

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 08 December 2020 at 7.15pm**

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

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

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

**Membership:-**

Councillor J Abbott	Councillor Mrs I Parker (Vice Chairman)
Councillor K Bowers	Councillor F Ricci
Councillor T Cunningham	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor Mrs G Spray
Councillor H Johnson	Councillor N Unsworth
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

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.

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS**

### **Declaration 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 on a Planning Application/Agenda Item:**

In response to the Coronavirus the Council has implemented procedures for public question time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for public question time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register for public question time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk). In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

For the Planning Committee only, the order in which questions and statements will be read is members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

**Documents:** Agendas, Reports, Minutes and public question time questions and statement can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Data Processing:** During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

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)

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 can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

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

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 24th November 2020 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications and to agree whether the more minor applications listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that the applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

**PART A****Planning Applications**

**5a Application No. 20 00603 OUT - Chapel House, Leather Lane, GREAT YELDHAM 6 - 22**

**5b Application No. 20 01502 VAR - Land West of A131 Horizon 23 - 46**  
**120, London Road, GREAT NOTLEY**

**5c Application No. 20 01503 VAR - Land West of A131 Horizon 47 - 71**  
**120, London Road, GREAT NOTLEY**

**PART B****Minor Planning Applications**

**5d Application No. 20 00610 HH - 56 Avenue Road, WITHAM 72 - 78**

- |    |  |         |
|----|--|---------|
| 5e | Application No. 20 01361 HH - 20 Samuel Courtauld Avenue,<br>BRAINTREE | 79 - 86 |
| 5f | Application No. 20 01628 HH - 28 Grayling Close,<br>BRAINTREE          | 87 - 93 |

**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.

**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.

**PRIVATE SESSION**

**Page**

**7 Urgent Business - Private Session**

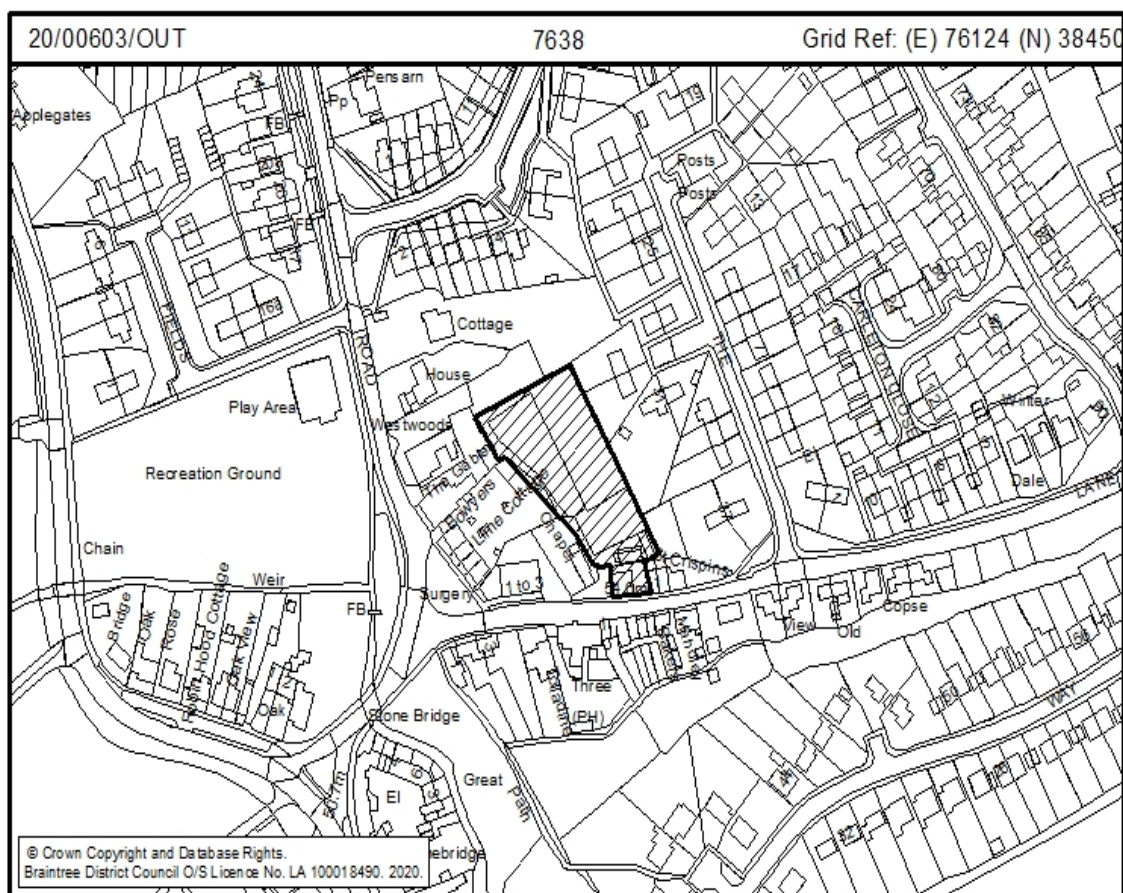
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

## PART A

## AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00603/OUT      DATE: 20.04.20  
VALID:  
APPLICANT: Mr Westley Mercer  
Spaynes Hall, Cherry Lane, Great Yeldham, CO9 4HH,  
England  
AGENT: Kenneth McAndrew Architect  
Mr Kenneth McAndrew, Jubilee Cottages, 6 New Cut,  
Bures, CO8 5DG, England  
DESCRIPTION: Application for Outline Planning Permission with all matters  
reserved - Proposed 2 No. dwellings and associated access  
and landscaping work.  
LOCATION: Chapel House, Leather Lane, Great Yeldham, Essex, CO9  
4HX

For more information about this Application please contact:  
Melanie Corbishley on:- 01376 551414 Ext. 2527  
or by e-mail to: [melanie.corbishley@braintree.gov.uk](mailto:melanie.corbishley@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8EOV7BFLPA00>

## SITE HISTORY

00/01663/FUL	Demolition of single storey barn and erection of two storey extension	Granted	07.12.00
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## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can continue to afford some weight to the emerging Publication Draft Local Plan 2017.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

## Neighbourhood Plan

None

## Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking



- Page 81 – 109 – Design  
Essex Parking Standards

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Great Yeldham Parish Council has objected to the proposal contrary to Officer recommendation.

## SITE DESCRIPTION

The application site is located within the village envelope of Great Yeldham and the western boundary of the site runs along the boundary of the Conservation Area. The proposed access onto Leather Lane, at the southern end of the site is location on land within the Conservation Area.

A number of Grade II listed buildings are located to the south east and west of the site.

The site is currently accessed from the private driveway that serves Chapel House. This driveway is accessed from Leather Lane. To the east of the existing access is an informal parking area that serves 1 and 2 Thatched Cottages, Leather Lane.

There is a significant change in levels across the site, with the land being higher to the north of the site. There is also a significant increase in levels from the highway up in to the site.

The application site is grassed and was previously used as a paddock in relation to Chapel House.

The boundaries of the site mainly consist of hedging and trees, and small section of close boarded fence. To the east of the site are the gardens belonging to three houses in The Croft, Great Yeldham. To the north and west of the site are the gardens belonging to a number of properties in North Road, Great Yeldham.

## PROPOSAL

This application is seeking outline planning permission with all matters reserved for 2no. dwellings.

Whilst the application is not seeking permission for any specific details, the vehicular access arrangements for the site have been submitted to the Council for information together with an indicative site layout plan, floor plans and elevations.

During the life of the application the number of dwellings proposed has been reduced from three to two.

## CONSULTATIONS

### ECC Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the submission of a construction management plan, the provision of the site access and visibility splays as shown in principle on the planning application drawing 1914/03 Rev C, the proposed vehicle parking and turning areas as shown on submitted plan 'site layout' have been provided and that Residential Travel Information Packs have been provided.

### Historic Buildings Consultant

A revised scheme shown in drawings submitted on the 1st October indicates that the number of proposed dwellings has been reduced from three to two. The reduction in the intensity of the proposed development of the site is beneficial.

This application is outline only, with all matters reserved, so the elevations, materials, details and appearance of the dwellings, as well as the block plan and landscaping would be subject to approval for a later application for reserved matters, to be made in due course. In principle therefore, at this stage I have no objection to the development of two dwellings at the site.

### BDC Environmental Health

No comments received.

## PARISH / TOWN COUNCIL

### Great Yeldham Parish Council

The Parish Council has considered the above application and objects to the development proceeding:

The proposal would introduce a development at odds with the character of the immediate locality, the application site is located on the edge of the Conservation Area and has a number of Grade II Listed properties adjacent to the site. The proposed 3 dwellings is an attempt to seize an opportunity from a large garden. Moreover the development would impact on how the existing area has evolved and the surroundings in which heritage assets are experienced. The proposed development would result in a detrimental impact upon the character and amenity of the street scene, countryside and cause a degree of harm to the historic environment as the proposed development would adversely impact on the amenity and setting of the existing Grade II Listed properties in the area.

The proposed development impact on the following Core Strategy and Policies:

CS5 The Countryside, CS9 Built and Historic Environment, RLP9 Design and Layout of Housing and Mixed Use Areas, RLP10 Residential Density, Policy RLP 26 Garden Extensions into the Countryside, RLP 69 Sustainable Drainage, RLP90 Layout and Design of Development.

Other concerns:

1. During construction the traffic will be horrendous and dangerous with construction traffic turning in or trying to deliver. Leather Lane already has problems due to the narrowness of the road and close proximity of the cottages. This road is very busy with a large number of heavy vehicles already using the road, the additional construction traffic will add a lot of confusion to a difficult part of the road and be an accident waiting to happen.

The Parish Council raises concern with Teresa Milbourn's comments in her e-mail to Andrew Firmin which states that the highways authority is comfortable with the visibility from the proposed access. Perhaps Highways should visit the site and observe the traffic on the piece of road in question in "normal" times i.e. not during the Coronavirus lockdown.

2. From the plans provided, the existing cottages would lose their spaces until the new ones on the proposed development are built, parking for existing residents on Leather Lane would be restricted. Parking for the proposed development, particularly at times when they have visitors would not be enough and so again would force people to park on Leather Lane. The village already has a shortage of parking for residents.

3. An entrance for more than one property on Leather Lane would be dangerous for traffic and pedestrians. The cars from the new houses will be crossing a pavement which is very well used by pedestrians going to and from the local shops, vets, Drs' Surgery and fast food outlets and by children on their way to school. Pedestrians and children will be at great risk from the vehicles leaving the development.

4. It appears that there is a telegraph pole positioned where the cars will be exiting. This pole will need to be re-positioned.

5. The drainage of water from this site will need careful consideration, planning and monitoring as Leather Lane/Bridge Street is very prone to flooding, with excess water pouring down the road in normal wet conditions.

The Parish Council feels strongly against any new proposed infills, the parish has enough construction and new properties in the village with the new Strawberry Fields development (up to 60 dwellings), the new flats in Peel Court (8 self-contained units) and the proposed Nuns Walk (up to 33 dwellings). The parish has sufficient new houses being built at the moment and need to be sold first before considering any more new developments.

On the basis of the information provided, there would be significant harm to the settings of the listed buildings, the character and appearance of the conservation area, the use of the highway and the amenity of occupants of the listed buildings and the houses opposite.

## REPRESENTATIONS

9 representations have been received from 7 addresses making the following comments:

- Concerns about new access and that it would be dangerous and not allowed previously.
- Concern that construction vehicles using Leather Lane would be dangerous, both for the vehicles parked on the road and the cottages opposite the new entrance.
- Increased noise and light pollution during construction and directly after completion.
- Vehicle headlights shining directly through windows of the cottages opposite.
- The proposed development would have a negative impact on the character and current view from the surrounding cottages.
- Loss of light and privacy, and increased overshadowing to Wheelwrights Cottage.
- Increased traffic along Leather Lane could cause accidents.
- Leather Lane is an area with a high number of period properties and a new development, risks negatively impacting the quaint character of this locality.
- Concern about disruption during construction
- Strain on existing infrastructure

## REPORT

### Principle of Development

#### National Planning Policy Framework (NPPF)

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).

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.

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.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 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 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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.

### 5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

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

### The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011).

The application site is located within Great Yeldham Village Boundary whereby residential development is acceptable in principle, in accordance with Policy RLP2 of the Adopted Local Plan, which seeks to contain such development within defined development boundaries. Policy RLP3 of the Adopted Local Plan states that, within town development boundaries, residential development 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.

The principle of the proposed development therefore complies with the Development Plan.

### SITE ASSESSMENT

#### Location and Access to Services and Facilities

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations – that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, Witham, and the A12 corridor, and Halstead".

The site falls within the Village Boundary of Great Yeldham and has no specific land-use designation in the adopted Local Plan. Great Yeldham is identified as a Second Tier village within the Draft Local Plan. Second tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Village. Development of a small scale may be considered sustainable within a second tier village, subject to the specific constraints and opportunities of that village.

In accordance with Policy RLP2 and RLP3 of the Adopted Local Plan, the principle of development on this site is acceptable, providing it satisfies amenity, design, heritage, environmental and highway criteria and subject to compliance with other relevant Local Plan policies. These issues are discussed below. In this case, taking into account the scale of the development proposed, the proposal is considered to comply with the emerging Draft Local Plan and can be considered to be sustainable.

#### Design, Appearance and Layout

The NPPF requires a high quality design and good standard of amenity for all existing and future occupiers of land and buildings. Policy CS9 of the Adopted Core Strategy, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design in all new developments. Policy RLP3 of the Adopted Local Plan states that residential development 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. Policy RLP9 of the Adopted Local Plan requires new residential development to create a visually satisfactory environment and be in character with the site and relate to site surroundings. Policy RLP10 of the Adopted Local Plan seeks to control residential density and advises that density should be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping.

The matters of layout, scale, access, appearance and landscaping are not for consideration at this stage. During the course of the application Officer's considered that a development of 3no. dwellings would be too many for the site, and would have amounted to overdevelopment and therefore, after negotiations with the applicant, the number of dwellings has been reduced to two.

An indicative layout plan has been provided, which shows that 2no. dwellings can be sufficiently accommodated on the site.

Indicative details have been provided of the proposed elevations, however they are subject to change. Given the proximity to the neighbouring dwellings, the positioning of fenestration will be given careful consideration during an application for reserved matters.

There is space to the rear of the site to accommodate garden areas of at least 100sqm, for both dwellings, in accordance with the Essex Design Guide.

On balance it is considered that the proposal complies with Policies RLP3, RLP9, RLP10 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policy LPP55 of the Draft Local Plan and the NPPF.

### Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies RLP90 and RLP100 of the Adopted Local Plan seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building.

Policies LPP56 and LPP60 of the Draft Local Plan reiterate similar restraints to the adopted policies outlined above.

As recognised by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to the asset's conservation – the more important the asset, the greater the weight should be given. Accordingly, the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting.

The setting of a building, whilst not an asset in itself, can contribute to the significance of the asset. The Practice Guidance identifies setting as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.



The application site is located within the setting of numerous Grade II Listed buildings and the Great Yeldham Conservation Area. The reduction in the intensity of the proposed development of the site is considered beneficial by the Historic Buildings Consultant.

The NPPF states that new development should make a positive contribution to local character and distinctiveness (Paragraph 192c). The NPPF also states that any harm to, or loss of, the significance of a designated heritage asset, including harm caused by development within its setting, should require clear and convincing justification (Paragraph 194).

This application is outline only, with all matters reserved, so the elevations, materials, details and appearance of the dwellings, as well as the layout and landscaping would be subject to approval within a later reserved matters application. The Historic Buildings Consultant has been consulted on the application and has raised no objection in principle to the development of 2no. dwellings at the site.

Based on the indicative information provided within this outline application with regards layout and appearance in particular, it is concluded that the development of the site to accommodate 2no. dwellings would not have a harmful impact on the settings of nearby heritage assets. In due course, the details of design, appearance, style and materials that would follow in a reserved matters application, will be important factors in determining the acceptability of any final scheme.

#### Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan states that the Council will seek and high standard of layout and design in all development, large and small in the District. It sets out a number of criteria which includes that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. One of the Core principles of the NPPF as set out in Paragraph 17 states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The site is surrounded by residential dwellings and although the indicative site plan is not to be used to determine this application, it gives an idea as to the relationship between the proposed new dwellings and the dwellings around the application site. The plans demonstrate that the site is sufficient in size to accommodate 2no. dwellings, and with carefully considered elevations, it is considered that the proposed dwellings would be able to maintain acceptable relationships with all neighbouring properties.

Landscaping and careful positioning of fenestration will be expected in an application for reserved matters to ensure no unacceptable impacts to neighbouring residential amenities arise.

Matters pertaining to residential amenity would be considered in more depth at the reserved matters stage, however officers are satisfied that 2no. dwellings could be accommodated without giving rise to an unacceptable impact upon neighbouring residential amenity, in accordance with the above mentioned policies.

### Highway Issues

It is acknowledged that local residents and the Parish Council have concerns regarding the new access onto Leather Lane and in particular the visibility. Officers can appreciate the restricted width of the road, on street parking and the site levels will mean that users of the access will need to be vigilant.

Although access is a reserved matter, the application is supported by detailed drawings of the proposed access, which show that an access can be provided to meet ECC Highways standards with suitable visibility achieved within land in control of the applicant or the highways authority. Upon consideration of the details submitted no objection has been raised to the proposed new access by ECC Highways.

It is noted that an existing telegraph pole will need to be re located in order to accommodate the access. This is not objectionable in principle and would be for the applicant to negotiate/arrange with the relevant utilities company.

Policy RLP56 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.

The indicative site layout plan shows two detached garages that are of a sufficient size to accommodate two cars. A further area close to the entrance of the site is to accommodate two parking spaces, displaced by the new access, to serve No.1 and No.2 Thatched Cottages.

Off-street car parking can be accommodated on site to comply with the above policy and parking standards and is therefore acceptable.

A number of conditions are suggested by ECC Highways, however as access is a matter for consideration at a later stage, and that these details may alter from that indicatively shown within this application, it is considered that they should not be imposed at the outline stage.

### Trees and Ecology

The boundaries of the site mainly consist of hedging and trees, and a small section of close boarded fence. The submitted plans do not indicate that any boundary trees or hedging will be removed, however matters relating to landscaping would be dealt with at the Reserved Matters stage. In addition, the layout of the development and the relationship with existing trees/hedgerow features on the site would also need to be carefully assessed at the Reserved Matters stage.

With regards ecology, the site is a former paddock which now has the appearance of a domestic garden and therefore no further ecology information is required at this stage.

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

Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

The application site falls outside of the Zone of Influence, and therefore no contribution or assessment is necessary.

#### PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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).

When applying the 'titled' balance and in terms of benefits, the application would deliver two market homes within the development boundary and the resulting economic benefits that stem from the construction of two new properties both during the construction period and after occupation of the development.

Officers are content that the site is sufficient in size to accommodate two dwellings and that there is no in principle reason to withhold outline planning permission. The finer details of the proposal in terms of layout and appearance with particular reference to the nearby heritage assets and residential amenity, would be dealt with at a later stage, when a reserved matters application is submitted.

When considering the planning balance and having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

Location Plan

Plan Ref: 26419/07

Version: A

1 Details of the:-

- (a) scale, appearance and layout of the building(s);
- (b) access thereto; and the
- (c) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than [3] years from the date of this permission.

The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.

Reason

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

- 2 No above ground development shall commence unless and until details of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

In the interests of visual amenity and in the interests of nearby heritage assets.

- 3 No development shall commence unless and until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- 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 facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

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

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 DM 1 of the Highway Authority's Development Management Policies February 2011

- 4 No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:

-A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;

-Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

Reason

To avoid the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy.

- 5 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:

- Monday to Friday 0800 hours - 1800 hours
- Saturday 0800 hours - 1300 hours
- Sundays, Public and Bank Holidays - no work

Reason

In the interests of residential amenity.

INFORMATION TO APPLICANT

1. There shall be no drainage of surface water onto the highway. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO4 9YQ

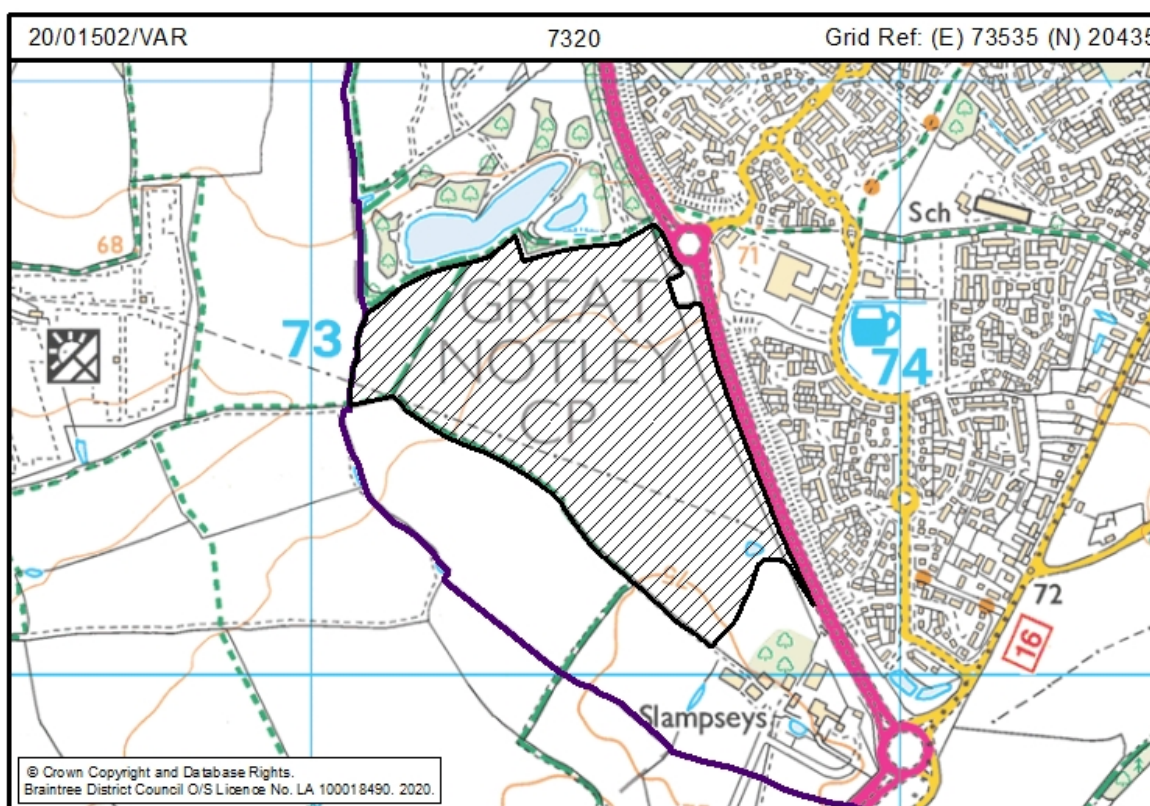
CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01502/VAR  
DATE VALID: 10.09.20  
APPLICANT: Braintree District Council  
C/o Agent, Strutt & Parker, England  
AGENT: Miss Emma Gladwin  
Coval Hall, Rainsford Road, Chelmsford, CM1 2QF, UK  
DESCRIPTION: 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.  
LOCATION: Land West Of A131 Horizon 120, London Road, Great Notley, Essex

For more information about this Application please contact:  
Lisa Page on:- 01376 551414 Ext. 2516  
or by e-mail to: [lisa.page@braintree.gov.uk](mailto:lisa.page@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGFQEXBFGL800>

## SITE HISTORY

89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to 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
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Pending Consideration	



	2011 - Scoping Opinion Request - Proposed business park		
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 - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.	Screening/ Scoping Opinion Adopted	07.08.18
19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19
19/00950/ADV	Proposed erection of two temporary signage boards	Granted	16.10.19
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core	Granted	30.09.19

19/01525/FUL	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. Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Refused	30.03.20
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings	Granted	16.04.20

	<p>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.</p>		
20/00444/NMA	<p>Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Amendment would allow:</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
20/00445/NMA	<p>Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage,</p>	Granted	22.05.20

	landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.		
20/00473/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL	Pending Consideration	
20/00474/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL	Pending Consideration	
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	Pending Consideration	
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL	Pending Consideration	
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 through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left	Pending Decision	

	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).	Granted	06.11.20
20/00006/PPA	Proposed Enterprise Centre		

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can continue to afford some weight to the emerging Publication Draft Local Plan 2017.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP34	Buffer Areas between Industry and Housing
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species

RLP90	Layout and Design of Development
RLP92	Accessibility
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

#### Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Neighbourhood Plan

N/A

## Other Material Considerations

### External Lighting Supplementary Planning Document

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's Scheme of Delegation as Braintree District Council is the applicant for the application.

## NOTATION

The application site is located outside the Great Notley Village Envelope as designated in the Braintree District Local Plan Review 2005. It consists of an area allocated for strategic employment land provision.

The application site also covers an area proposed for allocation for employment use in the Publication Draft Local Plan which would be located within the revised Village Envelope.

Subsequent to the grant of the original permission to which this Section 73 application relates (19/01616/FUL), the Authority have adopted a Local Development Order for the Horizon 120 site.

## SITE DESCRIPTION

The application site lies in the countryside and measures approximately 27.27ha. It formally consisted of agricultural fields but development has commenced to alter the use to employment/commercial use in accordance with the approved planning permissions and Local Development Order.

The site is bounded to the east by the A131, while Great Notley Country Park is located immediately to the north and to the south is Slamseys Farm. To the west lies further agricultural land. In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south.

## PROPOSAL

This Section 73 (Minor Material Amendment) application relates the Horizon 120 Site that was originally granted planning consent on 6<sup>th</sup> December 2019 (19/01616/FUL).

The original permission 19/01616/FUL was a full planning permission for engineering works to level the site to provide building plots and the construction of three secondary access roads (to link to the proposed main spine road for the 'Horizon 120' employment site subject to a separate application).



This Section 73 application seeks changes to Condition 21 of planning permission 19/01616/FUL which relates to a 'Skylark Mitigation (Compensation) Strategy'. The changes sought are to the wording of the condition to allow for a revision regarding implementation of mitigation measures.

Condition 21 currently reads as follows:

The applicant shall submit a Skylark Mitigation (Compensation) Strategy to the Local Planning Authority for approval to ensure that off-site Skylark Mitigation (compensation) is in place prior to the commencement of the Skylark breeding season in March 2020.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

The proposed revised wording of Condition 21 will confirm the starting date for the strategy and reflects the legal undertaking by BDC. (It does not alter the aims of the condition or the reasons for imposing the condition).

The proposed revised wording for Condition 21 would read as follows:

The applicant shall comply with the Skylark Mitigation (Compensation) Strategy prepared by Whirledge and Nott Limited and in respect of a Start Date of 1st September 2020, to ensure that off-site Skylark Mitigation (compensation) is available from 1st September 2020.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

## CONSULTATIONS

### Natural England

Responded with no comments.

### BDC Ecology

No objection. The proposed measures and management contained within the proposed Skylark Agreement Site Plan and Strategy will be sufficient to deliver proportionate mitigation to offset impacts to nesting Skylarks present on site. The Skylark Management Plan Agreement appropriately secures the Skylark mitigation measure for the agreed period.

### PARISH / TOWN COUNCIL

Great Notley Parish Council responded with no comments.

## REPRESENTATIONS

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

## REPORT

### Principle of Development

The principle of development has been established under the existing full planning permission for the site (Application Reference 19/01616/FUL). As noted above, development has commenced and the permission is being implemented. Furthermore, subsequent to the grant of planning permission for the original application, the site now falls within the Local Development Order for the Horizon 120 site.

The current application seeks only to make a minor material amendment to vary a Condition on the existing permission relating to Skylark Mitigation. However, for completeness and because the proposed variation would form a new planning permission, the consideration of the principle of the original development is set out below.

The development involves the levelling of the site to provide building plots and the provision of secondary road infrastructure to serve the business park. It would form one of the first phases of the development of the site for its allocated use. The general principle of the development therefore remains in accordance with the Adopted Development Plan and also with the Publication Draft Local Plan.

### Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Publication Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area....are visually attractive as a result of good architecture...and effective landscaping and should...establish or maintain a strong sense of place'.

This Section 73 application does not alter the layout or design of the scheme and there remains two elements to the application. The first involves the levelling of the site to create building plots for future development, which falls primarily to be an engineering operation and does not raise any particular design and layout concerns given that the engineering works will sit within the existing field boundaries. The second element consists of the construction of three secondary roads to provide access to different areas of the site from the spine road. Each of these secondary roads would have a carriageway

measuring 7.3m in width with an adjacent verge either side containing a 2m footpath positioned between two grass strips. The roads would be private and although Officers consider them to be of an appropriate standard the applicant does not require them to become adopted highway.

Overall, the design and layout of the secondary roads is considered to be acceptable.

### Landscaping

The changes sought to Condition 21 within this Section 73 application do not have any implications for landscaping.

The re-levelling of the site is not dramatic with ground levels either being lowered or where they are raised, being raised by an average of 1m to 1.5m so that the site will be of a comparable level to the wider surrounding ground level. Other than potential lighting to the secondary roads, it is not therefore considered that the visual impact of the scheme in its own right would be significant, although clearly it forms one of the first parts of a strategic scale employment development which will have a landscape impact. As per the extant permission, a lighting condition is recommended.

The proposed levelling/engineering works and construction of the secondary roads on the original application, did not require the removal of any trees or hedges with the exception of the trees located around the dried pond. These were all either Category C or Category U and were not considered to be prohibitive to development. These trees have since been removed and the dry pond filled.

Details are provided of relevant tree/hedge protection measures and a condition is re-imposed to ensure compliance with this. A landscaping condition is also required to address the final details of proposed soft landscaping alongside the secondary roads.

### Ecology

The extant planning permission concurred with recommendations in the Badger and Skylark Survey Report (Surface Ltd, July 2019) which considered that on-site compensation could not be provided for Skylark. (The Surveys identified at least 6 breeding pairs on site). On this basis, off-site compensation was agreed to be provided with the provision of 12 Skylark plots (at a rate of two plots per territory lost), and this was to be secured via condition. Due to the nature of the wording of the condition, a separate Legal Agreement (outside of the planning permission) was also required to be signed with relevant parties.

The changes now sought to the condition are in order to confirm the nature of the Mitigation (Compensation) Strategy for skylarks. The Strategy remains an offsetting approach that will secure a total of 12 Skylark plots, following the

loss of 6 plots at the site. This approach and strategy has been the subject of discussions with BDC Officers.

Indeed, a Legal Agreement has been prepared and already signed by both parties, and BDC have executed their part of the agreement to secure the nesting plots. The Legal Agreement secures that the Strategy be undertaken from 1st September 2020. The proposed revised wording of Condition 21 therefore will confirm the starting date for the strategy and reflects the legal undertaking from BDC. It will also seek to regularise the condition and the Strategy for the avoidance of doubt.

Officers are content that the Skylark Management Plan Agreement appropriately secures proportionate mitigation to offset impacts to nesting Skylarks present on the Horizon 120 site. This will also provide further clarity to any future occupiers of the site to understand that the details of condition have been met and the proposed measures required.

In regards to other ecology matters, there is no change from the extant permission. The former agricultural land was not of notable ecological value, being both habitat and species poor. The proposal to level the site and construct secondary roads would not impact upon the site boundaries or existing trees/hedgerows, with the exception of those around the dried pond, which as noted above, have already been removed as per the extant permission with the pond filled.

The former dried pond located on the site, previously, when it held water contained Great Crested Newts. The applicant therefore carried out a Great Crested Newt Survey of the application site and surrounding area. The dried pond was unable to host a Great Crested Newt population and overall no Great Crested Newts were identified anywhere on the application site. A small population of Great Crested Newts was found in a pond located off site, however this would remain unaffected by the development.

The proposed development includes the construction of a large attenuation pond at the northern end of the site, adjacent to the Country Park. This would provide a substantial new water body habitat with associated grassland and shrub planting to the benefit of birds, bats and amphibians. Importantly, it has been specifically designed to accommodate Great Crested Newts and the proposed planting scheme has been tailored to this. This new pond would be constructed prior to the loss of the existing pond to ensure that Great Crested Newt habitat was provided in advance as a precaution.

In terms of foraging habitat, the application site itself offers potential terrestrial and aquatic habitat for Great Crested Newts in the form of ditches and hedgerows. This habitat would remain largely unaffected and would be enhanced as part of the development proposals. Overall the Report finds a negligible impact upon Great Crested Newts and it is identified that the proposed habitat creation will enhance the ability of Great Crested Newts to forage and commute across the site.

Overall there is no change to the ecological considerations of the application. The proposal would result in a limited degree of ecological harm, in particular the loss of habitat for at least 6 pairs of breeding Skylark and the loss of the dried up pond with associated trees. However, the development provides clear opportunities for the ecological enhancement of the application site with the existing dried pond being replaced by a much larger permanently wet pond specifically designed to host Great Crested Newts and off-site Skylark compensation would remain to be secured.

### Highways and Parking

The changes sought within this Section 73 application do not have any implications for highway or parking considerations.

The proposal remains for three secondary access roads which would sit entirely within the application site boundary and would not directly link to the public highway. As a proposal it would not in its own right generate any vehicular movements which would be a matter for consideration when individual building plots on the wider employment site come forward.

In terms of parking, again the proposal is for secondary access roads only and does not generate a requirement for parking provision which would be addressed when individual plots on the employment site were brought forward for development.

### Amenity

The changes sought within this Section 73 application do not have any implications for considerations of amenity.

Once completed, the levelling of the site would have no impact upon the amenity of existing residents in the area. The secondary access roads would eventually accommodate vehicular traffic but considerations such as hours of operation and noise do not fall within the scope of this application and would be a more detailed matter relating to individual building plots.

A condition is however recommended in relation to any proposed lighting for the secondary access roads to ensure that it would not have an unacceptable detrimental impact in terms of amenity.

### Heritage

The changes sought within this Section 73 application do not have any implications for heritage matters.

There are no heritage assets located on the site. There are two listed buildings and a listed dovecote located to the south of the application site at Slamseys Farm but the development would not result in any harm to the setting of these heritage assets.

### Flood Risk and Surface Water Drainage

The changes sought within this Section 73 application do not have any implications for flood risk.

The application site is located in Flood Zone 1, where there is a low risk of flooding. The drainage strategy secured within the extant permission does not alter. The strategy for the 3 secondary access roads would link into the drainage strategy for the wider employment site, with runoff water being discharged into the main carrier drain which would run along the proposed spine road from the site and discharge surface water into the proposed SUDs pond located on the northern part of the site.

Essex County Council as the Local Lead Flood Authority, having been consulted on the original proposal raised no objection subject to conditions. These conditions are re-imposed as necessary.

### Archaeology

The changes sought within this Section 73 application do not have any implications for archaeology. In any event, all fieldwork has been completed with the results to be provided to the LPA in an Archaeological Evaluation Report.

### PLANNING BALANCE AND CONCLUSION

The proposed development would be located on an area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Publication Draft Local Plan and the principle of development is therefore considered to be acceptable. Furthermore, subsequent to the grant of the original permission to which this Section 73 application relates, the Authority have adopted the Local Development Order for Horizon 120.

The re-levelling of the site would be modest and the construction of the secondary access roads is necessary to facilitate the wider employment site development.

Limited harm has been identified, with the loss of some Skylark breeding territory, the loss of agricultural land and the loss of the dried pond with associated trees. The infilling of the dried pond and loss of the associated trees already undertaken, results in limited ecological harm although the trees are category C or U. The pond is to be replaced by a much larger wet pond specifically designed to be of ecological value. In regards to the loss of some Skylark breeding territory, some large tracts of Skylark breeding territory remain in the immediate area and off-site compensation would also be secured. This Section 73 application specifically addresses the Skylark mitigation with revised wording of Condition 21 to confirm the starting date for the strategy and to reflect the legal undertaking by BDC.

The benefits of the proposal remain significant as it would play an important part in facilitating the development of one of the primary employment sites in the District. The associated economic and social benefits of this would be of a major and prolonged scale and would impact upon both the District and its hinterland.

Environmentally, the scheme would create a more diverse habitat on the site with a large attenuation basin, and associated planting creating a markedly more ecologically valuable habitat than the existing agricultural land.

Overall, Officers consider that the proposed development would continue to constitute sustainable development and recommend that planning permission is granted subject to conditions.

In regards to conditions, there are a number of 'Discharge of Condition Applications' (DAC's) submitted with the LPA for review in respect of conditions imposed on the original permission. It is anticipated that a number of these will be cleared prior to Committee and as such Members will be updated verbally by Officers at the Committee, for the trigger on the relevant conditions to be altered accordingly.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: 19-029-474	Version: I2
Highway Plan	Plan Ref: 19-029-470	Version: I2
Highway Plan	Plan Ref: 19-029-471	Version: I2
Highway Plan	Plan Ref: 19-029-472	Version: I2
Levels	Plan Ref: 19-029-600	Version: I2
Proposed Levels	Plan Ref: 19-029-601	Version: I1
Other	Plan Ref: Boundary	Version: 1153.02
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DT-L-103 P1	
Other	Plan Ref: Planting Schedule	Version: 721-FH-01-XX-00-DP-L-401

- 1 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.

- 2 The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement completed by PJC Consultancy, dated

The approved means of tree/hedge protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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 unless the express consent in writing of the local planning authority has previously been obtained. 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.

- 3 Prior to commencement of above ground construction a scheme of landscaping for the 3 proposed secondary access roads and the SUDs attenuation basin and its surrounding area 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, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. 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 first planting and seeding seasons after the commencement of the development. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier. 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 enhance the appearance of the development and in the interests of amenity.

- 4 Details of any proposed lighting to serve the 3 secondary access roads site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include the following:



- a) A lighting design scheme for biodiversity identifying those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging;
- b) A layout plan with beam orientation and lighting contour plans and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 5 No site clearance or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following hours:

Monday to Friday - 08:00-18:00 hours  
Saturday - 08:00-13:00 hours  
Sunday - No work  
Bank Holidays - No work

Reason

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

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

Monday to Friday 08:00 hours – 18:00 hours;  
Saturday 08:00 hours – 13:00 hours;  
Sundays and Bank Holidays - no vehicular movements.

Reason

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

- 7 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 in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties

and the surrounding area.

- 8 No development, including engineering works shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - 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 facilities;
  - Measures to control the emission of dust and dirt during construction including a dust assessment carried out in accordance with IAQM guidance;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition, site clearance and construction working hours.;
  - Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
  - Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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

#### Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 9 No development (including engineering works) shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS

Manual C753.

Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change or using matched greenfield rates by providing Long Term Storage.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Water treatment features should be incorporated into the drainage plan.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

#### Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

- 10 No development (including engineering works) shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

#### Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the

ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 11 Prior to first commercial use of the secondary access roads a maintenance plan detailing the maintenance arrangements for the surface water drainage scheme, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be 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.

- 12 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the Maintenance Plan approved under Condition 11. 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.

- 13 No development which includes the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason

To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and the Badger Protection Act 1992.

- 14 A Landscape and Ecological Management Plan (LEMP) shall be

submitted to, and be approved in writing by, the local planning authority prior to first beneficiary use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall only be implemented in accordance with the approved details.

#### Reason

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

- 15 Prior to first beneficial use of the development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and 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 s40 of the NERC Act 2006 (Priority habitats & species).

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Green Environmental Consultants Ltd, Surface Property Ltd August 2017), Great Crested Newt Survey Report (Surface Property Ltd, August 2019) and Great Crested Newt Non-Licensed Method Statement (Surface Property Ltd, November 2019) to the satisfaction of the Local Planning Authority 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 UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 The applicant shall comply with the Skylark Mitigation (Compensation) Strategy prepared by Whirledge and Nott Limited and in respect of a Start Date of 1st September 2020, to ensure that off-site Skylark Mitigation (compensation) is available from 1st September 2020.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

- 18 The archaeological mitigation strategy and post-excavation assessment shall be submitted within seven months of the completion of fieldwork, (unless otherwise agreed in advance with the 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 archaeological recording.

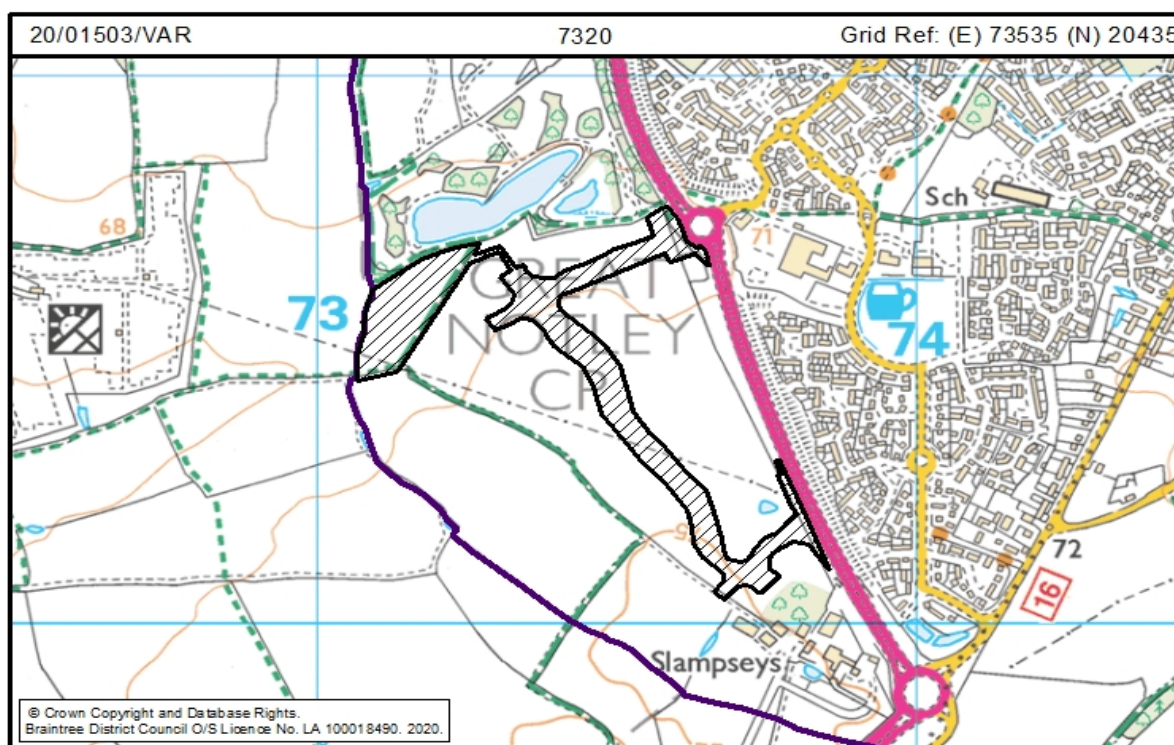
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

APPLICATION NO: 20/01503/VAR DATE: 10.09.20  
VALID:  
APPLICANT: Braintree District Council  
C/o Agent, Strutt & Parker, England  
AGENT: Miss Emma Gladwin  
Coval Hall, Rainsford Road, Chelmsford, CM1 2QF, UK  
DESCRIPTION: Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01525/FUL granted 10/02/2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Variation would allow revised wording of the condition regarding implementation of mitigation measures.  
LOCATION: Land West Of A131 Horizon 120, London Road, Great Notley, Essex

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext. 2516

or by e-mail to: [lisa.page@braintree.gov.uk](mailto:lisa.page@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGFQFGBFGLA00>

## SITE HISTORY

89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to 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
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Pending Consideration	



	2011 - Scoping Opinion Request - Proposed business park		
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 - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.	Screening/ Scoping Opinion Adopted	07.08.18
19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19
19/00950/ADV	Proposed erection of two temporary signage boards	Granted	16.10.19
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core	Granted	30.09.19

19/01525/FUL	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. Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Refused	30.03.20
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings	Granted	16.04.20

	<p>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.</p>		
20/00444/NMA	<p>Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL).</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
20/00445/NMA	<p>Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage,</p>	Granted	22.05.20

	landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.		
20/00473/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL	Pending Consideration	
20/00474/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL	Pending Consideration	
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	Pending Consideration	
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL	Pending Consideration	
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	Pending Decision	

	infrastructure (subject to separate planning application reference 19/01525/FUL). 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).	Granted	06.11.20
20/00006/PPA	Proposed Enterprise Centre		

### POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can continue to afford some weight to the emerging Publication Draft Local Plan 2017.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP34	Buffer Areas between Industry and Housing
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

#### Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Neighbourhood Plan

N/A

#### Other Material Considerations

External Lighting Supplementary Planning Document

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's Scheme of Delegation as Braintree District Council is the applicant for the application.

## NOTATION

The application site is located outside the Great Notley Village Envelope as designated in the Braintree District Local Plan Review 2005. It consists of an area allocated for strategic employment land provision.

The application site also covers an area proposed for allocation for employment use in the Publication Draft Local Plan which would be located within the revised Village Envelope.

Subsequent to the grant of the original permission to which this Section 73 application relates (19/01525/FUL), the Authority have adopted a Local Development Order for the Horizon 120 site.

## SITE DESCRIPTION

The application site lies in the countryside and measures approximately 5.9ha.

It formally consisted of agricultural fields but development has commenced to alter the use to employment/commercial use in accordance with the approved planning permissions and Local Development Order.

The site is bounded to the east by the A131. Great Notley Country Park is located immediately to the north and to the south is Slamseys Farm. To the west lies further agricultural land. In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south.

## PROPOSAL

This Section 73 (Minor Material Amendment) application relates the Horizon 120 Site that was originally granted planning consent on 10th February 2020 (19/01525/FUL).

The original permission 19/01525/FUL was a full planning permission for the 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, together with the construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.

This Section 73 application seeks changes to Condition 21 of planning permission 19/01525/FUL which relates to a 'Skylark Mitigation



(Compensation) Strategy'. The changes sought are to the wording of the condition to allow for a revision regarding implementation of mitigation measures.

Condition 21 on 19/01525/FUL currently reads as follows:

In accordance with Condition 21 of Planning Permission 19/01616/FUL the applicant shall submit a Skylark Mitigation (Compensation) Strategy to the Local Planning Authority for approval to ensure that off-site Skylark Mitigation (compensation) is appropriately provided for.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

Cross referencing this with Condition 21 of permission 19/01616/FUL (Engineering works to re-level the site to provide building plots and the construction of three internal access roads) which reads as follows:

The applicant shall submit a Skylark Mitigation (Compensation) Strategy to the Local Planning Authority for approval to ensure that off-site Skylark Mitigation (compensation) is in place prior to the commencement of the Skylark breeding season in March 2020.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

The proposed revised wording of Condition 21 will align the two planning applications. It will confirm the starting date for the strategy and reflects the legal undertaking by BDC. (It does not alter the aims of the condition or the reasons for imposing the condition).

The proposed revised wording for Condition 21 reads as follows:

The applicant shall comply with the Skylark Mitigation (Compensation) Strategy prepared by Whirledge and Nott Limited and in respect of a Start Date of 1st September 2020, to ensure that off-site Skylark Mitigation (compensation) is available from 1st September 2020.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

## CONSULTATIONS

### Natural England

Responded with no comments.

## BDC Ecology

No objection. The proposed measures and management contained within the proposed Skylark Agreement Site Plan and Strategy will be sufficient to deliver proportionate mitigation to offset impacts to nesting Skylarks present on site. The Skylark Management Plan Agreement appropriately secures the Skylark mitigation measure for the agreed period.

## PARISH / TOWN COUNCIL

Great Notley Parish Council responded with no comments.

## REPRESENTATIONS

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

## REPORT

### Principle of Development

The principle of development has been established under the existing full planning permission for the site (Application Reference 19/01525/FUL). As noted above, development has commenced and the permission is being implemented. Furthermore, subsequent to the grant of planning permission for the original application, the site now falls within the Local Development Order for the Horizon 120 site.

The current application seeks only to make a minor material amendment to vary a Condition on the existing permission relating to Skylark Mitigation. However, for completeness and because the proposed variation would form a new planning permission, the consideration of the principle of the original development is set out below.

The proposal is for strategic road infrastructure to serve the business park and would form the first phase of the development of the site for its allocated use. The general principle of the development therefore remains in accordance with the Adopted Development Plan and with the Publication Draft Local Plan.

### Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 124) that 'good design is a key aspect of sustainable development' and that (para 127) developments should 'function well and add to the overall character of the area....are visually attractive as a result of good architecture...and effective landscaping and should...establish or maintain a strong sense of place'.

This Section 73 application does not alter the layout or design of the scheme. The application remains a proposal to construct a central spine road through the site with two associated access points onto the A131. The spine road would be flanked by buffer strips, pedestrian/cycle pathways, dedicated tree planting strips and a swale with further buffer planting.

The layout has been designed to ensure that proper provision is made for safe and accessible use by both pedestrians and cyclists, whilst ensuring that significant avenue tree planting can be completed with trees being provided with sufficient space to thrive.

Overall, the design and layout of the development is considered to be acceptable.

### Landscaping

The changes sought to Condition 21 within this Section 73 application do not have any implications for landscaping.

The proposal is for a new spine road and associated access points and does not include any built form. Other than potential lighting, it is not therefore considered that the visual impact of the scheme in its own right would be significant, although clearly it forms the first part of a strategic scale employment development which would have a landscape impact.

An Arboricultural Impact Assessment was submitted in support of the original application which identified trees proposed for removal. These trees have now been removed as work commences on site.

A detailed Landscape Strategy document was also submitted with the extant permission, which set out the full landscape proposals for the spine road and for the SUDs area. Although this is in general terms a very comprehensive document, a landscape condition is recommended so that this can be subject to further final review by the Councils Landscape Management Team who would be responsible for physically maintaining the site in the long term before it is formally approved.

With regard to the SUDs area, the previously approved levels application for the site is bound by detailed conditions relating to this to ensure that the required ecology and landscape habitat is created here and managed in the long term and it is recommended that these same conditions are imposed.

### Ecology

The Badger and Skylark Survey Report submitted with the extant planning identified at least 6 breeding pairs of Skylarks on the wider site. Officers concurred with recommendations which considered that on-site compensation could not be provided for Skylark. On this basis, off-site compensation was

agreed to be provided with the provision of 12 Skylark plots (at a rate of two plots per territory lost), and this was to be secured via condition.

Although the application for the access points covers only a relatively small part of this wider Horizon 120 site, given that it could not be implemented without the previously approved application (Application Reference 19/01616/FUL) to level the wider site and to provide the internal access roads, it was recommended that a condition is used to link the permissions. This is because the former 'levels/internal access road application' has a requirement to ensure off site Skylark compensation is provided. Linking the application to this permission will therefore ensure that this requirement applies to both permissions.

Therefore Condition (No.21) was imposed to link in with the Skylark Mitigation Condition imposed on 19/01616/FUL, which had already approved the internal spine roads on the site.

Due to the nature of the wording of the condition, a separate Legal Agreement (outside of the planning permission) was also required to be signed with relevant parties.

The changes now sought to the condition are in order to confirm the nature of the Mitigation (Compensation) Strategy for skylarks. The Strategy remains an offsetting approach that will secure a total of 12 Skylark plots, following the loss of 6 plots at the site. This approach and strategy has been the subject of discussions with BDC Officers.

Indeed, a Legal Agreement has been prepared and already signed by both parties, and BDC have executed their part of the agreement to secure the nesting plots. The Legal Agreement secures that the Strategy be undertaken from 1st September 2020. The proposed revised wording of Condition 21 therefore will confirm the starting date for the strategy and reflects the legal undertaking from BDC. It will also seek to regularise the condition and the Strategy for the avoidance of doubt.

Officers are content that the Skylark Management Plan Agreement appropriately secures proportionate mitigation to offset impacts to nesting Skylarks present on the Horizon 120 site. This will also provide further clarity to any future occupiers of the site to understand that the details of condition have been met and the proposed measures required.

In regards to other ecology matters, there is no change from the extant permission. The former agricultural land was not of notable ecological value, being both habitat and species poor, although this site formally encompassed a linear strip of established hedgerow, approximately half of the (dried) pond with surrounding trees, and two areas of broadleaved plantation woodland located along the edge of the site alongside the A131. As per the extant approval, these trees have been removed and the dry pond filled. In any event, no bat roosts were identified on the site although the A131 hedgeline was noted as being used sporadically for commuting.

Overall there is no change to the ecological considerations of the application.

### Highways and Parking

The changes sought within this Section 73 application do not have any implications for highway or parking considerations.

As per the extant permission, the application proposes two new access points to the A131. Both ECC Highways and Highways England were consulted to the original application and raised no objection.

The proposal itself would not generate any vehicle movements (other than during construction) as it is for a spine road only with no associated built form. A Construction Traffic Management Plan would however be required.

The proposal would not generate any parking requirements other than during the construction phase which again would be covered by way of a Construction Traffic Management Plan.

### Amenity

The changes sought within this Section 73 application do not have any implications for considerations of amenity.

The nearest dwellings are located on the opposite side of the A131 at a distance of approximately 80m. The spine road itself would not generate any vehicle movements as there is no associated built form. A Construction Management Plan would however be necessary to ensure that the amenity of existing residents in the locality was protected during the construction phase. A lighting condition (in relation to any permanent spine road lighting) would also be required for the same reason.

With these conditions in place, it is not considered that the proposal would have a detrimental impact upon the amenity of the area.

### Heritage

The changes sought within this Section 73 application do not have any implications for heritage matters.

There are no heritage assets located on the site. There are two listed buildings and a listed dovecote located to the south of the application site at Slamseys Farm but the development would not result in any harm to the setting of these heritage assets.

### Flood Risk and Surface Water Drainage

The changes sought within this Section 73 application do not have any implications for flood risk.

The application site is located in Flood Zone 1, where there is a low risk of flooding. The proposed drainage strategy would channel runoff water into a main carrier drain which would run alongside the proposed spine road and discharge surface water into the proposed SUDs pond located on the northern part of the site.

Essex County Council as the Local Lead Flood Authority, having been consulted on the original proposal raised no objection subject to conditions. These conditions are re-imposed as necessary.

### Archaeology

The changes sought within this Section 73 application do not have any implications for archaeology. In any event, all fieldwork has been completed with the results to be provided to the LPA in an Archaeological Evaluation Report.

### PLANNING BALANCE AND CONCLUSION

The application site sits within an area which is allocated for strategic employment land provision in both the Adopted Local Plan and the Draft Local Plan. Furthermore, subsequent to the grant of the original permission to which this Section 73 application relates, the Authority have adopted the Local Development Order (LDO) for Horizon 120.

The applicant proposes to construct two access points and a connecting spine road, in addition to a substantial SUDs basin and habitat area. This would facilitate the wider development of the employment site which would accord with its allocated use in the Adopted Local Plan, its proposed allocation in the Draft Local Plan and the LDO.

The scheme would therefore act as the catalyst for the wider development of the employment site, allowing the social and economic benefits of a new employment park within the District to be realised.

The identified harm caused by the proposal is limited, with the loss of some trees/hedgerow to facilitate the required access points and the loss of the dried pond (already undertaken) also to facilitate the access road. A new SUDs habitat area would however be created in the north of the site which has specifically been designed, with input from the Council's Ecology Consultant to maximise its Ecology habitat potential, in particular for Great Crested Newts. In regards to the loss of some Skylark breeding territory, some large tracts of Skylark breeding territory remain in the immediate area and off-site compensation would also be secured. This Section 73 application specifically addresses the Skylark mitigation with revised wording of Condition 21 to confirm the starting date for the strategy and to reflect the legal undertaking by BDC.

Overall, it is considered that the proposed benefits of the scheme clearly outweigh the identified harms and that the proposal constitutes sustainable development and recommend that planning permission is granted subject to conditions.

In regards to conditions, there are a number of 'Discharge of Condition Applications' (DAC's) submitted with the LPA for review in respect of conditions imposed on the original permission. It is anticipated that a number of these will be cleared prior to Committee and as such Members will be updated verbally by Officers at the Committee, for the trigger on the relevant conditions to be altered accordingly.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Drainage Details	Plan Ref: 19-029/301	Version: I3
Drainage Details	Plan Ref: 19-029/302	Version: I3
Drainage Details	Plan Ref: 19-029/303	Version: I3
Drainage Details	Plan Ref: 19-029/304	Version: I3
General	Plan Ref: 19-029/453	Version: I2
Proposed Site Plan	Plan Ref: 19-029/460	Version: I4
General	Plan Ref: 19-029/461	Version: I3
General	Plan Ref: 19-029/462	Version: I3
General	Plan Ref: 19-029/463	Version: I4
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DP-L-001	Version: P1
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DP-L-101	Version: P4
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DP-L-102	Version: P5
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DP-L-201	Version: P4
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DP-L-202	Version: P5
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DT-L-201	Version: P4
Landscape Masterplan	Plan Ref: 721-FH-XX-00-DT-L-202	Version: P3
Access Details	Plan Ref: IT2021/SK/01	
Access Details	Plan Ref: IT2021/SK/02	
Section	Plan Ref: 721-DT-L-104	Version: P1
Section	Plan Ref: 721-DT-L-105	Version: P1
Section	Plan Ref: 721-DT-L-101	Version: P3
Landscape Masterplan	Plan Ref: 721-DP-L-110	Version: P1
Section	Plan Ref: 721-FH-XX-00-DT-L-104	Version: P1
Section	Plan Ref: 721-FH-XX-00-DT-L-105	Version: P1
Section	Plan Ref: 721-FH-XX-00-DT-L-101	Version: P3

- 1 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.

- 2 The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement completed by PJC Consultancy, dated 16th October 2019 ref 5280/19-02 REV 01 and 5280/19-03 REV 01.

The approved means of tree/hedge protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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 unless the express consent in writing of the local planning authority has previously been obtained. 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.

- 3 Prior to commencement of above ground construction a scheme of landscaping for the site, including for the SUDs attenuation basin and its surrounding area and for the spine road 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, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

Areas of hardstanding shall be constructed using porous materials laid on a permeable base where identified as being necessary in the surface water drainage strategy.

All planting, seeding or turfing 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.



All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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 the same species.

Reason

To enhance the appearance of the development and in the interests of amenity.

- 4 Details of any proposed lighting to serve the spine road site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include the following:

a) A lighting design scheme for biodiversity identifying those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging;

b) A layout plan with beam orientation and lighting contour plans and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 5 No site clearance or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following hours:

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

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

Monday to Friday 08:00 hours – 18:00 hours;  
Saturday 08:00 hours – 13:00 hours;  
Sundays and Bank Holidays - no vehicular movements.

Reason

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

- 7 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 in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason

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

- 8 No development, including engineering works shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - 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 facilities;
  - Measures to control the emission of dust and dirt during construction including a dust assessment carried out in accordance with IAQM guidance;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition, site clearance and construction working hours.;
  - Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance.
  - Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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

## Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 9 No development (including engineering works) shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change or using matched greenfield rates by providing Long Term Storage.

Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.

Final modelling and calculations for all areas of the drainage system.

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Water treatment features should be incorporated into the drainage plan.

Detailed engineering drawings of each component of the drainage scheme.

A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

- 10 No development (including engineering works) shall take place until a scheme to minimise the risk of off-site 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

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.

- 11 Prior to first beneficiary use of the spine road a maintenance plan detailing the maintenance arrangements for the surface water drainage scheme, 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.

- 12 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the Maintenance Plan approved under Condition 11. 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.

- 13 No development which includes the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason

To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and the Badger Protection Act 1992.

- 14 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first beneficiary use of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall only be implemented in accordance with the approved details.

Reason

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

- 15 Prior to first beneficial use of the development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The

content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and 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 s40 of the NERC Act 2006 (Priority habitats & species).

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Green Environmental Consultants Ltd, Surface Property Ltd August 2017), Great Crested Newt Survey Report (Surface Property Ltd, August 2019) and Great Crested Newt Non-Licensed Method Statement (Surface Property Ltd, November 2019) to the satisfaction of the Local Planning Authority 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 UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 The applicant shall comply with the Skylark Mitigation (Compensation) Strategy prepared by Whirledge and Nott Limited and in respect of a Start Date of 1st September 2020, to ensure that off-site Skylark Mitigation (compensation) is available from 1st September 2020.

Reason

To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

- 18 Notwithstanding what is shown on the approved plans and documents the applicant shall not remove the existing section of boundary hedgerow located on the site's western boundary which is positioned adjacent to the termination of the spine road on this part of the site. This section of hedge shall instead be retained and shall be protected during the construction process. The tree/hedge protection measures shown in the approved Arboricultural Method Statement detailed in Condition 2 shall specifically be extended to cover this section of hedge.

Reason

To ensure that this section of hedgerow is retained and not removed unnecessarily.

- 19 The archaeological mitigation strategy and post-excavation assessment shall be submitted within seven months of the completion of fieldwork, (unless otherwise agreed in advance with the 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 archaeological recording.

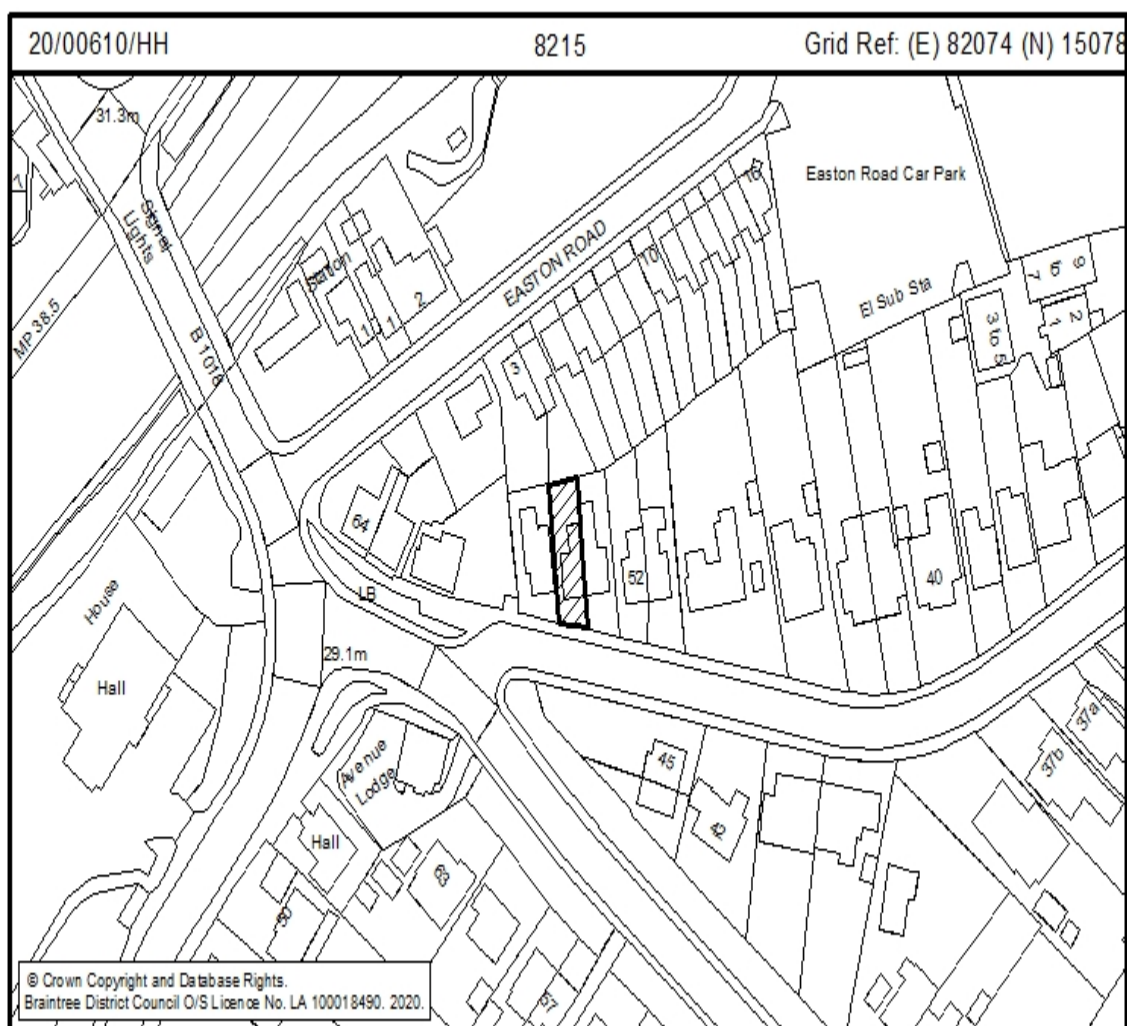
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART B

## AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00610/HH  
DATE: 07.04.20  
VALID:  
APPLICANT: Mr & Mrs Smith  
56 Avenue Road, Witham, CM8 2DP  
AGENT: Mr James Collinson  
Suite 1C, Warren House, 10-20 Main Road, Hockley,  
Essex, SS5 4QS  
DESCRIPTION: Single-storey rear/side extension with pitched roof  
LOCATION: 56 Avenue Road, Witham, Essex, CM8 2DP

For more information about this Application please contact:  
Ellen Cooney on:- 01376 551414 Ext. 2501  
or by e-mail to: [ellen.cooney@braintree.gov.uk](mailto:ellen.cooney@braintree.gov.uk)





The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8FB4QBFLPX00>

## SITE HISTORY

20/00015/HH	Single-storey rear/side extension and rear dormer roof extension	Refused	02.03.20
20/00621/PLD	Certificate of Lawfulness for proposed development - Loft conversion incorporating rear dormer roof extension and installation of 2 roof lights to front roof slope.	Refused	04.06.20

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Accordingly the Council can continue to afford some weight to the emerging Publication Draft Local Plan 2017.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Witham Town Council has objected to the proposal contrary to Officer recommendation.

#### SITE DESCRIPTION

The application site is located within the Witham development boundary and within the Conservation Area. The dwelling is semi-detached and is located in a row of character properties which have short, narrow plots with dwellings backing onto them from Easton Road.

## PROPOSAL

The proposal is for a single-storey side and rear extension. The proposed extension would in-fill at ground floor level the area to the side of the original two-storey rear outrigger. It would extend to the length of the existing outrigger and project 1.045m wider than the west flank elevation of the dwelling. The proposed extension would be finished with facing brickwork and roof tiles to match the host dwelling, the roof would be a mono-pitch form with two rooflights.

## CONSULTATIONS

### Historic Buildings Consultant

Objects on the grounds that the extension should not protrude further than the existing side elevation. Would cause less than substantial harm in accordance with Paragraph 196 of the NPPF.

## PARISH / TOWN COUNCIL

### Witham Town Council

Objects on the grounds of impact on neighbouring amenity.

## REPRESENTATIONS

One letter of support was received from No.58 Avenue Road.

## REPORT

### Principle of Development

The proposal is for a single-storey side and rear extension. The application site is located within the Witham development boundary and is therefore acceptable in principle in accordance with Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to meeting criteria on design, amenity and other material considerations.

### Design, Appearance and Heritage

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft 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. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

Policy RLP95 of the Adopted Local Plan and LPP56 of the Draft Local Plan state that the Council will seek to protect and enhance the character and appearance of Conservation Areas and their settings. Development must not detract from the character and appearance of this area, and must be sympathetic in its size, scale and proportions. Any new development must retain any architectural details of the host building and materials must complement the building's existing character.

The proposal is for a single-storey side and rear extension which would measure 3m in width and 5m in depth. The extension would infill the existing rear elevation and overhang the side elevation so that a small portion of the extension would be visible from the front of the dwelling. The existing French doors would be removed and bi-folding doors would be installed. A new door would be inserted into the side element, allowing direct access into the proposed new utility area. The extension would have a mono-pitched roof with two rooflights and would be constructed from brick to match the host dwelling and matching roof tiles. The form, scale and design of the extension would be subservient to the host building. It would be modest in size retaining an appropriate area of external amenity space and would not be an overdevelopment of the plot.

Concern however has been raised by the Historic Buildings Consultant with regard to the projection of the extension beyond the side wall of the dwellinghouse, the resulting impact that this would have on the streetscene and subsequent character of the surrounding conservation area. The extension would project 1.045m further than this flank elevation, but would be maintained at ground floor level only and set back from the front elevation of the property by 7.5m.

Currently the property has a 2m high boundary gate at the frontage, matching the adjacent dwelling at No.58 Avenue Road, which restricts both access to the private rear gardens and shields views along the access way between the houses. Gates of this kind are typical on residential dwellings and not out of character with the surrounding streetscene. The proposed extension would be only be visible in views looking directly down the narrow gap between No.56 and No.58. Due to the 7.5m set-back of the side extension, single-storey nature, narrow field of view and the position of the existing gate, only the very top section of the extension would be seen in fleeting views as moving along Avenue Road. This combined with the use of appropriate materials to match the host property results in an extremely limited impact on the streetscene and is not considered to result in harm to the appearance of the dwelling.

The property when viewed from the front would retain its symmetry with its adjacent adjoining dwelling at No.54 Avenue Road and would maintain the important visual gap between No.56 and No.58 at first floor level.

Notwithstanding this the HBC has advised that the proposal would be contrary to Paragraph 196 of the NPPF as it is considered to cause less than substantial harm to the Conservation Area. The proposal should therefore be weighed up against the public benefits of the scheme. Whilst there would be a small public benefit at construction stage resulting from employment created, it is acknowledged that in the main the resulting benefit of the development would be the enhancement of the dwelling and thus private to the occupier of the dwellinghouse.

On balance it is considered that the extremely limited impact of the proposal on the character and appearance of the host dwelling, surrounding street scene and Conservation Area is outweighed by the identified limited public benefit.

#### Impact on Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

Whilst comments have been received from Witham Town Council regarding the impact the extension would have on neighbouring amenity, there are no side elevation windows proposed in the extension and there is an existing 1.8m high brick wall between the host property and the neighbouring dwelling at No.58 Avenue Road. The extension would have a mono-pitched roof which would measure 2.8 metres at the lowest point close to the boundary. The extension would not overshadow the rear garden or any habitable rooms of this neighbouring dwelling and whilst it is built up to the boundary, the dwellings are in a closely knit pattern and it is not considered that this width would constitute an overbearing impact.

#### Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy RLP45 of the Draft Local Plan states that vehicle parking should be provided in accordance with the Essex Parking Standards. In this case the dwelling benefits from two off-street parking spaces, and this will remain unchanged due to the nature of development.

#### Conclusion

While the concerns raised by the Historic Buildings Consultant and Witham Town Council are noted, it is considered that the proposed design and appearance extension is acceptable and would not have a detrimental impact upon neighbouring residential amenity. Consequently, it is recommended that planning permission is granted for the proposed extension.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Existing and Proposed Plans

Plan Ref: 2807/09/40 1of1

- 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.

- 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.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

### Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART B

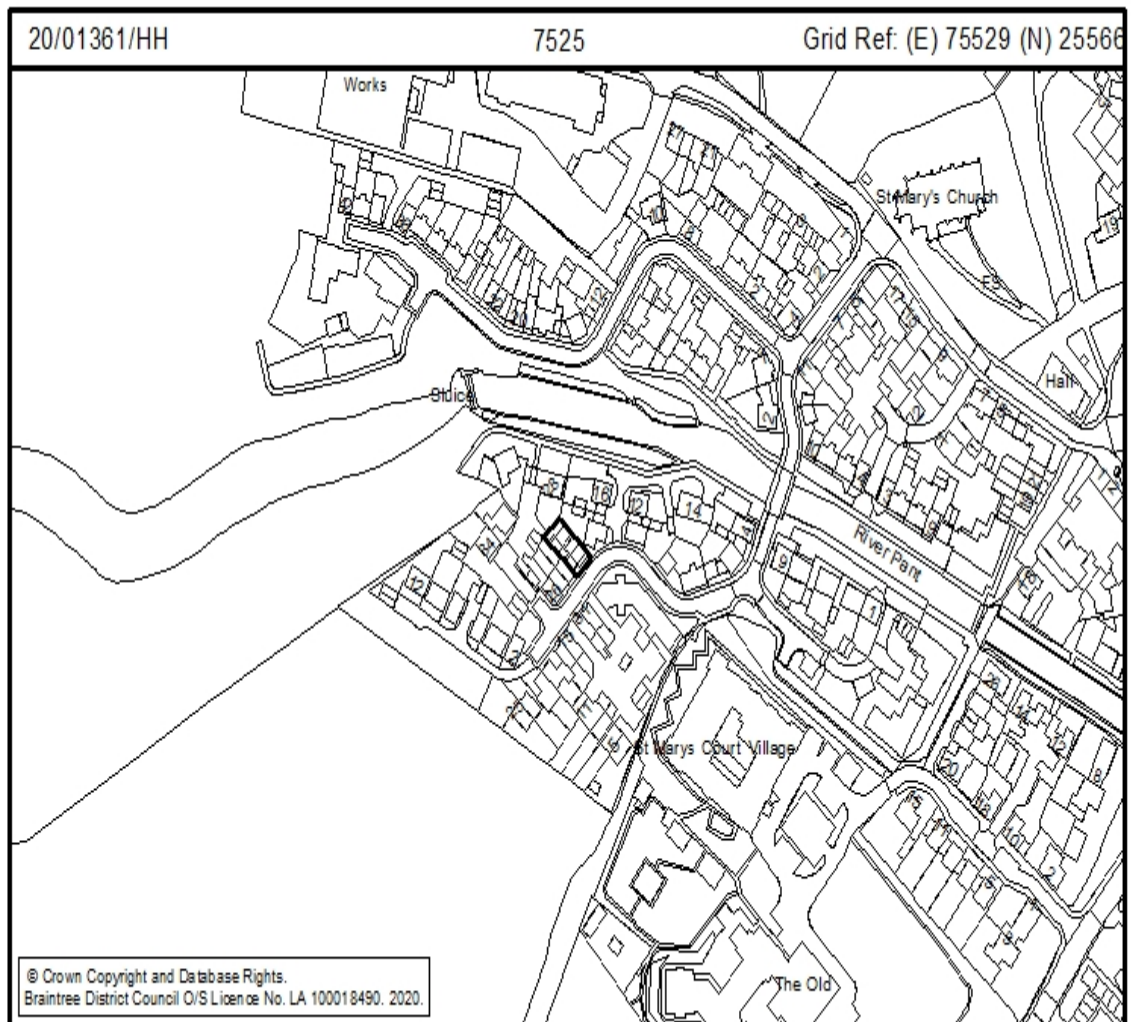
AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/01361/HH  
DATE: 20.08.20  
VALID:  
APPLICANT: Mr Chris English  
20 Samuel Courtauld Avenue, Braintree, Essex, CM7 5GJ  
DESCRIPTION: Proposed single storey rear extension  
LOCATION: 20 Samuel Courtauld Avenue, Braintree, Essex, CM7 5GJ

For more information about this Application please contact:

Jack Street on:- 01376 551414 Ext. 2515

or by e-mail to: [jack.street@braintree.gov.uk](mailto:jack.street@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFCOVIBFG6V00>

## SITE HISTORY

08/01968/FUL	Engineering operations (raising land) to amend approved levels (variation of planning permission 00/00525/FUL)	Granted	22.05.09
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## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.



Accordingly the Council can continue to afford some weight to the emerging Publication Draft Local Plan 2017.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP55	Layout and Design of Development

#### Neighbourhood Plan

N/A

#### Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the applicant is an employee of Braintree District Council.

#### DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within the town development boundary of Braintree as defined by the Adopted Local Plan. The host dwelling for this

proposal is 20 Samuel Courtauld Avenue, a single semi-detached dwelling set within a wider housing development. The dwelling is formed of a core two-storey structure with a first floor element attached to the neighbouring property (No.22), beneath which a carport is positioned at ground floor level. The host dwelling features a detached garage structure at the conclusion of the aforementioned carport within the rear amenity space, which is built across the shared boundary with No.22.

The dwelling is of a rendered appearance with plain tile/clay pantiles to the roof and uPVC windows. The host dwelling and those in the locality are set in close proximity to one another, which limits the size of the garden spaces. Whilst the existing garden spaces are acceptable, the original planning permission (Application Reference 00/00525/FUL) revoked certain permitted development rights. Relevant in this case is Condition 3 of the decision notice corresponding to the aforementioned planning permission, which states:

*Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no enlargement, improvement or other alteration of the dwellinghouse nor the provision of any building or enclosure within the curtilage of the dwellinghouse, as permitted by Class A and Class E of Part 1 and Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.*

*Reason: In order that the local planning authority may exercise control over any proposed future extensions or the provision of any buildings or enclosures in the interests of residential amenity as the exercise of permitted development rights is likely to reduce the private amenity space below the standard normally considered acceptable by the local planning authority.*

## PROPOSAL

The proposal seeks planning permission for a “Proposed single storey rear extension”. It is noted that revisions were requested of the originally submitted scheme on 14.10.2020. Officers raised concern with the impact on the neighbouring amenity of No.18 Samuel Courtauld Avenue, as the original scheme would have spanned 4 metres across the boundary shared with this particular neighbour who is orientated 45 degrees from the host dwelling. The structure would have measured 3.220 metres with a hipped roof. This would have introduced an unacceptable sense of enclosure on this particular neighbour. Further, Officers requested a design that better corresponded with the host dwelling and pattern of local development.

Revised plans were received on 27.10.2020, which reduced the overall depth of the original scheme, lowered the eaves by 225mm, and changed the roof form from hipped to gabled. These plans are due consideration in this assessment.

The revised structure would extend by 3.315 metres from the rear wall of the host dwelling, and would span a width of 3.130 metres. As referenced above,

the structure would be gabled, and is of a single storey with a total height of 3.220 metres (measured from ground level to apex). This is formed of an eaves height measuring 2.365 metres and the remainder by roofing which is carried away from the boundary.

The structure would accommodate a living room, with windows inserted on the rear of the structure and bi-fold doors opening out on to its side. A skylight would be inserted on each roof plane.

### CONSULTATIONS

None.

### PARISH / TOWN COUNCIL

N/A.

### REPRESENTATIONS

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

Immediate neighbours were consulted following the receipt of revised plans. The expiration date of this consultation date was set for 20.11.2020. No representations have been received.

### REPORT

#### Principle of Development

The proposal is for an extension to an existing dwelling sited within the town development boundary of Braintree as defined in the Adopted Local Plan. The application is therefore supported in principle in accordance with Policies RLP3 and RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, though subject to criteria on design, amenity and other material considerations.

#### Design, Appearance and Layout

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 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.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft 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. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposed extension (as revised) would extend from the rear wall of the host dwelling, and is shielded from the street scene by the host dwelling. Whilst views of the structure would not be attainable from public vantage points as a result, Officers are still obligated to ensure all design is of a high quality. In this instance, it is the opinion that the revised extension is of a level of design that is acceptable.

The footprint of the proposed structure would be subordinate to that of the host dwelling, and introduces no additional depth or width deemed excessive in this instance. The extension instead presents itself as a conventional addition to the property, which is complementary to the built form of the host dwelling in terms of its roof design, materials and fenestration. Despite its compatible appearance with the dwelling, Officers must have regard in this case for the reduction in garden size, which was safeguarded against in the original permission for the property.

During a site visit to the property, it was observed by Officers that a portion of the rear amenity space is occupied by a detached garage structure. The garden is formed by a split level arrangement; the area immediately behind the host dwelling is at the same level whereas the rear of the garden is lower and accessed by steps. This lower area features an area of grass and planted features on the north-eastern side of the garden and a paved area behind the garage. The extension is proposed on the higher portion of the garden, and retains a degree of space to its rear.

In this instance, it is not considered that the structure would unacceptably reduce the garden size, and the area level of space to be retained would be considered reasonable for the amenity space to function as a garden.

As such, the structure is considered compliant with design and appearance criteria outlined in Policies RLP3, RL17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, and Policies LPP38 and LPP55 of the Draft Local Plan.

#### Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Such requirements are further enforced by the NPPF.

The original plans presented a structure that would have spanned 4 metres across the boundary shared with No.18. Officers drew attention to the arrangement of the two properties, and noted that No.18 is orientated 45 degrees toward the property. Any works across the rear of No.20 and across the boundary would impact on this neighbouring amenity space, especially given the presence of a detached structure on the opposing side of the garden of No.18. It is of paramount importance that any structure in this area is sensitive as to respect neighbouring amenity, and Officers viewed that the original structure would introduce an unacceptable sense of enclosure on the neighbouring garden. Revisions were therefore negotiated.

The revised plans present a rear extension reduced in terms of its span across the boundary and its overall height. The alteration to the proposed roof, from hipped to gable carried away from the boundary, has been viewed as a means to further limit the prominence of the structure. The proposed arrangement and size of the structure is considered acceptable, and successfully addresses the identified overbearing concerns initially identified.

No other impacts on neighbouring amenity has been read. As such, the scheme is considered compliant with regards to the policy considerations referenced above.

## CONCLUSION

The scheme would represent a clear, compatible addition to the structure and corresponds well with the host dwelling and the pattern of surrounding development. Whilst the local planning authority have previously safeguarded against extensions in this area for the sake of an acceptable degree of amenity space to the rear, it is considered that the level of amenity space to be retained in this instance would be acceptable to function as a garden.

In addition to the above, the impact of the revised scheme on the neighbouring property at No.18 is not considered detrimental to an extent in which planning permission should be withheld. The structure would not be overbearing, and would have no impact on light or privacy.

On balance, it is therefore considered that areas of identified harm have been addressed by the revisions received and thus, on balance, the proposed extension is compliant with policy and therefore not objectionable. The application is recommended for approval.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Existing Ground Floor Plan	Plan Ref: 121.100	
Existing Roof	Plan Ref: 121.101	
Existing Elevations	Plan Ref: 121.200	
Proposed Ground Floor Plan	Plan Ref: 121.110	Version: PL2
Proposed Roof Plan	Plan Ref: 121.111	Version: PL2
Proposed Elevations	Plan Ref: 121.210	Version: PL2
Proposed Sections	Plan Ref: 121.310	Version: PL2
Location Plan	Plan Ref: 121.400	Version: PL2

- 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.

- 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.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

### Reason

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

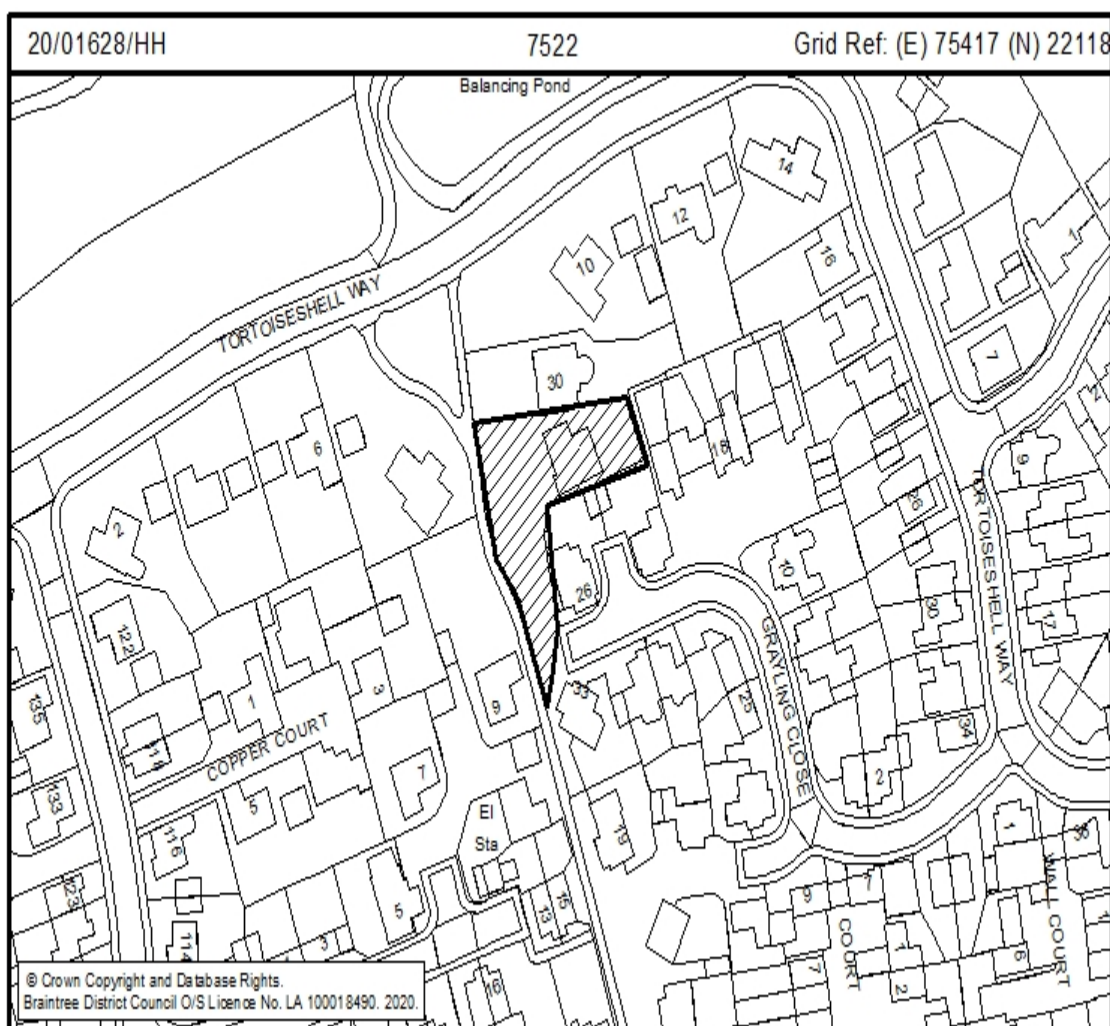
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART B

## AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/01628/HH DATE: 05.10.20  
VALID:  
APPLICANT: Mr & Mrs J Stirland  
28 Grayling Close, Braintree, CM7 1WW  
AGENT: Mr Richard Lambert  
ENDesign, 10 Domitian Close, Colchester, CO4 5GY  
DESCRIPTION: Proposed rear extensions, garage conversion and erection  
of new detached garage  
LOCATION: 28 Grayling Close, Braintree, Essex, CM7 1WW

For more information about this Application please contact:  
Fiona Hunter on:- 01376 551414 Ext. 2521  
or by e-mail to: [fiona.hunter@braintree.gov.uk](mailto:fiona.hunter@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QHH2VDBF GY300>

## SITE HISTORY

89/00414/P	Residential Development (160 Units Houses & Flats), Access Onto London Road, Open Space & Community Facilities	Withdrawn	16.04.91
92/00860/REM	Erection of 263 dwellings, road layouts and access onto London Road including open space, drainage and housing in compliance with S106 agreement	Granted with S106 Agreement	14.06.93

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);



The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Accordingly the Council can continue to afford some weight to the emerging Publication Draft Local Plan 2017.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

### Neighbourhood Plan

N/A

### Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the applicant is an employee of Braintree District Council.

## SITE DESCRIPTION

No.28 Grayling Close is a detached dwelling on a housing development constructed around the 1990s and is located within the Braintree Town Development Boundary.

The property is set at the end of a cul-de-sac together with its neighbour at No.30 Grayling Close. The plot for the property consists of a parking area to the front of the dwelling, along with an area of green space. The access for No.30 Grayling Close lies within the application site. The house has not been previously extended, is not located within a Conservation Area, nor are there any statutory listed buildings in the vicinity.

## PROPOSAL

Planning permission is sought for a single storey rear extension, and single storey side extension, conversion of the existing integral garage and construction of a new garage. The single storey rear extension would measure 1.7 metres in depth, and 7.5 metres in width. The side extension would adjoin to the existing garage, and would measure 2.3 metres by 3.7 metres. Both extensions would feature lean-to hipped roofs. The existing garage door would be replaced with a window to enable the conversion of the existing garage to living accommodation. The proposed garage would be situated on an area of grass adjacent to the existing parking area for the property. A retaining wall, with a maximum height of 0.7 metres, would be constructed to create level ground for the proposed garage. The garage would measure 7.2 metres in depth, with a width of 4.3 metres.

The external materials proposed for the extensions are composite cladding with tiled roofs. The proposed garage would feature golden buff brickwork and tiles to match the existing dwelling.

## CONSULTATIONS

### ECC Highways

No comments.

## PARISH / TOWN COUNCIL

N/A.

## REPRESENTATIONS

No letters of representation have been received.

## REPORT

### Principle of Development

The application site is located within the Braintree Town Development boundary where the principle of extensions to existing dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

### Design and Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It cites good design as a 'key aspect of sustainable development'. Paragraph 130 of the NPPF is explicit stating that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan set out design criteria for extensions and outbuildings which aim to ensure that there is no over-development of the plot, that the siting, bulk, form and materials of the development are compatible with the host dwelling, and that unacceptable adverse impact on the amenities of adjoining residential does not occur or material harm to the street scene. Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan require a high standard of design in all new development in order to ensure it respects local context in terms of scale, density, height and massing of buildings.

The design of the proposed extensions matches well in terms of their form and style with that of the existing property and their modest size would not result in an overdevelopment of the plot or its boundaries given the size and position of the extensions.

With regards to the proposed garage to the front of the dwelling, this would introduce an element of built form forward of the property line. However, given its modest size and typical design, it is not considered to have detrimental impact to the dwelling or the streetscene and is therefore considered acceptable in this regard.

The external materials proposed for the extensions would be compatible with the palette of materials seen in the surrounding streetscapes. The design of the proposal is therefore sympathetic to the host dwelling, and would not

result in harm to the character or appearance of the surrounding area, in accordance with the requirements of the abovementioned policies.

#### Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

The proposed side extension would be situated between the host dwelling and the neighbouring dwelling at No.30 Grayling Close, but would only marginally extend past the rear wall of the neighbouring property. The proposed rear extension would be situated away from neighbouring properties, and it is considered that the extensions would not result in an unacceptable loss of light, privacy, outlook or visual intrusion and are therefore compliant with the abovementioned policies.

With regards to the proposed garage, this would be situated on the amenity area to the front of the property, adjacent to the boundary with the public footpath running to the east of the site, and the entranceway to the cul-de-sac to the south. The garage would be sited away from neighbouring properties, and due its location and existing boundary treatment it would not be visible from the wider streetscene.

#### Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards. The proposals consider the conversion of the existing garage into living accommodation. Although this would lead to the loss of a parking space, the property benefits from a large hardstanding to the front and the proposals also see the creation of an additional vehicle parking space within the proposed garage. Parking would therefore remain in accordance with the Adopted Parking Standards.

#### CONCLUSION

The design and appearance of the proposals would be in keeping with the character and appearance of the existing property. The application is therefore recommended for approval.

#### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: END490/01
Proposed Elevations and Floor Plans	Plan Ref: END490/02
Proposed Elevations and Floor Plans	Plan Ref: END490/03

- 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.

- 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.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

### Reason

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER