

# PLANNING COMMITTEE AGENDA

Tuesday, 4th July 2023 at 7.15pm

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

**THIS MEETING IS OPEN TO THE PUBLIC**

Members of the public will be able to view and listen to this meeting via YouTube.  
To access the meeting please use the link below:

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

---

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

Councillor J Abbott

Councillor J Beavis

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

Councillor J Hayes

Councillor D Holland (Vice-Chairman)

Councillor A Hooks

Councillor A Munday

Councillor I Parker (Chairman)

Councillor F Ricci

Councillor P Schwier

Councillor G Spray

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

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 one hour before the start of the meeting.

D GASCOYNE  
Chief Executive

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

### **Declarations of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI), or Non-Pecuniary Interests (NPI)**

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

### **Public Question Time - Registration and Speaking**

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

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

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

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

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

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

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

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

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

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

## **Health and Safety**

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

## **Substitute Members**

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

## **Documents**

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

## **Data Processing**

For further information on how the Council processes data, please see the Council's Privacy Policy:

[https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

## **Mobile Phones**

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

## **Webcast and Audio Recording**

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

## **Comments and Suggestions**

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

## **PUBLIC SESSION**

**Page**

**1 Apologies for Absence**

**2 Declarations of Interest**

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 18th April 2023 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications.

**5a App. No. 22 01217 REM - Land at Haverhill Business Park, Phoenix Road, HELIONS BUMPSTEAD** **5 - 37**

**5b App. No. 23 00409 FUL - Land South of 39 The Street, WHITE NOTLEY** **38 - 61**

**5c App. No. 23 00956 LBC - Town Hall, 61 Newland Street, WITHAM** **62 - 76**

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

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

## **PRIVATE SESSION**

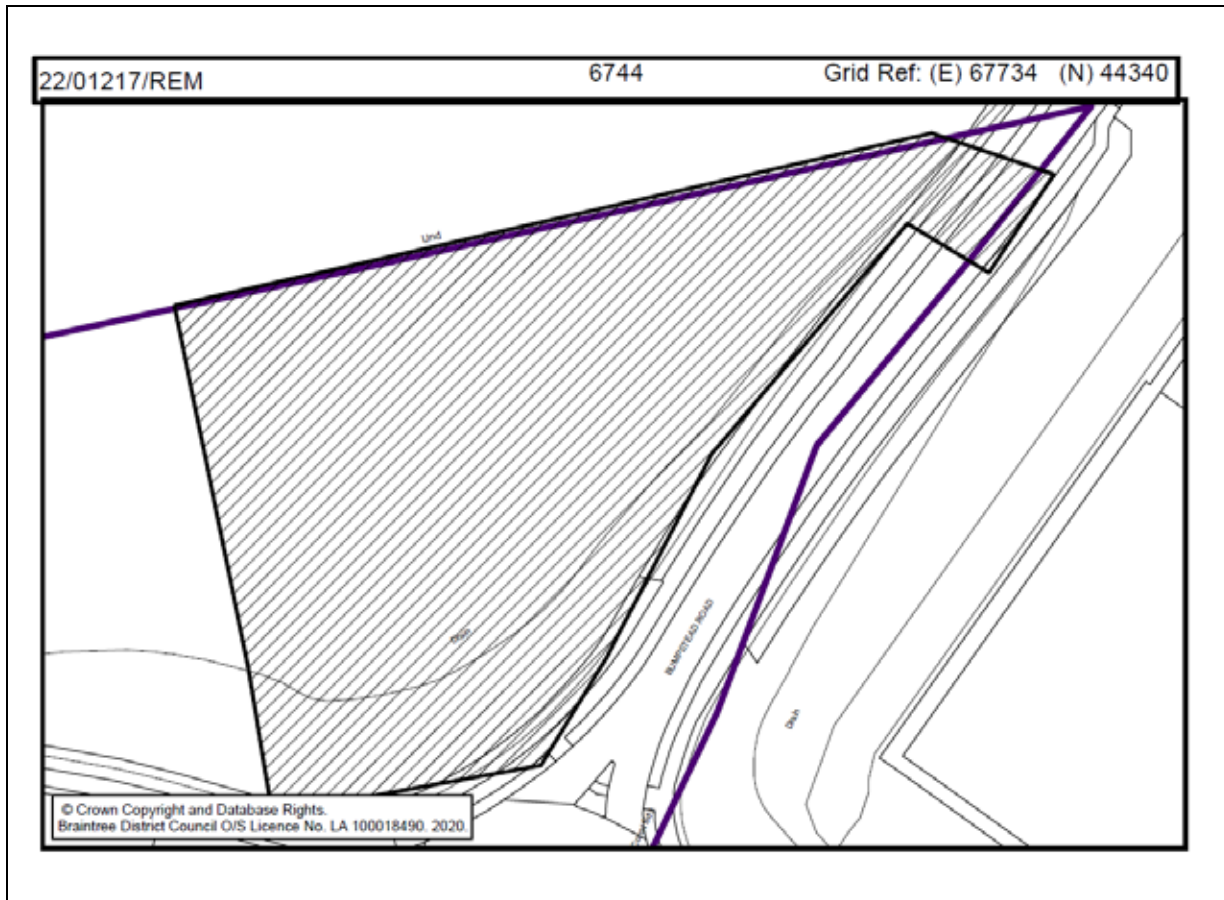
**Page**

**8 Urgent Business - Private Session**

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

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 4th July 2023	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/01217/REM
<b>Description:</b>	Application for the Approval of Reserved Matters (in respect of Access, Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 15/01477/OUT granted 04.10.2016 for: Construction of access road and the erection of a freestanding drive-thru restaurant with car parking, goal post height restrictor, customer order displays and associated works.
<b>Location:</b>	Land At Haverhill Business Park Phoenix Road Helions Bumpstead
<b>Applicant:</b>	McDonald's Restaurants Ltd, 11-59 High Road, East Finchley, London, N2 8AW
<b>Agent:</b>	Mr Benjamin Fox, Planware Ltd, St Andrews Castle, 33 St Andrews Street South, Bury St Edmunds, IP33 3PH
<b>Date Valid:</b>	6th May 2022
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can: a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overtturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
<b>Case Officer:</b>	Carol Wallis For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2534, or by e-mail: <a href="mailto:carol.wallis@braintree.gov.uk">carol.wallis@braintree.gov.uk</a>

**Application Site Location:**



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<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: 22/01217/REM.</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 site is located to the northwest of the junction of Bumpstead Road / A1017 / Phoenix Road. It is currently vacant and undeveloped land and has been designated as employment land on the Adopted Local Plan proposals map.
- 1.2 The site forms part of Plot NW2 within an outline planning consent which would be served by a new and agreed access road via Bumpstead Road. The Applicant proposes to erect a single storey drive-through restaurant with associated parking, sitting out areas, play frames and landscaped areas.
- 1.3 The proposed building would have a footprint of around 462sq.m. A total of 48 car parking spaces would be provided with a dedicated drive-through loop road to the rear of the building.
- 1.4 The overall design and site layout are considered to be acceptable in view of the nature of the business and the wider industrial setting. Appropriate parking provision would be provided, and electric charging points and cables would be provided, in line with the Building Regulations.
- 1.5 The Applicant has demonstrated, through technical reports and plans, that there would not be detrimental impacts on amenities of local residents, drainage issues, nor on highway safety. No trees would be removed. Only a stretch of roadside hedgerow will be removed to facilitate the provision of the agreed vehicular access point onto Bumpstead Road.
- 1.6 Officers therefore consider that, subject to the conditions listed, the development is acceptable, and the Reserved Matters pursuant to this application should be approved.

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 application site is located to the northwest of the junction of B1057 Bumpstead Road/ Phoenix Road/ Iceni Way, in the Haverhill Business Park. It forms part of a 12.6ha site covered by cross boundary outline planning permissions (Application Reference 15/01477/OUT of Braintree District and Application Reference DC/14/2087/OUT of West Suffolk) for uses including B1, B2, B8, road sides uses (petrol filling station and restaurant/s - A3/A5 uses), car dealerships, builders merchants, ancillary lorry park for Business Park occupiers together with landscaping, car and HGV parking and associated works and facilities including access. Access was also determined under the outline consents with one additional access from Bumpstead Road to serve Plot NW2. The current application site covers the south-eastern portion of Plot NW2.

- 5.2 The site is approximately 0.66ha in size. It is currently undeveloped and vacant, with trees and vegetation along the road frontages. The site gently slopes up from the north-eastern corner to the middle part of the site and the majority of the site remains relatively flat. The gradient rises sharply along the southern boundary towards Phoenix Road.

6. PROPOSAL

- 6.1 Reserved Matters approval is sought for access, appearance landscape, layout and scale pursuant to outline planning permission 15/01477/OUT for the construction of an access road and the erection of a freestanding drive-thru restaurant with car parking, goal post height restrictor, customer order displays and associated works. The proposed building would be single storey in height, with dimension of approximately 36m (w) x 14m (d) x 5.8m (h). The building would consist of staggered flat roofs.

- 6.2 The building will have an external footprint of about 426sq.m. It would provide a dining area of about 128sq.m which could accommodate 118 covers. A play frame of about 3.8m (w) x 3.8m (d) x 4.46m (h) would also be provided to the west of the restaurant.

6.3 Together with the suite of plans and drawings, the following technical documents are also submitted for consideration:

- Acoustic Assessment
- Anti-Social Behaviour Workbook
- Covering Letter
- Drainage Maintenance Plan
- Flood Risk Assessment and Drainage Strategy
- Foul and Surface Water Drainage Strategy
- Landscape Plan
- Litter Management Plan
- Materials and Product Specifications
- Phased 2 Geo-technical Assessment
- Rapid Health Impact Assessment
- Sample Photos of Building
- Technical Note in response to Lead Local Flood Authority (LLFA)
- Technical Note dated 28 July 2022 in response to Highways' comments
- Topographical Survey
- Visual Perspectives

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

7.1.1 No response received at the time of writing.

### 7.2 Essex Police

7.2.1 Whilst there are no apparent concerns with the layout of the development to comment further, finer details such as the proposed lighting and physical security measures would be required. Would welcome the opportunity to assist the developer to demonstrate their compliance with criterion (h),(j) and (m) of Policy LPP52 of the Local Plan, by achieving a Secured by Design (SBD) Commercial award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

### 7.3 Health and Safety Executive (HSE)

7.3.1 No response received at the time of writing.

### 7.4 National Highways

7.4.1 No objection. The proposed development site is remote from the nearest Strategic Road Network.

7.5 Natural England

7.5.1 No comments.

7.6 Rambles Association

7.6.1 No response received at the time of writing.

7.7 West Suffolk Council – Planning

7.7.1 Objection. The site is in a prominent location and is highly visible. The existing trees and hedge are not sufficient to acceptably reduce the stark visual impacts of the development from nearby roads. Land adjacent to Bumpstead Road is not under Applicant's control. There is insufficient land within the site for meaningful landscaping. There is no landscaping proposed along the majority of northern boundary. The proposed play equipment is generously scaled and is located in a highly visible position along Phoenix Road. The site layout is cramped and presents an overly engineered and vehicle dominated arrangement.

7.7.2 A transport assessment should be provided and consider matters including the anticipated volume of the customers, the suitability of the process access, justification of the location, a no-right turn for vehicles travelling from north to south, suitability of the visibility splays, existing speeding issues, assessment of the proposed parking and electric vehicle (EV) charging provision, lorries and refuse parking and manoeuvring and pedestrian and cycle links to the wider area.

7.7.3 Additional documents including Noise Impact Assessment, External Lighting and Waste and Little Management Strategy should be provided.

7.7.4 The requirement to comply with the outline consents, with particular reference to Conditions 4 (provision of a 1.8m wide footway on the eastern side of Bumpstead Road between Helion Bumpstead Road and Hollands Road), 9 (lighting not exceeding 1 lux at ground level at the highway boundary) and 16 (all lighting installations not to cause any glare to residential properties) is highlighted.

7.7.5 No further or revised comments were received following re-consultation on additional information and revised drawings.

7.8 BDC Environmental Health

7.8.1 No objection, subject to conditions on Construction Method Statement, Dust and Mud Control Management Scheme and Noise Assessment following installation of plant or equipment controlled and agreed by Condition 14 of the outline consent.

7.8.2 Satisfied with the assessment and conclusion of the submitted Phase II Contaminated Land Assessment. Any unexpected land contamination is

controlled by Condition 19 of the outline consent, which is still applicable to the proposed project.

7.8.3 Artificial lighting is controlled by Condition 16 of the outline consent, which is still applicable to the proposed project.

7.8.4 Condition 14 of the outline consent controls the acoustic issue of the proposed plant/equipment and the Officer is satisfied that it will deal with any noise issues that may arise.

7.8.5 The Applicant's Acoustic Assessment has been examined and assessed, and the assessment, process used, and the conclusion are agreed.

7.8.6 There is no record of noise nuisance issues associated with the McDonald's premises at Galley's Corner since its opening.

7.9 BDC Waste

7.9.1 The proposed plans will not cause any issues for the purposes of waste and recycling collection operations.

7.10 ECC Archaeology

7.10.1 The site falls within an area that has been previously investigated through archaeological evaluation and a subsequent excavation. No further fieldwork would be required, and a report has been completed. There will be no archaeological recommendations for this application.

7.11 ECC Highways

7.11.1. No objection, the impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective.

7.11.2 The proposed means of access for pedestrians and cyclists as shown on Drawing No. 8342-SA-8333-P008 Rev. D and the content of Create Consulting Engineers Limited Technical Note dated 28th July 2022 are considered satisfactory.

7.11.3 As the principle of a drive-thru restaurant has been granted via the outline planning permission, which does not restrict the size of any A3/A5 land use proposed, and there has not been any significant changes to the pattern of traffic flows over that part of the network for which Essex County Council (ECC) is responsible, ECC does not require a TA to accompany the planning application.

7.12 ECC SuDS

7.12.1 Defer to Suffolk County Council for SuDS information to avoid a confused approach.

### 7.13 Suffolk County Council – Highways

- 7.13.1 Due to the time that has passed since the grant of outline consent, it is considered that a Transport Assessment (TA) should be provided to consider the impact of the development on the highway with mitigation proposals where necessary.
- 7.13.2 Given the extent of landownership, there would be merit in revising the location of the access to be from one or both of Phoenix Road or Helions Bumpstead Road. The TA should test potential options to assess the impact of the proposed (and approved) junction.
- 7.13.3 In general, the development has not prioritised pedestrian and cycle movement. The pedestrian will have to cross the drive through lane and the northern footway tapers to a narrower and unspecified width.
- 7.13.4 It is unable to ascertain if the new road will be constructed to adoptable standard. Clarification is recommended, given the unusual ownership of ECC and highway maintenance arrangements to be with SCC. Details would be useful to clarify future s38 and s278 technical approval agreements.

### 7.14 Suffolk County Council - Lead Local Flood Authority

- 7.14.1 No objection following additional information provided by the Applicant.

## 8. PARISH / TOWN COUNCIL

### 8.1 Sturmer Parish Council

- 8.1.1 No objection.

### 8.2 Haverhill Town Council

- 8.2.1 Neither objecting to nor supporting but requested the following:
- the height of the advertisement totem post is reduced to avoid light pollution/impact on local residents and impact on Haverhill skyline.
  - A new traffic survey is required as the submitted one was conducted when there were temporary traffic lights in place, which did not reflect the normal traffic conditions.
  - New access onto Bumpstead Road is a dangerous choice, Phoenix Road would be a safer option.
  - Increase the number of EV charging points.
  - A condition to require regular litter patrols.
- 8.2.2 There is no further comments received following re-consultation on additional information and revised drawings.

## 9. REPRESENTATIONS

9.1 Representations have been received from 9 commentators, 5 in support and 4 raised objections.

9.2 The 5 supportive representations, including 2 West Suffolk District Councillors, are summarised as follows:

- Welcomed by people in Haverhill, positive feedback from the public on social media.
- Very well designed and an ideal location as it is out of the main town, located next to Travelodge/ positive to those working in the surrounding area as well as providing facilities to lorry drivers.
- More jobs for the local area, not only jobs at the premises but also delivery companies.
- A big boost of the local area as a big name is willing to invest into the town.
- The restaurant will greatly improve the gateway into Haverhill. With a drop in height, it will help to break up the huge warehouse type buildings on the opposite side of the road and should not be shy and hidden by landscaping, but stand proud like the new one in Newmarket.
- The access road is very good and well planned, entering a 30mph road/perfect entrance and the new junction will help to ensure this longest length of the road to remain 30mph.
- There is plenty of room for queuing cars into the drive through.
- The large play area is a nice touch and will be appreciated by the children.
- The outdoor sitting area and children play equipment will positively contribute to the area visually.
- No objections from Haverhill Town Council and Sturmer Parish Council.
- Do not agree with the objections from West Suffolk District Council.
- Phoenix Road is heavily congested with parked lorries which severely restrict visibility of a new junction and therefore is a bad alternative to the access road.
- Fantastic addition to the eatery option available in the area.
- Unfair and unreasonable for Suffolk Highways to make negative comments to ask for a travel assessment and change of access at a late stage.

9.3 Objections have been received from 4 addresses, including 1 from a West Suffolk District Councillor, and are summarised below:

- The Applicant has failed to obtain pre-application advice. It has been agreed at outline stage that the entire Business Park, including those partly or wholly within Essex to be determined by West Suffolk Council (WSC) and to consult Suffolk County Council, and that Reserved Matters should have submitted to WSC.
- The access road was designed at outline to service warehousing, not a drive-through restaurant. The amount of traffic is considerable different between the two.

- Bumpstead Road is notoriously known for much higher speed than the 30mph limit. The location is regular monitored by both local police and the Suffolk SafeCam Team because it has been determined as a traffic speed problem.
- Bumpstead Road is not designed for industrial traffic nor the ever-increasing volume of traffic.
- The proposal will worsen the existing highways issues, including busy junctions, speeding and road safety concerns.
- The siting of the access road from Bumpstead Road is unsuitable.
- The access will be used by multiple cars entering and exiting every hour and it is virtually guaranteed to lead to an accident. A Traffic Assessment is needed.
- Phoenix Road is a perfect good entrance with a safe roundabout, the Applicant should be encourage to look at this when designing the site and explain why this is not used as access road.
- Lorries in Essex are likely to cause numerous waste drops in WSC once the restaurant opens.
- Likely noise issues from the drive-through speakers, affecting the nearby residents. The building on the other side of the road is required to carry out a full acoustic assessment.
- Higher acoustic fencing will resolve the noise issues.
- Delivery lorries may not be able to get out if there is a queue on-site.
- Limited provision of EV charging points, in particular for the users of A1017 as a route between Colchester and Cambridge.
- There should be no right-turn from the north along Bumpstead Road, requiring vehicles to go around the roundabout first.
- The drive-through at McDonald's on London Road tailing back onto the roundabout near junction 7 of the M11 has caused traffic issue, forcing others wanting to reach Epping and Harlow to wait for the queue to move and that McDonald's has to employed staff to steward the queue. This is exactly the scenario here with the potential for queuing back onto Bumpstead Road. With a steep contour incline, this affects the speed of road users and the HGVs attempting to reach Culina (Logistics company).
- Opening hours should be controlled so as not to affect nearby resident's night time amenity.
- The proposed access would cause additional queueing on some of the side streets, affecting nearby residents to enter or exit their properties by car.
- All previous applications by McDonald's to gain dominance in Haverhill has been rejected by West Suffolk District Council and it is clear that it is not wanted in the town.
- This application has been handled differently/underhand and in devious manner as compared to previous ones.
- There is overabundance of eating establishments in Haverhill, including restaurants and fast-food takeaways, a further business in not required in this already crowded market, which will lead to unavoidable closure of local business.
- Potential nuisance, including littering, noise, and anti-social behaviour.



- Believe the original application requires acoustic fencing around the perimeter of this site for commercial development to help mitigate light, noise and smell pollution impacting on residents within 100m of the site. The rest of the business park has a 4m high fencing.
- Suffolk county Council maintains and repair Bumpstead Road and West Suffolk District Council maintains the verges with local residents bearing the upkeeping costs, but it is unfair that the business rates for the properties would go to Braintree District Council.
- There is no continuous footpath to access Haverhill Business Park from any location.
- The toilet facilities will attract more lorry drivers and parked up the road.
- The proposal will impose impact to Haverhill and West Suffolk more than the residents of Braintree District.
- There is no bus stop and no bus service connecting to any town.
- The submitted Health Impact Assessment is biased and an independent view is required. The outline permission is for a warehouse facility which is completely different to the proposal and has been totally ignored. The report should not be a material consideration.
- The submitted Technical Note has not differentiate the traffic patterns of B2/B8 uses as compared to a use that would attract hundreds of vehicles a day. It is also inaccurate to assume that the vast majority of the users would come from the bypass, which is linked to a rural road network from the east.
- There is no separation of HGVs/deliveries to be separated from the pedestrians and other vehicles using the drive-through.
- The noise assessment does not take into account of the height and the audio waves travelling across the valley nor how it would impact on the nearest neighbours. There is no mentioning of noise from drive-through speakers or idling of vehicles.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The principle of development has been established under the outline planning consent (Application No. 15/01477/OUT), which includes restaurants and cafés and hot food takeaways (Former Use Classes A3 and A5). The outline planning consent also considered the site access, including the new access road for Plot NW2 (included the application site) via Bumpstead Road.
- 10.2 The current application seeks approval for all reserved matters. Whilst the location of the proposed access is in line with the approved drawings within the outline consent, access is being sought in relation to internal layout of the application site and how it relates to the remaining land of Plot NW2.
- 10.3 Notwithstanding that the principle of development has previously been established, in view of the requirement of Policy LPP49 of the Adopted Local Plan, the Applicant has provided a Health Impact Assessment to demonstrate that there will not be a cluster of hot food takeaways in the nearby area. There is no school within the immediate surrounding and all of

them are over 1.2km away from the application site. There is no significant adverse health and wellbeing impacts identified.

## 11. SITE ASSESSMENT

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

11.1.1 The proposed building would be of a single storey with a modern and contemporary design with earth tone colour including brown, green, and grey. The design of the proposed building would match that typically expected of a McDonald's premises, with some of the wood poles sourced from a sustainably managed forest. Modular construction techniques would be used to reduce the construction time, minimising the total number of deliveries required during the build and also reduce in the carbon footprint. It would be a single storey building set at the base of a landscaped slope and in itself would not appear prominent in views from surrounding streets.

11.1.2 In the context of the surrounding industrial estate, the proposed building would be mainly visible in views from the north along the new access road into NW2 via Bumpstead Road. For these reasons, Officers do not raise any objection to the design of the building, considering it compatible with the site and surroundings.

11.1.3 It is acknowledged that car parking is largely to the front of the building, but this is not an unusual layout given the industrial estate location. It also represents the most practical and accessible car parking layout to support the restaurant / takeaway use.

11.1.4 The proposal incorporates general areas with green spaces and an outdoor sitting and play area. It is noted that West Suffolk Council planning service raises objection to the size of the play area, but Officers do not consider this to be an adverse characteristic of the proposal. The play equipment is proportionate to the size of the development and not considered visually offensive, according to the principles of natural surveillance and good public realm design contained in the National Design Guide.

### 11.2 Landscaping

11.2.1 The Applicant has provided illustrative drawings and cross sections to demonstrate that the proposed development would be of limited visibility from Bumpstead Road, Phoenix Road and Helions Bumpstead Road. This is due to the natural topography of the site, existing trees, and hedgerows along the highway boundary.

11.2.2 The original outline planning consent required landscaping details to be submitted through planning conditions. The Applicant has provided a landscaping layout plan which indicates areas of proposed planting and green margins. Closed-boarded fencing with a height of 1.2m would be provided around the drive-through but not impacting onto the existing

roadside vegetations. Apart from providing the visibility splays for the agreed access, amounting to an approximate 16m stretch of hedge, no other trees or hedgerows will be removed or pruned back.

- 11.2.3 Whilst the proposed landscaping plan shows soft landscaping areas within the site, no additional tree planting is proposed to be provided along the new internal access road, although it should be noted that the existing trees along the Bumpstead Road frontage are proposed to be retained. The proposal would therefore conflict with Paragraph 131 of the NPPF, which requires that new streets are tree lined. Owing to the proposed site layout, it would be difficult to accommodate new tree planting along the road frontage given the internal vehicular circulation requirements of the proposed drive-thru facility. There is a separate condition on the outline planning consent (Condition 10) requiring the submission of the finer landscaping planting details, however in respect of the proposed landscaping to the site pursuant to this Reserved Matters application, on balance, the proposal is considered to be acceptable in this regard.
- 11.2.4 Given the site is location within a well-established industrial estate, Officers do not have any ecological concerns.

### 11.3 Highway Considerations

- 11.3.1 The Essex Parking Standards (2009), stipulate that restaurant uses would require vehicular parking provision on a ratio of 1 space per 5sq.m whilst hot food takeaway would require 1 space per 20sq.m. As the proposed scheme involves both elements, the parking requirement would range between 21 to 85 parking bays.
- 11.3.2 The submitted drawings show a total of 45 parking bays, and a further 3 accessible parking bays for disabled persons, to be provided near to the building. A total of 8 motorcycle spaces would be provided within the site. A cycle shelter is also proposed in the western part of the site.
- 11.3.3 The general parking bay is of a minimum size of 5m x 2.5m, which is smaller than the preferred size of the Essex Parking Standards (2009). However, given the drive-through nature of the scheme, the application of larger preferred standards would reduce the total number of parking bays. In these circumstances, unique to this type of service provider, the smaller bay size is considered on balance to be acceptable in this instance. The overall parking provision is considered to be generally in line with the adopted standards.
- 11.3.4 The submission has been examined by the Local Highways Authority. There is no objection from ECC Highways who consider that the location of the vehicular entrance is in line with the outline consent, safe and suitable for use. Given there is no major change to the pattern of traffic flow within the local area, it is not considered that a new TA would be required, and it would not be reasonable to request such.

- 11.3.5 West Suffolk Highways have requested an updated assessment given the amount of time that has lapsed since the outline consent was granted. However, the outline remains extant, and the current proposal does not alter the main point of access onto Bumpstead Road. The suggestions from Suffolk Highways and members of the public to create alternative access onto Phoenix Road are considered impractical in view of the gradient change of about 4m ground levels difference. In any event, the alternate access proposed by third parties would contradict the outline consent, specifically Condition 3, that requires access to be taken from Bumpstead Road.
- 11.3.6 Representations raised concerns on the traffic pattern and number of trips of a drive-through as compared to general industrial uses. However, the 2 development scenarios of the TA of the outline consent (Application Reference 15/01477/OUT) had already taken into account the trip generation of a potential drive-through (5% of the total development schedule, equivalent to about 2,298sq.m). The report indicated that the highway network has sufficient capacity to accommodate all the traffic associated and the outline scheme would not increase queues beyond the 2020 base + scenarios. There were no concerns or representations raised regarding how the traffic count was undertaken for the TA. Both ECC Highways and SCC Highways had no objection at the outline stage and the TA was agreed. The currently proposed drive-through proposes a much lower floorspace compared to the 2 scenarios previously tested and therefore it is not considered the trip generations would exceed those agreed previously.
- 11.3.7 Objections have also been raised regarding the manoeuvring of refuse vehicles and the possible queueing of vehicles onto nearby highways. The proposed Block Plan demonstrates that the dedicated drive-through lane would be able to accommodate about 24 vehicles (including 3 waiting bays), without blocking the internal traffic flow of the car park. It is therefore unlikely to have adverse impacts on service delivery. In view of the ample parking provision, temporary waiting bays could be assigned within the car park during busy period as and when needed. Therefore, it is considered that it is unlikely to have substantial queues leading to the public highway. The Applicant is advised to monitor the traffic situation daily and to deploy staff to manage any queueing onto the nearby public highways.
- 11.3.8 In response to representations and in discussion with Officers, the Applicant has agreed to increase the EV charging provision. Apart from the originally proposed 2 EV charging points in the western part, an additional one is also provided for one of the accessible parking spaces for disabled persons in front of the building to aid the user(s). The Applicant has confirmed that charging cables would be laid in the car park to enable the future expansion of EV charging provision as required by the Building Regulations.
- 11.3.9 On this basis, there is no objection to the highways and access arrangements for the proposal.

#### 11.4 Impact upon Neighbouring Residential Amenity

- 11.4.1 There are no residential properties which directly adjoin to the application site. The nearest residences are located on the eastern side of Bumpstead Road, which is about 95m to the northeast of the proposed vehicular road. Representations have been received objecting to the proposal in view of the existing and increased littering problem, as well as the potential of lighting pollution, noise nuisance and anti-social behaviour, and thereby impacting on the amenity levels of the local residents.
- 11.4.2 As the proposed single storey building would be only of 6m in height, it is not considered that it would have an overbearing, overlooking, or overshadowing issue nor blocking the outlook of any residential properties.
- 11.4.3 The Applicant has provided an Acoustic Assessment in support of the application. The technical report has taken into account the operational plant, delivery and drive-through noise, including the use of speakers. The initial BS4142 assessment indicates that there is a low/negligible potential for any adverse impact to the existing noise sensitive receptors. The increase in road traffic movements on the surrounding roads are also negligible and would not be expected to lead to a significant increase in noise, with only less than or equal to 0.5dB.
- 11.4.4 The Council's Environment Health Service has been consulted and raised no objection to the proposal, subject to conditions. There is also no record of any noise nuisance in relation to the other drive-through in Galley's Corner in Braintree. It is not considered that there is a need or a technical justification to control the opening hours of the drive-through.
- 11.4.5 Following initial consultation and the representations regarding the proposed totem sign, the Applicant has revised the location of the totem sign and to reduce the ground level so that it is more in line with those signs of Travel Lodge on the opposite site of Phoenix Road. The acceptability of the totem sign will be subject to the consideration of the separate advertisement consent application (Application Reference 22/01445/ADV).
- 11.4.6 It is not considered that the proposed development would have excessive external lighting which would have detrimental impact on the nearby residences. Condition 16 of the outline planning consent, as a compliance condition, also requires all lighting not to cause glare to nearby residents.
- 11.4.7 In terms of existing and possible littering problems, potential nuisance, and anti-social behaviour, these are controlled under different regimes, including but not limited to Public Order Act, Licensing Act and other environmental regulations. The Applicant has also provided the Applicant's Corporate Littering Management Plan and Anti-Social Behaviour

Guidebook to demonstrate that these matters will be considered and managed by the business. Regular litter patrols will also be conducted by the branch manager which covers an area of 150m from the premises.

11.4.8 In view of the above, Officers are satisfied that the proposal would not cause significant harm to the amenity level of the nearby local residents.

#### 11.5 Flooding and Drainage Strategy

11.5.1 The Applicant has submitted a Flood Risk Assessment and Drainage detailed plan, together with a Drainage Maintenance Plan in support of the application.

11.5.2 The Lead Local Flood Authority has been consulted and raised no objection following the technical note in response to their initial comments. Conditions 6 and 21 of the outline planning consents control these matters, which will need to be discharged under separate application(s).

#### 12. CONCLUSION

12.1 The proposed scheme is considered to be well-designed, appropriate for the site and its industrial setting. There are no substantiated technical objections to the scheme, noting that the principle of a drive-through takeaway restaurant is agreed in principle through the earlier outline planning permission. There would not be any adverse effects on the character and appearance of the local area, local amenities or upon highway safety.

12.2 Overall, Officers consider that the details of the proposal are acceptable in planning terms and in line with the original outline consent and comply with the relevant policies in the Adopted Local Plan.

#### 13. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	8342-SA-8333-AL01	A
Proposed Block Plan	8342-SA-8333-P002	C
Proposed Site Plan	8342-SA-8333-P004	D
Proposed Elevations	8342-SA-8333-P005	N/A
Proposed Plans	8342-SA-8333-P006	N/A
Landscaping	8342-SA-8333-P007	A
Street elevation	8342-SA-8333-SK11	N/A
Section	8342-SA-8333-SK12	N/A
Levels	4220178-1100	P1

Condition(s) & Reason(s)

Condition 1

The development hereby permitted shall begin not later than 2 years from the date of this decision.

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

Condition 2

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

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

Condition 3

The development hereby permitted should be implemented in accordance with the following specifications and retained thereafter:

- Broxap Cycle Shelter Specification Sheet (submitted on 6 May 2022);
- Goal Post and McDigit COD Canopy brochure (submitted on 6 May 2022);
- Outdoor Climb 3x3 E09-004 (2017 Revision) (submitted on 6 May 2022); and
- Standard Patio Area Supporting Specifications (submitted on 6 May 2022).

Reason: In the interests of proper planning.

Condition 4

No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Safe access to/from the site including details of any temporary haul routes and

the means by which these will be closed off following the completion of the construction of the development;

- b) The parking of vehicles of site operatives and visitors;
- c) The loading and unloading of plant and materials;
- d) The storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities;
- g) Construction hours;
- h) Measures to control the dust, mud and dirt during construction and vehicular activities on the site;
- i) Measures to ensure that no burning of refuse, waste materials or vegetation is undertaken on the site;
- j) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- k) A scheme to control noise and vibration during the construction phase;
- l) Measures to minimise the risk of off-site flooding caused by surface water runoff and groundwater during construction;
- m) Provision of a dedicated telephone number(s) of the site manager for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours.

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

Reason: To protect highway efficiency of movement and safety, to protect the amenities of the occupiers of nearby residential properties and the surrounding area.

#### Informative(s)

##### Informative 1

Any works to a watercourse may require consent under Section 23 of the Land Drainage Act 1991.

##### Informative 2

Any works to lay new surface water drainage pipes underneath the public highway will need a licence under Section 50 of the New Roads and Street Works Act.

##### Informative 3

The Applicant should refer to the detailed comments from BDC Environmental Health dated 2 March 2023.

##### Informative 4

The Applicant should refer to the detailed comments from ECC Highways Authority dated 1 June 2022.

##### Informative 5

The Applicant is advised to monitor the traffic situation on a daily basis and to deploy staff to manage any queueing onto the nearby public highways.



### 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
SP5	Employment
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP49	Health and Wellbeing Impact Assessment
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP76	Sustainable Urban Drainage Systems

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
03/01493/OUT	Industrial and warehouse development (Classes B1, B2 and B8), petrol filling station, road users restaurant and hotel and construction of vehicular access	Granted with S106 Agreement	26.05.04
15/01274/FUL	Cross Boundary Application - Construction works associated with earth moving and ground profiling, together with the erection of retaining structures, as well as temporary access from Phoenix Road and Icení Way for construction vehicles and the formation of development platforms	Granted	11.01.16
15/01477/OUT	Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (Sui generis), builders merchants ( Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.	Granted with S106 Agreement	05.10.16
16/00691/DAC	Cross Boundary Application - Application for approval of details reserved by condition nos.	Granted	08.06.16

	3, 4, 5 and 6 of approved application 15/01274/FUL		
16/01833/REM	Submission of details under Outline Planning Permission 15/01477/OUT - erection of site security fencing	Granted	16.05.17
16/02099/DAC	Application for approval of details reserved by condition nos. 7, 13 and 21 of approved application 15/01477/OUT	Granted	29.03.17
21/00137/ECC	Consultation on Essex County Council application no. ESS/145/20/BTE- Construction and operation of a waste recycling facility comprising a standalone recycling building, static recycling plant, storage bays and associated plant and equipment, office and welfare building, weighbridge, parking, fencing, lighting, landscaping, overnight HGV parking and new vehicular access.	Objections Raised	03.02.21
21/03551/REM	Application for the approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 15/01477/OUT granted 05.10.2016 for: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car	Granted	24.03.22

	dealerships (Sui generis), builders merchants ( Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping.		
22/00401/ODC	Out of District Consultation from West Suffolk Council for : Reserved matters application - submission of details under outline planning permission DC/15/2424/OUT - matters reserved by condition 2 (appearance, landscaping, layout and scale) for the development of unit 6 (formerly unit 2) of plot NE2, for Class B1, B2 and B8 use.	No Objections Raised	16.03.22
22/01444/ADV	Installation of: - 6No. internally-illuminated fascia signs - 3No. internally-illuminated booth lettering signs - 1No. internally-illuminated 15" digital booth screen	Pending Consideration	
22/01445/ADV	Installation of internally-illuminated freestanding totem sign.	Pending Consideration	
22/01446/ADV	Installation of: - 4No. freestanding signs - 2No. banner signs - 1No. playland sign - 20. DOT signs - 1No. internally-illuminated single digital	Pending Consideration	

	<p>menu board - 3No. internally-illuminated double digital menu board</p>		
22/03016/NMA	<p>Non-Material Amendment to permission 21/03551/REM granted 24.03.2022 for: Application for the approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 15/01477/OUT granted 05.10.2016 for: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (Sui generis), builders merchants ( Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping. Amendment would allow for: Relocation of building westwards within the site to avoid clash with underground utilities.</p>	Refused	01.12.22

22/03354/VAR	Application for the approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 15/01477/OUT granted 05.10.2016 for: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (Sui generis), builders merchants ( Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping. Variation would allow:- The building to be relocated within the application site	Pending Consideration	
23/00065/DAC	Application for approval of details as reserved by Conditions 2 (Materials Schedule), 3 (Biodiversity Enhancement Layout) and 6 (EV Charging Strategy) of approved application 21/03551/REM.	Pending Consideration	
02/01208/ADV	Display of four advertisement boards	Granted	11.11.02

02/01412/ADV	Erection of 4 no oval signs at Bumpstead Road Roundabout and Rowley Hill Roundabout on Haverhill Bypass		19.11.02
89/00174/P	Construction Of A604 Bypass Of Haverhill To The South Together With Associated Side Road Improvements	Granted	29.03.89
01/00308/FUL	Erection of cold store building	Granted	03.04.01
02/02170/FUL	Erection of storage building for butchers sundries	Granted	07.03.03
03/02188/COU	Proposed change of use of building 'A' from cold storage to plant for handling animal by products	Granted	20.01.05
04/00333/FUL	Erection of extension to form canteen to existing factory unit	Granted	31.01.05
02/00962/REM	Proposed new road junction arrangements and entrance to proposed Business Park	Granted	16.08.02
02/01208/ADV	Display of four advertisement boards	Granted	11.11.02
02/01412/ADV	Erection of 4 no oval signs at Bumpstead Road Roundabout and Rowley Hill Roundabout on Haverhill Bypass		19.11.02
02/01451/REM	Proposed roundabout and internal estate road to proposed business park	Granted	18.11.02
02/01784/REM	Erection of eight industrial units	Granted	16.12.02
02/02329/REM	Landscape scheme for Haverhill Business Park	Granted	28.12.06
03/01493/OUT	Industrial and warehouse development (Classes B1, B2 and B8), petrol filling station, road users restaurant and hotel and construction of vehicular access	Granted with S106 Agreement	26.05.04



04/01043/FUL	Demolition of dwelling and construction of new vehicular access and storage yard in association with new B2 use	Granted	19.07.04
04/01044/REM	Erection of building for general industrial purposes (class B2) together with ancillary storage	Granted	19.07.04
04/01551/FUL	Erection of food processing factory	Granted	02.12.04
81/00576/P	Proposed layout of roads and footpaths for industrial purposes together with flood park and landscaping(amendment to BTE/368/76)		
89/00545/P	Layout of roads and footpaths for B1,B2 and B8 purposes together with landscaping(amendment to BTE/368/76)		
76/00368/P	Layout of roads, footpaths for industrial purposes together with flood park and landscaping.	Granted	28.06.76
72/00585/1/P	Use of 0.25 of an acre for landscaping adjoining development	Granted	13.04.73
89/00545/P	Development Of Site For B1, B2 & B8 Purposes		18.05.89
97/01576/OUT	Industrial Warehouse Development (Classes B1, B2 and B8 )	Withdrawn	15.01.02
05/00705/REM	Proposed Restaurant and hotel	Granted	30.08.05
05/00706/FUL	Erection of Builders Merchants and yard	Granted	11.10.05
05/01393/ADV	Proposed signage relating to Brewers Fayre	Granted	07.09.05
05/01434/ADV	Erection of non-illuminated name board	Granted	08.09.05
05/01435/ADV	Erection of non-illuminated name board - Terence Barker Ltd	Granted	09.09.05
05/01700/FUL	Proposed installation of air	Refused	18.10.05

	extract vents at Terence Barker Unit		
05/02394/FUL	Proposed installation of air extract vents at Terence Barker Unit	Granted	17.01.06
06/00449/REM	Amendment to development approved under application 05/00705/REM - Proposed restaurant and hotel	Granted	05.05.06
06/00702/COU	Change of use land to self storage container area	Granted	24.05.06
06/00902/REM	Office development	Granted	28.07.06
06/02121/REM	Erection of single storey production/warehouse unit with associated two storey offices, associated car parking and landscaping	Granted	26.04.07
06/02203/ADV	Erection of external pylon mounted sign for hotel	Refused	21.12.06
06/02213/ADV	Display of internally illuminated advertisement signage relating to hotel	Granted	18.12.06
06/02278/FUL	Surfacing and use of land for the open storage of a minimum of 15 buses to a maximum of 24 buses with associated timber hut and car parking and new vehicular access	Granted	08.01.07
07/00130/ADV	Display of externally illuminated signage	Granted	19.03.07
07/01235/ADV	Display of non illuminated name board	Granted	08.08.07
08/00071/ADV	Display of illuminated and non- illuminated signage	Granted	21.02.08
09/00308/FUL	Erection of new factory unit within the curtilage of the existing factory unit	Granted	16.06.09
15/01477/OUT	Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side	Granted with S106 Agreement	05.10.16

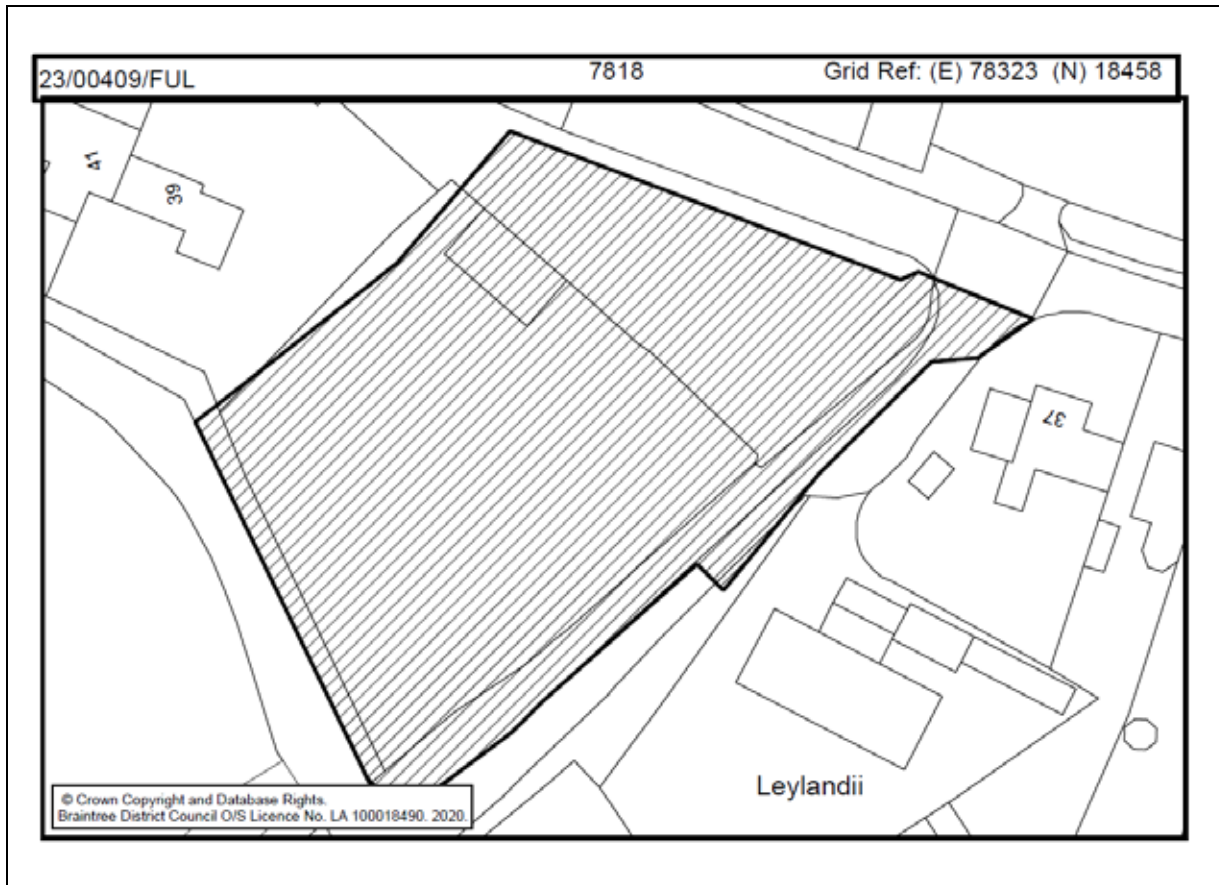
	uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (Sui generis), builders merchants ( Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.		
22/03016/NMA	<p>Non-Material Amendment to permission 21/03551/REM granted 24.03.2022 for: Application for the approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 15/01477/OUT granted 05.10.2016 for: Outline Planning Application (means of access to be determined).</p> <p>- cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (Sui generis), builders merchants (Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access. This application is for the construction of a commercial building for B8 storage and distribution</p>	Refused	01.12.22

	<p>purposes and associated infrastructure and landscaping.</p> <p>Amendment would allow for:</p> <p>Relocation of building westwards within the site to avoid clash with underground utilities.</p>		
22/03354/VAR	<p>Application for the approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 15/01477/OUT granted 05.10.2016 for: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (Sui generis), builders merchants ( Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping. Variation would allow:- The building to be relocated within the application site.</p>	Pending Consideration	

23/00065/DAC	Application for approval of details as reserved by Conditions 2 (Materials Schedule), 3 (Biodiversity Enhancement Layout) and 6 (EV Charging Strategy) of approved application 21/03551/REM.	Pending Consideration	
--------------	--	-----------------------	--

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 4th July 2023	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/00409/FUL
<b>Description:</b>	Erection of 2no. 3 bedroom semi-detached dwellings
<b>Location:</b>	Land South Of 39 The Street White Notley
<b>Applicant:</b>	Mr Jeremy Fisher, The Faulkbourne Estate, Faulkbourne Hall, Faulkbourne, Essex, CM8 1SP
<b>Agent:</b>	Mr George Courtauld, Courtauld & Co., Knight's Farm, Colne Engaine, Colchester, CO6 2JQ
<b>Date Valid:</b>	27th February 2023
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: § Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can: a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> 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>	Fiona Hunter For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2521, or by e-mail: <a href="mailto:fiona.hunter@braintree.gov.uk">fiona.hunter@braintree.gov.uk</a>

**Application Site Location:**



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



	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<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: 23/00409/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 This application seeks planning permission for the erection of two dwellings, each with three bedrooms, along with associated access, parking, and landscaping.
- 1.2 The application site is located to the north west of White Notley, within the countryside. To the south of the site is a complex of listed buildings, along with the boundary of the White Notley Conservation Area.
- 1.3 The application site is located outside of a designated development boundary, and therefore the proposed development is contrary to the Development Plan. Harms have been identified with regards to the potential ecological impacts of the proposal on Priority Habitats, along with impacts on designated heritage assets to the south of the site. The proposals are considered to be out of character with the surrounding area in terms of their design and would lead to an unacceptable impact on neighbouring amenity.
- 1.4 Accordingly, it is recommended that planning permission is refused for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Agent is related to 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 within the countryside to the north west of White Notley, abutting the village envelope to the south east. The site is situated to the south of The Street, and currently forms an area of open space. The site is bounded to the north by dense vegetation along The Street, and light vegetation to the east along the access track, which also forms a Public Right of Way. There is a large oak tree situated towards the southern corner of the site. To the south west of the site is a track forming access to a pair of semi-detached dwellings to the north west. The White Notley Conservation Area is to the south east of the site, extending to the southern side of the access track but not extending to the site itself. There are a number of listed buildings within the vicinity of the site to the south.

6. PROPOSAL

6.1 This application seeks planning permission for the erection of a pair of semi-detached dwellings, each benefitting from a garage, along with associated access, parking, and landscaping. The proposed dwellings would be located towards the middle of the site, maintaining the vegetation towards the north east of the site.

6.2 The application is supported by relevant documents which include:

- § A full set of drawings
- § Planning Statement
- § Design and Access Statement
- § Biodiversity Statement
- § Sustainability Appraisal

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Essex Fire and Rescue

7.1.1 Fire service access appears to be sufficient. More detailed observations would be considered at the Building Regulations Stage.

### 7.2 BDC Ecology

7.2.1 BDC Ecology have raised a holding objection due to insufficient ecological information for UK priority habitats (hedgerow). This is due to a lack of information regarding the hedgerow running along the eastern boundary of the site, with a lack of assessment regarding whether this is a Priority Habitat and whether the hedgerow is 'important' under the Hedgerows Regulations 1997.

### 7.3 ECC Archaeology

7.3.1 The site is located within an area identified as containing archaeological features, and therefore there is a high potential for further archaeological remains associated with the Roman and medieval settlement which will be impacted by the proposed development.

7.3.2 An archaeological trial trench investigation would be required to determine the impacts of the development on archaeological remains. Recommend imposition of a full archaeological evaluation condition.

### 7.4 ECC Historic Buildings Consultant

7.4.1 The application fails to comply with Paragraph 194 of the NPPF owing to a lack of heritage assessment considering the sites location adjacent to the Conservation Area and a number of listed buildings.

7.4.2 There is the potential for the development to have a negligible impact on the heritage assets however there are concerns over the scale and design of the dwellings.

## 8. PARISH / TOWN COUNCIL

### 8.1 White Notley and Faulkbourne Parish Council

8.1.1 The Parish Council have raised concerns over the location of the site outside of the village envelope. There are also concerns raised over the access track and drainage issues, along with privacy issues regarding the proposed terraces.

## 9. REPRESENTATIONS

9.1 Six letters of representation were received from six neighbouring properties, three of which object to the application, one of support, and two neither objecting nor supporting the application.

9.2 The concerns outlined are as follows:

- Location of the site outside the village envelope.
- Suitability of access track.
- White Notley is Third Tier village and therefore not sustainable.
- Surface water/drainage issues.
- Overlooking from terraces.

9.3 The comment of support stated the following:

- Application makes good use of scrubland.
- Design would enhance the village.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

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

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

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

10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of

land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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 The Council has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.

10.2.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.

10.2.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on the 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%.

10.2.4 Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions, that situation is likely to change.

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

## 10.3 The Development Plan

10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033 ("the Adopted Local Plan").

- 10.3.2 The application site is located outside of a designated development boundary and as such is located on land identified as countryside within the Adopted Local Plan.
- 10.3.3 Policy LPP1 of the Adopted Local Plan states that Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.
- 10.3.4 The proposal is contrary to Policy LPP1 of the Adopted Local Plan and therefore the principle of development is unacceptable and contrary to the Development Plan.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 The strategy set out in the Adopted Local Plan is to concentrate growth in the most sustainable locations – that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means “that the spatial strategy for the Braintree District should concentrate development on the town of Braintree, Witham and the A12/Great Eastern Mainline corridor and Halstead”.
- 11.1.2 The Adopted Local Plan classes the village of White Notley as a ‘third tier’ settlement. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.
- 11.1.3 White Notley benefits from a primary school, village hall, church, and public house. Whilst these do provide a level of facilities which would be accessible to future occupiers of the proposed development, these facilities are limited and there would be a reliance on the private vehicle in order to access day to day facilities.
- 11.1.4 The proposal would therefore conflict with the Adopted Local Plan which seeks to direct future development to accessible locations. This weighs against the proposal in the overall planning balance.

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

- 11.2.1 Paragraph 126 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 acceptable to communities. Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

- 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. 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.
- 11.2.4 In this case the proposal seeks planning permission for the erection of a pair of semi-detached dwellings, with associated parking, access and landscaping. The two dwellings would be set towards the centre of the plot, and would be situated facing towards The Street, with the dwellings set at a slight angle to each other. The dwellings would be two storey in height, each with a flat roof single storey double garage to the side forming a terrace to each property. The properties would be modern in style, finished in a black weatherboarding with coloured fenestration elements to each dwelling in orange/blue.
- 11.2.5 The application site is located to the north west of White Notley, located between properties located along The Street, and a further pair of semi-detached properties to the north west. The Street is characterised by a pattern of development, with regular built forms repeated and simple facades. To both sides of The Street, the majority of dwelling are forms of pairs of semi-detached properties, with little articulation to front elevations, and with the material palette typically comprising a mixture of render and brick.
- 11.2.6 The proposed dwellings would feature large gable elements to the front, which are of a wide composition which would be out of character with the surrounding streetscene and would not be traditional in form. The wide



gable elements in combination with the flat roofed garages to each side would form incongruous additions and create a visually complicated appearance to the dwellings. The use of balconies is alien within the surrounding streetscene, particularly in combination with the width of the garage doors which will appear as a dominant feature to each dwelling.

- 11.2.7 The proposed fenestration would fail to be balanced, further complicating the visual appearance of the dwellings. In terms of materials, the use of weatherboarding is not typical of dwellings within the vicinity. There is a converted barn to the south of the dwelling which does feature weatherboarding as a key material, however this relates to the historic use of the building. It is considered that the use of weatherboarding on a new dwelling would be pastiche, and not in keeping with existing character.
- 11.2.8 Overall, the proposed dwellings would fail to relate to the locality and wouldn't reflect local distinctiveness, contrary to Policies LPP47 and LPP52 of the Adopted Local Plan.
- 11.3 Quality of Accommodation
- 11.3.1 Policy LPP35 of the Adopted Local Plan considers the housing mix, density, and accessibility of new development, stating that new development should provide an appropriate standard of residential accommodation for the occupants, and further stipulates that all new development should be in accordance with the national technical housing standards. Furthermore, Policy LPP52 of the Adopted Local Plan requires residential developments to provide a high standard of accommodation and amenity for all prospective occupants.
- 11.3.2 In terms of internal layout, each dwelling would have three bedrooms, two double and one single. To the ground floor of each dwelling would be a large open plan kitchen/dining/living area with utility room and downstairs w/c. To the first floor would be three bedrooms, one master double with en-suite, one double, and one single, along with a bathroom. The Nationally Described Space Standards (NDSS) set out that for a two storey three bedroom dwelling serving five people, a floorspace of 93sq.m should be provided per dwelling. For the proposed development, each dwelling would be afforded 126sq.m of internal floor area, exceeding that required by the NDSS. The proposed bedrooms would accord with the space standards for double and single rooms respectively.
- 11.3.3 In terms of the level of accommodation afforded to habitable rooms, it is considered that each room would have an adequate level of light and outlook by virtue of the orientation of the dwellings and level of fenestration provided.
- 11.3.4 In terms of external amenity, the proposed dwellings would be afforded approximately 450sq.m and 340sq.m of private rear amenity space. Policy LPP52 of the Adopted Local Plan states that the provision of private outdoor amenity space shall be provided having regard to the standards set

out in the Essex Design Guide, and shall be accessible, usable, and well-related to the development. The Essex Design Guide states that for a three bedroom dwelling, a minimum garden size of 100sq.m would be appropriate. The proposal would facilitate the provision of a large amenity area to each dwelling far in excess of 100sq.m. The proposed amenity space for the dwellings would also be accessible, usable, and well-related to the development.

#### 11.4 Heritage

- 11.4.1 When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) states in paragraph 202 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".
- 11.4.2 Policies SP7 and LPP57 of the Adopted Local Plan state that works will only be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.
- 11.4.3 The application site is set to the north of the White Notley Conservation Area, which features a number of listed buildings within a complex to the south of the site. The Applicant has not provided an assessment on the heritage impacts of the proposal, contrary to Paragraph 194 of the NPPF.
- 11.4.4 The Historic Buildings Consultant has provided comments on the application, identifying that the site is in a sensitive location owing to the surrounding heritage assets. It has been identified that there is the potential for built form at the site from a heritage perspective, however this would have to be carefully considered in terms of scale and detailed design and materials.
- 11.4.5 The proposal is therefore contrary to Paragraph 194 of the NPPF, which requires an Applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As set out in Paragraph 197 of the NPPF, new development should make a positive contribution to local character and distinctiveness. In this instance, it is not considered that the proposed dwellings would make a positive contribution to the local character and distinctiveness, and therefore there is a level of harm associated with the proposal.

#### 11.5 Ecology

- 11.5.1 Policy LPP63 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. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

- 11.5.2 Policies LPP66 and LPP67 of the Adopted Local Plan require development to take into account existing landscape features, preserve them where appropriate, and be sensitive to the need to preserve and enhance biodiversity.
- 11.5.3 The application site is currently an area of scrubland, with dense vegetation to the northern boundary abutting The Street. To the eastern boundary, there is an existing hedgerow, and to the southern corner is a large established Oak tree. This large Oak tree is to be retained as part of the proposals, however there is a lack of information submitted in order to ensure the root protection area of the Oak tree would not be impacted by the proposed dwellings.
- 11.5.4 The Ecological Officer has provided comments on the application, raising a holding objection to the application based on a lack of information submitted regarding impacts on a potential Priority Habitat. The application sees an access to the site formed from the access track on the southern boundary. There are concerns raised over the potential impact on the hedgerow, with insufficient information provided in order for an adequate assessment of the proposals. Paragraph 180 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats should be refused. With a lack of information, Officers are unable to determine whether the development is compliant with the NPPF.

#### 11.6 Impact upon Neighbouring Residential Amenity

- 11.6.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan states that development shall not cause unacceptable impacts on the amenities of nearby residential properties including on privacy, overshadowing, loss of light and overbearing impact.
- 11.6.2 The application site is located to the north west of the dwelling known as Leylandii, separated by the access track. The proposed dwellings feature large terraced areas on top of the single storey flat roof garages. The plot located to the south of the site would be located 9.0 metres from the site boundary, and 16 metres from the boundary of Leylandii. The proximity of the terrace would allow for unrestricted views from an elevated position which would lead to an unacceptable level of physical and perceived overlooking.

## 11.7 Highway Considerations

- 11.7.1 Policy LPP52 of the Adopted Local Plan, requires the highway impact of new development to be assessed, and developments which result in a severe impact upon the highway network to be refused.
- 11.7.2 Policy LPP43 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.
- 11.7.3 The application sees the provision of parking to the front of each dwelling, along with parking within the garage of each dwelling. The garages have been designed as double garages, however these would each measure 5.8 metres in width and 5.8 metres in depth internally. In order for a garage to count as a parking space, the internal dimensions must be 3.0 metres by 7.0 metres. The garages therefore fail to accord with that required for parking. Whilst there is parking available to each dwelling to the front of the garages, it would be expected that the garage should meet the required standards. In terms of external parking, each dwelling would be afforded two parking spaces at 2.5 metres by 5.5 metres. These would fail to comply with the required width for parking spaces of 2.9 metres.
- 11.7.4 The proposal therefore fails to demonstrate an adequate level of parking for each dwelling, contrary to Policy LPP43 of the Adopted Local Plan.

## 11.8 Habitat Regulations Assessment (HRA / RAMS)

- 11.8.1 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.
- 11.8.2 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.
- 11.8.3 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.

- 11.8.4 The proposed mitigation measures would consist of the securing of a financial contribution of £156.76 per dwelling erected towards offsite visitor management measures at the above protected sites.
- 11.8.5 This financial contribution has been secured and the applicant has made the required payment under S111 of the Local Government Act 1972.

## 12. PLANNING BALANCE AND CONCLUSION

- 12.1.1 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:
- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 12.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.
- 12.1.3 In this case, it is considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development. This is because there are adverse impacts in regard to designated heritage assets.
- 12.1.4 As set out above, Officers consider that the proposed development would result in harm to the significance of designated heritage assets. In accordance with Paragraph 11d) (i) of the NPPF, where there are no

relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this case the identified heritage harm provides clear reason for refusing the application.

12.1.5 The 'titled balance' pursuant to Paragraph 11d) (ii) of the NPPF is not therefore engaged in this instance, however for completeness the adverse impacts and benefits of the proposal are set out below.

12.1.6 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

## 12.2 Summary of Adverse Impacts

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

### **Conflict with the Development Plan**

12.2.2 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".

12.2.3 The proposed development would conflict with Policy LPP1 of the Adopted Local Plan as it proposes development outside of defined development boundaries and within the countryside. However, while the proposal is

contrary to Policy LPP1 of the Adopted Local Plan, as the Council is currently unable to demonstrate a 5 Year Housing Land Supply, only moderate weight can be afforded to this conflict.

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

- 12.2.4 The site is located within the countryside to the north of White Notley, which is identified as a 'Third Tier' village within the settlement hierarchy and therefore lacks most of the facilities required to meet day to day needs. There would be a reliance on the private car to access the facilities of nearby towns. Moderate weight is afforded to this conflict.

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

- 12.2.5 The proposed dwellings would be out of character with the surrounding streetscene and fail to relate to the local architectural character. The proposal would therefore be contrary Policies LPP47 and LPP52 of the Adopted Local Plan.

### **Harm to Trees and Hedgerows**

- 12.2.6 Insufficient evidence has been submitted to ascertain any potential impacts to the hedgerows, particularly the along the southern boundary of the site, which positively contribute to the locality. As such, at this time, conformity to Policy LPP65 is a material consideration and it is not considered this policy is met. Full weight is given to this conflict.

### **Heritage**

- 12.2.7 The applicant has failed to provide an adequate assessment of the heritage impacts of the proposed development, which is in close proximity to identified heritage assets such as the White Notley Conservation Area to the south, and the complex of listed buildings. No heritage statement of assessment of the potential impact upon the setting of these heritage assets has been provided to support the application. The proposal would therefore conflict with Policy LPP57 of the Adopted Local Plan and the NPPF. Substantial weight is afforded to this conflict.

### **Ecology**

- 12.2.8 Insufficient information has been provided to assess the ecological impacts of the proposal, particularly on the hedgerow to the south of the site. The proposal therefore fails to ensure that there is no harm to protected species and no net loss of priority species, contrary to Policy LPP64 of the Adopted Local Plan. Substantial weight is afforded to this conflict.

## **Harm to Neighbouring Residential Amenity**

- 12.2.9 The proposed terrace to the southern most dwelling would lead to a level of overlooking and loss of privacy to the amenity area to the neighbouring dwelling of Leylandii by virtue of the elevated position of the terrace. This is afforded moderate weight.

## 12.3 Summary of Public Benefits

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

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

- 12.3.2 The proposal would have economic and social benefits and the provision of two new dwellings which would contribute to the Council's Housing Land Supply. Given the small scale nature of the proposal, only limited weight is attached to this benefit.

## **Economic and Social Benefits**

- 12.3.3 The erection of a dwelling would constitute a short-term economic gain from the construction of two dwellings. Furthermore, the proposal would introduce additional occupants, thus bringing economic and social benefits post-occupation. However, with only two dwellings proposed, these benefits would be limited, and thus only limited weight can be afforded to this benefit.

## 12.4 Planning Balance

- 12.4.1 As set out above, Officers consider that the proposed development would result in harm to the significance of designated heritage assets. In accordance with Paragraph 11d) (i) of the NPPF, where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this case the identified heritage harm provides clear reason for refusing the application.
- 12.4.2 Notwithstanding the above, if the 'tilted balance' was engaged, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context, it would be recommended that planning permission be refused for the proposed development.



13. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

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

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	00100 REV 01	N/A
Site Plan	00500	N/A
Visibility Splays	00600 REV 01	N/A
Existing Block Plan	10000 REV 01	N/A
Proposed Block Plan	10100 REV 02	N/A
Utilities Layout	10500 REV 01	N/A
Utilities Layout	10600 REV 01	N/A
Proposed Ground Floor Plan	20200	N/A
Proposed 1st Floor Plan	20250	N/A
Proposed Roof Plan	20300	N/A
Proposed Ground Floor Plan	20500	N/A
Proposed 1st Floor Plan	20600	N/A
Proposed Elevations	50000	North
Proposed Elevations	50050	South
Proposed Elevations	50070	East
Proposed Elevations and Floor Plans	50085	N/A
Proposed Elevations and Floor Plans	50200	N/A
Proposed Elevations	50300	N/A
Proposed Elevations	50400	N/A
Landscape Masterplan	80000	N/A
Other	80100	N/A
Parking Strategy	80200	N/A
Proposed Bin Collection Plan	80300	N/A

#### Reason(s) for Refusal

##### Reason 1

The proposed dwelling, owing to its location outside of any defined development boundaries, would represent an unsustainable form development which would encroach into the countryside, harmfully altering the rural character and appearance of the area. Whilst the proposal is located within walking distance of the facilities of White Notley, these are limited. The proposed dwelling would therefore fail to enhance or maintain the vitality of a rural community, and due to its inaccessible and unsustainable location, future occupants would be highly reliant on the use of a private car. The development would therefore be contrary to the National Planning Policy Framework, and Policies SP1, SP4, LPP1, LPP52 and LPP67 the Braintree District Local Plan 2013-2033.

##### Reason 2

The application site is located to the north of a complex of listed buildings, and adjacent to the White Notley Conservation Area. The application submission failed to provide a heritage impact assessment with the application to demonstrate the

potential impact of the proposal on the nearby heritage assets. The proposed development is therefore contrary to Paragraph 194 of the NPPF, and Policies LPP52 and LPP57 of the Braintree District Local Plan 2013-2033.

#### Reason 3

Insufficient ecological information has been submitted in order to assess the impact of the proposed development on a potential Priority Habitat (Hedgerows) and as such, it is therefore considered that insufficient information has been submitted to fully assess the impact of the proposed development, contrary to Policy LPP64 of the Braintree District Local Plan 2013-2033.

#### Reason 4

The proposal would have an unacceptable detrimental impact on the character and appearance of the surrounding streetscene by virtue of the detailed design and massing of the proposed dwellings, which fails to respond to the locality. The proposal is therefore contrary to the National Planning Policy Framework and Policies LPP35 and LPP52 of the Braintree District Local Plan 2013-2033.

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and discussing these with the applicant either at the pre-application stage or during the life of the application. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

## 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)
SP4	Meeting Housing Needs
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Accessibility
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP53	Conservation Areas
LPP57	Heritage Assets and their Settings
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features

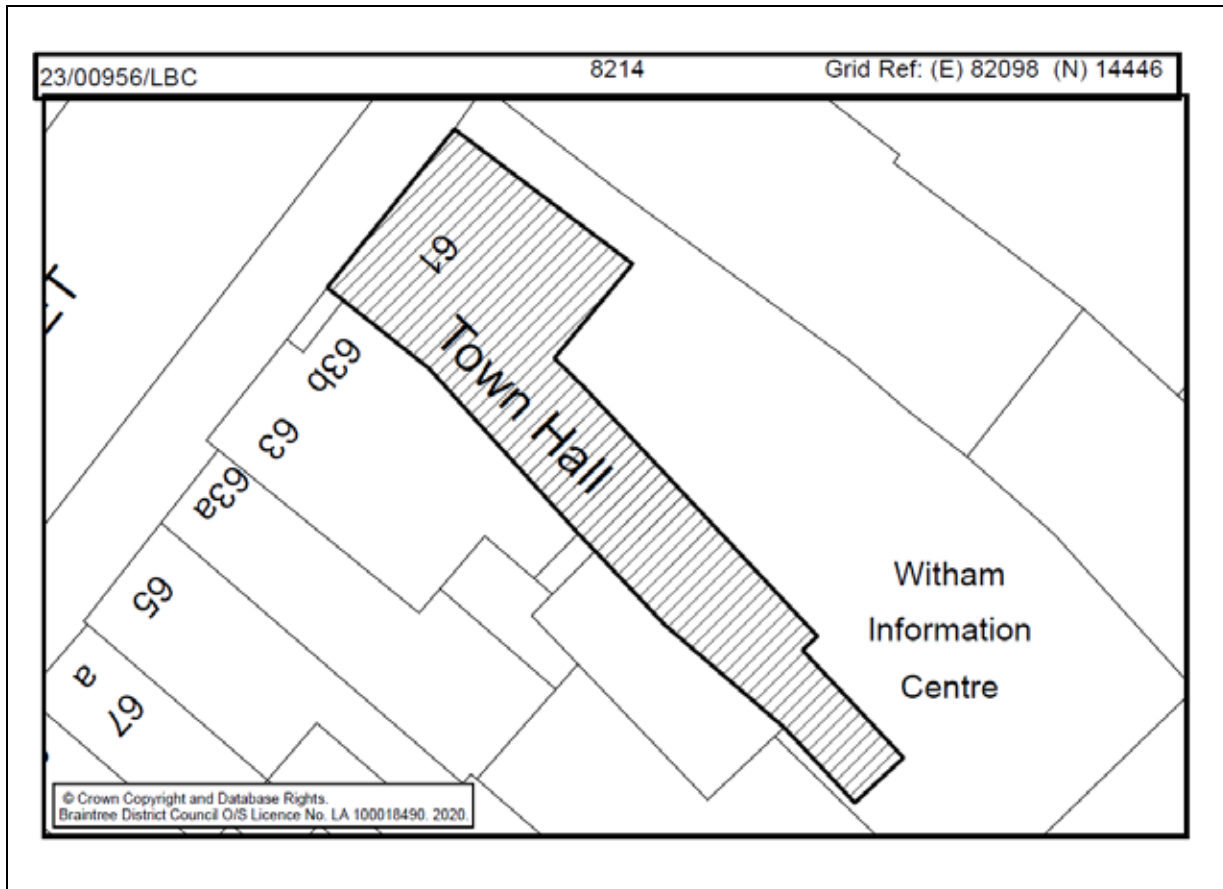
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
18/00117/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Crown lift Oak by 4 metres and reduce lateral spread by 4 metres	Granted	22.06.18

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 4th July 2023	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/00956/LBC
<b>Description:</b>	Internal refurbishments and the demolition of two internal walls to facilitate the installation of a changing places toilet facility.
<b>Location:</b>	Town Hall, 61 Newland Street, Witham
<b>Applicant:</b>	Ms Eve Cleghorn, Causeway House, Bocking End, Braintree, Essex, CM7 9HB
<b>Agent:</b>	Ms Louisa Reynolds, Macegreen, 4th Floor 33 Cannon Street, London, Greater London, EC4M 5SB
<b>Date Valid:</b>	17th April 2023
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
<b>Case Officer:</b>	Fay Fisher For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2507, or by e-mail: <a href="mailto:fay.fisher@braintree.gov.uk">fay.fisher@braintree.gov.uk</a>

**Application Site Location:**



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



	<p>Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<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: 23/00956/LBC.</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 proposal comprises internal alterations to the Witham Town Hall building and involves works to rearrange an existing WC facility which is located within the later 20th Century part of the building.

1.2 The works are not considered to have a detrimental impact on the historic fabric of the listed building and is therefore compliant with the relevant Local Plan policies and the NPPF.

1.3 Consequently, the application is recommended that listed building consent is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is 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 Witham Town Hall is a Grade II listed building, located within the Witham Town Centre Conservation Area and in a prominent position along Newland Street. The building has been extended to the rear and has a large rear garden area which is accessible to the public and a small area of parking.

6. PROPOSAL

6.1 The Applicant is proposing to undertake internal alterations within the single storey rear extension of the Town Hall to create a 'changing spaces' toilet. The works comprise the demolition of two internal walls to facilitate the internal re-arrangement of the existing WC facilities and associated works to refurbish and make good the flooring and decoration. The walls that are proposed to be demolished are plastered brick-built walls and were constructed as part of the early 20th century extension.

6.2 The new wall would have timber acoustic stud partitions. The works would also comprise redecoration, new fittings, splashback, and new vinyl flooring and carpet tiles laid to match the existing. New window film would also be applied to the existing windows following repairs and a new DDA (Disability Discrimination Act) compliant door will be fitted.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 ECC Historic Buildings Consultant

7.1.1 The proposals affect a twentieth century, single storey rear element of the building which makes no contribution to the significance of this listed building. No objections are raised to the proposals, which will have no effect on the special interest of the Town Hall.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 No comments received.

9. REPRESENTATIONS

9.1 None received.

10. ASSESSMENT

10.1 When considering the impact of development on a historical asset, the National Planning Policy Framework (NPPF) specifically states in Paragraph 202 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".

10.2 Policy LPP57 of the Adopted Local Plan states that works will be permitted where they do not harm the setting, character, structural stability, and fabric of the building (or structure), and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance and include the use of appropriate materials and finishes.

10.3 In terms of impact on the heritage asset in this case, the works comprise alterations to the refurbishment and re-arrangement of existing WC located within the 20<sup>th</sup> Century part of the building. The works, as detailed within the submitted heritage statement and statement of works, are not considered to have a direct impact on the historic fabric of the listed building and as such no harm has been identified.

10.4 No objections are raised by the Councils Historic Buildings Consultant. As such, the proposal is considered compliant with the abovementioned policies and the NPPF.

11. CONCLUSION

11.1 The proposed works to allow re-arrangement of an existing WC to provide a changing places facility is not considered to be harmful to the fabric of the heritage asset and as such the proposal is compliant with the relevant policies of the Adopted Local Plan and the NPPF. Accordingly, it is recommended that listed building consent is granted for the proposal.

12. RECOMMENDATION

12.1 It is RECOMMENDED that the following decision be made:

Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location / Block Plan	N/A	N/A
Existing and Proposed Floor Plans	LR01/WIT/2023	N/A

Condition(s) & Reason(s)

Condition 1

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

Reason: This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

Condition 2

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

Reason: 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

LPP57      Heritage Assets and their Settings

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
01/00326/LBC	Erection of 2 no. hanging basket brackets on columns each side of front door	Granted	10.05.01
01/01748/FUL	Erection of extension to form mess room	Granted	10.12.01
01/01749/LBC	Proposed removal of three existing temporary sheds and erection of extension to form mess room	Granted	10.12.01
03/00814/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Raise crown and thin 1 lime tree	Granted	28.05.03
81/00838/	Alterations conversion of rear garage and storage area to provide studio/office accomodation	Granted	22.07.81
81/01027/	Internal and external alterations including installation of new windows to rear, ground floor of building	Granted	09.10.81
82/00023/	Display of internally illuminated fascia sign	Refused	03.08.82
82/00033/	Display of individually illuminated lettering to fascia, two internally illuminated box signs within building	Granted	12.10.82
82/00538/	Display of internally illuminated fascia sign and refacing of entrance step	Refused	03.08.82
82/00849/	Display of individually illuminated lettering to fascia, two internally illuminated box signs within building and refacing of entrance steps	Granted	12.10.82
85/00019/	Same as 85/00654	Refused	16.07.85
85/00654/	Display of illuminated projecting hanging sign	Refused	16.07.85



86/00014/	Same as 86/00401	Refused	17.06.86
86/00401/	Display of externally illuminated projecting hanging sign	Refused	17.06.86
87/00002/P	Display of illuminated hanging projecting sign	Granted	10.02.87
87/00052/P1	Same as 87/0002/P	Granted	10.02.87
93/01308/COU	Change of use to Council Offices, Museum and Lunch Club and refurbishment	Granted	14.12.93
93/01314/LBC	Refurbishment of the existing premises together with internal alterations to provide a Council Chamber, Offices, Lunch Club for the elderly, Museum & Tourist Board Office and private function facility	Granted	14.12.93
74/00007P	Advertisements for the Clock House.		
81/00838/P	Alterations conversion of rear garage and storage area to provide studio/office accommodation.	Granted	
81/01027/P	Internal and external alterations including installation of new windows to rear, ground floor of building.	Granted	
82/00538/P	Display of internally illuminated fascia sign and refacing of entrance step.	Refused	
82/00023/P	Display of internally illuminated fascia sign.	Refused	
82/00849/P	Display of individually illuminated lettering to fascia, two internally illuminated box signs within building and refacing of entrance steps.	Granted	
82/00033/P	Display of individually illuminated lettering to fascia, two internally illuminated box signs within building.	Granted	

85/00654/P	Display of illuminated projecting hanging sign.	Refused	
85/00019/P	Display of illuminated projecting hanging sign.	Refused	
86/00401/P	Display of externally illuminated projecting hanging sign.	Refused	
86/00014/P	Display of external illuminated projecting hanging sign.	Refused	
87/00002/P	Display of illuminated hanging projecting sign.	Granted	
87/00052/P	Display of illuminated hanging projecting sign.	Granted	
78/00390P	Application to determine whether planning permission is required for, demolition of rear wall of premises to create vehicular access.	Granted	
78/01422P	Change of use of premises to workshop of upholstery making and repairs (buildings at rear of 62a).	Granted	
05/01683/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Fell and replace 1 Lime	Refused	02.11.05
06/02320/LBC	Erection of 2 no. flag poles to front of building	Granted	04.01.07
14/00848/FUL	Installation of air conditioning system to three offices on first floor. Installation of one condenser unit on flat roof of small extension behind the Town Hall	Granted	12.08.14
14/00849/LBC	Installation of air conditioning system to three offices on first floor. Installation of one condenser unit on flat roof of small extension behind the Town Hall	Granted	12.08.14
17/00863/LBC	Partial demolition and	Granted	30.06.17

	reconstruction of rear chimney to match original		
19/00058/TPOCON	Notice of intent to carry out works to carry out works to tree in a Conservation Area - Remove 1 Yew tree	Granted	17.04.19
20/00011/TPO	Notice of intent to carry out works to tree protected by Tree Preservation Order 15a/05 -T1 - Small leafed lime ( <i>Tilia cordata</i> ) to undergo full crown reduction - carry out a 2m reduction on all sides with a 5m reduction in height where possible. All appropriate pruning cuts to be made with suitable growth points, no stubs. Reasons for proposed works are; to help maintain the tree at a suitable size due to its location in a target rich area (in an attempt of reducing the risk of damage to person or property), The leaf litter and dead wood falling is in abundance. Targets consist of buildings, pedestrians and cars situated in car park. The tree will be kept in an aesthetically pleasing shape without compromising the health of the tree.	Granted	09.03.20
20/00186/LBC	Refurbishment to include replacement of interior doors and erection of new transparent partition.	Granted	31.03.20
21/00932/TPO	T1140 - Large over extended crown. Grey Poplar. Future prognosis is for this problem to be exaggerated caused by its phototropic nature	Withdrawn	14.04.21

	<p>subsequent to the over shadowing tree's. Potential for storm damage and failure high, suggest fell and replant. Extremely rich target area; railway, road, high pedestrian footfall.</p> <p>T1224 - 2x Grey Poplar Stems. Over stood Coppice stool, stress fractures in the adjoining buttress's resulted in failure of previous stems. Both stems are top loaded, one at a 45% angle. Chances of coppice stool cleaving are high. Target rich environment; foot bridge, seating areas, high pedestrian footfall. Fell and replant</p>		
21/02805/FUL	Removal of existing rear extension and 3 no. standalone sheds and erection of a two-storey rear extension. Extension of existing car park.	Refused	26.01.22
21/02806/LBC	Removal of existing rear extension and 3 no. standalone sheds and erection of a two-storey rear extension. Extension of existing car park.	Refused	26.01.22