

PLANNING COMMITTEE AGENDA

Tuesday, 18th February 2025 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

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

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

Councillor J Abbott

Councillor J Beavis

Councillor K Bowers

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

Councillor D Holland (Vice-Chairman)

Councillor A Hooks

Councillor A Munday

Councillor I Parker (Chairman)

Councillor F Ricci

Councillor P Schwier

Councillor G Spray

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

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

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

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

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

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

Public Question Time - Registration and Speaking

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

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

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

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

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

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

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

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

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

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

Health and Safety

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

Substitute Members

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

Documents

Agendas, Reports and Minutes may be accessed via www.braintree.gov.uk

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https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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Comments and Suggestions

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

PUBLIC SESSION**Page****1 Apologies for Absence****2 Declarations of Interest**

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

3 Minutes of the Previous Meeting

To approve as a correct record the minutes of the meetings of the Planning Committee held on 10th September 2024 (copy previously circulated) and 28th January 2025 (copy to follow).

4 Public Question Time

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

5 Planning Applications

To consider the following planning applications.

5a	App. No. 23 01994 FUL - The Woodlands Hotel, Coupals Road STURMER	6 - 57
5b	App. No. 23 02613 FUL - Land to the West of Lanhams, Lanham Farm Road, CRESSING	58 - 127
5c	App. No. 24 00633 REM - Towerlands, Panfield Road, BRAINTREE	128 - 178
5d	App. No. 24 02143 FUL - Land West of Boars Tye Road, SILVER END	179 - 195
5e	App. No. 24 02383 VAR - Land North of London Road, KELVEDON	196 - 249
5f	App. No. 24 02546 FUL - EOS, Plots 1-5, Horizon 120, London Road, GREAT NOTLEY	250 - 288
5g	App. No. 25 00006 DAC - Land South of Haygreen Road, WITHAM	289 - 299

6 Exclusion of the Public and Press

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

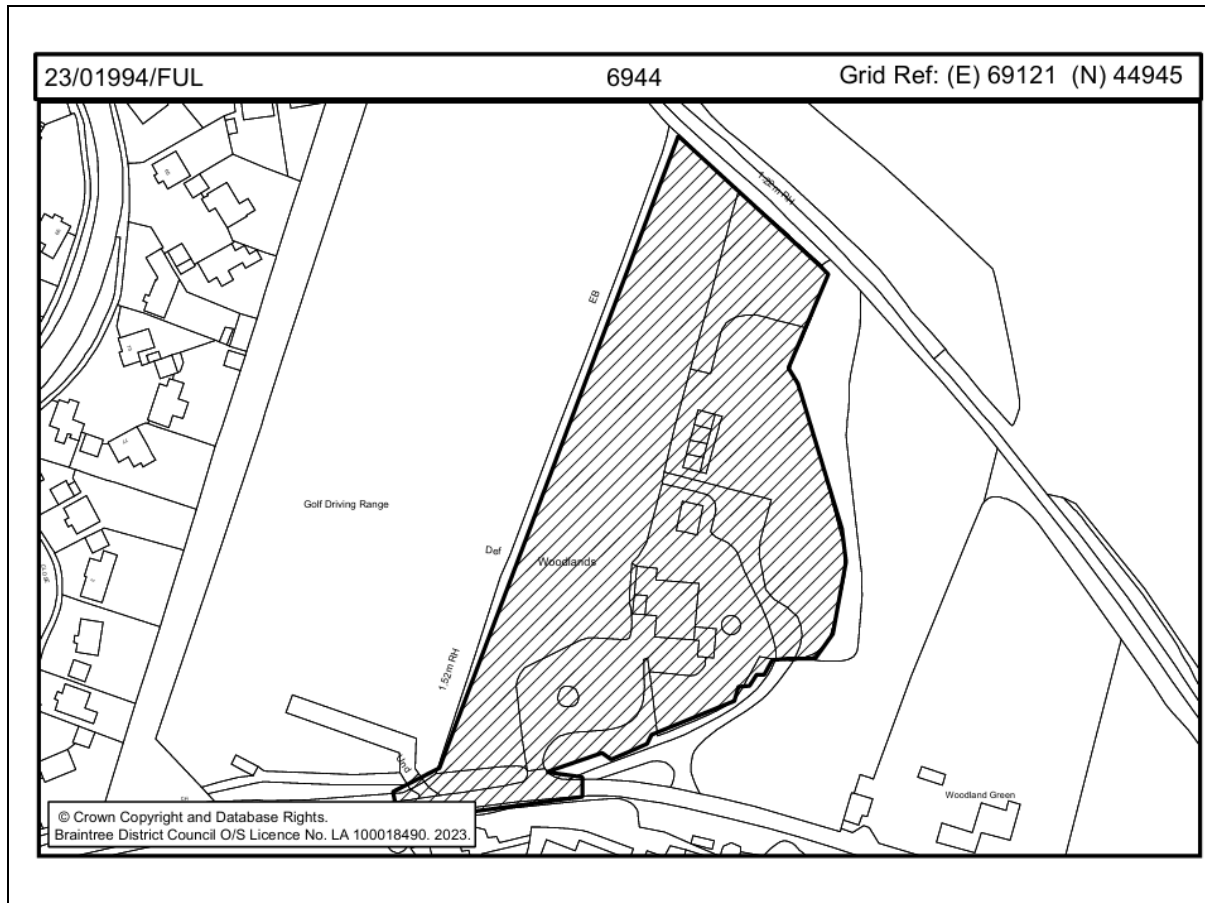
At the time of compiling this agenda there were none.

PRIVATE SESSION

Page

Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/01994/FUL
Description:	Demolition of the existing buildings on site, and the erection of a 64no. bed care home (Use Class C2), together with access, car parking, landscaping and associated works.
Location:	The Woodlands Hotel, Coupals Road, Sturmer
Applicant:	Country Court Care Homes 5 Limited C/o Agent
Agent:	Miss Beth Evans, Freeths LLP, Cumberland Court, 80 Mount Street, Nottingham, NG1 6HH
Date Valid:	4th August 2023
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Susanne Chapman-Ennos For more information about this Application please contact the above Officer on: 01376 312727, or by e-mail: susanne.chapman-ennos@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council’s Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/01994/FUL.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD’s) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located to the north of Coupals Road in Sturmer, to the northern edge of the Braintree District. It is located outside of the defined development boundary. The site was formerly used as a hotel but has been vacant since 2018.
- 1.2 The Applicant proposes to demolish the existing building and structures on site and to re-develop the site for a new 64-bed care home for dementia patients, with shared spaces, including ancillary offices/meeting rooms, staff facilities and a small café. As part of the proposal, improvements to the adjacent Village Green are also proposed.
- 1.3 The site is located outside any settlement development boundary, in the countryside and is therefore contrary to Policies SP3, LPP1 and LPP33 of the Adopted Local Plan. However, given the authorised use of the site and the fact that the proposal would allow re-development of a previously developed site for a use that generates 20 full-time (or equivalent) employment opportunities, on balance, it is considered that the principle of the proposal can be supported.
- 1.4 The proposal would provide environmental benefits in terms of the re-development of a vacant site, with a building of high-quality design that integrates well into the countryside landscape. It would also result in a Biodiversity Net Gain on the site and improvements to the Village Green and would create 20 full time or equivalent employment opportunities.
- 1.5 There would be adverse impacts arising through the proposed development in relation to a substantial loss of trees. However, there is some confidence that the impacts of the proposal can be effectively mitigated. Furthermore, there would be a low level of less than substantial harm caused to the setting of the nearby Listed Buildings, at Woodlands Cottage.
- 1.6 In this case, it is considered that on balance, the impacts against granting planning permission would be outweighed by the benefits, therefore it is recommended that planning permission is granted for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATION

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEX

5.1 The site is located to the north of Coupals Road in Sturmer, to the northern edge of the Braintree District. It is located outside of the defined development boundary and measures approximately 1.36 hectares.

5.2 The site was formerly used as a hotel but has been vacant for a number of years (since 2018), and is currently fenced off. The site itself gradually slopes upwards from south-west to north-east and contains a number of trees, both along the boundaries and within the site.

5.3 To the immediate north of the site is a Public Right of Way (PRoW) leading to the northwest. There is dense vegetation along the PRoW and arable fields can be found on the other side of the PRoW, which fall within the administrative area of West Suffolk District Council. These fields share the northern site boundary and form part of an outline permission for a strategic housing development of 2500 units, known as Great Wilsey Park (Reference DC/15/2151/OUT) and has been specifically identified as a 17.8ha country park.

5.4 To the west of the site is a driving range/practice area of the Haverhill Golf Club, with the clubhouse and carpark located opposite the road to the south. To the immediate east is Sturmer Village Green, further to the east is the Grade II listed Woodlands Cottage and its outbuildings.

6. PROPOSAL

6.1 The Applicant proposes to demolish the existing building and structures on site and to re-develop the site for a new 64-bed care home for dementia patients. There are 3 bedroom types providing a variety of rooms between 22m² and 48m² (including the en-suite). There is also shared spaces, ancillary offices/meeting rooms and staff facilities, including a small café.

6.2 The proposed building would be predominately three storey in height, with a flat roof, part of which is proposed to be a biodiverse green roof with

photovoltaics, and part of which will form a roof terrace. The entrance block to the new building is sited on the footprint of the redundant hotel building with two blocks behind stepping up the slope of the site. A car parking and drop-off area is proposed to the front of the site.

- 6.3 The proposed materials are natural timber cladding, off shutter exposed concrete with timber texture imprint and timber/composite windows and doors.
- 6.4 The proposal also includes improvements to the adjacent village green in terms of landscaping and planting and future maintenance of that.
- 6.5 The application is accompanied by a suite of plans and the following documents:
- Arboricultural Impact Assessment (OAS 22-187-AR02 Rev C September 2024)
 - Biodiversity Metric 3.1
 - Biodiversity Net Gain Report (October 2024)
 - Design and Access Statement (Revision D, prepared by WGO Architects, dated 27 June 2023)
 - Development Consultancy Report (prepared by Knight Frank, dated February 2023)
 - Environmental DNA Survey (Ref 11119/MJ, dated 6 July 2023)
 - Heritage Statement (SU0512, prepared by Cotswold Archaeology, dated February 2023)
 - Flood Risk Assessment (prepared by BSP Consulting, dated 6 July 2023)
 - Flood Risk and Drainage Strategy (prepared by BSP Consulting, dated 6 July 2023)
 - Health Impact Checklist (prepared by Freeths, dated March 2024)
 - Landscape and Visual Appraisal (prepared by Freeths, dated June 2023)
 - Planning Need Assessment (prepared by Carterwood, dated February 2023)
 - Planning Statement (prepared by Freeths, dated July 2023)
 - Response to Anglian Water's Objection (prepared by BSP Consulting, dated 18 August 2024)
 - Structural Assessment Report (prepared by Glyme Structures, dated 20 June 2022)
 - Sustainability Statement (Ref C2223459, prepared by HIBEC, dated 16 May 2023)
 - Transport Assessment (prepared by Connect Consultants, dated 20 June 2023)
 - Village Green Landscape Management Plan (prepared by FPCR, dated October 2024)

7. SUMMARY OF CONSULTATION RESPONSES

External Consultees

7.1 Active Travel England

7.1.1 In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as it does not meet the statutory thresholds for its consideration.

7.2 Anglian Water

Comments dated 28.08.2023

7.2.1 Assets Affected – records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

7.2.2 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows.

7.2.3 Used Water Network – A full assessment cannot be made due to lack of information, the Applicant has not identified a clear strategy for foul water disposal. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network.

7.2.4 Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The Applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

Comments dated 05.12.2023

7.2.5 Assets affected – Anglian Water (AW) has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

7.2.6 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows.

- 7.2.7 Used Water Network – The sewerage system at present has available capacity for these flows. If the developer wishes to connect to AW sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. AW will then advise them of the most suitable point of connection.
- 7.2.8 Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to full evidence of the surface water hierarchy not being provided and no discharge rates to the public sewerage network. Further assessment is required to establish whether network reinforcement is required. Therefore, it is requested that a condition be applied to the decision notice if permission is granted to secure a surface water management strategy

Comments dated 16.01.2024 reiterated through responses 09.02.2024 and 27.03.2024

- 7.2.9 Assets affected – Anglian Water (AW) has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 7.2.10 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows.
- 7.2.11 Used Water Network – The sewerage system at present has available capacity for these flows. If the developer wishes to connect to AW sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. AW will then advise them of the most suitable point of connection.
- 7.2.12 Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The Drainage Strategy and surface water calculations submitted with the planning application relevant to Anglian Water is unacceptable due to insufficient capacity within the public sewerage network. Further assessment is required to establish whether network reinforcement is required. Therefore, it is requested that a condition be applied to the decision notice if permission is granted to secure a surface water management strategy.

Comments dated 09.09.2024

- 7.2.13 Assets affected – Anglian Water (AW) has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 7.2.14 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows. When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom, an average flow over the past 5 years is taken in account of changing weather patterns. Where the average exceeds the WRC's permitted allowance, AW also take account of the following Environment Agency enforcement trigger – "has the DWF permit been exceeded in 3 of the last 5 years" – this much include non-compliance from the last annual data return. Based on the above assessment, Haverhill WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.
- 7.2.15 Used Water Network – Based on the submitted Drainage Strategy, the sewerage system at present has available capacity for these flows. If the developer wishes to connect to AW sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. AW will then advise them of the most suitable point of connection.
- 7.2.16 Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. After reviewing the Applicant's response dated 16 August 2024, the proposed discharge at a maximum rate of 2.5l/s is acceptable to Anglian Water and the documents are required to be listed as approved plans/documents if permission is granted.
- 7.3 Essex Fire and Rescue Service
- 7.3.1 Fire service access to the proposed development appears sufficient, meeting the requirements of Section B5 Approved Document "B" Fire Safety Volume 2. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.4 Essex Police – Strategic Planning

7.4.1 Various documents and principles have been highlighted outlining the Essex Police’s considerations to development and infrastructure change, these include:

- Essex Design Guide – objective for the creation of safe and secure communities and sustainable police estate provision;
- Designing out crime and Secured by Design – to achieve sustainable reductions in crime, to help people live and work in a safer society;
- Zero Emission Fleet and Infrastructure Strategy - Inclusion of charging facilities allocated for emergency services;
- Traffic Management considerations alongside the ethos of the five essential pillars in the Safe System approach;
- The policing priorities and aims listed in the Police and Crime Plan 2021 – 2024; and
- Essex Policy Force Plan - priorities to help focus on helping victims, identifying vulnerability, preventing violences, and being visible on their work and their roles.

7.5 Essex Police – Designing out Crime

7.5.1 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the access control into the building and from the reception area to the residential areas, the proposed lighting, 'Secure Garden Boundary' treatments and physical security measures. It should be noted that without adequate security fencing any external doors will be vulnerable to unauthorised entry into the building.

7.5.2 We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide, ensuring that risk commensurate security is built into each property and the development as a whole benefitting both the residents staff, visitors and wider community.

7.6 Environment Agency

Comments dated 30.08.2023

7.6.1 Details of the disposal route of the foul sewage identified is required. As this is a major development, the requirement to connect to mains sewage is determined by the distance of the development to utilities, with a feasible distance calculated by residence number x 30m therefore resulting in a feasible connection distance of 1920m. Our records show that there are utilities within an approximate 200m distance from the proposed development. Without confirmation of the mains connection there is an objection to this proposed development.

Comments dated 05.12.2023

- 7.6.2 We have reviewed the drainage strategy that has been submitted and unfortunately the document does not confirm how the foul sewage will be treated. Therefore, an objection is raised to this application.

Comments dated 16.01.2024

- 7.6.3 As there has now been confirmation provided that foul drainage will be provided through a connection to Anglian Water for treatment, there are no objections and no further comments on the application.

7.7 NHS

- 7.7.1 The proposed development is likely to have an impact on the services of two main GP practices within the vicinity of the application site. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 64 residents and subsequently increase demand upon existing constrained services.

- 7.7.2 A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £16,000.00. Payment should be made before the development commences.

BDC Consultee

7.8 BDC Ecology

Comments dated 18.10.2023

- 7.8.1 BDC Ecology are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. As a result, it is recommended that the finalised measures should be secured via a Construction Environment Management (CEMP: Biodiversity). Further, a wildlife friendly lighting scheme should be provided for this application as indicated within the Ecological Appraisal, to be secured as a condition of any consent prior to occupation.

- 7.8.2 Clarification is also required of the intended target condition which is listed as both 'Poor' and 'Moderate' in the Biodiversity Net Gain Summary. However, we highlight that the DEFRA Metric calculations indicates there is a Trading Summary issue that has not been satisfied. This is because there

will be a loss of -1.44 biodiversity units of Other Neutral Grassland that has not been adequately compensated with either 'like for like or 'higher distinctiveness' habitat creation, which is necessary to satisfy Rule 3 of the Biodiversity Metric 4.0 User Guide which indicates: 'Trading down' must be avoided. Losses of habitat are to be compensated for on a "like for like" or "like for better" basis. Therefore, it cannot be demonstrated that a net gain for biodiversity will be delivered based on the metrics (in line with paragraph 174d of the NPPF [now paragraph 192]) if trading issues are present. Therefore, it is indicated that the LPA cannot accept the scheme where a trading issue is present, unless there is exceptional circumstance that is evidenced and justified by the Applicant's ecologist.

7.8.3 It is also recommended that the biodiversity enhancement measures, as outlined in the Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), should be delivered for this application, to secure net gains for biodiversity. The proposed biodiversity enhancements should be secured as a condition of any consent via a Biodiversity Enhancement Strategy.

7.8.4 Finally, it is recommended that a Landscape and Ecological Management Plan should be secured which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric, as well as the implementation and aftercare of any bespoke biodiversity enhancements. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Comments dated 13.02.2024

7.8.5 BDC Ecology have reviewed the additional Landscape Management Plan (FPCR, November 2023) from an ecological perspective. However, the Landscape Management Plan has been prepared subject to an Ecological Assessment being carried out and we concur that this should be completed to ensure that the proposed management and enhancement is appropriate, and that consideration is given to existing protected and Priority species and habitats.

Comments dated 30.07.2024

7.8.6 The revised Biodiversity metric Calculation Tool demonstrates that a measurable net gain can now be achieved for this development, in line with the principles of mandatory biodiversity net gains.

7.8.7 BDC Ecology are satisfied that the Woodlands Village Green Landscape Management Plan (FCPR, March 2024), is broadly within the aims of the post implementation habitat condition requirements, but it would be useful for the document to refer back to the Biodiversity metric Calculation Tool condition aims to demonstrate how this will be achieved for this application, particularly for proposed enhancement of scrub habitat which does not appear to be included.

- 7.8.8 The off-site habitat creation and enhancement will need to be secured via s.106 agreement, with this being agreed by the Applicant and the local authority.
- 7.8.9 It is also noted that the incorrect condition has been entered into the metric which has created a higher net gain result, and we recommend that this is amended.
- 7.8.10 It is also recommended that a finalised Landscape and Ecological Management Plan which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric for the on-site habitats should be secured as a condition of any consent. This should include the specific woodland management practices that are being aimed for and indicate that appropriate timescales should be provided in order to clearly demonstrate that 'Other woodland; broadleaved' can be enhanced to reach 'good condition' within the given timescales.
- 7.8.11 Further, it would be beneficial to have some further clarification on how the proposed 5 x medium trees can achieve a diameter of >30cm in a period of 27 years. This should be based on further information on planting specifications, tree vigour, geography, soil conditions, sunlight, precipitation levels and temperature.

Comments dated 18.09.2024

- 7.8.12 Still recommend that the BNG metric is amended accordingly as this will revise the overall net gain figure. Further, it would be beneficial to have some clarification on how the proposed 5 x medium trees can achieve a diameter of >30cm in a period of 27 years. This should be based on further information on planting specifications, tree vigour, geography, soil conditions, sunlight, precipitation levels and temperature. However, it is acknowledged that further detail of this could be secured as part of planting specifications and / or Landscape Ecological Management Plan. Also clarification is required of the intended target condition which is listed as both 'Poor' and 'Moderate' in the Biodiversity Net Gain Summary.
- 7.8.13 Furthermore, it was previously recommended that the Woodlands Village Green Landscape Management Plan (FCPR, March 2024), should refer back to the Biodiversity metric aims to demonstrate how this will be achieved for this application, particularly for proposed enhancement of scrub habitat which does not appear to be included.

Comments dated 05.11.24

- 7.8.14 The revised Biodiversity Metric demonstrates that a measurable net gain can be achieved for this development, in line with the principles of mandatory biodiversity net gains.

- 7.8.15 No objections raised subject to conditions to secure a Landscape and Ecological Management Plan which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric, as well as the implementation and aftercare of any bespoke biodiversity enhancements.
- 7.8.16 The Landscape Management Plan Woodland Village Green (FPCR, Rev C October 2024) sets out the aims and objectives of the post implementation habitat condition requirements for the off-site measures, the off-site habitat creation and enhancement will need to be secured via a S106 legal agreement agreed by the Applicant and the Local Planning Authority.

7.9 BDC Environmental Health

- 7.9.1 No comments received.

7.10 BDC Landscape Services

Comments dated 24.05.2024

- 7.10.1 39 individual trees and 14 groups of trees are included within the survey schedule. Of the surveyed trees, the proposal requires the loss of 18 individuals and 6 groups, as well as partial loss of a further 3 groups. The loss of individual trees amounts to 46% of the total. The groups include large numbers of trees, so the total loss of canopy cover required is substantial, although not quantified. Removals are generally of low quality, with 3 category b individuals (T4,5,12) to be removed and the remainder classed as category C or lower.
- 7.10.2 The footprint and foundations of the main development are outside of retained trees Root Protection Areas (RPAs). There is significant encroachment from new surfacing, the level of encroachment is not quantified but, in some instances, e.g. T23, appears significantly higher than the 20% maximum espoused by BS5837:2012. There are also examples, such as T18 & G10 where encroachment could easily be avoided with minor design changes.
- 7.10.3 Compensation for tree loss is stated within the report as being detailed within “an extensive landscape plan that will also include general works to existing vegetation and trees so as to bring the site back into a reasonable state of management...” but no such document has been provided. There is a Landscape strategy plan, with indicative detail of new planting, a drawing titled “Car Park Area Detailed Landscape Proposals” showing species and numbers for this area (but lacking detail of planting/aftercare) and there is a landscape management plan for the adjacent village green (outside of the application boundary). None of these documents provide the required detail to show that commensurate replacement tree provision is achievable on site, and likely to successfully establish. New planting should be achieved onsite, within the application red line unless clearly demonstrated as not feasible.

- 7.10.4 With regard to mitigation for retained trees, it is stated that no dig construction of new surfacing is intended, but there are apparent level changes across site and it is unclear if this is achievable in all instances, this is a significant concern given the concerns with encroachment outlined above. It is stated that retained trees will be protected via Tree Protection Fencing (TPF) but the line of this fencing shown on plans does not appear to allow sufficient working room.
- 7.10.5 Landscape Services object to the application in its current form – ideally design changes will be explored, and significant further information will need to be provided.

Comments dated 09.10.2024

- 7.10.6 The cumulative impacts to trees remain significant. There is substantial loss of trees, both individual and within groups, albeit largely of low size and quality.
- 7.10.7 The impacts to the retained trees appear improved, but there is insufficient information to fully allay concerns.
- 7.10.8 Details of new planting is substantially increased, and broadly demonstrates that new planting is feasible and likely to offer commensurate value to those removed, but further detail is still outstanding. There also remains a lack of detail to demonstrate that a biodiverse roof is likely to be successful.
- 7.10.9 The level of information provided is improved, and there can now be some confidence that the impacts of the proposal can be effectively mitigated. Ideally at this stage further detail on level changes and a preliminary Tree Protection Plan would be provided to show that concerns regarding working room and the feasibility of mitigation have been addressed.
- 7.10.10 However, should the balance be in favour, conditions should be attached to secure:
- Full details of tree protection during construction, including a method statement following guidance set out in BS5837;
 - Full details of tree planting including planting methods and aftercare, following guidance set out in BS8545;
 - Full details of the proposed biodiverse roof, including construction, substrate and maintenance.

7.11 BDC Waste

- 7.11.1 No comments received.

ECC Consultee

7.12 ECC Adult Social Care

- 7.12.1 Essex County Council has recently published a Market Shaping Strategy and have a Market Position Statement which sets out in more detail the current provision of residential care across Essex. The Market Shaping Strategy places greater emphasis on supporting people at home and increasing extra care housing for older people. This is based on the choices people are making and technology and health care developments making it easier to provide more care at home. The County Council will be making fewer residential care placements, with the smaller number of adults that do need a care home placement having more complex needs later in life (including complex dementia and nursing care needs).
- 7.12.2 The current care home provision in Braintree is under-used. For a care homes long term viability it needs to be running at around 95% occupancy and the average occupancy in Braintree currently is 88%. So, we do not think there is a need for additional care home provision in the area at present and we have not identified Braintree as a current area for growth in the sector.
- 7.12.3 Adult Social Care has not been approached by the developer and it is unclear whether the care home will be aimed at adults known to social care or at self-funders. We would expect suppliers developing provision to have undertaken their own due diligence on demand and future direction. It is a time of some uncertainty for the care home sector. There have been recent legislative changes in relation to social care rates and charging which are waiting to be enacted. These will further alter the demand for and shape of the care home sector. The County Council will be undertaking further demand projections as the detail of these become clearer through national guidance.

7.13 ECC Archaeology

- 7.13.1 No objection, subject to conditions requiring full archaeological evaluation.
- 7.13.2 The proposed development site lies within an area of recorded Roman and medieval archaeological remains, as recorded on the Suffolk HER. The site lies adjacent to the district boundary in an area that was formerly common land as shown on the Chaman and Andre map of 1777. Aerial Photographic evidence also depicts ring ditches southeast of the site and a scheduled barrow monument lies c.600m to the south. Further evidence of prehistoric activity is recorded in the area.
- 7.13.3 The Tithe map of c1840 depict a building within the development site, part of a hamlet at Woodland Green. The submitted Heritage Statement states that the building roughly aligns with the rear of the current hotel building suggesting that the present building was formed through the addition of

extensions over time. Though the building has been altered and extended over time, there is potential for survival of the historic fabric and fixtures of the original house. The demolition of the building will result in the total loss of the structure and a historic building record should be completed to preserve by record the historic structure.

- 7.13.4 There is potential for the proposed development to impact upon historical and archaeological remains, the archaeological potential of the site will need to be established through evaluation in accordance with paragraph 194 of the NPPF [now paragraph 207].

7.14 ECC Heritage

Comments received 11.09.2023

- 7.14.1 The application site is within the setting of the Grade II listed Woodlands Cottage (List Entry Number: 1122275) and is situated adjacent to the western side of Woodlands Green. The Green is labelled as Woodlands Common on the 1777 Chapman and Andre Map and subsequently as Woodland Green on the 1839 Sturmer Parish Tithe Map. Woodlands Cottage dates to the late 18th to early 19th century and the Green is an important part of its setting.
- 7.14.2 The Woodlands Hotel, which is proposed for demolition may in part have early 19th-century origins, as the Heritage Statement concludes that the present building was formed through the addition of an extension to a building depicted on the 1839/40 Tithe map. The building can be considered to have some historic interest. Should an application for its demolition be approved, a programme of historic building recording as a condition is suggested.
- 7.14.3 There are some concerns regarding the proposed scheme and its impact on the setting of the listed building and on local character and distinctiveness. The elevated position of the Site and the proposed three-storeys of the building would result in it having a prominent visual presence within the listed building's setting. At present, the Green and the surrounding rural character of the area are a positive element in setting of Woodlands Cottage.
- 7.14.4 The size and appearance of the care home would not preserve or enhance the listed building's setting, contrary to Paragraph 206 of the NPPF [now paragraph 219]. The development would diminish the ability to appreciate the significance of the listed building. While the Green plays a more significantly positive part in the setting of the heritage asset than the Site, the development as proposed would still have a detrimental impact. It would therefore result in a low level of less than substantial harm to the significance of the listed building.
- 7.14.5 The design of the proposed care home is at odds with the rustic character of the Green and Woodlands Cottage. The presence of the new building

would not make a positive contribution to local character and distinctiveness contrary to the NPPF.

- 7.14.6 The proposed block plan indicates some planting to the south of the new building. This may help mitigate the visual impact of the scheme to some degree, although it would not remove the resulting harm. Further details of planting and landscaping specifically to mitigate the visual impact of the building are needed.
- 7.14.7 The Green is an important space within the listed building's setting and it enhances the local character, although it has recently become neglected. The enhancement of the green would benefit both the setting of the listed building and the character of the local area. A programme of enhancement and management of the Green would also lessen the impact of the development.
- 7.14.8 In accordance with Paragraph 202 of the NPPF [now paragraph 214], the harm identified should be weighed against the public benefits of the proposal, with the appropriate great weight given to the conservation of the heritage asset (NPPF, Paragraph 199 [now paragraph 212]). Should the assessment of the harm to public benefit be found in favour of the development, conditions to provide for a programme of historic building recording of the Woodlands Hotel buildings and details of screening, landscaping and boundary treatments, would be required.

Comments dated 07.02.2024

- 7.14.9 A new levels strategy and Landscape management Plan has now been submitted. The Landscape Management Plan solely focuses on habitat protection and natural environment enhancements. Neither of the additional submissions have reduced or mitigated the detrimental impact on local character and distinctiveness and the low level of less than substantial harm to the nearby listed building.

Comments dated 08.04.2024

- 7.14.10 A more detailed landscaping plan has been submitted (Dated 20th March), showing trees and hedgerow along the southeastern boundary of the Site, along the edge of the proposed car park. To some degree this will aid in screening the development within the setting of the listed building and there is no objections to the landscaping plan as proposed.
- 7.14.11 The proposed development would result in a low level of less than substantial harm to the nearby listed building, due to the impact on its setting. The visual screen provided by the planting will aid in the mitigation of this harmful impact. Following the establishment and growth of the planting screen, the overall impact would be a very low level of less than substantial harm.

7.14.12 Should the planning application be approved a condition for historic building recording is recommended.

7.15 ECC Highways (Lead Highway Authority)

Comments dated 21.09.2023

7.15.1 Providing the proposal is carried out in accordance with submitted in principle drawing 421 PL 00 100 Rev A, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to secure a Construction Management Plan and the provision of a footway at the site access to the west to join with the permissive path.

Comments dated 27.03.2024

7.15.2 Having reviewed the information submitted, from the perspective of the Highway Authority, we have no comments to make in addition to those made in the previous recommendation.

Comments dated 03.02.2025

7.15.3 Providing the proposal is carried out in accordance with submitted in principle drawing 421 PL 00 100 Rev Q, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to secure a Construction Management Plan and the provision of a footway at the site access to the west to join with the permissive path. Furthermore, if the proposal employees 50 or more employees, there will be a requirement for a Travel Plan.

7.16 ECC Infrastructure Planning

7.16.1 The suggested population increase brought about by the proposed development is expected to create additional usage of Sible Hedingham library. A developer contribution of £4,979.20 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the outreach and mobile library offer that would service this development. This equates to £77.80 per unit, index linked to April 2020.

7.17 ECC Minerals & Wast

7.17.1 No comments to make.

7.18 ECC SUDS

Comments dated 15.09.2023

7.18.1 Raise a holding objection to the granting of planning permission based on the following:

- The HR Wallingford tool is showing a 1 in 1 greenfield run off rate of 2.5 l/s therefore, discharge rates should be limited to this.
- Drainage calculations should be provided which show no internal flooding as a result of the development during all storm events up to and including the 1 in 30-year storm event and no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- There is no drainage plan. A site layout, location of features, outfall location, conveyance, cover levels, invert levels and pipe network should be included.
- Exceedance flows should be considered to ensure potential off-site flooding is managed
- An estimated discharge of the private foul water treatment works is required and details of where this will be discharged.

Comments dated 05.12.2023

- 7.18.2 Raise a holding objection to the granting of planning permission based on the following:
- Further clarification on the runoff rate is required.
 - Clarification of the surcharging that occurs in the 1 in 1 year event is required.
 - An estimated discharge of the private foul water treatment works is required and details of where this will be discharged.

Comments received on 17.01.2024

- 7.18.3 Raise a holding objection to the granting of planning permission based on the following:
- Clarification of the surcharging that occurs in the 1 in 1 year event is required.
 - A more detailed drainage plan is required.

Comments received 08.02.2024

- 7.18.4 Do not object, subject to conditions to secure detailed surface water drainage scheme, a scheme to minimise off site flood risk, and a drainage maintenance plan, including yearly logs.

SCC/WSDC Consultees

7.19 Suffolk County Council – Adult and Community Services

- 7.19.1 Suffolk Adult and Community Services (ACS) support this proposal, assuming that as it is so close to the Suffolk/Essex boundary that we would be able to access beds at the home. It is always a good thing to have more care homes to consider as we do struggle to place people. Given the increasingly complex needs in dementia, a nursing dementia home (which this appears to be) would be particularly useful in the Haverhill area.

7.19.2 Placing people with dementia needs can often be a challenge and it's so important to people's wellbeing to be placed close enough to home so family networks can stay connected and visit. It would be useful to understand Essex's view on the need for this type of service.

7.19.3 A concern would be that this site sits on the main road with fast moving traffic, so it would need to have secure grounds.

7.20 Suffolk County Council – Flood & Water

7.20.1 The address is outside of Suffolk County Council, as LLFA jurisdiction.

7.21 Suffolk County Council – Highways

7.21.1 No objection in principle and happy for ECC to continue to lead on highway matters.

7.21.2 It is noted that in pedestrian access terms, the pedestrians approaching from the westerly Haverhill direction would be required to use a non-highway path. The submitted Transport Statement 2.2.8 states that "a short section of permissive path to the west of the site access, as indicated on Figure 2.2". It would be preferable if safe pedestrian access could be achieved without being dependent upon the permissive section as that route is not permanent or publicly maintained.

7.21.3 The Transport Statement provides little additional detail about the permissive path, so it is unclear how suitable the arrangements are for this development which has high potential for pedestrian trip generation. It is also unclear if the permissive route can be used by cycles and other wheeled users.

7.21.4 The objection raised by Haverhill Town Council was noted, which raise a number of important sustainable access concerns. Recommend that those issues are given further consideration to ensure the development achieves the highest standards in terms of promoting sustainable travel.

7.22 West Suffolk District Council – Planning

Comments dated 20.09.2023

7.22.1 This site backs onto the Northeast Haverhill allocation for up to 2500 dwellings, which is one of two strategic greenfield allocations in Haverhill. This allocated site has an outline permission under DC/15/2151/OUT. The extract from the approved land use parameter plan copied below shows the application site highlighted in yellow in relation to the NE Haverhill site and the proposed country park, which is shown by the hatched green area. There is also a proposed extension to an existing public right of way, indicated by the blue dots.



- 7.22.2 It is important that the visual impact of the development from the future country park and the existing and extended public right of way to the north are fully considered and the need for additional landscaping to filter views considered. The interaction with the future country park should also be considered in terms of future connectivity.
- 7.22.3 This area is noted as being particularly sensitive to bats including Barbastelle bats and the adjacent outline permission and associated environmental statement set out measures to ensure that important dark corridors are not adversely affected by lighting. Similar measures should be secured with this application.
- 7.22.4 The Transport Statement advises that the existing pedestrian access to the development is via the footways along Coupals Road and Roman Way (to the west of the development), and a short section of permissive path to the west of the site access and on this basis advises that the site is connected to the pedestrian network with opportunities to make trips by foot. In reality, the access to the site on foot is inadequate, and the application should include appropriate measures to secure and improve the connectivity towards the town for pedestrians.
- 7.22.5 Reference is also made to a local cycle way southwest of the site on the A143 providing direct access to the town centre, but no information is provided as to the adequacy of this route or how you would connect to it from this site. Local bus stops are also cited, and conclusions drawn that the site is accessible by bus. However, this fails to account of the fact that there is no safe pedestrian route from these bus stops to the site.
- 7.22.6 Given the above it is difficult to see how the conclusion can be reached that the site has a good level of accessibility including sustainable modes of transport.

Comments dated 18.04.2024

- 7.22.7 The inadequacy of the footpath route from to the site and the need for this application to include appropriate measures to secure and improve the connectivity towards the town for pedestrians was previously highlighted. The information submitted does not address these concerns.

- 7.22.8 The site plan does not show a suitable pedestrian path and the general arrangement drawing simply makes a reference to an assumed footpath.
- 7.22.9 It is incorrect to describe the site as having a good level of accessibility including sustainable modes of transport. In the absence of any improvements to address the lack of connectivity and safe access for any mode of transport other than private motor vehicle it would appear that the development would fail to accord with the requirements of the NPPF.

Comments dated 04.10.2024

- 7.22.10 The new information does not relate to the concerns previously raised and therefore concerns relating to connectivity and sustainable transport as set out previously remain.

8. PARISH / TOWN COUNCIL

8.1 Sturmer Parish Council

Comments received 06.09.2023

- 8.1.1 The proposals do not define the proposed boundary structure to be included in the development, such as fencing, mature hedge or some other structure to stop people being able to pass from the development site onto VG52 or vice versa. The Council request that this need for a solid boundary protection is documented and clearly identified within the application and approval process.

Comments dated 05.04.2024, reiterated 31.10.2024

- 8.1.2 No objection.

8.2 Haverhill Town Council

Comments dated 05.09.2023

- 8.2.1 Haverhill Town Council objects to the application in its current form. Whilst supportive of the principle of development of a care home and the overall proposed concept, there are a number of material matters which leave us no option than to object.
- 8.2.2 The permissive path that passes through the site has been used for at least 15 years by walkers and must be retained. It is an integral part of the Great Wilsey Park Masterplan for connecting the proposed country park on the Great Wilsey development (under construction now) to East Town Park and walking routes along the Stour valley. It would of course provide the occupants of the care home good access to these important facilities. We are concerned that that there is no mention of this path, its loss would be contrary to policy LPP48 on inclusive environments, LPP50 on protecting

access to open space and the wider countryside and LPP52 promoting sustainable travel, as this permissive path connects to walking routes right through Great Wilsey, which care workers would use to walk to work.

- 8.2.3 Contrary to Policy LPP42, there is no mention of a footway/combined cycleway to connect the site to the footway further down Coupals Road and provide safe access to East Town Park. This is to ensure safe and sustainable travel for workers and residents who may be able to use a scooter if there is a safe footway to use. Without this there is a serious risk that the occupant of the home will effectively be isolated due to the speed of traffic on a road with no footway, and workers will opt to come by car rather than walk or cycle.
- 8.2.4 Previous discussions indicated that a condition of planning approval would be that a publicly accessible restaurant would be part of any proposal brought forward. The Applicant has not indicated if the restaurant within the care home will be open to the public. Such an inclusive offer would be a positive for the residents and fulfil the undertaking made.
- 8.2.5 As a final note, the Landscape and Visual appraisal report submitted by the developers, in Paragraph 3.14 refers to Haverhill Vision 2031 and states that a potential link road will pass to the west of the site, between it and the existing housing edge. (down the driving range). This link road is no longer supported and will not be built.

Comments dated 31.01.2024

- 8.2.6 Members of Haverhill Town Council liked the proposal and were pleased to see that the site would be protected and maintained ensuring a haven for wildlife and a recreational resource.

Comments dated 25.04.2024

- 8.2.7 Haverhill Town Council object to the application on the basis that the Town Council agrees with and reiterates the comments made by West Suffolk Council Planning. There is a need for an appropriate pedestrian footway and cycle way to the development and safe connectivity to the site.

Comments dated 25.09.2024

- 8.2.8 Haverhill Town Council continue to object to this application as the previous objections raised have not been addressed.

9. REPRESENTATIONS

- 9.1 1 objection has been received which raises concern that within the planning documents there is no mention of the footpath through the woods which has been used by the public for over 15 years. It links the permissive path along the bottom of the golf driving range to the Wilsey farm track and is an

integral requirement for the link between the planned new Country Park and East Town Park.

- 9.2 The objection letter goes onto state that if this strategic link is not recognised or maintained it will be detrimental to the public being able to enjoy both parks as a coherent whole. Furthermore, at the Haverhill Vision 2031 Planning Enquiry, which subsequently resulted in an adoption of a Country Park, the use of this footpath link was used as evidence before the Inspector.

10. PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

- 10.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 39 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 48 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 61 of the NPPF highlights the importance of ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need with an appropriate mix of housing types for the local community. Paragraph 78 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies.

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

5 Year Housing Land Supply

- 10.6 Paragraph 78 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Council's Local Plan is up to date in this regard and complies with the NPPF.
- 10.7 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). The Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5 Year Housing Land supply.
- 10.8 The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

The Development Plan

- 10.9 Currently the Council's statutory Development Plan consists of The Braintree District Local Plan 2013 - 2033 and Neighbourhood Development Plans where these have been adopted. No Neighbourhood Development Plan has been Adopted in Sturmer.
- 10.10 The site is located outside of any defined development within the countryside. Policy LPP1 of the Adopted Local Plan states that 'development outside development boundaries will be confined to uses appropriate to the countryside, whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside. The application is therefore contrary to Policy LPP1 of the Adopted Local Plan.

10.11 Policy LPP33 of the Adopted Local Plan defines specialist housing ‘as accommodation which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults, and may include some elements of care and support for everyone who lives there’. It is considered that this proposal meets this criteria, and can therefore be defined as specialist housing. The Policy goes on to state the following:

“Proposals for specialist housing provision are allocated on the Proposals Map and will be permitted within development boundaries providing that all the following criteria are met:

- *Everyday services that users would expect to access, such as shops, should be available on site or should be located close by and be able to be accessed by a range of transport modes.*
- *Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents, or proposals should provide appropriate mitigation*
- *Parking should be provided in line with the Council’s adopted standards*
- *There is an appropriate level of private amenity space to meet the needs of residents.*

Minor extensions to, or the expansion of existing specialist housing in the countryside may be acceptable if, in addition to the criteria a; b; c and d above, all the following criteria are met:

- *The scale, siting and design of proposals is sympathetic to the landscape character and host property*
- *The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings*
- *A travel plan should be provided, which sets out how additional staff, visitors and residents will access the site and ways to minimise the number of journeys by private vehicle*

New specialist housing on unallocated sites in the countryside will not be supported.”

10.12 The proposal is therefore contrary to Policy LPP33 as the proposal is for new specialist housing on an unallocated site in the countryside.

10.13 Given the previous use of the site and the existence of the existing building, the site is considered to be Brownfield Land or Previously Developed Land. The NPPF defines this as ‘land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land’. Paragraph 125 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict,

contaminated or unstable land. However, as the site is not within a defined settlement boundary, it is considered that this would not apply.

- 10.14 Notwithstanding the above, Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 10.15 In addition to the above, Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the planning history of this site is a material consideration. From this it is clear that the site has historically been used as a hotel which ceased use in 2018. However, this is considered to be its authorised use. The use of the existing building as a hotel (C1 Use Class) could re-start at any time without the need for planning permission. Whilst a structural report (submitted as part of this application) concludes that it is impractical to reuse any part of the existing building as part of any proposed development, given the authorised use of the existing building and land, it would be difficult to resist the principle of any re-development of the site for a hotel use.
- 10.16 In conclusion, whilst the proposal is contrary to Policies LPP1 and LPP33 of the Adopted Local Plan due to its location outside of any settlement development boundary, on balance it is considered that given the authorised use of the site and the fact that the proposal would allow re-development of a previously developed site for a use that generates 20 full-time (or equivalent) employment opportunities, the proposal can be supported in principle.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

- 11.1.1 Suffolk County Council Planning and Haverhill Town Council object on the basis that the site does not have a good level of accessibility as the access to the site on foot is inadequate from Haverhill and therefore would not accord with the requirements of the NPPF. The existing formal footpath network from Haverhill, would take pedestrians to approx. 100 metres from the site entrance. Furthermore, there is a permissive footpath (which is outside of the site) which would take pedestrians approx. 30 metres from the site entrance. As part of this application ECC Highways have requested the provision of a footpath from the entrance of the site to link up with the permissive footpath.

- 11.1.2 The permissive footpath, whilst providing an alternative to walking along the road, is not lit and therefore not considered an attractive walking route (especially at night). Officers acknowledge that this is not ideal, however, it is considered that the site is no less sustainable than the authorised hotel use. In fact, it is considered that the care home proposal is likely to lead to less pedestrian movements.
- 11.1.3 In view of the targeted users and facilities available within the proposed care home, it is not expected that the majority of the residents would be travelling on their own and not on a frequent basis for services and facilities. The majority of people accessing the site will be staff and visitors.
- 11.1.4 It is considered that the accessibility of the site is acceptable for the type of development proposed, especially taking into account the authorised use.
- 11.2 Need
- 11.2.1 Suffolk County Council (Adult and Community Services) support the proposal due to need and Essex County Council (Adult Social Care) have advised that the current care home provision in Braintree is under-used and they do not think there is a need for additional care home provision in the area at present.
- 11.2.2 As part of the application a Planning Needs Assessment was submitted and in response to the comments from ECC Adult Social Care an update to the Planning Needs Assessment was provided. This states that based on an in-depth review of care home demand and capacity within a catchment area of 6 miles and the Braintree District Council local authority area shows a net need for 150no. dedicate dementia beds at minimum market standard level, increasing to 369no. care beds when assessed on the basis of all beds at full market standard. It also includes information on the existing supply of care homes in the District and out of 1,431 CQC registered bedspaces, only 85% are single en-suite bedrooms and 34% have full en-suite wet rooms, which indicates that there is still room for improvement in the quality of supply.
- 11.2.3 The Essex County Council comments are based on Market Shaping Strategy which places a greater emphasis on supporting people at home and increasing extra care housing for older people, which will result in fewer residential care placements being made. It also refers to occupancy rate and states that for a care homes long term viability it needs to be running at around 95% occupancy and the average occupancy for in Braintree is currently 88%.
- 11.2.4 Whilst the comments from Essex County Council are not disputed, it is clear from their consultation response that Suffolk County Council that has a need. Given the location of the site, it is well placed to serve that need.

- 11.2.5 Furthermore, from the information submitted it is clear that the Applicant's have undertaken their own due diligence and consider that there is a need for the proposal. Without any need for the proposal, it would be unviable and therefore the proposal would be unlikely to come forward.
- 11.3 Design, Appearance and Impact upon the Character and Appearance of the Area
- 11.3.1 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 11.3.2 Policy LPP52 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments in the District and encourage innovative design where appropriate. Planning permission will be granted where, amongst other things, the following criteria are met: The scale, layout, height and massing of buildings and overall elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline and the building line. Buildings and structures should be of high architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, but not necessarily replicate, the local architectural character. Development proposals will incorporate measures for environmental sustainability throughout the construction, occupation and demolition of the development, in relation to energy conservation, water efficiency, waste separation, climate change, flood resilience and resistant construction and the use of materials with low overall energy requirements.
- 11.3.3 The design of the proposed care home has been evolved following lengthy discussions with Officers through various pre-application requests over the last 6 years. The Councils Urban Design Officer considers that the proposal is a well-considered and high-quality proposal for the following reasons:
- The architectural design features a bespoke building designed in sympathy to the topography and sylvan character of the site.
 - The wood finishes creating a merger of the built form into its setting whilst expressing the contemporary design and structure.
 - The building would sit within a wooded landscape and like the listed building to the east there would be significant containment of views by the verdant landscape and retained, mature trees.
 - The glimpses and views to the proposed care home would also be limited.
 - The views to this building would capture the varying textures and shadings of the wooden finishes. These natural finishes and considered patterns create soft lines and visual interest where the building is seen between trees.

- The landscape design focusses on integrating the proposal as much as possible into its verdant location.
 - The existing car park for the hotel is enhanced by the proposal, adding trees and softer surfacing to mitigate the visual impacts of parking.
- 11.3.4 It is acknowledged that the built form has been increased as compared to the former hotel, however, the Applicant has provided technical documents to provide reasonings for the larger built form. The submission has demonstrated that for a care home with capacity of over 60-bed would be more variable as compared to smaller ones due to economies of scale and efficient use of staff resources.
- 11.3.5 The increase in mass was considered by the Urban Design Officer who comments that 'it must be accepted that the building will have a more significant mass and appearance than the derelict Hotel, but this should be considered an enhancement. The proposed care home will have a positive relationship to its site and surroundings. The design approach of a contemporary form within natural wooden finishes should be considered a highly suitable design for a care home.
- 11.3.6 Officers consider that the proposal represents good design and would integrate well into this countryside location.
- 11.3.7 It is noted that the site lies within the Dedham Vale and Stour Valley Project Area. National Landscapes were consulted on the application, but no response has been received.
- 11.4 Highway Considerations
- 11.4.1 Policy LPP42 of the Adopted Local Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.
- 11.4.2 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 11.4.3 ECC Highways were consulted and states that providing the proposal is carried out in accordance with submitted in principle drawing 421 PL 00 100 Rev Q, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to secure a Construction Management Plan and the provision of a footway at the site access to the west to join with the permissive path. These conditions are included within the recommended list of conditions within Appendix 1 of this report.

- 11.4.4 The response from ECC Highways makes reference to a Travel Plan; this is only required for proposals with 50 or more employees. This proposal is expected to employ 20 full time employees and is therefore below this threshold.

Parking Provision

- 11.4.5 Policy LPP43 of the Adopted Local Plan states that development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards.
- 11.4.6 According to the adopted Essex Parking Standards (2009), for residential care home proposal, 1 parking space would be required for each of the full-time equivalent (FTE) staff and 1 visitor space is required for every 3 beds. The submission stated that there will be 20 FTE staff working at one time and therefore the maximum parking requirement would be 41 spaces. The proposal would provide a total of 31 parking spaces, including 4 accessible spaces for disabled persons, and a covered loading and unloading facilities to the main entrance. Adequate cycle parking in accordance with the standards is also provided.
- 11.4.7 Whilst the parking provision is less than the maximum standards, this is because of the constraints on the site, due to the existing trees. However, given the proximity to Haverhill, the overall parking provision is considered acceptable.

11.5 Heritage

- 11.5.1 The application site is within the setting of the Grade II listed Woodlands Cottage (List Entry Number: 1122275) and is situated adjacent to the western side of Woodlands Green. The Green is labelled as Woodlands Common on the 1777 Chapman and Andre Map and subsequently as Woodland Green on the 1839 Sturmer Parish Tithe Map. Woodlands Cottage dates to the late 18th to early 19th century and the Green is an important part of its setting.
- 11.5.2 Paragraph 202 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore, Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 11.5.3 Policy LPP47 of the Adopted Local Plan states that the Council will promote and secure a high standard of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.5.4 The Woodlands Hotel, which is proposed for demolition may in part have early 19th-century origins, as the Heritage Statement concludes that the present building was formed through the addition of an extension to a building depicted on the 1839/40 Tithe map. The building can be considered to have some historic interest. Therefore, within the recommendation a condition to secure a programme of historic building recording is included.
- 11.5.5 The Green is an important space within the listed building's setting, and it enhances the local character, although it has recently become neglected. The enhancement of the green would benefit both the setting of the listed building and the character of the local area.
- 11.5.6 The Historic Buildings Consultant initially raised concerns regarding the proposed scheme and its impact on the setting of the listed building and on local character and distinctiveness. It was considered that the elevated position of the application site and the proposed three-storeys of the building would result in it having a prominent visual presence within the listed building's setting. Furthermore, it was considered that the size and appearance of the care home would not preserve or enhance the listed building's setting, and the design of the proposed care home is at odds with the rustic character of the Green and Woodlands Cottage.
- 11.5.7 Following the above consultation response, additional information regarding landscaping showing trees and hedgerow along the southeastern boundary of the site and along the edge of the proposed car park was submitted. This would to some degree aid in screening the development within the setting of the listed building and there are no objections to the landscaping plan as proposed.
- 11.5.8 Overall, the Historic Buildings Consultant considers that the proposed development would result in a low level of less than substantial harm to the nearby listed building, due to the impact on its setting. The visual screen provided by the planting will aid in the mitigation of this harmful impact. Following the establishment and growth of the planting screen, the overall impact would be a very low level of less than substantial harm.
- 11.6 Impact on Trees
- 11.6.1 Policy LPP65 of the Adopted Local Plan sets out, amongst other things:
- That trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal.
 - When trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new

development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal.

- 11.6.2 Furthermore, Paragraph 136 of the NPPF states that planning decisions should ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 11.6.3 39 individual trees and 14 groups of trees are included within the survey schedule. Of the surveyed trees, the proposal requires the loss of 18 individuals and 6 groups, as well as partial loss of a further 3 groups. The groups include large numbers of trees, so the total loss of canopy cover required is substantial. The total number of tree stems being removed is 49 which includes individual stems within groups. Removals are generally of low quality, with 3 category B individuals (T4, 5, 12) to be removed and the remainder classed as category C or lower.
- 11.6.4 During the application process a revised Arboricultural Impact Assessment (AIA) was submitted to provide furthermore information. It also shows minor layout changes which reduce encroachment on Root Protection Areas (RPA). Although, the cumulative impacts to trees remain significant. There is substantial loss of trees, both individual and within groups, albeit largely of low size and quality. Impacts to retained trees appear improved, but there is insufficient information to fully allay concerns.
- 11.6.5 However, given the level of information provided there can be some confidence that the impacts of the proposal can be effectively mitigated. Ideally further information on level changes and a preliminary Tree Protection Plan would be provided to show that concerns regarding working room and the feasibility of mitigation have been addressed. However, given that there is some level of confidence that this can be achieved, it is considered, on balance that this can be dealt with by conditions (which are included in the recommendation).
- 11.6.6 Details on new planting includes 53 new trees, 10 fruit trees and 410 whips in the village green and broadly demonstrates that new planting is feasible and likely to offer commensurate value to those removed. Further detail is required, however, this can be secured by Condition 4.

11.7 Ecology and Biodiversity

- 11.7.1 Policy LPP66 of the Adopted Local Plan states that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals. The policy also states that previously development land (which this site is) can harbour biodiversity. The reuse of such sites must be undertaken carefully with regard to existing features of biodiversity interest. Development proposals on such sites will be expected to include measures that maintain and enhance important

features and appropriately incorporate them within any development of the site.

11.7.2 BDC Ecology are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. Appropriate mitigation measures are identified in the Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), and a condition is recommended to secure these. Conditions are also recommended to secure a Construction Environment Management Plan (CEMP) and a wildlife friendly lighting scheme.

11.7.3 Biodiversity Net Gain became mandatory on 12th February 2024 for major applications, as this application was validated on 4th August 2023 it is exempt. However, a Biodiversity Metric has been submitted which demonstrates a measurable net gain can be achieved for this development, in line with the principles of mandatory Biodiversity Net Gains. Therefore, no objections are raised subject to conditions to secure a Landscape and Ecological Management Plan which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric, as well as the implementation and aftercare of any bespoke biodiversity enhancements.

11.8 Impact upon Residential Amenity

11.8.1 The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policies SP7 and LPP52 of the Adopted Local Plan all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light or overbearing impact.

11.8.2 The site is relatively well enclosed with no immediate neighbours. The nearest residential property is Woodland Cottage, which is situated on the opposite side of the village green. It is therefore considered that the proposal would not result in any adverse impact on the amenities of neighbouring residents.

11.9 Archaeology

11.9.1 The proposed development site lies within an area of recorded Roman and medieval archaeological remains, as recorded on the Suffolk HER. The site lies adjacent to the district boundary in an area that was formerly common land as shown on the Chaman and Andre map of 1777. Aerial Photographic evidence also depicts ring ditches southeast of the site and a scheduled barrow monument lies c.600m to the south. Further evidence of prehistoric activity is recorded in the area.

11.9.2 The Tithe map of c1840 depicts a building within the development site, part of a hamlet at Woodland Green. The submitted Heritage Statement states

that the building roughly aligns with the rear of the current hotel building suggesting that the present building was formed through the addition of extensions over time. Though the building has been altered and extended over time, there is potential for survival of the historic fabric and fixtures of the original house. The demolition of the building will result in the total loss of the structure and a historic building record should be completed to preserve by record the historic structure.

- 11.9.3 There is potential for the proposed development to impact upon historical and archaeological remains, the archaeological potential of the site will need to be established through evaluation in accordance with Paragraph 207 of the NPPF.
- 11.9.4 ECC Archaeology raise no objection to the proposals, subject to conditions requiring full archaeological evaluation, which are included within the recommendation.
- 11.10 Renewable Energy/Resource Efficiency
 - 11.10.1 Policy LPP72 of the Adopted Local Plan states that the Local Planning Authority will encourage appropriate energy conservation and efficiency measures in the design of all new development. Such measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.
 - 11.10.2 A Sustainability Statement was submitted in support of the proposal. This concludes that the use of renewable energy will not be required to achieve compliance with Building Regulations. However, the scheme proposes 99 photovoltaic panels to be included within the biodiverse green roof.
- 11.11 Surface Water Drainage
 - 11.11.1 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.
 - 11.11.2 Policy LPP74 of the Adopted Local Plan seeks to minimise exposure of people and property to the risks of flooding. Policy LPP76 of the Adopted Local Plan refers to SUDS design being an integral part of the layout and should reflect up to date standards.
 - 11.11.3 The site is located within Flood Zone 1. The LLFA (Local Lead Flood Authority) raise no objection to the proposal, subject to conditions to secure detailed surface water drainage scheme, a scheme to minimise off site flood risk, and a drainage maintenance plan, including yearly logs, which are included within the recommendation.

11.12 Overhead Power Lines

- 11.12.1 There is an 11kV (high voltage) overhead powerline which runs across the northern part of the site, which is owned and operated by UK Power Networks. UK Power Networks have been consulted on the application, but no response has been received (although this will continue to be chased, and an update provided at the meeting).
- 11.12.2 However, from Officer research, UK Power Networks advises that it is a legal requirement to notify them in advance when building a temporary or permanent structure within close proximity of their power lines. This will ensure the project complies with Regulation 18(3) of the Electricity, Quality & Continuity Regulations 2002 and allows for the proposed works to be discussed, and any protective/diversionary works (if necessary) agreed.
- 11.12.3 The Agent has advised that the Applicant has formally written to UK Power Networks, and they have advised that the guidance in relation to minimum clearance distances is as set out in the Energy Networks Association Technical Specification 43-8 – Overhead Line Clearances Issue 5. This states that the minimum clearance is between 0.3 metres and 3 metres depending on the circumstances. In this case there is a minimum of 11 metres clearance, which is excess of that set out in the guidance. It is therefore considered that the overhead powerline, is not a major constraint on the proposed development and any potential issues could be overcome through discussion between the Applicant and UK Power Networks (which is a regulation requirement, as set out above).

12. PLANNING OBLIGATIONS

- 12.1 Paragraph 58 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation.
- NHS Contribution - a financial contribution of £16,000.00 is required to mitigate the impacts of this proposal.
 - Village Green Management - to secure the planting out of the improvements proposed to the Parish Council owned Village Green and its maintenance for at least 35 years.
- 12.2 ECC Infrastructure Planning considered that the increase brought about by the proposed development is expected to create additional usage of Sible Hedingham library and request a financial contribution of £4,979.20 to improve, enhance and extend the facilities and services provided and to expand the outreach and mobile library offer that would service this development. This proposal is for a care home and therefore it is

considered that potential residents are likely to be less mobile (as they require some level of care). Furthermore, if they were to visit a library given the location of the site, it is likely that they would visit Haverhill rather than Sible Hedingham. It is therefore considered that this request does not meet the relevant tests, and it would not be reasonable to request this contribution.

- 12.3 The Adopted Open Space SPD states that institutional uses, including nursing homes and sheltered accommodation, will be required to contribute to informal or formal outdoor recreation space. However, it is still necessary for the request to meet the required test and therefore it is considered that a contribution should only be sought where the development results in an increase in demand for open space facilities which need to be mitigated. Given the nature of the development, it is unlikely that residents will make use of formal outdoor recreation space, such as playgrounds and sport pitches. Informal open space includes village greens and landscaped parks and gardens, which in this case is provided on-site. Furthermore, the proposal involves works to improve the village green, which will be secured by legal agreement. It is therefore considered that the development will not increase demand on existing facilities and that an Open Space Contribution is not required.

13 PLANNING BALANCE

- 13.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 13.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 13.3 Whilst the proposal is contrary to Policies SP3, LPP1 and LPP33 of the Adopted Local Plan due to the sites countryside location (outside any settlement boundary), the proposal is supported by Paragraph 89 of the NPPF and the authorised use of the site is an important material consideration.
- 13.4 The proposed development of the site would result in a mix of public benefits and adverse impacts. These are summarised below.

Summary of Public Benefits

- 13.5 The proposal would provide social benefits through the provision of a C2 Care Home use, meeting an identified need and contributing to the Council’s Housing Land Supply. There would also be environmental benefits in terms of the re-development of a vacant site, with a building of high-quality design that integrates well into the countryside landscape. It

would also result in a biodiversity net gain on the site and improvements to the Village Green. These benefits can be given moderate weight.

- 13.6 The proposal would also be an economic benefit from the proposal as it would create 20 full time or equivalent employment opportunities. This benefit can be given moderate weight.

Summary of Adverse Impacts

- 13.7 There would be adverse impacts arising through the proposed development in relation to a substantial loss of trees, both individual and within groups. However, these trees are largely of a low size and quality and there has been sufficient evidence submitted with the application to give some confidence that the impacts of the proposal can be effectively mitigated. The details of this mitigation can be secured by condition. Limited weight is therefore attributed to this harm.
- 13.8 There would also be a low level of less than substantial harm caused to the setting of the nearby Listed Buildings, at Woodlands Cottage. As set out above though, National Policy requires less than substantial harm to be balanced against public benefits. In this case, Officers consider that the public benefits do outweigh the harm caused. Historic building recording would be undertaken for the buildings to be removed from the site. Therefore, limited weight is attributed to this harm.

14 CONCLUSION

- 14.1 Whilst the proposal is contrary to Policies SP3, LPP1 and LPP33 of the Adopted Local Plan due to the sites countryside location (outside any settlement boundary), and therefore is considered to be contrary to the Development Plan overall, the proposal is supported by Paragraph 89 of the NPPF, and the authorised use of the site and the previously developed nature of the site are important material considerations.
- 14.2 Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case it is considered that the re-development of previously developed land for a C2 (Care Home) use which meets an identified need, having regard to the authorised use of the site, and the high-quality design of the proposal, are material considerations that justifies making a decision in this case which would not be in accordance with the Development Plan.
- 14.3 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that on balance the adverse impacts of granting permission do not outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

15 RECOMMENDATION

15.1 It is therefore RECOMMENDED that subject to the Applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- NHS Contribution - a financial contribution of £16,000.00 is required to mitigate the impacts of this proposal.
- Village Green Management - to secure the planting out of the improvements proposed to the Parish Council owned Village Green and its maintenance for at least 35 years.

15.2 The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

15.3 Alternatively, in the event that a suitable planning obligation is not agreed within six calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Proposed Ground Floor Plan	421_PL_00_210	G
Drainage Details	WHCH-BSP-ZZ-XX-D-C-SK240	P06
Levels	WHCH-BSP-ZZ-XX-D-C-SK210	P04
Proposed 1st Floor Plan	421_PL_00_211	F
Proposed 2nd Floor Plan	421_PL_00_212	E
Proposed 3rd Floor Plan	421_PL_00_213	E
Proposed Roof Plan	421_PL_00_214	C
Section	421_PL_00_310	A
Section	421_PL_00_311	A
Proposed Elevations	421_PL_00_320	C
Proposed Elevations	421_PL_00_321	B
Landscape Masterplan	11119_FPCR_XX_XX_DR_L_00 3	10
Proposed Block Plan	421_PL_00_100	Q

Condition(s) & Reason(s)

Condition 1

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

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

Condition 2

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

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

Condition 3

No demolition, development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation, including historic building recording, has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To enable full investigation and recording of the historic fabric and features of this site.

Condition 4

No demolition, development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the agreed Written Scheme of Investigation defined in Condition 3 above. A historic buildings report shall be submitted to and approved by the Local Planning Authority and deposited at a digital archive with the Archaeological Data Service (ADS), prior to commencement of development or preliminary groundworks.

Reason: To enable full investigation and recording of the historic fabric and features of this site.

Condition 5

A post excavation assessment shall be submitted to the Local Planning Authority within six months from the date of completion of the archaeological fieldwork, unless otherwise agreed in advance in writing with the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable full investigation and recording of the historic fabric and features of this site.

Condition 6

Prior to commencement, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, in line with Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), and Great Crested Newt eDNA Survey Letter (FPCR Environmental and Design Ltd, July 2023). The CEMP shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

Act 2006 (Priority habitats & species).

Condition 7

Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Assystem Energy & Infrastructure Ltd, July 2023), 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 or product descriptions to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 8

Prior to occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority.

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 LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. 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 will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats

and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

Condition 9

No works except demolition 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 2.5l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event.
- 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 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 10

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

Reason: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory

storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 11

No development, including site clearance, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall follow the guidance set out in BS5837 and include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, levels, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

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

Condition 12

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

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 (2011).

Condition 13

Prior to occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies on each parcel, 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.

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

Reason:

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

Condition 14

Prior to the occupation of the development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, planting methods together with a strategy for the watering, aftercare and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme. Details of the proposed biodiverse roof, including construction, substrate, maintenance timetable and responsibilities should also be included. The planting scheme shall follow the guidance set out in BS8545.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

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

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

Any trees or plants which die, are removed, or become seriously damaged, or

diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

Reason: To enhance the appearance of the development and in the interests of the setting of the Listed Building.

Condition 15

No occupation of the development shall take place until details of a footway at the site access to the west to join with the permissive path has been submitted to and approved by the Local Planning Authority. The footway is to be a minimum of 2m where possible. The agreed footway shall be provided or completed prior to occupation, and shall be maintained as such thereafter.

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

Condition 16

Lighting Details

No above ground development shall commence until a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include the following details:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

Reason: To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy

objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

Informative(s)

Informative 1

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

Informative 2

A professional archaeological contractor/historic buildings specialist should undertake any archaeological investigation/historic building recording. An archaeological brief detailing the requirements can be produced from Place Services of Essex County Council. The Applicant is reminded that there will be financial implications of such investigation and recording requirements.

Informative 3

The Applicant should refer to the detailed comments of Anglian Water dated 9 September 2024.

Informative 4

The Applicant should refer to the detailed comments of Essex County Council SuDS dated 8 February 2024.

Informative 5

The Applicant should refer to the detailed comments of Essex Police Strategic Planning Team dated 5 September 2023 and to liaise with the Designing out Crime Officers accordingly.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Specialist Housing
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP49	Health and Wellbeing Impact Assessment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP61	Local Community Services and Facilities
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

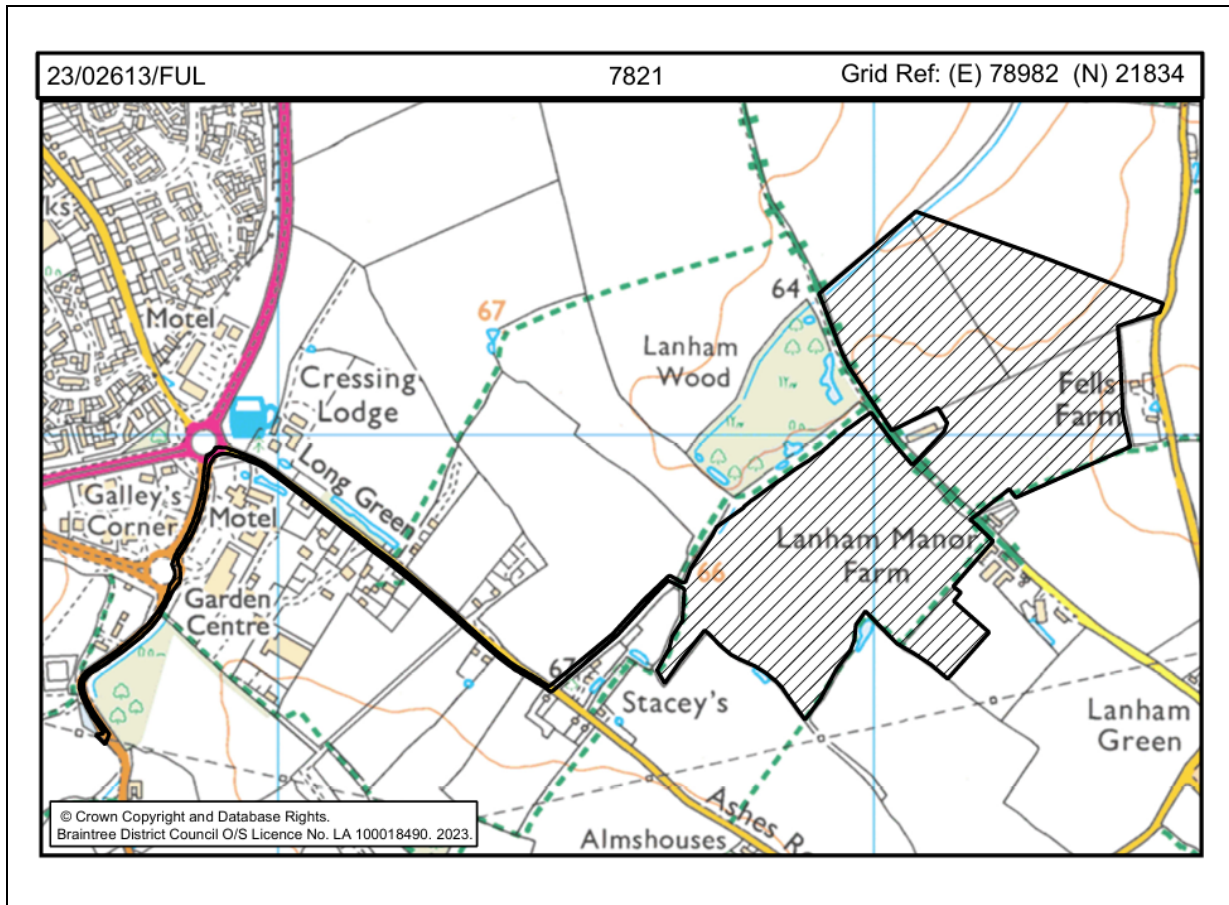
SITE HISTORY

Application No:	Description:	Decision:	Date:
00/00161/FUL	Provision of access for disabled, installation of disabled toilet, extend bar/dining room and convert bar into residents lounge	Granted	14.03.00
75/76/P	Temporary car park	Withdrawn	21.04.75
75/705/P	Change of use to golf course and ancillary buildings and car parking	Granted	12.08.75
76/239/P	Change of use of existing stables to golf club facilities	Granted	27.04.76
77/273/P	Conversion to licenced club with dining facilities for the adj. public golf course	Granted	10.05.77
79/130/P	Proposed erection of an indoor pool and ten bedroom units all for private use in association with country club	Granted	27.03.79
82/497/P	Proposed snooker room addition	Granted	23.07.82
84/1214/P	Erection of function room	Granted	07.12.84
85/60/P	Erection of extension to cocktail bar	Granted	19.02.85
02/01817/FUL	Erection of extension and alterations	Withdrawn	02.05.03
03/02205/FUL	Proposed extension and alterations works	Granted	23.04.04
04/01699/FUL	Erection of conservatory	Granted	28.09.04
89/00787/P	Erection of extension to hotel	Withdrawn	30.05.89
85/00060/P	Erection of extension to cocktail bar.	Granted	19.02.85
82/00497/P	Proposed snooker room addition.	Granted	23.07.82
84/01214/P	Erection of function room.	Granted	07.12.84
79/00180/P	Construction of an indoor swimming pool and ten self contained bedroom units for private	Granted	04.04.79

	occupation.		
77/00273/P	Conversion of licensed club with dining facilities for 40 persons providing facilities.	Granted	19.05.77
76/00239/P	Change of use of existing stables to Golf club facilities comprising male and female toilets and female changing rooms, waiting area and ticket desk/shop, and septic tank.	Granted	11.05.76
89/00787/P	Erection Of Extension To Hotel	Withdrawn	31.05.89
89/01345/P	Erection Of Extension	Granted	17.04.90
97/01160/FUL	Erection of extension to kitchen and bar, new porch and disabled toilet and ramp	Granted	10.11.97

Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/02613/FUL
Description:	Proposed installation of a ground mounted solar photovoltaic ('PV') development of up to 24.9 Megawatts (MW), with associated infrastructure and landscaping.
Location:	Land To The West Of Lanhams, Lanham Farm Road, Cressing
Applicant:	James Lyons, EDF Energy Renewables Limited, 1 Mandarin Road, Rainton Bridge Business Park, Sunderland, DH4 5RA
Agent:	Ryo Kikuchi, ERM, Suite 1C, Swinegate Court East, 3 Swinegate, York, YO1 8AJ
Date Valid:	24th October 2023
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED subject to the conditions outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Suggested Conditions Submitted Plan(s) / Document(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 312774 or by e-mail: neil.jones@braintree.gov.uk

Application Site Location:



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

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/02613/FUL.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Cressing Neighbourhood Plan ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located in the Parish of Cressing to the south-east of the settlement edge of Braintree, approximately 600m north of Long Green. The site is approximately 35 hectares in size, formed by two parcels of land bisected by Lanham Farm Road. The land is currently in arable use. There are a number of Public Right of Way (PRoWs) within the site, and others which pass in close proximity. There are no heritage assets within the site, but there are a number of Grade II listed buildings located within the immediate vicinity. The site is located within Flood Zone 1 and is also identified as having high potential for archaeological remains.
- 1.2 The application seeks full planning permission for the installation of a solar farm and associated development generating up to 24.9 MW of renewable energy. The Applicant has not described the application as a temporary use; however, it is clear from the application documents that the Applicant intends for a temporary use of 40 years and therefore the application has been assessed on this basis. The proposals include the installation of solar panels and associated infrastructure which includes a substation, transformers, internal access tracks, boundary fences, gates, CCTV and underground cabling to connect the development to the Braintree electricity sub-station, near Galleys Corner.
- 1.3 The provision of renewable energy and the associated potential to reduce carbon emissions, should be afforded very substantial weight in favour of the proposal as a public benefit. This includes the benefits of addressing the negative impacts of climate change and addressing UK energy security. In this regard, the proposal would align with both local and national strategy and policies of moving the whole nation to low carbon energy generation.
- 1.4 As the report sets out, the benefits arising from the production of low carbon renewable energy is not without some impacts. The majority of the application site (94%) consists of land assessed to be Best and Most Versatile Agricultural Land (Grade 2, and 3a) and development would result in the temporary loss of the land to intensive agricultural production. Whilst the development would not have a significant impact on the character of the wider landscape, there would be some localised visual impact, although this can be mitigated to some extent by proposed landscaping. The development would necessitate the removal of 23m of hedgerow and trees, but all other trees and hedges would be retained and significant new planting undertaken across the site. Less than substantial harm has been recorded to the setting of six Grade II listed buildings which are near the site. Residents living near the site would also experience some noise and disturbance caused by construction activities.
- 1.5 A full appraisal of the issues pertinent to the application have been provided in the Report, but in summary Officers conclude that the proposal is compliant with the Development Plan and material considerations do not indicate that the Development Plan should not be followed. It is therefore recommended that planning permission is granted, subject to conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site is located in the Parish of Cressing, to the south-east of the settlement edge of Braintree, with Long Green sited to the west, and Cressing approximately 600 metres to the south of the site.

5.2 The entirety of the site, including mitigation areas and access, as defined by the redline boundaries, extend to an area of approximately 35 hectares. The site is formed by two parcels of land bisected by Lanham Farm Road, (creating an eastern and western parcel). The site is currently used for agriculture in arable use.

5.3 The western land parcel is framed to the north-west by a PRow which connects Lanham Farm Road to Ashes Road at the southern edge of the hamlet of Long Green. Adjacent to the PRow is Lanham Wood (a deciduous woodland which is listed as a priority habitat), water course, and agricultural land. The north-eastern boundary for this parcel is formed by Lanham Farm Road which is also the main point of access. There are 4no. residential dwellings (Lanham Farm Cottages) fronting onto Lanham Farm Road (outside of the red edge site area). The southern-eastern boundary is formed by hedgerows, a PRow, together with the commercial units at Lanham Manor Farm. The south-western boundary is demarcated by hedgerows with tree planting, beyond which is agricultural land and two residential properties on the outskirts of Long Green.

5.4 The eastern land parcel is formed by existing hedgerow planting and agricultural land to its northern boundary, whilst to the east lies Fells Farm, a Grade II listed dwellinghouse and curtilage, which contains mature trees and hedges. To the south lies a PRow which bisects open agricultural land, and the 4no. residential dwellings of Lanham Farm Cottages are located to the south-western corner. The western boundary is Lanham Farm Road wherein vehicular access will be formed.

6. PROPOSAL

- 6.1 The application seeks full permission for the erection of a solar photovoltaic ('PV') array, commonly referred to as a solar farm, which would include: photovoltaic panels mounted on metal racks, a sub-station, inverters and transformers, and associated infrastructure including fencing, access tracks, and CCTV. In addition, the Applicant includes an underground cable to connect the site to the Braintree Sub Station, located near Galleys Corner.
- 6.2 All other details submitted (other than access and the Landscape and Ecological Mitigation Plan) are indicative only and would be secured via condition if the application is approved. This is because the application follows the Rochdale Envelope Principles. The Rochdale Envelope approach is an acknowledged way of assessing renewable energy schemes and has been used by other Local Planning Authorities. The rationale for this approach is to allow flexibility once a contractor has been appointed to optimise the layout and design of the solar panels for maximum energy generation. Technology is also improving on a regular basis; committing to a detailed scheme at this early stage may mean that newer (and possibly less impactful) panels / associated paraphilia couldn't be included at a later stage.
- 6.3 This approach therefore involves assessing the maximum parameters for the elements where flexibility is required and provides a worst-case scenario. The Indicative Site Layout identifies the potential developable areas within the application site (denoted by the yellow lines). These areas are shown to cover 23.2ha of the 34ha site. All the solar panels and associated energy management items would be located within these areas. An offset of at least 5m would be provided from the field boundaries and any existing vegetation to be retained to preserve and protect existing trees and hedges; and at least 10m to Lanhams Wood
- 6.4 The exact details of development would therefore be secured through condition. Subject to planning permission being granted when these details are submitted within a Discharge of Conditions Application (DAC), Officers would seek to follow the same process as a conventional planning application and undertake a public consultation on the detailed proposals. With regard to the determination of the DAC application(s), Officers would report the application(s) to Planning Committee for determination (just for detailed layout and elevations). Therefore, in essence, while this application is a Full application, it is similar to an Outline application in scope with details to be secured later, similar to a residential development with Outline and subsequent Reserved Matters applications.
- 6.5 Despite the Rochdale Envelope approach, an indicative plan has been submitted which shows how the panels may be configured within the various blocks, as well as the associated paraphilia for energy management and security purposes. The illustrative layout shows the proposed solar arrays would be sited in 13no. groups, with 5no. situated on

the eastern side of Lanham Farm Road and 8no. located to the western parcel. Racks are indicated to run in an east-west orientation across most of the site, separated by maintenance tracks, some retained hedgerows, and public rights of way. The racks would be arranged into rows, with each row separated from the next by a distance of between 2-8 metres, with the Applicant suggesting this will typically be circa 3 metres. The height of the racks would be a maximum of 3 metres. The description of the development describes the sites generating capacity as being 24.9 megawatts.

6.6 In addition to the solar arrays the development would include:

- Sub-station compound shown illustratively to measure 50 x 543 metres and would include (building sizes as shown on illustrative drawings):
- Transformer and associated equipment (to a maximum height of 6.25m);
- Control room building (22.85 x 7.08m, with a height of 5m);
- Customer sub-station building (3.80 x 5.76m, with a height of 3.70m);
- Store, offices and toilet building (each is 12 x 2.4m to a height of 2.9m);
- Vehicle parking area;
- 3-metre-high enclosure around the perimeter of the sub-station compound;
- Transformers (6.06m x 2.44m with a maximum height of 3.5m);
- Boundary fences enclosing the site would be a maximum of 3-metre-high 'deer netting' which would include small mammal gates (150mm x 150mm in size) fitted approximately every 180metres to enable movement; and
- CCTV units would be installed along the site boundary, mounted upon columns at a maximum height of 5 metres.

6.7 Site access would be taken from either side of the PRow 74_1 via the use of two new priority junctions. These would provide both a primary access route into the main part of the site to the west where the temporary construction compound will be located, and a second point of access into the eastern land parcel of the site. Following construction, both site access junctions would be retained for use throughout the operational phase of the development. Internally, the site would be served by a combination of existing tracks, as well as a series of further maintenance tracks. It is indicated that the access tracks would be constructed from a permeable material such as aggregate and be approximately 5 metres in width.

6.8 The grid connection cabling is proposed to be routed underground along Ashes Road / Long Green to the A120 Galleys Corner Roundabout, and then south-west on the B1018 (Braintree Road), before connecting to the existing National Grid Braintree Substation. The grid connection cable would be installed in trenches, of up to 1.5 m deep and 0.6 m wide, installed in the verge where possible, however the cable would be installed within the carriageway where constraints exist.

- 6.9 The proposed Landscape and Ecological Mitigation plan includes a total of 1.32 km length of proposed hedgerow with 117no. trees along the northern boundary of the western land parcel; an additional 151no. hedgerow trees interplanted within existing boundary vegetation along with additional planting to strengthen existing hedges and new hedge management to allow hedges to grow up; and a new native mix woodland planting of 0.73 ha. The scheme also includes 4.03 hectares of native grass and wildflower meadow. The proposals within the site are reported to deliver a 94.20% Biodiversity Net Gain in habitat units and a 120% gain in hedgerow units.
- 6.10 The construction period is stated to last up to 6 months. The operational period for the solar farm would be up to 40 years and thereafter would be fully decommissioned so that the land can be returned to agricultural use.

7. ENVIRONMENTAL IMPACT ASSESSMENT

- 7.1 An Environmental Impact Assessment (EIA) Screening Opinion was requested from the Council on 19th April 2022 by the Applicant.
- 7.2 A formal response from the Council issued on 12th September 2022 confirmed that an Environmental Impact Assessment was not required to be submitted in support of the proposal (Application Reference 22/01062/SCR).

8. SUMMARY OF CONSULTATION RESPONSES

External Consultees

- 8.1 Active Travel England
- 8.1.1 No comment.
- 8.2 Anglian Water
- 8.2.1 No comments. The development does not connect to Anglian Water sewers.
- 8.3 Environment Agency
- 8.3.1 No response (NB – there is no requirement to consult the EA on development of this type).
- 8.4 Essex Fire & Rescue Services
- 8.4.1 No objection.
- 8.4.2 Access - The site design should include a safe access route for fire appliances to manoeuvre within the site including:
- The surface of the access road should be capable of sustaining a load of 18 tonnes for pumping appliances;

- Changes of direction by bends should accommodate a turning circle of 17.8m and a sweep circle of 19.0m;
 - The overall width of the access path should not be less than 3.7m;
 - Openings or gateways should not be less than 3.1m;
 - Headroom should not be less than 3.7m;
 - Dead-end access routes longer than 20m require turning facilities as Fire and Rescue vehicles should not have to reverse more than this distance.
- 8.4.3 Water Supplies - The Architect or Applicant is reminded that additional water supplies for firefighting may be necessary for this development.
- 8.4.4 Sprinkler Systems - There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Developers are urged to consider the installation of AWSS.
- 8.5 Essex Police
- 8.5.1 No objection. It should be noted that other parts of the country have seen an exponential rise in crime in relation to solar farms with everything from solar panels to cabling and ancillary equipment being targeted.
- 8.5.2 With regards to the suitability of the proposed security provision there is insufficient detail provided to enable us to provide a meaningful comment on this application.
- 8.5.3 Recommend greater consideration is given to the security of the site particularly during construction and operation, including:
- A Risk Reduction Strategy;
 - "Deer fencing" only provides a symbolic boundary and will not be sufficient to deter or mitigate crime, although a mature spiky hedge can provide a greater deterrent. Areas of greatest risk will need greater security including a boundary treatment of appropriately security rated fencing and gates.
 - CCTV will provide history of an event, to be an effective deterrence and security measure CCTV needs to be monitored incorporating an intruder alarm, perimeter intrusion system and a viable response by the operator to any activations.
- 8.6 Health and Safety Executive (HSE)
- 8.6.1 No objection. Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.

8.7 Historic England

8.7.1 No detailed comments. Recommend that local specialist historic buildings and archaeological advice is obtained.

8.8 National Grid

8.8.1 No response received.

8.9 National Highways

8.9.1 No objection subject to conditions. Initially issued a holding objection requesting additional information concerning construction traffic. Following discussion with the Applicant the holding objection was withdrawn, on the basis that construction traffic will be pre-booked for all in and out of the construction material movements related trips and movements during the daily peak AM and PM periods would be less than 20 two-ways trips related to the construction goods movements through the A120 Galleys Corner Roundabout. Recommend that any approval should include a condition for a detailed Construction Phase Traffic Management Plan prior to the construction or deliveries of construction materials or plant or machinery, restricting deliveries during the morning and afternoon peak time.

8.10 Natural England

8.10.1 No objection. Comment that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

8.10.2 Comment that the development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

8.10.3 However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

BDC Consultee

8.11 BDC Environmental Health

- 8.11.1 No objection. The development is immediate to residential property and therefore there needs to be assurances provided that the various pieces of equipment and in particular transformer and substations shall meet the appropriate standards. The Applicant produced a further Noise Impact Assessment Report which considered the extent of noise that the residential properties would be exposed to, however they acknowledged that the actual plant that will be used is the subject of a detailed design and procurement process. If there is a decision to grant consent, then Environmental Health would expect the noise levels from the typical operation of the plant to aim to be at least 10 dB(A) below the background noise level at noise sensitive dwellings so as to not give rise to an increase in the background noise level at those locations.
- 8.11.2 Standard conditions are also recommended concerning construction working hours; control of piling operations; dust and mud control management scheme; details of any external lighting and requirements if previously unidentified contamination is found during construction.

8.12 BDC Landscape Consultant (Wynne-Williams & Associates)

- 8.12.1 Generally, the tree and plant species specified are native which represents good practice.
- 8.12.2 Recommend that the proposed woodland tree clusters intended to mitigate views from the residential property Lanham Manor should be specified to be at least 1.5m high to provide an instant impact, and that the mix of tree planting be upgraded to include larger specimen trees if the proposals continue to rely on transplants. There is also a need for a Woodland Management Plan, to ensure that failed trees and appropriately maintained and replaced in the event that they fail.
- 8.12.3 Planting of native hedges and specimen trees along the PRoW is supported, however it is advised that Ilex Aquifolium is not readily available, and it is recommended that the species is planted at a larger size. The native hedgerow specified should be planted at a double stagger.
- 8.12.4 Generally, the mitigation proposals are well received. However, we would expect to see some minor adjustments to the specification of soft landscaping to ensure effects on the most sensitive receptors are mitigated appropriately at the time of planting. We would also recommend the production of a management and maintenance document to ensure the long-term success of the proposed planting.

8.13 BDC Landscape Services

- 8.13.1 In respect of trees, the Council's Arboricultural Officer advises that they are satisfied that the Applicant's Arboricultural Impact Assessment and Method Statement provides sufficient information for the Council to determine the application. They raise no concerns that the proposals would have an unacceptable impact on trees / hedges. They note that in a number of places the CCTV and boundary fence would conflict with trees but that a condition should be applied which will require the submission of an Arboricultural Method Statement which would contain detailed information.

ECC Consultee

8.14 ECC Archaeology (Historic Environment Consultant)

- 8.14.1 No objection, subject to a planning condition. Initially a holding objection was issued by the Council's Archaeological consultant. The application included a Heritage Statement and Geophysical Survey which concluded that there is high potential for previously undiscovered later prehistoric and roman archaeology. It was recommended that the Applicant conduct an evaluation to establish the nature and complexity of the surviving archaeological deposits prior to a planning decision being made.
- 8.14.2 In response the Applicant undertook a targeted programme of archaeological trial trenching. Based on the information now available there is no objection to the application, subject to a planning condition requiring further archaeological evaluation.

8.15 ECC Ecology Consultant (Place Services)

- 8.15.1 No objection to conditions. The application provides sufficient ecological information is available for determination of this application. The mitigation measures identified in the submitted documents for this application should be secured by a condition of any consent and implemented in full, including the provision of 14 Skylark plots in nearby off-site agricultural land in the Applicant's control to provide further foraging provision, subject to the plots being provided to an appropriate methodology and length of time.
- 8.15.2 The application states that the development will result in biodiversity enhancement, based on the change of the land from Cereal Crops to grassland, although it is questioned whether the gains will be as extensive as the application suggests (a net increase of 62.83 habitat units (94.20% increase) and a net increase of 26.19 hedgerow units (120.49% increase).
- 8.15.3 Place Services highlight that no bat activity surveys were undertaken, as the Solar Farm aims to retain and enhance the surrounding boundary features, which will be most be actively used by foraging and commuting bats. However, it is indicated that research has been undertaken which highlights impacts may be caused by ground-mounted solar photovoltaic sites on bat activity. Therefore, Place Services acknowledges this research

and indicates that further monitoring is required to discount different factors of why bat populations were lower between Solar Farms and control sites. As a result, we are satisfied that a Bat Activity Survey is not required to support this application unless further scientific research is provided to state that this is essential to inform bat mitigation strategies.

8.16 ECC Historic Buildings Consultant (Place Services)

8.16.1 Comment that they concur with the heritage statement which identifies that the proposed solar farm will result in less than substantial harm to six Grade II listed buildings. Advise that further mitigation measures may be possible, and it would be beneficial to understand if the proposed 3 metre fencing around the perimeter of the site could be reduced in height, allowing for less of a visual intrusion on the setting of the identified heritage assets. Recommend that a condition should be imposed on any permission to agree the fencing and exact location of the panels in the eastern side of the site closest to Fells Farmhouse.

8.17 ECC Highway Authority

8.17.1 No objection. From a highway and transportation perspective the impact of the proposal is acceptable, to the Highway Authority subject to conditions relating to the provision of a construction management plan; that the access be carried in accordance with the approved plans prior to commencement; and that the Public Rights of Ways within the site remain unobstructed at all times.

8.18 ECC Lead Local Flood Authority

8.18.1 No objection. Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, do not object to subject to the imposition of conditions to approve a detailed surface water drainage scheme; a maintenance plan for the surface water drainage scheme; and a soil management plan.

9. PARISH / TOWN COUNCIL

9.1 Black Notley Parish Council

9.1.1 Black Notley Parish Council object to the application. A summary of the main issues raised includes:

- Would be visible across the protected Brain Valley to properties N.W. of Black Notley.
- Most of the proposal would be on good quality agricultural land, Grade 2 and 3a which must be preserved for that purpose.
- Would be surrounded by 3M wire fence which will prevent freedom of movement for wildlife and present an industrial, urban appearance which will not be hidden by landscaping especially during the winter months.

- Along with joint application 23/02612/FUL (Cressing Solar West) would present a harsh industrial vista across a Conservation Area.
 - Recommend that the development should be sited on brownfield sites, industrial areas, low grade agricultural land and newbuild housing sites.
- 9.1.2 Black Notley Parish Council were reconsulted in November 2024 and responded to confirm that they maintain their previous objection, and agree with Cressing Parish Council, that while they do not object to the principle of solar farms they should not be sited on good quality agricultural land.
- 9.2 Cressing Parish Council
- 9.2.1 Cressing Parish Council object to the application. A summary of the main issues raised includes:
- Historic buildings in the area will be at risk of harm, especially during the construction phase.
 - A thorough archaeological investigation will need to be undertaken as it is believed that this may be the site of a Roman settlement and should be preserved.
 - Access to this site is via the A120 and a road that joins Bradwell to Cressing. This road is totally unsuitable for heavy construction plant and traffic.
 - Construction traffic will damage hedgerows and mature trees. The new hedgerows and trees will not mitigate this damage until about 15/20 years in the future.
 - The site is close to residential properties and the development will detract from the countryside and natural beauty that residents enjoy.
 - Solar farms and panels should be installed on brown field sites, within industrial areas, or on low grade agricultural land that will not impact the production of crops. There are many alternative sites within the Braintree District area that would meet these criteria.
 - The proposed cable route is along Ashes Road/Long Green to Galley's Corner roundabout, then past the Garden Centre Car Park to the Millenium roundabout, and on to the B1080 towards Tye Green. It will then cross the B1018 to connect to the National Grid substation. Links Solar Farm Ltd (21/01878/FUL) is nearing completion and follows the same route. The Applicant should have installed their cable at the same time to minimise disruption to residents.
 - Site access is difficult. If approaching via Long Green, Ashes Road and Lanham Green Road the junction at Ashes Corner is not suitable for heavy traffic and is not easily manoeuvrable by HGVs and large loads as they will not be able to turn without several manoeuvres, so for safety reasons it would be advisable for escorts to be provided. If Long Green and Ashes Road are closed then drivers following sat nav may end up on The Street – a narrow road with no pavements and historic buildings.

10. REPRESENTATIONS

10.1 The application was advertised in the local newspaper, by site notices, and neighbour notification letters, originally in October 2023 and again in December 2024 following the receipt of additional / revised information.

10.2 Five letters of objection have been received, raising the following comments:

10.2.1 **Highway and Access**

- The junction from Galleys Corner towards the site is tight and blind for construction traffic;
- Disruption (over a 6 month period) and risk posed to local traffic will be considerable;
- The route for the cable will be disruptive and result in disruption and detours. Development should be delayed until the cable can be routed through the new housing development at Long Green.

10.2.2 **Landscape and Ecology**

- The land is Best & Most Versatile Agricultural Land, and should remain to ensure the country grows as much food as possible both to reduce fuel in transporting imports and for reasons of self-sufficiency;
- Would be a sterile environment for flora and fauna;
- Considerable impact on the natural environment;
- The site proposed is bisected by Lanham Green Road. Development either side of the road means that one of the few remaining fragments of ancient woodland will have security fencing on two sides;
- Lanham Wood is one of the last remaining fragments of ancient woodland in Cressing Parish. The development will result in security fencing which impacts visually and to flora / fauna. The harm to Lanham Wood would outweigh the benefits of low carbon electricity;
- There is already considerable land loss on this side of the Braintree Road due to two large housing developments off Mill Road and the development further erodes the buffer zone identified in the Neighbourhood Plan;
- More consideration needs to be given to mitigation with any new trees and hedges of native species. The effectiveness of mitigation planting has been overstated.

10.2.3 **Heritage**

- Site is adjacent to Fells Farm, a 16th Century Listed Building – harm to its setting which relates to surrounding arable fields;
- Impact to Fell Farm will not be a "slight" change to the setting of the heritage asset / fails to note the PRoW immediately to the south of the property and views of Fells Farm from it;
- Adjacent to Lanham Farm - parts of which are believed to be medieval;

- A full archaeological evaluation needs to take place and be reported before any planning decision is taken.

10.2.4 **Other**

- There are potentially alternative, brownfield sites which do not appear to have been investigated for development;
- The availability of connection to the electricity grid has a significant influence on where such projects can be located, yet the Cressing East site is not close to a grid connection;
- Question the output of the developments. Will cumulatively be in excess of 84.9MW (Cressing sites with 'Links Solar Farm');
- There is a cost to the environment of producing the electricity – panels, frames and fences have to be manufactured and installed. It is unclear to what extent these can be effectively recycled;
- Doubtful that the land can be returned to agricultural use at the end of the 40-year life of the project;
- Better strategic planning is required. Question whether such applications should be considered by the Local Planning Authority or whether it should be considered as part of a National Infrastructure project with the Secretary of State making the decision.

10.3 **The Ramblers Association**

10.3.1 In addition the Ramblers Association have submitted comments on the application. A summary of the main issues raised are:

- The site is land east and west of Lanham Farm Road, which is Cressing public byway 1;
- Note that there are 4no. PRoWs within the site;
- The LVIA submitted does not adequately assess impacts to all PRoW's;
- The proposed mitigation planting will enclose PRoW's;
- Skylarks are present on site – no ornithological report submitted.

11. PRINCIPLE OF DEVELOPMENT

11.1 Proposals for development of solar farms are assessed against national and local planning policies including National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the statutory Development Plan for Braintree District Council, including the Cressing Neighbourhood Plan.

National Planning Policy Framework (NPPF)

11.2 The principle of developing solar power generating development is supported in the NPPF which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts

of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The planning system should support the provision of renewable and low carbon energy and associated infrastructure (Paragraph 161).

- 11.3 Paragraph 168 of the NPPF states that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future, and that Applicant's should not be required to demonstrate the overall need for renewable or low carbon energy.
- 11.4 Other relevant sections of the NPPF include Paragraph 187 which requires proposals to: a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Planning Practice Guidance

- 11.5 The Planning Practice Guidance on Renewable and Low Carbon Energy (Paragraph: 003 Reference ID: 5-003-20140306) advises Local Planning Authorities on how to develop a positive strategy to promote the delivery of renewable and low carbon energy. It suggests that suitable areas are identified in Local Plans using Landscape Character Assessment and other factors. It states that the objective of this would be to give greater certainty over where such development will be permitted and that once such areas were identified, permission should not be given outside those areas for speculative applications if their impacts are judged to be unacceptable.
- 11.6 The guidance goes on to set out the particular planning consideration that relate to large scale ground mounted solar photovoltaic farms. These include, but are not limited to:
- i) encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - ii) where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - iii) that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;

- iv) the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- v) the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- vi) the need for, and impact of, security measures such as lights and fencing;
- vii) great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- viii) the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- ix) the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

Adopted Local Plan

- 11.7 The application site is located outside the development limits of Cressing, or Black Notley, and is therefore located within the Countryside where Policy LPP1 applies. Policy LPP1 of the Adopted Local Plan states that development in the countryside will be confined to uses 'appropriate' to it. The term 'appropriate' is not expressly defined within the Plan. However, Policy LPP73 of the Adopted Local Plan does not rule out development for renewable energy schemes in the countryside and states generally that proposals will be encouraged.
- 11.8 Policy LPP73 of the Adopted Local Plan is supportive of renewable energy schemes where the benefits in terms of low carbon energy generating potential, outweighs harm to or loss of i) Natural landscape or other natural assets ii) Landscape character iii) Nature conservation iv) Best and Most Versatile Agricultural Land v) Heritage Assets, including the setting of Heritage assets vi) Public Rights of Way vii) Air traffic safety viii) Ministry of Defence operations and x) watercourse engineering and hydrological impact. Officers note that the considerations identified in Policy LPP73 of the Adopted Local Plan mirror those identified in the Planning Practice Guidance as to the criteria relevant for judging renewable energy projects.
- 11.9 The list of possible harms or loss set out in Policy LPP73 of the Adopted Local Plan are considered in the following sections of the report.

- 11.10 Paragraph 6.71 of the Adopted Local Plan states that the Council will produce a Development Plan Document (DPD) which will include guidance on location and design of renewable energy schemes to minimise such impacts. A DPD on this subject has not yet been produced or adopted. Proposals therefore fall to be judged in the context of compliance with the Development Plan and any other relevant material considerations in the usual way.
- 11.11 Policy LPP73 of the Adopted Local Plan goes on to say that renewable energy schemes will also need to demonstrate that they will not result in unacceptable impacts on residential amenity including visual, noise, shadow flicker, reflection, odour, fumes and traffic generation. The development must also be capable of efficient connection to existing national energy infrastructure, in considering planning applications, the policy states that the LPA will take into account the energy potential of the scheme.
- 11.12 Policy LPP73 also states that where appropriate large scale solar farm applications shall be accompanied by a sequential assessment which considers alternative brownfield sites and lower agricultural land, with compelling justification provided for proposals on high agricultural land. This is consistent with the Planning Practice Guidance which also requires a test of 'necessity' to be considered, although neither the PPG or Policy LPP73 expressly advocate the refusal of proposals which do not favour poorer quality land over higher quality land. The sequential assessment and use of high-quality agricultural land is considered at Section 12.1 of this report, and it concludes that Officers consider that the application satisfies Policy LPP73.
- 11.13 The Local Plan Policy does not rule out renewable energy schemes in the District in countryside locations but bears consideration of their impacts upon amenity, landscape, BMV, nature conservation and historic features. Officers consider these planning considerations to be consistent with government legislation, the NPPF and NPPG.

Cressing Neighbourhood Plan

- 11.14 The proposed development does not appear to conflict with Policy 1 of the Neighbourhood Plan which seeks to protect and enhance the natural environment. The policy states that development proposals should protect, and where possible, enhance the natural environment. All proposals should seek to deliver net environmental and biodiversity gains, in addition to protecting existing habitats and species.
- 11.15 Policy 2 Development proposals likely to have a significant impact on either the Brain Valley or the Silver End Farmland Plateau Landscape Character Areas are required to protect and enhance the special features, the overall character and biodiversity of the Landscape Character Area. The site is located within the Silver End Farmland Plateau. Section 12.3 of this report

considers the landscape impact of the proposals, and it concludes that the development would not have a significant impact on the wider Silver End Plateau Character Area, although there are some localised visual impacts. Section 12.5 sets out how the development improves the ecological value of the site through new planting and changes to land management.

- 11.16 Policy 5 states that development proposals which will have a positive impact on the provision of amongst other things infrastructure within the Parish will be supported. Whilst the proposals will not directly provide improved infrastructure for the Parish it will produce additional electricity which will be added to the national grid.
- 11.17 In common with the Adopted Local Plan, Policy 8 requires that development proposals should demonstrate that the proposal will contribute positively to the existing character and appearance of the area. The Applicant proposes an extensive landscaping scheme across the site, principally to help mitigate the visual impact of the development. The Council's Landscape consultant is satisfied that the landscaping is appropriate to the scale of the development and the context of the site, but it is accepted that it would be difficult to argue that the development would contribute positively to the existing character and appearance of the area.

Other Government Policy & Statements

- 11.18 Whilst it is the local and national planning policies that the Council will need to consider in determining this application, Officers consider that it is important to note the importance that the new Government has put delivering clean power by 2030. This target is at the heart of one of their five missions and Plan for Change. In December 2024, the Government published 'The Clean Power 2030 Action Plan: A new era of clean electricity'. The plan calls for the rapid deployment of new clean energy capacity across the whole of the UK in the form of on and offshore wind and solar. Currently installed Solar Power generating capacity in the UK is 16.6GW but the Action Plan aspires to seeing 45-47 GW of additional solar power generating capacity in order that the Governments 2030 clean energy target is met.

Conclusion

- 11.19 As set out in Section 12 of this report, Officers have carefully considered how the proposed development is assessed against local and national policies. Whilst there is some limited conflict with some policies (Policy 8 of the Crossing Neighbourhood Plan; Policy LPP42 of the Adopted Local Plan) it is not considered to conflict with the most important policies, including Policy LPP73, and when taken as a whole the development is not considered to be contrary to the Development Plan, or relevant national planning policy.

12. SITE ASSESSMENT

12.1 Best and Most Versatile Agricultural Land (BMV)

- 12.1.1 Paragraph 187 of the NPPF requires that planning decisions recognise the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Footnote 65, albeit in a reference to plans, states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It is further noted that National Policy Statement for renewable energy infrastructure (EN-3) which provides planning guidance for developers of nationally significant renewable energy infrastructure projects (which this is not), contains similar provisions.
- 12.1.2 Planning Practice Guidance on Renewable and Low Carbon Energy at (Paragraph: 013 Reference ID: 5-013-20150327, Published 2015), states that where a proposal involves greenfield land, Local Planning Authorities should consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The PPG also advises the LPA to consider the Written Ministerial Statement (The Statement) on solar energy issued by Eric Pickles in March 2015. Amongst other things, this reads: *“we want to make it clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.”*
- 12.1.3 Whilst the statement remains part of the PPG Officers consider that more recent Government targets for renewable energy generation and policy for climate change are material considerations that to some extent limit the weight that can now be given to the Written Ministerial Statement that was published in March 2015. It is further noted that the more recent Written Ministerial Statement ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’, published in May 2024, does not introduce any new policy tests, or restrictions on the circumstances where BMV land can be used for this purpose.
- 12.1.4 Paragraph 6.28 of the Adopted Local Plan notes that the majority of agricultural land in Braintree District is classified as Grade 2 or 3, with 65.8% (40,243 hectares) of agricultural land classified as Grade 2 (which is BMV), and 29.9% (18,304 hectares) as Grade 3 (some of which is BMV). The national agricultural land classification maps do not distinguish between Grade 3a and 3b agricultural land, which can only be established through more detailed survey work.
- 12.1.5 The PPG advises that in relation to large scale solar farms, one of the key considerations should be whether land is being used effectively; recommending that solar farms are focused on previously developed and

non-agricultural land, particularly where development would result in the loss of high-quality agricultural land. This sentiment is amplified in Policy LPP73 of the Adopted Local Plan which requires that large scale solar farms are accompanied by a sequential assessment which considers alternative brownfield sites and lower quality agricultural land and requires a compelling justification for developments on high quality agricultural land.

- 12.1.6 The Agricultural Land Classification (ALC) map (Defra 2020) for the East Anglian region published at a 1:250,000 scale records the land on site as being within a swathe of land to the south east of Braintree, taking in Cressing, Rivenhall and Kelvedon, as being of Grade 2 quality. It shows much of the land within 2km of the Braintree substation to be Grade 2, with the exception of the River Brain corridor running south of Braintree which is classified as Grade 3 land. The Grade 3 classification makes it more difficult for developers and the Local Planning Authority to identify agricultural land that is of a lower quality, as some will be BMV (Grade 3a) whilst other land will not be BMV (Grade 3b).
- 12.1.7 The application has been accompanied by an Agricultural Land Classification Assessment report. The report concluded that almost 94% of the site can be classified as being 'Best and Most Versatile' (BMV) agricultural land, with 75% of the site being classified as Grade 3a and 18.8% as Grade 2, with 6.2% reported as being Grade 3b.
- 12.1.8 Natural England are required to be consulted on applications that involve the loss of over 20ha of BMV land. In their consultation response for this application, they have stated that they had no objection to the proposals. Natural England confirmed that the proposed development is unlikely to lead to significant long-term loss of BMV agricultural land as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as the construction of a substation, may permanently affect agricultural land, this would be limited to small areas.
- 12.1.9 Policy LPP73 of the Adopted Local Plan does not dictate a scale upon which BMV categorisation should be based. Officers do not consider that it is practical to assess BMV distribution within the District on the basis of the regional ALC map, given this does not distinguish within Grade 3 between what would be BMV and that which would not. It would not be practical for the Applicant's to sample the whole District, or reasonable to even require surveys of all the land within which an efficient point of connection to the sub-station can be achieved, at a density of 1 per hectare. This is particularly true where the Applicant has no control over the land. The precise accuracy as to how much BMV land is lost, and to what degree it is possible to submit compelling evidence to justify this loss (as advised by the Written Ministerial Statement) must therefore be taken in this context.

- 12.1.10 Officers accept that given the other requirements for a solar farm of this scale, including an available grid connection, avoiding use of agricultural land in general, and BMV agricultural land specifically, will be problematic where BMV land is so prevalent in the District, and where the availability of brownfield sites is also limited.
- 12.1.11 The application is accompanied by a Sequential Analysis document which looked at the availability of other sites situated on previously developed and/or non-agricultural land, or lower or equal grade agricultural land. It is important to note that there is no specific national or local guidance regarding the geographic area that should be considered when assessing potential sites, however, the Applicant considered it reasonable to define the search area using distance to the Point of Connection (PoC) as the key parameter. Indeed, connection to the electricity grid is also a requirement of Policy LPP73 of the Adopted Local Plan. The Applicant therefore only assessed the availability of potential alternative sites that may be capable of connecting to that same point of connection as proposed (the Braintree substation which has capacity for additional electricity to be added to the network).
- 12.1.12 The Applicant considered that the size of a suitable search area should depend on the size of the electricity generating station, and the cost of connection to the electrical grid increases substantially with distance from the connection point. The Applicant determined that the maximum viable distance from the solar farm to the point of electrical connection to the grid shall be no more than 5 km from the Braintree substation. A search area of 5 km was investigated and mapped for constraints.
- 12.1.13 The analysis identified ten possible alternative sites which could accommodate a solar farm with a similar footprint to that proposed which were assessed with respect to the proposed development and in relation to local and national policy. The alternative sites have been discounted due to a combination of their distance from the PoC, interactions with sensitive environmental receptors or in-combination effects with other developments. All alternative sites were situated at a similar or a greater distance away from the PoC than the proposed site, which would increase financial costs. Overall, none of the sites were considered by the Applicant to be more suitable from a planning and environmental perspective than the application site, and the proposed application site was therefore chosen by the Applicant as sequentially the most appropriate and feasible site.
- 12.1.14 Having reviewed the report, Officers consider that it generally provides a reasonable assessment of alternative sites. While further evidence could have been sought about the general availability of other sites at a further distance away from the connection point, there were other factors which made the sites less suitable overall comparatively to the application site. Whilst the site could be deemed to be sequentially preferable to other potential sites located within the vicinity of the grid connection point, this does not automatically mean that it is generally acceptable and complies with other relevant planning policies. A careful assessment of the impacts is

required, and this is set out in the remaining report below, concluding in Section 13.2 that the proposed development would not be contrary to Policy LPP73.

12.2 Energy Generating Potential of the Development

- 12.2.1 Paragraph 168(a) of the NPPF states that, when determining planning applications for renewable development, LPA's should not require Applicant's to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.
- 12.2.2 Policy LPP73 of the Adopted Local Plan contains an internal balance whereby the harms/losses must not exceed the benefit in terms of energy generating potential of a renewable energy scheme. To perform this balance, a degree of weight must therefore be attributed to this benefit.
- 12.2.3 The policy does not state whether the weight of this benefit might vary between schemes or not; it only instructs this is 'taken into account'. It does not advise how a decision as to a site's 'energy generating potential' should be arrived at.
- 12.2.4 Officers consider that a site of this scale is likely to provide a valuable contribution to cutting greenhouse gas emissions, and significant weight can be attributed to this. As the NPPF notes, there is also an undisputed overall need for this type of energy.

12.3 Landscape and Visual Considerations

- 12.3.1 A core principle of the NPPF is to recognise the intrinsic character and beauty of the countryside. Paragraph 187 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 12.3.2 Policy LPP67 of the Adopted Local Plan states that the LPA will take into account the different roles and character of the various landscapes in the District and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Proposals should be informed by, and be sympathetic to, the character of the landscape as identified in the District Councils Landscape Character Assessments. Proposals which may impact on the landscape such as settlement edge, countryside, or large schemes, will be required to include an assessment of their impact and should not be detrimental to the distinctive landscape features. It goes on to say that additional landscaping including planting of native species of trees, hedgerows and other flora may be required to maintain and enhance these features.
- 12.3.3 Whilst there is the potential for large-scale solar farms to have a negative impact on the rural environment, particularly in undulating landscapes, it is considered that the impact of a well-planned and well-screened solar farm

can be properly mitigated effectively within the landscape with effective screening and appropriate land topography with the area within the zone of visual influence being limited.

- 12.3.4 The September 2006 Local Character Assessment was jointly published by Braintree DC, Brentwood BC, Chelmsford Borough (now City) Council, Maldon DC and Uttlesford DC. In accordance with the character assessment, the site is within Landscape Character Area (LCA) B18: Silver End Farmland Plateau (with adjoining land in LCA A10 Brain River Valley (to the south-west) and A09 Blackwater River (to the north). The LCA B18 is identified as containing the following key characteristics - gently undulating farmland, irregular and predominantly large arable fields marked by sinuous hedgerows, many small woods and copses provide structure and edges in the landscape and mostly tranquil character away from the main roads.
- 12.3.5 Due to the scale of the development, the application was accompanied by a Landscape and Visual Assessment (LVA) produced by the Applicant. The LVA submitted considers the landscape effects of the development as well as the potential visual impact, and the need for mitigation of the potential impact.
- 12.3.6 The LVA methodology contains an assessment of the landscape baseline and visual amenity of the Site and its surrounding area, the identification of the landscape and visual receptors likely to be affected by the Development and an assessment of the nature and extent of these effects.
- 12.3.7 The LVA states that the Landscape Character Area in which the site is located (B18: Silver End Farmland Plateau) is judged to be of Moderate High sensitivity; and the visual sensitivity is judged to be Moderate.
- 12.3.8 The LVA provides a summary of predicted landscape effects, concluding that the development would have minimal effects on the existing landscape character beyond the red line boundary. It states that at site level, at year 1 and year 15 the site sensitivity would remain as moderate adverse, as there is a change in the land use from an area with an urbanising influence on the character of the site. For the wider LCA, at year 1 it would be negligible adverse, and by year 15 would be reduced to negligible beneficial due to the landscape mitigation and biodiversity improvements.
- 12.3.9 In terms of a summary of predicted visual effects, the Applicant's LVA sets out that effects on visual amenity is restricted to the site and its immediate surroundings. Lanham Manor Farm and Lanham Manor Cottages are shown to have potential for a small magnitude of change and level of effect of minor-moderate adverse in year 1 diminishing to a negligible magnitude of change and negligible adverse effects in year 15. Fells Farmhouse is stated to have a small magnitude of change and minor-moderate effects in year 1 reducing to a negligible magnitude of change and negligible adverse effects in Year 15.

- 12.3.10 There are a number of Public Rights of Way passing through, or adjacent to the application site. The Applicant's LVA contains an assessment of the predicted visual effects to the PROW network, and concludes that PROW 23 and 36 within the Site and along boundaries which extends to Lanham Farm Road, and PROW 24 which extends to and from Lanham Green Road along the site boundary south of Fells Farm are assessed by the Applicant to have a medium magnitude of change and moderate adverse effects in year 1, reducing to a small magnitude of change and minor adverse effects in year 15.
- 12.3.11 The Council has appointed external Landscape Consultants, Wynne Williams Associates (WWA), to assess the Applicant's LVA and to ensure that the Council have a clear and robust understanding of the proposals in terms of landscape and visual effects. Overall, the Council's Landscape Consultant advises that the Applicant's LVA has followed the appropriate methodology, but there are areas where they disagree with the level of visual effects, and the effectiveness of mitigation.
- 12.3.12 In terms of 'landscape effects', WWA agree that the proposals would affect the rural character of the site and that built form, fencing and other man-made features would bring about an urbanising influence. This would represent a considerable change from the baseline character of the existing site, where the character is currently rural, with very few intrusive elements. The Council's Landscape Consultant assess this as a 'moderate to major' adverse landscape effect for the site itself by Year 15 (this is slightly higher than the 'moderate' adverse effects stated within the Applicant's LVA).
- 12.3.13 The Council's Landscape Consultants do however agree with the Applicant's assessment of 'negligible' adverse assessment for landscape effects on the Silver End Farmland Plateau Landscape Character Area by Year 1. The Applicant's assessment concludes that by Year 15 the scheme will have a negligible beneficial effect. The Council's Landscape Consultant accepts that the proposed mitigation planting will provide some benefits, but they do not agree there will be a beneficial effect and that they consider there will be 'negligible' adverse effects by Year 15.
- 12.3.14 In terms of visual effects, the Applicant's LVA provides an assessment of the predicted visual effects, separated by identified receptors (people). They identify that residents in their own homes as being 'high' sensitivity receptors, which the Council's Landscape Consultant agrees with. However, the Council's Landscape Consultant disagree with the 'medium' sensitivity rating given to people using the public right of way (PRoW) network surrounding the site, noting that visual receptors most susceptible to change are generally likely to include people who are engaged in outdoor recreation, including the use of public rights of way, whose attention or interest is likely to be focused on the landscape and on particular views. The Council's Landscape Consultants consider that people using the footpaths surrounding the site are likely to be engaging in outdoor recreation, with an element of their experience relying on

undeveloped rural views and would therefore class them as 'high' sensitivity visual receptors.

- 12.3.15 The Council's Landscape Consultant also disagrees with the Applicant's LVA assessment of some of the impacts that users of the PRow would experience. For Footpath 23, running along the northern boundary of the western field, the LVA predicts 'moderate-major' adverse effects at Year 1, reducing to 'moderate' adverse by Year 15. The Council's Landscape Consultant concur with the 'moderate major' adverse rating at Year 1 but does not agree that the proposed mitigation planting will reduce effects. Whilst proposed planting will help to screen new PV panels, it will also reduce open views and lead to a narrow corridor of path such that in their assessment visual amenity will be reduced and visual effects will remain 'moderate major' adverse by Year 15.
- 12.3.16 In addition, for Footpath 36, running along the southern boundary of the western parcel, the Council's Landscape Consultant again considers that the Applicant's LVA overestimates the effectiveness of proposed mitigation. Rather it is predicated that a 'moderate-major' adverse effects will remain at Year 15 as in places there will be open views to the proposed PV panels.
- 12.3.17 For users of Footpath 24, which runs along the southern boundary of the eastern field, there would be considerable visual effects on views looking northwards. Although denser areas of proposed mitigation planting will partially obscure views of the new built development, this would also represent a loss of rural views to the north (views to the south would be unaffected). The loss of visual amenity to the north is considered to be a 'moderate' adverse effect, and proposed screening cannot mitigate this loss. The 'moderate' adverse effects on users of Footpath 24 would remain at Year 1 and Year 15.
- 12.3.18 In terms of residential receptors, the LVA identifies that the residents of Manor Farm and Lanham Farm Cottages, located directly adjacent to the southern boundary of the eastern field, would be most affected, predominantly from upper storeys. The LVA assesses a Minor-Moderate adverse effect in Year 1 diminishing to a Negligible magnitude of change and negligible adverse effects in Year 15. The Council's Landscape Consultant assesses a 'moderate' adverse effect at Year 1, remaining at 'moderate' adverse following establishment of mitigation planting by Year 15.
- 12.3.19 For various other residential receptors, the LVA asserts negligible beneficial effects. The Council's Landscape Consultant does not agree that the proposed scheme will provide an enhancement to existing visual amenity and they consider that a 'neutral' assessment would be more appropriate.
- 12.3.20 In summary on landscape impacts, Officers accept the advice of the Council's Landscape Consultant, which is that the development would result in a 'moderate to major' adverse landscape effect for the site itself,

which would remain at Year 15. For the wider LCA the landscape effect would be reduced to 'negligible' adverse effects for by Year 15.

- 12.3.21 With regards to predicted visual effects, there are some differences between the Applicant's assessment and the Council's Landscape Consultant – principally that the Council's Landscape Consultant considers that people using the PRow, and the residents of Manor Farm and Lanham Farm Cottages will experience a greater level of visual effects than the Applicant has assessed. The Council's Landscape Consultant considers that these short distance receptors will experience substantial visual change, which will not be mitigated by proposed measures within the scheme, although they also acknowledge that the visual effects would be contained within the wider landscape. Officers consider that appropriate weight needs to be assigned to this identified harm in the planning balance.

12.4 Heritage

- 12.4.1 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses.
- 12.4.2 Paragraph 212 of the NPPF advises that, when considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. The NPPF defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic. The 'Setting of a heritage asset' is defined 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 a 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.'
- 12.4.3 Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 214 and 215 address the balancing of harm against public benefits. If a balancing exercise is necessary (i.e. if there is any harm to the asset), considerable weight should be applied to the statutory duty where it arises. Paragraph 215 emphasises that where less than substantial harm will arise as a result of a proposed development, this harm should be weighed against the public benefits of a proposal, including securing its optimum viable use.
- 12.4.4 Policy LPP57 of the Adopted Local Plan states that the Council will seek to preserve and enhance the immediate settings of heritage assets by

- appropriate control over the development, design, and use of adjoining land.
- 12.4.5 A Heritage Impact Assessment (HIA) has been submitted to accompany the application. The Statement provides the Applicant's assessment of the impact that the proposal will have on designated and non-designated heritage assets.
- 12.4.6 There are no heritage assets within the application site itself, but there are a number of designated heritage assets within the immediate vicinity of the site, including the Grade II listed:
- Fell's Farmhouse;
 - Withies Green Farmhouse;
 - Barn 30 Metres Southeast Of Withies Green Farmhouse;
 - Cartlodge/Granary 35 Metres South Of Withies Green Farmhouse;
 - Byre 15 Metres Southeast Of Withies Green Farmhouse;
 - Barn 25 Metres Southwest Of Withies Green Farmhouse.
- 12.4.7 The Applicant's HIA concludes that the development would result in less than substantial harm to these listed buildings.
- 12.4.8 The Council's Historic Building Consultant has reviewed the HIA and supports the methodology used to identify heritage assets that could be affected by the proposed development. It is also agreed that less than substantial harm would result to the above 6no. properties, although the Council's consultant disagrees that the impact to Fells Farmhouse is only 'slight'. Policy LPP 57 of the Adopted Local Plan states that development affecting designated heritage assets shall be permitted where the development meets the tests set out in the national policy.
- 12.4.9 In considering the application under Paragraph 213 and 215 of the NPPF, the public benefits associated with the development relate primarily to renewable energy generation, to which significant weight is assigned. The landscaping and management of the site will additionally deliver improvements in biodiversity. In terms of the 'heritage balance', it is considered that the less than substantial harm caused to the setting of the Heritage assets, as outlined by the Historic Buildings Consultant, would be outweighed by the public benefits of the proposal, and that these benefits would provide the 'clear and convincing' required by Paragraph 213 of the NPPF to justify the harm to the setting of heritage assets. However, in the overall planning balance, the harm identified would still weigh against the development.
- 12.4.10 Further in regard to heritage is archaeology. The application area is identified as one of potential for significant archaeological remains as identified through aerial photographic evidence. In addition, the site lies adjacent to the Lanhams Farm, which is a moated enclosure of probable medieval date and Fells Farmhouse, a 16th century listed building. Paragraph 207 of the NPPF advises that where a site on which

development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit and appropriate desk based assessment and, where necessary, a field evaluation.

- 12.4.11 A Heritage Statement and Geophysical Survey have been submitted with the application which concludes there is high potential for previously undiscovered later prehistoric and roman archaeology. Cropmark evidence within the development site includes probable field boundaries which pre-date the historic maps and possible early boundary features which may relate to settlement. In the wider area ring ditch features and evidence for possible Bronze Age activity has been recorded. The geophysical survey identified a number of features of undetermined origin which may have an archaeological origin as well as subcircular anomalies and evidence for possible in situ burning which may reflect settlement activity. The geophysical survey did not identify many of the features recorded through aerial photography.
- 12.4.12 Whilst it is often the case that further archaeological investigation can be carried out after a decision to grant planning permission has been made, in this case the Council's Historic Environment consultant advised that this information was required prior to determination of the application, to be able to understand the potential impact on below ground archaeological remains that may exist.
- 12.4.13 The Applicant commissioned a targeted programme of archaeological trial trenching, consisting of 24 trenches to assess the significance and nature of the archaeological remains that were previously identified from aerial photographs and the geophysical survey. Having reviewed the results of the trial trenching the Council's Historic Environment consultant has confirmed that sufficient work has been undertaken to be able to assess the potential archaeological value of the site. The Council's Consultant raises no objection to the application, subject to further detailed archaeological evaluation being undertaken prior to the commencement of development, to allow any further archaeological features to be recorded and if appropriate preserved.

12.5 Ecology & Biodiversity

- 12.5.1 Paragraph 187(d) of the NPPF requires that proposals minimise their impacts on, and provide net gains for, biodiversity. Paragraph 193 of the NPPF states that when determining planning applications, LPAs should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for.
- 12.5.2 Paragraph 193(c) of the NPPF states that development resulting in the deterioration or loss of irreplaceable habitats (such as ancient woodland and ancient veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

- 12.5.3 Policies SP7 and LPP63 of the Adopted Local Plan states that all new development proposals should incorporate biodiversity creation and enhancement measures. Policy LPP64 of the Adopted Local Plan outlines that where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer is required to undertake an ecological survey and demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species. This policy makes specific reference to ancient woodlands. Furthermore, Policy LPP66 of the Adopted Local Plan requires that development proposals provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.
- 12.5.4 The application was accompanied by an Ecology Impact Assessment Report, Ornithology Impact Assessment, Badger Report, and Outline Construction Environmental Management Plan relating to potential impacts on designated sites, protected and Priority Species and habitats and identification of mitigation measures. In addition, a Biodiversity Metric Assessment Technical Note and Landscape Biodiversity Management Plan was submitted to demonstrate how measurable biodiversity net gains can be achieved.
- 12.5.5 The Applicant's Ecologist recorded that the majority of the site and habitat consists of arable land which has lower ecological value, however some higher quality habitats were recorded on the periphery of the site, consisting of hedges and trees, with small copses. These peripheral habitat and species would need to be protected during construction. There are no designated wildlife sites within the application site but Lanham Wood Local Wildlife Site, an Ancient Semi-Natural Woodland, lies immediately adjacent to the Site to the north. The proposals show a 10m buffer for all woodland habitats, including Lanham Wood. No ponds were recorded within the site, but some are recorded near the site. The initial habitat assessment identified a need for Great Crested Newt (GCN) Survey; Reptile Survey, Badger Survey, and a preliminary assessment of trees which have Bat Roost potential.
- 12.5.6 Surveys found no evidence of reptiles within the site but did find evidence that the site is part of a badger group's territory. The development layout avoids disturbing the badgers and measures can be employed to protect their habitat during construction. GCN were found to be present in one pond adjoining the site. Mitigation to address potential adverse ecological effects of disturbance and harm to GCN from the Development will be detailed in an application for a European Protected Species Mitigation Licence which will be required prior to commencement of construction.
- 12.5.7 The Council's Ecologist also required that a report was produced to assess the potential impact on birds. The Applicant subsequently produced an

Ornithology Impact Assessment, and this recommended that 14no. plots would need to be provided within agricultural land, off-site, for skylark and corn bunting, to mitigate the loss of nesting opportunities that would result from the development. A Skylark Mitigation Scheme can be secured a planning condition which will require details of the skylark plots and a legal agreement between the owner of the land where the skylark plots will be provided and the Council, as they will need to be provided off-site. The skylark plots should be secured for the lifetime of the solar farm, rather than a 10-year period, to ensure that compensation is applied during operational phase of the development.

- 12.5.8 The application was submitted prior to the introduction of statutory Biodiversity Net Gain. The Applicant is however keen to demonstrate that the development would result in a significant improvement in the sites ecological value. To evidence this they have submitted a Biodiversity Metric Assessment Technical Note which claims a net increase of 62.83 habitat units (94.20% increase) and a net increase of 26.19 'hedgerow units' (120.49% increase). However, the Council's Ecologist is concerned this may not be achievable as 'other neutral grassland' with poor condition is proposed underneath the panels, via the creation of a species-rich grassland / meadow mixtures. The Council's Ecologist advises that experience from other solar farms is that 'other neutral grassland' is not always deliverable, as panels are closely spaced which can cause shading of grassland beneath the panels for the majority of the day and this reduces the productivity of flowering species. As a result, the Council's Ecologist considers it is more likely that modified grassland would be created by the proposals. This would still be beneficial but less so than other neutral grassland. The concern has been raised with the Applicant who has said that they are comfortable that they will be able to provide details of planting species to be implemented to achieve target habitat conditions through the discharge of planning conditions.
- 12.5.9 Notwithstanding this, the outlined planting schedules within the Landscape and Biodiversity Management Plan is supported by the Council's Ecologist. A Biodiversity Net Gain Plan which sets out the long-term aftercare and monitoring of the site, in line with the aims and objectives of the Biodiversity Metric Assessment Technical Note would be secured as a condition. The application is also supported via a Construction Environmental Management Plan which sets out proposed bespoke enhancement measures. The finalised measures should be secured via a Biodiversity Enhancement Strategy prior to operation of the site. This will ensure that Biodiversity Net Gains would be delivered.
- 12.5.10 No bat activity surveys were undertaken, as the proposal seeks to retain and enhance the surrounding boundary features, which will be most be actively used by foraging and commuting bats. The Council's Ecologist notes that whilst research is being undertaken to assess the impacts of ground-mounted solar photovoltaic sites on bat activity, conclusions on the matter are not determined, and it is considered that a Bat Activity Survey is not required to support this application. In addition, no permanent lighting is

proposed and whilst the submission states that some lighting may be required if construction takes place during the winter months, details of this can be secured via condition, to ensure that the approach would have no impact on bats in the locality.

- 12.5.11 Officers note that the ecology survey work was undertaken during Spring / Summer 2022. The Applicant's Ecology Report acknowledges that surveys may need to be updated when the commencement of development is delayed. Due to the time that will have elapsed since the original survey work was undertaken it is recommended that updated surveys are undertaken before development commences in accordance with the CIEEM Advice Note – The Lifespan of Ecological Reports & Surveys (April 2019), with the ability to amend the mitigation measures if appropriate.

12.6 Arboriculture

- 12.6.1 Paragraph 136 of the NPPF states that existing trees should be retained wherever possible. Policy LPP65 of the Adopted Local Plan sets out that trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good Arboricultural reason for their removal. A Tree Survey was submitted with the original application, but this made no assessment of the potential Arboricultural impact. Officers requested an Arboricultural Impact Assessment, and this was subsequently submitted by the Applicant. The AIA identifies a total of ten groups, eighteen hedges, thirty-four individual trees and two areas of woodland which required assessment. Of these, there are fourteen high value features including two veteran trees (T50 & T28) on land near but outside the application site, sixteen moderate quality features, thirty-two low quality features and two of poor value. There are no trees within the site that are subject of a Tree Protection Order. Lanham Wood to the northwest of the site is designated as an ancient semi-natural woodland.
- 12.6.2 The Applicant proposes the retention of all trees and hedges, with the exception of four sections of hedge (all assessed to be Category C quality) which are proposed to be removed to either install perimeter fences or lay a cable to connect the site to the grid – a 2m section of H12 (which contains Hawthorn, Blackthorn & Ash); a 9m and 3m section on either end of H14 (Hawthorn, Blackthorn, Dogwood, Grey Willow); and loss of a 9m section of G53 (Common Oak, Ash, Field Maple, Blackthorn & Hawthorn).
- 12.6.3 A shadow assessment has been carried out to ensure that the areas where the panels would be located will have sufficient distance from trees and tree crowns so that there should be no need to remove or cut back trees to ensure that they do not affect the availability of sunlight to the panels.
- 12.6.4 The AIA identifies tree protection measures which include the erection of perimeter fencing (temporary and permanent) to protect trees during the construction phase and special construction measures in a couple of areas where the AIA identifies construction work taking place within the Root

Protection Area. The AIA identifies some minor conflicts between proposed fences and CCTV posts and trees / hedges. The Applicant has suggested that further details of how these conflicts are resolved could be provided by condition through an Arboricultural Method Statement (AMS) and the Council's Tree Officer accepts this would be appropriate.

- 12.6.5 Taking all of the above into consideration, whilst it is regrettable that a total length of 23m will be removed to facilitate the development, the scheme has been designed so that the majority of trees and hedges would be retained and would not be negatively impact by the construction or operation of the development. A condition requiring that the development is carried out in accordance with an approved Arboricultural Impact Assessment and Method Statement will ensure suitable protection of vegetation during both the construction and operational phases of the development, with the additional AMS being required by condition.

12.7 Flood risk and drainage

- 12.7.1 Part 14 of the NPPF sets out the Government's stance on climate change, flooding, and coastal change, recognising that planning plays a key role in amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Policy LPP76 of the Adopted Local Plan has the same objectives.
- 12.7.2 Solar farms have the potential to interrupt overland flow routes, reduce the amount of rainfall absorbed into the ground and increase the rate and volume of surface water runoff. Most of the development proposed will consist of solar panels which are supported on piled struts, and thereby the surface area of the site is comparatively small in comparison to the overall development site area, however, there are some impermeable areas across the site, in particular the substation area, and land where transformers are sited.
- 12.7.3 A Flood Risk Assessment (FRA) was submitted with the application. The site is located exclusively in Flood Zone 1. In addition, the site is not at risk of surface water flooding during 1:100-year event (although there are isolated areas within existing drainage hedgerows where surface water flooding is indicated to occur to depths between 0.15 and 0.6 metres). The inverters and substations are sited outside the 1:100-year surface water flooding modelled areas, with only the solar panel themselves located within the 1:100-year event extent, wherein during, such an event the maximum depth would be 0.15 m, but as the base of solar panel arrays would be 0.8 m above ground level, they would be above any surface flood waters.
- 12.7.4 The LLFA have raised no objection to the development, and Officers are satisfied in this case that from a flood risk and sustainable drainage perspective, the proposal is acceptable in planning terms. No further conditions have been recommended in this regard.

12.8 Access & Highways

- 12.8.1 Paragraph 109 of the NPPF states that the planning system should actively manage patterns of growth by amongst other things understanding and addressing the potential impacts of development on transport networks and identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects.
- 12.8.2 Paragraph 115 of the NPPF requires that safe and suitable access to the site can be achieved for all users. Paragraph 116 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development on the road network would be severe. Paragraph 105 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 12.8.3 Policy LPP42 of the Adopted Local Plan seeks to safeguard existing Public Rights of Way stating that development which would adversely affect the character of, or result in loss of existing or proposed rights of way, will not be permitted unless alternative routes or diversions can be arranged which are at least as attractive, safe and convenient for public use.
- 12.8.4 In terms of construction, it is envisaged that the installation period for the development would take approximately 6 months. A construction compound would be set up to the same area of the proposed permanent compound, and would include contractor facilities, car parking, storage, and loading/ unloading areas.
- 12.8.5 Vehicular access to the site would be taken from either side of Lanham Farm Road which is also a Public Right of Way (PRoW 74_1). This is a single track no-through road which is relatively lightly used, serving a small number of residential properties and a small commercial development a short distance to the south of the proposed site access, following the redevelopment of a former farmyard. The Applicant proposes the creation of two new priority junctions opposite each other – one providing access to the western part of the site (wherein the temporary construction compound would be located) and the other accessing the eastern part of the site. Visibility splays of 2.4 x 25 metres would be provided at both junctions which the Highway Authority accepts would be appropriate given the characteristics of the road / PRoW. Traffic management measures including appropriate signage would be put in place during the construction phase of the development. Following completion of the construction, these access junctions will only be used during the operational phase of the development wherein movements are only expected to be required once per week.
- 12.8.6 Construction traffic associated with the development would mainly consist of importing construction materials including battery containers, support structures, the panels and other electrical equipment and construction

materials. Many of these would be delivered on HGVs. During the construction phase the Applicant advises that they anticipate a total of 7,544 two-way vehicle movements. During the peak month of construction, 66 two-way vehicle movements per day are expected to access the site, which would consist of 54 car/van movements and 12 HGV movements.

- 12.8.7 Construction traffic associated with the proposed solar farm development will use the A120 Galleys Corner roundabout, which is well known for suffering traffic congestion at peak times. National Highways expressed concerns about construction traffic adding to the congestion that is regularly experienced. The Applicant advised that all construction traffic would be pre-booked for all in and out of the construction material movements related trips. National Highways recommend a condition that all construction traffic will have pre booked arrival slots these should avoid the hours of 07:00-09:00 and 16:00-17:30.
- 12.8.8 There are some existing passing places on Lanham Farm Road but there are limited opportunities for HGV to pass safely. A number of mitigation measures have been set out within the Transport Statement and include having a clearly defined and identified route to site, management of approach route to site, the use of a banksman, wheel washing, PRow management measures, and a Construction Traffic Management Plan (CTMP) to be produced prior to commencement of development. A condition is recommended which will require these details, including construction traffic routing and management, as part of a Construction Management Plan.
- 12.8.9 Cressing Parish Council have raised concerns about construction traffic and in particular have expressed concerns about HGV traffic navigating the Ashes Road / Lanham Green Road junction. The Applicant's Transport Statement acknowledges that the County's Highway Engineer identified the junction as a concern during pre-application discussions. The Transport Statement includes at Appendix G vehicle tracking for a 16.5 m articulated lorry negotiating the junction in forward gear. This shows that the vehicle can negotiate the junction within the carriageway, but that this is tight. In light of this and the Parish Council's concerns, Officers have raised this specific point with the Highway Officer. They have confirmed that they are comfortable that HGV movements can be managed at this junction through suitable traffic management measures. The Highway Authority would expect the Applicant to engage with them to discuss these measures, which would then be agreed through the submission of a Construction Management Plan which will be required by planning condition.
- 12.8.10 A further highway consideration resulting from the construction works relates to the required cabling from the main site to the Braintree Substation sited to the west on the B1018 (Braintree Road). It is proposed to route the cable along Long Green, A120 Galleys Corner Roundabout, and the B1018 Braintree Road, before connecting to the Braintree Substation. During construction of the cable route, some form of Temporary Traffic Management (TTM) would be required along the route between the

Braintree substation and site entrance as short sections of the public roads may require to be temporarily closed. Concerns have also been raised about the potential impact of works to lay cabling within the highway. Locally several roads have been closed for an extended period of time to allow engineers to lay cables to connect other solar farms to the grid. This has caused significant disruption within this area, as highlighted by Cressing Parish Council. The Applicant's outline construction traffic management plan states '*4.9.2 Road / Lane Closures along the Public Road Network Traffic management around the construction works along the public road network will be managed along the route of the cable trench with one-lane closures if required ... Any lane closures will not be continuous throughout a given day but will occur during daylight hours and outside of local peak or important traffic periods. Alternative traffic routes will be arranged locally to avoid the works where necessary*'. Officers have pressed the Applicant to confirm that these are the temporary traffic management measures that will be employed. The Applicant has responded that at this stage a contractor has yet to be appointed so the exact details cannot be confirmed. In addition, the selected construction methodology is not known at this stage; however, it is anticipated to be a combination of open trenching and/or trenchless technologies such as directional drilling (for sections where the route crosses the road) in order to minimise the impact of the cable route construction on existing road users. A Construction Traffic Management Plan (CTMP) would be prepared and submitted prior to the start of construction, which would include details of the construction methodology of the cable route and details of any traffic management procedures which require implementation in order to allow safe installation.

- 12.8.11 The installation of such cabling would inevitably result in disturbance and inconvenience to road users in the locality which, at this stage, would be for an unknown period of time. This impact of this is acknowledged, however, such impacts are to be expected with the construction of any large-scale development. The management of works within the highway are a matter for the Highway Authority. Whilst the Council can require details are provided by condition it should be acknowledged that the dates and times that contractors can work within the highway must be agreed by the Highway Authority, so in this respect the planning conditions will not give the Local Planning Authority full control over this aspect.
- 12.8.12 In terms of the impact to the PRow network, in addition to PRow 74_1 which would be utilised to gain access to the site, there are three PRow's that are located within the vicinity of the site which could potentially be impacted during the construction phase. The Applicant has confirmed that they do not intend to permanently divert any of these PRow's and that their current intention would be to keep them all open throughout the construction phase. The Transport Statement does however also indicate that when a contractor is appointed to construct the development, they may require temporary closure / diversion of some parts of the PRow network. Policy LPP42 of the Adopted Local Plan states that development should not adversely affect the character of existing rights of way. Although the

Applicant proposes a landscaping scheme to help mitigate the visual impact of the development users of the PRow network will be aware of the development, particularly in the early years before the landscaping is established. It could be argued that ground mounted Solar Farms are becoming a more common feature within the countryside, so whilst the views would change users of the PRow would still be able to enjoy walking in the countryside where uses and land management is continually evolving. It is however also true that some users of the PRows who enjoyed the open countryside would on the paths around this site lose that experience, although it would still be enjoyed once past the development.

- 12.8.13 In terms of traffic movements associated with the operation of the development post construction, it is anticipated that there would be on average one visit to the site per week for maintenance purposes, which would typically be made by a light van or a 4x4 type vehicle.
- 12.8.14 The Highway Authority has reviewed the application and raise no objection to the application subject to a number of conditions including the access being constructed as per the plans, the submission of a CTMP, and that the PRow remain unobstructed at all times. Officers are satisfied in this case that from a highways perspective, the proposal is acceptable in planning terms, subject to conditions, and there is no impact on highway safety.

12.9 Impact on Neighbouring Residential Amenity

- 12.9.1 Paragraph 135 of the NPPF seeks to ensure good standards of amenity for existing and future users whilst Paragraph 198 seeks to ensure that new development is appropriate for its location taking into account the likely effects on living conditions including noise and light pollution. Policy LPP52 of the Adopted Local Plan seeks to secure the highest possible standards of design and layout in all new development. Policy LPP73 of the Adopted Local Plan also states that renewables energy schemes will need to demonstrate that they will not result in unacceptable impacts on residential amenity.
- 12.9.2 The site is located in the countryside with only a few residential properties in the immediate vicinity of the site, these are namely Lanham Manor Farm; Lanham Farm Cottages, Fells Farmhouse, Sideway, Sandiacres Caravan Park, Ashes Farm and Pond Cottage.
- 12.9.3 It is important to note that a “right to a view” is not a planning consideration. Therefore, while in landscape terms there would be an impact on the closest residents, this in itself is not tantamount to detrimental harm to the amenity of those occupiers. As such, for the purposes of assessing neighbour impact (not landscape analysis), an objective assessment is required as to whether the Solar Panels and other site equipment would unacceptably harm the amenity of occupiers by virtue of noise, glint / glare, outlook, overshadowing, or from being overbearing.

- 12.9.4 The Applicant's Planning Statement stated that they consider that there is no significant noise associated with solar PV arrays during operation. The arrays themselves, during operation in daylight hours, have no running parts and emit no carbon, noise, smell or light. Once installed, the system itself needs minimal maintenance and will be unmanned. However, in terms of noise impact from the development, the development will include various items of plant which will generate noise. This includes string inverters at the end of the solar arrays, transformers, centralised inverters and cooling plant at the substation. The Council's Environmental Health Officer considered that a condition should be applied to control noise to protect the amenities of residents living near the site.
- 12.9.5 To understand whether they could meet the proposed noise limit, the Applicant undertook noise surveys to confirm the current background noise levels on site, which was then used to prepare a Noise Impact Assessment (NIA) report to demonstrate predicted noise levels at the nearest receptors and thereby confirm acceptable noise limits for the development. The NIA concluded that the predicted noise from the Development does not meet the condition recommended by the Environmental Health Officer of 10 dB below the background sound level. The Applicant suggests that if a condition is used to control noise then it should state the rating noise level shall not exceed 5dB above a typical background noise level at relevant residential properties.
- 12.9.6 Paragraph 198 of the NPPF states that new development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise.
- 12.9.7 The Applicant has stated that the actual plant / electrical systems to be used on the site will be subject to a procurement process and are therefore still to be finalised. The Council's EHO advises that the condition they have recommended is intended to steer the Applicant to use technology and site design methods available to control noise from such equipment in this case possible transformers, generators, cooling fans etc which constitute part of this development.
- 12.9.8 Whilst the Applicant still believes the condition is unnecessary they have agreed to the Environmental Health Officers condition which will require that noise levels from the typical operation of the plant shall be designed with the aim that they will be at least 10 dB(A) below the background noise level at noise sensitive dwellings so as to not give rise to an increase in the background noise level at those locations, with noise also not having a prominent tone at 100Hz at any residential property.
- 12.9.9 There is the potential for neighbours to Solar Farms to be impacted by glint and glare from the panels and the Applicant has submitted a Glint and Glare Assessment to assess this. Whilst there is little guidance or policy available in the UK at present in relation to the assessment of glint and glare from such proposed developments, it is recognised as a potential impact which needs to be considered. 'Glint' is defined as a momentary

flash of bright light, while 'Glare' is defined as a continuous source of bright light. Glint and glare effects will occur when the weather is clear and sunny.

- 12.9.10 The Applicant's Glint and Glare Assessment predicts no impacts are predicted upon road safety for local residents or other highway users (Ashes Road, Lanham Green Road and Boars Tye Road). The assessment of residential amenity identifies 23 dwellings that would be potential residential receptors of solar reflections if the development were built. For 19 of these 23 dwellings no impact is predicted due to existing screening significantly obstructing the visibility of the reflective area. For the remaining four dwelling receptors, solar reflections are predicted to last for more than three months per year but less than 60 minutes on any given day and, under the baseline scenario, views of the reflecting area cannot be ruled out based on a review of the aerial imagery. To mitigate this, the Applicant's Assessment recommends mitigation in the form of vegetation screening to remove visibility of the reflective area from observers located on the ground floors of these dwellings. The Assessment concludes that given the orientation of the panels to face south and the existing and proposed landscape screening measures, the development would not give rise to significant impacts in terms of glint and glare.
- 12.9.11 The Council's have engaged independent specialist consultants to review the Applicant's assessment, to ensure this is a robust assessment of the potential impact. The Council's consultant recommended that further information was provided to justify some of the judgements made within the Applicant's Glint and Glare Assessment. The Applicant submitted the requested information and having assessed this the Council's consultant has confirmed that they agree with the conclusion of the Applicant's assessment, which is that there will be no significant glint and glare impact upon local receptors, subject to the landscaping scheme proposed.
- 12.9.12 Further regarding neighbouring amenity is the consideration to outlook, overshadowing, and whether the development would appear overbearing. The solar arrays are inset from the site boundaries and the layout has been designed to provide a 100 metre buffer between any panels or plant and the closest residential dwellings (Lanham Farm Cottages and Fells Farmhouse). In addition, the application proposes landscaping which includes extensive native hedgerow planting and woodland mix planting within the site adjacent to the boundary. Due to this buffer, the proposed planting, and as the panels themselves are a maximum of 3.1m in height, it is considered that the development would not appear overbearing in relation to proximity to existing residential properties, and not harmful to their outlook.
- 12.9.13 In terms of traffic generation associated with the development, the projected number of vehicle movements were set out within the preceding section of the report concerned with Highways matters. Construction traffic will increase movements on roads around the site and this will be noticed by local residents. It is however temporary in nature and any disturbance will be short term. Once the panels are in operation, the site would have a

very low number of vehicle movements. The use of the site is not considered to result in unacceptable noise and disturbance for local residents.

12.10 Construction, Operation and Decommissioning

12.10.1 Policy LPP73 of the Adopted Local Plan states that renewable energy schemes must be capable of efficient connection to existing national energy infrastructure. The Applicant has confirmed that they have secured a grid connection at the site which would utilise the adjacent existing National Grid Braintree 400 kV Substation.

12.10.2 For any temporary development, construction should minimise disturbance to the ground and surrounding environment. The Applicant has confirmed that the panels would sit on a metal frame which is piled into the ground. In archaeologically sensitive areas, the frame that supports the panels would be fixed into concrete “feet”. Whilst there would be ground disturbance, is considered that this can be controlled through a Construction Environmental Management Plan prior to the commencement of development. Should permission be granted, such a condition could be imposed.

12.10.3 In terms of operation, Policy LPP73 of the Adopted Local Plan states that renewable energy schemes which are accepted on BMV land, should demonstrate how the installation allows for continued agricultural use and/or enhances biodiversity around the panels. The proposed solar farm would enable a continued agricultural use, as the site would be suitable for the grazing of sheep. Sheep are commonly used by solar farm operators as an effective method of controlling grass and weed. The grazing method and frequency could be controlled by way of condition.

12.10.4 In terms of decommissioning, Policy LPP73 of the Adopted Local Plan also states that a condition will be attached to planning permissions for energy development schemes to require the site to be decommissioned and restored when energy generation use ceases or becomes non-functioning for a period of 6 months or more. Such a scheme shall include measures to restore and protect soil quality. The submission sets out that all infrastructure including modules, mounting structures, cabling, inverters, and associated infrastructure would be removed from the site and recycled or disposed of in accordance with good practice and market conditions at that time. It is therefore considered that the decommissioning of the site can be controlled by way of condition.

12.11 Fire Risk

12.11.1 The risk of fire at the development has also been considered as part of this application. Officers consulted the Health and Safety Executive (HSE) and the Fire and Rescue Service on the application.

- 12.11.2 The HSE stated that Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development (e.g. control of hazards site or nuclear site). The application also passed the HSE self-assessment tool which is completed by the Local Planning Authority when required.
- 12.11.3 Essex Fire and Rescue Service provided a list of criteria that the development should adhere to in order to provide suitable access for fire appliances, in the unlikely scenario of a fire. The consultation response also advises that these requirements are covered under building regulations.
- 12.11.5 Officers are satisfied in this case that from a fire safety perspective, the proposal is acceptable in planning terms. It is recommended that a Fire Risk Management Plan is required by condition which will allow the Applicant to provide detailed information as to how they intend to manage fire risk.
- 12.12 Crime Risk
- 12.12.1 Paragraph 135(f) of the NPPF states that planning decisions should ensure that all new developments create places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 12.2.2 Policy LPP52(h) of the Adopted Local Plan lists a number of criteria that development must satisfy; it states that designs and layouts should promote a safe and secure environment, crime reduction and prevention.
- 12.12.3 As mentioned, the metal and components of solar farms are known to have a value to thieves, particularly organised crime gangs, and therefore operators often put in place measures to protect their assets. For example, in this case it is indicated that 103 CCTV cameras could be used to monitor the site. The equipment itself will be located within fenced compounds behind locked gates. Alarms are proposed to help deter and detect crime.
- 12.12.4 Essex Police have commented on the application and have made a series of suggestions which may help deter crime, but not all of these are compatible with other interests. For example, whilst open site lines across the countryside are ideal to deter crime, this would not be acceptable from a visual or landscape point of view. For similar reasons, use of a more substantial fence would not be a suitable in this context. Boundary vegetation is proposed which is likely to contain some thorny species (hawthorn, buckthorn, holly etc.), but it would not be in the interests of biodiversity to require the boundary comprise only that.

12.12.5 The Police Service have requested a Crime Risk Reduction Strategy is submitted by condition. Officers agree that the focus this would provide on crime reduction over the lifetime of the development would be beneficial. However, the caveat is that a holistic approach will need to be adopted in relation to its evaluation; the wording of the condition references the need for a balance to be struck on this issue.

12.13 Landscaping

12.13.1 The Applicant has submitted a Landscape and Biodiversity Mitigation Masterplan which seeks to establish a broad framework for the landscaping of the site, to meet biodiversity and visual amenity objections. As previously noted the Council's Ecologist is broadly supportive of the proposals. When considering previous proposals for Solara Farm Members have identified the importance of there being a strong landscaping scheme. Officers have sought advice from the Council's Landscape Consultant, Wynne Williams Associates.

12.3.2 Generally, the mitigation proposals are well received with the use predominantly of native species that are appropriate for use. The Council's Landscape Consultant notes that woodland blocks are proposed to help mitigate views from neighbouring residential property and planting native hedging and specimen tree planting. The Consultant recommends some minor adjustments to the specification of soft landscaping to ensure effects on the most sensitive receptors are mitigated appropriately at the time of planting, including taller trees in the woodland block.

12.3.3 Officers have stressed the importance of early planting, as well as substantial planting to try and achieve more effective mitigation more quickly. The Applicant has responded to say that will be willing to plant the trees and hedges outside the boundary fence in the first planting season after the boundary fence is erected. A landscaping condition can be required to include a timetable for planting.

12.14 Legal Considerations

12.14.1 Sections 14 & 15 of the Planning Act 2008 state that, for an onshore (non-wind) generating station, an application will be considered a Nationally Significant Infrastructure Project (NSIP) if "*it is expected to have a capacity more than 50MW*". In such an instance, the application must be determined by Development Consent Order to the Secretary of State rather than as a planning application under the Town and Country Planning Act 1990.

12.14.2 Recently, the need to consider solar farms' capacity has been the subject of a High Court Judgement (Galloway, R v Durham County Council). In that case, planning permission for a 93ha solar farm was quashed as the Council had not considered whether it was approving more panels over a larger area than was required to produce a solar farm that fell under the 50MW threshold.

- 12.14.3 The High Court Judgement considered how MW capacity might be measured. The Judge concluded that, at the time, there was no clear legal basis to favour one method over another.
- 12.14.4 On 24th January 2024, a new version of National Policy Statement for Renewable Energy Infrastructure (EN-3) was published. An extract of Section 3 of the Statement sets out how Solar Photovoltaic site generating capacity should be assessed, which is as follows:

“Capacity of a site

Solar panels generate electricity in direct current (DC) form. A number of panels feed an external inverter, which is used to convert the electricity to alternating current (AC). After inversion, a transformer will step-up the voltage for export to the grid. Because the inverter is separate from the panels, the total capacity of a solar farm can be measured either in terms of the combined capacity of installed solar panels (measured in DC) or in terms of combined capacity of installed inverters (measured in AC).

For the purposes of determining the capacity thresholds in Section 15 of the 2008 Act, all forms of generation other than solar are currently assessed on an AC basis, while a practice has developed where solar farms are assessed on their DC capacity.

Having reviewed this matter, the Secretary of State is now content that this disparity should end, particularly as electricity from some other forms of generation is switched between DC and AC within a generator before it is measured.

From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity.

The capacity threshold is 50MW (AC) in England and 350MW (AC) in Wales⁸³.

⁸³ *The combined maximum AC capacity of the installed inverters may only exceed the aforementioned thresholds for the sole purpose of overcoming reactive power consumption within the solar farm between the inverters and the connection point.”*

- 12.14.5 As noted in the legislation, the burden upon the deciding authority is to consider what the anticipated generation capacity of the solar farm will be, not the actual capacity. In this case, the Applicant has submitted details setting out a provisional offer from National Grid for the export of 42MW(AC) for the totality of the ‘Cressing Solar Project’. The Cressing Solar Project originally included this site and a further site known as ‘Cressing West’, between Braintree Road and the railway line. The Applicant has withdrawn the application for the ‘Cressing West’ site, so the Council are only considering the current application, and this was originally

stated to have a generating capacity of 24.9MW. On this basis the generating capacity specified in the description of development is significantly below the NSIP 50MW threshold. Officers consider that the development can reasonably be dealt with under the Town and Country Planning Act 1990.

12.14.6 The Applicant has indicated that they are considering establishing a Community Benefit Fund (CBF). Typically, a CBF would be set up so it could be administered by the relevant Parish Council and used to support local environmental projects.

12.14.7 Although the Government have spoken about local communities being allowed to benefit from hosting renewable energy and infrastructure schemes this has not yet been made a national policy requirement. The developer can still proceed to set the fund up and administer it but Braintree District Council, as the relevant Local Planning Authority, cannot secure this through a Section 106 Agreement and would not be the enforcing authority in the event of non-payment or dispute. As such, Officers note the proposed community benefit fund, however no weight is given to it in the planning balance.

13. PLANNING BALANCE AND CONCLUSION

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

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

13.1.2 The presumption in favour of development sits at the heart of the NPPF. In this case, the policies which are most important for determining the

application are not deemed to be out-of-date. As a consequence, if the proposal accords with the development plan, Paragraph 11(c) of the NPPF directs approval without delay (subject to there being no material considerations which indicate otherwise).

13.2 Compliance with the Development Plan

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

13.2.2 The Council need to consider the proposals against the Development Plan as a whole. Policy LPP73 of the Adopted Local Plan is specifically concerned with renewable energy. The policy requires that proposals are assessed against a list of issues. Officers consider that the proposals comply in the following areas:

- The proposal would not result in pollution to air, land or water, as required by this policy.
- The proposal would not result in unacceptable impacts on residential amenity including visual impact, noise, reflection and traffic generation.
- The development would be capable of efficient connection to existing energy infrastructure.
- The application has been accompanied by a sequential assessment which considers alternative brownfield sites and lower quality agricultural land.
- The installation would allow for continued agricultural use, albeit resulting in reduced agricultural productivity, and would enhance the biodiversity value of the site.
- A condition would be attached to the planning permission (if granted) which would require the site to be decommissioned and restored when energy generation use ceases or becomes non-functioning for a period of 6 months or more.
- A condition can be attached to the planning permission (if granted) which would require that measures are taken to protect and restore soil quality.

13.2.3 The site consists largely of high-quality agricultural land which is also predominantly Best and Most Versatile Agricultural Land. Land immediately surrounding the site is likely to be of a similar nature.

13.2.4 A justification has been provided by the Applicant for this proposal, but whether it is ‘compelling’ is a matter of judgement for the decision maker. The national need to increase the supply of renewable energy is well documented and has been identified as a national priority by the Government. It is also widely reported that the electricity grid is currently constrained, which is frustrating the efforts of some developers of renewable energy schemes who are unable to secure a grid connection.

The Applicant has however secured a connection to the grid at the Braintree sub-station, which is close to the application site. It is not feasible for the Applicant to prove that there is no land of lower quality within the vicinity of the connection point, or in the District more generally, which would be suitable for this development. Officers consider that this combination of factors constitutes a compelling justification for using high quality agricultural land in this case, so the policy has been satisfied.

- 13.2.5 It should however also be noted that there is nothing in the policy wording which states that every element listed in Policy LPP73 must be satisfied for the development to be considered in overall compliance. It leaves open as a judgment for the decision maker as to whether the policy is satisfied taken as a whole when its various elements are considered. It is a planning policy that is intended to guide reasonably predictable decision making. On this basis, Officers consider that even if a 'compelling justification' was not provided for the development, given the proposal satisfies all other elements of Policy LPP73, Officers would also regard this application as complying with the policy when taken in the round and when taken as a whole.
- 13.2.6 As discussed throughout this report, the proposal would deliver a significant benefit in terms of low carbon renewable energy generating potential which is considered to outweigh the limited harm to/or loss of landscape character, the changes to the experience that users of the Public Right of Way will experience, the temporary loss of BMV agricultural land, less than significant harm to the setting of Grade II listed buildings. The proposal therefore satisfies the internal balance set out in the first part of Policy LPP73 of the Adopted Local Plan
- 13.2.7 It is well established that a failure to comply with a policy or a part of a policy, does not necessarily mean that there is conflict with the development plan overall. As Officers do not consider that the proposal conflicts with any other policies in the Adopted Local Plan, even if the proposal were considered to not comply with LPP73, it is considered that the proposals would comply with the Development Plan overall.

13.3 Summary and Planning Balance

- 13.3.1 The adverse impacts and benefits of the proposed development are set out below.

13.4 Summary of Public Benefits

Renewable Energy

- 13.4.1 The proposal is a renewable energy project, which in principle is supported by National and Local Policy as it will provide additional renewable electricity to the national supply network. The proposal would generate up to 24.9 MW of renewable energy and over the 40-year life of the scheme this would be a valuable contribution to the decarbonisation of the energy

sector and improving energy security which is a government objective. Significant weight is assigned to this matter.

Employment Opportunities

- 13.4.2 The proposal would provide benefits by providing employment opportunities in the construction phase and some more limited employment opportunities during the operational phases, in addition to making a small contribution towards sustaining jobs in the wider solar power industry. The Applicant estimates that the construction/installation of the proposed development will take approximately 6 months and would peak at 50 on-site Full-Time Equivalent (FTE) workers and a further 65 indirect and induced FTE jobs from the supply chain. Once the development is operational the Applicant has indicated that the proposal would likely support 2 permanent FTE jobs, although no details are provided to justify this. Overall, given the quantity of jobs the development would create during the construction and operational phase, and as the wider economic benefits arising from employment would mostly be over a short period of time, in the overall planning balance, only extremely limited weight can be assigned to this matter.

Biodiversity Net Gain

- 13.4.3 Biodiversity net gain would be achieved. The proposals indicate that a net increase of over 94% in habitat units could be created. In addition, the development would secure further ecological connectivity across the landscape via the proposed hedgerows, trees (182no.) and woodland planting (0.64 hectares), together with grass and wildflower meadow creation (7.16 hectares), creating a richer and more varied ecological habitat being provided in comparison to the existing lower value arable fields which form the majority of the application site. This benefit weighs moderately in its favour.

13.5 Summary of Adverse Impacts

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

Landscape Impact

- 13.5.2 The development would affect the rural character of the site as the built form, fencing and other manmade features would bring about an urbanising influence. This has been assessed as a 'moderate to major' adverse landscape effect for the site itself by Year 15. This level of adverse impact is localised, however. The landscape effect on the wider character area would be 'negligible adverse' by Year 1 and would remain 'negligible adverse' effects for by Year 15.
- 13.5.3 Existing Public Rights of Way would be retained but the development would change the experience of users. It could be argued that there would be a reduction in visual amenity by PRow users on or adjacent to the site,

particularly if they were walking to enjoy the openness of the countryside and lack of development.

- 13.5.4 Officers consider that limited weight should be attributed to this harm.

Loss of Trees / Hedgerow

- 13.5.5 The Applicant's AIA identifies the loss of a total of 23m of hedgerow and trees across the whole site. The loss of these relatively short sections of hedge is regrettable but necessary to facilitate the development. The Applicant stresses the landscaping scheme that is proposed, and that new planting will be considerably in excess of the modest amount of hedgerow and trees that will be removed to facilitate the development. Overall, the loss should be given very limited weight.

Heritage Impact

- 13.5.6 The development would result in a low level of less than substantial harm to the setting of 6no. Grade II listed buildings. This harm is caused due to a change of land use within the wider setting of these assets, and changes to views out into an agricultural landscape from these assets. Whilst Officers consider that in terms of the heritage balance, the harm caused to the setting of the heritage assets would be outweighed by the public benefits of the proposal, and therefore the heritage balance as set out in the NPPF has been satisfied, the harm identified would still fall to weigh against the development in the overall planning balance. Overall, it is considered this harm would attract limited weight.

Residential Amenity Impact

- 13.5.7 Residents living near the site will experience some noise and disturbance caused by construction activities, but the works will be relatively short lived and can to some extent be mitigated through planning conditions. The development would result in a reduction in visual amenity for residents of Manor Farm and Lanham Farm Cottages, although it is intended that new planting will help to soften this loss over time. These impacts are given limited weight.

BMV Agricultural Land

- 13.5.8 94% of the site can be classified as being 'Best and Most Versatile' (BMV) agricultural land. In accordance with policy, planning conditions will ensure that the installation is removed when no longer in use, and that the land is restored. Conditions would also ensure that the soil structure is protected and safeguarded for future use. Although policy encourages the use of brownfield land and agricultural land of lower quality where this is not available there is no policy which prohibits the use of BMV land. Taking into account all the factors set out in Section 12.1 above, Officers consider there would be some adverse effect which should be afforded limited weight, although no policy conflict is found in this regard.

13.6 Conclusion

13.6.1 Taking all the above into account, Officers consider that the proposals are not contrary to the Development Plan when taken as a whole and satisfies the wider planning balance where benefits outweigh the harms identified.

13.6.2 Overall there is considered to be strong policy support for the generation of renewable energy and Officers consider that there are no material considerations of sufficient weight as to indicate that the application should be refused. The wider social, environmental and economic benefits of the solar farm development are considered significant in determining its acceptability and for these reasons the application is recommended for approval.

14. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Access Details	4230_DR_P_0005	-
Location Plan	4230_DR_P_0016	P4
Other	Ecology Impact Assessment Report	Oct 2023
Other	Ornithology Impact Assessment	Oct 2023
Other	Badger Report	N/A
Other	Outline Construction Environmental Management Plan	Oct 2023

Condition(s) & Reason(s)

Condition 1

Time Limit

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

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

Condition 2

Approved Plan(s) / Document(s)

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

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

Condition 3

Approval of Details

Notwithstanding Condition 2, prior to their installation, details of the development indicated on the following plans, including siting, dimensions, materials, colour and finish, subject to the following limits for (a), (b), (c), (d) and (e), shall be submitted to and approved in writing by the Local Planning Authority:

- a) 4230_BTR_DR_PRE_0002 Rev.9 - Planning Drawing 2 - Indicative Site Layout. All Solar Arrays / Strings; Sub Station Compound; Inverters / Transformers shall be located within the identified Potential Development Area.
- b) 4230_DR_P_0018 Rev 1 - Planning Drawing 4 - Typical Transformer Station. The height of the transformers shall not exceed 3.5 m above the existing ground level.
- c) 4230_DR_P_0019 Rev 1 - Planning Drawing 5 - Indicative Sub Station

Compound. The height of the structures within the Sub Station shall not exceed 5m above the existing ground level.

- d) 4230_DR_P_0020 Rev 1 - Planning Drawing 6 - Indicative Solar Farm Detail. Fencing shall not exceed 3 m above the existing ground level, and Security CCTV shall not exceed 3.5 m above the existing ground level.
- e) 4230_DR_P_0022 Rev 1 - Planning Drawing 7 - Indicative Solar Panel Detail. The top of all PV Modules and Racks shall not exceed 3 m above the existing ground level and the spaces between rows of panels shall be between 2 m - 8m.

The development shall be carried out in accordance with the approved details and retained as such for the duration of the development hereby permitted.

Reason: In order for the Local Planning Authority to further assess the impacts of the precise detail of the development once the location of these elements has been identified. This is required pre-commencement as the development has been approved in line with the Rochdale Envelope principles.

Condition 4

Ecology - Updated Surveys and Mitigation

Not to commence development unless and until a review has been undertaken of the approved ecological mitigation measures secured through condition 27 by a suitably qualified ecologist, and where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i. Establish if there have been any changes in the presence and/or abundance of Great Crested Newts, Badgers, Bat Roosts, and Reptiles; and
- ii. Identify any likely new ecological impacts that might arise from any changes.

In the event that the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation.

Not to commence development unless and until, the updated ecological review including the survey results and the review of the ecological impacts has been submitted to and approved in writing by the Local Planning Authority.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). This information is required prior to the commencement of development to ensure that the correct mitigation and construction methods are achieved from the outset of the construction phase.

Condition 5
Skylark Mitigation Scheme

Not to commence development unless and until, a Skylark Mitigation Strategy has been submitted to and approved by the Local Planning Authority to compensate the loss of any Skylark territories. Not to commence development unless and until the 14 Skylark Plots ("the Skylark Plots") required by the approved Skylark Mitigation Strategy have been provided in accordance with the approved Skylark Mitigation Strategy This shall include provision of 14 Skylark nest plots, to be secured by legal agreement, on nearby agricultural land, prior to commencement of the development:

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark Plots;
- b) Detailed methodology for the provision of the Skylark Plots following Agri Environment Scheme option: 'AB4 Skylark Plots';
- c) Locations of the Skylark Plots by appropriate maps and/or plans;
- d) The identity of the persons responsible for implementing the approved Skylark Mitigation Strategy compensation measure;
- e) A legal agreement between the owner of the land where the Skylark Plots are to be provided landowner and the Local Planning Authority securing the provision of the Skylark Plots and the continued implementation of approved Skylark Mitigation Strategy for a minimum period of 40 years from the date of provision of the Skylark Plots.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and the skylarks plots required by the approved Skylark Mitigation Strategy shall be retained for a minimum period of 40 years from the date of provision of the Skylark Plots.

Reason: To allow the Local Planning Authority to discharge its duties under the NERC Act 2006 (Priority habitats & species). These details are required prior to the commencement of development to allow for the new habitats to be created to mitigate the loss of habitats resulting from the development.

Condition 6
Access

No development other than works to implement the approved accesses as shown in principle on the planning application drawings have been provided and are available for use.

Reason: To protect highway efficiency of movement and safety in accordance with Policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 7

Soil Management Plan

No development, including any site clearance or groundworks other than archaeological operations, infiltration testing, or pre-construction surveys, shall commence until a Soil Management Plan (SMP) has been submitted to and approved in writing by the Local Planning Authority. The SMP shall be prepared by a suitably qualified soils and agriculture expert. All development shall be carried out in accordance with the approved SMP. Before decommissioning commences, the expert should review the SMP and make recommendations as to measures necessary to ensure the land is restored to its original condition at decommissioning, taking into account updates in statutory or policy requirements. :

- a) Soil resource survey.
- b) Site preparation and seeding.
- c) Details of the soil stripping, handling and storage of soils during the construction, operational and decommissioning phases, with a limit on operations, when weather and soil conditions are limiting.
- d) Import of construction materials, plant and equipment to the site.
- e) Establishment of site construction compounds and welfare facilities.
- f) Cable installation and where required jointing.
- g) Temporary construction compounds.
- h) Trenching in sections.
- i) Upgrading existing tracks and construction of new access tracks and roads within the site.
- j) The upgrade or construction of crossing points (bridges/culverts) at drainage ditches within the site.
- k) Appropriate storage, capping and management of soil.
- l) Appropriate construction drainage.
- m) Cable pulling.
- n) Testing and commissioning.
- o) Site reinstatement (i.e. returning any land used during construction, for temporary purposes, back to its previous condition).
- p) Use of borrow pits.
- q) Review of the Soil Management Plan before the end of this temporary planning permission.
- r) Restoration of the land to an approved quality at the end of the site's operation.
- s) Arrangements for the effective supervision of the SMP, monitoring and reporting.
- t) Arrangements for the expert to review the SMP before decommissioning commences and to make recommendations to the Local Planning Authority for approval in writing as to measures necessary to ensure the land is restored to its original condition at decommissioning, taking into account any updates in statutory or policy requirements.

All development and site clearance shall be carried out in accordance with the approved SMP.

Reason: Soil compaction and other construction and development activities can cause damage to soils. Therefore, a Soil Management Plan covering the construction

and operational lifetime of the development should show how this will be mitigated against. Failure to provide the above required information before the commencement of works could result in soils being damaged inadvertently, reducing the quality of the land.

Condition 8

Surface Water Drainage Scheme

No works except demolition 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. If infiltration is found unviable runoff rates should be limited to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change.
- 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 45% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- A final drainage plan which details exceedance and conveyance routes, site levels, and location and sizing of any drainage features including the perimeter scrapes and the planted infiltration SuDS feature.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to the date of the first export of electricity from the site.

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. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 9

Construction Management Plan

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

following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- A Construction Traffic Management Plan which must include measures to manage the routing of construction traffic; temporary traffic management measures at the Lanham Farm Road/Lanham Green Road junction and the Ashes Road/Lanham Green Road Junction and details for the management of deliveries through the use of pre booked arrival slots which should avoid the hours of 07:00-09:00 and 16:00-17:30;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations if piling is to be carried out within the application site;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of any temporary lighting that is to be used during the construction period.
- Details of the method of laying the cable connecting the site to the sub-station; the timing of the works; and traffic management measures to minimise disruption for local residents;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

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

Reason: To protect highway efficiency of movement and safety and to protect the amenities of residents living in the surrounding area. These details are required prior to the commencement of development so that appropriate management measures can be put in place for mitigation before the works start.

Condition 10

Fire Risk Management Plan

Prior to the commencement of development, a Fire Risk Management Plan (FRMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The FRMP should include (where relevant) suitable arrangements for the access and egress of fire appliances weighing up to 18 tonnes, details regarding the isolation of electrical sources to enable firefighting activities, measures to extinguish or cool equipment involved in fire, management of toxic or flammable gases, minimise the environmental impact of an incident, location and capacity of the supply, measures for access to the supply by emergency responders in the event of an incident, containment of fire water run-off, handling and responsibility for disposal of damaged equipment, establishment of regular onsite training exercises and confirmation

provided that the fire service has access to water sources in the vicinity or that such infrastructure can be provided to achieve this. The development shall only be constructed and operated in accordance with the FRMP.

Reason: In the interests of safety and protection of the local environment; to reduce the risk of fire and ensure, in the event of a fire that sufficient access can be gained by the Fire Service to extinguish it in a timely manner. The details are required prior to commencement as the risk arises from this point.

Condition 11

Crime Risk Reduction Strategy

Prior to commencement of development, a Crime Risk Reduction Strategy shall be submitted to, and be approved in writing by, the Local Planning Authority. The Strategy shall cover the construction, operation and decommissioning of the solar farm. The measures shall be implemented as agreed and thereafter retained for as such for long as they serve a relevant purpose.

Reason: In the interests of crime prevention; to ensure that this matter is fully considered at all stages of the development whilst also acknowledging that a balance will need to be struck with other interests of acknowledged importance, for example the need to protect visual amenity and the character of the countryside. The details are required prior to commencement as the risk arises from this point.

Condition 12

Archaeology - Written Scheme of Investigation

No development or preliminary groundworks of any kind shall take place until a Programme of Archaeological Investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To enable full investigation and recording of this site of archaeological importance. Failure to provide the above required information prior to commencement may result in harm to interests of archaeological importance.

Condition 13

Archaeology - Programme of Evaluation

No development or preliminary groundworks of any kind shall take place until the completion of the Programme of Archaeological Evaluation identified in the WSI (as defined in Condition 12 of this permission).

Reason: To enable full investigation and recording of this site of archaeological importance. Failure to provide the above required information prior to commencement may result in harm to interests of archaeological importance.

Condition 14
Archaeological Mitigation Strategy

No development or preliminary groundworks of any kind shall commence in those areas identified in the WSI as potentially containing archaeological deposits, until an Archaeological Mitigation Strategy detailing the excavation / preservation strategy (informed by the completion of the Programme of Archaeological Evaluation agreed under Condition 13 of this permission) has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: The site may be of archaeological interest. Failure to provide the above required information prior to commencement may result in harm to interests of archaeological importance.

Condition 15
Archaeology - Completion of the fieldwork

No development or preliminary groundworks of any kind shall commence in those areas identified in the WSI as potentially containing archaeological deposits, until satisfactory confirmation of the completion of the fieldwork (as defined in the Archaeological Mitigation Strategy agreed under Condition 14 of this permission) has been provided to, and approved in writing by, the Local Planning Authority.

Reason: The site may be of archaeological interest. Failure to provide the above required information prior to commencement may result in harm to interests of archaeological importance.

Condition 16
Archaeology - Post Excavation Assessment Report

A Post Excavation Assessment Report shall have been submitted to, and approved in writing by, the Local Planning Authority within six months of the completion of the fieldwork referred to in Condition 14 of this permission (unless adherence to an alternative time period has been specified within documentation submitted to, and previously agreed by, the Local Planning Authority in connection with Condition 15 of this permission: whereby this shall apply instead). This must also 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 enable full investigation and recording of this site of archaeological importance.

Condition 17
Biodiversity Net Gain Plan

Prior to commencement of development, a Biodiversity Net Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in

accordance with the biodiversity metric 4.0 as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Net Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for significant enhancement measures including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species). This information is required before the commencement of development as the BNG Plan will be based on ecological conditions prior to the commencement of development, and failure to put appropriate measures in place before development commences could result in BNG objectives not being met.

Condition 18

Landscaping Scheme

Development shall not be commenced until the following have been submitted to, and approved by, the Local Planning Authority:

- a) A detailed Existing Hedgerow Condition Assessment and Hedgerow Enhancement Scheme which has been written with the overall objective of creating a dense, tall and interconnected field hedge network throughout the site and which covers all boundary and internal hedgerows, identifying opportunities for their renovation; including additional planting to thicken any thin sections, bridge gaps, join ends and create new hedgerows along field boundaries as appropriate.
- b) An updated version of the Landscape and Biodiversity Mitigation Plan - Drawing : 4230-DR-LAN-103 Rev.1 and details of all soft landscaping works including the plant type, size, planting numbers and distances, with a programme detailing the timing of the landscaping works in relation to the phasing of construction together and a scheme for irrigation, monitoring and watering which is accompanied by express confirmation that 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 unless otherwise specified and agreed.
- c) A detailed Long Term Management Plan which covers the lifetime of the development and includes details of the timing of landscaping works in relation to construction (including the subsequent land used for the construction compound),

watering/irrigation regime, maintenance of all hedgerows at a height of 3-4 metres unless otherwise specified, and which ensures the monitoring and replacement of all new trees/plants in the next available planting season with others of a similar size and species unless otherwise specified/agreed.

For the lifetime of its use, the development shall only take place in strict compliance with the above details.

Reason: In the interests of visual amenity and protection of the local environment; to ensure that existing landscaping on the site is protected and enhanced and with the aim of ensuring that the visual impact of the development is minimised from both close-range views and those available from the wider surrounding landscape. Failure to provide the above required information prior to commencement may result in harm to features of landscape interest, harm to visual amenity and development which is unsympathetic to its landscape context and delay in establishing additional screening that is necessary to make the development acceptable.

Condition 19

Noise Mitigation Measures

No development shall commence until further details for noise mitigation measures to protect the amenities of residential properties from air borne sound from the plant to be installed at the site) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a report detailing the acoustic mitigation/acoustic design process for the site to achieve the lowest practicable noise levels at noise sensitive premises and where noise levels (L_{aeq},15min) from the typical operation of the plant shall aim to be at least 10 dB(A) below the background noise level (LA₉₀,15min) at noise sensitive dwellings so as to not give rise to an increase in the background noise level at those locations. The noise shall have no prominent tone at any residential property when assessed in accordance with Annex C of BS4142:2014+A1:2019.

The agreed acoustic design and noise mitigation shall be implemented prior to full operation of the plant. An acoustic report demonstrating that acceptable noise levels are achieved at noise sensitive premises post installation shall be submitted for approval.

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

Condition 20

Generating Capacity

The installed export capacity for the development hereby permitted shall not exceed 24.9 MW_{ac}. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details about the inverters for the development shall not exceed 24.9 MW_{ac}. Inverters shall be installed in accordance with the approved details and shall be retained for the duration of the development.

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

Condition 21
Tree Protection

The development shall only be implemented in accordance with the approved Arboricultural Impact Assessment and associated Tree Protection Plan, undertaken by Tracey Clarke Tree Consultancy, dated September 2024.

Notwithstanding the submitted Arboricultural information, no development, including site clearance, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority in respect of the trees and hedges listed under the heading 'Further Arboricultural Recommendations' on page 13 of the approved Arboricultural Impact Assessment and associated Tree Protection Plan, undertaken by Tracey Clarke Tree Consultancy, dated September 2024.

The AMS shall include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP and the Arboricultural Impact Assessment and associated Tree Protection Plan, undertaken by Tracey Clarke Tree Consultancy, dated September 2024., along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

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

Reason: To ensure existing trees, shrubs and hedges that are identified for retention

are protected as they are considered essential to enhance the character of the development and for their ecological value.

Condition 22

Grazing Management Plan

Prior to the First Export Date, a grazing management plan (GMP) shall be submitted to and approved in writing by the Local Planning Authority. The GMP shall detail which parts of the site shall be used for the grazing of livestock, during which months of the year, and how the grazing is to be managed. Within three years of the First Export Date, the grazing of livestock shall be implemented on the site in accordance with the GMP. Any changes to the GMP during the lifetime of the permission shall first be submitted to the Local Planning Authority for approval in writing prior to implementation on site and shall thereafter be provided in accordance with the approved revised GMP.

Reason: To ensure that the land is grazed which will contribute towards the land continuing to be agriculturally productive and as grazing can be beneficial ecologically.

Condition 23

EPSL - Great Crested Newts

No development shall commence until the Local Planning Authority has been provided with, and approved in writing, either:

- i) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- ii) A statement in writing from the relevant licencing body to the effect that it does not consider that the development will require a licence.

Reason: To conserve Protected and Priority species and 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 and s17 Crime & Disorder Act 1998.

Condition 24

First Export & Cessation Date

The use hereby permitted shall be for a temporary period and shall not subsist on the site for a period that exceeds 40 years from the first commercial export date of the development to the electricity grid network (for the avoidance of doubt, this excludes electricity exported during initial testing and commissioning of the development).

Written confirmation of the first commercial export of electricity from the development to the electricity grid network must be provided to the Local Planning Authority no later than 30 days after this event.

The development hereby permitted shall cease on or before the expiry of a 40-year period from the First Export Date. Notice in writing of the date cessation of the production of electricity (Date of Cessation) from all or part of the development hereby permitted shall be provided to the Local Planning Authority within seven days of the cessation.

Reason: This planning permission is granted only for a specified period of time and the Local Planning Authority will need to record when the permitted period of time commences in order that it can monitor the development. In the interests of visual amenity and to ensure the impacts upon the surrounding countryside are minimised; the development is not considered suitable for permanent retention and its impacts should be fully reassessed if it is to be retained beyond the 40-year period specified.

Condition 25

Construction Working Hours

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason: In the interest of neighbouring residential amenity.

Condition 26

Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and the following must be completed before any further development takes place:

- a) An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority; and
- b) Where remediation is necessary, a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority; and
- c) Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

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

Condition 27

Biodiversity Enhancement Strategy

Prior to any part of the development's first use, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

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

Condition 28

Ecology - Mitigation

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Impact Assessment Report (Environmental Resourcing Management Ltd, August 2023), the Ornithology Impact Assessment (Environmental Resourcing Management Ltd, October 2023), The Confidential Badger Report (Environmental Resourcing Management Ltd, October 2023) and the Outline Construction Environmental Management Plan (Environmental Resourcing Management Ltd, October 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

Condition 29

External Lighting

No external lighting shall be installed on the site before a lighting scheme including Lux information has been submitted to and approved in writing by the Local Planning

Authority. The lighting scheme shall be designed in accordance with the advice on lighting set out in the Institute of Lighting Professionals 2023 Guidance Note 8/18: Bats and Artificial Lighting in the UK - Bats and the Built Environment Series BCT London (or any successor document). Any external lighting so installed shall thereafter be retained in accordance with the approved details for the lifetime of the development.

Reason: In order to limit impacts upon biodiversity and residential amenity and to ensure the visual impact of the development is minimised when viewed within the local landscape and surrounding roads.

Condition 30

Removal of Permitted Development Rights - Means of Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 under Schedule 2 Part 2 Class A no fencing shall be erected on site other than that approved pursuant to Conditions 3(d).

Reason: In order that the Local Planning Authority may exercise control over any future fencing or means of enclosure to ensure the development does not prejudice the appearance of the locality, to protect the appearance of the rural area, and to maintain connectivity of habitat for wildlife.

Condition 31

SuDS Maintenance

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

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

Condition 32

Partial Decommissioning Method Statement

Within six months of the Date of Cessation for part of the site, a Partial Decommissioning Method Statement (PDMS) for that part of the site shall be submitted to the Local Planning Authority for approval in writing. The PDMS shall include the following:

Prior to part of the development permanently ceasing the commercial export of electricity to the electricity grid network, or if the commercial export of electricity from

part of the development to the electricity grid network ceases for a concurrent period exceeding six months or more, whichever is the sooner, a Partial Decommissioning Method Statement (PDMS) must be submitted to the Local Planning Authority for approval in writing. The PDMS must include the following details:

- a) Proposals for the removal of the solar arrays, inverters, batteries, substations, containers, access tracks, CCTV cameras, fencing, any piling below ground, and all other associated infrastructure from the site, and a programme for the carrying out and completion of those works;
- b) Proposals for the restoration of the land, in accordance with the details required by Condition 7, and a programme for carrying out and completing those works;
- c) A Decommissioning Environmental Management Plan; and
- d) A Decommissioning Transport Management Plan.

The decommissioning and restoration of this part of the development shall be implemented in strict accordance with the approved PDMS and within 12 months of the part of the development permanently ceasing the commercial export of electricity to the electricity grid network, or if the commercial export of electricity to the electricity grid network ceases from part of the development for a concurrent period exceeding six months or more, whichever is the sooner.

Reason: In the interests of amenity and protection of the local environment; ensuring that, when any part of the development reaches the end of its lifetime, the rural character of the site and the Best and Most Versatile quality of the soil are reinstated, and that any potential adverse impacts arising from the decommissioning process having been minimised.

Condition 33

Decommissioning Method Statement

Prior to the development permanently ceasing the commercial export of electricity to the electricity grid network, or this planning permission ceasing, or if the commercial export of electricity to the electricity grid network ceases for a concurrent period exceeding six months or more, whichever is the sooner, a Decommissioning Method Statement (DMS) must be submitted to the Local Planning Authority for approval in writing. The DMS must include the following details:

- a) Proposals for the removal of the solar arrays, inverters, batteries, substations, containers, access tracks, CCTV cameras, fencing, any piling below ground, and all other associated infrastructure from the site, and a programme for the carrying out and completion of those works;
- b) Proposals for the restoration of the land, in accordance with the details required by Condition 7, and a programme for carrying out and completing those works;
- c) A Decommissioning Environmental Management Plan; and
- d) A Decommissioning Transport Management Plan.

The development must be decommissioned in accordance with the approved DMS within 12 months of the development permanently ceasing the commercial export of electricity to the electricity grid network, or this planning permission ceasing, or if the

commercial export of electricity to the electricity grid network ceases for a concurrent period exceeding six months or more, whichever is the sooner.

Reason: In the interests of amenity and protection of the local environment; ensuring that, when the development reaches the end of its lifetime, the rural character of the site and the Best and Most Versatile quality of the soil are reinstated, and that any potential adverse impacts arising from the decommissioning process having been minimised.

Informative(s)

Informative 1

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible). All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org

Informative 2

The PRoW network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PRoW is considered to be a breach of this legislation. The grant of planning permission does not automatically allow development to commence. In the event of works affecting a PRoW, none should be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interests of highway safety this may involve the Applicant temporarily closing a definitive route using powers included in the aforementioned Act. All costs associated with this should be borne by the Applicant and any damage caused to the route should be rectified by the Applicant within the timescale of the closure.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP42	Sustainable Transport
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP73	Renewable Energy Schemes
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems

Crossing Parish Neighbourhood Plan 2017 - 2033

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

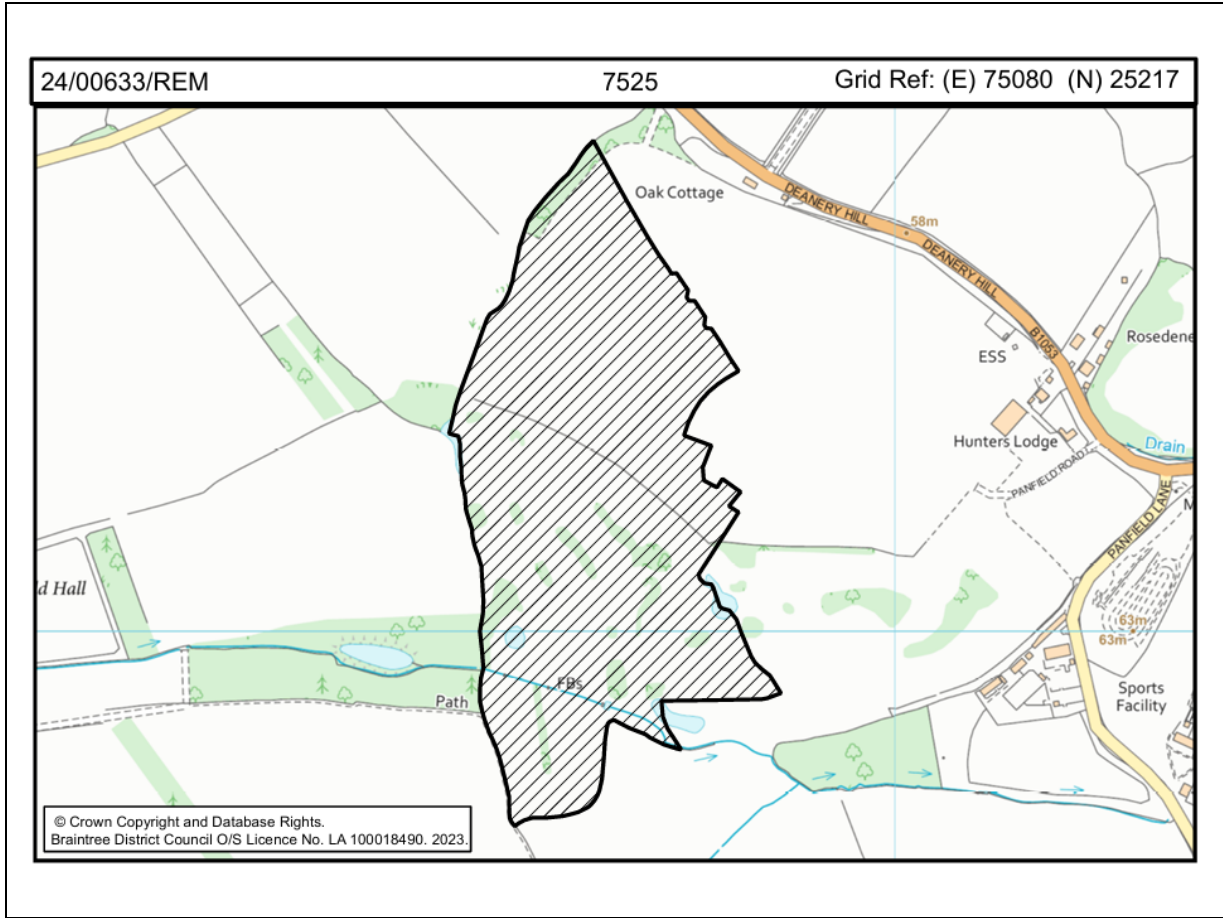
APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
22/01062/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2017 - Screening Request (Regulation 6) - Solar Farm	Screening/ Scoping Opinion Adopted	12.09.22

Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	24/00633/REM
Description:	Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 179 No. one, two, three, four and five bedroom houses, maisonettes and bungalows plus associated roads, parking and landscaping, together with the community growing area, neighbourhood play area and public art.
Location:	Towerlands, Panfield Road, Braintree.
Applicant:	Dandara Eastern, Majesty House, Avenue West, Skyline 120, Braintree, CM77 7AA
Agent:	Michael Smith, JCN Design & Planning, 2 Exchange Court, London Road, Feering, Colchester, CO5 9FB
Date Valid:	20th March 2024
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Timothy Havers For more information about this Application please contact the above Officer on: 01376 312765, or by e-mail: timothy.havers@braintree.gov.uk

Application Site Location:



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 24/00633/REM.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 Outline planning permission was granted for the residential-led re-development of the Towerlands site for up to 575 dwellings on 9th April 2021. Reserved matters for Phase 0 (Ecology habitat area), Phase 1 (168 dwellings) and Phase 2 (162 dwellings) have been approved and construction is well underway on the site with dwellings occupied.
- 1.2 The current Reserved Matters application is for Phase 3 of the development which would consist of 179 dwellings. The outline planning permission contains a Design Code and a set of Parameter Plans which all Reserved Matters applications must adhere to. The current proposal has been scrutinised by Officers and following a series of amendments is considered to comply with the outline planning permission's requirements, particularly in terms of its high design and layout quality.
- 1.3 The Towerlands site is allocated for residential led re-development in the Council's Adopted Local Plan and is one of the key strategic sites within the District in terms of delivering housing supply. Following the current reserved matters for Phase 3 there remains only a smaller Phase 4 and the Neighbourhood centre and nursery area to be addressed on the site.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located outside but adjacent to the Town Development Boundary of Braintree, sitting to the north-west of the existing settlement. Previously it operated as an Equestrian facility; a conference centre and a golf course. It is now being re-developed as a residential-led strategic development site and development of the site is well underway.

5.2 The Towerlands site as a whole measures approximately 35 hectares and consisted of the following key components:

- A previously developed area containing a number of large buildings and two large car park areas;
- A number of former paddocks and a former ménage;
- A former golf course with associated trees and hedges; and
- Boundary trees and hedges

5.3 Phase 0 (the ecology habitat area) is located in the north-western part of the site, Phase 1 covers the south-eastern part of the site, and Phase 2 covers the central portion of the site running from north to south in a relatively linear fashion. The current application for Phase 3 is located on the western side of the site.

5.4 The Towerlands site as a whole is bounded to the north by the B1053 (Deanery Hill). Panfield Lane is located to the east and abuts part of the site's boundary with the remaining southern and western boundaries abutting agricultural land and/or woodland. A stream runs through the south-western corner of the site where a small pond is also located.

5.5 In terms of the wider context, further countryside is located to the north and west, with Panfield village also being located to the west. A primarily residential part of Braintree (Bocking) Town sits to the east with Springwood Industrial Estate being located to the south.

- 5.6 The Towerlands site sits adjacent to an area of land which is also identified as a Strategic Growth Location (Panfield Lane) in the Adopted Local Plan which has planning permission for a residential-led scheme of up to 825 dwellings although no significant progress has been made by the Developers on this site since permission was granted some years ago.
- 5.7 There are two approved vehicular access points to the Towerlands site, one from Panfield Lane and the other from the B1053.
- 5.8 In terms of gradient, the undeveloped site showed a maximum levels difference of approximately 11 metres. In general terms the land is higher to the north, falling down towards the eastern part of the site where the buildings are located and to the south where the stream crosses the site.

6. PROPOSAL

- 6.1 Outline planning permission (Application Reference 19/00786/OUT) was granted on 9th April 2021 for the residential development of the site for:

'Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling'.

- 6.2 All matters except access were reserved, meaning that the detailed appearance; landscaping; layout and scale of the proposed development must be considered at the Reserved Matters stage with the access being fixed at the outline stage.
- 6.3 The current Reserved Matters application seeks permission for all the matters reserved at the outline permission stage for Phase 3 of the overall site's development. Phase 3 would consist of the following key elements:
- 179 No. one, two, three, four and five bedroom houses, maisonettes and bungalows;
 - Associated roads and parking;
 - Landscaping; and
 - Community growing area, neighbourhood play area and public art.
- 6.4 The layout adheres to the previously approved Parameter Plans which identified the main parameters for the site including developable areas, the spine road's position and key areas of open space and landscaping.

- 6.5 The proposed dwellings would consist of a mixture of detached, semi-detached, terraced and bungalow units ranging from 1 to 5 bedrooms in size. The Applicant has also submitted as part of the Reserved Matters details of the following:
- Fibre broadband strategy (required by Condition 6 of outline planning permission);
 - Electric Vehicle Charging strategy (required by Condition 7 of outline planning permission);
 - Details of landscaping (required by Condition 5 of the outline planning permission);
 - Details of finished floor levels (required by Condition 4 of the outline planning permission);
 - Details of refuse and recycling facilities (required by Condition 10 of the outline planning permission);
 - Arboricultural Impact Assessment (required by Condition 11 of the outline planning permission);
 - A Construction and Environmental Management Plan (CEMP) Biodiversity (required by Condition 8 of the outline planning permission);
 - A Biodiversity Enhancement Strategy (Required by Condition 9 of the outline planning permission); and
 - Ecology Survey Updates (Required by Condition 13 of the outline planning permission).

6.6 The application is supported by a suite of documents which include:

- Affordable housing scheme details;
- Landscape and Ecological Management Plan;
- Design and Access Statement; and
- A full package of drawings.

7. SUMMARY OF CONSULTATION RESPONSES

External Consultees

7.1 Active Travel England

7.1.1 No objection. Standing advice issued.

7.2 Anglian Water

7.2.1 No comment. Application does not relate to drainage details.

7.3 Essex Fire and Rescue

7.3.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is considered satisfactory provided that the arrangements are in accordance with Building Regulations contained in Approved Document B, Volume 1, Requirement B5. It should be ensured that the proposed temporary turning areas also meet the

relevant parameters within the below table related to an Essex Fire Pump appliance:

Appliance Type	Min. width of road between kerbs(m)	Min. width of gateways (m)	Min. turning circle between kerbs (m)	Min. turning circle between walls (m)	Min. clearance height (m)	Min. carrying capacity (tonnes)
Pump	3.7	3.1	17.8	19.0	3.7	18.0
High Reach	3.7	3.1	26.0	29.0	4.0	26.0
Special Appliance	4.0	3.1	25.2	25.9	4.0	26.0

7.3.2 More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.3.3 It is the responsibility of anyone carrying out building work to comply with Building Regulations. Additional water supplies may be needed for this development.

7.3.4 Sprinkler systems - even when not required by Building Regulations Essex Fire and Rescue strongly recommend a risk-based approach to the inclusion of automatic water suppression systems.

7.4 Essex Police

7.4.1 Note that Secured by Design principles have been incorporated within the scheme design but would strongly advocate for Secured by Design gold compliance to be a condition of this planning permission. Also wish to identify the following matters for further consideration.

7.4.2 We would welcome discussion about the landscaping and public realm and would like further information regarding the amenity/play areas to ensure safe spaces are created. We would also like to review the lighting scheme and parking courts at an appropriate time.

7.4.3 We recommend that consideration is given to security provision for electric vehicle charging points and would welcome discussion relating to physical security for dwellings and for cycle storage.

7.5 Health and Safety Executive

7.5.1 No objection following clarification of development layout.

7.6 National Gas

7.6.1 Holding objection. National Gas initially advised that they would remove their holding objection upon receipt of a 'no objection' from the Health and

Safety Executive. However, they subsequently advised that they would instead require an additional safety report to be completed via an approved consultant at the Applicant's cost. This work is currently underway. Given that the site and developable area has already been approved and scrutinised by national Gas at the outline planning stage Officers do not consider it likely that National Gas will maintain their holding objection once the required report has been completed. A further update will be provided to Members at the Planning Committee meeting.

7.7 Natural England

7.7.1 No comment. Standing advice issued.

7.8 NHS

7.8.1 Do not wish to make any comments (healthcare contribution secured under the outline planning permission).

BDC Consultee

7.9 BDC Housing

7.9.1 Fully supportive of this application because it provides for a significant number of new affordable homes to be delivered which will assist the Council in addressing housing need. The affordable housing mix is set out below:

Towerlands Phase 3 - 185 units	No	Affordable Rent	Shared Ownership
1 bed 2 person maisonettes	6	6	0
2 bed 4 person maisonettes	4	0	4
2 bed 4 person houses	21	11	10
2 bed 4 person W/C bungalows Cat 3 (2b)	2	2	0
3 bed 5 person Houses	10	8	2
2 bed 5 person W/C bungalows Cat 3 (2b)	4	4	0
4 bed 7 person houses	6	6	0
	53	37	16

7.9.2 The proposal meets the requirements of affordable housing policy LPP31 and is fully appropriate to match identified housing need.

7.10 BDC Waste

7.10.1 Access roads need to accommodate 26 ton vehicle turning circles and be offered to ECC for adoption. Any private access roads need to be built to adoptable standards with assurances that BDC will not be liable for damage. Bins should be presented at the curtilage of the public highway or within 20 metres of it (15m for four wheeled bins).

- 7.10.2 Access pathway to refuse vehicle should be flat, free from obstacles and of a solid smooth surface. Adequate storage for bins (litre capacity) needs to be provided at each dwelling. Bin storage buildings for flatted blocks should meet the Council's required standards.

ECC Consultee

7.11 ECC Archaeology

- 7.11.1 No archaeological works required (already secured at the outline planning stage).

7.12 ECC Highways

- 7.12.1 No objection provided that the size and/or shape of the turning head in front of Plot 405 is amended such that a refuse vehicle would be able to turn round within the extent of highway (without overhanging the private drive). From a highway point of view the layout is acceptable in principle.

7.13 Ecology (Place Services)

- 7.13.1 No objection. Generally supportive of proposed planting schedule although request that the White and Red Dogwood is replaced with a native species. Swift boxes need to be provided, they should be provided in groups and installed correctly. The submitted Biodiversity Compensation and Enhancement Strategy and the Landscape and Ecological Management and Maintenance Plan should account for this. Generally supportive of the Construction Environmental Management Plan (CEMP) although would be helpful if the biodiversity protection zones were outlined on a plan. A procedure for any Great Crested Newts or other protected species that are encountered during the construction phase should also be included within the CEMP.

- 7.13.2 We also highlight that a lighting scheme informed by a suitably qualified ecologist should also be submitted to address Condition 40 of the outline consent prior to occupation of this phase.

7.14 Historic Buildings (Place Services)

- 7.14.1 The site is located within the vicinity of numerous heritage assets. After reviewing details of landscaping, boundary treatments, building heights and elevations, the proposals would not have a detrimental impact on the nearby heritage assets and I have no objections.

7.15 ECC SUDs

- 7.15.1 No comment. The application does not relate to drainage matters.

8. PARISH / TOWN COUNCIL

8.1 Panfield Parish Council

8.1.1 No response received.

9. REPRESENTATIONS

9.1 A total of 12 objections were received which are summarised as follows:

- No new infrastructure planned (doctors, schools, dentists, leisure facilities).
- Road network already at capacity and cannot cope with any additional traffic.
- Highway safety concerns.
- People will not cycle/walk from/to Towerlands due to traffic fumes and damage to the existing roads.
- Previous application was refused at appeal, and this one should also be refused.
- Loss of trees/shrubs/hedgerows.
- Impact on wildlife.
- Increased noise pollution.
- Increased light pollution.
- Increased air pollution.
- Flood risk from water running off the site.
- Lack of bus service in the locality.
- Panfield is losing its village setting/greenfield buffer with Braintree.
- Braintree has already met its housing target.
- Health and Safety Executive has objected to the application due to major hazards/pipelines and it should therefore be refused.
- Impact of construction activities (noise/dust/construction traffic) upon residents already living on the Towerlands development.
- Loss of light and loss of view to residents already living on the Towerlands development would be caused by further dwellings being built.

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of the residential development of the site has been established under the original outline planning permission (Application Reference 19/00786/OUT) which was issued on 9th April 2021. This included the detailed site access points.

10.2 The current application seeks approval only for the reserved matters pursuant to the outline planning permission for Phase 3 of the development consisting of Appearance, Landscape, Layout, and Scale.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

11.1.1 Policy LPP52 of the Adopted Local Plan requires a high standard of design and layout in all developments and Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design.

11.1.2 At the national level, the NPPF is also clear in its assertion at Paragraph 131 that:

‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.

11.1.3 There is therefore a strong policy basis for achieving a high degree of quality in terms of the appearance, layout and scale of the development whilst ensuring that it complies with the outline planning permission for the site.

11.1.4 Phase 3 of the development consists of 179 dwellings, positioned on the western side of the site and running from the north-west to the south-east or ‘top to bottom’ of the site. A spine road runs through the Phase, splitting the 3 development parcels on the eastern side of this with the 5 parcels on the western side. An additional parcel is located in the south-eastern corner of the phase.

11.1.5 The location of the built form is in accordance with the approved Parameter Plans for the site. Phase 3 also includes a significant area of informal open space (meadow) on its western periphery which also contains a SUDs basin. Below this sits a separate large area of allotments (0.34ha) and a large area of public open space which includes a Neighbourhood equipped Area of Play (NEAP) and public art. Again, all of these are in accordance with the outline planning permission.

11.1.6 The Design Code attached to the outline planning permission divides the Towerlands site into character areas. Phase 3 primarily sits within the ‘Barns Rural Edge’ character area but also touches on ‘The Avenue’, ‘The Lanes’ and the ‘Parkland Edge South’ character areas.

11.1.7 The Barns Rural Edge forms an important frontage to the countryside to the north of the site. Development is of a lower density and arranged on the outer edge into courtyard formations which create a permeable edge to the development. Materials consist of red brick and black timber boarding with plain red/brown tiles or grey reconstituted slate. Building heights are 2 to 2.5 storey and dwellings are detached or semi-detached. This area also includes a separate development parcel located to the south-west and

identified as 'The Hamlet'. This has a distinct character with 2 to 2.5 storey dwellings, buff brick and black boarding and different house types, creating a unique sense of place within the wider scheme.

- 11.1.8 The Parkland Edge South forms a continuous frontage facing onto the linear area of open space/green infrastructure along the site's southern boundary. It utilises detached and semi-detached dwellings of 2 and 2.5 storey as sought by the Design Code. Red and buff bricks would be used with cream render, timber boarding and red tiles.
- 11.1.9 The Avenue is of a different character with a wide tree lined street at its heart and a consistent built frontage made up of dwellings of a similar typology and size. Permitted building heights are up to 3 storeys. All are red brick with grey and red roof tiles.
- 11.1.10 The Lanes is situated in the heart of the development and is more intimate in its character with higher density housing permitted of up to 3 storeys in height and consisting primarily of terraced, semi-detached and link detached dwellings although for the small area covered by Phase 3 dwellings are detached or semi-detached only and 2.5 storeys maximum in height. Materials consist of red and buff multi bricks, cream render and grey and red roof tiles.
- 11.1.11 Overall the proposed house types accord with the Design Code with more traditional designs and house types used in the Parkland Edge and The Avenue. In the Barns Rural Edge character area barn like architecture is used with simple pitched roofs. Overall, the design quality is high as are the materials used and the design features employed.
- 11.1.12 Internally, all house types meet the Nationally Described Space Standards (NDSS), standards which set out the required internal space standards for new dwellings of all tenures.
- 11.1.13 The development is also compliant with the Essex Design Guide in terms of proposed garden sizes and back to back distances between new dwellings.
- 11.1.14 With regard to the proposed housing mix, the scheme consists of the following dwelling mix with 126 market dwellings and 53 affordable dwellings:

Market Mix

19no. 2 bed
50no. 3 bed
46no. 4 bed
11no. 5 bed

Affordable Mix

6no. 1 bed

27no. 2 bed
14no. 3 bed
6no. 4 beds

- 11.1.15 The dwelling mix covers a range of sizes for both private and affordable tenures although it should also be read in the context of the wider site given that this is a phased development of a large scale. The Council's Affordable Housing Officer has confirmed his agreement with the proposed affordable mix in terms of meeting identified need.
- 11.1.16 In addition to the above built form, Phase 3 includes several other components. Part of the circular footway and cycleway would be provided, (the finished route will loop 2km in length around the Towerlands site). The majority of the large informal meadow area located at the northern end of the site is also encapsulated within this Phase.
- 11.1.17 Overall the appearance, layout and scale of the proposal is considered to be acceptable. Layout in relation to green infrastructure and landscaping is discussed in more detail below.

11.2 Landscaping

- 11.2.1 The Applicant proposes a hard and soft landscaping scheme across the reserved matters site. The site's green infrastructure accords with the approved Parameter Plans and Design Code for the outline planning permission.
- 11.2.2 In accordance with the outline planning permission, the Applicant has submitted a detailed tree survey for the reserved matters land parcel. Tree loss is restricted to those areas where it is an essential requirement; such as where trees sit within development parcels or where they are positioned where infrastructure such as spine roads need to be constructed. A total of 249 new trees and just over 1km of native hedge would be planted within this reserved matters scheme.
- 11.2.3 Towerlands is a site which previously contained a high number of trees planted across it, many dating from the site's previous use as a golf course. The loss of these trees was assessed at the outline planning stage where it was acknowledged that retaining extensively and randomly planted tree cover across this strategic site was not compatible with achieving a high quality and well laid out strategic development which used the land effectively and employed the principles of good place making. Trying to randomly locate small, disjointed parcels of development in amongst clusters of existing trees was neither achievable nor appropriate. However, Officers have worked with the Applicant both to maximise tree planting and to ensure that opportunities to minimise tree loss are taken where possible. In this current phase no Category A trees would be lost. Category B, C and U loss is set out below and compared against proposed tree planting, showing an overall gain in tree cover of approximately 4,324m².

CATEGORY	TREE LOSS	TREE PLANTING (Based on each canopy reaching 50% of maximum size)
Category B	1,789m ²	-
Category C	8,353m ²	-
Category D	206m ²	-
Total	-10,348m ²	+14,672m ²

- 11.2.4 Tree planting is therefore proposed across the site. The outline planning permission and associated Design Code pre-dates the new NPPF requirement for tree line streets by some way, however substantial street planting is still achieved and plays an important role in helping to establish the street hierarchy within the site. The main spine road or 'The Avenue' is characterised by formal, regular, rhythmic tree planting with larger trees sitting within spacious verges which will result over time in a tree lined boulevard which will sit at the top of the street hierarchy. The other streets within the hierarchy covered by Phase 3 also benefit from extensive tree planting.
- 11.2.5 Lower order secondary and tertiary streets and cul-de-sacs contain tree planting as a key feature in accordance with the Design Code. The Applicant has worked with Officers to increase and maximise tree planting to these areas wherever possible whilst remaining in accordance with the Design Code and the wider vision for the site.
- 11.2.6 The sites hard landscaping varies. The spine road, footways and the circular cycleway would be constructed from tarmac whilst different colours of block paving would be used across the site for lower order streets and driveways.
- 11.2.7 Overall the site's proposed landscaping is carefully considered and of an acceptable standard.
- 11.3 Ecology
- 11.3.1 The Ecological impact of developing the site as a whole was assessed in full at the outline planning application stage and found to be acceptable. A Biodiversity Enhancement Strategy for the site is required by way of planning condition (Condition 9) and has been submitted as part of the current reserved matters along with relevant updates to the original ecology surveys (required by Condition 13 due to time passed).
- 11.3.2 Information has also been submitted and assessed in relation to Condition 8 (Construction Environmental Management Plan) of the outline planning permission.
- 11.3.3 Relevant species considered included reptiles, Great Crested Newts, nesting birds and bats. No new ecological impacts were established. The site area for Phase 3 is currently being managed to ensure new habitat for

reptiles is not created given that this area is earmarked for development imminently. A District level license is in place with Natural England to address Great Crested Newts. No bat roosting features were identified which would be affected by Phase 3 and standardised precautionary methods would be used to safeguard nesting birds.

11.3.4 The Council's Ecology Officer has reviewed the application and raised no objection on ecology grounds subject to a number of minor amendments. These related to plant species; the installation of swift nesting bricks; a request to mark biodiversity protection zones on a map and a procedure to be outlined within the CEMP in case Great Crested Newt (or other protected species) are encountered during the construction phase. These comments have since largely been addressed. The Biodiversity Enhancement Strategy includes the erection of 15no.bat boxes; 15no.bird boxes and an area of permanent water within the relevant SUDs basin with profiled banks to ensure areas of shallow water and damp ground to create habitat for a range of flora and fauna. Swift boxes have already been erected in Phases 1 and 2 and will be erected in either Phase 4 or the Neighbourhood centre phase. A condition will be used to require them in this current phase.

11.3.5 Overall the proposal is considered to be acceptable in Ecological terms.

11.4 Highway Considerations

11.4.1 The impact of the Towerlands development on the highway network was assessed at the outline planning stage and found to be acceptable subject to the relevant conditions and Section 106 requirements. Access to the Towerlands site has also already been approved in detail being taken from both Panfield Lane and B1053. Phase 3 contains internal roads only, consisting of a spine road for the phase and secondary and tertiary roadways.

11.4.2 Parking provision is made in accordance with the Essex Parking Standards (2009) and the approved Design Code for the wider Towerlands site with the required 1 space per 1 bed dwelling and 2 spaces per two or more bed dwellings. Visitor parking would be spread around the development and would also be in accordance with the standards.

11.4.3 With regard to electric vehicles, there is a condition attached to the outline planning permission which requires one charging point to be provided per dwelling. The Applicant makes provision for a charging point for every dwelling in the proposed layout for this phase of the Towerlands development either in the form of a dedicated socket in a garage or by providing the appropriate cable infrastructure and ducting to allow the installation of a parking space charging point.

11.4.4 Cycle provision is well catered for with part of the proposed cycle network around the wider Towerlands site forming part of this phase and allowing residents to cycle safely away from the road.

11.4.5 There is an existing Public Right of Way which runs across this section of the Towerlands site from west to east. A small section of this would need to be re-routed, running slightly further north than it currently does before re-joining its existing line. There are several possible options for this within the proposed development layout which closely align with the existing route. Footpath diversions are covered by separate legislation and the granting of planning consent does not supersede this. The Applicant would therefore be required to apply for a footpath diversion under the relevant legislation at a later date however Officers consider that viable diversion options for consideration appear to exist at this stage.

11.4.6 ECC Highways have been consulted and following a series of minor amendments to the proposed layout have raised no objection to the proposal on highway grounds.

11.5 Impact upon Neighbouring Residential Amenity

11.5.1 In terms of neighbouring amenity, this phase of the development does not directly abut any existing residential development lying outside the Towerlands site. It does abut other phases of the Towerlands development including dwellings which are already occupied.

11.5.2 Internally, the site layout is compliant with the Essex Design Guide in terms of garden sizes and back-to-back distances between new dwellings and would provide an acceptable degree of amenity to future occupiers of the new dwellings. Phase 3 has also been carefully designed to be directly compatible with earlier phases of the Towerlands developments meaning that the layout accords with both the Essex Design Guide and the approved Design Code for the site in this regard.

11.5.3 Overall the impact on neighbour amenity is therefore considered to be acceptable.

11.6 Flooding and Drainage Strategy

11.6.1 Flood risk and drainage were considered at the outline planning stage and a detailed set of related conditions are attached to the outline planning permission in relation to this.

11.6.2 Phase 3 of the development includes associated SUDs features although the majority of the site's SUDs infrastructure was approved under Phase 1. To recap, for the site as a whole the Applicant proposed to utilise a Sustainable Urban Drainage (SUDS) system incorporating a number of SUDs basins located around the periphery of the site with the majority concentrated in linear fashion along the southern edge of the site layout and others located on the northern and eastern parts of the site. Runoff would be limited to green field rates with water being released appropriately into the existing ditch network. In addition, some underground attenuation is required to alleviate potential flooding.

- 11.6.3 With regard to foul water, for the Towerlands site as a whole two gravity piped systems would convey flows to one of two foul water pumping stations located in the north and south of the Site. One of these pumping stations is included within Phase 3. A condition is required to establish the final detail of the built form of this pumping station.
- 11.6.4 These pumping stations will then pump to separate high points within the site whereby foul flows would be conveyed out of the site through a new gravity piped sewer to the existing Anglian Water public foul water network near Churchill Terrace southeast of the Site. Again, a detailed condition is attached to the outline planning permission in relation to this.
- 11.6.5 The SUDS conditions and foul water drainage condition attached to the outline planning permission remain in place covering the full technical detailed drainage strategy for the site. In relation to the current reserved matters, Essex County Council have been consulted as the Lead Local Flood Authority and do not wish to make any comment. Anglian Water have been consulted as the statutory undertaker for foul water and also have no comment.

11.7 Habitat Regulations Assessment (HRA / RAMS)

- 11.7.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:
- Blackwater Estuary Special Protection Area and Ramsar site;
 - Dengie Special Protection Area and Ramsar site;
 - Essex Estuaries Special Area of Conservation.
- 11.7.2 HRA mitigation was secured at the outline planning application stage under Application Reference 19/00786/OUT and therefore no further mitigation is required in relation to this Reserved Matters application.

12. CONDITION COMPLIANCE

- 12.1 Conditions 4 – 13 of the outline planning permission are 'compliance conditions', requiring the applicant to submit details relevant to the condition as part of each reserved matters application. For reference these are set out below:
- Condition 4 – requires details of finished site levels;
 - Condition 5 – requires details of landscaping;
 - Condition 6 – requires a strategy for fibre broadband provision;
 - Condition 7 – requires a strategy for electric vehicle charging point provision;
 - Condition 8 – requires a Construction Environmental Management Plan;
 - Condition 9 – requires a Biodiversity Enhancement Strategy;
 - Condition 10 – requires details of refuse/recycling facilities;
 - Condition 11 – requires a Tree Survey;

- Condition 12 – requires details of the outer boundary treatment of development Parcel R3 ('The Hamlet' area); and
 - Condition 13 – requires updates to Ecology surveys where relevant.
- 12.2 Proposed landscaping has been assessed and is considered to be acceptable. Proposed levels need a degree of further assessment, and this condition is not discharged at this stage. A levels condition is therefore recommended to be imposed on this reserved matters. Electric vehicle charging provision is discussed under the highway section of this report and is also considered to be acceptable. The Applicant has also confirmed that they will provide fibre broadband connections to all dwellings. The submitted Construction Environmental Management Plan and Biodiversity Enhancement Strategies have been assessed and are considered to be acceptable, as are the details of refuse/recycling facilities and the tree survey details. Ecology Surveys have been updated where required to the satisfaction of the Council's Ecologist.
- 12.3 The boundary details submitted to satisfy Condition 12 are insufficient and a further condition is therefore required to be attached to this reserved matters to address this. A condition is also required in relation to the boundary treatment to the allotment area which is currently a 1.8m high chain link fence which would be visually too stark and will need landscape planting to soften it.
- 12.4 Overall it is therefore considered that Conditions 5 – 13 of the Outline Planning Permission have been complied with for Phase 3 of the reserved matters for the site with the exception of Condition 12. Details for this and for Condition 4 will be further required by way of conditions attached to this reserved matters.
13. CONCLUSION
- 13.1 The principle of the residential development of the site is established under the existing outline consent 19/00786/OUT. The Applicant seeks permission for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of Phase 3 of the Towerlands development.
- 13.2 There are no objections from the relevant statutory consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.
- 13.3 Overall it is considered that the Phase 3 Reserved Matters proposal constitutes a well-designed and carefully considered proposal and accordingly it is recommended that the Reserved Matters are approved.

14. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Other	LANDSCAPE AND ECOLOGICAL MANAGEMENT AND MAINTENANCE PLAN JAMES BLAKE ASSC.REF JBA 21-187	REV C NOV 2024
Other	Sam Watson Ecology Materials to Discharge Conditions 8, 9 and 13 December 2023	SWE-P23-0010- R2
Other	Arboricultural Impact Assessment James Blake Associates Nov 2023	JBA 21/187 AR02
Other	Broadband Strategy 22 Feb 2024	N/A
Other	Electric Vehicle Charging Strategy 22 Feb 2024	N/A
Substation Details	DN001-PH3-SS-01	00
Planning Layout	CSE-01A	REV D
Site Masterplan	DN001-MP-02	REV K
Location Plan	DN001-PH3-PL-01	REV B
House Types	DN001-PH3-HA-HA50b	REV A
Planning Layout	DN001-PH3-PL-02	REV E
Planning Layout	DN001-PH3-PL-03	REV E
Parking Strategy	DN001-PH3-PL-04	REV E
Garden Study	DN001-PH3-PL-05	REV E
Storey Height	DN001-PH3-PL-06	REV E
Refuse Information	DN001-PH3-PL-07	REV E
Street elevation	DN001-PH3-CSE-01A	REV C
Street elevation	DN001-PH3-CSE-01B	REV C
Street elevation	DN001-PH3-CSE-02A	REV C
Street elevation	DN001-PH3-CSE-03A	REV C
Street elevation	DN001-PH3-CSE-04	N/A
Car park plan	DN001-PH3-CP-02	N/A
Car park plan	DN001-PH3-CP01	N/A
Garage Details	DN001-PH3-GR-01	REV B
Garage Details	DN001-PH3-GR-02	REV B
Garage Details	DN001-PH3-GR-03	REV B
Garage Details	DN001-PH3-GR-04	N/A
Garage Details	DN001-PH3-GR-05	N/A
House Types	DN001-PH3-HA-2BBA	N/A
House Types	DN001-PH3-HA-3BBA	N/A
House Types	DN001-PH3-HA-3BBB	N/A
House Types	DN001-PH3-HA-HA50A	N/A
House Types	DN001-PH3-HA-HA70A	N/A
House Types	DN001-PH3-HA-HEA	N/A

House Types	DN001-PH3-HA-HEB	N/A
House Types	DN001-PH3-HA-MAA	N/A
House Types	DN001-PH3-HA-MAB	N/A
House Types	DN001-PH3-HA-OKA	N/A
House Types	DN001-PH3-HA-OKB	N/A
House Types	DN001-PH3-PD-BHA	N/A
House Types	DN001-PH3-PD-CAA	N/A
House Types	DN001-PH3-PD-CAB	N/A
House Types	DN001-PH3-PD-CHA	N/A
House Types	DN001-PH3-PD-CHB	N/A
House Types	DN001-PH3-PD-CHC	N/A
House Types	DN001-PH3-PD-CHD	N/A
House Types	DN001-PH3-PD-FLA	N/A
House Types	DN001-PH3-PD-FLB	N/A
House Types	DN001-PH3-PD-FLC	N/A
House Types	DN001-PH3-PD-FRA	N/A
House Types	DN001-PH3-PD-FRB	N/A
House Types	DN001-PH3-PD-FRC	N/A
House Types	DN001-PH3-PD-FRPA	N/A
House Types	DN001-PH3-PD-GWA	N/A
House Types	DN001-PH3-PD-GO4A	N/A
House Types	DN001-PH3-PD-GO4B	N/A
House Types	DN001-PH3-PD-GO5A	N/A
House Types	DN001-PH3-PD-GO5B	N/A
House Types	DN001-PH3-PD-GO6A	N/A
House Types	DN001-PH3-PD-GOPA	N/A
House Types	DN001-PH3-PD-GOPB	N/A
House Types	DN001-PH3-PD-GOPC	N/A
House Types	DN001-PH3-PD-GOPD	N/A
House Types	DN001-PH3-PD-GWB	N/A
House Types	DN001-PH3-PD-GWC	N/A
House Types	DN001-PH3-PD-GWD	N/A
House Types	DN001-PH3-PD-GWPA	N/A
House Types	DN001-PH3-PD-GWPB	N/A
House Types	DN001-PH3-PD-KLA	N/A
House Types	DN001-PH3-PD-KLB	N/A
House Types	DN001-PH3-PD-PAIA	N/A
House Types	DN001-PH3-PD-PAIB	N/A
House Types	DN001-PH3-PD-PA2A	N/A
House Types	DN001-PH3-PD-PEIA	N/A
House Types	DN001-PH3-PD-PEIB	N/A
House Types	DN001-PH3-PD-PE2A	N/A
House Types	DN001-PH3-PD-PE2B	N/A
House Types	DN001-PH3-PD-PE3A	N/A
House Types	DN001-PH3-PD-PE3B	N/A
House Types	DN001-PH3-PD-VYA-VYB	N/A
House Types	DN001-PH3-PD-VYc	N/A
Other	Guide to the Management of Landscape and Ecological Areas rev.	DN001-PH3-PD- GWD REV 00

Housing Association	C (November 2024) DN001-PH3-PL-09	REV E
Layout Plan		
Highway Plan	DN001-PH3-PL-010	REV D

Condition(s) & Reason(s)

Condition 1

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

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

Condition 2

Notwithstanding the provisions of Classes A, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no rear extensions or rear roof extensions shall be added to any of the dwellings hereby permitted without first obtaining planning permission from the Local Planning Authority.

Reason: To protect the amenity of the occupants of the new dwellings.

Condition 3

Prior to the commencement of development in Phase 3 details of the proposed finished floor levels (above ordnance datum) of the ground floors of all the proposed buildings in relation to existing ground levels and of proposed finished site levels (including gardens) in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard neighbour amenity.

Condition 4

The garages hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the relevant dwelling and shall not be used for living accommodation.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

Condition 5

Prior to the commencement of above ground development in Phase 3, details of the proposed boundary fencing to the Allotment area shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be erected prior to the first occupation of the 134th dwelling in Phase 3 and in accordance with the approved details and shall be retained in that form thereafter.

Reason: In the interests of visual amenity and security.

Condition 6

Prior to any development above damp proof course of any dwelling in Phase 3, details of the proposed pumping station including its boundary fencing and landscape buffer planting shall be submitted to and approved in writing by the Local Planning Authority. The pumping station, boundary fencing and landscaping shall be implemented in accordance with the approved details and shall be retained in that form thereafter.

Reason: In the interests of visual amenity.

Condition 7

Prior to any above ground development details of the boundary treatment to the western side of 'The Hamlet' development parcel (which forms the outermost edge of the application site in this location), including timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall be retained in that form thereafter.

The boundary treatment shall be designed to prevent residents of new dwellings in this parcel from walking onto this private farmland but shall also achieve a soft visual appearance which is appropriate for these resident's outlook and also for the parcels edge of settlement location with a combination of a new outer hedgeline, trees and an inner (development side) fenceline being employed.

The submitted details shall include a detailed specification of fences and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and planting distances.

Any trees or plants which form part of the boundary treatment and which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure an appropriate boundary treatment is achieved which is appropriate for future resident's amenity, the visual impact of the development on the adjacent countryside and to provide a clearly legible delineation between the residential development and adjacent private land.

Condition 8

Prior to the commencement of above ground development in Phase 3 details of a scheme for the location and installation of swift nesting bricks shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall be retained in that form thereafter.

Reason: In the interests of protecting and enhancing biodiversity.

Condition 9

Prior to the commencement of development in Phase 3 details of the hard landscaping, soft landscaping and materials for use in the construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall be retained in that form thereafter.

With regard to the soft landscaping the submitted details shall include a detailed specification which shall include plant/tree types and sizes, plant numbers and planting distances and timescales for planting.

The approved landscaping shall be installed, managed and maintained in accordance with the approved Landscape and Ecological Management and Maintenance Plan (James Blake Associates REF JBA 21-184 REV C NOV 2024) listed above.

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: In the interests of visual amenity.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP19	Strategic Growth Location - Former Towerlands Park Site
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
23/00085/NONDET	Outline planning application with all matters reserved, except access, for the erection of up to 150 dwellings for Phase 2.	Appeal Dismissed	16.08.24
02/00207/T56	Erection of 15m lattice tower and equipment housing	Granted	25.03.02
04/00336/COU	Conversion of redundant buildings to two dwellings	Refused	02.08.04
04/00337/FUL	Construction of new manege	Granted	28.07.04
04/00348/OUT	Erection of new golf clubhouse	Refused	28.07.04
04/01702/FUL	Removal of condition 2 of Planning Permission P/BTE/0998/82 to allow premises to be used outside the currently permitted hours of 9.00 - 22.00 hours	Granted	19.10.04
04/01801/FUL	Extension to existing practice ring to main area of equestrian centre	Granted	13.10.04
84/01040/P	Alterations and extensions to changing rooms.	Granted	11.09.84
84/00226/P	Erection of extension to stable block.	Granted	05.04.84
82/00998/P	Proposed erection of building for indoor green bowling rink.	Granted	07.12.82
81/01177/P	Proposed building to house standby generator.	Granted	16.10.81
80/01483/P	Proposed retention of existing equestrian centre, with the removal of condition 8, relating to its use.	Granted	02.12.80
79/01052/P	Extension to main equestrian centre to provide additional seating.	Granted	15.08.79
79/01519/P	Extension to sports building.	Refused	24.01.80

79/00657/P	Erection of sports building.		24.07.79
77/01419/P	Extension of approved main equestrian centre building by the addition of one bay (20ft) to the practice ring.	Granted	12.01.78
77/00110/P	Proposed hay barn.	Granted	29.03.77
77/01119/P	Construction of an oxygest sewage disposal plant.	Granted	25.11.77
77/00058/P	Erection of a horses swimming pool building in connection with the Equestrian Centre.	Granted	15.02.77
76/01165/P	Equestrian centre and horse breeding establishment including managers house.	Granted	07.12.76
75/00558/P	Erection of managers house.	Refused	23.09.75
83/01349/P	Change of use of land from use in connection with equestrian activities to golf course and use in connection with equestrian centre.	Granted	06.02.84
89/01328/P	Erection Of Extension To Provide Golf Professional Shop, Workshop, Store & Office	Granted	01.08.89
95/01225/FUL	Construction of access for emergency vehicles	Granted	10.01.96
97/00259/FUL	Proposed access for emergency vehicles - amendment to Planning Approval 95/01225/FUL	Granted	11.06.97
98/01416/FUL	Proposed internal alterations to form first floor gymnasium and new external fire escape	Granted	17.11.98
05/00484/FUL	Erection of extension to sports centre to provide swimming pool	Withdrawn	06.05.05
06/00788/COU	Change of use of land from agricultural to equestrian use and/or golf	Granted	25.07.06
07/00268/FUL	Erection of extension to sports centre to provide swimming pool and foyer	Granted	10.05.07

	extension		
07/00643/FUL	Erection of 60-bed two storey hotel	Refused	02.07.07
08/01426/FUL	Variation of condition 4 of planning application 06/00788/COU to provide for the felling of 12 no. trees and partially remove boundary hedge/scrub	Refused	08.09.08
08/00108/DAC	Application for approval of details reserved by condition 2 of approval 06/00788/COU - Change of use of land from agricultural to equestrian use and/or golf	Granted	15.12.08
14/01033/HDG	Notice of intent to carry out works to a hedge - Remove 6 metres of hedge	Withdrawn	28.08.14
15/00007/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Outline application for the site clearance and development of up to 1,150 homes, up to 5,000sq.m of B1 employment, and up to 3000sq.m of other commercial uses including a local centre with retail	Screening/ Scoping Opinion Adopted	30.06.15
17/00006/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential-led, mixed-use development comprising: 1. Demolition of existing buildings and structures; 2. Construction of 600 new dwellings including	Screening/ Scoping Opinion Adopted	08.08.17

	<p>affordable homes;</p> <p>3. Primary school or contributions towards new primary school provision in the locality;</p> <p>4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land;</p> <p>5. Local retail facilities;</p> <p>6. Public open space and formal and informal recreation including landscaping to the rural edge;</p> <p>7. Main access from Deanery Hill/Panfield Lane</p> <p>8. Potential additional vehicular access from the Growth Location to the south of the site;</p> <p>9. Associated engineering, drainage, access and other ancillary works.</p>		
18/00004/SCR	<p>Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request</p> <p>- 1. Demolition of existing buildings and structures;</p> <p>2. Construction of 700 new dwellings including affordable homes; 3. Contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal recreation including landscaping to the rural edge; 7. Main access from Deanery Hill/Panfield Lane 8. Potential</p>	Screening/ Scoping Opinion Adopted	10.09.18

	additional vehicular access from the Growth Location to the south of the site; 9. Associated engineering, drainage, access and other ancillary works.		
19/00786/OUT	Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.	Granted with S106 Agreement	09.04.21
21/01900/DAC	Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT	Granted	19.10.21
21/02625/DAC	Application for approval of details as reserved by condition 17 of approved application 19/00786/OUT	Granted	19.10.21

21/03199/DAC	Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT	Granted	13.07.22
21/03210/ADV	Display of non illuminated - 1 x V-Stack Sign, 5 x Flags, 1 x Totem Sign	Granted	21.12.21
21/03231/REM	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south),	Granted	13.04.22

	footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)		
21/03438/DAC	Application for approval of details as reserved by conditions 14 and 22 of approved application (in relation to demolition stage of development only) 19/00786/OUT	Granted	14.09.22
21/03439/DAC	Application for approval of details as reserved by condition 27 of approved application 19/00786/OUT	Granted	13.07.22
21/03500/DAC	Application for approval of details as reserved by condition 16 of approved application 19/00786/OUT	Granted	25.04.22
21/03608/REM	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for the ecological mitigation area at the northern end of the site (Phase 0) pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological	Granted	23.03.22

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

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

	<p>footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.</p> <p>Amendment would allow for: Change in parameter plan to reflect the form of development approved for the Parkland Edge - South Character Area.</p>		
22/00895/DAC	Application for approval of details as reserved by condition 18 of approved application 19/00786/OUT	Granted	13.07.22
22/00899/DAC	Application for approval of details as reserved by condition 19 (Detailed Suds Scheme) and 21 (Maintenance Plan) of approved application 19/00786/OUT	Granted	25.04.24
22/00901/DAC	Application for approval of details as reserved by condition 20 (SuDS) ,24 (Contamination) ,25 (Contamination), and 26 (Contamination) of approved application 19/00786/OUT	Granted	06.04.23
22/00904/DAC	Application for approval of details as reserved by condition 29 (Bus Stops) of approved application 19/00786/OUT	Granted	21.03.23
22/00907/DAC	Application for approval of details as reserved by condition 34 of approved application 19/00786/OUT	Granted	07.11.22
22/00914/DAC	Application for approval of details as reserved by condition 35 of approved	Granted	20.03.23

	application 19/00786/OUT		
22/00915/DAC	Application for approval of details as reserved by condition 41 (Materials) of approved application 19/00786/OUT	Granted	20.03.23
22/01142/DAC	Application for approval of details as reserved by condition 36(a) and 36(b) (Piling) of approved application 19/00786/OUT	Granted	19.04.23
22/01469/REM	Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance.	Granted	07.03.23
22/01704/DAC	Application for approval of details as reserved by condition 2 (Landscaping) of approved application 21/03231/REM	Granted	30.04.24
22/01900/DAC	Application for approval of details as reserved by condition 6 (Levels) of approved application 21/03231/REM (Phase 1)	Granted	30.04.24
22/02084/FUL	Creation of a mixed-use building at the Neighbourhood Centre, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a	Withdrawn	20.07.23

	recycling centre.		
22/03145/NMA	<p>Non-Material Amendment to approved application 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling. Amendment would allow for:</p> <ul style="list-style-type: none"> - Amendment to the wording of the approved Parameter Plan: Development Framework (UNX003/PP/001 rev F) and the Design Code to reflect the use of the upper floors of the Neighbourhood Centre as 	Granted	25.11.22

	office space rather than residential use, as proposed by application 22/02084/FUL.		
22/03353/DAC	Application for approval of details as reserved by condition 10 (Internal highway network) of approved application 21/03231/REM	Granted	02.08.23
23/00080/DAC	Application for approval of details as reserved by condition 33 (Archaeology) of approved application 19/00786/OUT	Granted	23.03.23
23/00402/NMA	Non-Material Amendment to permission 21/03232/REM granted 13.04.2022 for: Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological	Withdrawn	07.12.23

	mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.) Amendment would allow:- Update to the Knightswood house type.		
23/00434/DAC	Application for approval of details as reserved by condition 39 (LEMP) of approved application 19/00786/OUT	Granted	05.06.23
23/00680/DAC	Application for approval of details as reserved by condition 4 (Levels) of approved application 22/01469/REM (Phase 2)	Granted	30.04.24
23/00943/DAC	Application for approval of details as reserved by condition 49 (Affordable Housing Design Certificate) for Phase 1 of approved application 19/00786/OUT	Granted	14.07.23
23/00944/DAC	Application for approval of details as reserved by condition 27 (Tree Protection) Phase 2 of approved 19/00786/OUT	Granted	07.10.24
23/00955/DAC	Application for approval of details as reserved by condition 34 (Foul Water	Granted	16.04.24

	Drainage) for Phase 2 of approved application 19/00786/OUT		
23/00957/DAC	Application for approval of details as reserved by condition 35 (Means of Enclosure) of approved application 19/00786/OUT - Phase 2	Granted	09.05.24
23/01230/DAC	Application for approval of details as reserved by condition 42 (Travel Plan) of approved application 19/00786/OUT	Granted	09.05.24
23/01342/DAC	Application for approval of details as reserved by condition 8(CEMP) & 9(Biodiversity) of approved application 21/03231/REM	Granted	16.04.24
23/01343/DAC	Application for approval of details as reserved by condition 40 (Lighting) of approved application 19/00786/OUT	Granted	30.11.23
23/01350/NMA	Non-Material Amendment to permission 22/01469/REM granted 07.03.2023 for: Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance. Amendment would allow Block A (Plots 216-221) to have render omitted and replaced with boarding	Granted	03.01.24

	and brick detailing.		
23/01356/NMA	<p>Non-Material Amendment to permission 22/01469/REM granted 07.03.2023 for: Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance. Amendment would allow plots 179 & 183 (House Type 3BBa) to have amended floor layout.</p>	Granted	03.01.24
23/01357/VAR	<p>Variation of Condition 1 (approved plans and documents) of approved application 21/03231/REM granted 13/04/2022 for: Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline</p>	Pending Decision	

	<p>planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)</p> <p>Variation would allow for: Update to the Knightswood house type Updated list of drawings preceding condition 1</p>		
23/01639/DAC	Application for approval of details as reserved by condition 41 (Samples of materials) of approved application 19/00786/OUT (Phase 2)	Granted	30.04.24
23/02213/S106A	Application made under Section 106A of the Town and Country Planning Act 1990 (as amended) and	Granted	09.02.24

	<p>the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to modify Schedule 10 (Affordable Housing) amending the definitions of 'Protected Tenant' ; 'Shared Ownership Lease'; 'Affordable Housing For Rent'; ' Nomination Rights' and insertion of a new Refuse Schedule containing obligations about access for the Council's refuse collection teams and the construction standards for roads to be used for refuse vehicles, of the Section 106 legal agreement relating to 19/00786/OUT.</p>		
23/02549/DAC	<p>Application for approval of details as reserved by condition 40 (Lighting) of approved application 19/00786/OUT (Phase 2)</p>	Granted	03.01.24
24/00380/S106A	<p>Application made under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to modify Schedule 15 (Highways), Schedule 16 (Highways Contribution), Schedule 17 (Public Transport Contribution) and Schedule 18 (Residents Travel Plan Monitoring Fee) of the Section 106 legal agreement relating to</p>	Pending Consideration	

	19/00786/OUT. Amendments to schedules to include i) removal of the obligation for the Adjoining Site Link Road to be provided prior to the occupation of more than 50 dwellings; ii) delivery of the Smarter Choices Measures and Travel Plan; iii) improvement works at the junction of Pierrefitte Way, Rayne Road and Aetheric Road; iv) provision of new cycle lanes on Panfield Lane; and v) advanced payment of the Highway Contribution and Public Transport Contribution.		
24/00524/DAC	Application for approval of details reserved by condition 50 of approval 19/00786/OUT	Granted	16.04.24
24/00525/DAC	Application for approval of details as reserved by condition 40 (Lighting) of approved application 19/00786/OUT (Phase 2)	Granted	16.04.24
24/00715/DAC	Application for approval of details as reserved by conditions 19 (Detailed SUDS scheme) & 21 (SUDS Maintenance Plan) of approved application 19/00786/OUT (Phase 2)	Granted	09.05.24
24/00734/DAC	Application for approval of details as reserved by condition 15 (Great Crested Newt Licence) of approved application 19/00786/OUT	Granted	16.04.24
24/00889/DAC	Application for approval of details reserved by condition 49 (Part M4 - Design) of approval 19/00786/OUT	Granted	29.08.24

24/00937/ADV	Retention of signage - Packaged Living (Spinning Fields) - 2 no. fence signs; 2 no. totem sign. 2 no. directional signs; 4 no. flag signs; 2 no. parking signs; 2 no. site map signs; 1 no. totem sign; 1 house plaque sign Towerlands Park - 2 no. fence sign; 1 no. large V sign; 2 no. double sided totem signs; 14 no. rigid flags; 1 no. totem sign; 3 no. parking signs; 2 no. gallow signs; 2 no. A board signs; 1 no, marketing suite fascia and 1 no. HA sign	Part Grant, Part Refused	27.06.24
24/00942/NMA	Non-Material Amendment to permission 22/01469/REM granted 07.03.2023 for: Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance. Amendment would allow: Update to the layout and building identified as Block B (Plots 169,170,171) to address the revised site boundary.	Granted	10.07.24
24/00967/DAC	Application for approval of details reserved by condition 48 (Proposed	Granted	04.09.24

	Boundary Treatment) of approval 19/00786/OUT		
24/00968/DAC	Application for approval of details reserved by condition 6 (Proposed Finish Levels) of approval 21/03231/REM	Granted	04.09.24
24/01044/DAC	Application for approval of details as reserved by condition 7 (Hedgehog Highway Strategy) of approved application 22/01469/REM (Phase 2)	Granted	02.09.24
24/02293/NMA	Non-Material Amendment to permission 22/01469/REM granted 07/03/2023 for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 162 no. one, two, three, four and five bedroom houses, bungalows and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill. Amendment would allow the omission of the middle window to the communal stairs and replacement with a blind window.	Pending Consideration	
24/02493/VAR	Variation of Condition 1 (Approved Plans) of planning permission 21/03231/REM granted 13/04/2022: Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five	Pending Consideration	

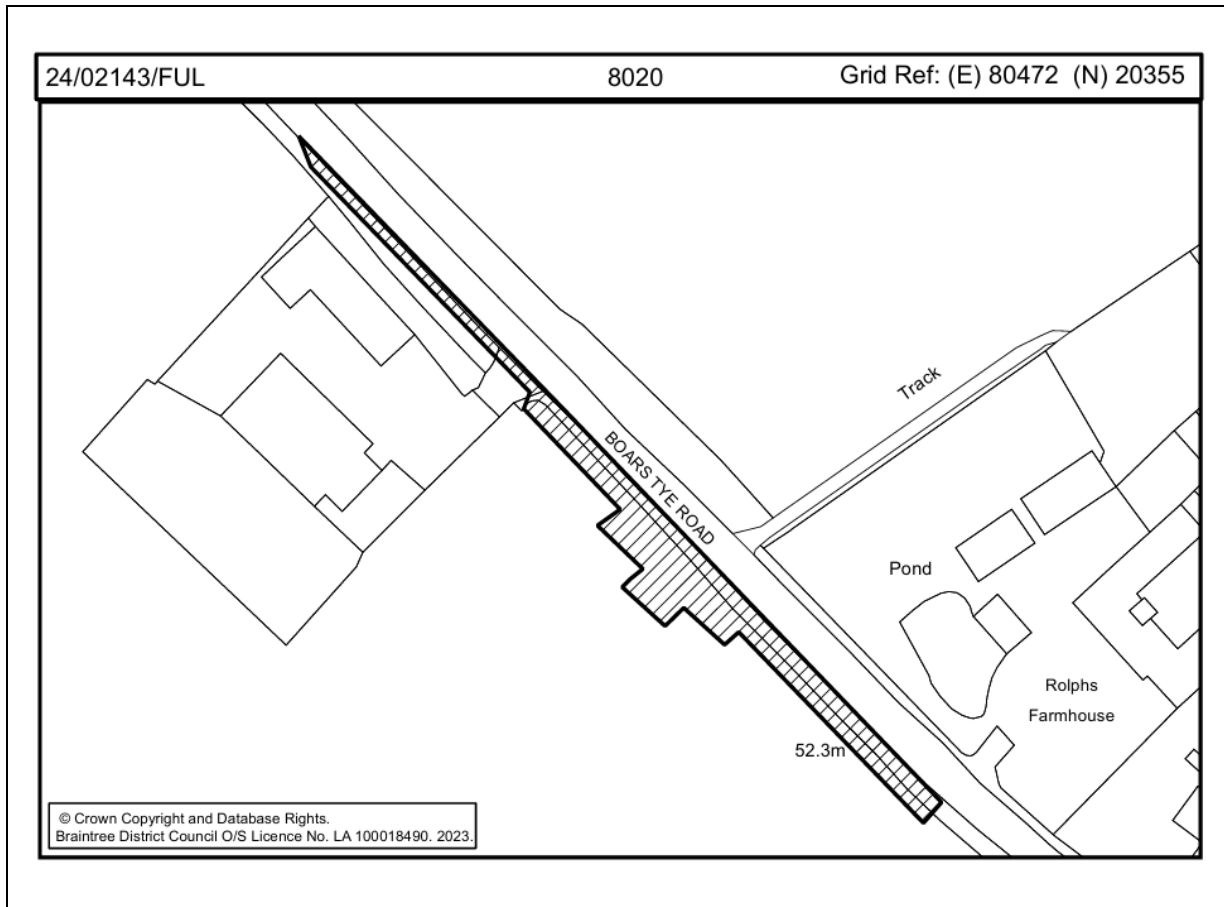
	<p>bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.) Variation would allow the update of the Knightswood House Type.</p>		
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24/02603/NMA	<p>Non-Material Amendment to permission 21/03231/REM granted 13.04.2022 for: Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and</p>	Pending Consideration	
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	diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.) Amendment would allow:- Revisions to the approved landscaping scheme to the front off Plots 1 & 2		
24/02684/FUL	Creation of a pair of mixed-use buildings at the neighbourhood centre for Towerlands Park, comprising retail and community uses on the ground floor and residential use (12 no. two bedroom apartments) on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre.	Pending Consideration	
24/02693/DAC	Application for approval of details as reserved by condition 41 (Materials) of approved application 19/00786/OUT (Phase 3)	Pending Consideration	
25/00121/DAC	Application for approval of details as reserved by condition 50 (Affordable Housing Construction Certificate for Plots 172-175, 179, 183, 197-204, 210-221, 239-254 & 320-324)) of approved application 19/00786/OUT (Phase 2)	Pending Consideration	

Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	24/02143/FUL
Description:	Temporary construction access (for a period of 3 years from completion of the access) from Boars Tye Road including culvert to maintain flows from existing ditch and removal of vegetation to facilitate visibility splays.
Location:	Land West of Boars Tye Road, Silver End
Applicant:	Miss Anna Light, Bellway House, 1 Cunard Square, Townfield Street, Chelmsford, Essex, CM1 1AQ
Agent:	Mr Olivier Spencer, Spencer Planning, 17 Mapletoft Avenue, Saffron Walden, CB10 2GX
Date Valid:	7th October 2024
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 312753, or by e-mail: melanie.corbishley@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 24/02143/FUL.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located to the north of the village of Silver End and forms part of a wider site which has planning permission for residential development for up to 94 dwellings (Application Reference 21/00850/OUT and Appeal Reference 22/00001/REF refer). The application site contains field boundary hedging along the roadside with there being a ditch that runs along the length of the eastern boundary of the residential site.
- 1.2 This application is seeking temporary planning permission for a construction traffic access from Boars Tye Road. The proposed works include culverting the existing ditch to maintain flows and the removal of a length of hedgerow (45m) along Boars Tye Road in order to create appropriate vehicle visibility splays.
- 1.3 The appearance and layout of the temporary access is considered functional and once it has fulfilled its purpose it would be closed off and returned to soft landscaping, details of which would be required by planning condition.
- 1.4 The principle of the proposed development is considered to be acceptable, and the temporary scheme would be intrinsically linked to a residential development which has been allowed at appeal. The proposal is acceptable in design, layout, landscaping and amenity terms. The local Highway Authority has confirmed that the proposals are acceptable with no reason to recommend refusal on highway safety grounds. Furthermore, given that permission for the removal of the hedgerow was granted at appeal, it is not considered that a reason for refusal on these grounds could be substantiated. It is therefore recommended that planning permission is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the application is deemed to be significant by the Planning Development Manager.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located to the north of the village of Silver End and forms part of a wider site with has planning permission for residential development up to 94 dwellings (Application Reference 21/00850/OUT and Appeal Reference 22/00001/REF refer).

5.2 The application site contains field boundary hedging along the roadside with there being a ditch that runs along the length of the eastern boundary of the residential site.

6. PROPOSAL

6.1 This application is seeking temporary planning permission for a construction traffic access from Boars Tye Road. The works include culverting the existing ditch to maintain flows and for the removal of existing roadside hedging to facilitate visibility splays over a length of 45m.

7. SUMMARY OF CONSULTATION RESPONSES

BDC Consultee

7.1 BDC Ecology

7.1.1 No objection subject to securing biodiversity mitigation and mandatory biodiversity net gains.

7.2 BDC Environmental Health

7.2.1 Environmental Health has no adverse comments. Two conditions are requested with regards construction hours and no burning.

ECC Consultee

7.3 ECC Highways

7.3.1 Provided that the temporary construction access is completed in accordance with planning application drawing number 2400591-SK05 Rev. P6, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

7.3.2 ECC Highways will leave the LPA to ensure that the temporary construction access is removed in a timely manner to enable delivery of the highway works prior to occupation of the development as is required by planning permission 21/00850/OUT.

7.3.3 The proposal is in accordance with the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance.

8. PARISH / TOWN COUNCIL

8.1 Silver End Parish Council

8.1.1 The application suggests using an alternative access point to the previous, illegal access where hedgerow has already been removed. Rather than remove yet more historic hedgerow unnecessarily, they suggest that the original access point is used. It should also be noted that it is not mentioned in the paperwork how long biodiversity will take to reach the mentioned levels and there is no suggestion as to how this increase will be measured.

9. REPRESENTATIONS

9.1 No comments received.

10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is located in the countryside on land which was previously agricultural, however planning permission has been granted at appeal in January 2023 for the residential development of this land.

10.2 The temporary access is proposed to provide construction vehicles access to and from the site during the construction phase of the development.

10.3 The general principle of development is in keeping with the previous planning permission and is therefore considered to be acceptable, subject to the consideration of the detailed matters outlined below.

11. SITE ASSESSMENT

11.1 Impact upon the Character and Appearance of the Area

- 11.1.1 Paragraph 131 of the NPPF highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.
- 11.1.2 Paragraph 135 of NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 11.1.3 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.
- 11.1.4 In addition, Policy LPP52 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, layout, height, and massing of buildings.
- 11.1.5 The proposal in this case seeks permission for a new temporary access onto Boars Tye Road. It has been designed with a culvert to cross over the existing roadside ditch and the application is only for the access itself. Any haul roads located within the site would be detailed under a Construction Management Plan which is required by way of a condition attached to the planning permission for the residential development of the site.
- 11.1.6 The temporary access would be located to the northwest of the approved permanent access and would ensure that construction vehicles access the site further away from existing residential properties. The proposals would also enable new residents on the development to access their properties from a separate access to the construction vehicles prior to completion of the build.
- 11.1.7 The appearance and layout of the temporary access would be functional and once it has fulfilled its purpose would be closed off and returned to soft landscaping, details of which would be required by planning condition.
- 11.1.8 During the assessment of the application, the Applicant provided additional information with regards the construction of the access and the timing of it's removal in order to not prejudice highway improvements works required by one of the planning conditions attached to the outline permission.

11.2 Trees and Landscaping

- 11.2.1 Policy LPP67 of the Adopted Local Plan states that 'in its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District,

and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context.'

- 11.2.2 The proposals would require the removal of a 45m length of hedgerow along Boars Tye Road in order to create appropriate vehicle visibility splays.
- 11.2.3 Members are advised that the arboricultural details submitted as part of the outline planning application, which has been allowed at appeal by the Planning Inspectorate, showed that the whole length of the frontage hedgerow along Boars Tye Road would be removed. Officers consider this to be a material consideration of significant weight in the determination of this current application. Moreover, it is considered that a reason for refusal relating to the loss of the hedgerow could not be substantiated. Members are also advised that Officers are currently considering the reserved matters application for the wider residential site, and the submitted landscape details show that a new native hedge would be planted along the length of the site frontage.
- 11.2.4 A condition is recommended to be included on any grant of planning permission that requires the details of a remediation scheme to ensure that when the temporary construction access is no longer required, the access is removed and the land returned to soft landscaping.
- 11.2.5 While the comments from the Parish Council are noted, the Local Planning Authority must assess the application as submitted by the Applicant on its own merits.
- 11.3 Ecology and Biodiversity Net Gain
 - 11.3.1 Policy LPP66 of the Adopted Local Plan requires that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.
 - 11.3.2 The Council's Ecologist has reviewed the submitted documents for this application, including the Ecological Appraisal and Biodiversity Net Gain (BNG) Assessment (CSA Environmental Ltd, September 2024), the Statutory Biodiversity Metric – Calculation Tool, including condition assessment and the Baseline Habitat Plan (CSA Environmental Ltd, September 2024); and the Proposed Habitats Plan (CSA Environmental Ltd, September 2024), relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation and mandatory Biodiversity Net Gains.
 - 11.3.3 The Council's Ecologist is satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on Protected and Priority species

& habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

- 11.3.4 The mitigation measures identified in the Ecological Appraisal and BNG should be secured by a condition and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly, reptiles and nesting birds.
- 11.3.5 The Council's Ecologist has reviewed the revised documents relating to mandatory Biodiversity Net Gain, this includes; the Statutory Biodiversity Metric (completed 16th December 2024) and the Ecological Appraisal and Biodiversity Net Gain (BNG) Assessment (CSA Environmental, December 2024). Additionally, they have reviewed correspondence from the Applicant's agent, provided by the Case Officer. With regard to mandatory Biodiversity Net Gains, it is highlighted that the Council's Ecologist supports the submitted baseline information.
- 11.3.6 Biodiversity Net Gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and the Council's Ecologist is satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:
- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
 - b) Pre and post development habitat plans.
 - c) Legal agreement(s).
 - d) Biodiversity Gain Site Register reference numbers (if using off-site units).
 - e) Proof of purchase (if buying statutory biodiversity credits at a last resort).
- 11.3.7 In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Other neutral grassland. The HMMP should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years and will be required to be submitted concurrent with the discharge of the biodiversity gain condition. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.
- 11.3.8 As indicated within the submitted information, off-site enhancements would be required in order to achieve a 10% net gain for linear habitat units. Officers have been advised that the Applicant no longer intends to achieve

this through off-site compensation on land within their ownership, but now intends to achieve this through purchasing off-site linear habitat units from an established habitat provided. The LPA will require the Biodiversity Gain Site Register number and a commitment that the Applicant have / or will enter into an agreement with an off-site provider. This information should be provided as part of the Biodiversity Gain Plan submission. Off-site credits should not be purchased prior to determination, as they cannot be refunded should permission not be granted.

11.3.9 This is necessary to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under the NERC Act 2006 (as amended). Impacts will be minimised such that the proposal is acceptable.

11.3.10 The Council's Ecologist has requested a number of specifically worded planning conditions, which are set out at the end of this report, but in summary there are no ecological grounds upon which to withhold the granting of permission for the temporary access.

11.4 Highway Considerations

11.4.1 Paragraph 116 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Paragraph 117 of the NPPF states that within this context, development should "give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas..." and "...create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles."

11.4.2 As the Applicant proposes a new temporary access onto Boars Tye Road. Essex County Highways have been consulted and have reviewed the application proposals.

11.4.3 ECC Highways raise no objection to the proposals and request that a planning condition is used to ensure that this temporary permission does not prejudice the future highways improvements required by outline permission 21/00850/OUT.

12. CONCLUSION

12.1 The principle of the proposed development is considered to be acceptable and the temporary scheme would be intrinsically linked to a residential development which has previously allowed at appeal.

12.2 The proposal is acceptable in design, layout, landscaping and amenity terms. The Highways Authority have confirmed that the proposals are acceptable with no reason to recommend refusal on highways grounds. Furthermore, given that permission for the removal of the hedgerow was

granted at appeal, it is not considered that a reason for refusal on these grounds could be substantiated.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Access Details	2400591-SK05 P6	N/A
Location Plan	2400591-SK09 P1	N/A
BNG Plan	CSA/6920/100	N/A

Condition(s) & Reason(s)

Condition 1

The temporary access hereby permitted shall be stopped up and removed prior to 12 months following commencement of the residential development permitted under outline planning permission 21/00850/OUT, or by 6th December 2027 whichever is the latest.

Reason: This permission is granted solely in order to provide temporary construction access for a limited period whilst building operations are being carried out on the development.

Condition 2

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Biodiversity Net Gain (BNG) Assessment (CSA Environmental Ltd, September 2024), 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 protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Condition 3

Prior to the commencement of the development hereby permitted, details of the current condition of the site and of how it will be reinstated or redeveloped in accordance with reserved matters granted pursuant to outline planning permission 21/00850/OUT, after the temporary planning permission expires, including timescales for reinstatement after the use of the access ceases, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be restored or redeveloped in accordance with the approved details.

Reason: This permission for a limited period is granted only in the light of circumstances appertaining in this case. The details are required prior to commencement of development to ensure that the temporary use of the site does not have an unacceptable impact on the character, appearance and amenity of the locality after the use ceases.

Condition 4

Prior to commencement of development and if significant on-site enhancements are included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- b) The planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
- c) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- d) The monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- e) Details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- a) Initial enhancements, as set in the HMMP, have been implemented; and
- b) Habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

Informative(s)

Informative 1

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is

deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

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

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

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

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

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Infrastructure Delivery and Impact Mitigation

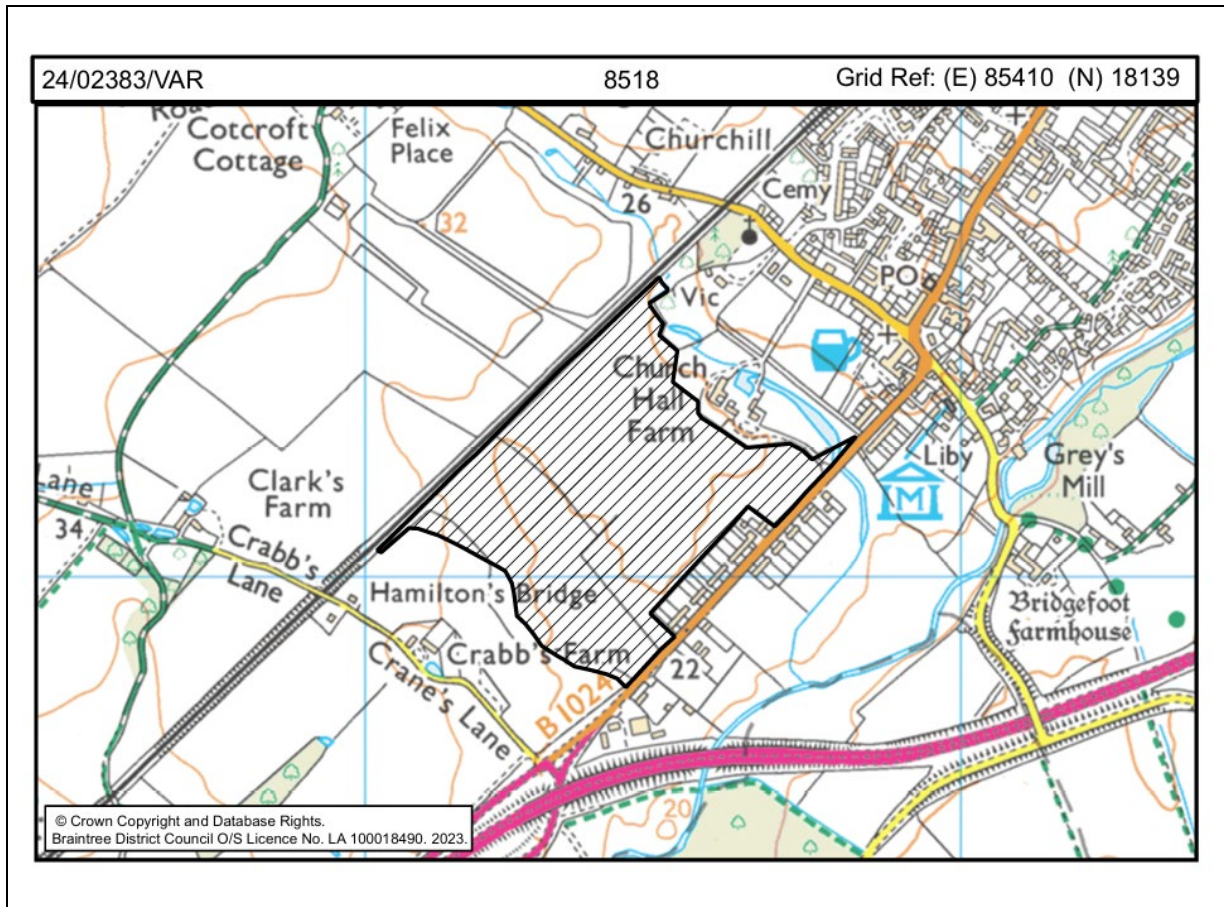
APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
22/00001/REF	Outline planning permission with all matters reserved apart from access, for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure.	Appeal Allowed	19.01.23
21/00850/OUT	Outline planning permission with all matters reserved apart from access, for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure.	Refused then allowed on appeal	15.10.21
24/01134/ADV	Signage to include:- - 1 x Post Mounted Sign V-Board - 2 x Flags and flagpoles	Granted	19.07.24
24/02576/REM	Application for Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 21/00850/OUT granted 19.01.2023 for : 94 dwellings (including 37 affordable homes), public open space including local equipped area for play and allotments, sustainable drainage systems, landscaping and associated infrastructure and development. Details also provided in respect of hard and soft landscaping (Condition 4), storage and collection (Condition 9)	Pending Consideration	

Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	24/02383/VAR
Description:	Variation of Conditions and Section 106 Agreement of approved application 17/00679/OUT granted 30.01.23 (Allowed on appeal) (see full description of development at Paragraph 7.1 below)
Location:	Land North Of London Road, Kelvedon
Applicant:	Barratt David Wilson Homes (Eastern Counties), BDW Trading Limited, 7 Springfield Lyons Approach, Springfield, Chelmsford, CM2 5LB
Agent:	Mr Oliver Milne, Savills, 33 Margaret Street, London, W1G 0JD
Date Valid:	14th November 2024
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
	Appendix 4: Appeal Decision for Outline Application
Case Officer:	Neil Jones For more information about this Application please contact the above Officer on: 01376 312774, or by e-mail: neil.jones@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which contains obligations that were previously secured to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council’s Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 24/02383/VAR.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Kelvedon Neighbourhood Plan ▪ Supplementary Planning Documents (SPD’s) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 This application relates to 20.8ha of former agricultural land that benefits from Outline planning permission for a mixed use development containing a health centre, local retail area, care home, an early years and childcare facility, up to 300 dwellings, along with open space and supporting infrastructure. The Council has previously approved details for two new accesses into the site from the London Road. The Applicant is keen to submit a further application seeking approval of the Reserved Matters for the residential element of the scheme and the Health Centre, but before that application is submitted this application seeks permission to vary 8 conditions that formed part of the Outline permission, and to change some of the obligations in the Section 106 Agreement.
- 1.2 The variation of seven of the planning conditions are relatively minor in nature, making minor amendments to the wording to allow for the development to be built in phases. The most substantive variation of condition is the proposal to vary Condition 9. The effect of that change would be to change the depth of the landscape buffer that runs the length of the north-east boundary, which was required to mitigate the effect of the scheme on nearby listed buildings. To accommodate the Community Hub uses (Care Home; Retail Units; Health Centre and Early Years & Childcare facility) the Applicant proposes to reduce the depth of the buffer at the front of the site. The Council's Historic Buildings Adviser raises no objection to the changes and Officers recommend approval of the variation of conditions.
- 1.3 In addition to the variation to the planning conditions, the Applicant also requests that the Council agree to amend a number of the planning obligations contained within the Section 106 Agreement. There are a number of changes of which the most significant ones are changes are reductions in the physical area of Community Hub uses; the triggers for obtaining approval for the Community Hub uses and when they need to be completed and changes to the mix of Affordable Housing.
- 1.4 Most notable amongst the changes are revisions to the Health Centre obligations. Officers recommend that it is agreed that the Applicant is allowed to occupy up to ten new dwellings before the Health Centre is completed. The Section 106 Agreement originally specified it was to be completed prior to the occupation of any dwelling. The Applicant is engaged with the NHS over the floor area of the new Health Centre and its layout. Officers anticipate agreement being reached imminently and Members will be updated on the position regarding those obligations at the Planning Committee meeting.
- 1.5 In respect of the other changes, Officers recommend that the Council agree to the request to change the minimum areas for the Community Uses and some of the triggers. The changes to the triggers for the Early Years & Childcare facility and the Retail Units are not agreed but modified triggers can be agreed. As set out in the report it is recommended to approve the

application to vary planning conditions and agree a number of modifications to the Section 106 Agreement.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. BACKGROUND

5.1 In 2017 the Council received an application for Outline planning permission for the following development on Land North of London Road, Kelvedon (Application Reference 17/00679/OUT) proposed: *"Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road"*.

5.2 Whilst the application was refused by the Planning Committee on 14th December 2021, following a Public Inquiry in January 2023, a Planning Inspector allowed the appeal on 30th January 2023, granting Outline planning permission, subject to 24 planning conditions and a suite of obligations contained within a Section 106 Agreement. This application seeks permission to vary planning conditions that formed part of the Outline planning permission and agreement to vary some of the obligations in the Section 106 Agreement.

5.3 The Outline planning application was accompanied by a set of Parameter Plans and a Design Code which the Planning Inspector was asked to approve by the Council. The Planning Inspector did not feel that he needed to consider or approve these documents. The Planning Inspector did however impose the following conditions which the Reserved Matters application(s) will need to comply with:

- Condition 5 - The community hub shall be located towards the north eastern end of the site; and
- Condition 9 - The landscaping scheme shall include a substantial landscaped buffer in the north-eastern part of the site, with dimensions at least equivalent to that shown on the indicative design code and concept plan, to protect the setting of listed buildings.

5.4 The Section 106 Agreement obligations currently include:

- The health centre with at least 800m² gross internal floorspace and at least 32 car parking spaces on a site of at least 0.35ha, shall be provided prior to first occupation of any of the dwellings;
- To complete the 64-bed care home on a site of at least 0.6ha and an early years childcare facility with capacity for at least 27 places on a site area of at least 0.35ha prior to occupation of 50 dwellings;
- To complete the retail units prior to the first occupation of 200 dwellings – the retail units shall occupy at least 0.35ha of land and shall provide a cumulative gross internal area not exceeding 500m² with no one unit exceeding 300m²;
- To make financial contributions towards outdoor sports, community facilities, healthcare, education, library improvements, the Essex RAMS and the monitoring of travel plans;
- To provide for and manage off-site skylark habitat;
- To provide public open space, including provision for dog walking, and provide for its management, phased provision and future maintenance;
- To provide and make available for transfer to the Parish Council allotment land;
- To provide 40% of dwellings as affordable housing, with a mix of housing specified by size, type and tenure; and
- To provide for a range of improvements for pedestrians including pavement widening on London Road.

5.5 At the Planning Committee meeting on 7th January, Members approved details of two vehicular accesses into the site from the London Road. Full planning permission was granted for the northern access (Application Reference 24/02385/FUL) and a resolution to grant approval of the details reserved by the grant of the outline planning permission for the southern access (Application Reference 24/02384/REM), subject to the Lead Local Flood Authority (LLFA) raising no objection in respect of the proposed surface water drainage arrangements. The LLFA have confirmed that they have no objection to the Reserved Matters application so this application can now be approved.

6. DESCRIPTION OF THE SITE AND SITE CONTEXT

6.1 The site is located at southern-western end of the village of Kelvedon, approximately 280 metres from the off-slip from the northbound carriageway of the A12. The site consists of 20.8 hectare of gently undulating arable farmland that stands between the Great Eastern railway mainline to the north and London Road to the south. The site fronts onto the London Road on either side of a ribbon of residential development.

6.2 The ribbon of development also contains a car repair garage business. To the south west of the site is a further arable field, on which the Council recently refused planning permission for further residential development, and on the north eastern boundary are the grounds of substantial residential properties – The Old Vicarage and Church Hall Farm. Both

these properties are Grade II listed, with the Church Hall Farm complex containing four listed buildings. There are further Listed Buildings in the surrounding area, including, Crabbs Farm (two Grade II Listed Buildings) to the west, and slightly further afield the St Mary the Virgin Church (Grade I Listed Building).

- 6.3 There are no public rights of way which go over the site but there are some in the locality. There are a number of easements crossing the site connected to underground utilities. The site is designated as Flood Zone 1, which has the lowest risk of fluvial flooding, although land to the east of the site is designated as Flood Zone 2 & 3, as well as further land on the opposite side of London Road. The site is exposed to noise from the A12 and the railway line.

7. PROPOSAL

- 7.1 The application has two elements – the first is the application to vary eight of the 24 planning conditions that formed part of the Outline planning permission, and the second part is a request for the Council to agree to amend some of the obligations contained within the Section 106 Agreement. The full description of the proposal is as follows:

Variation of Condition 9 (Landscape Buffer to North-East Site Boundary); Condition 1 (The Reserved Matters); Condition 6 (Control on Noise, Disturbance, Visual Intrusion, Light Pollution from Community Hub); Condition 7 (Details - Layout and Appearance); Condition 8 (Landscape Details); Condition 19 (Construction Method Statement); Condition 21 (Construction Environmental Management Plan); Condition 23 (Travel Plan - Community Hub) and Variation of Section 106 Agreement - Definition of Land Use Plan and Community Hub; Schedule 2 (Retail Units); Schedule 3 (Care Homes); Schedule 4 (Health Centre); Schedule 5 (Early Years Facility); Schedule 8 (Open Space); Schedule 13 (Education Contribution) of approved application 17/00679/OUT granted 30.01.23 (Allowed on appeal) for Outline planning permission, with all matters reserved for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road.

- 7.2 The conditions that are proposed to be varied are as follows:

Condition 1 (The Reserved Matters)

Additional wording added to the condition to reflect the phased nature of the development.

Condition 6 (Control on Noise, Disturbance, Visual Intrusion, Light Pollution from Community Hub)

Additional wording added to the condition to reflect the fact that the additional information is required in connection with the Reserved Matters applications for uses within the Community Hub.

Condition 7 (Details - Layout and Appearance)

Change of one word to reflect the phased nature of the development.

Condition 8 (Landscape Details)

Additional wording added to the condition to reflect the phased nature of the development.

Condition 9 (Landscape Buffer to North-East Site Boundary)

This condition requires that the reserved matters application for landscaping will include a substantial landscaped buffer in the north-eastern part of the site, with dimensions at least equivalent to that shown on the indicative Design Code and Concept Plan. This was required to protect the settings of the listed buildings at Church Hall Farm, St Mary's Church and the Old Vicarage.

This application proposes that the condition is amended and that the reserved matters for landscaping should be required to be in broad accordance with a new Land Use Parameter Plan.

Condition 19 (Construction Method Statement)

Additional wording added to the condition to reflect the phased nature of the development.

Condition 21 (Construction Environmental Management Plan)

Additional wording added to the condition to reflect the phased nature of the development.

Condition 23 (Travel Plan - Community Hub)

Additional wording added to the condition to reflect the phased nature of the development.

- 7.3 The Applicant has also requested that the Council agree to vary a number of obligations within the Section 106 Agreement. The proposed changes are discussed within the body of the report below, but the changes requested affect the Definition of Land Use Plan and Community Hub; Schedule 2 (Retail Units); Schedule 3 (Care Homes); Schedule 4 (Health Centre); Schedule 5 (Early Years Facility); Schedule 8 (Open Space); Schedule 10 (Affordable Housing); and Schedule 13 (Education Contribution).

8. SUMMARY OF CONSULTATION RESPONSES

- 8.1 In error, a number of consultation requests were sent to all consultees who were consulted on the original outline planning application. This was not necessary as the changes proposed did not affect all consultees. The following consultees have responded to say that they have no comment on the application: Anglian Water; and BDC Waste. In addition, two consultees responded by referring to their advice which contains no information

relevant to the determination - Active Travel England; and Essex Fire and Rescue Service.

External Consultees

- 8.1 NHS (Mid and South Essex Integrated Care Board - the ICB)
- 8.1.1 Holding Objection. Proposals to amend the S106 Agreement (Schedule 4 Health Centre) raise three issues for the ICS which are outlined below.
- 8.1.2 The ICB cannot agree to the changes to the definitions of health centre and health centre land without being provided with detailed plans which demonstrate that the reduction in floor area and site area would still allow the health centre to be provided which will be sufficient to meet current and planned need.
- 8.1.3 There is an existing shortage of healthcare capacity in the Kelvedon area and the occupation of any new dwellings on this site will exacerbate that position. It is therefore not desirable for the trigger for delivery of the health centre to be significantly delayed. The ICB requests confirmation that a change to occupation of 100 dwellings is the intended amendment. NB) Following receipt of this response, further discussions have taken place and as referenced within this report, the trigger is proposed to be changed to 10 dwellings. Positive discussions are ongoing regarding the health facility and an update will be provided for Members at Planning Committee.

BDC Consultee

- 8.2 Housing Enabling Officer
- 8.2.1 No objection to reducing the number of maisonettes by substituting them for an increase in 2 bed houses. This change would be more attractive to Applicants seeking 2 bed rented accommodation. Likewise, it would be more appealing to shared ownership purchasers.
- 8.2.2 The deletion of the 6 x 3 bed 6 person houses for 6 x 3 bed 5 person houses for rent is not acceptable. The Council have secured 3 bed house types as 6 person units on a number of schemes, based on need identified from the Housing Register. This type of property provides increased flexibility on the type of family that can be housed and can often meet the need of families requiring 6 bed spaces but not necessarily 4 bedrooms, which can be beneficial the rent for a 3 bed house will be significantly more affordable than a 4 bed house.
- 8.2.3 Following receipt of the Housing Enabling Officers comments the Applicant has agreed to reinstate the 3 bed 6 person houses, and the Housing Enabling Officer has confirmed that they have no objection to the changes.

ECC Consultee

8.3 Built Heritage Consultant (Place Services)

8.3.1 No objection. The new Land Use Parameter Plan depicts a landscape buffer to the north eastern edge of the site, closest to a group of listed buildings at Church Farm and in which SUDS and an area of allotments are placed. The 'buffer' between the listed buildings and the development is reduced within the new plan, however this will not cause additional harm to the listed buildings comparative to the previous proposals. Therefore, I have no objection to the changes to the wording of Condition 9 which refers purely to the size of buffer.

8.3.2 The proposed landscaping of this area could be enhanced, however, and should be considered carefully when subsequent applications to discharge the reserved matters are brought forward. The use of this area as a heavily managed SUDS provision, with footpaths, activity and paraphernalia likely associated with the allotment usage, could undermine the provision of landscape buffer in relation to the group of buildings at Church Farm and their setting. When this aspect is brought forward (beyond the scope of this current application), I recommend a heritage-led strategy of planting and landscaping is created.

8.4 ECC Education

8.4.1 Object to proposed amendments to Schedule 5 – Early Years & Childcare Facility.

8.4.2 There is no objection to the proposal to reduce the minimum area of land to be used to provide an Early Years & Childcare Facility to 0.15ha.

8.4.3 The proposed changes to the trigger for submitting the Reserved Matters application for the Early Years & Childcare Facility (prior to occupation of more than 200 dwellings) and completion of the facility (prior to occupation of more than 250 dwellings) is not agreed. The facility is mitigating infrastructure required as a result of the impact of the housing. It is essential that the provision is available from the outset of the development, at the point when the impacts occur and cannot be delayed until the final occupations.

8.4.4 ECC Education have no objection to the change to Schedule 13 – Education Contribution.

8.5 ECC Highways

8.5.1 No comment - having reviewed the relevant submitted information, from a highway and transportation perspective the Highway Authority has no comments to make.

8.6 ECC SuDS (Lead Local Flood Authority)

8.6.1 The SuDS team on 9th January 2025 asked the Applicant to clarify if there will be a change in the hardstanding area, and whether there will be any changes to the layout of the site impact on the SUDS features and drainage of surface water.

8.6.2 Officers responded with the information on 9th January 2025 but despite e-mails chasing a response the SuDS team have not confirmed their position. Officers will continue to chase the SuDS team for a response and will update Members at the Planning Committee meeting.

9. PARISH / TOWN COUNCIL

9.1 Kelvedon Parish Council

9.1.1 Object to the proposed variation of the Conditions and Section 106 Agreement. The Applicant has failed to provide sufficient reasoned justification for the amendments. They purchased the site with these conditions and agreement already in place.

9.1.2 Landscape buffer - The proposed reduction in the landscape buffer was what the Planning Inspector considered was necessary to prevent the development impinging visually on the setting of the listed buildings. This proposed reduction and the reconfiguration of the site entrance appears to be required to ensure that the care home has a prime location on the junction of the northern access road.

9.1.3 Community Hub - Local residents have expressed a preference to have the surgery along with a retail unit on the London Road frontage. Concerns also expressed about the access to the surgery and parking, and the proximity of junctions on the main distributor road.

9.1.4 S106 - Schedule 2 - The reduction in area for the proposed retail unit has only been justified by the fact that an interested party has not been found to take on and deliver the retail unit in the short time that BDWH have been marketing the opportunity. The site is large enough with substantial areas of POS that could accommodate a construction compound, which would avoid delaying the delivery of the retail use.

9.1.5 S106 - Schedule 3: Care Home - The level of car parking being suggested is lower than the parking provision which was provided on comparable developments in the village (the Abbeyfield nursing home the ratio is 1-bed : 0.8 carparking spaces and St Dominics Care home 1-bed: 0.533 car parking spaces). Using the same ratios, a 66 bed care home would need 54 or 35 parking spaces, rather than the 30 shown on plans. If the site is reduced will it be able to accommodate the required number of spaces and still be able to provide suitable external amenity spaces for residents.

- 9.1.6 S106 - Schedule 4: Health Centre - The reduction in size would be significant and is not justified. It is also unclear whether the building and the parking provision would be sufficient to meet increased demand resulting from development at the Crown Estate in Feering. Additionally, strongly object to the proposal to only deliver an operational surgery once 100 houses have been occupied. This change, which could delay delivery by 19 months is driven by the developer wanting to ensure that their housing delivery is not delayed. There is a pressing need for a new surgery to be delivered without delay
- 9.1.7 S106 - Schedule 5 - Early Years Facility - The facility could provide spaces for 70 children which could generate a need for a large number of staff, many of whom would drive to work. The facility should be designed with appropriate parking facilities for staff and for families to drop off children. There is already a shortfall in provision in the village and demand will increase with the Government's new funding arrangements for childcare. The reduction in space would also mean that the facility would be less likely to be able to meet increased demand arising from other housing developments in the area.
- 9.1.8 S106 - Schedule 8 Open Space - concern that it could take over 4 years for any form of POS to be delivered on the site when there are no other areas of POS in close proximity. Neither is it acceptable to delay the delivery of open space when so much of it will be occupied by SUDS features.

9.2 Feering Parish Council

- 9.2.1 Object to the proposed variation of the Section 106 obligations - the reduction in the land area for these facilities and the extension of timescales as to when the Health Centre, Early Years Facility and Retail Units will be completed. These variations which were not mentioned in the September community exhibition, or the November meeting between the developer and the Parish Councils.
- 9.2.2 Schedule 2: Health Centre – the proposed changes are contrary to key elements / benefits that were highlighted in the Officer Report on the Outline planning application:
- Delivery of a new Health Centre was one of the key benefits of this scheme and the timing of the delivery is important. If the Health Centre is not delivered as intended, then the overall benefits of the development are significantly reduced.
 - The new Health Centre would be located at the front of the site with easy access for pedestrians, bus users and motorists from London Road.
 - The Health Centre and the Retail Hub should be located at the front of the site by the northern entrance.
 - There should be no change - delivery of the health centre should not be delayed and the land area should not be reduced, to enable future expansion of the facilities as the village(s) grow.

9.2.3 Schedule 5 - Early Years Facility - object to the reduction in the land area. The new dwellings will increase pressure on existing facilities and new eligibility for childcare is likely to increase demand further.

10. REPRESENTATIONS

10.1 Following publicity of the application a total of 79 representations have been received by the Council. Three representations were recorded as General Comments, and the remaining comments were all objections. A summary of the main issues raised in representations are listed below:

- Harm to heritage assets nearby.
- Lack of planted buffer between the development and heritage assets.
- Concerns about flooding from water collection points near the edge of the site.
- Concerns about the changes to when the GP surgery is provided and its reduction in size and a smaller provision of early years places. Existing provision is under extreme pressure. The agreed provision should be upheld.
- A viability assessment should be submitted to support the request for changes.
- This was not mentioned during the public consultation carried out by the developer.
- The surgery should be built in a more central location.
- Concerns about the delay to the creation of circular walking route for residents.
- The Ecology Briefing Report does not include details of ways to improve biodiversity.
- Reduction in retail will force residents to travel by cars to access shops.
- Concerns about the impact on the local care home.
- Concerns that the development is being watered down.
- The needs of the community are not being considered.
- Lack of road infrastructure.
- Concerns about the proposed access to the site and impact the extra traffic would have on the existing road network.
- No variation to the landscape buffer protected the nearby listed buildings should be permitted.
- The Applicant should submit a fresh outline application if they are unhappy with the original Section 106 Agreement.
- Concerns about the increased delay to the reserved matters being submitted for the retail space.
- Objection to the changes to the care home provision. The development should be built as previously approved.
- Objections to the reduction of the size of the medical centre and to the timing of its provision.
- Objection to the reduction in early years places and to the timing of its provision.
- No justification for the amendments to the legal agreement.

11. ASSESSMENT OF PROPOSALS

11.1 Principle of Development

- 11.1.1 The application site is located on land that is outside any development boundary in the Adopted Local Plan. However, Outline planning permission was granted at appeal in January 2023 (Application Reference 17/00679/OUT / Appeal Reference APP/Z1510/W/22/3306479) for the development of the site.
- 11.1.2 The granting of Outline planning permission establishes the principle of this site being developed and this application is only considering amendments to some of the planning conditions and planning obligations. This means that some of the objections raised by local residents have already been considered as part of the Outline planning application and cannot be reconsidered as part of this application. This applies to concerns raised about flood risk; ecology; impact on an existing care home; lack of highway infrastructure and impact on highways.

PROPOSED VARIATION OF PLANNING CONDITIONS

11.2 Variation of Condition 9 (Landscape Buffer)

- 11.2.1 At the Public Inquiry to consider the appeal against the Council's refusal to grant Outline planning permission, the Planning Inspector considered the effect of the scheme on the significance of nearby listed buildings, having regard to their settings, and on the significance of other heritage assets. Whilst the application was for Outline permission with all matters reserved, the Planning Inspector agreed with the Council that there should be a landscape buffer along the north-east boundary of the site. The landscape buffer was designed as part of a set of Parameter Plans and a Design Code that were drawn up by the Applicant who submitted the Outline planning application. These featured the Community Hub at the southern end of the site.
- 11.2.2 The Planning Inspector heard local residents express a desire that the Community Hub was located at the northern part of the site closest to the village. The Planning Inspector agreed and imposed a condition specifying that the Community Hub was located at the northern end of the site, whilst not approving either the Design Code or the Parameter Plans.
- 11.2.3 A copy of the Appeal Decision is appended to this report in Appendix 4, so that Members can read the Planning Inspector's consideration of the heritage issue, but a brief summation is provided below:
- Church Hall Farm is a historic farmstead immediately to the north-east of the site containing four Grade II listed structures. The Planning Inspector noted that most of the significance of the Church Hall Farm buildings is found within their physical fabric and structure, and within their immediate settings within the former farmyard, which would not be

affected by the development. The Planning Inspector concluded that scheme would cause less than substantial harm to their significance.

- St Mary's Church, to the north of the site is listed Grade I but is heavily screened in views from the site by mature deciduous and evergreen trees within and around the extensive churchyard. There is little intervisibility between the church and the site. There would be some harm caused by the severance of the church from open countryside, so that from the west it would no longer be perceived as on the edge of the village, and there would be a small degree of harm caused by the loss of some distant views towards the church spire, but the scheme would cause less than substantial harm to the significance of the listed church.
- The Old Vicarage is listed Grade II. The setting of the Old Vicarage, like that of the church, is largely confined to its immediate surroundings. There would be some harm to the building's setting because of the proximity of new development to a building which is currently sited on the edge of the village, but this would be slight because of the existing screening and would be mitigated by the landscaped buffer which would be an integral part of the development. The harm to its significance would be less than substantial, at the low end of the scale.

11.2.4 The Applicant, who has purchased the site after the Appeal Decision, states that they consider that the land available for the Community Hub beyond the landscape buffer required by Condition 9 is too narrow to put any of the Community Hub elements on, and the rest of the area is too hidden away behind the existing properties along London Road, not as attractive for any potential operators, and potentially problematic for the existing residential dwellings on London Road who would have had the majority of the Community Hub at the bottom of their gardens. As a result of these factors the Applicant proposes that the landscape buffer is amended. It is proposed that the northern access from London Road and the initial stretch of spine road are pushed further north to create additional space to accommodate the Community Hub uses. Officers accept that locating the Community Hub at the northern end of the site presents additional challenges and that a developer has wanted to revisit the depth of the landscape buffer.

11.2.5 The application includes the 'Approved Land Use Comparison Plan' (Drawing No. CB_18_371_907_ALCP Rev B) which overlays the approved and the proposed landscape buffer. In broad terms the plan shows that the buffer is narrower at the front of the site nearest to the London Road (circa 29-34m) but is slightly deeper in places further back into the site.

11.2.6 The Council's Historic Buildings Consultant has been consulted on the proposals and has considered the changes with reference to the application documents from the Outline planning application. They conclude that whilst the 'buffer' between the listed buildings and the development is reduced, they do not believe that this will cause additional harm to the listed

buildings comparative to the previous proposals. As a result, they have no objection to the proposed changes to Condition 9 and the size of buffer.

- 11.2.7 When the Outline planning application was assessed it was assessed that the proposal will result in less than substantial harm to a total seven listed buildings at the middle and lower end of the scale of harm. Officers consider that the narrower landscape buffer would also result in less than substantial harm. Paragraph 215 of the NPPF requires that where a development results in 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits.
- 11.2.8 A heritage balance must therefore be carried out to ascertain whether the identified heritage harm (in isolation) would be sufficient in its own right to warrant the refusal of the application. The public benefits of the development include the delivery of up to 300 dwellings (including 40% affordable dwellings), public open space including play areas and allotments, employment during construction, a new Health Centre, as well as further community infrastructure including retail units, early years and childcare and a care home. These benefits continue to weigh very heavily in favour of the application. Officers consider that the benefits would outweigh the heritage harm. It is not therefore considered that the application should be refused on heritage grounds.
- 11.2.9 Accordingly, it is recommended that the changes to Condition 9 are approved.
- 11.3 Variation of Other Conditions (Conditions 1, 6, 7, 8, 19, 21, & 23)
- 11.3.1 The application proposes minor drafting amendments to Conditions Condition 1 (the Reserved Matters), 6 ((Control on Noise, Disturbance, Visual Intrusion, Light Pollution from Community Hub); 7 (Details - Layout and Appearance); and 8 (Landscape Details), are mostly adding or substituting single words so that the conditions reflect the fact that the development will be built in phases and will be subject to multiple Reserved Matters applications.
- 11.3.2 The wording of Condition 19 (Construction Method Statement); Condition 21 (Construction Environmental Management Plan); Condition 23 (Travel Plan - Community Hub) all require production a single document to cover the whole site. The Applicant's intention is that a number of developers / contractors will deliver different elements of the development. Amending the condition will mean that each developer will submit a bespoke plan for their respective element of the development which is more appropriate than having a single plan for the whole site.
- 11.3.3 It is recommended that the changes to Condition 1, 6, 7, 8, 19, 21, & 23 are approved.

12 PROPOSED VARIATION OF SECTION 106 AGREEMENT

12.1 Definition of Land Use Plan and Community Hub

12.1.1 Land Use Plan - subject to the variation to Condition 9 of the Outline planning permission being agreed, the Section 106 Agreement will need to refer to the new Land Use Parameter Plan.

12.1.2 Commercial Hub definition - The Section 106 Agreement refers to a 'Commercial Hub' whereas the planning conditions refer to a 'Community Hub'. The proposed change would make it clear that there are not two different hubs.

12.1.3 Accordingly, it is recommended that the above changes are agreed.

12.2 Schedule 2 - Retail Units

- Size of Retail Land proposed as at least 0.15 from at least 0.35 hectares - to be approved

12.2.1 Whilst the Applicant has held discussions with potential end users of the Residential Care Home; the Health Centre and the Early Years & Childcare Facility, they have not had any discussions with retailers. This means there is less certainty about what end users might want, for example in respect of floorspace, service yard, customer and staff parking.

12.2.2 The Applicant has produced three illustrative layouts to demonstrate how the Retail Units and the Early Years & Childcare Facility (EY&C) could be configured within the space that the Applicant proposes to provide. Having reviewed the options, Officers have expressed concerns about the proposals. The Applicant has responded by saying that the layout does not need to be approved at this stage, but the view of Officers is that the Council need to be satisfied that if the changes are approved, that the resulting development will be an attractive and viable development that functions efficiently with a high-quality public realm.

12.2.3 Whilst the Applicants illustrative layouts are not scheme's that Officers would support, it is acknowledged that there may be better arrangements that could be provided within the space, and that it might be unreasonable to refuse to accept the reduction in area, although this might mean that when the Reserved Matters applications are submitted it could be that the size of the retail units is smaller than Members might have anticipated.

- Trigger for the submission of the Reserved Matters for the Retail Units is changed from prior to occupation of more than 100 Dwellings to prior to occupation of more than 250 dwellings; and
- Trigger for the completion of the Retail Units is changed from prior to the occupation of more than 200 dwellings, to prior to occupation of 290 Dwellings.

- 12.2.4 The Applicant has suggested that it is unlikely that retailers will be attracted to the site before the development is largely occupied. Whilst the provision of retail units is not usually a requirement to mitigate the impact of a development, in this case the retail units were offered as an integral part of the scheme which would provide social, economic and environmental benefits to future residents and existing residents in the locality. For this reason, it is important that the retail units are provided but there is no necessity for them to be provided at the start of the development.
- 12.2.5 Officers do not object to the trigger points being pushed back into the development, but the suggested triggers are not practical. The proposed changes would allow 290 of the 300 new homes to be occupied before the retail units are completed. If the retail units were not provided the Council would have a very small window in which to seek a High Court injunction to prevent further occupations. For this reason, the proposed trigger is too late. Officers would recommend that the retail units are provided prior to the occupation of no more than 270 dwellings. The trigger for the submission of the Reserved Matters for the Retail Units would also need to reflect this trigger and it is recommended that this is changed to the occupation of no more than 220 dwellings.
- 12.2.6 It is therefore recommended that the proposed reduction in the minimum size of the Retail Land is agreed, and that the triggers are changed to occupation of no more than 220 dwellings until the Reserved Matters for the Retail Units are submitted and occupation of more than 270 dwellings until the retail units are completed.
- 11.3 Schedule 3 (Care Home)
- The definition of a Care Home changes from a '64-bed residential care home' to a 'residential care home of up to 66 bedrooms'; and
 - The minimum size of the Care Home Land is reduced from 0.60ha to 0.50ha
- 11.3.1 The Applicant is in discussions with a national Care Home developer / operator who is interested in developing the residential care home. The company's business model is predicated on a 66-bed home. The Applicant has provided an illustrative layout showing the footprint and parking arrangements that the Care Home operator would want. Officers have some concerns, but this could be in part due to the fact that the Applicant has provided limited evidence and justification on which to base our assessment, for example in respect of the level of parking provision. It would be prudent for the Applicant to encourage the Care Home developer / operator to engage with Officers and seek Pre-Application Advice as soon as possible.
- 11.3.2 On the basis of the information currently available, Officers consider there are insufficient grounds to refuse to increase the maximum number of beds to 66 but include in the definition that this is an 'up-to' number. This would mean that if following Pre-Application Advice, it was considered that there

was insufficient space for a 66-bed home, a smaller home could be considered which would still comply with the Section 106 definition.

- Trigger for the submission of the Reserved Matters for the Care Home is changed from prior to commencement of development in any phase containing houses to prior to occupation of more than 100 Dwellings; and
- Trigger for the completion of the Care Home is changed from prior to the occupation of more than 50 dwellings, to prior to occupation of more than 200 Dwellings.

11.3.3 The Residential Care Home provides social and economic benefits and help increase the supply and choice of this type of facility within the District and Officers are keen to see this bought forward. It is not however required to mitigate the impacts of the development of the 300 new homes on the site and as such Officers consider the request to change the occupation restrictions are acceptable.

- Requirement for the Care Home operator to enter into a Collaboration Agreement with the local GP Practice is deleted.

11.3.4 This was a recommendation of the NHS / ICB when the original S106 Agreement was drafted. Officers are continuing to liaise with the ICB and Applicant over the requirement and will update Members on this matter at the Planning Committee.

11.3.5 It is recommended that the proposed changes to the definition of 'Care Home', the minimum size of the Care Home Land; and the changes to the triggers are agreed.

11.4 Schedule 4 (Health Centre)

- Minimum size of the Health Centre Land reduced from at least 0.35ha, to at least 0.30ha; and
- Gross Internal Floor Area (GIA) changed from a minimum of 800 square metres (sq.m) to a minimum of 750sq.m

11.4.1 The Council have consulted the ICB who have objected to the proposed changes. They advised that 800sq.m is the standard floorspace needed to provide for the existing patients and planned growth to 2033 and should be the starting point for provision on this site. At that time, they had not seen detailed floor plans or a site layout which showed precisely what the Applicant was proposing, and they were therefore unable to assess if the changes could be supported.

11.4.2 Officers have advised the Applicant that changes to the Health Centre Schedule must be supported by the ICB if Officers are to recommend approval of the application.

11.4.3 The Applicant has recently been engaging with the Kelvedon & Feering Health Centre Practice and the ICB to develop the floor plan of the new Health Centre building and the layout of the building on the Health Centre land, and Officers are advised that there have been positive discussions. At the last meeting the ICB requested further plans and clarification about the proposals. The Applicant is confident that the information requested can be provided to the ICB very quickly and that the ICB will then be able to withdraw their holding objection. An update will be provided to Members at the Planning Committee meeting.

- Trigger for the completion of the Health Centre is changed from prior to the first occupation of any dwelling, to prior to occupation of 10 (ten) Dwellings.

11.4.4 When the request to vary the obligation was originally submitted the letter requested that the trigger for completion of health centre was changed to prior to occupation of more than 100 (one hundred) dwellings. The Applicant subsequently advised this was a typographic error and they were requesting the trigger to occupation of no more than 10 dwellings.

11.4.5 The NHS / ICB objected to the first request, to allow 100 occupations before the health centre was completed, on the basis that there is an existing shortage of healthcare capacity in the Kelvedon area and the occupation of any new dwellings on this site will exacerbate that position. The Applicant has advised that their anticipated delivery rate would be 1 dwelling per week. The rate would mean the proposed Health Centre delivery could be circa 2-3 months later than the original agreement. The ICB have confirmed that they do not object to allowing the occupation of no more than 10 dwellings before the health centre would be completed.

11.4.6 It is recommended that the trigger for completion of the Health Centre is approved.

11.5 Schedule 5 (Early Years & Childcare Facility)

- Minimum size of the Early Years & Childcare (EY&C) Facility Land reduced from at least 0.35ha, to at least 0.15ha

11.5.1 ECC Education were consulted on this application when it was validated on 14th November 2024. Despite Officers chasing for a response, ECC only responded in an e-mail with written comments on 5th February. ECC Officers have confirmed that they have no objection to the reduction in the minimum size of the Early Years & Childcare Facility Land.

11.5.2 Whilst this is a significant reduction in area Officers have referred to 'The Essex County Council Developers' Guide to Infrastructure Contributions'. This document sets out the County Council's requirements for land and contributions for matters including new educational facilities. The guide states that for a standard 56 place day nursery, around 0.13ha of land is needed. The Section 106 Agreement requires the provision of an EY&C

Facility with at least 27 places – this being the projected number of children living on the development who would need such a facility.

- 11.5.3 On the basis that the ECC Developers Guide states 0.13ha is required for a 56-place facility it is difficult to argue that this reduction would not be reasonable. Officers do consider that the provision of the EY&C Facility is more important than the provision of the retail units so Officers would want the Reserved Matters for the EY&C Facility to be submitted and approved prior to any application or development of the retail units.
- Trigger for the submission of the Reserved Matters for the Early Years & Childcare Facility is changed from prior to the commencement of development in any phase containing houses to prior to the occupation of more than 200 dwellings; and
 - Trigger for the completion of the Early Years & Childcare Facility is changed from prior to the occupation of more than 50 dwellings, to prior to occupation of 250 Dwellings.
- 11.5.4 ECC Education state that they do not agree to the proposed changes for the trigger for the submission of the Reserved Matters and the delivery of the EY&C. They confirm that the situation in Kelvedon has worsened locally since the Outline planning permission was granted, with demand for places increasing significantly, meaning the impact of this development is greater now than it would have been when originally assessed. This is consistent with representations received from local residents and the Parish Council. The proposed amendment would significantly delay the provision of the additional spaces that were secured in the Section 106 Agreement, and which are required to mitigate the impact of the development.
- 11.5.5 Given the capacity issues within the area ECC Officers have stated that the provision of the EY&C on this development is now even more important. ECC Officers have confirmed that they would not be willing to take a financial contribution in lieu of the facility that was secured through the Section 106 Agreement.
- 11.5.6 ECC Officers have advised that they would be willing to accept the trigger for the submission of the Reserved Matters for the EY&C facility to be changed to prior to the first occupation of a dwelling, and the completion of the EY&C facility to be prior to the 100th occupation. Officers recognise this to be an attempt by the Education Authority to act reasonably and be as flexible as they can be, but also that there remains a pressing need to mitigate the increased demand for places that will arise from the development.
- 11.5.7 It is recommended that the size of the Early Years & Childcare Facility Land is reduced as requested but that the triggers for submission of the Reserved Matters and completion of the Early Years & Childcare Facility are amended to prior to first occupation of a dwellinghouse on the development, and that the facility is provided prior to the occupation of more than 100 dwellings.

11.6 Schedule 8 (Open Space)

11.6.1 Proposed change to the trigger for providing the Proposed Circular Walking Route from prior to occupation of the first dwelling to prior to occupation of more than 250 dwellings.

11.6.2 As part of the package of measures to mitigate the impact of the development on the protected Essex Coastal sites, the site-specific Appropriate Assessment for this development specified that a circular walking route would be made available for occupiers of the development. This must be provided from the first occupation of the development. Whilst it is accepted that it will not be possible to include any part of the circular walking route that will eventually be provided on-site, due to construction activity, when the first dwelling is occupied, details will need to be provided of an appropriate off-site circular walking route. This route would need to be identified and approved by the Council, and then publicised to new residents as they occupy homes for the first time. The circular walking route can be updated when the leisure paths are provided on-site, if these are to form part of a revised route, but an off-site route will need to be occupied prior to first occupation. This has been explained to the Applicant and they have withdrawn their request to amend this schedule.

11.6.3 It is recommended that the changes that were proposed to Schedule 8 are not approved.

11.7 Schedule 10 (Affordable Housing)

11.7.1 Changes are proposed to the mix of Affordable Housing as set out in the table below. Members will note that there are no changes to the number of Affordable Homes (120) and the tenure mix (84 Affordable Rent / 36 Shared Ownership).

Mix Agreed in S106 Agreement

Land North Of London Road Kelvedon 17/00679/OUT	No.	Aff'ble Rent	Shared O'ship		No.	Aff'ble Rent	Shared O'ship
1 Bed 2 person maisonettes / flats	20	20	0		18	18	0
2 Bed 4 person maisonettes / flats	20	10	10		4	4	0
2 bed 4 person houses	42	26	16		60	34	26
2 bed 4 person bungalows - Part M 3b	2	2	0		2	2	0
3 bed 5 person bungalows - Part M 3b	2	2	0		2	2	0
3 bed 5 person houses	24	14	10		30	20	10
3 bed 6 person houses	6	6	0		0	0	0
4 bed 7 person houses	4	4	0		4	4	0
	120	84	36		120	84	36

- 11.7.2 Officers have consulted the Council's Housing Enabling Officer who advises on Affordable Housing matters. They have acknowledged that houses are more appealing than flats to Registered Providers because they require less general management, supporting the Applicant's justification for some of the changes. No objection is raised to reducing the number of 1 & 2-bed flats and replacing these with 2-bed houses. The Housing Enabling Officer notes that 2-bed houses will be more attractive to many tenants and shared ownership purchasers.
- 11.7.3 Concerns have been expressed to Officers about the affordability of 2-bed houses in relation to flats. The Council's Housing Enabling Officer has explained that there would be absolutely no difference in the rent (including service charge) of a 2-bed flat and a 2-bed house. It is acknowledged that the initial purchase price for a Shared Ownership 2-bed house will be somewhat higher than 2-bed flats, but it is worth noting that overall, the monthly charges are not likely to be significantly different because flats almost always are subject to higher service charges on top of the rent element of the unsold equity. Furthermore, shared ownership houses are more attractive because they are easier to sell both at first sale and resale as there is greater demand for houses.
- 11.7.4 The Housing Enabling Officer has objected to the deletion of the 6 x 3 bed 6 person houses that were secured in the Section 106 Agreement. The Council secured this type of property based on need identified from the

Housing Register, and the additional flexibility that it provides tenants compared to the 3-bed 5 person houses that the Applicant was offering instead.

11.7.5 Following receipt of the Housing Enabling Officers comments the Applicant has agreed to reinstate the 3-bed 6 person houses, and the Housing Enabling Officer has confirmed that they have no objection to the changes. It is recommended that the proposed changes, with the reinstatement of 6 x 3-bed 6 person houses, is agreed.

11.8 Schedule 13 (Education Contribution).

11.8.1 Minor drafting change – the Section 106 Agreement requires that the developer provide ECC with details of the mix of housing, in order that they can calculate the amount of the Education Contribution. The proposed change to the agreement would exclude commencement of development of the Community Hub from the requirement to provide unit mix. ECC Education confirm they have no objection.

11.8.2 It is recommended that this change is agreed.

12. CONCLUSION

12.1 Having purchased the site from the developer / promoter who obtained the Outline planning permission the Applicant, who is a National House Builder, has been developing the detailed proposals for the development of the site.

12.2 The changes to the landscape buffer are considered to be acceptable. Whilst this will reduce the depth of the buffer at the front of site the Council's Historic Buildings Consultant raises no objection and the changes are considered to be justified by the need to accommodate the Community Hub uses in this part of the site, which is something that the Inspector required following representations from local residents.

12.3 There is no objection to the amendment of the other planning conditions to reflect the fact that there will be a number of different developers / contractors who will be delivering the different elements of the development – housing; health centre; care home; early years & childcare facility; and retail units.

12.4 The Applicant has requested some changes to the minimum sizes of the land provided for the different Community Hub uses and these are acceptable, although the Applicant is aware that Officers retain some concerns over aspects of the Community Hub and further work is needed in this respect which can be addressed through the programme of meetings being held between the Applicant and Officers.

12.5 Changes were also requested to some of the triggers for the Community Hub uses. Whilst some were reasonable and did not adversely impact on mitigation required for the 300 new houses (i.e. the care home and health

centre) other proposals were not accepted. The Early Years and Childcare Facility is required much earlier in the development than proposed by the Applicant and the Retail Units need to be provided at a slightly earlier stage in the development as they were proposed to be so late in the process the Council would have had problems enforcing the obligation, in the event that the Applicant or a future developer of the site did not fulfil the obligation.

13. RECOMMENDATION

13.1 It is therefore RECOMMENDED that subject to the Applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- Link the new planning permission granted by virtue of this Section 73 planning application to vary conditions to the original Section 106 Agreement;

And make the following changes to the obligations contained within that agreement:

- Changes to the definition of Land Use Plan and Community Hub;
- Schedule 2 (Retail) - Amend the minimum size of the Retail Land to 0.15ha. Triggers for the submission of the Reserved Matters application for the Retail Units to be amended to prior to occupation of more than 220 dwellings, and that the Retail Units are provided prior to the occupation of more than 270 dwellings.
- Schedule 3 (Care Home) - Amend the minimum size of the Care Home Land to 0.5ha. Amend the definition of Care Home to allow up-to 66 bedrooms. Triggers for the submission of the Reserved Matters application for the Care Home to be amended to prior to occupation of more than 100 dwellings, and that the Retail Units are provided prior to the occupation of more than 200 dwellings.
- Schedule 4 (Health Centre) - Amend the trigger for completion of the Health Centre to prior to the occupation of more 10 dwellings;
- Schedule 5 (Early Years and Childcare Facility) - Amend the minimum size of the Early Years & Childcare Land to 0.15ha. Triggers for the submission of the Reserved Matters application for the Early Years & Childcare Facility to be amended to prior to first occupation of a dwellinghouse on the development, and that the Early Years and Childcare Facility is provided prior to the occupation of more than 100 dwellings.
- Schedule 10 (Affordable Housing) - amend the mix of housing in accordance with the Applicant's proposed changes, with the exception of the 6 x 3-bed 6 person houses which are to remain in the housing mix, as originally specified;
- Schedule 13 (Education Contribution) - exclude the Community Hub from the notice requirements in connection with the Education Contribution.

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 13.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	CB_18_371_S73_SWLP	B
Parameter Drawing	CB_18_371_S73_LUPP	B

Condition(s) & Reason(s)

Condition 1

Reserved Matters

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for a relevant phase shall be submitted to and approved in writing by the local planning authority before any development on that phase takes place and the development shall be carried out as approved.

Reason: The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

Condition 2

Time Limits Reserved Matters

Application for approval of the reserved matters shall be made to the local planning authority not later than 30th January 2026. permission.

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

Condition 3

Time Limit Commencement

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 (as amended).

Condition 4

Approved Plan

The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan EG003-001 REV 00.

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

Condition 5

Community Hub Location

The community hub shall be located towards the northeastern end of the site.

Reason: For the community hub uses to be located within the part of the site that is closest to the centre of the village.

Condition 6

Community Hub - Mitigation of Noise, Disturbance, Visual intrusion

Any reserved matters for access, appearance, landscaping and layout which includes any community hub uses shall demonstrate how the potential for noise, disturbance, visual intrusion and light pollution from those community hub uses on the living conditions of neighbouring residents is to be mitigated.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted and existing properties neighbouring the site.

Condition 7

Details (Layout and Appearance)

Any reserved matters applications for layout and appearance shall include the location and design of walls, fences and means of enclosure, finished levels, the location of refuse facilities, the location and design of lighting and the appearance and location of electric vehicle charging points.

Reason: To ensure that the development does not prejudice the appearance of the locality and provides appropriate facilities such as electric vehicle charging and refuse storage and collection, for future occupants of the development.

Condition 8

Landscaping Details

The landscaping details submitted as part of any relevant reserved matters application shall include indications of all existing trees and hedgerows on the land, identify those to be retained or translocated, and shall set out measures for their protection throughout the course of development.

Reason: To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

Condition 9

Landscape Buffer

The landscaping scheme submitted as part of any relevant reserved matters application shall include a substantial landscaped buffer in the north-eastern part of

the site, in broad accordance with Drawing No. CB_18_371_s73_LUPP Rev B (Land Use Parameter Plan), which shall be designed to protect the settings of the listed buildings at Church Hall Farm, St Mary's Church and the Old Vicarage. The landscaped buffer shall be completed in accordance with the approval of the reserved matters.

Reason: To protect the setting of listed buildings adjoining the site.

Condition 10

Landscaping - Planting

All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in accordance with an implementation programme to be agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: Landscape planting will add character to the development.

Condition 11

Sound Attenuation Scheme

A sound attenuation scheme designed to protect residential living conditions in those dwellings likely to be affected by external noise from the adjacent railway line shall be submitted to and approved by the local planning authority before work on the relevant phase is commenced. The scheme shall include both external works including bunding and planting, and details of building design and acoustic performance including any necessary ventilation and cooling. The sound attenuation works shall be completed before the dwellings in the relevant phase are occupied, and shall be retained thereafter.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

Condition 12

Archaeological Investigation

No development or preliminary groundworks shall take place until a programme of archaeological investigation has been carried out on site in accordance with a scheme submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance; the programme and methodology of site investigation and recording and post investigation assessment; the provision to be made for analysis and recording, publication and dissemination and archive deposition of the analysis and records of the site investigation; and the nomination of a competent person or organization to undertake the works set out within the written scheme of investigation.

Reason: To enable full investigation and recording of this site which may be of

archaeological importance.

Condition 13

Biodiversity Net Gain – Non-Statutory

A scheme for the achievement and maintenance of measurable net gains in biodiversity in connection with the development hereby approved, which shall include a phasing plan and a landscape ecological management plan to secure the long-term effectiveness of the scheme, shall be submitted to and approved in writing before development on site is commenced, and the scheme shall be implemented in accordance with the approved details.

Reason: In the interests of protecting and enhancing biodiversity.

Condition 14

Protected Species

A scheme for the conservation of protected species and their habitats shall be submitted to and approved in writing by the local planning authority before any works of construction, including preliminary groundworks, have commenced and the scheme shall be implemented in accordance with the approved scheme. The scheme shall include conservation measures during construction, and design and maintenance measures to ensure the conservation of the protected species following the completion of the development.

Reason: To safeguard any protect protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken into account and mitigated. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

Condition 15

Breeding Birds

Prior to the commencement of development, a survey of the site, the details of which shall be agreed in writing with the local planning authority, shall be carried out to assess the presence of breeding birds. If the survey identifies priority farmland birds that are likely to be affected by the development, a farmland bird mitigation strategy, including timescale, phasing, methodology and monitoring, shall be submitted to and approved in writing by the local planning authority before any works of construction take place. The mitigation strategy shall be implemented in accordance with the approved details.

Reason: To assess whether protected birds are present on the site and to provide appropriate mitigation as required.

Condition 16

Reptiles

No development or preliminary groundworks on any phase shall commence until a scheme for the reduction of impacts to reptiles during construction, following the provision of updated reptile surveys, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.

Reason: To assess whether there are reptiles within the application site and to provide suitable mitigation if they are.

Condition 17

Foul Water Drainage

No above ground development shall commence within any phase of the development until a scheme for on-site foul water drainage works for the relevant phase has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase shall be implemented in accordance with the approved scheme.

Reason: To ensure a satisfactory method of foul drainage.

Condition 18

Surface Water Drainage

No above ground development shall commence within any phase of the development until a scheme for surface water drainage for the relevant phase, based on sustainable drainage principles and including details of how long-term maintenance is to be secured, has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase, the surface water drainage works relating to that phase shall be implemented in accordance with the approved scheme.

Reason: To ensure a satisfactory method of surface water drainage.

Condition 19

Construction Method Statement

No development shall take place, including any works of demolition, for a relevant phase until a construction method statement for that phase 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; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; 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; measures to minimise the risk of off-site flooding during construction; and contact details and complaints procedures. 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.

Condition 20

Construction Working Hours

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason: In the interest of neighbouring residential amenity.

Condition 21

Construction Environmental Management Plan

A construction environmental management plan for a relevant phase shall be submitted to and approved in writing by the local planning authority before any development, including preliminary groundworks, is commenced on that phase, containing details of how construction impacts on areas of biodiversity on the site are to be avoided or mitigated. The plan shall be implemented in accordance with the approved details.

Reason: To protect features of recognised nature conservation importance. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

Condition 22

Travel Plan - Residential

A travel plan for the residential part of the development shall be submitted to and approved in writing by the local planning authority and the travel plan shall be implemented upon the first occupation of any dwelling.

Reason: To promote more sustainable modes of transport and reduce reliance on the private car.

Condition 23

Travel Plan (Community Hub)

A travel plan for each community hub uses shall be submitted to and approved in writing by the local planning authority and the travel plans shall be implemented upon the first occupation of the relevant community hub uses.

Reason: To promote more sustainable forms of transport and reduce reliance on the private car.

Condition 24

Noise Control - Community Hub

The level of noise from any plant and equipment at the community and retail uses in the community hub shall be limited to 10 dB(A) below the background noise level, expressed as a LA90, 15 minutes, measured from the boundary of the nearest residential property.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP45	New Road Infrastructure
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

Kelvedon Neighbourhood Plan 2017-2033

MA2	Traffic Calming
HO1	New Housing and Associated Infrastructure
HO2	Phasing of New Homes over the period 2017 to 2033
HO3	Development Briefs and Community Consultation
DE1	Design of New Development
DE2	High Quality Building and Design
MA2	Traffic Calming
NE3	Protection of Green Infrastructure And Biodiversity
NE7	Pollution
NE8	Flood Prevention

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
22/00066/REF	Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road.	Appeal Allowed	30.01.23
17/00679/OUT	Application for outline planning permission, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road.	Refused	10.03.22
17/01979/OUT	Outline planning permission for up to 125 dwellings and up to 2000m2 of employment floorspace (Class B1).	Pending Decision	
24/02384/REM	Application for Approval of Reserved Matters (in respect of Access, Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 17/00679/OUT/OUT granted 30.01.2023	Pending Decision	

	(Allowed at Appeal) for the construction of a vehicular access (south) from London Road, initial stretch of internal road, sub-station, surface water drainage and landscaping.		
24/02385/FUL	Construction of a vehicular access (North) from London Road.	Granted	09.01.25



Appeal Decision

Inquiry held on 10 January 2023

Site visit made on 10 January 2023

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/Z1510/W/22/3306479

Land to the north of London Road, Kelvedon, Braintree, Essex, CO5 9AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Barkley Projects LLP against the decision of Braintree District Council.
 - The application Ref 17/00679/OUT, dated 12 April 2017, was refused by notice dated 10 March 2022.
 - The development proposed is for a mixed-use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road.
-

Decision

1. The appeal is allowed and outline planning permission is granted, with all matters reserved, for a mixed use neighbourhood development comprising up to 300 dwellings, health centre, local retail area, care home, an early years and childcare facility, open space and landscape buffers, and supporting infrastructure that includes sustainable drainage and two accesses from London Road, on land to the north of London Road, Braintree, CO5 9AU in accordance with the terms of the application, Ref 17/00679/OUT, dated 12 April 2017, and the submitted site location plan, subject to the conditions set out in Annex 1 to this decision.

Background

2. The appeal concerns an application for outline planning permission, with all matters reserved. The original application was for 250 homes and included an employment area, but was amended to the present description by agreement with the Council on 14 September 2021. The application was accompanied by a concept plan and a design code, which are discussed below under Issue 2. Despite issuing a refusal of planning permission in March 2022, the Council did not defend its decision at the inquiry because it cannot currently demonstrate a 5-year supply of housing land, as discussed under Issue 1.

Main Issues

3. The main issues in this appeal are:
 1. current housing land supply and its implications for the application of planning policy;

2. whether the appeal scheme is appropriate for Kelvedon in respect of its location, built form and community facilities, and the extent of the public benefits that would arise from the scheme;
3. the effect of the scheme on the countryside, landscape and ecology;
4. the effect of the scheme on the significance of nearby listed buildings, having regard to their settings, and on the significance of other heritage assets.

Reasons

Issue 1: current housing land supply and its implications for the application of planning policy

4. It is common ground between the Council and the Appellant that, currently, there is 4.86 years' supply of housing land within Braintree District. This position is contrary to Policy SP4 of the adopted North Essex Authorities' Shared Strategic Plan, which forms Section 1 of the Braintree Local Plan, which obliges each authority to maintain a sufficient supply of deliverable sites to provide for at least five years' worth of housing. Under Policy SP4 it is incumbent on the Council to work proactively with applicants to bring forward sites that accord with the overall spatial strategy and relevant policies in the plan.
5. The site is just south-west of Kelvedon, between the London Road, B1024, and the main railway line that links Liverpool Street with Colchester and beyond. Being outside the settlement, the scheme conflicts with Policy LPP1 of the Braintree Local Plan, Section 2 of which was adopted in July 2022, which confines the site to uses appropriate to the countryside. The scheme also conflicts with Policy NE5 of the Kelvedon Neighbourhood Plan, adopted in July 2022, because it would interfere with a viewing cone, illustrated in Volume 2, Appendix D of the plan, which crosses the site from the junction of London Road with the A12 towards the spire of St Mary's Church and the edge of the village. This cone is a designation for landscape purposes and does not relate to the setting of the listed church, a matter discussed under Issue 4.
6. Owing to the deficit in housing land supply, Local Plan Policy LPP1 and Policy NE5 of the Neighbourhood Plan can both, despite the recent adoption of these plans, be regarded as out of date with reference to paragraph 11 of the National Planning Policy Framework (NPPF). The NPPF states that in such circumstances planning permission should be granted other than in the conditions discussed in the next paragraph.¹
7. The consequences of the overall policy framework and the shortfall in housing land supply mean that planning permission should be granted for the proposed development unless, in short, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, or where there are certain assets of particular importance which provide a clear reason for refusing the development proposed. The benefits of the scheme, which include the provision of housing, affordable housing and a range of community facilities, are considered in Issue 2; and the impacts of the scheme on the countryside,

¹ As there are no housing allocations in the neighbourhood plan, the different balance for neighbourhood plans described in paragraph 14 of the NPPF does not apply.

ecology, habitats and the listed buildings beyond the north-east and south-west sides of the site are discussed in Issues 3 and 4.

Issue 2: Whether the appeal scheme is appropriate for Kelvedon in respect of its location, built form and community facilities, and the extent of the public benefits that would arise from the scheme

8. Kelvedon with Feering is designated a Key Service Village in the Local Plan. These are large villages serving a wider rural hinterland, and are capable of meeting day to day needs through the availability of a range of community and retail facilities and links by public transport and road to the larger towns. The scale and location of the appeal scheme, with its range of community facilities, discussed below, its position on a bus route along London Road, and its immediate accessibility to the westbound A12, would be consistent with the designation of Kelvedon with Feering as a Key Service Village. It would accord with Policies SP3 and SP6 of the North Essex Authorities' shared strategic plan in respect of spatial strategy and infrastructure & connectivity. It would also be in accordance with Policy HO1 of the Kelvedon Neighbourhood Plan, which allows for further new residential development above Local Plan housing requirements, subject among other things to the provision of appropriate and timely infrastructure.
9. The scheme would deliver 300 dwellings, of which 40% would be affordable in accordance with Local Plan Policy LPP31. In addition, it would deliver a community hub containing a range of facilities including a health centre, a local retail area, a care home and an early years and childcare facility, in accordance with Local Plan Policy LPP61, which supports new or enhanced community facilities. These would be secured by a planning obligation. The health centre would replace an existing facility on London Road which is closer to the centre of the village. Evidence presented at the inquiry demonstrated that the existing health centre is not of a suitable standard to meet the needs of a modern GP's practice; the proposed new facility would provide the opportunity for better car parking together with the ability to provide a more holistic service including minor surgery and facilities for practitioners such as physiotherapists and social prescribers, ultrasounds and clinics for targeted health conditions, none of which can be provided to the same level at the existing health centre.
10. The application was accompanied by a concept plan and design code. These are only indicative, but they demonstrate that a scheme of 300 homes and a community hub can be successfully accommodated on the site whilst ensuring that the scale and layout of the development remain in keeping with the modest scale of Kelvedon. In terms of form and location, the scheme would continue the essentially linear form of Kelvedon, so its effect on the setting of the village would be limited. The concept plan and design code also demonstrate that a scheme can be designed with appropriate layout and connectivity and that adequate amounts of open space and structural landscaping can be provided on site, together with a landscaped buffer to mitigate the effect of the scheme on nearby listed buildings, a matter returned to under Issue 4. The provision of open space and allotments is included within the planning obligation. The scheme would thus accord with Local Plan Policy LPP52, which promotes good layout and design in new development, and with Policy LPP50, which requires appropriate open space in new development.

11. The concept plan shows the community hub as being in two possible locations within the site. The Council's preference is for a south-western location to take it further away from the existing houses on London Road. However, from my observations, and having regard to the views of local people who spoke at the inquiry, a south-western location would be too far from the centre of the village, diminishing the public benefits arising from the scheme. A location at the north-eastern end of the site would be more easily walkable from other parts of the village, for those wishing to access the retail, healthcare, and early years and childcare facilities; it would be more likely to promote active modes of transport; and it would allow the development on the site to integrate more effectively with the village and its existing facilities along London Road. There would be enough space on the site to enable the living conditions of the nearby residents on London Road to be protected through careful design and landscaping. Provided the community hub is located at the north-eastern end of the site, the scheme would relate well to Kelvedon. This is a critical factor in the successful integration of the site with the village and the full realisation of public benefits, and I have made it the subject of a condition.
12. The impact of the community hub on the existing facilities in the village would be slight. The shops would be small and below the size that would require a retail impact assessment; this is an indication that their impact on the existing retail facilities in the village would not be significant. The scheme would therefore not conflict with Local Plan Policy LPP9, Retailing and Regeneration. Indeed, taken overall, the hub located at the eastern end of the site would provide a range of facilities that would complement those in the village. The site has the capacity to accommodate different walking routes, and the planning obligation includes improvements to the footway along London Road, which would assist in integrating the site with the village. The scheme would accord with Local Plan Policy LPP42, which promotes sustainable transport.
13. In conclusion, the scheme would be appropriate for Kelvedon in respect of its location and its facilities, and it would deliver substantial public benefits: these include new homes and affordable homes in a district that currently does not have a 5 year supply of housing land, together with a range of community facilities which would enhance the role of Kelvedon as a Key Service Village, including the provision of a much-needed new health centre. The scheme would accord with a wide range of development plan policies as described above.

Issue 3: the effect of the development on the countryside, landscape and ecology

14. The site consists of a large, gently undulating and relatively featureless arable field with little intrinsic landscape interest. It is not subject to any national or local landscape designation and no public rights of way cross the site. There are some views across the site from public viewpoints towards the edge of Kelvedon, its church spire and trees, and the groups of listed buildings at Church Hall Farm and Crabb's Farm, as discussed below under Issue 4, but these features are mostly glimpsed at a distance through the hedge along London Road, or from passing trains, and they have limited significance for the landscape character of the site or the setting of the village. The viewing cone in the Neighbourhood Plan, referred to earlier, is taken from a point close to the A12 off-ramp towards St Mary's Church. There is a roadside footway in this location, but it is not heavily used as it is a long way from the village edge. In this position the church spire is more likely to be glimpsed at speed from

vehicles rather than observed by pedestrians. The spire is an almost insignificant feature from this distance, and the village edge is mostly appreciated as a line of trees. The development would interfere with the viewing cone, but the degree of harm would be small. The scheme would accord with Local Plan Policy LPP67 Landscape Character and Features, which requires proposals to be sympathetic to the character of the landscape, settlement edge and countryside.

15. Regarding ecology, the preliminary Ecological Appraisal (September 2021) found that the site is comprised of common habitats of generally low ecological value, although a hedgerow and deciduous woodland pocket on site is of local importance. The site may provide suitable habitat for protected and/or notable species, with reptile presence confirmed in historic surveys. The 2017 bat survey found no evidence of roosting bats although bats have been sighted in the general area. Conditions are attached which deal with the various ecological issues. The scheme would provide opportunities to supplement the existing hedgerows, whilst the proposed landscaping and buffers shown indicatively on the concept plans would provide opportunities for biodiversity net gain.
16. In order to mitigate visitor pressure on a range of designated sites on the Essex Coast, the planning obligation includes a requirement for 5.6 hectares of open space, well above the amount normally required for a development of this size, together with the provision of a 2.7 km long circular route for dog walkers, and provision is also made for a contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). With these on-site and off-site mitigation measures, the habitats regulations assessment and appropriate assessment conclude that there would be no adverse effect on the integrity of these sites alone or in-combination with other plans or projects.
17. Therefore, despite the conflict with Policies LPP1 of the Local Plan and NE5 of the Neighbourhood Plan, the impacts on the countryside and landscape setting of the village would be slight. The scheme would protect important habitats and a condition is attached which requires an improvement in biodiversity. Subject to the planning obligation and an appropriate condition, the proposal would accord with Local Plan Policies LPP66 in respect of the protection, enhancement, management and monitoring of biodiversity, LPP63 Natural Environment and Green Infrastructure, LPP64 Protected Sites and SP2 Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

Issue 4: the effect of the scheme on the significance of nearby listed buildings, having regard to their settings, and on the significance of other heritage assets

18. There are groups of listed buildings beyond the north-eastern and south-western sides of the site.
19. Church Hall Farm is a historic farmstead on the south-western edge of Kelvedon, immediately to the north-east of the site. The group contains four Grade II listed structures. Church Hall Farmhouse is primarily 18th century, with 19th and 20th century additions and alterations, and is a combination of different ranges and forms. The building has significance for its architectural and aesthetic qualities. To the north is a barn which has been subject to re-cladding but may contain fabric of the fourteenth to the sixteenth centuries,

together with an ancillary building, likely to have been a stable, of the 16th Century, and to the east is a 16th Century granary, which was converted in the 19th Century to a house. These buildings derive significance from their age, form, appearance and their role as part of a high-status farmyard. Their primary relationship is with each other, as a farmstead, but there is also some visual interaction of these buildings with St Mary's Church and the historic western core of Kelvedon.

20. The farmstead was once part of a much larger, prosperous landholding, which included the appeal site, and was formerly associated with the Bishop of London. There is therefore a degree of shared significance and shared setting to the four buildings within the farm and a former functional and ownership relationship with the appeal site. There are also some visual interrelationships with the site; the barn is clearly seen in parts of the northern end of the site, the farmhouse is just visible from parts of the site, whilst the other two buildings are less visible.
21. However, later buildings, boundary treatments and tree and hedge planting have altered the appearance of the group and have eroded its visual relationship with the appeal site, with the result that, even at relatively close quarters, the importance of the site as part of the group's visual setting has been diminished. Moreover, seen from a greater distance across the site, the buildings are only glimpsed against the leafy background of the village edge. The visual appreciation of the historic link with the site and surrounding land is relatively weak and there is no longer a functional link with the appeal site because the farm has fallen out of its original agricultural use. The individual buildings within the group now relate more closely to each other and to their immediate settings.
22. Most of the significance of the Church Hall Farm buildings is found within their physical fabric and structure, and within their immediate settings within the former farmyard, which would not be affected by the development. There would be some harm to the buildings' settings arising from the development of the field to which it was once connected functionally, the severance of the farmstead from the open countryside, and the proximity of new development. However, the concept plan demonstrates that it would be possible to incorporate a substantial open planted buffer between the development and these listed buildings, and whilst this could not address the harm caused by the severance of the group from open agricultural land, it would be sufficient to prevent the development from impinging visually on the settings of the listed buildings. This is particularly important in the area adjacent to the barn and the farmhouse and is made the subject of a condition. The ability to appreciate the status, age, function, and interrelationship of the listed buildings would be unaffected. The scheme would cause less than substantial harm to their significance.
23. To the north of Church Hall Farm is St Mary's Church, which is listed Grade I. The building dates to the twelfth century, but has experienced several phases of development including 13th Century north and south aisles, a 14th Century chancel, a 14th Century lower tower stage, a 15th Century clerestory and tower third stage, 16th Century additions 19th Century restoration. The tower is topped by a slender spire of modest height. The east boundary wall of the churchyard is Grade II listed.

24. The church is heavily screened in views from the site by mature deciduous and evergreen trees within and around the extensive churchyard. Its setting includes the churchyard and the immediate vicinity, including Church Street and Old Vicarage, but there is little intervisibility between the church and the site. The spire and part of the top of the tower can be seen from some locations across the site, but they are not prominent features, appearing slightly above and behind the treetops at a distance. To register them, they have to be sought out against the background. The church is a substantial building, but it does not dominate the wider landscape, nor does it appear to have been designed to dominate it. The occasional longer views contribute little towards an understanding of the building's significance. There would be some harm caused by the severance of the church from open countryside, so that from the west it would no longer be perceived as on the edge of the village, and there would be a small degree of harm caused by the loss of some distant views towards the church spire, but the scheme would cause less than substantial harm to the significance of the listed church.
25. South of the church is the 18th Century Old Vicarage, listed Grade II. The setting of the Old Vicarage, like that of the church, is largely confined to its immediate surroundings; these include the church, the churchyard and the historic part of Church Street. The site can be perceived from the windows and garden at the rear of the house, and vice-versa, but views are heavily filtered through extensive tree planting within the mature grounds. The Old Vicarage and its grounds have an enclosed feel and in effect create their own setting on this side of the building. The development would not harm the ability to appreciate the age, design and interrelationship of the Old Vicarage with the church and Church Street. There would be some harm to the building's setting simply because of the proximity of new development to a building which is currently sited on the edge of the village, but this would be slight because of the existing screening and would be mitigated by the landscaped buffer which would be an integral part of the development. The harm to its significance would be less than substantial, at the low end of the scale.
26. Some way to the west of the site is Crabb's Farm, on Cranes Lane, which is Grade II listed. The main farmhouse is of the 16th and 17th Centuries, but with later alterations; it is largely timber framed and plastered, its roofs red clay tiled, and its windows are largely timber casements probably of the 19th Century. Its architectural and archaeological interest comes from the age and quality of its historic fabric as an example of an Essex Yeoman's farmhouse, originally of reasonably high status, of the late medieval and early modern period.
27. Immediately southeast of the farmhouse, and attached to it, is a Grade II listed barn which may date from 1500. It is part wattle and daubed, with a largely weatherboarded exterior and a plain clay tiled roof. The building has a well-preserved and good quality internal frame and, much restored, is now used as a wedding venue. As with the farmhouse, the barn derives its significance mostly from its historic fabric, as a high-quality and well-preserved example of a late medieval Essex barn of a reasonable scale.
28. The immediate setting of these buildings is the former historic complex of the farmstead itself, which now has a domesticated and landscaped appearance in keeping with its use as a home and as a venue for weddings, rather than as a functional farmyard. There is a visual relationship with the wider agricultural

land around, but Crabb's Farm is some distance from the appeal site and its buildings are well-screened by trees and mature gardens, even in winter. The roofline and some of the upper parts of the buildings can be seen in the distance from across the site, but it is not possible to obtain a clear picture of the buildings or their significance. There is no evidence that land within the site at any point fell within the ownership of Crabb's Farm.

29. The buildings at Crabb's Farm therefore derive their significance mostly from their historic fabric and their age and importance as examples of good quality Essex yeoman farming of the late medieval and early modern periods. Their setting is largely confined to a small area of land immediately around the farmstead. Any new homes would be over 130m away at the closest and outside the setting of these buildings. The scheme would not harm the significance of the listed buildings at Crabb's Farm.
30. As regards other heritage assets, there is a high potential for the survival of previously unknown archaeological remains, particularly in the northern part of the site close to the village. An archaeological investigation is required in accordance with LPP59 Archaeological Evaluation, Excavation and Recording and this is made the subject of a suitable condition.
31. To conclude on this issue, the scheme would cause less than substantial harm to the significance of the listed buildings at Church Hall Farm, the St Mary's Church and the Old Vicarage. The level of harm would be diminished by the provision of a buffer to separate the buildings from development on the site, and this is made the subject of a condition. The scheme would not harm the significance of the buildings at Crabb's Farm. The potential for archaeological remains can be made the subject of a condition as described above.
32. The conclusion of less than significant harm is reached in respect of the effect of the development on the setting of each of the individual buildings and in respect of its cumulative effect on the totality of the listed buildings. The scheme would accord with Local Plan policies LPP47 Built and Historic Environment, and LPP57 Heritage Assets and their Settings.

Other Matters

33. An argument was presented that the appeal proposal should allow for a future connection to the adjacent undeveloped land near Crabb's Farm, to enable a larger co-ordinated scheme to be brought forward. However, such a scheme is not before me, and this point can be given very little weight. The appeal proposal is acceptable as it stands, and it is not necessary to attach a condition to this permission which would facilitate a future connection with the adjacent land.

Overall conclusions

34. The scheme would provide important public benefits, including the provision of new homes and affordable homes in a district with a shortfall in housing land supply, together with the provision of a new health centre and other community facilities. The impact of the scheme on the countryside and setting of the village would be limited and the scheme would protect important habitats. There would be no harm to the settings of the listed buildings on the south-western side of the site and less than substantial harm to the significance of the listed buildings on the north-eastern side, which would be

outweighed by the substantial public benefits of the scheme. Although the scheme would not accord with Policy LPP1 of the Braintree Local Plan or Policy NE5 of the Kelvedon Neighbourhood Plan, the shortfall in housing land supply renders these policies out-of-date within the terms of the NPPF and the adverse effects of the scheme would not significantly and demonstrably outweigh the benefits described above. For all these reasons the appeal is allowed.

Conditions

35. A set of 32 planning conditions extending to some 16 A4 pages was suggested by the parties. These are too numerous and prescriptive for an outline application on a large open site with the characteristics described above and relatively few nearby properties. An outline application is intended to allow for flexibility in the subsequent process of developing access, appearance, landscape, layout and scale. I pointed this out at the inquiry, but given that similar conditions were included in two recent appeal decisions, the parties requested some explanation of any divergence from those decisions. I do not know the circumstances that led to those decisions, but below is an explanation of the approach I have taken towards the conditions.
36. Paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Some of the suggested conditions fail against these criteria, having regard to the nature of the development and the site, and many contain more detail than is necessary for the grant of planning permission, being akin to detailed specifications. I have condensed many of these conditions. NPPF-compliant conditions are necessary in respect of the following subjects. Where appropriate I have commented on the conditions in the parties' schedule of suggested conditions.
37. The standard outline conditions are attached. The reserved matters of appearance, scale and layout should cover the planning and design of the development, including matters such as the location and design of walls, fences and means of enclosure; finished levels; the location of refuse facilities; the location and design of lighting in accordance with Local Plan Policy LPP77, and the appearance and location of electric vehicle charging points, which are required in new residential development by the building regulations. For the avoidance of doubt, I have listed these components to ensure that they are included in the reserved matters submissions.
38. A condition requiring the community hub to be located towards the north-eastern end of the site is necessary for the reasons given in this decision, together with design details to ensure the residential living conditions of properties are protected against the operation of the hub. These design details should be submitted as part of the reserved matters submissions for appearance, landscaping and layout. A further condition limiting noise from plant and equipment at the community hub is attached.
39. Landscaping is covered by reserved matters, and in this particular case it is a matter for the parties to decide their approach towards existing hedgerows and trees as well as future planting; these matters can be considered holistically as part of the overall landscape scheme submitted as a reserved matter. The quantity of open space is covered in the planning obligation, but it is necessary to attach a condition relating to the positioning and scale of the landscape

- buffer along the north-eastern part of the site to protect the settings of the nearby listed buildings.
40. Part of the site is close to the main railway line, and a condition is required addressing noise attenuation to protect residential living conditions in the affected part of the site.
 41. An on-site archaeological investigation is required by condition in accordance with Local Plan Policy LPP59 because of the archaeological potential of the site described above.
 42. Conditions are required seeking biodiversity net gain, and requiring the future management of the landscape and ecology through a landscape ecological management plan. Conditions are also required to ensure the conservation of protected species during construction and after completion; the mitigation of impacts on priority farmland birds where these exist, and the reduction of construction impacts on reptiles, evidence for which has been found near the railway line and hedges.
 43. Conditions are also required to address the issues arising from construction, to protect residential living conditions, highway safety and areas of biodiversity; and to require the submission of the details of surface water and foul drainage to ensure compliance with Local Plan Policies LPP74, LPP75 and LPP76, although the degree of detail in the suggested conditions is unnecessary.
 44. A condition requiring the submission of relevant travel plans is attached in the interests of encouraging sustainable transport. However, the suggested condition which seeks to include travel packs with six one-day vouchers for use on public transport goes beyond the tests of necessity and reasonableness. More practical measures to encourage sustainable and active movement include the footway widening and improvements which are included in the planning obligation.
 45. Some of the parties' suggested conditions are unnecessary or unenforceable.
 46. Several require the submission of details concurrent with the applications for the discharge of reserved matters, but there is no means of enforcing the timing of applications in this way. The solution is to make it clear that these are aspects of design that fall within the compass of the reserved matters, as discussed above, and I have drawn up the conditions to make this clear.
 47. Suggested condition 3 is unnecessary because it simply repeats the terms of the permission, and the restriction on the size of the retail units is restricted by the planning obligation.
 48. A condition requiring compliance with the parameter plans and the design code would not be precise or enforceable because these plans and documents are indicative only.
 49. Regarding suggested condition 6, it is a matter for the Council to satisfy itself whether, on the submission of the relevant details, the affordable homes and any bungalows proposed comply with Building Regulations 2015 Part M(4); the best way of ascertaining this might well be certification from a building control professional, as the Council have pointed out, but a planning condition prescribing this process is not necessary for the development to go ahead.

50. A similar point arises in respect of the suggested condition requiring the developer to demonstrate that it is in possession of licences from Natural England pursuant to the Conservation of Habitats and Species Regulations. The licences are obtained under other legislation, and although it is obviously helpful for the Council to know that they have been obtained (or are not required) this is simply a procedural matter and a planning condition requiring it is not necessary for the development to go ahead.
51. Finally, regarding suggested condition 19, a condition on contaminated land and remediation is not necessary because the Phase 1 Contaminated Land Assessment (2017) stated that there is no evidence to suggest that previous agricultural uses of the site have created a plausible source of contamination; the search data did not identify any pollution incident or adjacent use that could pose a plausible source of contamination and the risk was considered nil to very low.

Planning obligation

52. The planning obligation under s106 of the Town and Country Planning Act 1990 contains a requirement to submit a residential phasing strategy and requirements to complete the health centre prior to first occupation of any of the dwellings; to complete the retail units prior to the first occupation of 200 dwellings and to impose limitations on the size of the retail units; to complete the care home and the early years facility prior to occupation of 50 dwellings; to make contributions towards outdoor sports, community facilities, healthcare, education, library improvements, the recreation avoidance and mitigation strategy and the monitoring of travel plans; to provide for and manage off-site skylark habitat; to provide for amenity space; to provide a substantial amount of open space, including provision for dog walking, and provide for its management, phased provision and future maintenance; to provide and transfer allotment land; to provide affordable housing according to a specified mix; and to provide for a range of improvements for pedestrians including pavement widening on London Road.
53. These are all required to make sure the development is acceptable, accords with Local Plan Policy LPP78 regarding infrastructure delivery and impact mitigation, and accords with the range of planning policies described above.

Conclusion

54. For all the reasons given, I allow the appeal.

Jonathan Bore

INSPECTOR

ANNEX 1: PLANNING CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "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.
- 2) 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.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan EG003-001 REV 00.
- 5) The community hub shall be located towards the north-eastern end of the site.
- 6) The reserved matters for access, appearance, landscaping and layout shall demonstrate how the potential for noise, disturbance, visual intrusion and light pollution from the community hub on the living conditions of neighbouring residents is to be mitigated.
- 7) The reserved matters applications for layout and appearance shall include the location and design of walls, fences and means of enclosure, finished levels, the location of refuse facilities, the location and design of lighting and the appearance and location of electric vehicle charging points.
- 8) The landscaping details submitted as part of the reserved matters application shall include indications of all existing trees and hedgerows on the land, identify those to be retained or translocated, and shall set out measures for their protection throughout the course of development.
- 9) The landscaping scheme submitted as part of the reserved matters application shall include a substantial landscaped buffer in the north-eastern part of the site, with dimensions at least equivalent to that shown on the indicative design code and concept plan, which shall be designed to protect the settings of the listed buildings at Church Hall Farm, St Mary's Church and the Old Vicarage. The landscaped buffer shall be completed in accordance with the approval of the reserved matters.
- 10) All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in accordance with an implementation programme to be agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) A sound attenuation scheme designed to protect residential living conditions in those dwellings likely to be affected by external noise from

the adjacent railway line shall be submitted to and approved by the local planning authority before work on the relevant phase is commenced. The scheme shall include both external works including bunding and planting, and details of building design and acoustic performance including any necessary ventilation and cooling. The sound attenuation works shall be completed before the dwellings in the relevant phase are occupied, and shall be retained thereafter.

- 12) No development or preliminary groundworks shall take place until a programme of archaeological investigation has been carried out on site in accordance with a scheme submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance; the programme and methodology of site investigation and recording and post investigation assessment; the provision to be made for analysis and recording, publication and dissemination and archive deposition of the analysis and records of the site investigation; and the nomination of a competent person or organization to undertake the works set out within the written scheme of investigation.
- 13) A scheme for the achievement and maintenance of measurable net gains in biodiversity in connection with the development hereby approved, which shall include a phasing plan and a landscape ecological management plan to secure the long-term effectiveness of the scheme, shall be submitted to and approved in writing before development on site is commenced, and the scheme shall be implemented in accordance with the approved details.
- 14) A scheme for the conservation of protected species and their habitats shall be submitted to and approved in writing by the local planning authority before any works of construction, including preliminary groundworks, have commenced and the scheme shall be implemented in accordance with the approved scheme. The scheme shall include conservation measures during construction, and design and maintenance measures to ensure the conservation of the protected species following the completion of the development.
- 15) Prior to the commencement of development, a survey of the site, the details of which shall be agreed in writing with the local planning authority, shall be carried out to assess the presence of breeding birds. If the survey identifies priority farmland birds that are likely to be affected by the development, a farmland bird mitigation strategy, including timescale, phasing, methodology and monitoring, shall be submitted to and approved in writing by the local planning authority before any works of construction take place. The mitigation strategy shall be implemented in accordance with the approved details.
- 16) No development or preliminary groundworks on any phase shall commence until a scheme for the reduction of impacts to reptiles during construction, following the provision of updated reptile surveys, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.
- 17) No above ground development shall commence within any phase of the development until a scheme for on-site foul water drainage works for the relevant phase has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase, the foul

- water drainage works relating to that phase shall be implemented in accordance with the approved scheme.
- 18) No above ground development shall commence within any phase of the development until a scheme for surface water drainage for the relevant phase, based on sustainable drainage principles and including details of how long-term maintenance is to be secured, has been submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase, the surface water drainage works relating to that phase shall be implemented in accordance with the approved scheme.
 - 19) No development shall take place, including any works of demolition, 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; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; 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; measures to minimise the risk of off-site flooding during construction; and contact details and complaints procedures. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
 - 20) No site clearance, demolition or construction work shall take place on the site, including the starting of machinery and delivery of materials, outside the following times: Monday to Friday 0800 to 1800 hours; and Saturday 0800 to 1300 hours. No work shall be carried out on Sundays, Public Holidays and Bank Holidays.
 - 21) A construction environmental management plan shall be submitted to and approved in writing by the local planning authority before any development, including preliminary groundworks, is commenced, containing details of how construction impacts on areas of biodiversity on the site are to be avoided or mitigated. The plan shall be implemented in accordance with the approved details.
 - 22) A travel plan for the residential part of the development shall be submitted to and approved in writing by the local planning authority and the travel plan shall be implemented upon the first occupation of any dwelling.
 - 23) A travel plan for the community hub uses shall be submitted to and approved in writing by the local planning authority and the travel plan shall be implemented upon the first occupation of the community hub uses.
 - 24) The level of noise from any plant and equipment at the community and retail uses in the community hub shall be limited to 10 dB(A) below the background noise level, expressed as a LA90, 15 minutes, measured from the boundary of the nearest residential property.

ANNEX 2: APPEARANCES

FOR THE APPELLANT:

Charles Streeten – of Counsel

He called

Mr Robert Pomery MRTPI: Pomery Planning Consultants

Mr Laurie Handcock IHBC: Director, Built Heritage and Townscape, Icen projects

Dr Ricardo Pinto-Wright LMS-T(GP), DFFP: Partner, Kelvedon and Feering Health Centre

Mr Karl O'Brien: Barkley Projects LLP

FOR THE LOCAL PLANNING AUTHORITY:

Asitha Ranatunga – of Counsel

Mr Ranatunga did not call any witnesses.

RULE 6 PARTY

Mr Melville Dunbar AA DIPL PLAN, RIBA, FRTPI, FFB, RIAI: Melville Dunbar Associates, on behalf of Wendy and Geoff Scott, owners of adjacent land

INTERESTED PARTIES:

Katriona Golden: local resident

Cllr Paul Thorogood: District Councillor and County Councillor

Thomas Foster: local resident

John Elliott: local resident

ANNEX 3: DOCUMENTS AND PLANS

Documents

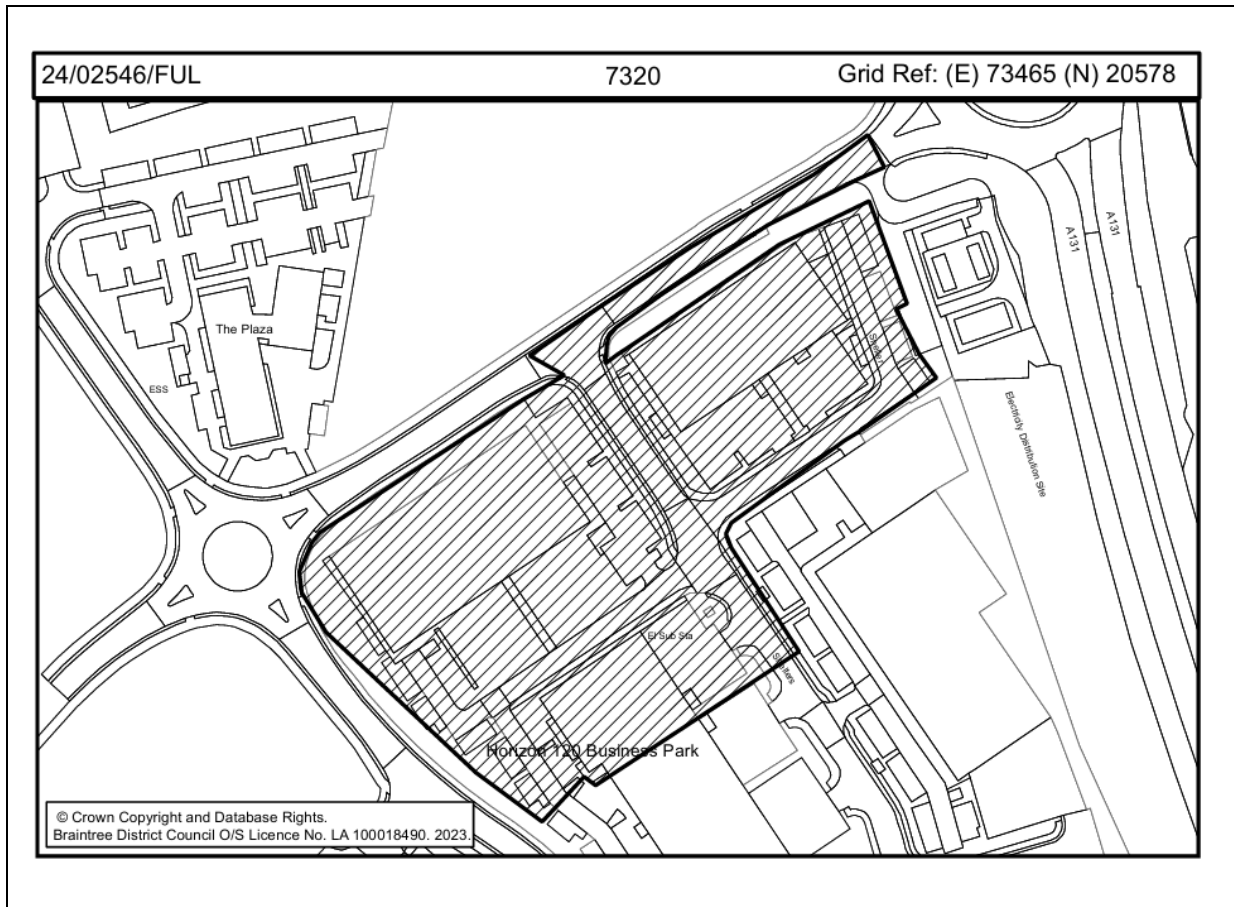
1. Core documents CD1 to CD33
2. Completed planning obligation dated 11 January 2023
3. List of suggested conditions
4. Appendices to Mr Pomery's proof of evidence
5. Appendices to Mr Handcock's proof of evidence
6. Statement of Dr Pinto-Wright
7. Statement of Mr Elliott
8. Appendices to Mr Dunbar's evidence
9. Statement of common ground on relevant planning policies
10. Statement of common ground on the 5 year housing land supply and other relevant planning matters
11. Statement of common ground on heritage assets
12. Statement of common ground on the community hub
13. Statement of common ground on landscape

Plans

1. Location plan submitted with the application
2. Parameter plans (indicative)

Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	24/02546/FUL
Description:	Change of use of employment buildings (EOS, Plots 1 to 5) from Use Class E(g)(iii) Industrial Process to Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process and (B8) Storage or Distribution (or a combination of those uses) and associated development.
Location:	EOS, Plots 1-5, Horizon 120, London Road, Great Notley
Applicant:	Mr Richard Stacey, Nuveen Real Estate. 201 Bishopsgate, London, EC2M 3BN
Agent:	Mr Matthew Wood, Phase 2 Planning, 270 Avenue West, Skyline 120, Great Notley, Braintree, Essex, CM77 7AA
Date Valid:	29th November 2024
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Alison Rugg For more information about this Application please contact the above Officer on: 01376 312766, or by e-mail: alison.rugg@braintree.gov.uk

Application Site Location:



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 24/02546/FUL.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located within the red line of the Horizon 120 Business Park which is allocated as a Strategic Employment Site within Policy LPP2 of the Adopted Local Plan and benefits from a Local Development Order (LDO) granted by the Council in 2021. This land is permitted for a range of uses, which includes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process and B8 (Storage or Distribution).
- 1.2 The EOS site consists of 4 buildings, constructed in 2023, totalling 11,850m² (GEA) of Use Class E(g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. The buildings were deemed compliant under a series of compliance checklist applications (22/00254/LDOCC and 22/03139/LDOCC). The 4 buildings are divided into 9 independent units. Four (4) of the units (Plots 6- 9) are currently occupied, and five (5) of the units (Plots 1-5) have remained vacant since the development was constructed in 2023.
- 1.3 This application is a full application for planning permission for a change of use of five (5) of the currently constructed employment buildings (Plots 1 to 5) totalling 5,982sq.m (GIA) of floorspace. The application proposes consent from the approved use of the buildings, that being E(g)(iii) Industrial Process, to provide a greater flexibility of uses for the buildings seeking to include Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process and (B8) Storage or Distribution (or a combination of those uses), and associated development.
- 1.4 EOS Plots 1-5 sit within Zone B of the LDO land which allows for buildings comprising of uses falling within Use Classes E(g)(i) Office, E(g)(ii) Research and Development and E(g)(iii) Industrial Process. The purpose of this application is to enable a greater flexibility in terms of the range of uses to be utilised within the buildings than that permitted through the LDO, by including a B8 use (Storage or Distribution) along with the allowed Zone B uses.
- 1.5 Sufficient evidence has been provided in relation to marketing, in that the EOS plots in question have sat vacant for a significant amount of time despite extensive marketing. Evidence suggests that the current approved use and flexibility of Plots 1-5 on the EOS site are unattractive to investors and end occupiers in this current market, and that a more flexible use is essential to secure an end occupier. The principle of a B8 use (Storage or Distribution) within Plots 1-5, along with the allowed uses those being Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process, is considered acceptable in creating economic growth and productivity.
- 1.6 The details identify that there will be minimal impact on traffic generation anticipated from an additional B8 use (Storage or Distribution) for EOS Plots 1-5 which would not result in the need for additional mitigation. The

character of the road network is such that vehicles associated with the allowed uses within Zone B and the additional B8 use (Storage or Distribution) would not raise any concerns with accessing the plot. Sufficient car parking and cycle parking spaces have been provided.

- 1.7 The application would not give rise to any undue impact on existing residential amenity in relation to visual amenity, overshadowing, outlook, overbearing, overlooking, noise or air pollution subject to recommended conditions. It is therefore recommended that planning permission is granted for the proposal.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is located to the south of Braintree Town Centre and to the West of Great Notley, within the Horizon 120 Business Park which is subject to a Local Development Order (LDO) granted by the Council in 2021. Access to the Horizon 120 site is from the A131 via two dedicated junctions, one to the north and one to the south, along the eastern boundary of the site.

5.2 The EOS site occupies an area of land approximately 3.32ha and sits within the north eastern corner of the Horizon 120 Business Park and sits within Zone B as defined by the LDO. The A131 runs along the western boundary with Tesco Superstore beyond. Careco is located to the south of the site with British Offsite and Essex Xray to the east, and the Plaza building and an undeveloped plot of land to the north. Access to the EOS site is off the east west internal spur road, accessed from the northern Horizon 120 roundabout off the A131.

5.3 The EOS site consists of 4 buildings, constructed in 2023, totalling 11,850m² (GEA) of Use Class E(g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. The buildings were deemed compliant under a series of compliance checklist applications (22/00254/LDOCC and 22/03139/LDOCC). The 4 buildings are divided into 9 independent units. Four (4) of the units (Plots 6- 9) are currently occupied, and five (5) of the units (Plots 1-5) have remained vacant since the development was constructed in 2023.

5.4 Plots 1 to 5 within the EOS site itself are located in the northern section of the EOS site with Plots 1 to 4 located either side of the internal access road and facing south where their internal yard space and associated parking is located. EOS Plot 5 is located further south and is of an east-west orientation fronting the access road as it extends southwards. EOS Plot 5 is attached to Plot 6 and then Plot 7 which are located further to the south of the Plot. Plots 8 and 9 making up the full extent of the EOS site are located on the eastern side of the access road opposite Plots 5, 6 and 7.

6. PROPOSAL

- 6.1 This application is a full application for planning permission for a change of use of five (5) of the currently constructed employment buildings (Plots 1 to 5) totalling 5,982sq.m (GIA) of floorspace. The application proposes consent from the approved use of the buildings, that being E(g)(iii) Industrial Process, to provide a greater flexibility of uses for the buildings seeking to include Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process and (B8) Storage or Distribution (or a combination of those uses), and associated development.
- 6.2 EOS Plots 1-5 sit within Zone B of the LDO land which allows for buildings comprising of uses falling within Use Classes E(g)(i) Office, E(g)(ii) Research and Development and E(g)(iii) Industrial Process. The purpose of the proposed development is to enable a greater flexibility in terms of the range of uses to be utilised within the building than permitted through the LDO, by including a B8 use (Storage or Distribution) along with the allowed Zone B uses.
- 6.3 All buildings within the EOS site are constructed and no amendments are proposed externally or internally.

7. SUMMARY OF CONSULTATION RESPONSES

External Consultees

7.1 Active Travel England

- 7.1.1 No comment on the application. Standing advice issued.

7.2 Essex Fire and Rescue

- 7.2.1 **Access** – Access is considered satisfactory provided that the arrangements are in accordance with Building Regulations contained in Approved Document B, Volume 2, B5.

- 7.2.2 **Water Supplies** – Additional water supplies for firefighting may be necessary for this development under Building Regulations.

- 7.2.3 **Sprinkler Systems** – Essex County Fire and Rescue Service urges building owners and developers to consider the installation of Automatic Water Suppression Systems.

7.3 Essex Police Designing out Crime

- 7.3.1 While there are no apparent concerns with the layout of the proposed redevelopment of these units, we would welcome the opportunity to consult with the Applicant to embed crime prevention through environmental design (CPTED) throughout the redesign; this will ensure that security is a by-

product of well thought out, inconspicuous crime prevention, minimising the need for future situational crime prevention measures. From a CPTED perspective, Essex Police would recommend the Applicant contemplates the below in its architectural design. That public realm spaces are designed where safety and security is subliminal to the user of that space. Essex Police would be keen to take the opportunity to liaise regarding the green space and appropriate landscaping plan. Footpaths, Cycle routes and public areas are designed to address issues of permeability and connectivity, promoting natural surveillance. Recommend that the commercial units achieve the Secured by Design Commercial Award.

BDC Consultee

7.4 Environmental Health

- 7.4.1 No objection. Both the air quality and noise impact reports indicate that there is no significant risk of harm. A noise condition has been recommended.

ECC Consultee

7.5 Highway Authority

- 7.5.1 Proposal acceptable subject to the submission of a Travel Plan for each individual unit.

8. PARISH / TOWN COUNCIL

8.1 Great Notley Parish Council

- 8.1.1 No objection.

9. REPRESENTATIONS

- 9.1 No representations have been received in connection with this proposal.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 By way of background, the Council granted a Local Development Order (LDO) for a large area of land to the west of Great Notley in 2019, known as the Horizon 120 Business Park. The LDO was subsequently amended in 2021 which acts as the relevant LDO for the site. The LDO was accompanied by a Design Code and Wayfinding Strategy. Compliance Checklist submissions are required for; new buildings (Schedule A); strategic infrastructure (Schedule B); extensions and alterations (Schedule C); or change of use (Schedule D). There are a range of conditions that need to be satisfied with any development, and these are typically confirmed with the submission of a Checklist application.

- 10.2 The LDO grants permission for particular uses and activities provided they conform to the LDO and its Design Code. The LDO separates the area into four zones, which have different requirements and restrictions set out in the LDO. Zones A and B can each contain Class E(g)(i) Office, (ii) Research and Development (iii) Industrial Process uses. Zone A (where the plaza is located) adds a leisure and hotel element and the 'Hub'. Zone C is the largest zone and adds use classes B2 (General Industrial) and B8 (Storage or Distribution). A noise assessment (to confirm the operations will comply with noise limitations) is required to be provided with any compliance checklist in Zone C. Zone D is the SuDS basin and recreation area to the north.

Policy Considerations

- 10.3 The Horizon 120 site (18.5ha) is identified within Adopted Local Plan Policy LPP2 (b) for the location of employment land. The policy clearly notes that the Council has approved an LDO for the site, and for the plots associated with this application, a use of E(g)(iii) Light Industrial has been approved by a compliance checklist application in 2022. However, notwithstanding the above, the LDO allows for a range of further uses within Zone B which were not included within the approved Compliance Checklist, which form the basis of this application. The application also seeks a B8 Use (Storage or Distribution) which is restricted within Zone B under the LDO permission. This application therefore seeks permission for a change of use to include the LDO Zone B allowed uses, those being E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process but also includes a (B8) Storage or Distribution use (or a combination of those uses) for the remaining 5 unoccupied buildings within the EOS site.
- 10.4 Given that the E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process uses that are sought are an allowed use granted under the LDO within this zone, Officers consider these uses acceptable. Careful assessment therefore needs to be undertaken in relation to a B8 (Storage or Distribution) use in Zone B, the zone in which this application sits.
- 10.5 Assessment turns to the NPPF which requires planning policies and decisions to create the conditions in which businesses can invest, expand and adapt by placing significant weight on supporting economic growth and productivity. It emphasises flexibility to respond to changing economic circumstances.
- 10.6 A Compliance Checklist was first approved for the entire EOS site in February 2022 for the erection of 4 buildings containing 9 units for E(g)(iii) Industrial use and ancillary offices. A new compliance checklist was then approved for the plot in late 2022, for the same use, but included internal alterations and mezzanine floors to maximise the ground floor space. Whilst 4 plots have been occupied, 5 remain unoccupied.
- 10.7 The information provided to support the application provides an insight into the current market, with trends moving on since the LDO was first adopted.

The supporting information provides evidence that the unoccupied buildings within the EOS site have been marketed since 2020 by the original developer Marshgate on a pre-let basis. A full marketing campaign was launched in October 2022, following the involvement of Nuveen Fund, on a local, regional and national basis. However, the restriction of flexible uses on Zone A and B has led to many potential occupiers discontinuing their interest as they required a B8 use (Storage or Distribution) to be allowed on a more than ancillary basis and sought a simpler and more flexible use. Investors also require a more flexible use to be attractive for investment. This is apparent from other business parks within the County and this evidence has been previously accepted by the Council under Application Reference 24/00442/FUL which accepted the inclusion of a B8 (Storage or Distribution) use within Plot 5 of the LDO land, which also sits within zone B.

- 10.8 It should be noted that Zone C (which allows all employment use (E), B2 and B8) has been successfully filled and there is no more capacity to meet the ongoing demand. As currently consented, Zone B in which EOS sits within has a definition of B8 as an ancillary use provided in Section 'P' of the LDO. The evidence provided within the application suggests that pure warehouse / distribution operations or, a hybrid manufacturing distribution business, gives concern to companies, lenders and their legal advisers who are uncomfortable with the definition and the restriction.
- 10.9 The Industrial Marketing Report for Braintree, prepared by BNP Paribas, confirms the very strong demand for Grade A industrial employment space in the Braintree area from prospective occupiers. This has been more recently supported by the draft Braintree Employment Land Review (2024) which states that *'many occupiers today undertake a mix of activities in their buildings. In response the market has begun to provide mixed use buildings that have the internal flexibility to respond to a range of user profiles'*. It goes on to conclude that *'the general view in the market is that most demand is for B8 use and that this should be prioritised in policy and development control terms. There is very little property available and even less in the pipeline, at least in the short-term'*. Accordingly, the Applicant is seeking to expand the permitted uses on EOS Plots 1-5 in order to capture a greater amount of this demand and improve the vitality of Horizon 120. In providing high quality buildings that are expected to be in demand, the final parcels within Horizon 120 should be able to secure premium operators who will expect to make efficient use of the facilities but will also have good levels of employment, as opposed to buildings sitting dormant.
- 10.10 Whilst the LDO restricts a B8 use (Storage or Distribution) on this plot, the site is allocated in the Local Plan as Employment Land whereby a B8 use (Storage or Distribution) is acceptable in this location and is therefore policy compliant. Sufficient evidence has been provided in relation to marketing that the plot is not as attractive to investors and end occupiers in this current market, and that a more flexible use is essential to secure an end occupier, this is also further supported by the Councils draft Employment Land Review (2024).

10.11 Furthermore, the NPPF supports decisions which encourage economic growth and flexibility in the market. Subject to other material planning considerations discussed in this report, the principle of a B8 use (Storage or Distribution) on this plot, along with the already permitted uses under the LDO being Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process, are considered acceptable and would assist in creating economic growth and productivity which is clearly in the public interest.

11. SITE ASSESSMENT

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

11.1.1 The external appearance and design of the building were approved as part of the LDO Compliance Checklists (Application References 22/00254/LDOCC and 22/03139/LDOCC). There are no internal or external amendments proposed.

11.2 Highway Considerations

11.2.1 Policy LPP43 of the Adopted Local Plan states that development will be required to provide off-street vehicle parking and cycle parking in accordance with the Council's Adopted Parking Standards. The Transport Assessment (February 2020) approved as part of the LDO application is also a material consideration in the assessment of this application.

11.2.2 The EOS site is served by two access points, one to the north and one to the south, provided by the internal access roads within the larger LDO site. EOS Plots 1-5 are located closer to the northern boundary of the EOS site, directly adjacent to the main spur road coming off the western arm of the A131 Cuckoo Wood Roundabout. The existing access points are considered suitable for the uses proposed.

11.2.3 EOS Plots 1- 5 provide for a total of 76 car parking spaces. The Council's Adopted Parking Standards were adhered to in the construction of the plots and were based on a E(g)(iii) Light Industrial use which dictates a maximum of 1 parking space per 30sq.m of floorspace. The car parking requirements for the proposed uses of EOS Plots 1-5 require the same maximum standards of 1 space per 30sq.m, with the exception of B8 use requiring a lower parking provision, that being a maximum 1 space per 150sq.m of floorspace. Given that the maximum car parking requirements for the proposed uses are the same, if not less, than that already consented and constructed on site, no further car parking spaces are required to be provided for the proposed uses for EOS Plots 1-5. The existing car parking and cycle parking facilities would continue to accord with the Council's Adopted Parking Standards for the uses proposed.

- 11.2.4 A Transport Statement was submitted in support of the application which draws a comparison with the LDO consented Trip Rates for the uses proposed within Zone B which include E(g)(i) Office, E(g)(ii) Research and Development and E(g)(iii) Industrial Process, and an additional B8 (Storage or Distribution) use. The details identify that there would be minimal impact on traffic generation anticipated from an additional B8 use for EOS Plots 1-5 which would not result in the need for additional mitigation. The character of the road network is such that vehicles associated with B8 uses would not raise any concerns in relation to existing access arrangements.
- 11.2.5 The estate roads (green links), junctions and routes to Horizon 120 are all suitable for the type of vehicles and traffic proposed. The Highway Authority were consulted on the application and raise no objections, subject to the submission of a Travel Plan for each individual plot when occupied. A suitable condition has been recommended in this regard.
- 11.3 Impact upon Neighbouring Residential Amenity
- 11.3.1 Paragraph 135(f) of the NPPF seeks to ensure good standards of amenity for existing and future users whilst Paragraph 198 seeks to ensure that new development is appropriate for its location taking into account the likely effects on living conditions including noise and light pollution. Policy LPP70 states that proposals should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality.
- 11.3.2 The nearest residential properties to the site are those directly adjacent to the A131 within Great Notley to the east. The EOS site sits along the eastern edge of the site and is therefore viewable from a distance. However, as previously stated, the buildings have been constructed on the EOS site and no external or internal works are proposed as part of this application. It is therefore considered that the application would not give rise to any further undue harm for existing residential amenity, overshadowing, outlook, overbearing or overlooking.

Noise and Air Quality

- 11.3.3 In terms of noise impact for a change of use of EOS Plots 1-5, a Noise Impact Assessment was submitted to accompany the application which must demonstrate compliance with the noise levels set out in the Horizon 120 Sound Level Assessment (October 2018). The details were submitted to BDC Environmental Health Officers who are in agreement with the findings of the report that the predicted noise levels will be in accordance with guidance BS4142. An appropriate condition has been recommended in relation to submission of a Noise Management Plan prior to occupation. It is considered that this condition will adequately mitigate any potential noise impact from the proposal site.
- 11.3.4 In terms of potential harm from air pollution, a Technical Note relating to Air Quality was submitted to accompany the application which considered the

operations of servicing and deliveries and off-site road traffic impacts. The findings of the technical note concluded that the changes in pollutant emission rates due to the proposed development were of negligible significance. BDC Environmental Health Officers agreed with this conclusion and no further mitigation has been proposed.

12. CONCLUSION

- 12.1 The application site is located within the red line of the Horizon 120 Business Park which is allocated as a Strategic Employment Site within Policy LPP2 of the Adopted Local Plan and benefits from a Local Development Order (LDO) granted by the Council in 2021. This land is permitted for a range of uses, which includes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process and B8 (Storage or Distribution).
- 12.2 The EOS site consists of 4 buildings, constructed in 2023, totalling 11,850m² (GEA) of Use Class E(g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. The buildings were deemed compliant under a series of compliance checklist applications (Application References 22/00254/LDOCC and 22/03139/LDOCC). The 4 buildings are divided into 9 independent units. Four (4) of the units (Plots 6-9) are currently occupied, and five (5) of the units (Plots 1-5) have remained vacant since the development was constructed in 2023.
- 12.3 The proposal is for a full application for a change of use of five (5) of the currently constructed employment buildings (Plots 1 to 5) totalling 5,982sq.m (GIA) of floorspace. The application proposes consent from the approved use of the buildings, that being E(g)(iii) Industrial Process, to provide a greater flexibility of uses for the buildings seeking to include Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii) Industrial Process and (B8) Storage or Distribution (or a combination of those uses), and associated development.
- 12.4 EOS Plots 1-5 sit within Zone B of the LDO land which allows for buildings comprising of uses falling within Use Classes E(g)(i) Office, E(g)(ii) Research and Development and E(g)(iii) Industrial Process. The purpose of this application is to enable a greater flexibility in terms of the range of uses to be utilised within the buildings than that permitted through the LDO, by including a B8 use (Storage or Distribution) along with the allowed Zone B uses.
- 12.5 Sufficient evidence has been provided in relation to marketing, in that the EOS plots in question have sat vacant for a significant amount of time despite extensive marketing. Evidence suggests that the current approved use and flexibility of Plots 1-5 on the EOS site are unattractive to investors and end occupiers in this current market, and that a more flexible use is essential to secure an end occupier. The principle of a B8 use (Storage or Distribution) within Plots 1-5, along with the allowed uses those being Use Classes E(g)(i) Office, E(g)(ii) Research and Development, E(g)(iii)

Industrial Process, is considered acceptable in creating economic growth and productivity.

- 12.6 The details identify that there would be minimal impact on traffic generation anticipated from an additional B8 use (Storage or Distribution) for EOS Plots 1-5 which would not result in the need for additional mitigation. The character of the road network is such that vehicles associated with the allowed uses within Zone B and the additional B8 use (Storage or Distribution) would not raise any concerns with accessing the plot. Sufficient car parking and cycle parking spaces have been provided.
- 12.7 The application would not give rise to any undue impact on existing residential amenity in relation to visual amenity, overshadowing, outlook, overbearing, overlooking, noise or air pollution, subject to the recommended conditions.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Location Plan	01	N/A
Block Plan	02	A
Site Layout	03	A
Existing and Proposed Floor Plans	04	N/A
Existing and Proposed Floor Plans	05	N/A
Existing and Proposed Floor Plans	06	N/A
Existing and Proposed Floor Plans	07	N/A
Framework Plan	2407770-ACE-XX-00-RP-C-0102	N/A
Noise Details	2407770-ACE-XX-00-RP-C-0601	N/A
Other	Air Quality Technical Note - 2407770-ACE-XX-00-RP-C-0801	N/A
Transport Plan	2407770-ACE-XX-00-RP-C-0101	N/A

Condition(s) & Reason(s)

Condition 1

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

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

Condition 2

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

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

Condition 3

Fixed plant serving any units shall achieve a sound pressure level during normal operating conditions of at least 10 dB below the background noise level (LA90,1hr) of 46dB (daytime) and LA90,15min 35dB (night time) as estimated at nearest noise sensitive dwellings. Night time maximum sound levels from fixed plant and site operations shall not exceed LAFmax,typ 60dB outside bedroom windows at noise

sensitive dwellings. The noise shall have no prominent low frequency noise tone at any residential property when assessed in accordance with Chapter 9 of BS4142:2014+A1:2019.

Reason: In the interest of neighbouring residential amenity.

Condition 4

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or to protect residential amenity, and to protect the operation of the site.

Condition 5

Within 6 months of occupation of each individual Plot, a Travel Plan for each Plot shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan shall be in accordance with Essex County Council guidance (plus Essex County Councils travel plan monitoring fee(s)). The approved Travel Plan shall be implemented, and the use shall thereafter only be operated in accordance with the approved Travel Plan.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance and the National Planning Policy Framework December 2024.

Condition 6

The building(s)/use(s) hereby permitted shall only be used for E(g)(i)(ii)(iii) use and B8 use (or a combination of those uses) and any ancillary uses, and for no other purposes including any other purpose in Use Class B2 (General Industrial) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order).

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the amenities of the locality and neighbouring amenity.

Condition 7

Within 6 months of first beneficial occupation of a plot, a Noise Management Plan (NMP) shall be submitted and approved in writing by the Local Planning Authority. The NMP shall include measures that the operator will take to manage and/or reduce noise from the operations, which may include separate measures for day and night time operations, and shall include:

- a. Measures to reduce engine idle time for HGVs and other commercial vehicles;
- b. Measures to reduce the use of reversing beepers, sirens, and warning noises in outdoor areas;
- c. Managing the time that roller shutters remain open to that necessary for delivery/export of goods;
- d. Managing the volume of any tannoy or alert system(s);
- e. Managing the operation of fixed plant to necessary periods and any automated on/off operations;
- f. Operations/procedures as assumed within Noise Assessment ref. 2407770-ACE-XX-00-RP-C-0601 dated November 2024.

The approved NMP shall be adhered to in perpetuity.

Reason: In the interest of neighbouring residential amenity.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP3	Spatial Strategy for North Essex
SP5	Employment
LPP2	Location of Employment Land
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP48	An Inclusive Environment
LPP49	Health and Wellbeing Impact Assessment
LPP52	Layout and Design of Development
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP77	External Lighting

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and	Granted	16.04.20

	infrastructure.		
20/01502/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures.	Granted	09.12.20
21/01783/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early	Granted	02.08.21

	Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy		
24/02444/FUL	Employment buildings comprising up to 12,300sqm (GIA) of floorspace for uses falling within Use Classes E(g)(i) Office E(g)(ii) Research and Development E(g)(iii)Industrial Process or B8 (Storage or Distribution) (or a combination of those uses) with associated offices, accesses, service areas, parking, boundary treatment, landscaping and earthworks.	Pending Consideration	
00/00139/TEL	Erection of one 15 metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and ancillary development	Refused	09.03.00
89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses upto maximum of 400,000 sq.	Granted	12.12.91

	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		
93/01236/OHL	Proposed 33kv dual circuit overhead line diversion	No Objections Raised	10.11.93
95/01057/REM	Structural landscaping to bypass bunding (areas 16 & 18)	Granted	31.01.96
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be 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	Screening / Scoping Opinion Adopted	13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Proposed business park	Screening / Scoping Opinion Adopted	
17/01235/FUL	Proposed development of an energy storage scheme	Granted	26.10.17

	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.		
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

	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.		
19/01525/FUL	Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of 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	Granted	16.04.20

	<p>within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure.</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: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.</p>	Granted	22.05.20
20/00445/NMA	<p>Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for:</p>	Granted	22.05.20

	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. 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	Granted	02.12.20
20/00474/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL	Granted	02.12.20
20/00548/DAC	Application for approval of details reserved by condition 10 of approved application 19/01616/FUL	Granted	19.06.20
20/00549/DAC	Application for approval of details reserved by condition 10 of approved application 19/01525/FUL	Granted	19.06.20
20/00859/ADV	Display of double sided site signage	Granted	21.08.20
20/00860/ADV	Display of double sided site signage	Granted	21.08.20
20/00898/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL	Granted	24.06.22
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of	Granted	24.06.22

	landscaping) of approved application 19/01525/FUL		
20/01502/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures.	Granted	09.12.20
20/01503/VAR	Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01525/FUL granted 10/02/2020 for: Construction of two access points into the site 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.	Granted	09.12.20
20/00001/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for		06.11.20

	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).		
20/00002/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone A (Enterprise Centre comprising offices and a cafe with associated landscaping and parking) pursuant to the discharge of conditions G2 (Compliance Checklist) G7 (Construction Management Plan) P1 (Plot Landscaping) P2 (Access) P3 (Parking) P6 (Surface Water Drainage) P7 (Foul Drainage) P11 (Building Maintenance) and P12 (Renewable Energy).		08.01.21
20/02234/DAC	Application for approval of details as reserved by conditions of approved application 20/01502/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan; 18 - post excavation strategy.	Granted	18.11.21
20/02236/DAC	Application for approval of details as reserved by conditions of approved application 20/01503/VAR	Granted	18.11.21

	as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan.		
21/01300/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone C (Erection of industrial/R&D unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure.) pursuant to the discharge of Conditions G1. (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10. (Signage and Wayfinding Strategy); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P4. (Pedestrian Footpaths); P6. (Surface Water Drainage); P7. (Foul Drainage); P8. (Noise); P9. (Building Use); P11. (Building Maintenance); P12 (Renewable Energy); and S3. (Landscape Maintenance).		21.05.21
21/01783/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and	Granted	02.08.21

	<p>within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy</p>		
21/02715/LDOCC	<p>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</p>		08.10.21

	(Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P10 (Building Maintenance) and P11 (Renewable Energy).		
21/02944/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO		04.11.21
21/03015/FUL	Construction of western spur off roundabout with landscaping.	Granted	23.03.22
21/03016/VAR	Variation of Condition 1 (Approved Plans) of permission 20/01503/VAR granted 09/12/2020. Variation would allow - Minor amendment to the siting of the western spur of the southern roundabout.	Granted	23.03.22

21/03516/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C - The erection of 3no. buildings totaling circa 14,927m² GEA of Use Class B8 (Storage or distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p>		22.12.21
22/00254/LDOCC	<p>Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m² GEA of Use Class E (g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2.</p>		14.03.22

	(Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
22/00822/FUL	Erection of acoustic fence and landscaping	Granted	23.12.22
22/00965/LDOCC	Schedule C alterations to Enterprise Centre constructed under schedule A approval ref.20/00002/LDOCC, comprising additional events floor space, elevational changes, additional emergency escape route, art installation and landscaping alterations. Discharge of conditions G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage, Wayfinding and Public Art), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance), and P11 (Renewable Energy).		25.05.22
22/01205/DAC	Application for approval of details as reserved by condition S3 (Landscape Maintenance Strategy outside of plots) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.	Granted	24.08.22

22/01206/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B). The erection of 1no. building totalling circa 3,145m ² GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1 (Design Code Compliance), G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P5 (Surface Water Drainage), P6 (Foul Drainage), P10 (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		15.06.22
22/01730/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) - Compliance Checklist application for site wide Wayfinding Strategy concerning Signage, Public Art and Furniture in accordance with Condition G2 (Compliance Checklist) of Schedule B, Class 2 and 3; Condition G1 (Design Code Compliance); and Condition G10 (Signage, Wayfinding and Public Art) of Schedule B Class 1.		05.08.22
22/02233/DAC	Application for approval of details as reserved by condition G11 part (a) only	Granted	10.07.24

	(Highways Improvements) of approved Horizon 120 Local Development Order (2021) ref: 21/01783/LDO.		
22/02356/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B) - The erection of 1no. building split between 2no. units, totalling circa 3,196m ² GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		17.10.22
22/02935/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C - The erection of 3no. buildings totalling circa 14,927m ² GEA of Use Class B8 (Storage or Distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge		08.12.22

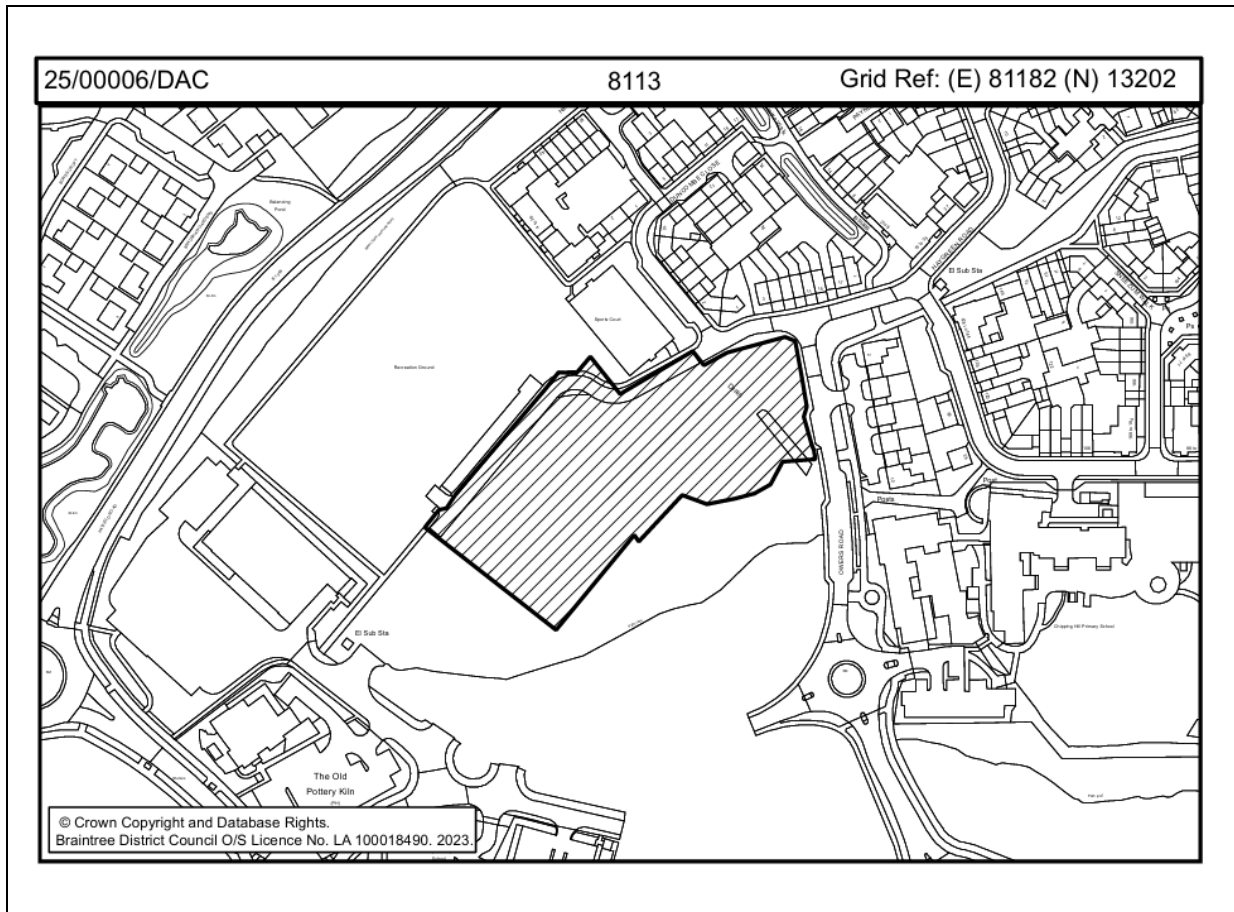
	of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
22/03139/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m ² GEA of Use Class E (g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		23.12.22
23/00119/LDOCC	Horizon 120 Business and Innovation Park Local		24.02.23

	<p>Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development (E(g)(ii) unit with offices E(g)(i) and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO (AMENDMENT TO PREVIOUS APPLICATION 21/02944/LDOCC).</p>		
23/00688/FUL	Retention of pallet store shed.	Granted	19.06.23
23/01494/LDOCC	Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the Plot 5 (Zone B) - The erection of 1no. building split between 2no. units, totalling circa 3,517sqm GEA of Use Class E (g)(iii) (Industrial) with ancillary office, associated car parking, service yards and landscaping. Checklist		18.07.23

	application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.		
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Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	25/00006/DAC
Description:	Application for approval of details as reserved by condition 3 (Materials) of approved application 23/02329/FUL for Proposed new community building, with associated landscaping and car parking.
Location:	Land South of Haygreen Road, Witham, Essex
Applicant:	Braintree District Council, Causeway House, Bocking End Braintree, CM7 9HB
Agent:	Mrs Louisa Nelson, Ingleton Wood LLP, 8 Whiting Road, Norwich Business Park, Norwich, Norfolk, NR4 6DN
Date Valid:	2nd January 2025
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED as outlined within Appendix 1 of this Committee Report.
Options:	The Planning Committee can: <ul style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Fay Fisher For more information about this Application please contact the above Officer on: 01376 312754, or by e-mail: fay.fisher@braintree.gov.uk

Application Site Location:



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 25/00006/DAC.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan 2013-2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 Members resolved to grant planning permission on 26th March 2024 for a new community building, with associated landscaping and car parking at land south of Haygreen Road, on the Maltings Lane development in Witham.
- 1.2 Condition 3 of the planning permission requires approval of the materials to be used in the external finishes of the building. At the Planning Committee meeting, Members expressed concern in relation to the proposed materials, specifically in respect of the render colour. As such, Members requested that the application for the approval of the external materials was referred to the Planning Committee for determination.
- 1.3 It is proposed that the render colour 'Silver Pearl' be used instead of the blue render originally proposed. It is considered that the use of 'Silver Pearl' render as an alternative to the blue colour render would provide a good contrast alongside the materials palette proposed.
- 1.4 The colour render and palette of external materials proposed are considered acceptable and therefore it is recommended that these are approved, and that Condition 3 of the planning permission is discharged.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This Discharge of Conditions (DAC) application is being reported to Planning Committee at the request of Members following their resolution to grant planning permission on 26th March 2024 for a new community building, with associated landscaping and car parking at land south of Haygreen Road, on the Maltings Lane development in Witham.

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site comprises currently vacant land with planning permission for a new community building which is located within the Maltings Lane development and the Witham Town Development Boundary. The Maltings Lane development is a significant mixed-use development which as well as new housing includes a new primary school, pub/restaurant, children's nursery, supermarket, office space, and open space including play areas, grass sports pitches, and a Multi-Use Games Area.

6. PROPOSAL

6.1 This application follows the granting of planning permission under Application Reference 23/02329/FUL for a new community building, with associated landscaping and car parking. This application seeks permission to discharge Condition 3 of the planning permission which relates to external finishing materials. Condition 3 states that:

“No above ground development shall commence until a schedule and samples of the types and colour of the materials to be used in the external finishes of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This shall include an alternative colour to the initially proposed (but not approved due to being considered unacceptable) blue render identified on Drawing No. MALTLN-IWD-XX-XX-DR-A-1004 REV P5.”

6.2 The Applicant was advised that any application to discharge Condition 3 would need to be referred to Planning Committee for determination.

6.3 For completeness, the proposed materials palette comprises Silver Pearl Render, Buff Multi Stock Brick, Rhinestone Oak Cladding and Grey aluminium windows, doors, fascia, soffits, rainwater goods and columns.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 N/A.

8. PARISH / TOWN COUNCIL

8.1 N/A. The Application is a Discharge of Condition application and is therefore not subject to public consultation.

9. REPRESENTATIONS

9.1 N/A. The Application is a Discharge of Condition application and is therefore not subject to public consultation.

10. PRINCIPLE OF DEVELOPMENT

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

10.2 Policy LPP61 of the Adopted Local Plan states that the provision of new or enhanced community facilities will be supported wherever possible, and that the Local Planning Authority will aim to ensure new facilities are created alongside new communities, and that the provision or enhancement of these facilities will be supported wherever possible.

10.3 Members resolved to grant planning permission on 26th March 2024 for a new community building, with associated landscaping and car parking at land south of Haygreen Road, on the Maltings Lane development in Witham. The principle of development has therefore been established. This application specifically relates to the proposed external materials of the building.

11. SITE ASSESSMENT

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

11.1.1 Paragraph 131 of the NPPF sets out that high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It then goes on to cite good design as a key aspect of sustainable development. Furthermore, Policies LPP47 and LPP52 of the Adopted Local Plan all reflect the NPPF by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings, layouts and landscaping to reflect or enhance the area's local distinctiveness.

- 11.1.2 As stated in the Officers report to the Planning Committee on 26th March 2024, the design of the proposed building has led by the provision of the sports hall, comprising a functional form with visual interest added by the use of a varied materials palette and staggered roof heights.
- 11.1.3 In terms of the design, appearance and impact upon the character and appearance of the area, it is Officer's opinion the use of 'Silver Pearl' render as an alternative to the blue colour render, as originally proposed, although more muted, would provide a good contrast alongside the materials palette proposed and would therefore be compliant with the aforementioned policies.
- 11.1.4 The colour render and palette of external materials proposed are considered acceptable and therefore it is recommended that these are approved, and that Condition 3 of the planning permission is discharged.

12. CONCLUSION

- 12.1 Whilst the use of Silver Pearl coloured render would provide a more muted tone it would still provide a good contrast with the rest of the material palette proposed. The proposed materials are considered to be acceptable, compliant with the aforementioned policies. It is therefore recommended that the proposed materials are approved, and that Condition 3 of the planning permission is discharged.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:
Application APPROVED in accordance with the Approved Plans and Documents outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s)

Plan Description
Proposed Plans

Plan Ref
501347-IWD-XX-XX-DR-A-1004

Plan Version
REV P6

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP7	Place Shaping Principles
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP61	Local Community Services and Facilities

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
23/00251/FUL	Proposed new community building, with associated landscaping and car parking.	Withdrawn	05.09.23
23/02329/FUL	Proposed new community building, with associated landscaping and car parking	Granted	05.04.24
24/02692/DAC	Application for approval of details as reserved by conditions 4, 5, 6, 13 and 16 of approved application 23/02329/FUL	Pending Consideration	