

# PLANNING COMMITTEE AGENDA

**Tuesday, 26th March 2024 at 7.15pm**

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

**THIS MEETING IS OPEN TO THE PUBLIC**

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

Councillor J Abbott

Councillor J Beavis

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

Councillor J Hayes

Councillor D Holland (Vice-Chairman)

Councillor A Hooks

Councillor A Munday

Councillor I Parker (Chairman)

Councillor F Ricci

Councillor P Schwier

Councillor G Spray

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

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

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

D GASCOYNE  
Chief Executive

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Health and Safety**

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

## **Substitute Members**

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

## **Documents**

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

## **Data Processing**

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

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

## **Mobile Phones**

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

## **Webcast and Audio Recording**

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

## **Comments and Suggestions**

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

## **PUBLIC SESSION**

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### **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 5th March 2024 (copy to follow).

### **4 Public Question Time**

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

### **5 Planning Applications**

To consider the following planning applications.

- |           |   |                  |
|-----------|---|------------------|
| <b>5a</b> | <b>App. No. 22 01303 FUL - Countryside Leisure Ltd, Maldon Road, HATFIELD PEVEREL</b> | <b>6 - 28</b>    |
| <b>5b</b> | <b>App. No. 23 00707 FUL - Land North of Conrad Road, WITHAM</b>                      | <b>29 - 55</b>   |
| <b>5c</b> | <b>App. No. 23 02086 FUL - Electric Sub Station, Braintree Road, CRESSING</b>         | <b>56 - 78</b>   |
| <b>5d</b> | <b>App. No. 23 02329 FUL - Land South of Haygreen Road, WITHAM</b>                    | <b>79 - 102</b>  |
| <b>5e</b> | <b>App. No. 23 02765 FUL - 1 Turing Court, GREAT NOTLEY</b>                           | <b>103 - 139</b> |
| <b>5f</b> | <b>App. No. 24 00085 HH - 25 Church Street, COLNE ENGAINE</b>                         | <b>140 - 153</b> |

### **6 Urgent Business - Public Session**

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

**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**

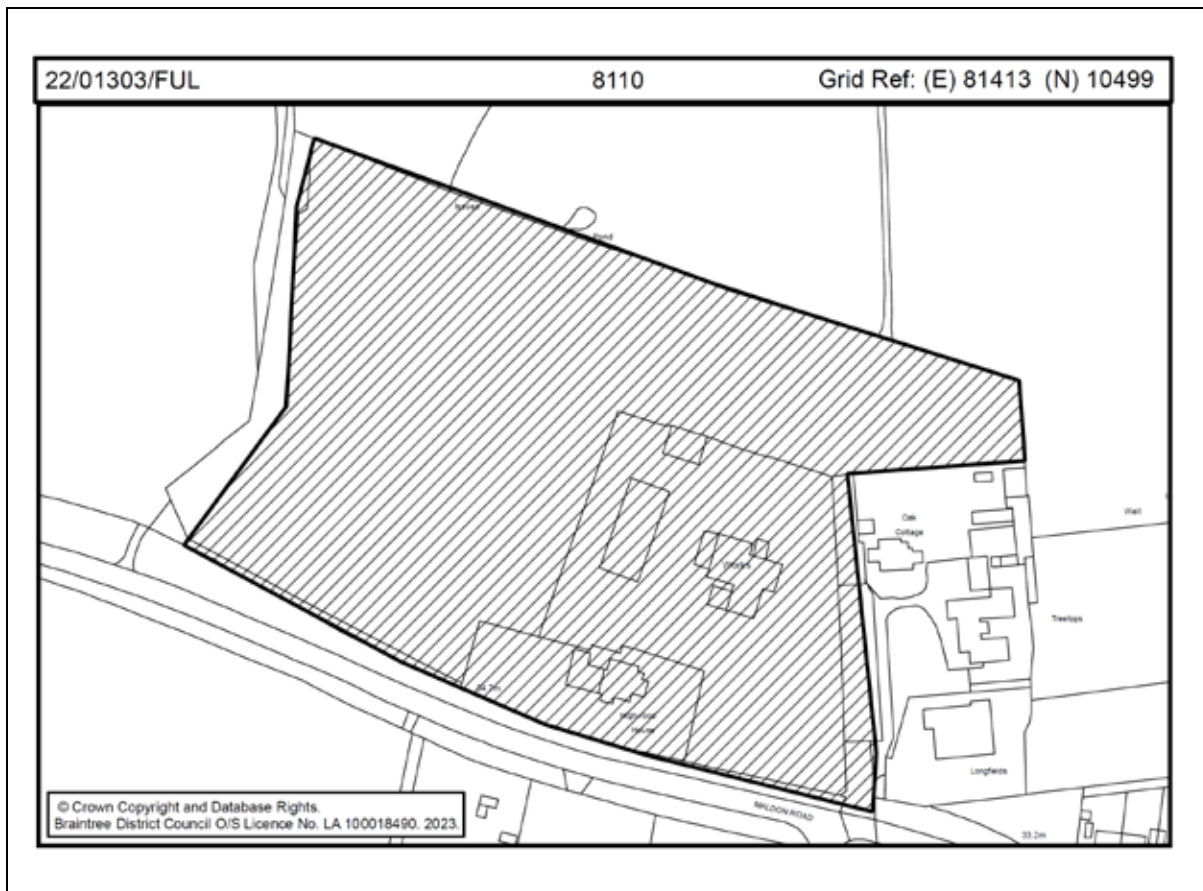
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**8 Urgent Business - Private Session**

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> 26th March 2024	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/01303/FUL
<b>Description:</b>	Demolition of existing buildings in commercial use and the erection of single storey building (1028sqm) to provide for vehicle showroom (Class Sui Generis) caravan MOTs (Class B2), and parts centre.
<b>Location:</b>	Countryside Leisure Ltd, Maldon Road, Hatfield Peverel
<b>Applicant:</b>	Mr I Hilton, Countryside Leisure Ltd, Maldon Road, Hatfield Peverel, Essex, CM3 2JP
<b>Agent:</b>	Mr Philip Morphy, Philip Morphy Architects, Shop Lane, Woodbridge, IP13 0BD
<b>Date Valid:</b>	25th 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>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>	Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: <a href="mailto:lisa.page@braintree.gov.uk">lisa.page@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 not subject to the statutory application fee paid by the Applicant for the determination of the application (this application falling to be a 'free go' in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012).</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>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the</p>



	<p>Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council’s Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/01303/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD’s) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application site is located outside a designated development boundary as defined within the Adopted Local Plan, and as such is on land designated as 'countryside' where there is a presumption against inappropriate new development. There is no policy support within the Adopted Local Plan for the erection of new buildings to support commercial businesses in the countryside. The development is therefore contrary to the Development Plan on this basis. There is however general policy support within the NPPF for the sustainable growth and expansion of businesses in rural areas.
- 1.2 The development would remove an existing poor quality building and would secure a new high quality layout and design for a purpose-built building to meet the needs of the existing business for MOT servicing and caravan sales/parts. The siting of the new building would be well related to the existing built form on the site and existing external storage provision. In addition, due to existing landscaping to the wider site boundaries, the development would not appear unduly prominent or harmful within the locality, including from Maldon Road or the Public Right of Way (PROW) to the west. Overall, by reason of its size, scale, siting and form, the proposed building would be acceptable to the character and appearance of the locality.
- 1.3 Furthermore, access would remain as existing, and the application is considered acceptable in terms of highway capacity and highway safety. The level of existing parking provision is also deemed to be acceptable.
- 1.4 The proposal also complies with other planning considerations in regard to flood risk and drainage, landscape and ecology, and residential amenity.
- 1.5 In addition, as the site constitutes part of a well-established business within the District, allowing its expansion would result in wider economic benefits, and on this basis it is considered that the scheme would result in sustainable development. This is considered to result in a material consideration that would indicate that planning permission should be granted, notwithstanding the conflict with the Development Plan. It is therefore recommended that planning permission be granted.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site is located to the south east of Hatfield Peverel, outside of a development boundary and thus within the countryside. The site is currently occupied by Countryside Leisure Ltd, a caravan sales/dealership, and contains existing caravan workshop buildings, an open caravan sales area, and a large area of open caravan storage. At the front of the site, is a detached two storey building (a former children's nursery), which is lawfully used as offices in association with the use of the site. The site contains both staff and visitor parking provision.

5.2 To the north of the site is woodland; to the east lies some commercial and residential properties; whilst the western boundary is formed by a hedge and tree belt, beyond which lies agricultural land and a single residential dwelling. Also to the west, lies a PROW which runs in a north to south direction (at a distance of over between 65 metres from the western land in the blue edge site boundary). To the south the site adjoins Maldon Road which contains 2 metre high fencing and some hedge planting, beyond which lies a residential dwelling and commercial uses.

5.3 The site is located within Flood Zone 1 (a low probability of flood risk).

5.4 The site is not within a Conservation Area and there are no nearby Listed Buildings.

5.5 The site contains a tree subject to a Tree Preservation Order (TPO), sited to the front Maldon Road boundary.

6. PROPOSAL

6.1 The application seeks the demolition of some existing commercial buildings at the site (amounting to a total footprint of 512sq.m) and the erection of a single storey commercial building (with a footprint of 1028sq.m), to provide for vehicle showroom (Class Sui Generis), parts centre, and caravan MOTs (Class B2).

6.2 The proposed building would measure 21.2 x 48.5 metres and would have a pitched roof form. At the southern end of the building the eaves height would be 3.5 metres with a ridge at 6.6 metres. However, due to the change in land level, at the northern end, the eaves would be 4.5 metres with a ridge height of 7.6 metres.

6.3 The building would be sited in an area currently laid to hard standing and utilised for external caravan storage. No changes are required to the remainder of the site layout, nor in regard to access arrangements.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

7.1.1 Comment that the site falls outside of their statutory sewage boundary.

### 7.2 Essex Fire & Rescue

7.2.1 Make comments regarding the provision of private hydrants (to be considered at Building Regulation consultation stage), water supplies and sprinkler systems.

### 7.3 National Highways

7.3.1 Offer no objections.

### 7.4 BDC Ecology

7.4.1 No objections subject to conditions.

### 7.5 ECC Highways

7.5.1 Confirm that from a highway and transportation perspective, the Highway Authority has no comments to make.

### 7.6 ECC Local Lead Flood Authority (LLFA) – SuDS

7.6.1 No objections subject to conditions.

## 8. PARISH / TOWN COUNCIL

### 8.1 Hatfield Parish Town Council

8.1.1 Have no comments to make.

## 9. REPRESENTATIONS

9.1 The application was advertised by way of site notice, newspaper advert and neighbour letter. No letters of representation have been received.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033. The most relevant 'Shared Strategic' Policies for North Essex authorities include Policies SP3 and SP5. Policy SP3 relating to the Spatial Strategy for North Essex, outlines that existing settlements will be the principal focus for additional growth, and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role. Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment. Policy SP5 specifically relates to employment, and outlines that a strong, sustainable and diverse economy will be promoted across North Essex.
- 10.2 The application site is not identified as being within a development boundary in the Adopted Local Plan and as such is on land designated as 'countryside' where there is a presumption against new development. 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 There are no policies within the Adopted Local Plan that permit the consideration of new enterprises or additional buildings to support existing commercial businesses within the countryside. Whilst Policy LPP7 of the Adopted Local Plan addresses rural enterprises, it states that outside development boundaries, proposals for small-scale commercial development will be supported where it involves the conversion and re-use of existing permanent buildings (together with compliance with other criteria). In this case, the proposal does not comply with Policy LPP7 as it proposes a new building as opposed to a conversion/re-use. The proposal thus is contrary to the Development Plan.
- 10.4 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).
- 10.5 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.
- 10.6 Paragraph 87 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, whilst Paragraph 88 outlines that planning policies and

decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.

- 10.7 In addition, Paragraph 89 of the NPPF also states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It also states that in these circumstances, it will be important to ensure that development is sensitive to its surroundings. Paragraph 89 of the NPPF also states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 10.8 The support within the NPPF in relation to such existing rural businesses is acknowledged and the majority of the site would fall to be 'previously developed land' as the land is currently utilised for external caravan storage. As discussed later in this report, it is considered that the development is well designed, being sited centrally within the plot and well related to existing buildings and the external storage provision on site. In addition, the extensive existing landscaping to the northern and western boundaries (outside of the site boundary) would assist in limiting wider views from across the adjacent countryside, including from the PROW to the west. Overall, the development would be sensitive to its surroundings within this countryside location and would meet with the desires of the NPPF in meeting the need for such development.
- 10.9 Officers have also had regard to any wider social, environmental, and economic benefits. The application form details that the proposal would not result in any additional employment, and thus this would be a neutral consideration in terms of social and economic sustainability. However, the site is an existing well-established business within the District, and allowing its expansion with a purpose built MOT and sales building would inevitably result in wider economic growth/benefits. In terms of environmental benefits, the proposal does not seek to provide any additional soft landscaping, nor set out any sustainable technologies in terms of construction. However, the siting of the building would be on an area of existing hard standing and the proposal would introduce appropriate drainage techniques to which some weight is assigned in terms of environmental sustainability.
- 10.10 Overall, weight is given to the general policy support within the NPPF for sustainable growth and expansion of businesses in rural areas, and as set out, is considered to result in a material consideration that would indicate that permission be granted, contrary to the Development Plan. The siting and design of the development would fall to be appropriate within this this location and would be sensitive to its surroundings. In addition, largely in relation to the economic sustainability benefits, the development would result in sustainable development, and therefore the principle of development is supported in this case.

## 11. SITE ASSESSMENT

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

- 11.1.1 Paragraph 131 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 139 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.
- 11.1.2 In addition to this, Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and should respond positively to local character and context, whilst Policies LPP47 and LPP52 of the Adopted Local Plan seek a high standard of layout and design in all developments, requiring that new buildings reflect or enhance the area's local distinctiveness and be in harmony with the character and appearance of the surrounding area.
- 11.1.3 The application seeks the erection of a pitched roof building which would measure 21.2 x 48.5 metres. Due to land level changes across the site, the eaves and ridge height at the northern end of the building would be 1 metre higher than at the southern end and would be a maximum of 4.5 and 7.6 metres respectively.
- 11.1.4 The proposed building is of a relatively large size, amounting to a total footprint of 1028sq.m. However, a disused commercial building of 512sq.m would be demolished, and its removal would reduce the overall impact of increased built form across the site. In addition, the building to be demolished is of relatively poor appearance and doesn't relate well to the other buildings on site. In contrast, the siting of the proposed building would have a logical relationship to the adjacent buildings on site, and the materials proposed would relate well to the existing commercial building (the walls and roofing would be constructed with a grey steel powder coated box profile cladding with dark blue powder coated eaves, bargeboards, rainwater goods, doors and windows). The building would be purpose built to meet with the needs of the business in providing caravan MOT bays, as well as a connected caravan sales and parts centre. It is considered that the building would result in a high-quality layout and design in compliance with the above policies of the Adopted Local Plan and the NPPF.
- 11.1.5 In terms of the impact to the character and appearance of the locality, Policy LPP67 of the Adopted Local Plan is relevant. This states that in determining applications, the LPA will take into account the different roles and character of the various landscape areas in the District and recognise the intrinsic character and beauty of the countryside in order to ensure that any development permitted is suitable for the local context. Proposals

which may impact on the landscape such as settlement edge, countryside or large schemes will be required to include an assessment of their impact on the landscape and should not be detrimental to the landscape features of the area. Development which would not successfully integrate into the local landscape will not be permitted.

11.1.6 In this regard, the siting of the building relatively central to the wider site would limit views of the building from any wider public viewpoints. From Maldon Road, any views obtained through the existing landscaped frontage boundary treatment would be of the building sitting behind the existing frontage office building, with its gable end relating to the gable forms on the existing office building and the existing commercial building on site. There is a PROW beyond the western boundary, however the building would be at a distance of over 180 metres (at the closest point) from this, behind an existing tree and hedge belt boundary and beyond an extensive area of open caravan storage. It would not appear unduly prominent or harmful to the locality, appearing well contained within an existing commercial site. In this regard, the development would not fall foul of the need to protect the landscape and intrinsic character and beauty of this countryside setting.

11.1.7 In summary on this matter, Officers consider that the proposed development would secure a high-quality layout and design. An existing poor quality building would be demolished, and whilst the replacement building would be larger in size, it would be purpose built to meet the needs of the business. The siting of the building would be well related to the existing built form on site, and in addition, due to existing landscaping to the site boundaries, the development would not appear prominent or harmful within the locality, including from Maldon Road or the PROW to the west. Overall, Officers consider that the proposed building by reason of its size, scale, siting and form would be acceptable to the wider character and appearance of this countryside location.

## 11.2 Landscaping and Ecology

11.2.1 Policy LPP64 of the Adopted Local Plan is relevant in terms of Protected Species, Priority Species and Priority Habitat. It details that, in regard to protected species, where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.

11.2.2 The application has been submitted with an Ecological Survey and Assessment Appraisal, relating to the likely impacts of development on designated sites, protected and priority species/habitats. Officers are content that sufficient ecological information is available for determination for the application and that with appropriate mitigation measures, secured, the development can be made acceptable.



11.2.3 The mitigation measures as detailed in the Ecological Survey and Assessment Appraisal can be secured via the imposition of a condition. This is necessary to conserve protected and priority species, particularly mammals and amphibians that may forage and commute across the site. In addition, a condition is imposed in respect of biodiversity enhancement measures, to secure net gains for biodiversity.

11.2.4 In terms of landscaping, an assessment on wider landscape character has been discussed above. To the site boundaries there is established landscaping, namely beyond the northern boundary is a woodland, with a hedge and tree belt to the western boundary. There is also an established hedge along some of the southern Maldon Road boundary with a tree subject to a TPO. Due to the siting of the proposed building these landscape features would be unaffected by the development, and there is otherwise no planting within the site itself. Landscape matters are therefore considered to be acceptable.

### 11.3 Highway Considerations

11.3.1 Policy LPP42 of the Adopted Local Plan, requires new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users. Whilst Paragraph 115 of the NPPF states development shall only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.3.2 Access into the site would remain as existing, with vehicles entering and exiting via Maldon Road. The Highway Authority have reviewed the application and do not raise an objection in terms of highway capacity or highway safety. The continued use of this is deemed appropriate to meet the needs of the development without resulting in harm.

11.3.3 Policy LPP42 of the Adopted Local Plan commits the LPA to the guidance outlined in the ECC Parking Standards (2009). The Parking Standards sets out that for the range of uses proposed (MOT, vehicle showroom, and vehicle parts centre), it would equate to a total maximum parking number of 30 vehicle spaces.

11.3.4 The site is currently laid out with 16 spaces for staff (to the eastern boundary), and 16 visitor spaces (to the southern, Maldon Road frontage), together with parking spaces for the 'dropping off' of caravans booked in for MOT's. These existing spaces are to provide parking demand for the existing caravan sales element at the site, the MOT use, and the associated offices. Given that the uses at the site are already operational, and the proposal is to upgrade / replace the existing sales centre and provide some internal sales area (wherein it is currently all external), it is considered that the proposal would not generate an increased demand for vehicle parking in regard to these uses, especially as the proposal would not increase employee numbers at the site. It appears from site visits

undertaken that the demand for staff and visitor parking spaces is currently adequately being met. It is therefore considered that the provision is acceptable.

- 11.3.5 There appears no existing allocated space for cycle parking at the site. However, it is considered unlikely that visitors will access the site via this means of transport, and whilst some staff may choose to do so, the application does not increase the level of employees at the site, and thus the imposition of a condition requiring cycle provision would not meet with the 'tests' sets out in Paragraph 56 of the NPPF. Rather an informative is imposed to encourage the Applicant to provide cycle storage to promote sustainable transport modes.

#### 11.4 Impact upon Neighbouring Residential Amenity

- 11.4.1 One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy LPP52 of the Adopted Local Plan which states that 'there shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact'.

- 11.4.2 Although there are a number of residential properties within the locality of the site, due to the siting of the building relatively central to the site, the nearest residential properties would be sufficiently distanced from it to prevent any harm to their amenity. No impact is considered to arise to nearby commercial/industrial uses as a consequence of the development. The application is therefore considered to satisfy national and local policies designed to safeguard neighbouring residential amenity.

#### 11.5 Flooding and Drainage Strategy

- 11.5.1 Policy LPP74 of the Adopted Local Plan states that proposals should be located to avoid the risk of flooding. Whilst, the application site is located within Flood Zone 1 (the lowest probability of flooding), due to the size of the building, there is a requirement for the application to be accompanied by a Flood Risk Assessment (FRA) and drainage strategy to demonstrate that the proposed development is not a risk of flooding and will not increase flood risk at the site or elsewhere. A FRA and drainage strategy has been submitted and assessed by the Local Lead Flood Authority who are content that the approach is acceptable. The proposal is therefore considered acceptable in this regard subject to the imposition of conditions.

### 12. PLANNING OBLIGATIONS

- 12.1 Paragraph 57 of the NPPF sets out that planning obligations should be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in

accordance with Regulation 122 of the Community Infrastructure Levy (CIL regulations).

- 12.2 Policy SP6 of the Adopted Local Plan states that all development must be supported by the provision of infrastructure, services and facilities that are identified to serve the needs arising from the development. The policy refers to various types of infrastructure, services and facilities, including transportation and travel and social infrastructure which includes health and wellbeing and open space.
- 12.3 Policy LPP78 of the Adopted Local Plan states that permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.
- 12.4 Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (not exclusively):
- Financial contributions towards new or expanded facilities and the maintenance thereof;
  - On-site construction of new provision;
  - Off-site capacity improvement works; and/or
  - The provision of land.

### Open Space

- 12.5 Whilst the Open Space Supplementary Planning Document (SPD) states that commercial development is expected to contribute to open space provision (as employees can create a demand for using open spaces and recreational facilities during lunch breaks or before or after work), it sets out that casual or informal open space and outdoor sports provision will only be required from B1, B2, and B8 development, subject to a minimum threshold of 1,000 sqm.
- 12.6 Whilst, the development seeks a building of 1028sq.m, around 260sq.m of the building would be utilised for parts centre, around 413sq.m for the vehicle showroom (Class Sui Generis), and only 355sq.m for caravan MOTs (Class B2), The development therefore does not meet the threshold of requiring a contribution towards open space provision.

## 13. CONCLUSION

- 13.1 The application site is located outside a designated development boundary as defined within the Adopted Local Plan, and as such is on land designated as 'countryside' where there is a presumption against new development. There is no policy support within the Adopted Local Plan for

the erection of new buildings to support commercial businesses in the countryside. The development is therefore contrary to the Development Plan.

- 13.2 There is, however, general policy support within the NPPF for sustainable growth and expansion of businesses in rural areas, and as set out within this report, the proposal is considered to meet the tests of being well designed and sensitive to its surroundings. In addition, the site is a well-established business within the District and allowing its expansion would inevitably result in wider economic growth and benefits and on this basis, it is considered that the development would result in sustainable development. Overall, the development would meet with the desires of the NPPF in meeting the need for such development and is considered to result in a material consideration that would indicate that permission be granted, notwithstanding the conflict with the Development Plan.
- 13.3 The development would remove an existing poor quality building and would secure a high quality layout and design for a purpose-built building to meet the needs of the business for MOT servicing and caravan sales. The siting of the building would be well related to the existing built form on site and external storage provision. In addition, due to existing landscaping to the site boundaries, the development would not appear prominent or harmful within the locality, including from Maldon Road or the nearby PROW to the west. Overall, the proposed building by reason of its size, scale, siting and form would be acceptable to the wider character and appearance of the locality.
- 13.4 Access would remain as existing, and the application is considered acceptable in terms of highway capacity and highway safety. The level of existing parking provision is also considered acceptable.
- 13.5 The proposal also complies with other considerations in regard to flood risk and drainage, landscape and ecology, and neighbouring amenity.

14. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Proposed Floor Plan	100	A
Proposed Elevations	101	D
Proposed Block Plan	CL102	J
Location Plan	104	A

Condition(s) & Reason(s)

Condition 1

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

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

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plans listed above.

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

Condition 3

The external materials and finishes of the building shall be as indicated on the approved plans and shall be permanently retained as such.

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

Condition 4

No development shall commence until full details of both the finished levels, above ordnance datum, of the ground floor of the proposed building in relation to existing ground levels has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of any ground levels and therefore any building within the site which may lead to harm to the character and appearance of the site and wider rural locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

#### Condition 5

Prior to installation, details of any proposed external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed, retained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason: In the interests of visual amenity and/or highway safety.

#### Condition 6

Prior to the first use of the development hereby permitted, all mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment Appraisal (Essex Mammals Surveys, September 2022). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

#### Condition 7

Prior to the first use of the development hereby permitted, a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures, as outlined in the Ecological Survey and Assessment Appraisal (Essex Mammals Surveys, September 2022), shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

#### Condition 8

The development permitted by this planning permission shall be carried out in accordance with the approved Combined Flood Risk Assessment and Drainage Strategy by Civilistix dated 17/04/23 and the following mitigation measures detailed within the FRA:

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

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

#### Condition 9

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

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

#### Condition 10

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

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

#### Condition 11

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

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

#### Condition 12

The building hereby permitted shall only be used for the purposes as set out within the approved plans, and for no other purposes within the corresponding Use Classes.

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the amenities of the locality and/or highway considerations.

Informative(s)

Informative 1

The applicant is encouraged to provide cycle parking provision at the site, in the interests of encouraging access to the site via sustainable modes of transport.

Informative 2

The applicant is advised that manhole SWMH5 should be constructed as a catch pit to protect the crated tank from accumulation of silt.



## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

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

ECN1	Support for Local Businesses
HPE1	Natural Environment and Bio-diversity
FI1	Transport and Access

**APPENDIX 3:****SITE HISTORY**

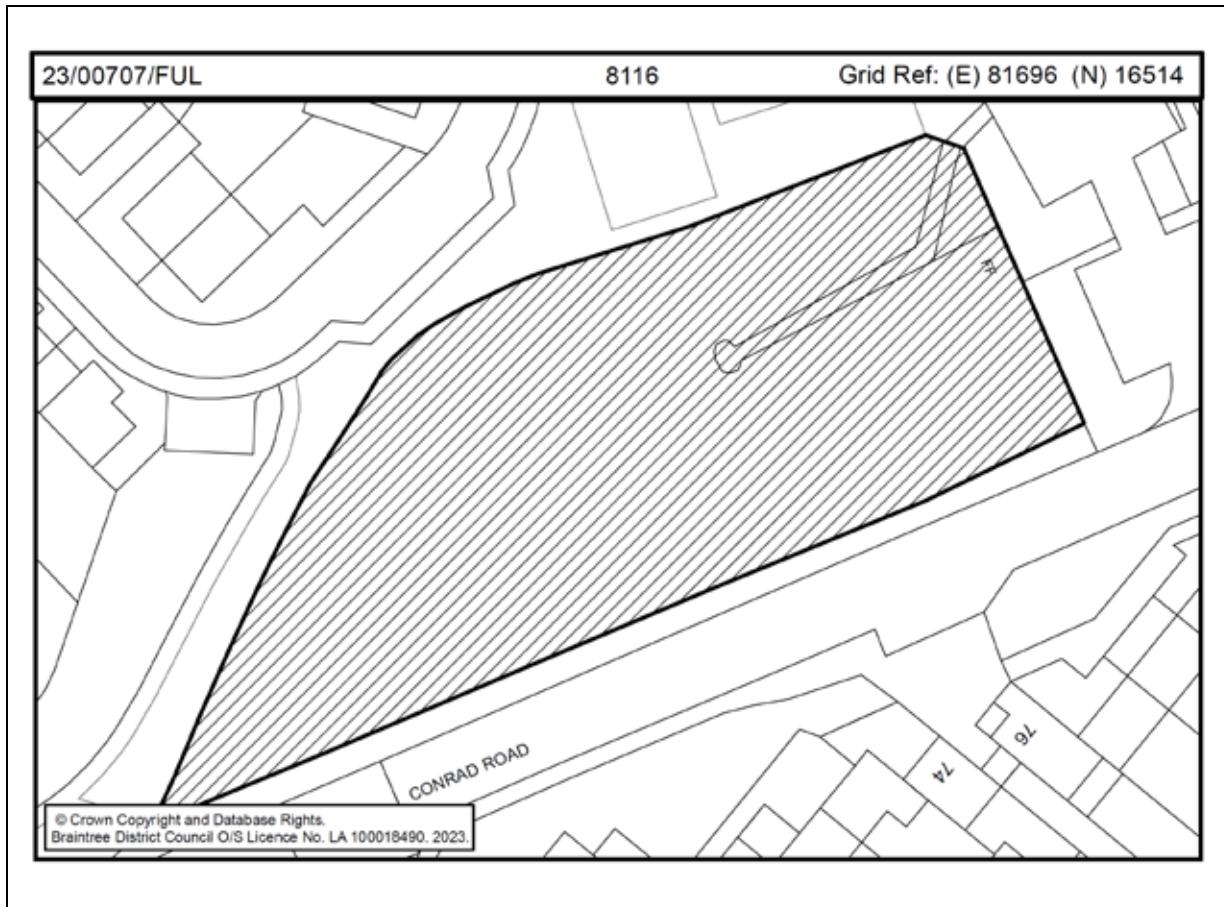
<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
91/00002/DC	DCAppeal	Appeal Allowed	
00/00543/COU	Proposed change of use to pre-school nursery	Granted	26.06.00
00/01244/FUL	Erection of lobby and childrens toilets	Granted	27.09.00
79/00010/1	Erection of a house and garage	Granted	17.07.79
79/00010/P	Outline for erection of a Managers house and garage	Granted	21.03.79
89/01559/P	Proposed Change Of Use From Residential To Offices	Granted	24.10.89
89/02317/P	Removal Of Temporary Condition Of Previously Approved Application Bte/1559/89	Granted	02.03.90
90/01628/PFWS	Erection Of Single Storey Side Extension To Form Additional Office Space	Granted	16.04.91
91/01024/PFWS	Erection Of Single Storey Side To Form Additional Office Space		17.09.91
95/00661/FUL	Erection of single storey rear extension	Granted	12.07.95
99/01343/FUL	Erection of extension to existing offices	Granted	22.12.99
06/00066/FUL	Erection of extension and alterations to childrens nursery	Granted	16.03.06
06/02037/FUL	Erection of extension	Granted	23.11.06
11/01414/FUL	Erection of single storey extension to provide enlarged foyer	Granted	05.12.11
12/01184/FUL	Creation of new disabled entrance and ramp. Rebuilding of existing rear extension to provide new accessible toilet facilities	Granted	12.10.12
15/00368/TPO	Notice of intent to carry out works to tree protected by Tree Preservation	Part Grant, Part Refused	05.01.16

	Order 13/92 - Reduce crown from 1 Oak vt 1.5 metres on both sides and height		
20/01968/FUL	Change of Use from Children's Day Nursery (Use Class E(f)) to Offices (Use Class E), together with the erection of a single-storey rear extension, provision of glazed entrance and alterations to fenestration.	Granted	22.01.21
21/01062/FUL	Erection of single-storey building to provide 1045sqm for vehicle sales (Class Sui Generis) and vehicle maintenance (Class B2).	Withdrawn	19.04.22
86/00349/P	proposed managers house incorporating office use.	Granted	20.05.86
86/01900/P	Erection of managers house incorporating office use.	Granted	12.03.87
89/00213/P	Proposed New Pitched Roof And Offices Within Existing Storage Area	Granted	02.03.89
90/00897/POWS	Erection Of Dwelling	Refused	16.07.90
90/01603/POWS	Erection Of Dwelling	Refused	20.11.90
90/01866/PFWS	Demolition Of Existing Outbuildings Erection Of Single Storey Building For Office Use	Granted	26.02.91
99/01466/TEL	Erection of one 0.3 metre diameter radio dish antennae mounted on a galvanised steel pole at 15 metres also a small equipment module mounted on the pole at 3 metres	Permission not Required	01.11.99
16/01326/FUL	Proposed demolition of six existing buildings and erection of replacement workshop building	Granted	04.10.16
21/01062/FUL	Erection of single-storey building to provide 1045sqm for vehicle sales	Withdrawn	19.04.22

	(Class Sui Generis) and vehicle maintenance (Class B2).		
21/01682/FUL	Retention of 2.1m high fencing along south and east boundary of the site	Granted	04.08.21

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 26th March 2024	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/00707/FUL
<b>Description:</b>	Erection of 6no. 2 storey dwellings (4no. detached dwelling and a semi-detached pair) with associated parking and residential curtilages. Creation of a new vehicular access.
<b>Location:</b>	Land North of Conrad Road, Witham, Essex
<b>Applicant:</b>	Mr Paul Batholomew, 3 Driberg Way, Braintree, CM8 2SD
<b>Agent:</b>	Mr Robert Pomery, Pomery Planning Consultants Ltd, Pappus House, Tollgate West, Stanway, Colchester, CO3 8AQ
<b>Date Valid:</b>	4th 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>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>	Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: <a href="mailto:lisa.page@braintree.gov.uk">lisa.page@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>The Applicant has paid a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</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>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications:</b>	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council’s Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 23/00707/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD’s) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>



## 1. EXECUTIVE SUMMARY

- 1.1 The site is located within the defined settlement boundary, and in addition, is allocated with the Adopted Local Plan as a residential housing allocation site. The principle of residential development is therefore deemed acceptable.
- 1.2 The layout of the dwellings would provide an active street scene with Conrad Road, and the new internal street would equally be attractive and appropriate. The scale and detailed design of the dwellings would relate well to nearby residential development and the proposed facing brickwork and tiled roof materials are considered in keeping with the character of the area. Further within the layout, regard has been given to the retention of trees and strengthening of soft planting, and together with the design of the proposed means of enclosures, would ensure that the development assimilates well into the locality. Overall, the development would positively add to the character and appearance of the surrounding area.
- 1.3 The development would provide high quality internal and external amenity for future occupiers, and there would be no unacceptable impact to neighbouring amenity.
- 1.4 A new vehicular access would be created via Conrad Road to provide access to all 6no. dwellings. The Highway Authority considers this would be acceptable from a highway transportation perspective. In accordance with the adopted parking standards, each dwelling would be provided with 2no. parking spaces, with a further 2no. visitor spaces across the site. In terms of pedestrian movements, a condition is recommended to be imposed to secure a new footway along the Conrad Road frontage between Discovery Drive and the existing footway to the north-east with dropped kerbs/tactile paving provided at the Southview School access.
- 1.5 Except for the removal of a section of hedgerow along the Conrad Road frontage required to facilitate the vehicular access, all other existing trees and hedgerows to the site boundaries would be retained and protected. A condition would secure the strengthening of the otherwise retained frontage hedgerow, together with wider soft planting across the site.
- 1.6 The development would not have any harmful impacts to designated sites, protected species, priority species and habitats. A condition would secure ecological enhancements and measurable net gains for biodiversity. A financial contribution has been secured to mitigate adverse effects on the integrity of the relevant European Designated Sites.
- 1.7 The proposal complies with other planning considerations in regard to heritage, and flood risk / drainage.
- 1.8 It is therefore recommended that planning permission be granted.

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 land is owned by 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 site is located to the north west of Witham, within the defined settlement boundary. In addition, it is allocated with the Adopted Local Plan as a residential housing allocation site (Reference 427) with an indicative remaining capacity for 10 units.

5.2 The site equates to an area of 0.3 hectares, and has a frontage with Conrad Road to the south, with Southview School to the eastern boundary, and residential development to the north and west (the residential site being built out under Application Reference 19/00026/FUL wherein construction is advanced with a number of the units occupied).

5.3 The northern and western boundary consists of an established tree and hedge belt (there is no hard boundary treatment with the adjacent site), and a hedge is established on the southern boundary. The site currently has no vehicular access.

5.4 The site is located outside of the Witham Conservation Area and there are no Listed Buildings within the general vicinity.

5.5 The site is also located within Flood Zone 1 (a low probability of flood risk).

6. PROPOSAL

6.1 The application seeks full permission for the erection of 6no. dwellings. 3no. dwellings would be detached and front onto Conrad Road, with a further detached and semi-detached pair fronting the internal access road.

6.2 All the dwellings would be 2 storey in scale and constructed in facing brickwork with a tiled roof.

6.3 Access would be via a new shared vehicular access point from Conrad Road, and each dwelling would be provided with 2no. allocated parking spaces, in addition to 2no. visitor spaces.

6.4 Along the site frontage (within the highway verge), a new footway would be created to provide pedestrian access from the adjacent residential development to the west with the schools to the east.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Essex Fire and Rescue

7.1.1 Make comments in terms of access, building regulations, water supplies and sprinklers.

### 7.2 BDC Ecology

7.2.1 No objection subject to securing biodiversity mitigation and enhancement measures.

### 7.3 BDC Environmental Health

7.3.1 Comment that a preliminary contaminated land assessment is required as the proposed residential use is a sensitive use. Advise that noise and air quality are not considered a matter of concern for the site and standard double glazing will be sufficient for the properties.

7.3.2 Recommend that any permission should include conditions relating to land contamination and construction management.

### 7.4 BDC Waste Services

7.4.1 Advise that the access road needs to be built to adopted highway standards and maintained as such, and comment that the maximum drag distance between where the waste collection vehicle can safely stop and where the waste receptacles are presented for collection must not exceed 20 metres.

### 7.5 ECC Archaeology (Places Servies)

7.5.1 Comment that the site lies within an area of archaeological potential wherein archaeological remains of prehistoric or later date may be impacted upon by the proposed development. Advise that an archaeological evaluation is required (to be secured via condition) to determine the significance of any heritage assets which may be impacted upon.

### 7.6 ECC Highways

7.6.1 Comment that from a highway and transportation perspective, the impact of the proposal is acceptable subject to conditions in relation to a construction traffic management plan, bus stop upgrades, the provision of a new footway, and provision of Residential Travel Information Packs.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 No comments received.

9. REPRESENTATIONS

9.1 The application was advertised by way of site notices and neighbour notification letters.

9.2 One letter of objection has been raised, with the following comments: -

- Loss of last parcel of green space in this area;
- Provides no improvements to community infrastructure (doctors, school, play areas);
- Would be preferable to have the site retained as a play area.

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 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.

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

## 10.2 5 Year Housing Land Supply

10.2.1 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Council's Local Plan is up to date and complies with the NPPF.

10.2.2 However, Footnote 79 of the NPPF sets out that this provision only applies to planning applications which were submitted on or after the date of publication of the revised NPPF (December 19th 2023). As this application was received prior to that date, the Council must consider it in relation to the 5 year housing land supply.

10.2.3 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply.

10.2.4 The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, and given that they were only recently adopted, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

### 10.3 The Development Plan

10.3.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033. The site is located within the defined settlement boundary and in addition is allocated with the Adopted Local Plan as a residential housing allocation site (Reference 427) with an indicative remaining capacity for 10 units. The principle of residential development is therefore acceptable.

## 11. SITE ASSESSMENT

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

11.1.1 Paragraph 131 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 139 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

11.1.2 In addition to this, Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and should respond positively to local character and context, whilst Policies LPP47 and LPP52 seeks a high standard of layout and design in all developments, requiring that new buildings reflect or enhance the area's local distinctiveness and be in harmony with the character and appearance of the surrounding area

11.1.3 The application seeks the erection of 6no. dwellings. 3no. detached dwellings would front onto Conrad Road, sited behind the existing frontage hedgerow which is proposed to be retained and strengthened. This approach is welcomed as it would provide an active and attractive new street scene. The other 3no. dwellings would face onto the internal access road and would create a new internal street scene of character. The flank of Plot no.6 would follow the new building line created by Plot No's 1-3, and being set back from Conrad Road would allow for an extensive landscape buffer, and together with the interest to this flank elevation would ensure that the quality of the scheme and interest to the street scene is maintained.

11.1.4 The approach to the design of the dwellings draws reference from the context of the site. The dwellings would be 2 storey in scale, reflecting the scale of nearby residential development. In terms of detailed design, this would relate well to the residential development being built out to the north/north west, with a similar approach used for brickwork detailing and the scale and articulation of fenestration. In terms of materials, the dwellings would be constructed in facing brickwork with a tiled roof, which is considered appropriate for the area.

- 11.1.5 The layout of the development has been led by the presence of existing landscape features around the site, which are largely being retained within the layout. The rear boundary to the gardens of Plots 1-3 has been sited well away from the edge of the site and would be clear of the tree canopy and root protection zones. This would allow the existing mature trees to continue to form a barrier between the adjoining development and the new site. As shown on the site layout plan, it is anticipated that the site can be connected with a pathway to Saturn Way (subject to agreement with the owners of the adjoining site). This is welcomed as such a route would likely correspond with pedestrian desire lines.
- 11.1.6 The means of enclosure proposed and provision of on plot parking is also well considered. Parking for each dwelling would be discreetly sited to the side of dwellings, and although Plot No.6's parking would be located towards the site frontage, it would be located behind a wide area of landscaping to soften its visual impact. In terms of boundary treatments, enclosing the rear gardens of Plot No.s 1-3 would be a proposed 1.8-metre high brick wall, which in addition to providing security for occupiers of these units would contribute to the overall quality of the development. Towards the site frontage 1.2 metre high metal estate fencing is proposed, which would ensure that the character and appearance of the development from this frontage public viewpoint remains appropriate. Overall, the development would positively add to the appearance of the surrounding area.
- 11.1.7 Turning to the issue of amenity for future occupiers, the Nationally Described Space Standards (NDSS) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas. Officers have reviewed the floor areas proposed and are satisfied that the proposal accords with the minimum gross internal floor areas as detailed in the NDSS requirements. In addition, the dwellings would all be provided with external garden space in accordance with the standards set out in the Essex Design Guide. Overall, the dwellings would all be provided with high quality amenity.

## 11.2 Heritage and Archaeology

- 11.2.1 The site lies outside of the Conservation Area and there are no nearby listed buildings which would be affected by the proposal.
- 11.2.2 Further in terms of heritage matters, is the consideration of archaeology. Policy LPP59 of the Adopted Local Plan is relevant, which sets out that where important archaeological remains are thought to be at risk from development, the developer will be required to arrange for an archaeological evaluation of the site to be undertaken and submitted as part of the planning application.
- 11.2.3 The proposed development site lies within an area of archaeological potential revealed through aerial photography and archaeological

investigations nearby and in the wider area. An evaluation at the adjacent site found some evidence for prehistoric and Roman activity, whilst aerial photography has recorded circular cropmark features in the wider area indicative of prehistoric ritual activity or settlement. In addition, excavations along Crossing Road have revealed evidence of multi-period occupation including evidence of Medieval domestic activity on site and indications of nearby Middle Iron Age settlement, whilst an Iron Age settlement has been revealed at Forest Road to the southeast. As the site lies within an area of potential for archaeological remains which would be impacted upon by the proposed development, an archaeological evaluation is required to determine the significance of any heritage assets which may be impacted upon. An appropriately worded relating to archaeological investigation and recording, is therefore recommended to be imposed.

### 11.3 Ecology and Landscape

- 11.3.1 Policy LPP66 of the Adopted Local Plan requires 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.
- 11.3.2 The application has been submitted with a completed Biodiversity Checklist, but otherwise, no ecological information has been provided. Officers have however, conducted a desk study which included a review of DEFRA Magic Maps and BDC aerial imagery, to help assess the likely impacts of the development on designated sites, protected and Priority species and habitats.
- 11.3.3 The desk study confirms there are two non-statutory designated sites located within 1 km of the development. Local Wildlife Site, Bra 165 Witham Marsh is located approximately 608 metres south west of the application site, and Bra 172 Tarecroft Wood approximately 872 metres to the north east. However, the proposal is small in scale and located a sufficient distance away from these sites and would unlikely to result in any impacts. Therefore, no further consideration is required.
- 11.3.4 Further, it is not considered likely that the site has any suitable habitat to support protected species that would be impacted by the proposals. As a result, the impacts of development to designated sites, protected species, priority species and habitats can be predicted.
- 11.3.5 It is however, recommended that bespoke ecological enhancements are implemented for this application to secure measurable net gains for biodiversity, as outlined under 174d & 180d of the National Planning Policy Framework 2023. It is recommended that this could include integrated bird nesting boxes, insect/bee boxes, hedgehog friendly fencing (13cm x 13cm gaps at the bases of fences) and native planting, details of which should be submitted via a Biodiversity Enhancement Layout, to be secured as a condition of any consent, prior to occupation. This will enable LPA to



demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

11.3.6 In terms of landscaping, as noted above the site has established hedge and tree planting along most of its boundaries. To the north and western boundary, the tree belt would be retained with development (namely Plot No.s 1- 3) falling outside of the Root Protection Areas (RPAs). These trees would be protected during the construction phase by way of condition.

11.3.7 The existing hedgerow to the southern boundary would also largely be retained, however, some minor hedgerow removal would be required to accommodate the proposed access. The extent of removal would amount to 5.5 metres, to allow vehicular access to the site. The remainder of the hedgerow frontage would be retained and protected during works and thereafter strengthened with infill planting to ensure a high-quality landscape feature. Subject to appropriate compensation for the loss of hedgerow being lost, to include the above strengthening of the remaining frontage hedgerow, and additional planting across the site, the extent of removal required for the access can be justified (an informative is recommended to be imposed to remind the Applicant that it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built).

#### 11.4 Impact upon Neighbouring Residential Amenity

11.4.1 One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy LPP52 of the Adopted Local Plan which states that 'there shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact'.

11.4.2 The land to the north and north west is being developed for residential use, and indeed dwellings in Saturn Way are built with some occupied. Due to the layout of the proposed development, there would be no adverse impact upon the amenities of these adjacent dwellings in terms of overlooking, outlook or similar. Equally due to the siting of the dwellings, there would be no unacceptable impact to Southview School to the east, nor to existing dwellings on the opposite side of Conrad Road.

11.4.3 A further consideration in terms of neighbouring amenity is the impact of the development during construction. Neighbours in this instance are residential occupiers and the school. Given the relationship between the site and neighbours, the development has the potential to adversely impact upon the amenity of occupiers through any piling and general noise and disturbance. To ensure that the development does not result in harm to amenity, a Construction Management Plan (CMP) condition is imposed, which will address matters relating to piling, hour of working, dust and soil management and similar. Subject to the imposition of such a condition, matters in this regard are considered acceptable.

## 11.5 Highway Considerations

- 11.5.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential residual cumulative impacts on the road network would be severe, whilst Policy LPP52 of the Adopted Local Plan requires that, the development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users.
- 11.5.2 The application seeks a new shared access from Conrad Road. The Highway Authority have reviewed the application and do not object to the application on highway safety grounds, subject to the imposition of conditions. They have requested a condition to secure the upgrade of the two bus stops adjacent to the site in Conrad Road. However, given the scale of the development, it is not considered that such a condition would meet with the tests set out Paragraph 56 of the NPPF. Equally, given the scale of the development and the sustainable location it is not reasonable to require residential travel information packs.
- 11.5.3 A condition is to be imposed to secure a footway along the Conrad Road frontage between Discovery Drive and the existing footway to the north-east (with dropped kerbs/tactile paving provided at the Southview School access and removal of the guard railing), together with a condition to secure a construction traffic management plan.
- 11.5.4 In terms of parking, each dwelling is provided with 2 allocated spaces, and the site accommodates 2 visitor parking spaces which meets with the standards set out in the Adopted Parking Standards.

## 11.6 Habitat Regulations Assessment (HRA / RAMS)

- 11.6.1 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;
- 11.6.2 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.
- 11.6.3 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.

11.6.4 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.

11.6.5 This financial contribution has been secured and the applicant has made the required payment under S111 of the Local Government Act 1972.

### 13. PLANNING BALANCE AND CONCLUSION

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

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

13.2 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in Paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in Paragraph 77) and does not benefit from the provisions of Paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 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.

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

#### 13.4 Development Boundary Designation within the Development Plan

13.4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".

13.4.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the application site is located within a defined development boundary where the principle of development is acceptable, and in addition, is allocated with the Adopted Local Plan as a residential 'housing allocation site'. The principle of residential development is therefore acceptable and accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development.

#### 13.5 Summary of Adverse Impacts

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

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

13.5.2 Except for the removal of a section of hedgerow along the Conrad Road frontage required to facilitate the vehicular access, all other existing trees and hedgerows to the site boundaries will be retained and protected. A condition will secure the strengthening of the otherwise retained frontage hedgerow, together with wider soft planting across the site. As such there would be a low level of harm and this is therefore afforded minimal weight.

### **Harm to Neighbouring Residential Amenity**

- 13.5.3 Given the relationship between the site and neighbours, the development has the potential to adversely impact upon the amenity of occupiers through any piling and general noise and disturbance. However, this would be mitigated through the imposition of a Construction Management Plan (CMP) condition. As such there would be a low level of harm and this is therefore afforded minimal weight.

### 13.6 Summary of Public Benefits

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

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

- 13.6.2 The proposals would deliver 6 market dwellings which would contribute to the Council's Housing Land Supply. This is afforded moderate weight given the scale of the development proposed.

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

- 13.6.3 The application site is located within a defined development boundary within one of the District's three main towns with good access to services and facilities and public transport. The location of the site weighs in favour of the proposed development.

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

- 13.6.4 The proposed development would generate some economic benefits during the construction period and some economic and social benefits following the completion and occupation of the six dwellings. This is afforded moderate weight given the scale of the development proposed.

#### **Design and Layout**

- 13.6.5 The layout and design of the development is acceptable and would result in a high quality proposal that would positively add to the character and appearance of the locality. A new active street scene would be created with Conrad Road, together with a new internal street. Within the layout, regard has been given to the siting of vehicle parking, retention of existing trees and hedges, and in terms of the design of means of enclosures, to ensure the development assimilates well into the locality. The scale and detailed design of the dwellings relates well to nearby residential development and the proposed facing brickwork and tiled roof materials are considered in keeping. This is afforded significant weight.

## **Residential Amenity**

13.6.6 The development would provide high quality internal and external amenity for future occupiers, and there would be no unacceptable impact to neighbouring amenity. This is afforded significant weight.

### **13.7 Conclusion and Planning Balance**

13.7.1 Taking into account the above, while there are conflicts with the Development Plan which weigh against the proposal, it is considered that the proposal complies with the Development Plan when taken as a whole. Officers consider that there are no material considerations, that indicate that a decision should be made other than in accordance with the Development Plan.

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

13.7.3 Notwithstanding the above, if the 'tilted balance' was engaged, it is considered that the adverse impacts would not 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 granted for the proposed development

## **14. RECOMMENDATION**

14.1 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	0967_A_SC-01	N/A
House Types	0967-A-SC-303	B
House Types	0967-A-SC-300	B
House Types	0967-A-SC-301	B
House Types	0967-A-SC-302	B
House Types	0967-A-SC-304	N/A
Proposed Roof Plan	0967-A-SC-05	E
Site Layout	0967-A-SC-06	C

Condition(s) & Reason(s)

Condition 1

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

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

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plans listed above.

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

Condition 3

No development shall commence until full details of both the finished levels, above ordnance datum, of the ground floors of the proposed buildings and of the finished garden levels and hard and soft surfaces in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

Condition 4

No development shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been

completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - Adjoining land;
  - Groundwaters and surface waters;
  - Ecological systems;
  - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Assessment.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The investigation and risk assessment is required prior to the commencement of development to ensure that mitigation measures are in place from the outset.

#### Condition 5

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

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined above.

Within 6 months of the date of completion of the archaeological fieldwork an approved final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To properly provide for archaeology.



#### Condition 6

No development, including site clearance, preparatory works or construction, shall commence until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site (and adjacent to the site) from damage during the carrying out of the development have been submitted to and approved in writing by the Local Planning Authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development.

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

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

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

#### Condition 7

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

- The provision of parking for operatives and contractors;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Hours of working;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

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

Reason: In the interests of the amenities of neighbouring residents and the general locality.

#### Condition 8

No above ground development shall commence until a schedule and samples of the types and colour of the materials to be used in the external finishes of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

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

#### Condition 9

No above ground development shall commence until details of the proposed window details have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the depth of reveal of the window, and materials of the window surrounds.

Reason: In the interest of the appearance of the development.

#### Condition 10

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

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

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the agreed implementation programme.

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

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

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

#### Condition 11

No occupation of the development shall take place until a footway along the proposal sites Conrad Road frontage between Discovery Drive and existing footway to the

north-east (with dropped kerbs/tactile paving provided at the Southview School access and removal of the guard railing) has been completed.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

#### Condition 12

Prior to the erection of any means of enclosure at the site, details of the design and materials of the enclosures as indicated on plan 0967\_A\_SC\_05\_REV E shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of enclosures as approved shall be provided prior to the first occupation of the site. There shall be no other means of enclosure erected at the site.

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

#### Condition 13

Prior to installation of any meter cupboards on the external front of the dwellings, and side elevation of Plot 6 hereby approved, details of the location, design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

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

#### Condition 14

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

Reason: In the interests of visual amenity.

#### Condition 15

Any road which is required to carry a refuse vehicle shall be constructed to take a load of 26 tonnes.

Reason: To ensure that the access within the development is adequate to allow for the refuse collections to take place and to avoid damage to the road surface.

#### Condition 16

Prior to the first occupation of the development hereby permitted, a Biodiversity

Enhancement Layout, providing the finalised details and locations of proposed enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall thereafter be implemented in accordance with the approved details and all features shall be retained in that manner.

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

### Informative(s)

#### Informative 1

You are reminded that it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees, scrub and hedgerows are likely to contain nesting birds between 1st March and 31st August inclusive and hedgerows are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

#### Informative 2

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

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

#### Informative 3

If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

### Positive and Proactive Statement

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

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Accessibility
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
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
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP77	External Lighting

APPENDIX 3:

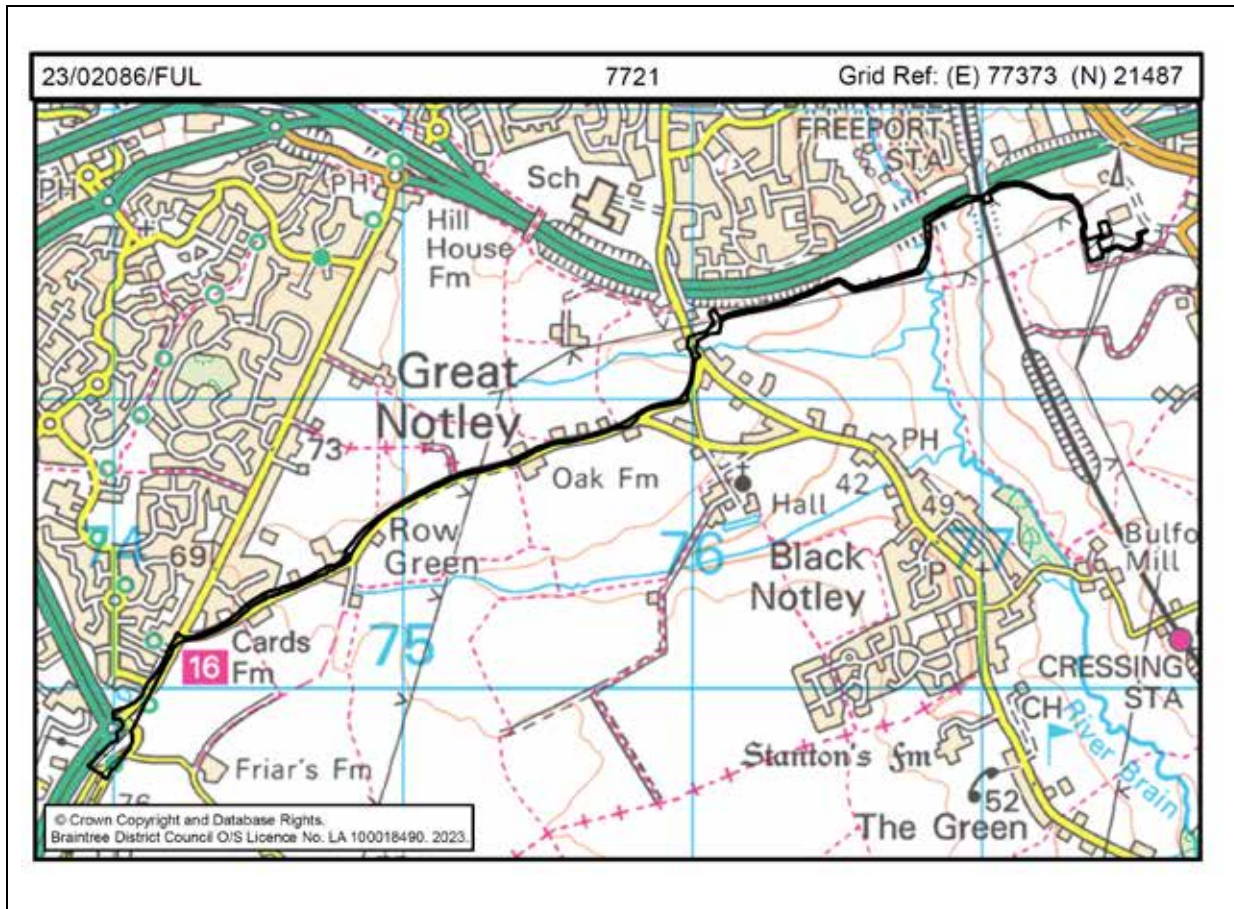
SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
15/01273/OUT	Outline planning application with all matters reserved other than strategic access point onto the public highway for up to 150 residential units with associated infrastructure and landscaping	Granted with S106 Agreement	05.07.17

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 26th March 2024	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/02086/FUL
<b>Description:</b>	Proposed underground cables and associated works on land between Blackley Road, east of Willows Green and Braintree Substation (B1018)
<b>Location:</b>	Electric Sub Station, Braintree Road, Cressing
<b>Applicant:</b>	Ms Rachel Ness, Clearstone Energy Limited, 8 Devonshire Square, London, EC2M 4PL
<b>Date Valid:</b>	15th August 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>	Timothy Havers For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2526, or by e-mail: <a href="mailto:timothy.havers@braintree.gov.uk">timothy.havers@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: 23/02086/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 2033</li> <li>§ Cressing Neighbourhood Plan</li> <li>§ External Artificial Lighting SPD (2009)</li> <li>§ Essex Parking Standards SPD</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 Applicant proposes to install an underground cable over a linear route of approximately 5.2km to connect the recently consented Willows Green Solar Farm, Blackley Lane, Willows Green to the existing National Grid Substation located off the B1018 just south-west of Galleys Corner and known as 'Cressing Sub Station'. Generally, these utility cable connections are carried out by statutory undertakers or electricity providers as permitted development, however in this instance it will be completed by an Independent connection provider and therefore the proposal requires planning permission.
- 1.2 The 5.2km cable route is located almost entirely within Braintree District (4.5km) although a very short section sits within Uttlesford (9m) and also within Chelmsford (804m). Planning applications have been submitted to these neighbouring Authorities accordingly.
- 1.3 Approximately 60% of the cable would be laid within the public highway (using verges where possible) and 40% across privately owned fields. The route crosses the River Brain and the mainline railway. Within the Braintree District the proposal also includes four temporary construction compounds and a temporary access.
- 1.4 The cable would be installed using a mixture of open trenching and horizontal direction drilling. The latter would enable the cable to be tunnelled under obstacles such as the River Brain, mainline railway and areas of mature woodland without having any impact upon these. Construction would take approximately 17 weeks.
- 1.5 The proposal would facilitate the connection of a consented Solar Farm to the National Grid enabling the generation of renewable energy. Policy LPP73 of the Adopted Local Plan is supportive of renewable energy related schemes subject to their impact upon matters such as landscape, heritage and nature conservation being acceptable. The proposal would cause only a limited degree of harm and Officers consider that the benefits of facilitating a national grid connection to the consented solar farm significantly outweigh this. It is therefore recommended that planning permission is granted.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is linear in nature, stretching across Braintree District for approximately 4.5km in order to provide an infrastructure cable connection between the recently consented Willows Green Solar Farm (which sits in Uttlesford) and Cressing Sub Station. The cable corridor and hence the majority of the site is approximately 10m in width although there are several wider areas. The total land take is 7.93ha. Approximately 60% of the cable route would sit within the public highway, originating on London Road at the edge of the District, proceeding along Bakers Lane, Buck Hill and then Notley Road. The final 40% would then cut across open countryside over private land in an easterly direction until it reaches Cressing Sub Station. As a whole the site primarily sits to the east of Great Notley and to the south of Braintree and the A120.

5.2 The site is generally very narrow, encompassing highway and highway verge for the first section and then a narrow land corridor for the second section. The exception is the temporary construction compound areas of which there would be 4 in Braintree District, all being of a small size and located on private land immediately adjacent to the cable route. The route crosses one public right of way and passes several listed buildings in addition to a number of non listed dwellings. The route also crosses a number of established woodlands, the mainline railway and the River Brain.

6. PROPOSAL

6.1 The Applicant proposes to lay an industry standard cabling system consisting of 2 x 33kv cables (each 210mm in width) plus a smaller optical cable. Each cable would sit within one continuous duct. Both an open trench installation method and horizontal directional drilling would be used, the latter requiring a series of small 'catch pits' to be dug at various intervals.

6.2 The cables, secured inside their ducting would then be fed into either the trench or the horizontal tunnel using giant spools. The catch pits and open

trench would then be backfilled and the land returned to its original condition.

6.3 The 4 temporary construction compounds would be modest in size and would provide secure storage areas for the construction project which is predicted to take a total of 17 weeks. A temporary construction access would also be required from Notley Road. This would be created by expanding an existing established gated field entrance which already has limited dropped kerbing.

6.4 The application is supported by the following documents:

- Planning Statement
- Site Location Plan
- Route Plans
- Cross Section
- Ecology Survey
- Construction Management Plan
- Flood Risk Assessment
- Minerals and Waste Infrastructure Assessment
- Highways Technical Note
- Arboricultural Report

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

7.1.1 No comment.

### 7.2 Cadent Gas

7.2.1 No objection in principle. We have a 150mm ST IPP pipeline in the vicinity of the works which has an easement and must be protected at all times. Require the following informative to be included on any Decision Notice:

*'Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to'. Cadent Gas will need to be further contacted (by the Developer) before works start to ensure safety practices and protection methods in relation to our high-pressure assets are in place before works start and throughout the life of the project if required.*

### 7.3 Environment Agency

7.3.1 No objection. The River Brains riparian corridor and surrounding woodland will be avoided by the proposed HDD drilling technique. There will be no storage of materials or equipment within Flood Zones 2 or 3, no designated flood risk embankments will be affected and the EA do not undertake any flood risk management maintenance along this stretch of watercourse.

- 7.4 Essex Fire and Rescue
- 7.4.1 No objection. Access to the construction sites, compounds and working areas should be provided in accordance with Building Regulations at the different stages of construction.
- 7.5 Health and Safety Executive
- 7.5.1 No consultation required, development does not lie within consultation distance of a major hazard site or major accident hazard pipeline.
- 7.6 Historic England
- 7.6.1 Do not wish to make any specific comments and defer to the Council's local heritage advisors.
- 7.7 National Highways
- 7.7.1 No objection.
- 7.8 National Rail
- 7.8.1 No objection.
- 7.9 Uttlesford District Council
- 7.9.1 No objection.
- 7.10 BDC Ecology
- 7.10.1 No objection subject to securing ecological mitigation and enhancement measures. The mitigation measures outlined in the Preliminary Ecological Appraisal Report REV B should be secured and implemented in full and the proposed ecological enhancement measures are supported. Require conditions relating to the submission of a Construction Environmental Management Plan (CEMP), a Biodiversity Enhancement Strategy (BES) and a copy of the Natural England Mitigation License for Great Crested Newts.
- 7.11 BDC Environmental Health
- 7.11.1 No objection subject to conditions relating to hours of work and contamination.
- 7.12 ECC Archaeology
- 7.12.1 No objection, no conditions required.

7.13 ECC Highways

7.13.1 No objection subject to a condition relating to a requirement for a revised Construction Management Plan which shall contain a number of details including a copy of a made temporary Traffic Regulation Order reducing the speed limit on Notley Road from 40mph to 30mph and details of traffic management measures required at the Notley Road temporary construction access point and a second condition relating to the keeping clear of the PROW network in the area of the development.

7.14 ECC Historic Buildings Consultant

7.14.1 No objection. There will be no permanent adverse impact upon the setting of any heritage assets.

7.15 ECC Minerals and Waste

7.15.1 No objection following the submission of a Minerals and Waste Resource Assessment and Infrastructure Impact Assessment and a Waste Infrastructure Impact Assessment.

7.16 ECC SUDs

7.16.1 No objection subject to a condition requiring compliance with the submitted Flood Risk Assessment.

8. PARISH / TOWN COUNCIL

8.1 Cressing Parish Council

8.1.1 No comments received.

8.2 Black Notley Parish Council

8.2.1 No comments received.

8.3 Great Notley Parish Council

8.3.1 No comments received.

9. REPRESENTATIONS

9.1 One letter of objection was received and two general comments. The main issues raised are summarised below:

- Why can't the much closer substation at Skyline be used as a connection point which would shorten the route and cause less disruption?



- Request that in order to protect occupants of Mallard Close (Great Notley) that cabling is laid in the highway or on the grass verge on the side adjacent to open fields and not under the footpath on the opposite side.
- Mitigation measures and traffic controls required to avoid significant disruption to heavy traffic on London Road during cable laying.
- The stated Saturday working hours of 8am to 1pm should not take place as they will cause disruption to Great Notley residents.
- Noted that Bakers Lane will be subject to traffic controls during this work. When Gigaclear worker there, sections of Bakers Lane were closed entirely for long periods. If Bucks Hill is too narrow and has to be closed then the same criteria should be applied to parts of Bakers Lane.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The majority of the proposed cable route is located within the countryside although the initial section lies within the Great Notley Development Boundary and the next section along Bakers Lane, Buck Hill and Notley Road lies outside but immediately adjacent to the Development Boundary. Its purpose is to connect a consented Solar Farm to the National Grid so that the renewable energy generated can be utilised.
- 10.2 Policy LPP1 of the Adopted Local Plan states that within Development boundaries development will be permitted where it satisfies *'amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement'*. It goes on to state that outside Development Boundaries development 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'*. Policy LPP73 of the Adopted Local Plan is supportive of renewable energy schemes stating that they will be encouraged where the benefits outweigh the harms caused. Policy 3 of the Crossing Neighbourhood Plan identifies an Open Countryside Buffer Area to prevent coalescent and states that any development within this should maintain and enhance the gap between settlements. It goes on to state that any new strategic infrastructure development within the Buffer should *'provide significant benefits to the wider area and seek to mitigate any detrimental impacts on the character and appearance of the Open Countryside Buffer Area'*.
- 10.3 The proposal would directly facilitate the connection of a renewable energy scheme to the National Grid. The cable route is dictated by the start and end point which are fixed and it is therefore required to move outside the District's Development Boundaries as would be expected for this type of energy infrastructure. It is also required to cross the Neighbourhood Plan Open Countryside Buffer Area. The cable route lies entirely underground and will have no impact upon the appearance or integrity of the Open

Countryside Buffer. Overall, the general principle of development is considered to be acceptable.

## 11. SITE ASSESSMENT

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

11.1.1 Policy LPP52 of the Adopted Local Plan states that the Council '*will seek a high standard of layout and design in all developments in the District*'. Policy 8 of the Cressing Neighbourhood Plan also seeks high quality design. The proposed cables would be buried in the ground inside ducting either using an open trench system which would then be backfilled or using a horizontal drilling method. Consequently, once completed the cabling element of the proposal would have no impact upon the character and appearance of the area.

11.1.2 The proposal includes 4 temporary construction compounds. These would be modest in size and their impact would be for a finite period only.

11.1.3 Finally, there is the temporary construction access onto Notley Road. Although the access would be temporary, some removal of trees would be required in relation to the access point itself. In addition, this access would lead to a temporary roadway providing access to one of the temporary construction compounds. The creation of this roadway would require the removal of some trees. There would therefore be some impact upon trees/hedges which is discussed further in the landscaping section of this report. This aside, the design, appearance and impact of the proposal upon the character and appearance of the area is considered to be both temporary and acceptable.

### 11.2 Impact upon Landscape / Trees / Hedgerows

11.2.1 Policy LPP67 of the Adopted Local Plan seeks to protect the District's landscape character and Policy 2 of the Cressing Neighbourhood Plan seeks to protect the more localised landscape character. Policy LPP65 of the Adopted Local Plan seeks to protect the District's trees and secure new tree planting. Policy 1 of the Cressing Neighbourhood Plan is designed to ensure the protection and enhancement of the natural environment. Due to the underground nature of the scheme the vast majority of it would have no landscape impact. The Construction compounds would have a limited impact but as set out above this would be temporary in nature and is not considered to be unacceptable.

11.2.2 The proposed temporary access onto Notley Road would result in a degree of tree/hedgerow removal. This is necessary to make the access wide enough (the existing field access being too narrow) and to achieve the required visibility splays. In order to widen the access, 3.2m of hedgerow would be removed. ECC Highways have specifically accepted a temporary reduction in the speed limit in this area to 30mph to allow reduced visibility

splays meaning that hedgerow removal has been minimised. A second section of hedgerow (4m) also needs to be removed further into the site to allow the access road to link up to the construction compound along with x1 Ash Tree (Category C1) and x1 small group of young Oka trees (Category C2).

11.2.3 The Applicant proposes to plant 10no. native replacement trees and to replant both sections of native hedgerow to refill the required access gaps. There are also some areas of scrub to be removed around the sub-station itself to facilitate the construction process. Again, new scrub planting would take place here following the completion of construction.

11.2.4 Overall, the trees and hedge loss has been kept to a minimum and is not considered to constitute grounds to recommend that the application is refused.

### 11.3 Ecology

11.3.1 Policy LPP66 of the Adopted Local Plan states that '*Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals*'. Policy 1 of the Cressing Neighbourhood Plan states that '*development proposals should protect and where possible enhance the natural environment*'. The Applicant has submitted a detailed Preliminary Ecology Appraisal which has been reviewed by the Council's Ecology Consultant. Due to the underground nature of the project and the fact that a large portion of it sits within the public highway the ecological impacts are limited. The cable route does however pass within close proximity of two ponds which have previously been shown to contain Great Crested Newts.

11.3.2 Conditions relating to the securing of a Construction Environmental Management Plan (CEMP), Great Crested Newt District level license and securing of a Biodiversity Enhancement Strategy are required. Subject to these the Council's Ecology Consultant has no objection.

11.3.3 The identified Biodiversity Enhancements consist of 5no. bat boxes; 5no. bird boxes and 2no. woodpile habitats. Overall, the ecological impact of the proposal is considered to be acceptable.

### 11.4 Highway Considerations

11.4.1 ECC Highways have been consulted regarding the temporary access onto Notley Road. Following discussion with Officers and the Applicant it has been agreed that a temporary reduction to a 30mph speed limit would be acceptable meaning that the required visibility splays would be less. This means that hedgerow removal to facilitate access and visibility could be kept to an absolute minimum.

- 11.4.2 The second highway impact is the cable laying works which would take place within the public highway. Both National Highways and ECC Highways have offered no objection in this regard.
- 11.4.3 Finally, in terms of highway impact during construction, the Applicant states that there will be an average of 2 to 3 deliveries to the site per day with a total of up to 8 workers on site at any one time. These numbers are very low and the proposed construction compounds would be able to accommodate the small number of construction workers vehicles as required. Overall, it is therefore considered that the highway impact of the proposal is acceptable.

#### 11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 Policy LPP70 of the Adopted Local Plan states that '*all new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution)*'. Policy 8 of the Crossing Neighbourhood Plan states that development proposals '*should not result in significant harm to neighbouring residential amenity*'. The first section of the cable would sit within the public highway. There are dwellings in close proximity and the amenity of the occupants would need to be protected via a Construction Management Plan. The second section of cable is located in open countryside with very few dwellings in the immediate vicinity. However, the Construction Compounds are a consideration and one in particular is located adjacent to an existing dwelling. Although of a modest size and temporary in nature, a Construction Management Plan is still required to ensure that the amenity of adjacent residents is not adversely affected by the construction compounds to an unacceptable degree.
- 11.5.2 The Councils Environmental Health Officer has raised no objection to the proposal subject to conditions relating to contamination and working hours. A condition relating to no burning of refuse has also been requested but is covered by other legislation and is not therefore necessary.

#### 11.6 Flooding and Drainage Strategy

- 11.6.1 Policy LPP74 of the Adopted Local Plan seeks to ensure that new development is appropriately located and responds accordingly to Flood Risk. The Applicant submitted a Flood Risk Assessment (FRA) in support of their application. This has been reviewed by the Environment Agency and by the Lead Local Flood Authority (ECC) who have no objection subject to a condition requiring compliance with it.
- 11.6.2 The cable route is primarily within Flood Zone 1 although it passes through Zones 2 and 3 and travels directly under the River Brain. In these latter areas the undergrounding of the cable via horizontal drilling means that it would have no impact upon either the River or the higher risk flood zones nor would it be affected by them. The FRA identifies that during the construction phase of the development there would be no storage of equipment or materials within Flood Zones 2 or 3.

11.6.3 The National Planning Practice Guidance (PPG) and the NPPF (National Planning Policy Framework) set out guidance on uses which are or are not appropriate for higher risk flood zones. The proposed development is classified as essential infrastructure, suitable for Flood Zones 1 and 2 but requiring a sequential and exception test for Flood Zone 3. The Applicant's FRA identifies that the cable route must cross the River Brain with its associated Flood Zone 3 in order to connect to the identified sub-station. In other words – there is only one route option available and sequentially there are no alternatives. In terms of the exception test, it is clear that the proposed sustainability benefits of the development to the community outweigh flood risk – there being no specific flood risk identified due to the underground nature of the project. It is also clear that as required, the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. It will not reduce flood risk overall as this is not possible for a project of this nature.

11.6.4 Neither the Environment Agency nor the Lead Local Flood Authority have any objection to the proposal and overall it is considered acceptable in terms of flooding and drainage.

## 11.7 Heritage

11.7.1 The proposed cable route would pass by a number of listed buildings. Policy LPP47 of the Adopted Local Plan seeks to protect and enhance the historic environment. Policy LPP57 of the Adopted Local Plan safeguards heritage assets and their settings and states that *'the Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land'*. Policy 4 of the Crossing Neighbourhood Plan also seeks to protect localised heritage assets.

11.7.2 The Council's Historic Buildings Consultant has been consulted and has raised no objection to the proposal concluding that *'disturbance to the setting of the heritage assets close to the cable route is expected during the construction phase with no impact anticipated following the completion of the works'*.

11.7.3 Given that any harm to heritage assets would be temporary and that due to the underground nature of the cable there would be no permanent impact upon identified heritage assets, the public benefits of the proposal are considered to firmly outweigh the harm identified and the heritage balance falls in favour of the proposal. There are not therefore considered to be any reasons to recommend refusal of planning permission on heritage grounds.

## 12. PLANNING BALANCE AND CONCLUSION

12.1 The proposed development would facilitate the connection of a consented renewable energy scheme (solar farm) to the National Grid. The Applicant has taken measures to ensure that the impact of the cabling route would be

minimised along its route, in particular by using horizontal drilling in the more sensitive areas. The general principle of development is considered to be acceptable and the public benefits of connecting a solar farm to the national grid are substantial and weigh heavily in favour of the proposal.

- 12.2 A limited degree of temporary heritage harm has been identified but the heritage balance falls in favour of the proposal. In terms of the general planning balance this limited and temporary heritage harm must be added to the minor tree/hedge loss identified, a temporary impact upon the highway network (temporary speed limit reduction/road closures) and a degree of temporary impact upon neighbour amenity during the construction phase. However, the public benefits of the scheme are substantial and clearly outweigh the very limited harms identified. Overall the planning balance is considered to fall in favour of the proposal and the scheme is considered to be acceptable.

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	WGSFC 1.0 REV 06	N/A
Proposed Sections	WGSFC 7.0 REV 04	N/A
Proposed Plans	WGSFC 2.0 REV 06	N/A
Proposed Plans	WGSFC 3.0 REV 04	N/A
Proposed Plans	WGSFC 4.0 REV 04	N/A
Proposed Plans	WGSFC 5.0 REV 04	N/A
Proposed Plans	WGSFC 6.0 REV 06	N/A
Other	E5093-3PD-003 Rev. E	N/A

Condition(s) & Reason(s)

Condition 1

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

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

Condition 2

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

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

Condition 3

Prior to commencement of the development, the Construction Management Plan prepared by Gleed Services dated August 2023 shall be revised and submitted to and approved by the Local Planning Authority to include the following:

- a) Planning application drawing number E5093-3PD-003 Rev E prepared by SDD dated 27th November 2023.
- b) A copy of a made Temporary Traffic Regulation Order for a temporary reduction of the speed limit from 40 mph to 30 mph in Notley Road at and in the vicinity of the temporary construction access.
- c) Details of a banksman and any traffic management measures required at the Notley Road temporary construction access.
- d) Details of the offsite heavy goods vehicle waiting area(s) and call-in procedure
- e) Details of a package of signage and safety measures to protect the users of the Public Rights of Way network at and in the vicinity of the proposal site.
- f) Details showing any gates at the Notley Road temporary construction access

being a minimum 20 metres from the back edge of carriageway and opening inwards only.

- g) Details showing there would be no unbound material used in the surface treatment of the Notley Road temporary construction access within 10 metres of highway.
- h) Details of any re-instatement works required at the Notley Road temporary construction access upon completion of construction of the proposal.

The development shall be conducted in accordance with the approved Construction Management Plan.

Reason: To protect highway efficiency of movement and safety and to protect the Public Rights of Way network.

#### Condition 4

Prior to the commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority for the proposed replacement trees, hedges and shrubs identified in the submitted Arboricultural Impact Assessment (January 2024) and associated Weddles Letter (29th January 2024). The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances. All planting contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that appropriate replacement landscape planting is secured.

#### Condition 5

Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Preliminary Ecological Appraisal Report - Rev B (Weddles Ltd, January 2024).

The CEMP (Biodiversity) shall include the following.

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



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

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

#### Condition 6

Any works which will impact the breeding / resting place of Great Crested Newt, shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) A Great Crested Newt Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

#### Condition 7

Prior to the installation of any temporary lighting at the temporary construction compounds details of this lighting shall be submitted to and approved by the Local Planning Authority. Any lighting shall be removed at the end of the construction period or when the associated construction compound is removed, whichever is the sooner.

Reason: In the interests of visual amenity.

#### Condition 8

The development shall be carried out in accordance with the approved Arboricultural Impact Assessment (January 2024) and associated Weddles Letter (29th January 2024) (including the tree protection measures contained therein). No alterations or variations to the approved works or tree and hedgerow protection schemes shall be made.

Reason: To ensure existing trees, shrubs and hedges are retained and protected during the construction process.

#### Condition 9

Notwithstanding the details approved in the Construction Management Plan as required under Condition 3 of this planning permission no site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:

- Monday to Friday 0800 hours - 1800 hours
- Saturday 0800 hours - 1300 hours
- Bank Holidays & Sundays - no work

Reason: To protect the amenity of existing residents in the area.

#### Condition 10

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. In such instances, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented.

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

#### Condition 11

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment Ref R007, Issue 2 dated 11th August 2023, by RMA Environmental.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

#### Condition 12

Prior to the first beneficial use of the new cables, a Biodiversity Compensation and Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal Report - Rev B (Weddles Ltd, January 2024) and the Vegetation Impacts And Mitigation/Compensation (Weddles Ltd, January 2024), shall be submitted to and approved in writing by the Local Planning Authority.

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

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

The works shall be implemented in accordance with the approved details shall be

retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 13

As soon as the construction process is finished and in any event within 5 months of the commencement of development the 4 temporary construction compounds hereby permitted shall be removed and the land returned to its former condition.

Reason: To ensure that the compounds are not permanently retained, their being inappropriate permanent development in the countryside.

#### Informative(s)

##### Informative 1

Your attention is drawn to the following consultation responses which contain information/guidance which it is your responsibility as the Developer to follow:

- National Grid/Cadence Gas Letter Dated 15 September 2023.
- Essex County Council Development and Flood Risk (LLFA) Letter Dated 3 October 2023.
- Essex County Council Highways and Transportation - 13th December 2023.

##### Informative 2

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

- o Specific MAHP BPD (15 METERS MIN)
- o Specific IP BPD (3 METERS MIN)
- o Specific AGI BPD (based upon the hazardous area zoning) 10 METERS MIN

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution.

### Informative 3

The Applicant is advised that the public rights and ease of passage over the Public Rights of Way network at and in the vicinity of the proposal site must be maintained free and unobstructed at all times in order to protect the Public Rights of Way network.

### 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

SP6	Infrastructure & Connectivity
LPP1	Development Boundaries
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP73	Renewable Energy Schemes
LPP74	Flooding Risk and Surface Water Drainage
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting

#### Cressing Parish Neighbourhood Plan 2017 - 2033

1	Protecting and Enhancing the Natural Environment
2	Protection of Special and Sensitive Landscapes
3	Maintaining the Character and Integrity of the Parish
4	Protecting the Historic Environment
8	Design, Layout, Scale, Character, and Appearance of New Development

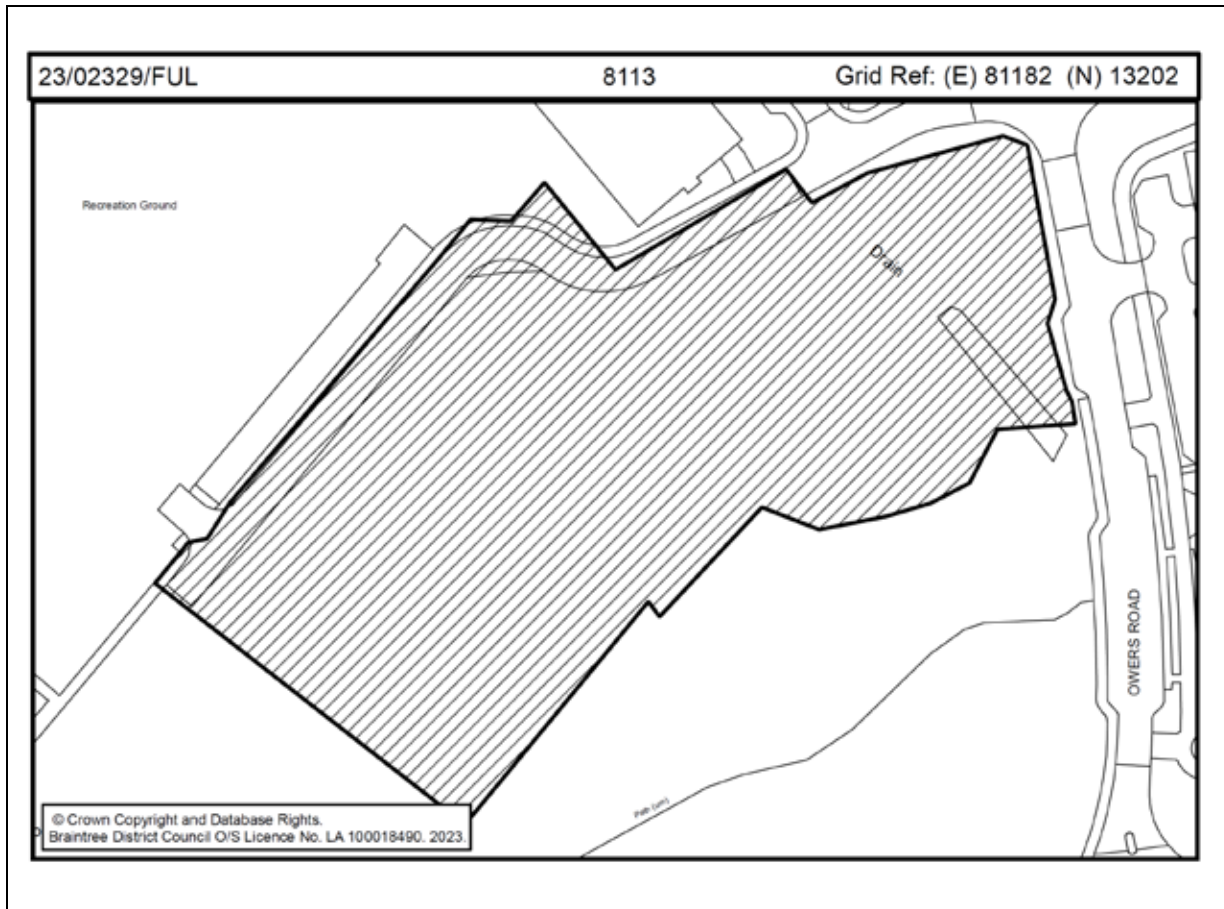
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
18/00549/OUT	Outline application with some matters reserved, for residential development of up to 250 dwellings with access considered	Refused	05.12.19
22/01061/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2017 - Screening Request (Regulation 6) - Solar Farm	Screening/ Scoping Opinion Adopted	12.09.22

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 26th March 2024	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/02329/FUL
<b>Description:</b>	Proposed new community building, with associated landscaping and car parking
<b>Location:</b>	Land South Of Haygreen Road, Witham, Essex
<b>Applicant:</b>	Braintree District Council, Causeway House, Bocking End, Braintree, CM7 9HB
<b>Agent:</b>	Mrs Rebecca Howard, Ingleton Wood, 874 The Crescent, Colchester Business Park, Colchester, CO4 9YQ
<b>Date Valid:</b>	13th October 2023
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can: a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>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>	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: 23/02329/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application site comprises vacant land located within the Maltings Lane development which is situated within the Witham Town Development Boundary. The site forms a parcel of land located to the south of existing residential development and to the north of a pub/restaurant and supermarket. The Maltings Lane development is a significant mixed-use development which as well as new housing includes a new primary school, pub/restaurant, children's nursery, supermarket, office space, and open space including play areas, grass sports pitches, and a Multi-Use Games Area.
- 1.2 The Masterplan and application for the Maltings Lane development recognised that the development would create a need for additional community infrastructure to meet the needs of residents. This included the provision of a new hall or building that the community could use for meetings and events. Land was secured from the developer alongside a financial contribution towards the cost of constructing a community building. The Community Land was transferred to Braintree District Council under the provisions of the Maltings Lane Section 106 Agreement.
- 1.3 This application seeks planning permission for the erection of a community building, with associated parking and landscaping. The proposed building would facilitate multiple functions, having been designed for a range of sports and community uses with associated facilities. The proposed building would feature a range of changing facilities, to be utilised by the neighbouring sports pitches to the west of the site, along with internal facilities such as a kitchen/bar to enable the main hall to be used for community uses.
- 1.4 The application site is located within the development boundary of Witham, wherein the provision of a community facility is supported by Policies LPP1 and LPP61 of the Adopted Local Plan. The development is therefore in accordance with the Development Plan as a whole.
- 1.5 In terms of benefits, the proposal would provide a community facility to support existing sports facilities within the vicinity, along with the provision of a mixed-use sports hall/community hall for use by the community. The proposal would also provide the redevelopment of a current vacant site through the creation of a high quality development.
- 1.6 No harms have been identified with regards to the proposed development, subject to the imposition of suitable conditions as identified within this report.
- 1.7 Accordingly, it is recommended that planning permission is granted for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site comprises vacant land located within the Maltings Lane development which is situated within the Witham Town Development Boundary. The site forms a parcel of land located to the south of existing residential development and to the north of a pub/restaurant and supermarket. The Maltings Lane development is a significant mixed-use development which as well as new housing includes a new primary school, pub/restaurant, children's nursery, supermarket, office space, and open space including play areas, grass sports pitches, and a Multi-Use Games Area.

5.2 The development of the Maltings Lane site has followed a Land Use Masterplan. The masterplan has been revised on several occasions and most recently through the 2013 planning permission (Application Reference 12/01091/OUT).

5.3 It was recognised that the development would create a need for additional community infrastructure to meet the needs of residents. This included the provision of a new hall or building that the community could use for meetings and events. Land was secured from the developer alongside a financial contribution towards the cost of constructing a community building. The Community Land was transferred to Braintree District Council under the provisions of the Maltings Lane Section 106 Agreement.

5.4 The Council is already holding £1,568,895 of Section 106 contributions from a number of housing developments in the town which are to be used to contribute towards the provision of a new community building in the Maltings Lane development. A further £200,000 is secured in a Section 106 agreement and is allocated to the community building development. In addition, the District Council has agreed to make a further capital contribution of £2,270,838 towards the delivery of the new community building.

## 6. PROPOSAL

- 6.1 The application seeks planning permission for the erection of a community building, with associated parking and landscaping. The proposed building would facilitate multiple functions, having been designed for a range of sports and community uses with associated facilities. The proposed building would feature a range of changing facilities, to be utilised by the neighbouring sports pitches to the west of the site, along with internal facilities such as a kitchen/bar to enable the main hall to be used for community uses.
- 6.2 In terms of design, the proposed building would feature a variety of heights to provide visual interest, with the three storey element being central to the structure, with two storey and single storey elements wrapping around the structure, including a canopy to the northern elevation. A material palette of a mixture of brickwork to the ground floor, coloured render to the two storey elements and vertical cladding to the sports hall would be utilised. In terms of scale, the proposed building would measure 31.9 metres in width, with a depth of 19.5 metres, with a maximum height of 8 metres. The proposal would provide approximately 640sq.m of floorspace.
- 6.3 The building would be located towards the middle of the application site, with an area of open space provided to the northern area, along with a footpath link to Owers Road. Vehicular access to the site would be provided from Haygreen Road, with the car park for the proposal located within the southern section of the site. This would provide parking for 37 car parking spaces, included 4 accessible spaces, along with 3 motorbike parking spaces. The proposed parking would be interspersed with planting. A total of 14 bicycle parking spaces would be provided between the frontage with Haygreen Road and the proposed building.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 Echo the comments raised on the previously withdrawn application, stating that the drainage assessment is acceptable and recommend it is listed as an approved plan/document.

### 7.2 Essex Fire and Rescue

- 7.2.1 Access appears sufficient. More detailed observations on access and facilities for Fire Services to be considered at Building Regulation stage.

### 7.3 Sports England

- 7.3.1 Supportive of the application. The facilities provided with support the playing pitches and the community hall is to be designed as a single court sports hall. The design and layout responds to advice previously provided by Sports England and the Football Foundation.

7.4 BDC Ecology

7.4.1 Initially raised a holding objection due to insufficient ecological information regarding impacts on a Priority Habitat (hedgerow), however following the submission of further information raise no objection subject to conditions regarding ecological enhancement measures and a wildlife sensitive lighting design scheme.

7.5 BDC Environmental Health

7.5.1 No objections to the proposal subject to conditions regarding construction, contaminated land and noise.

7.6 ECC Highways

7.6.1 Acceptable from a highway and transportation perspective, subject to conditions regarding a Construction Management Plan and widening of the proposed footway link.

7.7 Essex SUDS

7.7.1 No comments have been provided on the current application. Comments were provided on the previously withdrawn application (Application Reference 23/00251/FUL), wherein no objection was raised subject to a number of conditions. It is recommended that the conditions previously recommended by ECC SUDS be imposed on this application. If any consultation response is received by ECC SUDS, an update will be provided to Members at Planning Committee.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 No comments received.

9. REPRESENTATIONS

9.1 No letters of representation have been received.

10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is located within the Witham Town Development boundary. Policy LPP1 of the Adopted Local Plan states that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

10.2 The National Planning Policy Framework sets out within Paragraph 88 that planning policies and decisions should enable the retention and

development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Paragraph 96 further stipulates that planning policies and decision should aim to achieve healthy, inclusive and safe places and beautiful buildings which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- 10.3 Policy LPP61 of the Adopted Local Plan states that the provision of new or enhanced community facilities will be supported wherever possible, and that that Local Planning Authority will aim to ensure new facilities are created alongside new communities, and that the provision or enhancement of these facilities will be supported wherever possible.
- 10.4 Sports England have provided comments on the application, stating their support for the proposal as the building would provide essential ancillary facilities to support the use of the playing pitches and the sports hall would provide opportunities for the community to participate in indoor sports such as badminton.

## 11. SITE ASSESSMENT

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

- 11.1.1 Paragraph 131 of the NPPF sets out that high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It then goes on to cite good design as a key aspect of sustainable development.
- 11.1.2 Policies SP6, LPP47 and LPP52 of the Adopted Local Plan all reflect the NPPF by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings, layouts and landscaping to reflect or enhance the area's local distinctiveness. Policy LPP52 of the Adopted Local Plan requires designs to reflect or enhance local distinctiveness in terms of scale, layout, height and massing of buildings, and be in harmony with the character and appearance of the surrounding area.
- 11.1.3 The proposed building would be located on an area of land which is not currently developed, and has been identified for a community use. The design of the building takes reference from local community buildings within the vicinity such as the primary school to the north east, along with the nursery to the south east. The design of the building is led by the provision of the sports hall, with a functional form to the building with visual interest added by use of a varied material palette and staggered roof heights.

11.1.4 In terms of site layout, the proposal would see the creation of a vehicular access from Haygreen Road, along with a new footpath created along the southern edge of Haygreen Road, through the top of the site to link with Owers Road. Soft landscaping would be provided throughout the application site, with tree planting breaking up the proposed car parking area. Along the northern section of the site, an area of open space would be retained, along with a number of trees.

11.1.5 Overall, the design, layout and appearance of the proposed development would be high-quality, representative of its functional form, and would be in keeping with the local streetscene.

## 11.2 Ecology and Trees

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

11.2.2 Policy LPP66 of the Adopted Local Plan states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

11.2.3 The Council's Ecologist has reviewed the information submitted during the lifetime of the application, including the Ecological Appraisal, Reptile Survey, Tree Survey and Reptile Mitigation, relating to the likely impacts of development on designated sites, protect and Priority Species and Habitats. Following the submission of further information regarding the existing hedgerows on the site, they are satisfied that sufficient ecological information is available for determination which provides certainty for the LPA of the likely impacts on these.

11.2.4 The Council's Ecological Consultant is satisfied that subject to adherence with the mitigation measures as outlined within the submitted information, the development can be made acceptable from an ecological perspective. The Council's Ecologist also recommends that a Wildlife Sensitive Lighting Design Scheme is implemented for this application. Therefore, technical specification should be submitted to the LPA to demonstrate measures to avoid lighting impacts to foraging / commuting bats, which are known to be present within the local area.

11.2.5 Officers are therefore satisfied that the proposals comply with Policies LPP64 and LPP66 of the Adopted Local Plan and the NPPF.

## 11.3 Highway Considerations

11.3.1 Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential residual



cumulative impacts on the road network would be severe. Policy LPP52 of the Adopted Local Plan requires that the development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users.

- 11.3.2 The application seeks to provide vehicular access to the site from Haygreen Road, to the north of the site. ECC Highways have raised no objection to the provision of this access. Comments have been raised by ECC Highways regarding the width of the proposed footpath to the site along Haygreen Road, and a condition has been recommended to require this to be increased in width from 2.0m to 3.0m.
- 11.3.3 With regards to parking provision, Policy LPP43 of the Adopted Local Plan sets out that development is required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards. The Standards set out that for general D2 uses, 1 vehicular space per 20sq.m would need to be provided, along with 10 cycle parking spaces plus 1 space per 10 vehicle spaces. Based on the proposed floor area of 639sq.m, this would equate to approximately 32 vehicle spaces, and 14 cycle parking spaces. The proposals seek to provide 37 parking spaces, four of which would be accessible. In terms of cycle parking, the proposals seek to provide 14 secure cycle lockers, in accordance with the standards.
- 11.3.4 Overall, subject to conditions, the proposal would be acceptable from a highways and parking perspective.

#### 11.4 Impact upon Neighbouring Residential Amenity

- 11.4.1 The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy LPP52 of the Adopted Local Plan requires no undue or unacceptable impact on the amenity of any nearby residential properties.
- 11.4.2 The application site is located to the south of existing residential development along Owers Road and Haygreen Road, and the proposed building would be set some distance from these neighbouring properties. A supermarket is located to the south of the site, along with a pub/restaurant. An area of land to the south east of the site has been subject to recent planning applications for the provision of a mixed use development, however this has been dismissed at appeal and no planning permission is in place for the neighbouring plot.
- 11.4.3 The Council's Environmental Health Consultant has provided comments on the application, raising no objection to the application but recommending a condition regarding noise due to the potential for noise from the site activities with regards to neighbouring residential properties.

## 11.5 Flooding and Drainage Strategy

- 11.5.1 The application site is located with Flood Zone 1 where the risk of flooding is low.
- 11.5.2 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. It goes on to cite that when considering the SUDS used, regard should be given to the advice received from the lead local flood authority (LLFA).
- 11.5.3 Policies LPP74, LPP75 and LPP76 of the Adopted Local Plan reflect the above objective of the NPPF and require new major developments to incorporate SUDS as appropriate to the nature of the site.
- 11.5.4 Essex County Council SUDS team, as Lead Local Flood Authority, provided comments on the previously withdrawn application (Application Reference 23/00251/FUL) raising no objection to the proposals subject to a number of conditions. No updated response has been received in respect of this application, however as the details remain the same as previously proposed, it is recommended that the previous conditions suggested by ECC SUDS are imposed on any decision to grant planning permission for the proposed development.

## 11.6 Contamination

- 11.6.1 Policy LPP70 of the Adopted Local Plan states that proposals for all new development should prevent unacceptable risks from all emissions and other forms of pollution. Proposals for development on, or adjacent to land which is known to be potentially affected by contamination, or land which may have a particular sensitive end use or involving the storage and/or use of hazardous substances, will be required to submit an appropriate assessment of the risk levels, site investigations and other relevant studies, remediation proposals and implementation schedule prior to, or as part of any planning application.
- 11.6.2 The Council's Environmental Health Officer has provided comments on the application, outlining that a detailed survey would need to be provided to determine a remediation strategy, and that a condition should be imposed accordingly. Subject to conditions, the proposal is considered to be acceptable in this regard.

## 12. CONCLUSION

- 12.1 The application site is located within the development boundary of Witham, wherein the provision of a community facility is supported by Policies LPP1 and LPP61 of the Adopted Local Plan. The development is therefore in accordance with the Development Plan as a whole.

- 12.2 In terms of benefits, the proposal would provide a community facility to support existing sports facilities within the vicinity, along with the provision of a mixed-use sports hall/community hall for use by the community. The proposal would also provide the redevelopment of a current vacant site through the creation of a high quality development.
- 12.3 No harms have been identified with regards to the proposed development, subject to the imposition of suitable conditions as identified within this report.
- 12.4 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

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	MALTIN-IWD-XX-XX-DR-A-1000 REV C02	N/A
Proposed Site Plan	MALTIN-IWD-XX-XX-DR-A-2000 REV C02	N/A
Proposed Ground Floor Plan	MALTIN-IWD-XX-00-DR-A12000 REV P9	N/A
Proposed 1st Floor Plan	MALTIN-IWD-XX-XX-DR-A-1002 REV P6	N/A
Proposed Elevations	MALTIN-IWD-XX-XX-DR-A-1004 REV P5	N/A
Proposed Roof Plan	MALTIN-IWD-XX-RF-DR-A-1003 REV P2	N/A
Other	1365-01	N/A
Other	1365-02	N/A

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

##### Condition 1

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

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

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above, except as follows:

- The footpath link as shown on Drawing No.MALTIN-IWD-XX-XX-DR-A-2000 REV C02 is not approved.

Reason: For the avoidance of doubt and in the interests of proper planning. The details of the link are not acceptable and need to be revised, as required by Condition 6 of this permission.

##### Condition 3

No above ground development shall commence until a schedule and samples of the types and colour of the materials to be used in the external finishes of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

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

#### Condition 4

Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- Adjoining land;
- Groundwaters and surface waters;
- Ecological systems; and
- Archeological sites and ancient monuments.

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with

<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

Where remediation is deemed necessary then development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority. It shall include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, if identified in the verification plan. Any long term monitoring and

maintenance plan shall be implemented as approved. Any piling scheme shall be assessed to ensure that no pollutant linkages are created.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, then no further development shall be carried out and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of these measures a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

#### Condition 5

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1 of the Highway Authority's Development Management Policies February 2011.

#### Condition 6

Prior to the commencement of the development, details of a footway/cycle link within the northern part of the site with a minimum width of 3m, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. Thereafter, the footway/cycle link shall be retained as approved.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### Condition 7

All mitigation and ecological enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech Consulting Ltd, January 2024), the Further Reptile Surveys at Land off Owers Road, Witham, Essex, (Arborterra, October 2020), Reptile Mitigation Report (Arborterra Ltd, November 2023), and the Landscape Specification (Arborterra Ltd, January 2023), as already submitted with the planning application and agreed in

principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

#### Condition 8

Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals), shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

#### Condition 9

Prior to the occupation of the development hereby approved, details of the proposed refuse stores and cycle parking as shown on Drawing No. MALTIN-IWD-XX-XX-DR-A-2000 Rev C02 shall be submitted to and approved in writing by the Local Planning Authority.

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

#### Condition 10

Entertainment noise (LAeq,5min) should be controlled to 5dB below the typical background noise level (LA90) in each octave band at the nearest noise sensitive location. Entertainment noise shall not be audible at the nearest noise sensitive dwelling between the hours of 2300 and 0800 hours.

Reason: In the interest of neighbouring residential amenity.

#### Condition 11

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

Reason: In the interest of neighbouring residential amenity.

#### Condition 12

The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Assessment (doc 501347-IWD-XX-XX-RP-D6000-S5-PO1 dated 19/01/23) and the following mitigation measures detailed within the Assessment:

- Limiting the discharge from the site to 0.56l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

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

#### Condition 13

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

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



mitigating this should be proposed.

#### Condition 14

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

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

#### Condition 15

The Applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

#### 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
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP52	Layout and Design of Development
LPP61	Local Community Services and Facilities
LPP64	Protected Sites
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Surface Water Management Plan

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
22/00084/REF	Development of the site to include erection of single storey building of 262m <sup>2</sup> to provide 3no neighbourhood retail units (Class E), a three storey building to provide a 70 bedroom Care Home (Class C2) and 44 residential dwellings (Class C3) comprising of dwellinghouses and a three storey apartment building, alongside access, parking, landscaping and other associated works.	Appeal Dismissed	07.07.23
00/01764/OUT	Proposed Master Layout Plan: Erection of approximately 800 dwellings, business park, primary school, neighbourhood centre and community facilities	Granted	28.06.01
01/02134/REM	Construction of new estate spine road linking roundabout B (accesses via Maltings Lane) to roundabout D off Hatfield Road	Granted	20.08.02
03/00884/FUL	Variation of condition no. 6 of outline planning permission 91/01563/POWS to remove time limits for submission and implementation of all reserved matters	Granted	23.06.03
03/02176/FUL	Submission of detailed design statement relating to Phase 2A in accordance with Condition 3 of outline planning permission	Granted	12.03.04

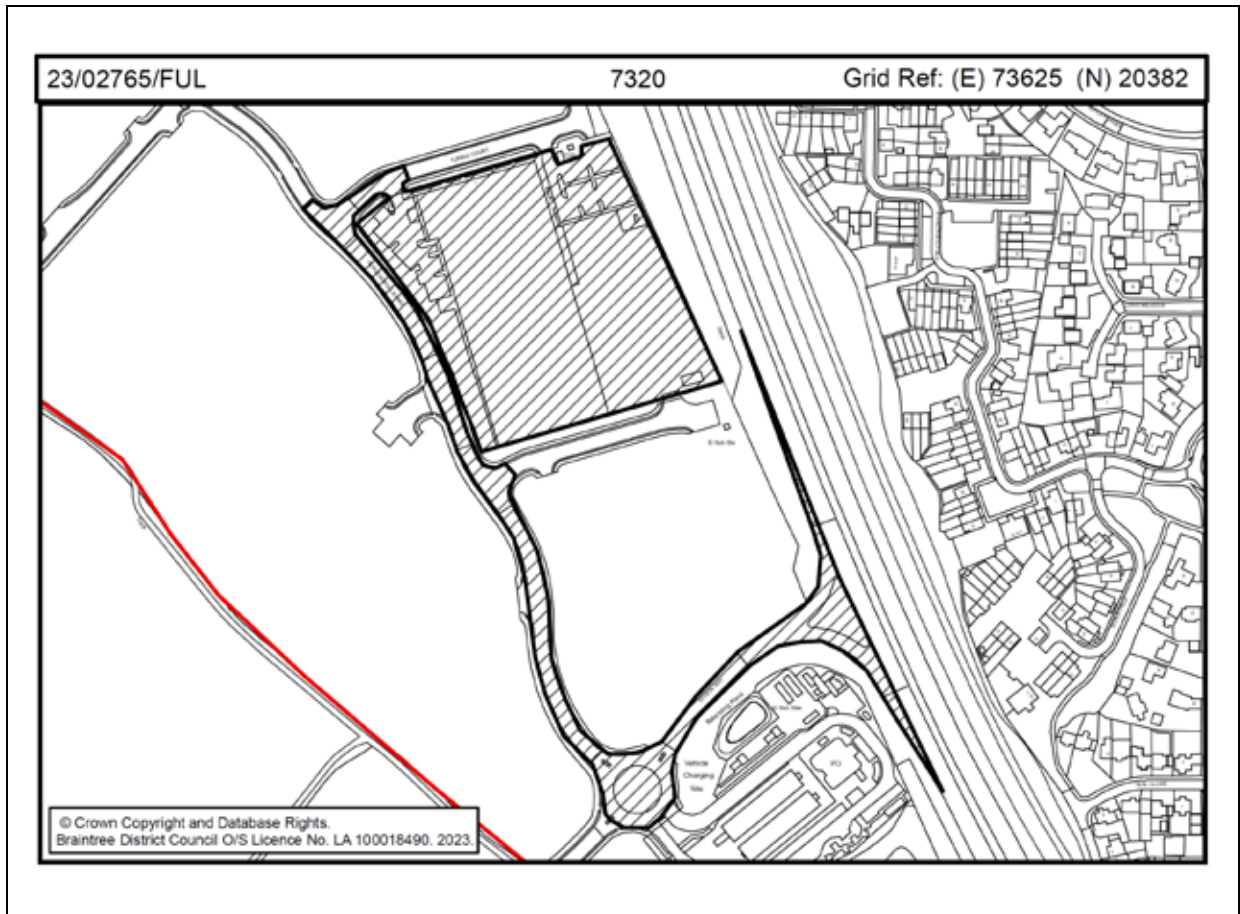
	91/1563/POWS for Phase 1A		
91/01563/OUT	Erection Of Approx. 800 Dwellings, Business Park, Primary School, Neighbourhood Centre, Community Facilities	Granted with S106 Agreement	08.08.00
91/01564/POWS	Erection Of Approx. 800 Dwellings, Business Park, Primary School, Neighbourhood Centre, Community Facilities,		29.02.96
05/00597/FUL	Variation of condition 20 of outline planning permission (91/01563/POWS) to increase the number of units on the site	Withdrawn	10.09.13
06/01143/OUT	Erection of approx. 268 Dwellings, B1 business park, primary school, neighbourhood centre, community facilities, open space, landscaping and ancillary infrastructure	Granted with S106 Agreement	28.11.08
09/00265/REM	Main Highway infrastructure to be implemented as part of planning approval 06/01143/OUT including pedestrian footways and crossings, cycleways and bus stops	Granted	29.04.09
12/00005/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Mixed use development comprising a commercial area for employment, neighbourhood centres, community facilities including food retail, non-food retail, a pub/restaurant, children's day nursery, Class B1		16.08.12

	office, retail warehousing, other uses within Classes A1 to A5, community centre, place of worship, health centre, sports facilities, residential dwellings, open space, landscaping and ancillary infrastructure at land to the south of Hatfield Road forming part of the Maltings Lane development		
12/01071/OUT	Revised masterplan for a mixed use development comprising a commercial area for employment, neighbourhood centres, community facilities including food retail, non-food retail, a pub/restaurant, Class B1 office, retail warehousing, other uses within Classes A1 to A5, children's day nursery, health centre, sports facilities, residential dwellings, open space, landscaping and ancillary infrastructure at land to the south of Hatfield Road forming part of the Maltings Lane development	Granted with S106 Agreement	26.07.13
21/03618/FUL	Development of the site to include erection of single storey building of 262m2 to provide 3no neighbourhood retail units (Class E), a three storey building to provide a 70 bedroom Care Home (Class C2) and 44 residential dwellings (Class C3) comprising of dwellinghouses and a three storey apartment building, alongside access, parking,	Refused	06.06.22

	landscaping and other associated works.		
23/00251/FUL	Proposed new community building, with associated landscaping and car parking.	Withdrawn	05.09.23

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 26th March 2024	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/02765/FUL
<b>Description:</b>	Change of use from Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display to Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display and Retail Sale (Use Class E(a)) and collection of medical/ disability aids from the existing Display Area.
<b>Location:</b>	1 Turing Court, Great Notley, Braintree
<b>Applicant:</b>	CareCo UK Ltd, 1 Turing Court, Great Notley, Braintree, Essex, CM77 7AT
<b>Agent:</b>	Kevin Coleman, Phase 2 Planning & Development Ltd, 270 Avenue West, Skyline 120, Great Notley, Essex, CM77 7AA
<b>Date Valid:</b>	22nd December 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>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>	Alison Rugg For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2522, or by e-mail: <a href="mailto:alison.rugg@braintree.gov.uk">alison.rugg@braintree.gov.uk</a>

**Application Site Location:**





<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>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: 23/02765/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located within the red line of the Horizon 120 Business Park, which is allocated as a Strategic Employment Site pursuant to Policy LPP2 of the Adopted Local Plan and benefits from a Local Development Order (LDO) granted by the Council in 2021.
- 1.2 The application seeks full planning permission for the change of use from Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display to Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display and Retail Sale (Use Class E(a)) and collection of medical/ disability aids from the existing Display Area at the existing CareCo building with Horizon 120.
- 1.3 CareCo is a major provider of products designed to assist those with medical issues or disabilities to live healthy, active, and fulfilling lives. The product range is extensive but all of it is designed to assist those who are less able to perform everyday tasks.
- 1.4 The purpose of the proposed development is to enable a limited range of retail sale of equipment and collection from the site. The application is not seeking a general retail usage from the site, it is only seeking the use in relation to the area to which members of the public are already visiting for viewing goods, which is limited to the 533sq.m display area.
- 1.5 CareCo provides a unique service to disabled and aged people to live independent and active lives. The retail use from the site would facilitate a service to be provided for residents in the vicinity of the Braintree area without travelling further afield promoting both economic growth in the area and reducing car travel. It is considered the principle of a retail counter as proposed for the CareCo business only, is acceptable and that a departure from the Development Plan in this instance is justified.
- 1.6 The development proposals will result in a very small increase of around 1 car on-site at any one time and as such the existing parking provision is considered acceptable. The proposal would not have a material impact on the traffic generation of the site with no additional vehicle movements during the AM peak hour and very limited during the PM peak hour.
- 1.7 The proposal is therefore considered acceptable subject to appropriate conditions imposed.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located to the south of Braintree Town Centre and to the West of Great Notley. The site comprises a prominent building adjacent to the A131, occupied by CareCo, within the Horizon 120 Business Park which is subject to a Local Development Order granted by the Council in 2021. The CareCo building was deemed compliant with the LDO under Application Reference 20/00001/LDOCC. The application approved the development of a two storey 'flagship' building that combined a high quality modern distribution centre on the ground floor with HQ office accommodation on the first and second floors. The development comprises of a total of 2339sq.m of E(g)(i) Office space and 9102.2sq.m of B8 Storage and Distribution.

5.2 The surrounding business park is currently under construction. The CareCo building fronts the primary road running through the business park, with the service yard located to the rear and fronting the A131. The boundary along the A131 contains a line of established trees.

5.3 The building is currently unoccupied as it was subject to a fire on 17th September 2023. The fire damaged building is currently in the process of being stripped out, with those works due for completion by end of March 2024. CareCo will then take back control of the building in April 2024, and will begin the process of internal refurbishment and external repairs. The current programme is for relocation back into the building in late July 2025. Careco business is currently operating from the adjoining unit at 1 Hawking Drive.

6. PROPOSAL

6.1 The proposal is for the change of use from Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display to Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display and Retail Sale (Use Class E(a)) and collection of medical/ disability aids from the existing Display Area.

6.2 The purpose of the proposed development is to enable a limited range of retail sale of equipment and collection from the site. The application is not seeking a general retail usage from the site, it is only seeking the use in relation to the area to which members of the public are already visiting for viewing goods, which is limited to the 533sq.m display area.

6.3 The application does not propose amendments to any external or internal arrangements of the building, nor does it propose amendments to the car parking spaces within the site.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 ECC Highways

7.1.1 No comments confirmed.

## 8. PARISH / TOWN COUNCIL

### 8.1 Great Notley Parish Council

8.1.1 No objection.

## 9. REPRESENTATIONS

9.1 No representations received.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 Background

10.1.1 By way of background, the Council granted a Local Development Order (LDO) for a large area of land to the west of Great Notley in 2019, known as the Horizon 120 Business Park. The LDO was subsequently amended in 2021 which remains the relevant LDO for the site. The LDO grants planning permission for specific development and uses in each of four Zones (A-D) and applies limitations and conditions for development within those Zones. Compliance Checklist submissions are required for; new buildings (Schedule A); strategic infrastructure (Schedule B); extensions and alterations (Schedule C); or change of use (Schedule D). There are a range of conditions that need to be satisfied with any development and these are typically confirmed with the submission of a Checklist application.

10.1.2 One of the limitations of the LDO is in relation to trade counters. There is a blanket restriction on any building within the site operating a trade counter whereby the LDO states: *'Development would not be permitted if it would include customers purchasing goods, regardless of where these were purchased, and receiving them within the Horizon 120 LDO area. The direct sale of goods to customers within the plot is not permitted, including for example, through a trade counter'*.

- 10.1.3 A Compliance Checklist application was approved for 1 Turing Court (known as CareCo) in November 2020 (Application Reference 20/00001/LDOCC). The building is located within Zone C of the LDO which allows for operation within E(g)(i) and B8 uses. The building was completed, occupied and was trading successfully, before being struck by a fire in 2023. The building is currently undergoing renovations, and operations have been relocated to adjacent buildings whilst this work is undertaken.
- 10.1.4 The approved floorplans for the building included an ancillary display area, which is approximately 533sq.m in size. Whilst the display area enables CareCo to display its products to visiting members of the public, due to the general limitation above on trade counters it does not allow customers to receive goods from the site, irrespective of where they were purchased. The Council became aware of a breach of planning consent in February 2023, that being the sale of goods from the premises.
- 10.1.5 CareCo is a major provider of products designed to assist those with medical issues or disabilities to live healthy, active, and fulfilling lives. The product range is extensive, but all of it is designed to assist those who are less able to perform everyday tasks. Some products qualify for VAT relief because they are considered by the Government to constitute essential medical equipment.
- 10.1.6 The CareCo facility at Horizon 120 is the administrative and logistics headquarters for the company. The facility also includes a display area, where a range of the bulkier products are available to view and, in the case of rise recliners, power chairs, mobility scooters, walking aids, and wheelchairs, to test before purchase. A range of products related to hygiene (toilet safety aids and bathroom/shower aids) are also on display.
- 10.1.7 Most products are ordered online, and then either delivered to the customer through the post/ courier (typically 3-5 days), or in the case of bulkier items, delivered by CareCo directly (typically around 14 days). The nearest available retail outlets to Horizon 120 are Ipswich or Harold Hill. Whilst for the vast majority of customers, purchase online or from a local outlet is sufficient for their needs, there are cases where customers require assistance more urgently.
- 10.1.8 Someone who has unexpectedly suffered an accident or a fall may require a mobility product immediately, rather than in 14 days time. Similarly, a sudden medical condition or accident can result in people requiring bathing or toilet aids at short notice, and here the lack of availability of ready aids can cause significant distress or health issues.
- 10.1.9 In such circumstances, and particularly for people in the Braintree and North Essex area, the ability to collect products at short notice is essential to their dignity and ability to live independently. The alternative is either a delay without essential aids, or a need to travel to either Ipswich or Harold Hill to obtain the same product.

## 10.2 Need in the Local Area

- 10.2.1 In respect of mobility aids, the two main alternatives to CareCo in the local area are either rental of products through Motability schemes, or being supplied direct on behalf of the NHS. In terms of Motability schemes, there are 3 in the local area, however these are only available for people who are eligible for government disability allowances. For NHS supplies, Mediquip Community Equipment Loan Service is located on Horizon 120 and is a supplier of mobility aids to individuals once prescribed through the NHS/ health professional.
- 10.2.2 In respect of bathroom aids, there are a number of local chemists and mainstream pharmacies that sell bathroom aids, however, the choice and range of products stocked by these stores does not extend to the specialised range of goods that CareCo provides, which are not found at main high street pharmacies which cater for more 'mainstream' products.
- 10.2.3 The opportunities for people living in Braintree to access mobility products and bathroom aids for immediate purchase and collection is limited to CareCo. There do not appear to be any similar sites in the local area offering a similar range of products for private sale.

## 10.3 Policy Considerations

- 10.3.1 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).
- 10.3.2 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.
- 10.3.3 The Horizon 120 site (18.5ha) is identified within Adopted Local Plan pursuant to Policy LPP2 (b) for the location of employment land. This land is permitted for a range of uses and specifically does not allow the wider policies of Employment Policy Areas to be applied. The policy clearly notes that the Council has approved an LDO for the site.
- 10.3.4 The Employment Land Needs Assessment (2015) highlights the importance of clustering employment land for agglomeration effects and

notes that Horizon 120 offers significant potential for new office provision for small and medium sized businesses with good access to the strategic road network and better links to larger population centres in the region. The ELNA reported observations of non-E(g), B2 and B8 uses such as Sui Generis, examples of which includes MOT servicing centres, premises selling and/or displaying motor vehicles and scrap yards. Community or leisure uses such as nurseries and gyms (D use classes) and warehouse retail and trade centres, defined as E(a) (Shops) were also observed within existing employment areas. This led the ENLA to conclude that 'many industrial areas provide suitable locations for wider employment uses.'

- 10.3.5 Local Plan Policy in response to the provision of the above wider employment uses suggests that the Council should assess change according to how it would impair the long-term functionality or operation of the employment land.
- 10.3.6 Paragraph 81 of the NPPF states that planning decisions should help to create the conditions in which businesses can invest, expand and adapt, with significant weight being placed on the need to support economic growth and productivity of local businesses. Whilst there are no specific policies in the Adopted Local Plan that relate to the need to provide such niche services, Paragraph 5.53 states that the Local Planning Authority seeks to protect existing community facilities and will aim to ensure new facilities are created alongside new communities...these facilities can include other services. The Council also has a duty under Section 149 (7) of the Equality Act to be proactive in promoting equality.
- 10.3.7 Policy LPP9 of the Adopted Local Plan is relevant in this case, in that it stipulates that the primary location for retail will be in the main town centre. Policy LPP14 of the Adopted Local Plan states that retail warehousing development will be permitted within or immediately adjoining town centres. The proposal would therefore be a departure from the Development Plan in this regard. However, given the minimal size of the retail counter, the niche product that is being provided and the ancillary nature of such a use, it could be argued that the building would not be categorised as a retail warehouse and is inextricably linked to the location of the approved warehouse and distribution centre. The retail counter (at circa 533sq.m) is of minimal size and is used for limited niche retail sales, associated with the main use of the approved building, and therefore it is not considered that it would be likely to impact upon Braintree Town Centre, which would remain the primary location for retail uses.
- 10.3.8 The information provided states that CareCo provides a unique service to disabled and aged people to live independent and active lives. The trade counter facilitates a service to be provided for residents in the vicinity of the Braintree area without travelling further afield promoting both economic growth in the area and reducing car travel.
- 10.3.9 Officers consider the principle of a retail counter as proposed, for the CareCo business only, is acceptable and that a departure from the



Development Plan and LDO in this instance is justified. A condition has been recommended to ensure that the retail floorspace is only in relation to the sale of specialist equipment. This will prevent a general retail usage of the site, should the building be occupied by another company in the future.

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

11.1.1 The external appearance and design of the building were approved as part of the LDO Compliance Checklist (Application Reference 20/00001/LDOCC) as they were in accordance with the Local Development Order and the accompanying Design Code. No amendments are proposed to the design or external appearance of the development.

11.2 Highway Considerations

11.2.1 Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking and cycle parking in accordance with the Council's Adopted Parking Standards. The Transport Assessment (February 2020) approved as part of the LDO application is also a material consideration in the assessment of this application, particularly as it identifies that the main peak travel times to and from the Horizon 120 development are between 0715-0815 and 1700-1800.

11.2.2 The site currently provides parking for 57 cars, and 72 bicycles, split between two car parks on the site. Car park 1 at the front of the site is for visitors, customers visiting the display areas, and for some staff members. Car park 2 is the larger staff car park, for members of staff only. The number of car parking spaces on site were originally calculated as per the LDO, on the currently adopted car parking standards (Parking Standards 2009) for the approved use of E(g)(i) and B8.

11.2.3 The vehicle parking space requirement, based on these standards, for a 533sq.m retail use would equate to 1 space per 20sq.m of retail floorspace, totalling 27 car parking spaces. However, it should be noted that these are maximum requirements and not a minimum requirement. The car park currently provides for 5 allocated customer spaces, which equates to approximately 1 space per 100sq.m. There is no capacity for additional car parking on the site as the building and existing uses are already established, therefore a Transport Statement and Parking Survey were submitted to accompany the application, to ascertain the likely increase in traffic with a retail use on the site, and whether additional car parking facilities would be required. The business also kept a record of customers visiting the display area over a 6 month period and included this evidence within the Transport Statement.

11.2.4 The Parking Survey results of members of the public visiting the display area during the opening hours (0900 - 1800 Monday – Saturday and 1000 – 1600 on Sunday) were on average 5 – 7 customer visits per weekday and 4 – 7 customer visits per weekend day across the opening times above.

The Transport Statement suggests that based on existing customer numbers and requests, that a retail area on the site could expect an uplift of around 30% with an average of 7 – 9 customer visits per day, an increase of around 2 visits per day. The proposal would therefore not have a material impact on the traffic generation of the site with no additional vehicle movements during the AM peak hour, due to the opening times of the display area, and very limited (likely less than 1) during the PM peak hour. The Highway Authority were consulted on the application and raised no objections.

- 11.2.5 The Parking Survey was undertaken over 2 working days. The results showed a general availability of car parking spaces in car park 1 (the customer car park) throughout the day, other than a half hour period (between 12:30-13:00) on the second survey day. Car park 2, which is for staff only, was full between the hours of 0900-1500, which is when the highest number of staff are on site. At weekends, a skeleton number of staff operate from the site, and therefore there would be sufficient car park capacity.
- 11.2.6 The majority of sales are expected to come from customers who are already visiting the display area who currently have to leave and place their orders online or over the phone. The retail use is expected to result in a very small increase of 1 additional customer on-site at any one time, as such the existing car parking provision is considered appropriate and acceptable. The proposal to permit the selling and collection of items from the display area will not result in an increase in the number of staff on-site as the existing staff within the building/ display area will continue to serve the customers.
- 11.2.7 The development proposals will result in a very small increase of around 1 car on-site at any one time and as such the existing parking provision is considered acceptable. The proposal would not have a material impact on the traffic generation of the site with no additional vehicle movements during the AM peak hour and very limited (likely less than 1) during the PM peak hour. In conclusion, Officers consider the impacts on traffic generation and parking capacity to be acceptable.

## 12. CONCLUSION

- 12.1 The application site is located within the red line of the Horizon 120 Business Park which is allocated as a Strategic Employment Site within Policy LPP2 of the Adopted Local Plan and benefits from a Local Development Order (LDO) granted by the Council in 2021.
- 12.2 The application seeks full planning permission for the change of use from Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display to Office (Use Class E(g)(i))/ Warehousing (Use Class B8)/ Display and Retail Sale (Use Class E(a)) and collection of medical/ disability aids from the existing Display Area at the existing CareCo building with Horizon 120.

- 12.3 CareCo is a major provider of products designed to assist those with medical issues or disabilities to live healthy, active, and fulfilling lives. The product range is extensive, but all of it is designed to assist those who are less able to perform everyday tasks.
- 12.4 The purpose of the proposed development is to enable a limited range of retail sale of equipment and collection from the site. The application is not seeking a general retail usage from the site, it is only seeking the use in relation to the area to which members of the public are already visiting for viewing goods, which is limited to the 533sq.m display area.
- 12.5 CareCo provides a unique service to disabled and aged people to live independent and active lives. The retail use from the site would facilitate a service to be provided for residents in the vicinity of the Braintree area without travelling further afield promoting both economic growth in the area and reducing car travel. It is considered the principle of a retail counter as proposed, for the CareCo business only is acceptable and that a departure from the Development Plan in this instance is justified.
- 12.6 The development proposals will result in a very small increase of around 1 car on-site at any one time and as such the existing parking provision is considered acceptable. The proposal would not have a material impact on the traffic generation of the site with no additional vehicle movements during the AM peak hour and very limited during the PM peak hour. No objections have been received in relation to the application.

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	AP0101	P02
Proposed Ground Floor Plan	AB0200	P01

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

##### Condition 1

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

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

##### Condition 2

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

Reason: For the avoidance of doubt and in the interests of proper planning as to what is permitted.

##### Condition 3

The sale and/or collection of goods from the site shall be limited to rise recliners, power chairs, mobility scooters, walking aids, wheelchairs, bathroom aids, and for no other goods.

Reason: To ensure that the retail use on the site is for the purposes associated with current occupier of the site.

##### Condition 4

The Retail Use E(a) associated with the site is limited to the 533.8sq.m Display Area only, as shown on Drawing Number 2598 AB0200 P01.

Reason: To ensure the retail use remains ancillary to the main use of the building.

#### Informative(s)

##### Informative 1

It is emphasised that this permission is in respect of change of use only. Any alterations materially affecting the external appearance of the building will need to be the subject of a separate application for planning permission.

### Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
LPP2	Location of Employment Land
LPP9	Retailing and Regeneration
LPP14	Retail Warehouse Development
LPP20	Strategic Growth Location - North West Braintree
LPP42	Sustainable Transport
LPP43	Parking Provision

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
00/00139/TEL	Erection of one 15 metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and ancillary development	Refused	09.03.00
89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses upto maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
93/01236/OHL	Proposed 33kv dual circuit overhead line diversion	No Objections Raised	10.11.93
95/01057/REM	Structural landscaping to bypass bunding (areas 16 & 18)	Granted	31.01.96
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be	Granted with S106 Agreement	20.08.98

	commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004		
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Proposed business park	Pending Consideration	
17/01235/FUL	Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure.	Granted	26.10.17
18/00003/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request	Screening/ Scoping Opinion Adopted	07.08.18



	- Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.		
19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19
19/00950/ADV	Proposed erection of two temporary signage boards	Granted	16.10.19
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.	Granted	30.09.19
19/01525/FUL	Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of	Refused	30.03.20

	main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.		
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure.	Granted	16.04.20
20/00444/NMA	Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-	Granted	22.05.20

	<p>level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL).</p> <p>Amendment would allow:</p> <ul style="list-style-type: none"> <li>- Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.</li> </ul>		
20/00445/NMA	<p>Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for:</p> <p>Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.</p> <p>Amendment would allow:</p> <ul style="list-style-type: none"> <li>- Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.</li> </ul>	Granted	22.05.20
20/00473/DAC	<p>Application for approval of details reserved by conditions 9, 13, 14, 15 &amp; 17 of approved application 19/01616/FUL</p>	Granted	02.12.20
20/00474/DAC	<p>Application for approval of details reserved by conditions 9, 13, 14, 15 &amp; 17 of approved application 19/01525/FUL</p>	Granted	02.12.20

20/00548/DAC	Application for approval of details reserved by condition 10 of approved application 19/01616/FUL	Granted	19.06.20
20/00549/DAC	Application for approval of details reserved by condition 10 of approved application 19/01525/FUL	Granted	19.06.20
20/00859/ADV	Display of double sided site signage	Granted	21.08.20
20/00860/ADV	Display of double sided site signage	Granted	21.08.20
20/00898/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL	Granted	24.06.22
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL	Granted	24.06.22
20/01502/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures.	Granted	09.12.20
20/01503/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01525/FUL granted 10/02/2020 for: Construction of two access points into the site	Granted	09.12.20

	through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Variation would allow revised wording of the condition regarding implementation of mitigation measures.		
20/00001/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P11 (Building Maintenance) and P12 (Renewable Energy).	Confirmation of Compliance with LDO	06.11.20
20/00002/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone A (Enterprise Centre comprising offices and a cafe with associated landscaping and parking) pursuant to the discharge of conditions G2 (Compliance Checklist) G7 (Construction Management Plan) P1 (Plot Landscaping) P2 (Access) P3 (Parking) P6	Confirmation of Compliance with LDO	08.01.21

	(Surface Water Drainage) P7 (Foul Drainage) P11 (Building Maintenance) and P12 (Renewable Energy).		
20/02234/DAC	Application for approval of details as reserved by conditions of approved application 20/01502/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan; 18 - post excavation strategy.	Granted	18.11.21
20/02236/DAC	Application for approval of details as reserved by conditions of approved application 20/01503/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan.	Granted	18.11.21
21/01300/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone C (Erection of industrial/R&D unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure.) pursuant to the discharge of Conditions G1. (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10. (Signage and Wayfinding Strategy); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P4. (Pedestrian	Confirmation of Compliance with LDO	21.05.21

	Footpaths); P6. (Surface Water Drainage); P7. (Foul Drainage); P8. (Noise); P9. (Building Use); P11. (Building Maintenance); P12 (Renewable Energy); and S3. (Landscape Maintenance).		
21/01783/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities;	Granted	02.08.21

	and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy		
21/02715/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P10 (Building Maintenance) and P11 (Renewable Energy).	Non-Compliance with LDO	08.10.21
21/02944/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking);	Confirmation of Compliance with LDO	04.11.21



	P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO		
21/03015/FUL	Construction of western spur off roundabout with landscaping.	Granted	23.03.22
21/03016/VAR	Variation of Condition 1 (Approved Plans) of permission 20/01503/VAR granted 09/12/2020. Variation would allow - Minor amendment to the siting of the western spur of the southern roundabout.	Granted	23.03.22
21/03516/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C - The erection of 3no. buildings totaling circa 14,927m <sup>2</sup> GEA of Use Class B8 (Storage or distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for	Confirmation of Compliance with LDO	22.12.21

	Local Development Order number 21/01783/LDO.		
22/00254/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m <sup>2</sup> GEA of Use Class E (g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.	Confirmation of Compliance with LDO	14.03.22
22/00822/FUL	Erection of acoustic fence and landscaping	Granted	23.12.22
22/00965/LDOCC	Schedule C alterations to Enterprise Centre constructed under schedule A approval ref.20/00002/LDOCC, comprising additional events floor space, elevational changes, additional emergency escape route, art installation and landscaping alterations. Discharge of conditions G2 (Compliance	Confirmation of Compliance with LDO	25.05.22

	Checklist), G7 (Construction Management Plan), G10 (Signage, Wayfinding and Public Art), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance), and P11 (Renewable Energy).		
22/01205/DAC	Application for approval of details as reserved by condition S3 (Landscape Maintenance Strategy outside of plots) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.	Granted	24.08.22
22/01206/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B). The erection of 1no. building totalling circa 3,145m2 GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1 (Design Code Compliance), G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.	Confirmation of Compliance with LDO	15.06.22

22/01730/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) - Compliance Checklist application for site wide Wayfinding Strategy concerning Signage, Public Art and Furniture in accordance with Condition G2 (Compliance Checklist) of Schedule B, Class 2 and 3; Condition G1 (Design Code Compliance); and Condition G10 (Signage, Wayfinding and Public Art) of Schedule B Class 1.	Confirmation of Compliance with LDO	05.08.22
22/02233/DAC	Application for approval of details as reserved by condition G11 part (a) only (Highways Improvements) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.	Pending Consideration	
22/02356/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B) - The erection of 1no. building split between 2no. units, totalling circa 3,196m <sup>2</sup> GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul	Confirmation of Compliance with LDO	17.10.22

	Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
22/02935/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C - The erection of 3no. buildings totalling circa 14,927m <sup>2</sup> GEA of Use Class B8 (Storage or Distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.	Confirmation of Compliance with LDO	08.12.22
22/03139/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m <sup>2</sup> GEA of Use Class E (g)(iii) (Industrial) with ancillary offices, associated car parking,	Confirmation of Compliance with LDO	23.12.22

	<p>service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p>		
23/00119/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development (E(g)(ii) unit with offices E(g)(i) and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO</p>	Confirmation of Compliance with LDO	24.02.23

	(AMENDMENT TO PREVIOUS APPLICATION 21/02944/LDOCC).		
23/00688/FUL	Retention of pallet store shed.	Granted	19.06.23
23/01494/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B) - The erection of 1no. building split between 2no. units, totalling circa 3,517sqm GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.	Confirmation of Compliance with LDO	18.07.23
23/02807/OUT	Hybrid Planning application for part full, part outline consent for up to 55,000 sqm of employment floorspace. Full planning permission for a 15,925sqm (GEA) building for Storage and Distribution (Use class B8), with ancillary office (Use class E(g)(i)) and associated amenity space landscaping, car and cycle	Pending Consideration	

	<p>parking, refuse storage, servicing area, and other associated infrastructure works. Outline planning permission (with all matters reserved) for up to 39,075sqm of employment space for Research and Development (E(g)(ii)), and/or Industrial Process (E(g)(iii)), and/or General industrial (B2), and/or Storage or distribution (B8) with ancillary office (Use class E(g)(i)) with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure.</p>		
24/00211/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development totalling circa 5,357sqm GEA of (E(g)(ii) unit with offices E(g)(i) and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building</p>	Pending Consideration	



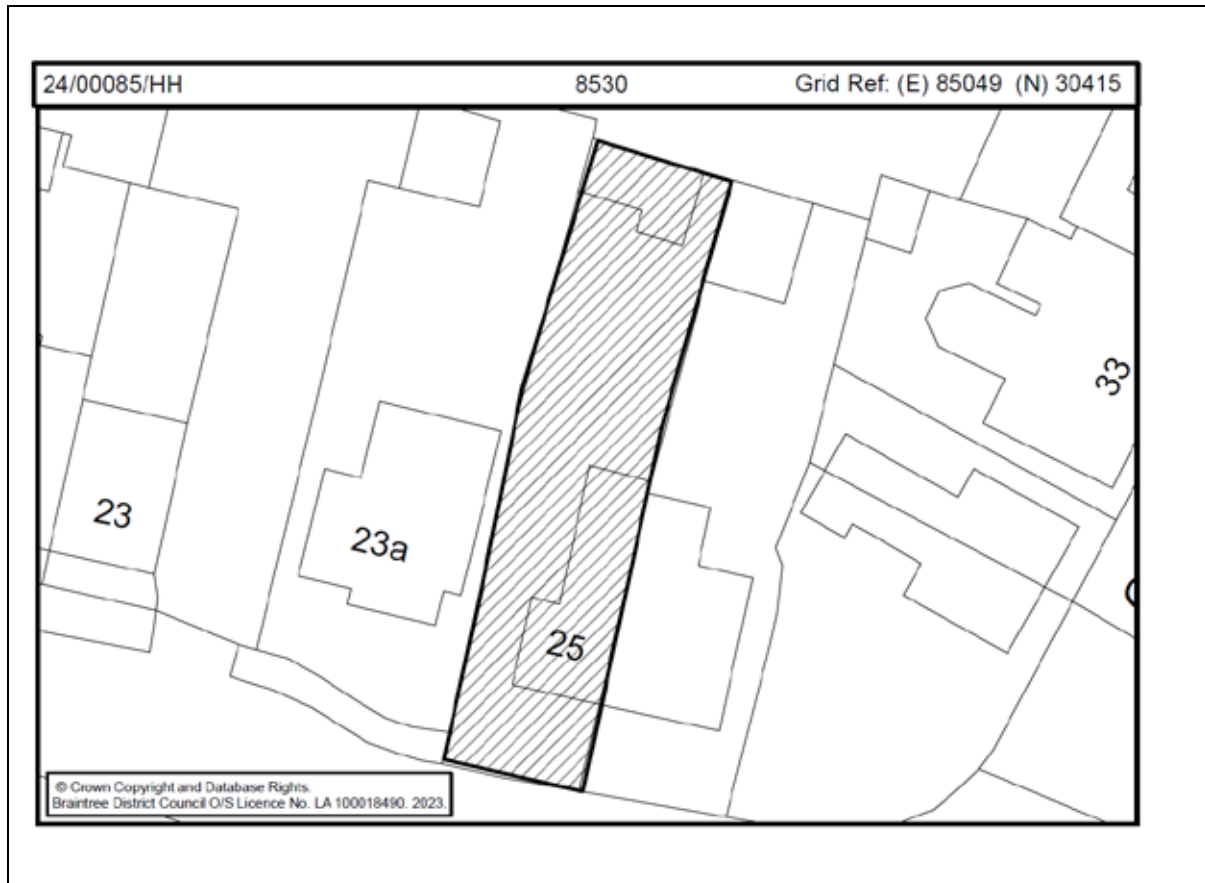
	Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO (AMENDMENT TO PREVIOUS APPLICATION 21/02944/LDOCC AND 23/00119/LDOCC).		
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use	Granted	16.04.20

	Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure.		
20/01502/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures.	Granted	09.12.20
20/00001/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P11 (Building Maintenance) and P12 (Renewable Energy).	Confirmation of Compliance with LDO	06.11.20
21/01783/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii)	Granted	02.08.21

	<p>(Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure -</p> <p>Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy</p>		
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<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 26th March 2024	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	24/00085/HH
<b>Description:</b>	Single storey side and rear extension
<b>Location:</b>	25 Church Street, Colne Engaine, Essex
<b>Applicant:</b>	Mrs Suzanne Kerr, 25 Church Street, Colne Engaine, Essex, CO6 2EX
<b>Date Valid:</b>	16th January 2024
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>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>	Rory Hayhurst For more information about this Application please contact the above Officer on 01376 551414 Extension: 2558, or by e-mail: <a href="mailto:rory.hayhurst@braintree.gov.uk">rory.hayhurst@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: 24/00085/HH.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013-2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD’s) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application seeks permission for a single storey side and rear extension to the two-storey semi-detached dwelling at 25 Church Street. The host dwelling forms one of a pair of early 20<sup>th</sup> century adjoining red brick properties that lie on the north of Church Street, facing the site of St Andrews Church, a Grade I Listed Building. It should be noted that the application site is not considered to be within the setting of the Listed Building.
- 1.2 The proposal would infill a recessed area between the host dwelling and the existing flat roofed rear projection. The proposed extension would extend off the rear wall of the dwellinghouse by 8 metres and extend off the side of the existing rear projection by 3.5 metres, extending past the furthest western wall of the dwellinghouse by 1.6 metres. Its proposed height of 3.2 metres means it would match the existing rear projection in terms of height, width and depth. The proposed extension is to be comprised of a timber frame built on a red brick plinth. The exterior walls would be faced in Cedral Lap Grey Green Cladding and windows and doors installed to match existing. The roof would be a felt flat roof with one large 2.2 x 1.3 metre skylight.
- 1.3 The application site lies within the Colne Engaine designated development boundary. Policy LPP1 of the Adopted Local Plan states that development within development boundaries, will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement. In addition to this Policy LPP36 of the Adopted Local Plan states that residential alterations, extensions and outbuildings will be permitted, provided they meet the relevant criteria assessed below. The application is therefore considered acceptable in principle.
- 1.4 In relation to the application's design, appearance and impact upon the character and appearance of the area the proposal is considered to accord with the relevant policies within the Adopted Local Plan and the relevant guidance within the National Planning Policy Framework (NPPF). By virtue of its small scale and position at the rear and side of the dwelling, the proposed extension would demonstrate subordination to the host dwelling, allowing it to retain its visual dominance. Additionally, whilst the proposed materials are not matching to the host dwellings, they are not considered out of character with the identity of the street scene and are of a high standard, considered to not have any harmful impact on the dwellings identity.
- 1.5 Whilst the proposed extension is located close to the boundary with the neighbouring Hill House, The height of the proposed extension poses no risk of increased loss of light or overbearing and given its single storey nature there is no risk of loss of privacy or overlooking. No representations have been received from neighbours in this regard.



- 1.6 There are no highway impacts as a result of this application. The proposal would not impact existing parking provision, nor would it increase the parking requirements of the property. It is therefore in accordance with Policy LPP43 of the Adopted Local Plan and the Essex Parking Standards.
- 1.7 Taking the above factors into account, the application is recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is an employee of Braintree District Council.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is 25 Church Street, a semi-detached two storey dwelling forming one of a pair of early 20th century adjoining red brick properties. The site lies within the designated development boundary in Colne Engaine on the north side of Church Street facing the site of St Andrews Church. The church is a Grade I Listed building; however, the application site is not considered to be located within its setting.

6. PROPOSAL

6.1 The application concerns the erection of a single storey rear and side extension infilling a recessed area between the host dwelling and the existing flat roofed projection. The proposed extension would extend off the rear wall of the dwellinghouse by 8 metres and extend off the side of the existing rear projection by 3.5 metres extending past the furthest western wall of the dwellinghouse by 1.6 metres. The extension would have a depth off the rear wall of the dwellinghouse of 8 metres and a height of 3.2 metres to match the existing rear projection.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 N/A

8. PARISH / TOWN COUNCIL

8.1 Colne Engaine Parish Council

8.1.1 No Comment.

9. REPRESENTATIONS

9.1 A site notice was displayed at the front of the site and the immediate neighbours set out below notified of the application by way of letter:

- Clare Cottage, Colne Engaine, Essex, CO6 2EX
- 27 Church Street, Colne Engaine, Essex, CO6 2EX
- Hill House, Colne Engaine, Essex, CO6 2EX

9.2 No representations have been received.

## 10. PRINCIPLE OF DEVELOPMENT

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

10.2 The application site is located within a designated development boundary.

10.3 Policy LPP1 of the Adopted Local Plan states that development within development boundaries, will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement.

10.4 Policy LPP36 of the Adopted Local Plan additionally states that residential alterations, extensions and outbuildings will be permitted, provided they meet the criteria that will be discussed below.

10.5 The application is considered acceptable in principle, subject to the detailed criteria assessed below.

## 11. SITE ASSESSMENT

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

11.1.1 Policy LPP36 of the Adopted Local Plan allows for residential alterations, extensions and outbuildings, provided they meet all the following criteria:

- a) There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The Council will have regard to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings.
- b) The property design, siting, bulk, form and materials of the alteration, extension or outbuilding should be compatible with the original dwelling and character of the area.
- c) Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position.
- d) There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing of light or an overbearing impact.
- e) There should be no unacceptable impact on the identity of the street scene and/or the appearance of the countryside.

- f) There should be no unacceptable adverse impact on any heritage asset or their setting.
  - g) In the countryside, new outbuildings should be well related to the existing development on the site and within the curtilage of the dwelling.
  - h) Annexes shall not be self-contained and shall share a physical and functional relationship with the host dwelling.
- 11.1.2 Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.3 Policies LPP47 and LPP52 of the Adopted Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials and use appropriate landscaping.
- 11.1.4 The application concerns the erection of a single storey rear and side extension infilling a recessed area between the host dwelling and the existing flat roofed projection. The proposed extension would extend off the rear wall of the dwellinghouse by 8 metres and extend off the side of the existing rear projection by 3.5 metres extending past the furthest western wall of the dwellinghouse by 1.6 metres. The extension would have a depth off the rear wall of the dwellinghouse of 8 metres and a height of 3.2 metres to match the existing rear projection. Policy LPP36 of the Adopted Local Plan as detailed above requires extensions to be subordinate to the original dwelling in terms of bulk, height and position. In terms of bulk, given the proposed extension is replicating the existing rear projection, its bulk is sufficiently reasonable in comparison to the original dwelling. Furthermore, it's height of 3.2 metres to match the existing rear projection would be reasonable in terms of design and subordination and its position at the rear and side of the property ensure the original dwelling retains its dominance. As such Officers consider that the proposed extension would be subordinate in relation to the original dwelling.
- 11.1.5 The application site forms one of a pair of semi-detached red brick dwellings that lie opposite the Grade I Listed St Andrews Church. Whilst the dwelling is not considered to be within the setting of the Listed Building and not a heritage asset, it is clearly observed to have a distinctive character and the pair of dwellings are considered to be a positive element within the street scene. Policies LPP36, LPP47 and LPP52 all require proposals to be respectful of the local distinctiveness and the immediate identity of the dwelling itself. The immediate adjoining property at 27 Church Street includes a side extension comprising of cream render and a brick plinth with a pitched roof. The proposed rear and side extension is to be comprised of a timber frame built on a red brick plinth. The exterior walls would be faced in Cedar Lap Grey Green Cladding and windows and doors installed to match existing. The roof would be a felt flat roof with one large

2.2 x 1.3 metre skylight. Considering both the proposed and existing materials as well as the position of the extension at the side and rear, set back from the principal elevation, it is reasonably respectful of the design of the original dwelling. Officers would therefore consider it in accordance with the relevant policies discussed above.

- 11.1.6 Overall, the proposed extension demonstrates a high standard of design and layout in accordance with the guidance found within the NPPF and the relevant Adopted Local Plan policies. It is also considered to be sufficiently respectful of the local distinctiveness and the identity of the immediate street scene and surrounding area.

## 11.2 Highways Considerations

- 11.2.1 Policy LPP43 of the Adopted Local Plan requires all development to be in accordance with Essex Parking Standards.

- 11.2.2 The proposal would not impact the existing parking provision of the property nor increase the property's requirements for parking.

## 11.3 Impact upon Neighbouring Residential Amenity

- 11.3.1 The National Planning Policy Framework sets out that decisions should seek to ensure a high-quality amenity for all current and future occupiers of dwellings. Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy.

- 11.3.2 The proposed extension would take the west elevation of the property to within 0.9 metres to the western boundary of the property shared with Hill House. Hill House itself has an existing single storey pitched side element that lies close to the boundary. The height of the proposed extension poses no risk of an increased loss of light or overbearing and given its single storey nature there is no risk of loss of privacy or overlooking. No representations have been received from neighbours in this regard.

## 12. CONCLUSION

- 12.1 The proposal of a residential extension within a designated development boundary is considered acceptable in principle as set out within the relevant policies within the Adopted Local Plan.

- 12.2 The proposed extension is considered subordinate to the original dwelling in terms of bulk, height and position, in accordance with Policy LPP36 of the Adopted Local Plan.

- 12.3 The proposed extension is considered acceptable in terms of design and would not have any harmful impact on the identity of the dwelling or the character and appearance of the area. It is therefore in accordance with the relevant policies within the Adopted Local Plan in this regard.
- 12.4 The scale of the proposed extension, particularly in terms of height poses no risk of an increased loss of light or overbearing and given its single storey nature there is no risk of loss of privacy or overlooking. It is therefore in accordance with Policy LPP52 of the Adopted Local Plan in this regard.
- 12.5 The proposal would not impact the existing parking provision of the property nor increase the property's requirements in accordance with the Essex Parking Standards and Policy LPP43 of the Adopted Local Plan.
- 12.6 Taking into account the above, it is considered that the proposal complies with the Development Plan when taken as a whole. Officers consider that there are no material considerations, that indicate that a decision should be made other than in accordance with the Development Plan.

13. 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 / Block Plan	MSK001A1	N/A
Proposed Block Plan	MSK002A1	N/A
Existing Elevations	MSK005A	N/A
Proposed Elevations	MSK006A1	N/A
Existing Floor Plan	MSK003A	N/A
Proposed Floor Plan	MSK004A	N/A
Section	MSK005	N/A

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

##### Condition 1

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

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

##### Condition 2

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

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

##### Condition 3

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

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

#### Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP36	Residential Alterations, Extensions and Outbuildings
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development



APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
15/01188/FUL	Erection of single storey/two storey side extension	Withdrawn	10.11.15