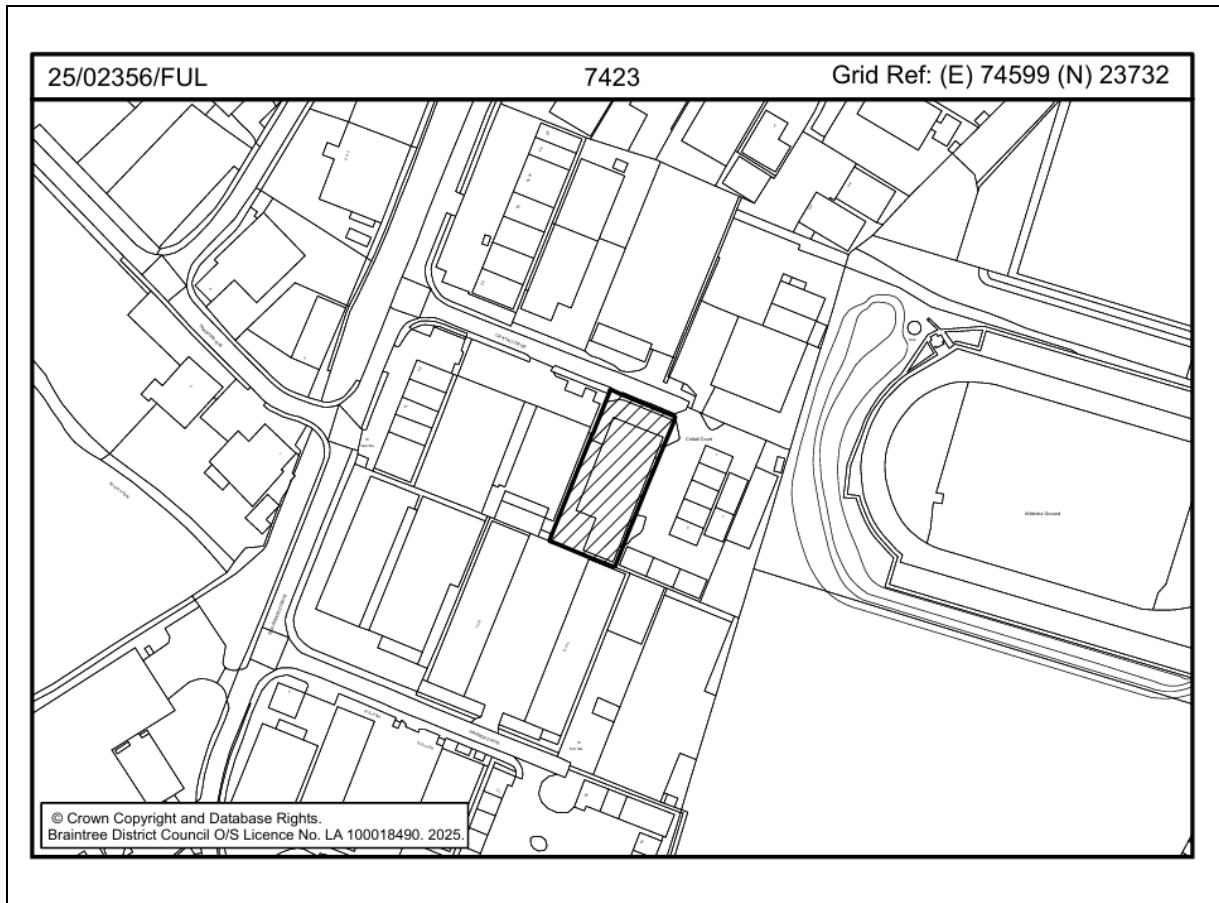
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
23/00249/FUL	Proposed single storey 3 bedroom detached dwelling with double garage and associated landscaping.	Granted	21.01.25

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 6th January 2026	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	25/02356/FUL
<b>Description:</b>	Change of use from B8 (Storage /Distribution) to combined B2 (Industrial) & B8 (Storage /Distribution)
<b>Location:</b>	6 Crittall Drive, Braintree, Essex
<b>Applicant:</b>	Mr Boon, EPD Insulation Group Ltd, Finmere Park, Orton Southgate, Peterborough, PE2 6YG
<b>Agent:</b>	Mr G Boreham, Morton & Hall Consulting Ltd, 1 Gordon Avenue, March, PE15 8AJ
<b>Date Valid:</b>	16th October 2025
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> <li>▪ Application GRANTED subject to the Condition(s) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</li> </ul>
<b>Options:</b>	The Planning Committee can: <ol 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> </ol>
<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>	Helen Reeve For more information about this Application please contact the above Officer on: 01376 312718, or by e-mail: <a href="mailto:helen.reeve@braintree.gov.uk">helen.reeve@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>Local Government Review Implications:</b>	No LGR implications.
<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</li> </ul>

	<p>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> <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="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 25/02356/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 towards the western edge of Braintree, within the development boundary.
- 1.2 The site is more specifically located within Braintree's largest, long established industrial estate, Springwood Industrial Estate.
- 1.3 The proposed Change of Use from B8 (Storage and Distribution) to a combined B2 (Industrial) and B8 (Storage and Distribution) is considered to be acceptable in principle in this location.
- 1.4 There is no alteration to the building itself – the application amounts purely to a change of use as outlined above.
- 1.5 The proposed change of use, given its location, is not considered to have any harmful impacts on residential amenity.

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 located towards the western edge of Braintree, within the development boundary, within Springwood Industrial Estate.

5.2 The site itself is positioned centrally within the industrial estate, on the eastern side of Springwood Drive.

5.3 The application building itself is currently unoccupied and is a squat 'L' shaped building, measuring 58 metres length (max), 23 metres width (max) and a ridge height of 7.24 metres with eaves height at 4.5 metres. External materials comprise a mix of brickwork, cladding and render. The building is largely single storey however there is a mezzanine with a floorspace of approximately 120 square metres and upper floor windows serve that space on the front gable end elevation. The site is bounded along its frontage and north-west facing flank wall by 2-metre-high metal palisade fencing, and along the south-eastern flank wall by 2 metre mesh and barbed wire. Access to the site is via an existing gated access on the north-western corner directly off Crittall Drive.

5.4 In terms of the wider site context, the application building is larger than adjacent buildings within the immediate vicinity and the plot directly adjacent to the north-west is currently vacant. Crittall Court lies on the adjacent side to the south-east which comprises a single storey range of smaller units, one of which is occupied as a vehicle maintenance/repairs business. The south-east facing flank wall of the application building directly abuts the car parking area which serves Crittall Court. Beyond and directly adjacent to Crittall Court is Braintree running track associated with Tabor High School and Braintree Athletics Club, although its presence is not evident given there is a tree/hedgerow belt separating the industrial estate from neighbouring uses.

6. PROPOSAL

6.1 Planning permission is sought for a Change of Use from B8 (storage/distribution) to combined B2 (Industrial) and B8 (Storage/Distribution).

6.2 It is understood that no specific end user is currently identified. The Applicant wishes to broaden the use of the building to attract a wider range of potential purchasers/lessees.

6.3 There would be no alteration to the building itself, either internally or externally as part of this application.

6.4 Parking provision on site would remain as currently exists.

7. SUMMARY OF CONSULTATION RESPONSES

**External Consultees**

7.1 N/A.

**BDC Consultee**

7.2 BDC Environmental Health

7.2.1 No comments to make on basis that there does not appear to be any change to the access to the unit.

**ECC Consultee**

7.3 Essex County Council Highways Authority

7.3.1 No comments to make – the development accords with the NPPF and the Highway Authority's Development Management Policies.

8. PARISH / TOWN COUNCIL

8.1 N/A.

9. REPRESENTATIONS

9.1 A site notice has been displayed on fencing around the site and numerous commercial premises in the area have been notified.

9.2 No responses have been received in response to the public consultation.

10. PRINCIPLE OF DEVELOPMENT

10.1 The site is located within the development boundary, wherein the principle of development is acceptable, as laid out in Policy LPP1 of the Adopted

Local Plan, which directs development to areas of land within development boundaries.

- 10.2 The site, more specifically, lies within an Employment Policy Area. 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 for such uses where they continue to offer a viable and sustainable location for such employment uses.
- 10.3 Policy LPP3 of the Adopted Local Plan identifies Employment Policy Areas where (inter alia) uses including office use, research and development, general industrial, storage and distribution will be permitted and retained.
- 10.4 The principle of changing the use of this building from storage and distribution (B8) to a combined mix of general industrial (B2) and B8 and is therefore an acceptable one, subject to adherence to various policy criteria, which is discussed below.

## 11. SITE ASSESSMENT

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

- 11.1.1 As already indicated, the site forms part of the long-established Springwood industrial estate. There are a range of buildings in the immediate vicinity, some of which are low level, brick built and likely date from the inception of the estate (circa 1970's) and more recent buildings being larger, composite clad buildings. The application premises appears as a prominent, modern building, larger than the immediate surrounding buildings.
- 11.1.2 To re-iterate, this application relates wholly to a change in use; there would be no alteration to the building itself, either internally or externally, and existing forms of enclosure around the site, are not identified to be altered. As such, the scheme would be considered acceptable in terms of design and appearance, having no visual impact.
- 11.1.3 In terms of general character of the area, Officers acknowledge that the end user is not identified, and the Applicant is seeking approval for a change of use in order to broaden potential interest in purchasing or leasing the premises. As this is the case, it is not known exactly what type of business would operate therefrom. However, it would be limited to a mix of B2 and B8 uses, and both these uses are conducive to the area, being located centrally within the industrial estate, wherein Policies LPP2 and LPP3 of the Adopted Local Plan support the provision of these uses.
- 11.1.4 It is considered appropriate in terms of further assessing 'character' impacts to note that the Applicant has stated that the resultant uses are proposed to operate on a 24/7 basis. Officers have carried out research to identify whether there are existing restrictions on hours of operation at Springwood Industrial Estate. None of the planning permissions checked

have any form of restrictive hours imposed on the use of buildings. As such, given the site is located on a long established industrial estate where industrial uses are acceptable and there do not appear to be restrictions to hours of operation on a general level, it would be considered onerous to impose such restrictions in this case and it would be likely that future uses of the building, within the limitations of the planning use, could take place without impacting on the character of the area.

11.1.5 Officers conclude that the scheme would be acceptable in terms of design, appearance and impact on the character and appearance of the area, complying with Policies LPP1, LPP2, LPP3 and LPP52 of the Adopted Local Plan.

## 11.2 Highway Considerations

11.2.1 Policy LPP43 of the Adopted Local Plan requires development proposals to provide parking in accordance with the Essex Vehicle Parking Standards.

11.2.2 The Essex Parking Standards identify that for B2 uses, a maximum of 1 space per 50sq.m is required, compared to 1 space per 150sq.m for Use class B8; as such, this would equate to an equivalent of maximum provision requirement of 26 spaces or 8 spaces respectively.

11.2.3 The site does not currently have any marked parking bays set out within the site, however some limited off street parking could be accommodated to the front, side and rear of the building. Given the age of the estate generally, there are numerous units within the estate which do not meet the current parking standards and indeed the application site is no different. This is a generalised symptom of the area.

11.2.4 The parking standards allow for a lower provision of vehicle parking in urban areas where there is good access to alternative forms of transport and existing car parking facilities. In this respect, there are cycleways within the estate and public transport provision along Rayne Road, which is easily accessible from the site. Furthermore, there is a large car park nearby, providing exclusively staff parking for Springwood Industrial estate.

11.2.5 In terms of potential conflicts with a lack of on-site parking provision and HGV/general manoeuvring around the area, Crittall Drive has double yellow lines, preventing on street parking, and this is replicated throughout the estate. Any end user would therefore be aware of the parking situation before taking on the site and can establish whether it meets with their operational requirements.

11.2.6 The Essex County Council Highways Team raise no objection to the scheme generally, finding that the proposal accords with their own Development Management policies and the NPPF.

11.2.7 In balancing the lack of parking, Officers consider that given there is a generalised lack of off-street parking provision for the application site and

many other units in the area, the lack of on-site parking would not result in cars parked on the service road, there are public transport links and cycle provision and there is a large staff car park nearby, together with the fact that the proposed use in this area is policy compliant, the scheme would be considered acceptable in terms of highway impacts.

11.2.8 It is considered reasonable that a condition is imposed on any grant of consent, requiring cycle parking to be provided, in the interests of promoting sustainable modes of transport.

### 11.3 Impact upon Neighbouring Residential Amenity

11.3.1 Policy LPP52 of the Adopted Local Plan states that there shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact. The National Planning Policy Framework also seeks a high-quality amenity for existing and future occupiers of neighbouring dwellings.

11.3.2 As already identified, the site is located on a long-established industrial estate, and the proposed use would be policy compliant in this area. There are no residential neighbouring properties which abut the site or are in close proximity.

11.3.3 As such, the scheme is considered to be acceptable in terms of impacts on neighbouring residential amenity such that it accords with Policy LPP52 of the Adopted Local Plan and the NPPF.

## 12. CONCLUSION

12.1 The proposed scheme for a change of use from Use B8 to a mixed use of B2 and B8 is considered to be acceptable and would be policy compliant within this area.

12.2 There would be no alteration to the building itself and therefore the design and appearance of the building would remain acceptable.

12.3 No objections are raised in highway terms and a condition can be imposed requiring cycle parking to be provided.

12.4 The proposed alterations would have no impacts on the amenities of residential neighbours as none are nearby.

12.5 Officers therefore conclude that the scheme is therefore acceptable, complying with Policies SP1, SP7, LPP1, LPP2, LPP3, LPP43 and LPP52 of the Adopted Local Plan and the NPPF.

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>
Existing Floor Plan	H10710/01	N/A
Existing Elevations	H10710/02	N/A
Existing Site Plan	H10710/03	N/A
Proposed Floor Plan	H10710/04	N/A
Proposed Elevations	H10710/05	N/A
Proposed Site Plan	H10710/06	N/A

Condition(s) & Reason(s)

Condition 1

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).

Condition 2

Approved Plan(s) / Document(s)

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

Use of Building

The building shall only be used for B2 and/or B8 uses and for no other purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order).

Reason: To ensure that appropriate uses are maintained having regard to the location of this site in an Employment Policy Area.

Condition 4

Cycle Parking

Prior to first use of the building, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities

shall be provided in accordance with the approved details prior to first use and shall thereafter be retained in the approved form.

Reason: To ensure appropriate cycle parking is provided in accordance with the adopted parking standards.

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
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

#### Other Material Considerations

Adopted Car Parking Standards SPD (2009)

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
74/00006/P	Erection of factory offices	Granted	25.06.74
76/00897/P	Construction of internal offices with additional windows.	Granted	01.09.76
82/00053/P	Proposed change of use of factory to Snooker Centre.	Withdrawn	01.02.82
82/00385/P	Proposed change of use from warehouse/office to Snooker Centre with ancillary offices.	Granted	15.06.82
84/00229/P	Change of use from Class 111 light industrial to warehouse/offices.	Granted	27.03.84
89/01796/P	Extension To Existing Industrial Unit	Granted	25.10.89
13/01014/FUL	Alteration to form two separate commercial units	Granted	21.10.13

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 6th January 2026	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	25/02387/TPO
<b>Description:</b>	Notice of intent to carry out works to trees protected by Tree Preservation Order TPO 04/1979 - G2 07EQ - Acer platanoides - Reduce crown over roadway by up to 2-3 meters. 07ER - N/A - Remove stem from hedge. 07EK - Group - Mixed Species - Reduce hedge height to 2 meters. 07EL - Carpinus betulus: Sever ivy. Reduce canopy away from property by up to 2 metres. Report of vines. Remove vines from fence line.
<b>Location:</b>	Open space at: Stilemans Wood, Braintree, CM77 8GR
<b>Applicant:</b>	Braintree District Council
<b>Date Valid:</b>	21st October 2025
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> <li>▪ Application GRANTED subject to the Condition(s) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</li> </ul>
<b>Options:</b>	The Planning Committee can: <ol 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> </ol>
<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>	Alistair Godfrey For more information about this Application please contact the above Officer on: 01376557857, or by e-mail: <a href="mailto:alistair.godfrey@braintree.gov.uk">alistair.godfrey@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 considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	If granted permission, the works as set out within the application would be undertaken, the cost of which would be funded from existing budgets. The Council may be required to pay any costs arising 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>Local Government Review Implications:</b>	No LGR implications.
<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><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>▪ 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="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 25/02387/TPO.</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> </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 application is being reported to Planning Committee as the Applicant is Braintree District Council.
- 1.2 The application site is situated on the boundary of the open space of Stilemans Wood (road) which borders the properties of Deben Court in Cressing, on the edge of Braintree.
- 1.3 Four sets of works are proposed to trees subject to Tree Preservation Order (TPO) 4/1979 - G2 comprising maintenance works and one removal.
- 1.4 With the exception of T07ER, the trees are all reasonable specimens with good visibility and are considered to offer moderate amenity value.
- 1.5 With the remaining trees, their proximity to footpaths, roadways and residential dwellings/garden spaces increases the potential risk of obstruction from low branches.
- 1.6 The works are in line with sound arboricultural management and assists the Council with administering it's duty of care. The proposed works would reduce the risk associated with the trees and abate potential nuisance. It is therefore recommended that consent is granted for all the proposed works.

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.
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 is situated on the boundary of the open space of Stilemans Wood (road) which borders the properties of Deben Court in Cressing, on the edge of Braintree.
6. DETAILS OF TREE PRESERVATION ORDER
- 6.1 The tree(s) subject to this application are protected under the following Tree Preservation Order (TPO): 4/1979 - G2.
7. PROPOSAL
- 7.1 The application seeks permission for the following works to trees subject to Tree Preservation Order (TPO) 4/1979 - G2:
  - 07EQ - Quercus robur: Reduce crown over roadway by up to 2-3 meters.
  - 07ER - Unknown species: Remove stem from hedge.
  - 07EK - Group - Mixed Species: Reduce hedge height to 2 meters.
  - 07EL - Carpinus betulus: Sever ivy. Reduce canopy away from property by up to 2 metres. Report of vines. Remove vines from fence line.
8. SUMMARY OF CONSULTATION RESPONSES
- 8.1 N/A.
9. PARISH / TOWN COUNCIL
- 9.1 Cressing Parish Council
- 9.1.1 No response received.

10. REPRESENTATIONS

10.1 None received.

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 With the exception of T07ER, the trees are all reasonable specimens with good visibility and are considered to offer moderate amenity value.

11.3 07ER is assumed to be a *Fraxinus excelsior*. It is dead and has been heavily reduced to 4 meters. Its removal is in line with good arboricultural practice.

11.4 07EQ is a *Quercus robur*. The proposed works are to reduce the crown over the roadway by 2-3m. It would be in line with good arboricultural practice to manage the tree by reducing the canopy to clear the branches from the roadway to ensure continued access down the roadway.

11.5 07EK is a mixed species hedge. The proposed works are to maintain the hedge within its setting. The proposed work is in line with good arboricultural practice. This work was brought to Braintree District Council's attention following a resident enquiry.

11.6 07EL is a *Carpinus betulus*. This work was brought to Braintree District Council's attention following a resident enquiry. The proposed work would maintain the tree within its setting and aids in abating nuisances associated with the tree.

11.7 The works are in line with sound arboricultural management and assists the Council with administering its duty of care. The proposed works would reduce the risk associated with the trees and abate potential nuisance.

11.8 Given the level of associated tree cover in the area, and that the Council can in all respects be considered to be managing the trees appropriately, requiring a replacement for T07ER by condition is not considered proportionate in this case.

11.9 It is therefore recommended that the works to the trees are supported.

12. CONCLUSION

12.1 Officers consider that, subject to conditions, the proposed works to the protected tree(s) will: safeguard established local amenity; and will not result in (or will appropriately ameliorate) any adverse loss to neighbouring amenity or property.

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:

- 07EQ - Quercus robur: Reduce crown over roadway by up to 2-3 meters.
- 07ER - Unknown species: Remove stem from hedge.
- 07EK - Group - Mixed Species: Reduce hedge height to 2 meters.
- 07EL - Carpinus betulus: Sever ivy. Reduce canopy away from property by up to 2 metres. Report of vines. Remove vines from fence line.

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
Sketch Plan	N/A	N/A

Condition(s) & Reason(s)

Condition 1

Time Limit

The works hereby permitted shall be completed within two years of the date of this decision.

Reason: To enable the Local Planning Authority to re-assess the acceptability of the work considering a potential change within this period.

Condition 2

Arboricultural Standards

The works hereby permitted shall be completed to current arboricultural standards (BS 3998: 2010 Tree Work - Recommendations).

Reason: To ensure the works are carried out to best industry practice.

Condition 3

Specification of Works

The works hereby permitted shall only be carried out in accordance with the description of proposed works, as set out above, and as described and shown on the plan(s) and document(s) submitted with the application.

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

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

Other Material Considerations

None

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
95/01193/OUT	Residential Development	Granted with S106 Agreement	29.10.97
97/01466/REM	Erection of 23 no. dwellings, garages and associated ground works	Granted	25.02.98