

PLANNING COMMITTEE AGENDA

Tuesday 20th July 2021 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

*(Please note this meeting will be broadcast via the Councils YouTube Channel,
webcast and audio recorded) www.braintree.gov.uk*

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

Membership:-

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

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood,
Mrs S Wilson, Vacancy (*Substitutes who wish to observe the
meeting will be required to do so via the Council YouTube
Channel*).

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 one hour before the start of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

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

Public Question Time – Registration and Speaking on a Planning Application/Agenda Item

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee 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.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, and then Applicant/Agent.

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

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

Substitute Members: Only the named Substitutes on this agenda can 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.

WiFi: Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

Public Attendance at Meeting: Public attendance is welcomed but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors' safe.

Public attendance is limited and will be on first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Councils YouTube Channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast or to contact the Governance and Members team to reserve a seat within the public gallery.

Health and Safety/COVID:

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 8th June 2021 (copy to follow) and 22nd June 2021 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A Planning Applications

5a	App. No. 20 00694 OUT – Cullen Mill, 49 Braintree Road, WITHAM	6-29
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5b	App No. 20 02205 REM – Land South of Halstead Road, EARLS COLNE	30-49
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PART B Minor Planning Applications

5c	App No. 21 00666 HH – 4 Highlands, GOSFIELD	50-57
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6	Horizon 120 – Revised Local Development Order and Design Code and Proposed Wayfinding Strategy	58-83
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7 Tree Preservation Order 04 2021 - Holly Cottage, The Street 84-112
GREAT SALING

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

9 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

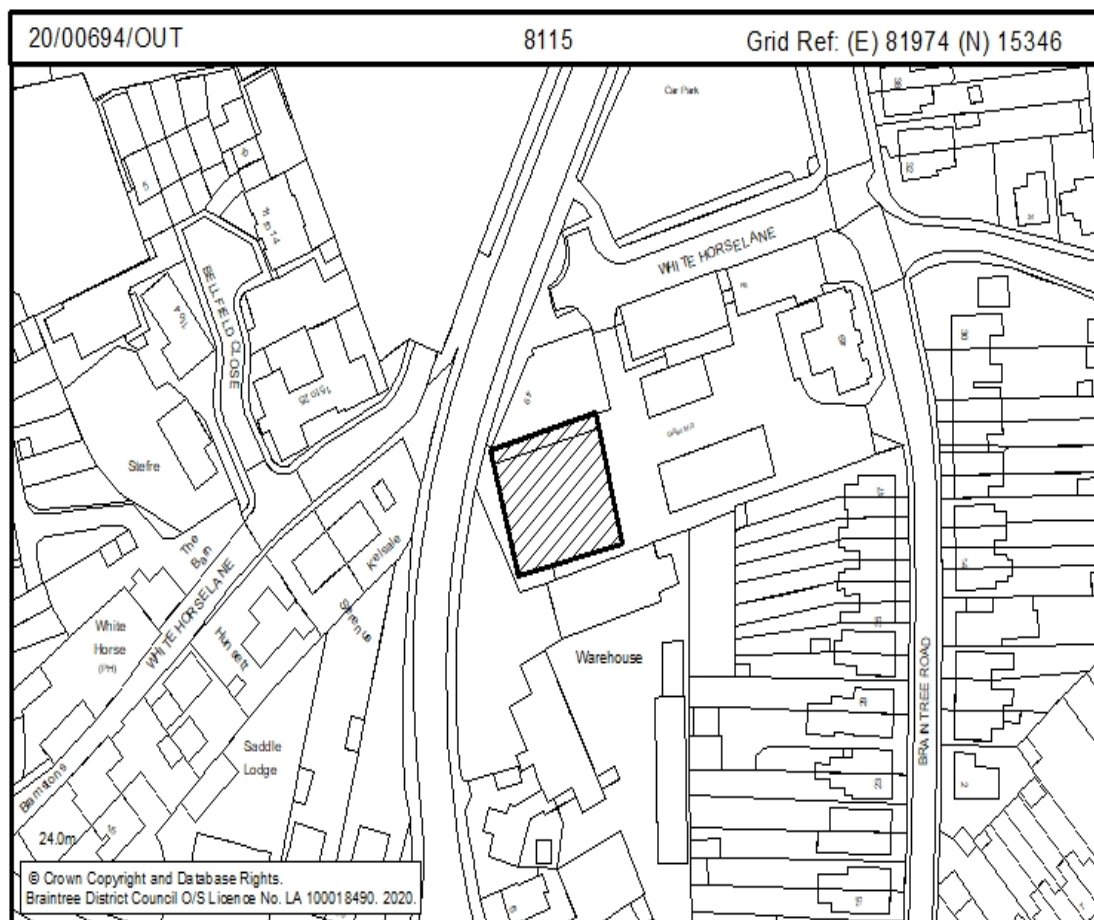
10 Urgent Business - Private Session
To consider any matter which, in the opinion of the Chairman,
should be considered in private by reason of special circumstances
(to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00694/OUT DATE: 18.08.20
 VALID:
 APPLICANT: Kingsland Stock Essex Ltd
 c/o BDA Architecture, Studio on the Green., Ballards Gore Golf Club, Canewdon, SS4 2DA, Essex
 AGENT: BDA Architecture
 Mr Scott Fairley, BDA, Studio On The Green, Ballards Gore Golf Club, Gore Road, Canewdon (Stambridge), SS4 2DA
 DESCRIPTION: Outline planning application with all matters reserved -
 Demolition of existing factory/warehouse unit and construction new apartment development consisting of 10 flats.
 LOCATION: Cullen Mill, 49 Braintree Road, Witham, Essex, CM8 2DD

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9C6DIBFLZ800>

SITE HISTORY

88/02544/P	Erection Of Free Standing Illuminated Sign	Granted	22.02.89
80/00637P	Demolition of warehouse (Building no. 12) and sheds (Building nos. 11, 14 _ 15) and erection of warehouse for the preparation, storage and packaging of seeds.	Refused	
80/00638P	Demolition of warehouse (Building no. 12) and sheds (Building nos. 11, 14 _ 15) and erection of warehouse for the preparation, storage and packaging of seeds.	Refused	
83/00264P	Change of use, conversion and sub-division of seed merchants and processors premises to use as light industrial warehousing, retail and office units, including use of existing office building as veterinary surgery with ancillary residential accommodation. Demolition of building no. 6 to provide additional car parking facilities.	Granted	
83/00834P	Change of use of part of first floor and second floor of warehouse building to school of dancing for teaching ballroom dancing (unit 2).	Granted	
84/00282P	Change of use of seed merchants to retail.	Granted	
84/00387P	Variation of condition 6 attached to Planning Permission BTD/263/83. Use of ground floor for Class 1 retail use.	Granted	
84/00977P	Conversion of existing mill into 'I' Tec Centre.	Granted	
84/01504P	Non-illuminated lettering to	Granted	

	front elevation of existing building.		
85/00190P	Change of use from light industrial to private pool club.	Refused	
85/00975P	Change of use from public highway to car parking and public footpath. (Part White Horse Lane)	Granted	
16/00440/COUPA	Notification for prior approval for a proposed change of use of a building from office use Class B1(a) to a dwellinghouse Class C3 - Existing 2no. established office blocks to be converted to 16no. 2 bedroom dwelling units, the proposal will make use of the existing parking on site.	Prior approval required, not given	05.05.16
16/00678/FUL	Additional windows and doors to existing building with new access stairways and gantry/balcony	Withdrawn	27.06.16
16/00982/COUPA	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use Class B1(a) to a Dwellinghouse Class C3 - Existing 2 no. established office blocks to be converted to 16 no. 1 or 2 bedroom dwelling units	Prior Approval Required and Given	01.08.16
16/01227/FUL	Change of use from B1 to C3 creating 9 no. 2 bedroom flats	Granted	09.06.17
16/01228/LBC	Change of use from B1 to C3 creating 9 no. 2 bedroom flats	Granted	09.06.17
17/00449/FUL	Change of use of A3 Cafe to 2no. C3 Dwellings	Granted	03.11.17
17/01978/DAC	Application for approval of details reserved by condition no. 3 of approved application 16/01228/LBC	Refused	27.03.18
17/02072/VAR	Application for variation of Condition 2 of approved application 16/01227/FUL - To allow for an improved quality of living	Granted	27.03.18

18/00506/VAR	<p>accommodation for the top three flats.</p> <p>Application Reference Number: 16/01228/LBC</p> <p>Date of Decision: 09/06/2017 application not proceeded with see LBC Condition Number(s): Variation to Condition 2</p> <p>Conditions(s) Removal: The applicant seeks to vary the condition to allow for an improved quality of living accommodation for the top three flats.</p> <p>The applicant seeks to extend the residential living accommodation into the existing roof void and to insert 3no. conservation rooflights.</p>	Application Returned	
18/00730/LBC	Insertion of rooflights and internal alterations to facilitate additional accommodation to flats 7, 8 and 9.	Granted	28.08.19
18/00972/DAC	Application for approval of details reserved by condition nos. 4, 5, 6, 7 and 8 of approved application 16/01227/FUL	Granted	12.09.19
18/01483/DAC	Application for the approval of details reserved by condition 4, 6 and 7 of planning permission 17/00449/FUL	Granted	11.10.18
18/01568/NMA	Application for a non-material amendment following grant of planning permission 17/00449/FUL - to remove approved rear lounge extension and to allow for timber horizontal weatherboarding to match adjacent building.	Refused	14.03.19
18/01598/LBC	- Replacement of aluminium-framed and UPVC windows with timber joinery painted white with slim line double glazing.	Granted	11.06.19

	<ul style="list-style-type: none"> - Replacement of current entrance doors to the west and central rear with vertical timber doors painted black with simple glazed section. - Replacement of internal doors to each flat with plain timber doors with vertical timbers and frame in oak. - Removal of wires on external faces of building. - Retention of door entry systems. 		
19/00344/FUL	Repair/partial rebuild of retaining wall at rear of the property	Granted	11.06.19
19/00345/LBC	Repair/partial rebuild of retaining wall at rear of the property	Granted	11.06.19
19/01241/DAC	Application for approval of details reserved by condition nos. 3 and 4 of approved application 18/01598/LBC	Granted	10.10.19
19/01509/FUL	Change of use of office (B1) to 9 No. flats (C3) including alterations and restoration of the existing facade and associated internal alterations	Granted	18.12.19
19/01510/LBC	Change of use of office (B1) to 9 No. flats (C3) including restoration of the existing facade and associated internal alterations	Granted	18.12.19
20/00495/DAC	Application for approval of details reserved by conditions 2 & 3 of approved application 19/01510/LBC	Granted	07.05.20
20/00504/DAC	Application for approval of details reserved by conditions 3, 5 and 6 of approved application 19/01509/FUL	Granted	10.08.20
20/01851/NMA	Non-Material Amendment to permission 18/00011/FUL granted 19.06.2019 for: Redevelopment of the site to provide 8 one bedroom	Granted	21.12.20

flats and 2 two bedroom
flats (10 units total)
incorporating the
remodelling of the existing
building to provide a three
storey building with
associated landscaping,
parking & cycle parking.
Amendment would allow:
- Substitute Garage for 9 x
Secure Bike Store with
Electric Charging (2 x Bikes
per Store)

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy") which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP78	Flooding Risk and Surface Water Drainage

LPP79 Surface Water Management Plan
LPP80 Sustainable Urban Drainage Systems
LPP82 Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement
Open Space Supplementary Planning Document
Open Spaces Action Plan

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site consists of an existing commercial building with a B8 use. It lies within a former industrial estate, wherein all the other units are now converted to residential, with the exception of the adjacent building to the north which remains as commercial (although has planning permission under application reference 18/00011/FUL for the redevelopment of the site to provide 10 units by remodelling of the existing building).

The current building utilises the access through the Cullen Mill site and onto Braintree Road, however, it is noted that the application red edge line is only for the site itself, and it is unclear if any vehicular access is sought. The site is in an elevated position from the B1018.

The site lies outside of, but adjoining the Conservation Area. A number of the buildings within the wider Cullen Mill site are Listed.

The adjacent site to the south is Ramsden Mills which is proposed for allocation in the Local Plan for 30 dwellings (ref: WITN 425).

PROPOSAL

The application is in outline form with all matters reserved. The proposal seeks the demolition of a 500sq.m B8 unit and the construction of 10 residential units.

The application has been submitted with a Preliminary Ecological Assessment and a Phase One Environmental Desk Study.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

Make no comments to the application. Note the application is submitted with all matters reserved. The reserved matters application will need to demonstrate a site access to the required highway design standard.

ECC Local Lead Flood Authority

Object to the application and comment that the application lacks sufficient information for them to be able to assess the development.

ECC Archaeological Advisor

Comments that the site lies within an area of significant archaeological potential and a condition is recommended to properly provide for archaeological evaluation, assessment and recording.

ECC Historic Building Consultant

No objection to the demolition of the existing building. Note that the site is adjacent to two Grade II listed mill/warehouse buildings and the Witham Chipping Hill Conservation Area. Comment that the proposed development is poorly articulated, featuring a convoluted roof form that will fail to enhance the setting of the listed buildings and will not enhance the setting of the Conservation Area. The proposal will cause less than substantial harm to the significance of the neighbouring listed buildings, detracting from their setting.

ECC Ecology Section

No objections subject to securing a financial contribution towards visitor management measures for the Blackwater Estuary SPA/Ramsar site and further biodiversity mitigation and enhancement measures.

BDC Waste Section

Seek evidence to demonstrate the distance from the door of the bin store to the main road. There is a need to check that it is safe for the refuse vehicle to stop at the entrance.

BDC Environmental Health

Comment that the site contains asbestos which must be carefully removed if the development proceeds to prevent contamination of land.

A contaminated land condition is recommended on any approval to ensure that made ground is assessed. In regards to noise, air quality and overheating, given the close proximity to a busy road where there is often queuing traffic, a noise assessment and air quality assessment would be required. In addition, there shall be restrictions on the hours of working at the time of construction and demolition to protect the nearby residential amenity from noise and any piling must receive prior approval.

Anglian Water

Note that the foul drainage from this development is in the catchment of Witham Water Recycling Centre which has available capacity. The sewerage system has capacity via connection to the public foul sewer. The preferred method of surface water disposal is via a SUDs system. Recommend a condition to address surface water management.

Natural England

The site lies within the Zone of Influence for RAMS.

Essex Police Liaison Officer

Seek the opportunity to assist the developer to achieve Secured by Design.

Fire and Rescue

Make comments in regards to access, Building Regulations, water supplies and sprinklers.

PARISH / TOWN COUNCIL

Witham Town Council

Witham Parish Council raise no objection subject to sufficient car parking, cycle parking and affordable housing being provided. Comment that there should be provision for electric charging points on site, or if not there should be a contribution towards provision at the nearby White Hart Lane public car park.

REPRESENTATIONS

The application was advertised by way of site notices, press notice and neighbour notification.

1 letter has been received neither objecting to nor supporting the planning application, raising the following comments:-

- Unsure of the access for flats, or if / where vehicles will park;
- Already enough cars in area. Will create additional noise with coming and goings.

Cllr S. Hicks, supports the application and comments that it will tidy up this area of Witham, which is close to the train station, town centre and river for amenity.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, a material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), the Shared Strategic Section 1 Plan (2021).

The application site is located within the Town Development Boundary of Witham, where the principle of development is supported within Policy RLP2 and RLP3 of the Adopted Local Plan. This proposal would be brownfield land within the development boundary and is otherwise not designated or previously identified in the SHLAA.

Although the existing use is as employment, there is no policy objection within the Local Plan in relation to the loss of the employment land.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2021. Within this trajectory the Council considered that it has a 5.34 year supply of housing, based on a 5% buffer.

At its full Council on the 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

This supply position does not include sites which are proposed to be allocated within the Section 2 Plan but do not yet have planning permission or a resolution to grant planning permission.

These allocations without permission will be tested at the forthcoming Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them, if there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

Given all of the evidence before it – including the use of the new housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, the Council considers that the current 5 year Housing Land Supply for the District is 5.34 years.

As the Council can demonstrate the required five Year Housing Land Supply the ‘tilted balance’ pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply.

SITE ASSESSMENT

Location and Access to Services and Facilities

The NPPF encourages new homes in locations with good access to services, facilities, and employment opportunities, as this approach limits the need to travel, especially by car, and promotes a genuine choice of sustainable modes of transport. It is equally acknowledged that, as set out within Paragraph 103 of the NPPF, opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

As identified above, the application site comprises previously developed land located within the Town Development Boundary of Witham. Witham is identified as one of the main towns within the Settlement Hierarchy. The main towns are the locations which are most sustainable in the District and have good access to day-to-day services and facilities. It is therefore considered that the site is in an accessible and sustainable location for new residential development which is a benefit that weighs in favour of the application.

Layout, Design and Appearance / Heritage Impacts

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Furthermore, Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments. At the national level, the NPPF is also clear in its assertion (Paragraph 124) that ‘good design is a key aspect of sustainable development’ and that (Paragraph 127) developments should ‘function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place’.

The application is submitted with all matters reserved. However, the application has been submitted with an indicative layout plan which demonstrates one way in which the application site could accommodate the proposed quantum of development. The indicative plans portray a 4 storey mainly pitched roof building, to accommodate 6 x 1 bed units and 4 x 2 bed units.

The character of the area is varied, with the commercial units to the south, being single storey and to the north and east higher density residential flats, within 2 and 3 storey height buildings. The height of the proposed development at 4 storeys would therefore dominate those in the locality, and given the elevated position of the site in relation to the B1018, it would appear prominent in the street scene, as well as over dominant to the adjacent listed buildings.

The indicative street scene demonstrates that the scale of the building would be overly dominant and bulky, and the architectural composition incoherent and poorly proportioned. The slack pitched roof detracts from the composition and fails to sympathise with the adjacent pitched roofs that have proportions that are coherent to their related bulk and mass. There is an overly dominant horizontal emphasis to each floor and this sits poorly in the height and shape of the massing, exacerbating the weak roof line. The brick wall/parapet to the southern end is a bland addition to the composition where something much lighter should sit, inset and unobtrusive. The metal railed balconies and soldier course provide a utilitarian appearance and much of the horizontal emphasis that makes the proposal appear incoherent and unsympathetic to the locality.

The access for the flats are shown on the eastern elevation which otherwise is almost devoid of any fenestration and would thus provide for an extremely bland façade. There is no opportunity for natural surveillance of this area which is allocated for car parking and cycle provision (as well as bin storage). The car parking has no visual mitigation as there is no room for planting trees. There is a combined bin store and cycle store without separation and only one point of access. Overall, this featureless elevation is of mass and sits in a prominent location. In addition to the unmitigated car parking, it fails to meet the expectations of good design raised by the National Design Guide. Furthermore, in respect to the poor parking layout in design terms, no evidence has been submitted to demonstrate that the spaces can be accessed or manoeuvred into. The red edge application site area extends only to site itself and not the access.

In regards to heritage matters, the site is not located within a Conservation Area, but runs adjacent to it. Furthermore, there are other designated heritage assets in the form of Grade II listed buildings at Cullen Mill. The existing building on site is not of any architectural or historic value, being a light industrial unit constructed in corrugated metal, and in heritage terms there is no objection to its demolition. However, as noted above, the proposed redevelopment in its indicative form will dominate the listed buildings, meaning their prominence within the locality will be diminished. The design is poorly articulated and the development will fail to enhance the setting of the listed buildings. Whilst the section of the Conservation Area that borders the site would highly benefit from some redevelopment, this application will not enhance or celebrate the special interest of Chipping Hill. The proposals will cause harm to the significance of the neighbouring listed buildings, detracting from their setting.

This harm is classed as less than substantial and should be considered against Section 196 of the NPPF. Whilst the section of the Conservation Area adjoining the site is not of high value, the introduction of inappropriate built form within its immediate setting would be harmful to the appreciation of Chipping Hill's special architectural and historic interest and thus, Section 200 of the NPPF is also relevant. Although there are public benefits with the redevelopment of this brownfield site, which currently does not positively contribute to the character and appearance of the area, any public benefits would not be outweighed by the harm caused.

As a further point in regards to layout, as noted above, Ramsden Mills is the adjacent unit to the south and proposed for allocation in the Local Plan for 30 dwellings (Ref: WITN 425). A narrow gap will separate this application site with the allocated site. At this stage it is unknown what the proposed footprint on site WITN 425 will be, and equally this application is in outline form. As design discussions continue this will need to be a matter of further consideration to ensure that the development does not prejudice the delivery of the allocated site.

Impact on Neighbour and Future Amenity

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. This is reinforced by Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

Given the outline nature of the application, detailed layouts do not form part of the proposal. However, the indicative layout and floorplans demonstrate one way in which the site could be developed for 10 flats.

In terms of the amenity for future occupiers, Officers are not content that the submitted plans adequately demonstrate that the development would provide for high quality provision for future occupiers. The majority of the flats are single aspect and are west facing which would provide poor internal amenity in terms of light and outlook. Each unit is provided with a balcony as the private amenity area / open space, which faces onto the B1018 (there is also a larger shared balcony/terrace). The B1018 is a busy road with traffic often stationary. No noise or air quality assessments have been submitted to demonstrate that the levels would be appropriate. Officers have strong reservations in terms of the viability of the balconies and windows to this elevation and are concerned that acceptable noise levels could not be adhered to (as well as implications for overheating etc. if windows are required to be kept shut to meet with adequate noise levels). As well as falling foul of the abovementioned policies relating to amenity, this is another factor that contributes to the poor layout, design and sense of overdevelopment of the site.

In terms of the impact to neighbouring occupiers, as the application is in outline form the impact cannot be fully assessed. The adjacent site to the

north has full permission for redevelopment for residential use (not yet constructed) and the south is an allocated site for residential use. Officers consider that a scheme could be designed to prevent unacceptable overlooking, loss of light or similar. This would be a matter of full consideration on any forthcoming applications (whether full or a later reserved matters application).

Highway Issues

The application red edge includes the site only and does not extend to the public highway. It is therefore unclear where pedestrian access would be taken or if there would be any vehicular access to the parking area indicated for the development. The Highway Authority have not objected to the application, but note that appropriate access will be required to form part of the reserved matters application. However, Officers are not content that the application can demonstrate that access and parking can be provided for the number of units proposed. The indicative parking layout does not provide an acceptable layout of spaces that would be accessible or manoeuvrable. This is a further factor that demonstrates a poor layout and overdevelopment of the site.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (a low probability risk of flooding), however, given the change of use in development type to a more vulnerable class, there is a requirement for the application to be supported with a Flood Risk Assessment (FRA). No FRA has been submitted, although the applicant has submitted some information in regards to flood risk and drainage in support of their application.

The Local Lead Flood Authority (LLFA) have reviewed the submission and object to the application, stating that the information does not allow them to assess the application. The application therefore fails to demonstrate if the proposed development is likely to be affected by current or future flooding, (whether that be from groundwater, river (fluvial), surface water (pluvial) or otherwise), nor that the development will not increase the risk of flooding elsewhere.

Ecology

The application has been submitted with a Preliminary Ecological Assessment. This outlines the likely impacts on Protected and Priority species/habitats and details appropriate mitigation measures. Subject to the ecological mitigation and enhancement measures identified in the Preliminary Ecological Appraisal being secured and implemented in full there would be no adverse impact from the development and the LPA will have demonstrated its compliance with its statutory duties.

Habitat Regulations Assessment (HRA / RAMS)

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

The application site sits within the identified 'Zone of Influence' where new development of this type is likely to have a direct effect on areas of the Essex Coastline which are protected by International, European and National wildlife designations through increased visitor pressure on these sites. It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of the securing of a financial contribution of £127.30 per new dwelling erected towards offsite visitor management measures at the above protected sites.

No such payment has been made and there is no draft Section 106 Legal Agreement or Unilateral Undertaking provided to secure this.

PLANNING OBLIGATIONS

The following identifies those matters that the District Council would seek to secure through a planning obligation. No Section 106 Heads of Terms or Unilateral Undertaking has been submitted. This therefore forms another reason for refusal.

Public Open Space

Policy CS10 of the Core Strategy requires new development to make appropriate provision for publically accessible open space or improvement of existing. The Council's Open Space SPD sets out further details on how these standards will be applied. In accordance with the Council's SPD, the development would generate a need for offsite contributions for allotments, outdoor sports, equipped play, informal open space and amenity green space. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a designated development boundary where the principle of development is generally considered to be acceptable

in accordance with Policy RLP3 of the Adopted Local Plan, and Policy LPP1 of the Section 2 Plan.

Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.34 years against its housing need. As such the Council is presently meeting this objective.

Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.

As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.

As the Council can demonstrate the required 5 Year Housing Land Supply the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan and Policies RLP2, RLP3, RLP95 and RLP100 of the Adopted Local Plan.

Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both

policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.

Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. Policy RLP3 of the Adopted Local Plan seeks to permit residential development within village envelopes and town development boundaries, 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. As with Policy RLP2, it is considered that the policy remains broadly consistent with the Framework as it seeks to secure sustainable development. The policy is not out-of-date, and can be given more than moderate weight.

Policy RLP95 seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 193 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), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 195 and 196 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP95 and RLP100 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.

When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.

Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts

of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. 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).

Summary of Adverse Impacts

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

Capability of the site to accommodate the development

The application submission and indicative plans fail to demonstrate that the amount of development can be accommodated on the site with the required open space, amenity areas and parking provision. Furthermore, the application submission and indicative plans also fail to demonstrate how a satisfactory standard of amenity and high quality design could be provided on the site. Based on the indicative information submitted, the development would appear cramped and congested on the plot, appearing unduly prominent within the locality. There is also concern with the detailed design as indicated. In addition, the 'red edge' application site area, extends only to the site itself. It is unclear if or how both pedestrian access and vehicular access can be achieved.

As such, the development would result in an overdevelopment of the site, to the detriment of the character and appearance of the site, the street scene and wider locality. Substantial harm is assigned to this matter.

Heritage

The development is considered to result in harm to the setting of the Conservation Area and would further result in some harm to the setting of the Grade II Listed Buildings at Cullen Mill. In accordance with the NPPF, this harm is identified as less than substantial harm. There are no public benefits have been identified which outweigh the harm. The overall harm in the flat balance is moderate.

Impact to future occupier's amenity

The application does not adequately demonstrate that the development would provide for high quality provision for future occupiers with the majority of the flats being single aspect. The majority of the windows and the balconies would face onto the B1018. No noise or air quality assessment has been submitted to demonstrate that the levels would be appropriate, as well as implications for overheating etc. if windows are required to be kept shut to meet with adequate noise levels. The harm assigned to this is substantial.

Flood risk / drainage

The application fails to demonstrate if the proposed development is likely to be affected by current or future flooding, nor that the development will not increase the risk of flood elsewhere. The harm assigned to this is substantial.

Mitigation

No mechanism has been secured in terms of the required of offsite financial contributions towards open space or in regards to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The development would not appropriately mitigate for its impacts in regards to these matters. The harm assigned is moderate.

Summary of Public Benefits

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

Delivery of Market Housing

The development would facilitate the provision of 10 residential units providing a total of 6 x 1 bed units, 4 x 2 bed units. The development does not meet the threshold for affordable housing. Given the number of units proposed and the Councils 5 year housing land supply position, this is only afforded limited weight.

Location and Access to Services and Facilities

A key objective of planning is to bring forward development that is appropriate and in the right place. In this respect, the site is well-placed for a redevelopment of this scale – it is a sustainable and accessible brownfield site within the town centre with strong public transport connections. This is afforded significant weight.

Economic and Social Benefits

The development will bring both social and economic benefits during construction and thereafter with the spending powers of future residents. Overall, the social and economic benefits are afforded moderate weight.

Planning Balance

When considering the planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal are outweighed by the harms, including the harm arising from the conflict with the Development Plan, such that planning permission should be refused in line with the Development Plan and the National Planning Policy Framework.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 The application fails to demonstrate that a satisfactory development for the number of units proposed can be accommodated on the site. The indicative plans would result in a development that is cramped and congested in its layout, is of a poor quality form and detailed design, and fails to provide adequate amenity space, parking provision and access. The development would result in an overdevelopment of the site, to the detriment of the character and appearance of the site, the street scene and wider locality. The development is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP9 and RLP90 of the Braintree District Local Plan Review (2005), Policy SP7 of the Shared Strategic Section 1 Local Plan (2021), and Policies LPP50 and LPP55 of the Braintree District Publication Draft Section 2 Local Plan (2017).
- 2 The application fails to demonstrate that a satisfactory development for the number of units proposed can be accommodated on the site without harm to the setting of the adjacent Conservation Area or

harm to the setting of the Grade II Listed Buildings at Cullen Mill. The proposed development is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP95 of the Braintree District Local Plan Review (2005) and Policies LPP50, LPP56 and LPP60 of the Braintree District Publication Draft Section 2 Local Plan (2017).

- 3 The application does not adequately demonstrate that the development would provide for appropriate amenity for future occupiers in terms of light, outlook, noise disturbance, air quality and overheating. No noise or air quality assessment has been submitted to demonstrate that the levels would be appropriate. The development would be contrary to the National Planning Policy Framework; Policies RLP63 and RLP90 of the Braintree District Local Plan Review (2005); and Policies LPP50 and LPP55 of the Braintree District Publication Draft Section 2 Local Plan (2017).
- 4 Insufficient information has been submitted to adequately demonstrate that flood risk matters are addressed or that a suitable sustainable urban drainage system can be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Section 2 Local Plan (2017).
- 5 In the absence of an obligation to provide for 1) a contribution towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed, and 2) a contribution to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations, the development would be contrary to the National Planning Policy Framework; Policy RLP138 of the Braintree District Local Plan Review (2005); Policy CS10 of the Braintree District Core Strategy (2011); Policy SP2 of the Shared Strategic Section 1 Plan (2021); Policies LPP53 and LPP82 of the Braintree District Publication Draft Section 2 Local Plan (2017); the BDC Open Space Supplementary Planning Document (2009) and the Essex Coast RAMS Supplementary Planning Document (2020).

SUBMITTED PLANS

Existing Elevations and Floor Plans	Plan Ref: 19.169/01	Version: A
Proposed Roof Plan	Plan Ref: 19.169/06	Version: B
Proposed 3rd Floor Plan	Plan Ref: 19.169/05	Version: B
Proposed 2nd Floor Plan	Plan Ref: 19.169/04	Version: B

Proposed 1st Floor Plan	Plan Ref: 19.169/03	Version: B
Proposed Ground Floor Plan	Plan Ref: 19.169/02	Version: B
Street elevation	Plan Ref: 19.169/10	Version: A
Location / Block Plan	Plan Ref: 19.169/08	Version: B

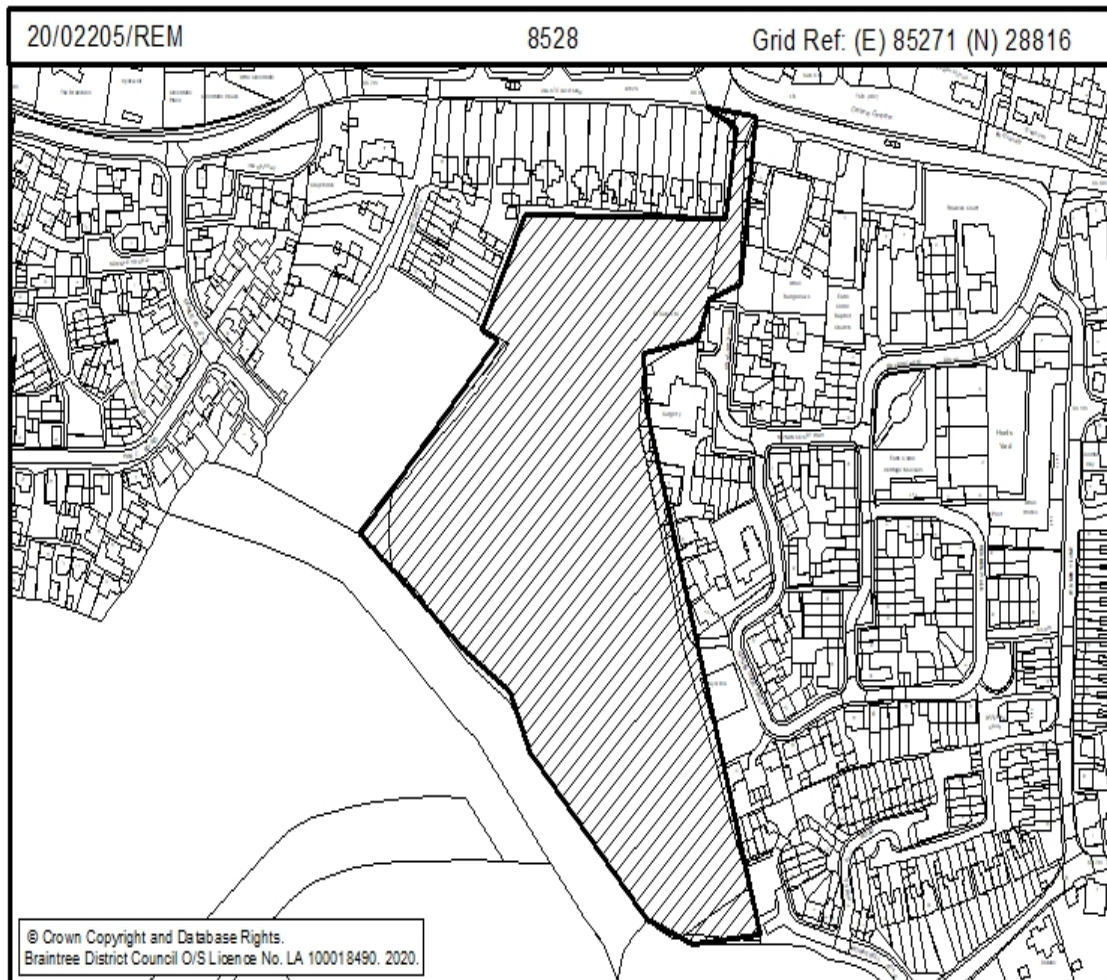
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/02205/REM
DATE VALID: 11.01.21
APPLICANT: Persimmon Homes Essex
Miss Harris, Persimmon House, Gershwin Boulevard,
Witham, CM8 1FQ, United Kingdom
DESCRIPTION: Reserved Matters (relating to scale, appearance, layout and landscaping) made pursuant to Outline Planning Permission ref: 15/01580/OUT for 80 dwellings, open space and associated ancillary works
LOCATION: Land South Of, Halstead Road, Earls Colne, Essex

For more information about this Application please contact:
Timothy Havers on:- 01376 551414 Ext. 2526
or by e-mail to: timothy.havers@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLP5XUBFI/FA00>

SITE HISTORY

15/01580/OUT	Outline planning application with all matters reserved (except means of access on to Halstead Road and Thomas Bell Road) to include: up to 80 dwellings (Use Class C3); open space and associated ancillary works	Granted with S106 Agreement	08.08.17
20/02206/DAC	Application for approval of details as reserved by conditions 8, 14, 15, 19, 22 & 26 of approved application 15/01580/OUT	Pending Consideration	
20/02207/DAC	Application for approval of details as reserved by condition 24 of approved application 15/01580/OUT	Pending Consideration	
21/00497/DAC	Application for approval of details as reserved by condition 3, 9, 11 and 12 of approved application 15/01580/OUT	Pending Consideration	

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas

- | | |
|--------|--|
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |
| RLP138 | Provision of Open Space in New Housing Developments |

Braintree District Local Development Framework Core Strategy 2011

- | | |
|------|--|
| CS2 | Affordable Housing |
| CS7 | Promoting Accessibility for All |
| CS8 | Natural Environment and Biodiversity |
| CS10 | Provision for Open Space, Sport and Recreation |

Braintree District Shared Strategic Section 1 Local Plan (2021)

- | | |
|-----|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP7 | Place Shaping Principles |

Braintree District Draft Section 2 Local Plan (2017)

- | | |
|-------|--|
| LPP33 | Affordable Housing |
| LPP37 | Housing Type and Density |
| LPP44 | Sustainable Transport |
| LPP45 | Parking Provision |
| LPP49 | Broadband |
| LPP50 | Built and Historic Environment |
| LPP51 | An Inclusive Environment |
| LPP53 | Provision of Open Space, Sport and Recreation |
| LPP55 | Layout and Design of Development |
| LPP56 | Conservation Areas |
| LPP60 | Heritage Assets and their Settings |
| LPP67 | Natural Environment and Green Infrastructure |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat |
| LPP69 | Tree Protection |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP71 | Landscape Character and Features |
| LPP73 | Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| LPP74 | Climate Change |
| LPP75 | Energy Efficiency |
| LPP77 | Renewable Energy within New Developments |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP79 | Surface Water Management Plan |
| LPP80 | Sustainable Urban Drainage Systems |
| LPP81 | External Lighting |

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
 Essex Design Guide
 Earls Colne Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located outside but immediately adjacent to the Village Envelope of Earls Colne.

It measures approximately 3.4 hectares and consists primarily of an agricultural field with associated boundary hedging and trees. There is a notable mature Oak Tree which stands on its own within the northern part of the site. The site also includes an existing agricultural access to the A1124 (Halstead Road) and a new access from Thomas Bell Road.

The site is bounded to the north, north-west and east by existing development which is primarily residential in nature but includes The Pump House Doctor's Surgery. To the south and south-west lies further countryside and to the west a small greenfield site which has outline planning permission for up to 20 dwellings.

PROPOSAL

Outline planning permission (Application Reference 15/01580/OUT) was granted on 8th August 2017 for the residential development of the site for up to 80 dwellings with associated open space and ancillary works. Access was approved from Halstead Road and Thomas Bell Road.

All other matters 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 already being fixed at the outline planning permission stage.

The current Reserved Matters application seeks permission for all of the matters reserved at the outline permission stage. The proposed development would consist of 80 dwellings with vehicular access being taken from Halstead Road and Thomas Bell Road in accordance with the approved outline consent.

The layout proposes 3 development parcels in the site's northern half, centred around an area of open space. To the south are a further two development parcels with another area of public open space which is linked to the first. A dedicated pedestrian and cycle link runs the majority of the length of the site from north to south, providing a connection from Halstead Road to Thomas

Bell Road. Further links are provided to the site's eastern boundary at the mid-way point where it abuts the existing children's play area at Nonancourt Way (pedestrian link) and on the western boundary where it abuts the smaller adjacent development site (pedestrian and cycle link) with which it has specifically been designed to be compatible with.

The proposed dwellings would consist of a mixture of detached, semi-detached, terraced units, and flats, the latter being located within a dedicated flatted block positioned in the southern half of the site.

The applicant has also submitted, as part of the Reserved Matters details of the following to satisfy the requirements of a number of conditions attached to the outline planning permission which relate to the Reserved Matters submission:

Condition 5 – An Arboricultural Method Statement with associated Tree Protection Plan

Conditions 6 and 7 – Updated Ecology Surveys

Condition 10 – Detailed Surface Water Drainage Scheme

Condition 23 – Details of the proposed Children's Play Area

Condition 25 – Details of refuse and recycling storage/collection points

Condition 27 – Details of a lighting scheme required as part of Reserved Matters submission

The application is also supported by a full set of layout, landscaping and design drawings and a Design and Access Statement.

SUMMARY OF CONSULTATION RESPONSES

Two full consultations were carried out, the second following the submission of revised plans which sought to address a number of design and layout concerns raised by Officers. A third limited consultation was completed following the minor re-location of the pedestrian link to Nonancourt Way.

A summary of the consultation responses received is set out below.

Police Architectural Liaison Officer

No concerns with the layout. The apartment block ground floor apartments have doors opening into a communal space on the South elevation, during warmer periods there is the potential that these may be open with the room unoccupied, creating the opportunity for crime. To comment further we would require the finer detail such as the mail delivery plan, visitor/entry system and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under Policy RLP90 to promote a safe and secure environment and at the same time achieving a Secured by Design Homes award.

Natural England

This development site falls within the Zone of Influence of one or more of the European Designated Sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Under the provisions of the Habitat Regulations it is anticipated that without mitigation new residential development in this area and of this scale is likely to have a significant effect on these coastal European sites.

Braintree District Council must therefore undertake a Habitat Regulations Assessment in relation to this application prior to the grant of any planning permission in order to ensure that any necessary mitigation is secured.

Essex Fire and Rescue

No objection. Access for fire appliances is acceptable provided that the details are in accordance with Building Regulations. More detailed observations will be provided at the Building Regulations stage.

ECC SUDs

No objection following the submission of additional technical information.

BDC Environmental Health

No objection and no comments raised. Confirm that the lighting scheme is acceptable.

Historic England

Do not wish to make any comments and advise that BDC seek the views of their own conservation and archaeological advisors as relevant.

BDC Housing Officer

No objection subject to the intermediate element of the affordable housing being shared ownership. The proposal meets the requirements of Adopted Policy CS2 and is appropriate to match evidence of housing need providing a significant number of new affordable homes to be delivered which will compliment local existing social housing stock and assist the Council in addressing housing need.

BDC Waste Services

No objection following revisions to the bin storage and collection provision for the site.

Anglian Water

Request that an informative is added to the Decision Notice to advise the Developer that there are Anglian Water assets within or close to the site boundary.

We note that the submitted Flood Risk Assessment states that the arrangements for adoption and maintenance of the SuDS system will be agreed at the detailed stage and that it is possible Anglian Water will be the adopting authority. Strongly recommend that the applicant contacts us at the earliest opportunity to discuss the detail of this.

Historic Buildings Consultant

No objection to the revised scheme. More information has been provided in terms of design, detailing, materials and boundary treatments. Overall, the proposed development is of sufficient architectural interest and is appropriate for the setting of the Conservation Area.

ECC Highways

No objection provided that the development is carried out in accordance with submitted Drawing PH-157-002.

BDC Ecology

Satisfied that there is sufficient ecological information available for determination and that biodiversity net gains will be achieved. Confirm that the proposed lighting scheme is acceptable. No objection following submission of additional information, subject to:

- The securing of a financial contribution in relation to the Habitat Regulations (impact upon the Blackwater Estuary SPA and RAMSAR Site and Essex Estuaries SAC)
- The securing of biodiversity mitigation and enhancement measures as set out in the submitted Ecology Report

BDC Landscape

Highlighted the following main concerns (which were subsequently addressed with the exception of point 2 which the applicant stated was problematic due to the proximity of these hedges to building foundations):

1. Play area provision has little or no tree canopy cover for shade from sunlight; seating provision is also very limited for carers/parents.
2. I would like to see holly added to the native hedge mix to improve biodiversity and provide an evergreen component in winter.
3. Tree selection needs to be suitable for establishment in dry conditions
 - the choice of 7 liquidamber vars. should be replaced with varieties of field maple (*Acer campestre*) – the former rarely succeed unless very well-watered in the early years and this won't happen; the latter has a better success rate in this part of East Anglia.
4. Overall level of tree provision on the site particularly on the margins of the open space area can be increased to provide a greater number of trees across the development – it seems very modest at the moment.
5. I note the comments made on biodiversity net gain and suggest the increase in tree cover and changing some of the ornamental hedge frontages to a native hedgerow mix would improve this quantum.

In addition it was requested that due to the lack of existing high value trees on the site and the proposed extent of tree removals (albeit low value trees) that an additional existing Oak Tree be retained and a full detailed Arboricultural Method Statement be required by condition.

PARISH / TOWN COUNCIL

Earls Colne Parish Council

The Parish Council did not submit any representations to this Reserved Matters application with regards to either the original consultation or the second round of consultation.

However, Officers note that a representation was submitted to the applicant's condition discharge applications. Some of the points raised are pertinent to the Reserved Matters and are therefore highlighted below although they were not actually made in relation to the Reserved Matters application.

- The proposed open space does not reflect discussion between the applicant and the Parish Council. The inclusion of SUDs feature within this open space makes it unsuitable for adoption by the Parish Council due to the required maintenance regime and makes these parts of the open space unsuitable for recreational use.
- Thomas Bell Road will be the access point for 27.5% of the completed dwellings. This proportion is unacceptably high because Thomas Bell Road can only be accessed by Foundry Lane (traffic calming measures and 7.5 ton HGV restriction; Park Lane (access road to the school, no footpath, traffic calming measures or Curds Road (narrow country lane, no footpath, 7.5 ton restriction).
- Who will maintain the 1m ransom strip between the fences of new and existing dwellings along the site boundary.
- It appears there is no ransom strip between the surgery car park and the development meaning the car park extension requested at outline stage could be delivered.

- Who will maintain the landlocked triangular ransom strip to the north of the surgery car park.
- A pedestrian access from the A1224 through the development to the Castings to give access to the surgery should be required by condition.
- Grave concerns relating to surface runoff water from the site going onto Hayhouse Road which regularly floods.

REPRESENTATIONS

A total of 29 objections have been received at the time of writing.

For the purposes of clarity none of the objectors stated that they withdrew their original objection following the revised scheme and therefore all objections have been treated as objections to both the original and the revised scheme.

The representations received are summarised below:

- Potential overlooking of existing dwellings
- Potential loss of sunlight/daylight or overbearing impact upon existing residents
- Question whether the strip of land to the rear of existing dwellings along Halstead Road and The Croft is still to be given to existing residents
- Question whether existing trees on the above boundary are to be retained or not
- The construction access should only be from Halstead Road due to highway safety and road suitability reasons and air and noise pollution
- Impact of construction noise
- Village doesn't require any more building projects/housing
- Increased flood risk particularly into the Victorian culvert at Park Lane
- Lack of supporting infrastructure (schools; village shops; village parking; sewer pipes; doctors surgery; councils waste collection services)
- Impact on ecology, wildlife and tree loss
- Loss of greenfield land
- Space for allotments or a community garden should be made
- Air pollution
- Overdevelopment of the site
- Highway safety risk of A1124 access particularly with other new developments in the locality
- Site should provide a wildlife site and natural walkway to the school
- Housing should be restricted to top half of site with educational site of natural beauty at the southern end instead of unneeded play space
- 3/3.5 storey flatted block out of keeping with the village and rural setting
- Impact of new traffic upon Thomas Bell Road residents – all development traffic should exit onto the A1124
- Objections to the proposed pedestrian link to Nonancourt Way being on the southern side of the existing play area because it will cut through the enclosed existing grass amenity area which is well used by children and residents as an enclosed amenity area

- Objections to the proposed pedestrian link to Nonancourt Way being on the northern side of the existing play area because it will result in pedestrians/children cutting across the adjacent private driveway with associated highway safety concerns

Former County Councillor Joanne Beavis

Residents are concerned about the potential use of Thomas Bell Road and Park Lane as the traffic plan for construction traffic. Essex County Council Highways have rejected the use of Thomas Bell Road and Park Lane and have requested an alternative traffic plan for construction traffic.

I suggest that this application is held-over until an appropriate plan for the construction traffic can be found. Residents are greatly concerned about construction traffic passing the small primary school and the risk to young children.

REPORT

Principle of Development

The principle of the residential development of the site has been established under the original outline planning permission (15/01580/OUT) which was issued on 8th August 2017. This included the detailed site access points.

The current application seeks approval for the reserved matters pursuant to the outline planning permission consisting of:

appearance;
landscaping;
layout; and
scale.

It is therefore these reserved matters which must be assessed in detail.

Appearance, Layout and Scale

Policy RLP90 of the Adopted Local Plan requires a high standard of design and layout in all developments. Policy SP7 of the Section 1 Local Plan states that all new development must meet high standards of urban and architectural design.

At the national level, the NPPF is also clear in its assertion at para 124 that:

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

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.

In accordance with the outline planning permission the applicant proposes an 80 unit scheme. There are no Parameter Plans attached to the outline planning permission meaning that the applicant does not have to adhere to any previously defined zones in terms of developable or non-developable areas, landscape buffers or similar restrictions.

The proposed site layout has been designed to minimise neighbour impact; make adequate provision for on-site open space; create a sense of place whilst remaining appropriate to the wider setting and facilitate appropriate pedestrian and cycle linkages.

The northern half of the site contains 3 development parcels centred around an area of open space. This open space would contain the mature Oak tree currently located within the site, a small SUDS area, grassed areas and a children's play area. To the north of it would be an additional linear strip of open space providing a buffer to the rear of the dwellings located along Halstead Road. These areas of open space are connected to the southern half of the site by further linear open space which terminates in another larger area of open space. Within this runs a cycle link providing a north south route through the site, segregated from vehicular traffic. Another small SUDS area, grassed areas and another larger children's play area is located within the southernmost area of open space which also makes provision for a pedestrian link through to the adjacent play area at Nonancourt Way. Overall, open space provision within the site is appropriate, with sufficiently large areas of usable space and good distribution across the development.

The majority of the dwellings are accessed from Halstead Road with a second access from Thomas Bell Way serving a smaller number of units. Provision is also made for a cycle and pedestrian link to the adjacent smaller development site at Morley's Road, which the scheme has been designed to be linked to and compatible with.

The gross density of the development sits at approximately 23.5 dwellings per hectare. In terms of dwelling mix, the scheme contains detached, semi-detached and terraced units and flats, the latter being located within a dedicated flatted block positioned in the southern half of the site.

Dwelling types are traditional in form and based primarily upon 2 storey pitched roof designs with a small number of 2.5 storey houses and a 3 storey corner element to the 2.5 storey flatted block. These building heights are considered to be acceptable and in keeping with adjacent existing development immediately to the east.

The detailed design and materials proposed were revised during the course of the application in response to a push from Officers to markedly raise the quality of the scheme to which the applicant responded positively. A simple

but effective materials palette has been selected with two variations of red stock brick offset by an off-white or cream mortar, grey, brown and red roof tiles, weatherboarding to some units and the wide use of stone cills and chimneys across the site.

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. All apartments are also dual aspect.

The development is also compliant with the Essex Design Guide in terms of proposed garden sizes (with a notable number of gardens being well in excess of the minimum requirements) and back to back distances between new dwellings.

In terms of the proposed housing mix, the scheme consists of the following dwelling mix with 48 market dwellings and 32 affordable dwellings:

Market Mix

10no. 1 bed (all 1 bed houses)
10no. 2 bed
11no. 3 bed
17no. 4 bed

Affordable Mix

6no. 1 bed
17no. 2 bed (including 9no. 2 bed houses)
8no. 3 bed
1no. 4 bed

The dwelling mix covers a range of sizes for both private and affordable tenures. The Council's Affordable Housing Officer has confirmed his agreement with the proposed affordable mix in terms of meeting identified need with the applicant confirming that the intermediate element of the affordable housing would be shared ownership.

Overall the layout, appearance and scale of the proposal are considered to be acceptable.

Landscaping

The applicant proposes a hard and soft landscaping scheme across the site which has been reviewed by the Council's Landscape Officer and Urban Design Consultant and is considered to be acceptable following a number of minor revisions. The scheme also accords with the requirements of Condition 24 which required a Site Wide Design Guide for the site's public realm to be submitted.

The site's green infrastructure consists of the linked areas of open space described in detail in the layout section of the above report. A mixture of extensive wildflower meadow planting (meadow mixtures and flowering lawn mixtures) balanced with areas of amenity grass to ensure maximum biodiversity value and appropriate usability for future residents is proposed to these areas. A mixture of native and ornamental hedges are proposed across the site with associated native tree planting.

Hard landscaping is proposed as tarmac to the adopted road system with some areas of tegular paving to private driveways. Brick walls rather than close boarded fences are also proposed at 14 different locations across the site to key boundary treatments to increase the street scene quality. The applicant also proposes to utilise the existing foundry gates located on the site as a piece of public art by siting them on a dedicated piece of public open space to act as a focal feature when entering the site from Halstead Road.

Overall the site's proposed landscaping is considered to be acceptable.

Heritage

The application site sits adjacent to the Conservation Area which abuts its northern boundary with the northern site access crossing into the Conservation Area before reaching Halstead Road. The high level heritage impact of developing the site for residential use was assessed at the outline application stage.

In terms of the proposed detail, the Council's Historic Building's Consultant has no objection to the revised scheme, which is of a markedly higher quality than the original in terms of design detail. The scale and size of the dwellings is considered appropriate as are the proposed designs and materials. It is considered that the development would be of sufficient architectural interest and is appropriate for its location adjacent to the Conservation Area. No harm to heritage assets is identified.

Ecology

The Ecological impact of developing the site was assessed at the Outline Planning application stage. The Reserved Matters is accompanied by updated Ecology Reports covering protected species including bats, breeding birds and reptiles.

The Council's Ecology Consultant has reviewed the application, including the proposed lighting scheme and has no objection. The applicant has demonstrated that a net biodiversity gain would be achieved on the site and has submitted under separate cover (Discharge of Condition application) a Landscape and Ecological Management Plan as required by Condition 26 of the outline planning permission.

Overall, the updated ecology reports do not note any significant changes to the site's habitat. No evidence of Badger setts or activity or bat roosts on the

site was found nor was there any evidence of Skylark activity. Bat foraging was noted both around the mature oak (to be retained) and along the site boundary hedgerows/tree belts and limited reptile habitat was identified.

In terms of enhancement and mitigation measures, the following specific measures are identified as being required and would be secured via a condition attached to this reserved matters application and the Landscape and Ecology Management Plan required under Condition 26 of the outline planning permission:

- Installation of Bat Boxes
- Installation of Bird Boxes, Swift Bricks and Sparrow Terraces
- Installation of Hibernaculum
- Bat sensitive lighting

In terms of trees, the applicant has submitted an Arboricultural Impact Assessment in support of their application which has been reviewed by the Council's Tree Officer. No objection is raised, subject to the retention of an additional Oak Tree, in addition to the TPO Oak located centrally within the site (and already proposed for retention) and the submission of a detailed Arboricultural Method Statement. Overall, the scheme would require the removal of the 23 trees and 5 hedges and the part removal of 2 groups of trees and 2 hedges. Of these, all but one are low category (either C2 or U). One is a moderate category (category B) Yew tree. The other category B2 (Oak) originally proposed for removal is located within a proposed garden and is now proposed for retention following a request from Officers.

In terms of tree planting, the applicant proposes to plant a total of 59 new trees and 669m of new hedging.

Overall Officers consider that tree loss has been kept to the minimum possible, opportunities for additional tree retention have been taken and re-planting levels are appropriate.

Habitat Regulations Assessment

The application site lies within the Zone of Influence (as identified by Natural England) of the Blackwater Estuary Special Protection Area and Ramsar site. It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of this site.

An Appropriate Assessment has been completed in accordance with Natural England's standard guidance and for a development of this size a financial contribution is required towards off site mitigation measures at the protected sites and in accordance with the Councils adopted Habitat Regulations SPD. This would be secured by way of a Unilateral Undertaking.

Highways

The impact of the development on the highway network and the acceptability of the access was assessed at the outline planning stage and is not a reserved matter. Parking provision and the internal site layout are however for consideration as part of the reserved matters application.

With regard to site layout, ECC Highways have been consulted and following a number of minor revisions have no objection to the site's internal layout in highway terms.

Importantly, the layout makes provision for a cycle link from Halstead Road and from the adjacent smaller development site (Morley's Road) through the site to Thomas Bell Way which would in particular enable access to the Earls Colne Primary School without needing to travel along Halstead Road. In addition, a pedestrian link is also provided to Nonancourt Way (in accordance with the requirements of the outline planning permission) ensuring maximum permeability through the site.

This link was originally proposed to the southern side of the existing play area but was re-located in response to objections received from residents. It is now proposed to the northern side of the play area. It is noted that further objections have been received from residents (and from objectors who do not live in the vicinity of the development but advise that they visit the houses accessed from the private drive adjacent to the proposed footpath on a regular basis). These objections are centred on concerns over highway safety if people (including children on foot/scooters/bikes) cut off the pedestrian pathway, across a grassed area and onto/across the adjacent private driveway which provides access to 12, 14 and 16 Nonancourt Way. ECC Highways do not consider that there are any highway safety issues relating to this point, however in response to the concerns raised by objectors the applicant has agreed, at Officers request to install a 600mm high metal railing along the southern edge of the private driveway to prevent people (including children on foot/scooters/bikes) from cutting off the path and onto this private driveway.

In terms of parking provision the Essex Parking Standards (2009) requires 1 space per 1 bed dwelling and 2 spaces per two or more bed dwellings plus 0.25 visitor spaces per dwelling. This gives a total requirement of 164 spaces. The scheme makes provision for 16 visitor spaces (4 less than the required 20) and 168 dedicated spaces (24 more than the required 144). Total provision sits at 185 spaces, 21 spaces more than the minimum requirement and is considered to be acceptable.

With regard to electric vehicles, Draft Local Plan Policy LPP44 requires developments to make appropriate provision for electric vehicles. However, outline planning permission was granted for this site in August 2017 when the Council did not have a policy basis upon which to require such provision. There are therefore no conditions attached requiring electric vehicle charge

points for this development. However, the applicant has advised that they will be installing a domestic electric vehicle charge point to each of the dwelling houses.

Overall, parking provision on the site is considered to be acceptable.

Impact upon Residential Amenity

In terms of neighbouring amenity, the application site abuts existing residential development to the north/north-west and to the east. At the request of Officers, a number of minor amendments were made to the scheme by the applicant to ensure that existing neighbour amenity was protected.

The detailed site design and layout would ensure that sufficient distance is maintained from shared boundaries to ensure that no unacceptable loss of privacy, sunlight or daylight would occur and that the new dwellings would not have an unacceptable impact in planning terms with regard to being overbearing upon existing adjacent residents.

Internally, the site layout is compliant with the Essex Design Guide in terms of garden sizes and back to back distances and would provide an acceptable degree of amenity to future occupiers of the new dwellings.

Flooding and Drainage Strategy

Condition 1 of the outline planning permission requires a detailed Surface Water Drainage Scheme to be submitted as part of the Reserved Matters application.

The applicant proposes to utilise a Sustainable Urban Drainage (SUDS) system incorporating two SUDs basins and a swale with a mixture of infiltration (where soil conditions permit) and controlled discharge to the existing ditch at the site's southern boundary.

Essex County Council have been consulted as the Lead Local Flood Authority and following the submission of additional technical information have no objection to the proposed Surface Water Drainage Scheme.

Conclusion

The principle of the residential development of the site is established under the existing outline consent 15/01580/OUT. The applicant seeks permission for the reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

There are no objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms.

Overall it is considered that the detailed proposal constitutes a well-designed proposal and accordingly it is recommended that the Reserved Matters are approved.

RECOMMENDATION

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

APPROVED PLANS

House Types	Plan Ref: PH-157-024B
House Types	Plan Ref: PH-157-025B
House Types	Plan Ref: PH-130-027B
House Types	Plan Ref: PH-157-031D
House Types	Plan Ref: PH-157-034B
House Types	Plan Ref: PH-130-038B
Proposed Floor Plan	Plan Ref: PH-157-050B
House Types	Plan Ref: PH-157-020B
House Types	Plan Ref: PH-157-022B
House Types	Plan Ref: PH-157-023B
House Types	Plan Ref: PH-157-026B
House Types	Plan Ref: PH-157-028B
House Types	Plan Ref: PH-157-029B
House Types	Plan Ref: PH-130-030B
House Types	Plan Ref: PH-157-036B
House Types	Plan Ref: PH-157-037B
Location Plan	Plan Ref: PH-157-001
House Types	Plan Ref: PH-157-033B
Proposed Elevations	Plan Ref: PH-157-051 C
Planning Layout	Plan Ref: PH-157-003D
Site Masterplan	Plan Ref: PH-157-002D
Materials Details	Plan Ref: PH-157-004D
Height Parameters Plan	Plan Ref: PH-157-005C
Tenure Plan	Plan Ref: PH-157-006C
Boundary Treatment	Plan Ref: PH-157-007C
Recycling / Waste Plan	Plan Ref: PH-157-008D
Public Open Space Details	Plan Ref: PH-157-009C
Other	Plan Ref: PH-157-010B
Other	Plan Ref: PH-157-011B
Levels	Plan Ref: PH-157-012B
Landscape Masterplan	Plan Ref: 20013-101 C
Landscape Masterplan	Plan Ref: 20013-102 C
Landscape Masterplan	Plan Ref: 20013-103 C
Landscape Masterplan	Plan Ref: 20013-104 C
Lighting Plan	Plan Ref: PHE-960-101-R1
Lighting Plan	Plan Ref: PHE-960-105-R1
Other	Plan Ref: 28952/6001

Version: P04

Other	Plan Ref: 28952/6002	Version: P04
Other	Plan Ref: 28952/6003	Version: P04
Other	Plan Ref: 28952/6004	Version: P04
Other	Plan Ref: 28952/6005	Version: P03
Other	Plan Ref: 28952/6006	Version: P04
Garage Details	Plan Ref: PH-157-060	
Other	Plan Ref: PH157-062	
House Types	Plan Ref: PH-157-021	Version: B
Other	Plan Ref: 28952-SK6000-2	
Drainage Details	Plan Ref: 28952/6100	Version: P01
Drainage Details	Plan Ref: 28952/6101	Version: P01
Drainage Details	Plan Ref: 28952/6102	Version: P01
Drainage Details	Plan Ref: 28952/6103	Version: P01

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

Reason

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

- 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 alterations or extensions to the roofs of and no rear extensions to the dwellinghouses located on Plots 3 to 5 inclusive; 7 to 12 inclusive; 21 to 22 inclusive; 34 to 35 inclusive; 37 to 39 inclusive; 41 to 45 inclusive; 75 to 77 inclusive and 78 to 80 inclusive shall be carried out and in addition no side extensions to Plots 7, 76 and 77 without first obtaining planning permission from the Local Planning Authority.

Reason

To protect the amenity of the occupants of existing dwellings adjacent to the site.

- 3 The mitigation and enhancement measures set out in the submitted Protected Species Mitigation Report and Breeding Bird (Skylark) and Reptile Advice Note completed by SES and dated May 2021 shall be carried out in accordance with the details contained within the Report.

Reason

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

- 4 Prior to commencement of development the applicant shall submit for approval by the Local Planning Authority a full Arboricultural Method Statement which shall accord with but provide more detail than the submitted Arboricultural Impact Assessment and Preliminary Method

Statement completed by SES and dated 6th December 2020. It shall also detail the retention of Tree T79 (Oak Tree) as numerically identified in the above SES Report and required by Condition 5 of this Reserved Matters.

Reason

To ensure that the trees and hedges to be retained are protected and safeguarded during the construction process.

- 5 The Oak Tree identified as Tree T79 in the submitted SES Arboricultural Method Statement dated 6th December 2020 shall be protected during the construction process and thereafter retained as part of the development's landscape.

Reason

To ensure that tree loss is kept to a minimum and that this tree which is of landscape and amenity value is retained.

- 6 The eastern boundary treatment to the rear gardens of Plots 76, 77 and 80 shall be constructed from a 1.8m close boarded wooden fence.

Reason

To ensure that the privacy of existing and future residents is safeguarded.

- 7 No windows shall be installed in the northern side elevation of Plot 7 without first obtaining planning permission from the Local Planning Authority. The first floor windows in the eastern side elevations of Plot 1 and 76 shall be obscure glazed. They shall also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room within which the window is located. The windows shall be permanently retained in this form.

Reason

To ensure that the privacy of existing adjacent neighbours is safeguarded.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

For more information about this Application please contact:
Helen Reeve on:- 01376 551414 Ext. 2503
or by e-mail to: helen.reeve@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QP56CYBF0J900>

SITE HISTORY

08/01499/FUL	Erection of extensions and single garage	Withdrawn	24.09.08
08/02053/FUL	Erection of extensions and single garage	Granted	29.12.08
15/00053/NMA	Application for a non-material amendment following grant of planning permission 08/02053/FUL (Erection of extensions and single garage) - Amendment to dormer and porch	Granted	26.08.15

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

Accordingly the Council affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles

Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the applicant is related to a District Councillor.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located towards the north-eastern edge of Gosfield, within the development boundary. It forms part of an established small residential estate. The site itself comprises an extended detached bungalow and forms part of a row of detached dwellings, with a mix of mainly bungalows or 1.5 storey dwellings. The overall character of the area is one of low level, low density detached dwellings with fairly uniform front building lines.

The rear garden boundary of the application site abuts the Gosfield Conservation Area and properties along the A1017.

PROPOSAL

Planning permission is sought for alterations to a side extension which was originally granted planning permission under application reference 08/01499/FUL involving additional elements - a two storey rear extension, single storey rear extension, rear dormer window and a detached garage to the rear of property.

A large proportion of the scheme approved in 2008 has been built with the side extension the remaining element to be built. This previous planning permission, therefore, remains extant.

The changes comprise the increase in height of eaves to the rear part of the side extension, a change to the side gable end wall to a solid wall and the substitution of a rear facing dormer window with double doors and a Juliet balcony. External materials would comprise a mix of brick and cladding to match existing, matching concrete interlocking roof tiles.

In terms of the 'changes' to the 2008 approval, there would be no visible alteration to the front elevation, however the side elevation would alter with a solid brick wall at ground floor level rather than 3 brick piers and the rear roof slope would 'halt' to provide a full vertical wall for the purposes of providing a full window/double doors with Juliet balcony which would also be a visible change to the rear elevation.

It is understood during verbal discussions on site with the applicant that the doors would allow bulky furniture to be delivered as current internal arrangements make it difficult.

SUMMARY OF CONSULTATION RESPONSES

None.

PARISH / TOWN COUNCIL

Gosfield Parish Council

No objection raised.

REPRESENTATIONS

A number of surrounding properties have been notified in writing and a site notice has been displayed outside the site for the requisite period. No responses have been received at the time of writing this report.

REPORT

Principle of Development

The site lies within development boundary, wherein the principle of development is acceptable, as set out in Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan, which directs development to areas of land within development boundaries. Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Section 2 Plan allow for the extension to habitable dwellings and provision of outbuildings, within town development boundaries and village envelopes provided that:

- There should be no over development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries
- The siting, bulk, form and materials of the extension should be compatible with the original dwelling
- There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light
- There should be no material impact on the identity of the street scene, scale and character of the area
- There should be no adverse impact on protected species

In addition, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan state that the Council will seek a high standard of layout and design in all development and the scale, density, height and massing of buildings should reflect or enhance local distinctiveness.

The principle of extending this property is therefore an acceptable one, and this has already been largely accepted under planning permission reference 08/01499/FUL.

Design and Appearance

It is considered appropriate in this case to only assess those amendments, which have been applied for, i.e. the roof change, solid wall and provision of a Juliet balcony.

The enlargement to the property as a whole is substantial and in viewing the rear and side elevations, it is not the most aesthetically pleasing form of development. In assessing the alterations, the proposed change from brick piers to a solid wall is considered to be acceptable and would result in a more 'expected' form of development.

The change from a dormer window to a Juliet balcony with the resultant requirement for a vertical wall rather than a roof slope would appear as a rather odd form of development, but being set back from the road with a limited gap between the resultant extended property and the neighbouring property, views from the street would be very limited – it is unlikely this

element would be visible, thus having a negligible impact on the street scene. In terms of the character of the host dwelling, it is not considered, taking the extension as a whole into account, that there would be any additional demonstrable harm to the dwelling's character than existing and Officers conclude that the scheme in terms of design and appearance is acceptable.

Impact on neighbouring residential amenity

Again in this respect, it is pertinent to note that the extension has largely been assessed in terms of neighbouring impact and found to be acceptable under the same adopted policy criteria in 2008.

The amendments proposed are closest to the neighbouring property, No. 5 Highlands. In terms of the proposed change from an open area with 3 brick piers at ground floor to a solid wall, it is not considered that this element would have any greater impact – it may reduce some disturbance from the resultant use of the undercroft and the general built form in essence remains the same and is considered to be acceptable.

The 'halting' of the rear roof slope to the side extension would result in less built form at first floor level close to the neighbouring boundary, possibly reducing overbearing issues close to the boundary, although the original scheme has been considered acceptable in this respect.

The notable change is the Juliet balcony and double doors at first floor level on the rear elevation. These doors would be close to the neighbouring property. However, they would replace an approved dormer window in the same location which would have provided the same level of overlooking as the doors. It could be argued that the provision of a Juliet balcony can create a perceived additional level of overlooking but in reality it is the same as a window and a Juliet balcony does not allow for walking beyond the doors. Officers note on site that the existing situation between the two properties is particularly open with very clear views into each other's rear gardens and also clear ability to view the rear elevations. This is an existing situation and it is not considered that the change from a dormer window to doors with a Juliet balcony would cause any additional tangible levels of overlooking than the existing situation (as in the approved scheme which could be built) and Officers conclude that the amendments applied for under this application are acceptable in relation to neighbouring residential amenity and therefore accord with the necessary policy criteria.

Highways Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan require that development will be required to provide off street vehicle parking in accordance with the Council's Adopted Parking Standards (2009).

The Adopted Parking Standards have been introduced after the 2008 approval. The garage is already built in the rear garden and the proposed side extension, still to be built, would still provide an 'under croft' for vehicles to

pass through, to the garage. The ground floor plan is shown with a measurement of 3.2 metres width for the extension – this would be slightly reduced to allow for the wall thickness. The gap would be narrow but with parking spaces identified in the Adopted Car Parking Standards to be a minimum width of 2.9 metres, it is considered that cars can pass through the gap to the rear garage and therefore consider the scheme is still acceptable under current Standards and would not result in a reduction below the current standards of providing 2no. off street car parking spaces.

CONCLUSION

It is concluded that the proposals are acceptable in terms of design and appearance and there would be no greater impact on neighbouring residential amenity than the approved scheme in 2008. Consequently, the proposal is considered to accord with local and national policy, and it is recommended that permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan
Existing Elevations
Existing Elevations
Existing Elevations
Existing Elevations
Proposed Elevations
Proposed Elevations
Proposed Elevations
Proposed Elevations
Existing Floor Plan
Proposed Floor Plan
Proposed Floor Plan

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the submitted application form.

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Agenda Item: 6

Report Title: Revised Horizon120 Local Development Order (LDO) and Design Code and Proposed Wayfinding Strategy	
Report to: Planning Committee	
Date: 20th July 2021	For: Recommendation
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Christopher Paggi, Planning Development Manager	
Enquiries to: Christopher Paggi, Planning Development Manager christopher.paggi@braintree.gov.uk 01376 551414 EXT 2548	

1. Purpose of the Report

- 1.1 To consider the revised Local Development Order (LDO) and accompanying Design Code and the proposed Wayfinding Strategy for the Horizon120 site in Great Notley.

2. Recommendations

- 2.1 Subject to the outcome of the public consultation process, which at the time of writing this report is still ongoing, it is recommended that the Planning Committee recommend that the revised LDO and Design Code and the proposed Wayfinding Strategy for Horizon120 is approved by Full Council; and
- 2.2 Subject to the approval of the above recommendation, that the existing LDO and Design Code in place for the Horizon 120 site is revoked.

3. Summary of Issues

Background

- 3.1 Braintree District Council (the Council) made a LDO in April 2020, in its capacity as the relevant Local Planning Authority pursuant to Section 61A (2) of the Town and Country Planning Act 1990 (as amended).
- 3.2 The LDO granted planning permission for development for a range of employment generating Use Classes, as set out within Schedule A to D of the LDO, subject to conditions and limitations to enable the creation of a Business and Innovation Park.
- 3.3 The LDO is accompanied by a Design Code, which sets further parameters for the development of the site, including the design of the buildings, landscaping and parking standards.

- 3.4 Since making the LDO, the Local Planning Authority have approved three 'Compliance Checklist' applications for specific development plots within the site, including the detailed proposals for the new Enterprise Centre for the Horizon120 site.

Proposals

- 3.5 The Council proposes to make a new LDO for the Horizon120 site and to amend the accompanying Design Code. A Wayfinding Strategy, which was previously required by condition, is also now proposed. The primary reason for this is that since the adoption of the original LDO there have been changes in national policy and legislation, including amendments to the Use Class Order, which have necessitated amendments to the LDO to ensure it reflects current legislation. Other amendments are proposed which take account of feedback from applicants/agents and prospective occupiers, but also from Officers' based on their experience when assessing compliance checklist applications and working with the LDO and accompanying Design Code on a day-to-day basis.
- 3.6 The amended LDO is described as follows:

Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy

- 3.7 Fundamentally, there are no changes proposed to the arrangement of the Zones across the Horizon120 site. These remain as:

- **Zone A:** Horizon Hub (C1 Hotel, E(g)(i) Office and the 'Horizon Hub Core' - a sub-zone within Zone A which includes the following uses: E(a) Shop, E(b) Restaurant and Café, E(d) Indoor sport, recreation or fitness, E(e) Medical or Health Services, E(f) Early Years Childcare, Day Nursery or Preschool, and Sui Generis Event Space for events).
- **Zone B:** Office, R&D, Light Industrial
- **Zone C:** Office, R&D, Light Industrial, Manufacturing, Storage and Distribution
- **Zone D:** Park

3.8 As described above, the changes proposed to the LDO are relatively minor and can be summarised as follows:

- Use classes updated where necessary to reflect recent national changes
- Spine Road plan updated to remove the western spur of the southern roundabout to allow vehicular access off it for the electric minibus depot
- Safeguarded road areas removed as no longer needed due to progress with the side roads
- Clarification added that ancillary uses are permitted for the avoidance of doubt
- Event space permitted for the Enterprise Centre only
- Increase in overall floorspace limit to 75,000sq.m (from 65,000sq.m)
- Removal of mixed use in Zone B as replaced by clarification on ancillary uses
- Addition of bus depot in Zone C to allow for the electric minibuses. Restricted to one depot only
- Allowance for extensions and/or alterations to be made alongside a change of use, subject to a checklist being submitted prior to any works
- Assessment timeframe for a checklist extended slightly to 28 working days
- Amendment to wording of Condition G10 to reflect that the Signage and Wayfinding Strategy has now been produced and to require compliance with it
- Amendment to Condition P7 Noise to resolve some issues with the adopted wording from going through the checklist process
- Amendment to Condition P8 in relation to building use to clarify that changes of use can only be undertaken as expressly permitted by the LDO, notwithstanding the Use Class Order. Condition previously only expressed this notwithstanding the Permitted Development Rights Order, with the change required due to national changes in the Use Class Order
- Text added to encourage pre-application discussions with BDC planning prior to submission of a checklist where variations are allowed (in certain circumstances only as per the Design Code)
- Clarified that any ancillary buildings must meet the same standards as the main building

- Materials now required to be non-combustible, with evidence of this provided within the checklist
- Allowance for variations in species of landscape where agreed with the Council to reflect that species are not always readily available
- Additional fencing permitted in Zone B
- Palisade fencing allowed in certain circumstances
- Terminology of 'screening walls' amended to 'screening boundaries' for clarity
- Substations allowed to be accessed from the green links subject to specific requirements on screening and landscaping
- Lighting columns restricted to 6m high maximum
- Parking standards updated to reflected the new use classes (the parking standards do remain the same)
- Amendments to the Statement of Reasons to reflect that the LDO Review is being undertaken

Consultation

- 3.9 Public consultation on the revised LDO and Design Code and the proposed Wayfinding Strategy commenced on 3rd June 2021 and expires on 15th July 2021. In accordance with the Regulations and the Council's Statement of Community Involvement, the proposals have been advertised by way of site notices within the local area, neighbour notification letters and press advertisement.
- 3.10 At the time of writing this report, the consultation period has not expired. The Consultation responses and Representations received to date are detailed within Appendix 1 and 2 respectively. The tables contained within these Appendices sets out the Councils consideration to the consultation responses.

Assessment

- 3.11 As highlighted above, many of the amendments are minor in nature. There are three amendments which are more significant and are explained in more detail below.

Use Class Changes

- 3.12 The Government amended the Town and Country Planning (Use Classes) Order 1987 on 1st September 2020. The changes were aimed to allow more flexible uses and enable buildings, particularly on high streets and in town centres, to change use more easily to respond to changing demand.

- 3.13 As part of the changes, Parts A and D of the original Use Classes were revoked and three new Use Classes were introduced: Use Class E (Commercial, business and service); Use Class F.1 (Learning and non-residential institutions); and Use Class F.2 (Local community). In addition, the changes also resulted in original Use Classes A4, A5 and D2 being classified as Sui Generis.
- 3.14 The revised LDO has been updated to ensure that the development within each Schedule refers to the up-to-date Use Classes. This ensures the LDO reflects current legislation and ensures that users of the LDO are able to correctly interpret the planning regime in place for Horizon120 which provides greater certainty. The proposed changes in this regard are therefore considered to be acceptable.

Floorspace Cap

- 3.15 The original LDO was subject to a restriction that the total gross internal floor area within the Horizon120 LDO area must not exceed 65,000sq.m. This restriction was imposed based on the transport assessment analysis undertaken at the time and the cap was imposed to ensure that the proposals would not have a detrimental impact on either the strategic highway network, or the local highway network.
- 3.16 The revised LDO seeks to amend this condition to increase the floorspace cap from 65,000sq.m to 75,000sq.m. The revised LDO was accompanied by a Transport Assessment which assesses the impact of an increase in the level of light industrial floorspace from 31,900sq.m to 46,060sq.m and the corresponding increase in the overall floor area of development to 75,00sq.m.
- 3.17 As highlighted within Appendix 1, Highways England have raised no objections to the proposal subject to a condition for off-site mitigation, and ECC Highways have also raised no objections as they do not consider that the floorspace revisions would have a material impact on the operation of the local highway network.
- 3.18 The detailed wording of the condition recommended by Highways England is under review and will need to be agreed. Subject to a condition being agreed, the proposed increase in the floorspace cap is considered acceptable. An update in this regard will be provided to Members at Planning Committee.

Wayfinding Strategy

- 3.19 Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being. This is further supported by The National Design Guide which states that the design of public spaces should encompass its siting and integration into the wider network of routes as well as its various elements which include areas allocated to different users – cars, cyclists and pedestrians – for different purposes such as movement or parking, hard and soft surfaces, street furniture, lighting, signage and public art.

- 3.20 Condition 13, attached to the approved LDO 2020 required a Public Art Strategy to come forward for the LDO site prior to commencement of the Horizon Hub area. Since the LDO was approved in 2020, a Wayfinding Strategy for Horizon 120 has been presented to the Council and is included with this application for approval to sit alongside the revised LDO and Design Code.
- 3.21 The Wayfinding Strategy sets out the aspirations for the site to enhance and reflect the ethos that underpins Horizon 120 as a natural, healthy and innovative business park. It builds on how a series of connections through the site can be achieved and facilitated through the wayfinding strategy to create active, green and social connections. The Strategy concentrates on the 3 main types of wayfinding throughout the site, those being a) signage b) public art and c) furniture and exercise equipment.
- 3.22 The Strategy provides guidance for plot owners and lessees on their responsibilities regarding signage and art within each individual plot, as well as designers and artists who design and deliver the wayfinding on the site. These principles and designs have been carried forward to the proposed Design Code and will set the precedent for businesses to follow through the submission of a compliance checklist. This will ensure consistency and high quality throughout the business park.

Signage

- 3.23 The Strategy sets out the location of the signage, along with a strategy for how this will work across the site. There are 41 locations identified within the site for signage. These are segregated into different types, that being entrance signs, gateway and navigation markers, route directions, map and information points and plot markers. Different options of signage design have been included within the Strategy to ensure that the detailed design can be developed and considered holistically. The location of these signs have been carefully considered to ensure a coherent but clutter free approach. The location of signage is identified on Plan 1 in Appendix 3.

Public Art

- 3.24 The Strategy sets out how art within the public realm and individual plots shall encompass sculpture, pavilions, surface treatments and furniture and must contribute to a cohesive visual identity for Horizon 120. The Strategy includes 4 locations for Public Art, those being at Horizon Hub, Horizon Park, Northern Roundabout and at the Entrance to the site, the locations of which are identified on Plan 2 Appendix 4. These locations have been selected for public art to create focal points, drawing people to these areas and encouraging social, green and active connections. The Strategy sets out the principles in which art work will be commissioned, particularly in relation to consultation with the local community and stakeholders and commissioning of artists, particularly local artists.

- 3.25 Whilst 4 locations for public art have been identified within the main focal areas, this doesn't preclude businesses of individual plots from coming forward for art and sculpture within their plot. However, to ensure consistency, the principles and guidance within the Strategy must be followed.

Furniture and Exercise Equipment

- 3.26 Furniture and exercise equipment form key parts of the Strategy, providing distinctive focal points whilst activating the public realm. By including furniture in the overall wayfinding strategy, a coherent and simple design language can be established. Key locations for furniture within the public realm are outlined in namely the Horizon Hub, Horizon Park, Horizon Walk and within the main footpath network. Furniture within the Horizon Hub area shall provide amenity within a larger communal setting/ informal square, and therefore must be aimed at socialising and interaction. The remaining locations shall provide opportunity and amenity to pause and either rest or exercise. The locations are identified on Plan 3 Appendix 5.
- 3.27 The key furniture typologies are benches, seats, tables and seating for socialising, pavilions, canopies, outdoor gym equipment, distance markers, table tennis tables, games areas such as boules, drinking water fountains, cycle parking and refuse/ recycling bins. The Strategy sets out the design consideration and materiality as key standards, for example furniture must be made from materials that support sustainability, and be UK and North European sourced, and should be visually in keeping with the natural setting.
- 3.28 In terms of delivery and implementation, the Strategy sets out the way in which the detailed design of the wayfinding will be progressed, along with draft condition G10 that requires the details to be submitted with the compliance checklist for each plot. Whilst the Strategy is to be considered as a whole, it will be delivered on site in a phased manner. In order to progress with the delivery, the Strategy identifies how a curator/ Art Advisor will be appointed to the role of overseeing the public art on the site. It also states the possibility of commissioning a steering group. At present 2 curators have been appointed to the role.
- 3.29 In terms of maintenance, the Statement of Reasons which accompanies this application outlines that the general ownership and maintenance of the site, namely public highway, building set back landscape, perimeter buffer landscape, and parks and public spaces will fall under the remit of the Council as land owner. All other areas will be the responsibility of a developer and/or individual plot owners. The maintenance responsibilities of the plot owner/ lessee are yet to be incorporated into draft condition G10. Further discussions are being undertaken in this regard.
- 3.30 In conclusion, the Wayfinding and Public Art Strategy submitted is considered high quality and well thought out, and will contribute to creating an inclusive, healthy and accessible place, in accordance with the aspirations of design quality embedded within the ethos of the Horizon 120 Business Park.

4. Options

4.1 There are two options:

4.1.1 Members of the Council's Planning Committee recommend that the revised LDO and Design Code is approved by Full Council and that the existing LDO and Design Code is revoked. This is the recommended option at this time on the basis that the proposed revisions to the LDO and Design Code, along with the proposed Wayfinding Strategy, are considered to be acceptable.

4.1.2 Members of the Council's Planning Committee recommend that the revised LDO and Design Code is not approved by Full Council.

5. Next Steps

5.1 Subject to the conclusion of the public consultation process it is anticipated that the revised LDO and accompanying Design Code will be referred to Council for consideration at its meeting on 26th July 2021.

6. Financial Implications

6.1 The costs of producing the LDO and Design Code have been met from existing budgets.

7. Legal Implications

7.1 Local Planning Authorities are required to following the legislative framework in place in bringing forward and adopting an LDO. The proposals set out within this report are in line with that legislative framework.

8. Other Implications

Customer Impact

8.1 If approved, the revised LDO will continue allow significant new employment opportunities to be developed on the site which will have a positive economic impact on the District and provide new job opportunities. The LDO will enable proposals for specific developments which meet its terms to be approved through a fast-track compliance checklist process without the need for a full planning application process.

Environment and Climate Change

8.2 Careful consideration of sustainability measures and the landscape opportunities on the site have been made and are reflected in the Design Code which accompanies the LDO.

Safeguarding

8.3 No matters arising out of this report.

Risks

- 8.4 It should be noted that as the LDO grants permission for development, the subsequent compliance checklist applications have no scope for public or statutory consultee engagement. However, this restriction in public access must be balanced with this process and the benefits accruing from the use of the LDO. Where an application meets the terms of the LDO this has to be approved, even if the application is not in accordance with the “intended way” that the LDO should operate. This means that there has to be significant care and attention paid to the detail of the LDO and the limitations within it to ensure that the future development accords with the planned desire for the site.
- 8.5 Whilst the LDO does not preclude bespoke planning applications on the site where a business wishes to develop in a way which is outside the terms of the LDO, there may be pressures not to do this. The LDO will become a material planning consideration for any other application on the site, accordingly any application would need to additionally justify why it does not accord to the framework, in addition there would be a commercial pressure to adopt a more compliant development to save time and cost in development. The LDO may therefore constrain some development.
- 8.6 These two factors operate against one another placing a pressure on the LDO to be restrictive and developed to ensure a desirable outcome, whilst remaining flexible enough to permit as wide a range of businesses and design parameters as needed.

9. Equality and Diversity Implications

- 9.1 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:
- (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.
- 9.2 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).
- 9.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10. List of Appendices

- 10.1 Appendix 1: Summary of Consultation Responses received to date
- 10.2 Appendix 2: Summary of Representations received to date
- 10.3 Appendix 3: Location of Signage
- 10.4 Appendix 4: Location of Public Art
- 10.5 Appendix 5: Location of Furniture and Exercise Equipment

11. Background Papers

- 11.1 Local Plan Review (2005)
- 11.2 Core Strategy (2011)
- 11.3 Shared Strategic Section 1 Local Plan (2021)
- 11.4 Publication Draft Local Plan (2017)
- 11.5 Horizon120 Local Development Order (LDO), April 2020
- 11.6 Horizon120 Design Code, April 2020
- 11.7 Horizon120 Statement of Reasons, April 2020
- 11.8 Horizon120 Local Development Order (LDO), June 2021
- 11.9 Horizon120 Design Code, June 2021
- 11.10 Horizon120 Statement of Reasons, June 2021

Appendix 1: Summary of Consultation Responses received to date

1. Sport England – 03.06.2021	
Response: The proposed development does not fall within either our statutory remit or non-statutory remit, therefore Sport England has not provided a detailed response in this case.	Officer Comment: Noted.
2. Transport for London – 03.06.2021	
Response: No comments to make on the proposed Local Development Order.	Officer Comment: Noted.
3. Essex Swifts – 04.06.2021	
Response: Consider that this project would be suitable for the installation of integral swift next bricks in residential new build. Note that only a small number of external bird and bat boxes are proposed for the entire project.	Officer Comment: No residential development is proposed as part of the Horizon120 site and therefore there no opportunity to install swift nest boxes as part of new builds. Comments noted in respect of bird and bat boxes, however no changes within the revised LDO are proposed in this regard.
4. Natural England – 14.06.2021	
Response: Natural England does not consider that this Draft Local Development Order poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.	Officer Comment: Noted.
5. Essex Bridleways Association – 21.06.2021	
Response: This proposal abuts an existing bridleway which runs north/south from the Discovery centre down to Blackley Lane. As far as we can tell from the documentation, the proposal should not directly affect this right of way, apart from the view which will change from an agricultural field to an industrial park	Officer Comment: Noted. Proposals would not affect the right of way and would comment that the proposals already provide for substantial landscaping across the site, including around the perimeter of the site.

<p>with the associated noise etc which it will bring to the area.</p> <p>We ask therefore that the boundary treatment of the new park is strengthened with new hedge/tree planting to mitigate the impact of the new industrial park on this well-used leisure route.</p> <p>We trust these comments will be taken into account when this application is determined</p>	
6. The British Horse Society – 22.06.2021	
<p>Response:</p> <p>This proposal abuts an existing bridleway which runs north/south from the Discovery centre down to Blackley Lane. As far as we can tell from the documentation, the proposal should not directly affect this right of way, apart from the amenity value as the view will change from an agricultural field to an industrial park with the associated noise etc which it will bring to the area.</p> <p>We ask therefore that the boundary treatment of the new park is strengthened with new hedge/tree planting to mitigate the impact of the new industrial park on this well-used leisure route.</p> <p>We trust these comments will be taken into account when this application is determined.</p>	<p>Officer Comment:</p> <p>Noted. Proposals would not affect the right of way and would comment that the proposals already provide for substantial landscaping across the site, including around the perimeter of the site.</p>
7. Highways England – 24.06.2021	
<p>Response:</p> <p>Recommend that conditions should be attached to any planning permission that may be granted:</p> <p><i>No part of the proposed development shall be brought into beneficial use or occupation until the improvements to the white lining on A120 east bound off</i></p>	<p>Officer Comment:</p> <p>Noted that Highways England have no objections subject to a condition. The wording of the condition is currently under review.</p>

<p><i>slip at Panners Roundabout slip road have been carried out in accordance with Intermodal Transportation Drawing number IT2021/HD/501 dated Jan 2021 subject to such design modifications as the appropriate Highway Authority may decide to make.</i></p>	
<p>8. Historic England – 30.06.2021</p>	
<p>Response: Wish to confirm that we have no further comments to make on this matter.</p>	<p>Officer Comment: Noted.</p>
<p>9. Essex County Council Highways – 05.07.2021</p>	
<p>Response: The highway authority response to the original Horizon A120 consultation specifically indicated that ‘where the type and quantum of development to change significantly, the TA (Transport Assessment) should be amended accordingly to show the revised impact on the network and any other mitigation which may be required.’ A copy of the highway authority response dated 21 January 2020 is attached.</p> <p>A consultation has now been received which seeks to change the quantum of development and this is set out in a transport note prepared by Intermodal Transportation dated June 2021.</p> <p>The note indicates that the original junction capacity assessments for the scheme have been re-run to reflect the increase in light industrial use from 31,900sq.m to 46,060sq.m and decrease in in commercial floorspace from 25,800sq.m to 25,140sq.m and draws conclusions from this work.</p> <p>Trip generations, inputs, and full outputs for the revised junction assessments are not contained in the transport note and therefore the highway authority have not checked this information. However based on our own assessment</p>	<p>Officer Comment: Noted.</p>

<p>the floorspace revisions are likely to give rise to an additional 52 two way trips during the AM peak and 47 two way trips during the PM peak.</p> <p>In conclusion and having regard to the highway mitigation already secured at Junction 3, the Panners Interchange and at Junction 4 London Road/A131 as set out in the transport note and requirements for active and sustainable travel measures To form an integral part of the Horizon 120 development the highway authority does not consider that the floorspace revisions would have a material impact on the operation of the local highway network.</p>	
10. Essex Police – 06.07.2021	
<p>Response: Raises a number of detailed matters:</p> <p><u>Footpaths roads and public spaces</u> “Healthy Working Lifestyle” “To promote activity, permeability and accessibility”. To enable confident movement and activity people need to be and feel safe within their environment without the fear of crime, especially in the current climate of creating safer streets and mitigating the risks to lone females. If people do not feel safe, they will not use the space. Inappropriate landscaping, future maintenance and poor lighting that provides areas for concealment, crime or the fear crime need to be avoided, these concerns need to be carefully balanced with those of integrating people with the natural environment. Such considerations and mitigation put in place need to be clearly identified in policy relating to such areas in the same way as those aspirations to embrace that natural environment.</p> <p><u>Boundary Treatments</u> We welcome the desire ‘to achieve a balance between the needs for companies to create secure business</p>	<p>Officer Comment: Specifications of Street lighting and levels are included within the Design Code. Details of which are submitted with the Compliance Checklist. This is carefully considered and in accordance with Essex County Council standards.</p> <p>In terms of the other comments, including in relation to Public Art, these detailed comments are currently being reviewed and considered by Officers.</p>

premises with the need to establish a high-quality business park environment'. Whilst it is accepted that palisade fencing and such is not an appropriate boundary treatment in some locations fencing does need to be fit for purpose to the properties risk commensurate LPS1175 security rating. It has been found that wire mesh fencing and gates as used within educational establishments can provide security specification security whilst being aesthetically pleasing (especially green or black which from a distance are less apparent). We note secure boundaries must be screened by planting; where this is so it should not provide a climbing aid over the boundary treatment or be to the detriment of surveillance in or out of the premises or obstruct the field of view of a CCTV system.

Lighting ("Lighting fitting and location to create welcoming, attractive and safe places")

We wish to draw attention and ask that the below except from the Police Crime Prevention Initiatives Safer Streets Crime Prevention Toolkit 2020 – Intervention: Street Lighting, is taken into consideration with the operation of lighting to both public and private space: The right street lighting in the right place deters crime by permitting greater surveillance during the hours of darkness creating a better opportunity of the offender and any activity being seen thus potentially putting an offender off committing a crime and allowing victims to identify a risk and take appropriate actions. Naturally should this lighting be turned off at a specified time then during these hours there will be a greater potential for such crime as this deterrence has been removed. The right street lighting does not need to be excessive especially with modern LED lighting allowing lighting to be directed and restricted to given areas.

Where bollard lighting is considered it should be noted that:

- Bollard lighting is not compliant with BS5489-1:2020 because it does not project sufficient light at the right height and distorts the available light due to the 'up-lighting' effect; making it difficult to recognise facial features and as a result causes an increase in the fear of crime (SBD:18:3).
- Can be subject of criminal damage or accidental damage.
- Can be blocked by nearby parked vehicles and other obstructions.
- Can be less efficient requiring a greater number of bollards than would be required if column lighting is used therefore equipment and running costs both financially and ecologically are increased.
- Contrary to popular belief can be more detrimental to wildlife such as bats due to the up-lighting effect, high light levels directly under the bollards and the increase in locations providing generally higher light levels.

That being said in the right place to provide 'wayfinding' it does serve a purpose where British Standard compliance isn't required.

Public Art

Within the process of selection care needs to be taken, with considerations being made to include safety and the potential for crime with regards to the art and its location. In the past throughout the country public art has been the subject of theft and damage. With metal prices being at an all-time high the materials used within the art will affect the potential for theft, an expanse of surface or contentious item will provide a canvas for graffiti and of course the nature of some art may present a risk of injury by inadvertent or deliberate contact. Location considerations should include the lighting, the casual and formal

surveillance over the art and method of fixing.

Lorry Parking

With an industrial development especially with elements of warehousing and distribution as can be seen elsewhere there is a need for secure ancillary parking nearby. Without such a facility lorries will be parked on roads outside premises awaiting entry or parked overnight awaiting opening time of the premises. Such parking causes safety risks to pedestrians especially with the desire for a number of paths and movements through the development, greater risk of theft from vehicles, congestion on the roads, damage to road and adjacent surfaces and stresses to businesses and those travelling within the development.

Cycle Parking

Essex Police support the promotion of green transport and use of cycles and it is good to find references to cycle security. We would request that you are mindful that when cycle storage is conveniently located adjacent to entrances that it does not provide a climbing aid to force entry into the building.

Mitigating the risk

Further into the design and construction phase of this project we would welcome the opportunity to assist the developers in their demonstration of compliance with this policy by achieving Secured by Design Commercial awards. 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.

Industrial Watch

Building strong, cohesive, vibrant, and participatory communities; an excellent

<p>example is not far away within the Braintree District in the body of the Witham Industrial Watch (WIW). Built over the years WIW produces an efficient functional neighbourhood community not only focusing crime prevention but also the wellbeing of the estates generally. The success of the organisation is predominantly down to the committed volunteers and estate management, attempts in the past have been made without success to replicate it in other commercial areas. It is thought that consideration of such a scheme as WIW within the conception of Horizon120 may allow the same benefits to be embedded in this area for the future.</p>	
<p>11. ECC Ecology – 08.07.2021</p>	
<p>Response: Ecology – Place Services are in support of the updated LDO for Horizon120 in principle.</p> <p>We are pleased the Design Code outlines measures to ensure that legally protected and priority species will be conserved in line with previously approved reports, whilst also outlining best practice measures for biodiversity enhancements within the proposals which will secure measurable biodiversity net gains within the finalised scheme.</p> <p>The only comment we wish to make on the design code relates to the soft landscaping scheme for the road (Table 5: Soft Landscape Requirements – Road). This is because the ‘Planted Buffer – Plot Development’ section indicates the provision of Japanese Rose (<i>Rosa rugosa</i>), which and is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as a non-native invasive species.</p>	<p>Officer Comment: Noted. Detailed comment in respect of <i>Rosa rugosa</i> is under review.</p>

This species was removed from the Horizon Park Planting Schedule (Farrer Huxley, Revision C4), as submitted to meet the requirements of condition 4 (scheme of landscaping - 20/00901/DAC) of the associated approved application 19/01616/FUL.

Therefore, we recommend that *Rosa rugosa* is removed from the design code, to ensure that the LDO does not support the use of Schedule 9 Invasive Species within the soft landscaping scheme. This will also ensure that the Horizon 120 design code is concurrent with the most up to date landscaping plans.

Appendix 2: Summary of Representations received to date

1. Chelmsford City Council – 15.06.2021	
<p>Response:</p> <p>No comments, but supports the principle of the development of this site for employment/business uses. It will support the economy and offer jobs to new and existing residents expected through new housing developments both in Braintree and the surrounding Districts/Boroughs, including Chelmsford.</p>	<p>Officer Comment:</p> <p>Noted.</p>
2. Graeme Roe of Stanley Bragg Architects on behalf of Marshgate – 15.06.2021	
<p>Response:</p> <p><u>Architecture –General</u></p> <ul style="list-style-type: none"> - Non-combustible wall systems and cladding must be used. If the materials are compliant with the current Building Regulation standards, is this not sufficient to meet current legislation? - Fixing details are now required for external cladding. What is the criteria for a fixing system to be approved? <p><u>Boundaries (Page 94)</u></p> <ul style="list-style-type: none"> - Palisade fencing is now permitted, but only to the back of a plot. There will be instances where sites are visible on 3 sides and so what defines the rear and can the palisade fence be placed on the remaining boundaries? Horizon 120 is defined by its landscape treatment and therefore green finish should be allowed so that it blends in with the landscape strip in front of it. The fences should be subservient to the landscape in front. Please can green powder coated be classified as acceptable. - Weld mesh is permitted, but only galvanised or stainless steel. Green powder coat is the industry standard and again the reasons for this are as 	<p>Officer Comment:</p> <p>Comments noted and are currently being reviewed and considered by Officers.</p>

<p>above. Please can green powder coated be classified as acceptable.</p> <ul style="list-style-type: none"> - Suggested clarification for the 6m rule for the location of gates. ie its 6m from the road side kerb edge. - Secure boundaries. This should be considered in relationship to the design of the adjoining buildings. Brick should not be the default material. <p><u>Parking standards (Page 104)</u></p> <ul style="list-style-type: none"> - Suggest clarification that parking within service yards is permitted providing it meets the car parking standards. 	
3. Feering Parish Council – 15.06.2021	
<p>Response:</p> <p>Feering Parish Council has no objection to this proposal. It seems to us to be a sensible place to put it with reasonable transport links and if the A120 development goes ahead it will be in an ideal location.</p>	<p>Officer Comment:</p> <p>Noted.</p>
4. Black Notley Parish Council – 16.06.2021	
<p>Response:</p> <p>Black Notley Parish Council have sent in previous representations reference this matter so following up the amendments the Parish Council have nothing further to add and endorse their previous comments that this development will put further pressure of traffic on Bakers Lane already an overused rat-run.</p>	<p>Officer Comment:</p> <p>Note the concerns in respect of impact upon the local road network, however the original proposals were deemed acceptable by the two statutory Highway Authorities (Highways England and ECC Highways). No objections have been raised by ECC Highways in relation to the proposed increase in the floorspace cap from 65,000sq.m to 75,000sq.m.</p>
5. Great Notley Parish Council – 30.06.2021	
<p>Response:</p> <p>Great Notley Parish Council wishes to make the following representations in relation to this application:</p> <p>It is noted that the use classes have been updated and one use now includes general industrial. It</p>	<p>Officer Comment:</p> <p>The Use Classes have been updated however 'general industrial' (Use Class B2) was approved within the original LDO within Zone C. No changes are proposed in this regard.</p>

was previously understood that the use of the area would be for light industrial and distribution and there is a concern in relation to the impact more intensive industrial use would have upon the area and in particular upon the nearby residential areas of Great Notley. The Parish Council would wish any industrial use to be sympathetic to the local high density residential areas of Great Notley.

The Parish Council is concerned regarding the landscaping of the area. It is noted that there are requirements to landscape within the development but is particularly concerned regarding the retention of a buffer area of vegetation between the business park and the A131. The contents of the arboriculture report are noted but it is also noted that some vegetation adjacent to the road has already been removed. For the visual amenity of the area and for biodiversity reasons the Parish Council considers that the existing vegetation adjacent to the A131 should be retained and careful consideration given as to the maintenance of trees, bushes and other landscaping on the site.

It is noted that there is limited reference to lighting in the documentation and to avoid light pollution, especially in view of the close proximity of residential houses, the Parish Council contends that there should be very clear guidelines as to lighting requirements in the LDO.

The Parish Council would wish the existing Bridleway to be safeguarded as it is a well-used resource by local residents.

It is noted there will no longer be a drive-through facility but that as well as the hotel it is proposed that there will be a café and a restaurant on site which will increase traffic accessing the site.

Officers note the concerns in relation to the boundary landscaping features and particularly those adjacent to the A131. Some of the tree belt was removed to facilitate the new vehicular access into the site.

In respect of lighting, as part of the proposed revisions, the lighting columns would be restricted to 6 metres in height. Lighting, and specifically the specification for lighting, is addressed within the accompanying Design Code.

The existing bridleway would not be affected by the development on the Horizon120 site.

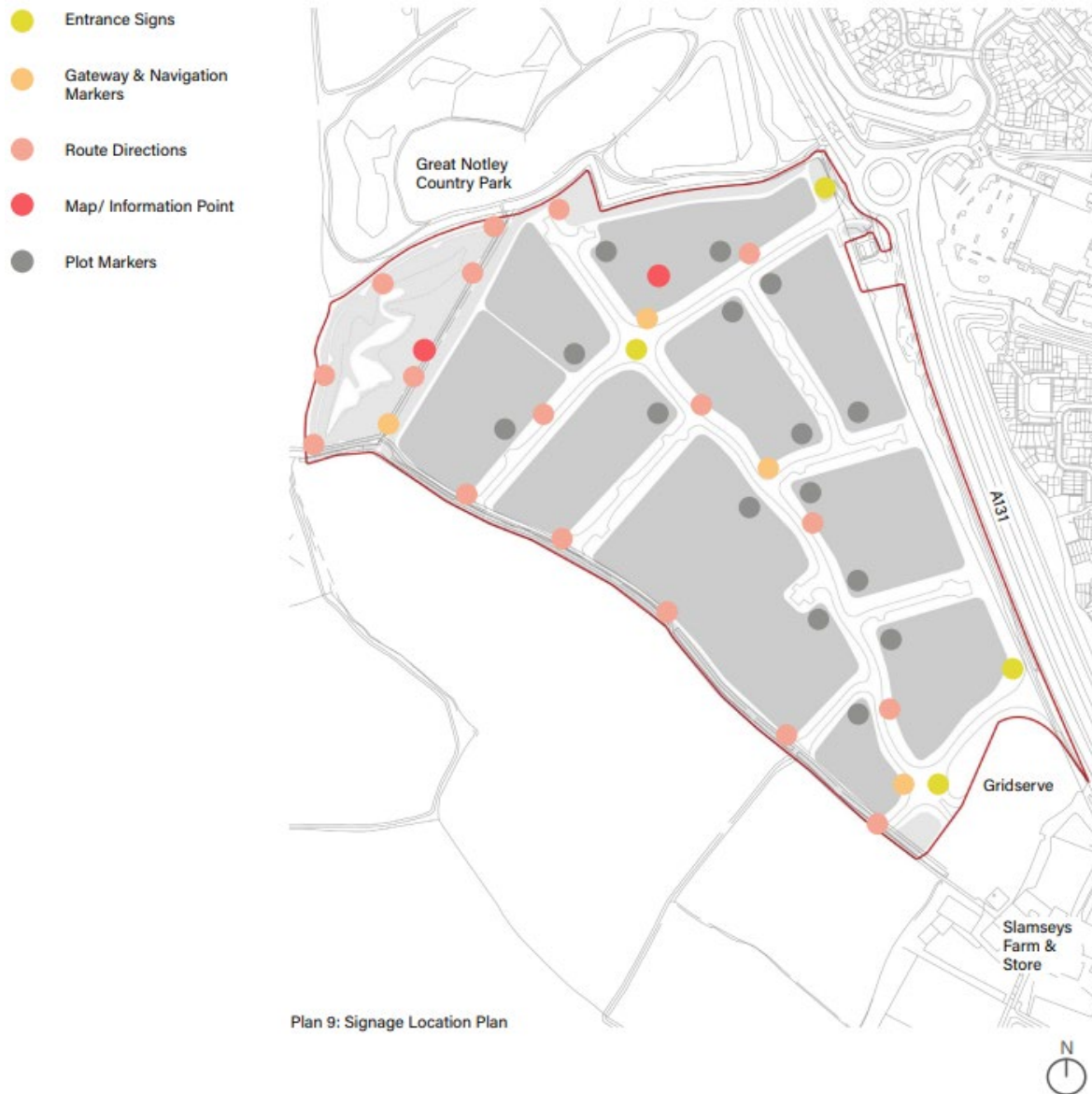
In respect of the Hotel, and the 'Horizon Hub Core', while these comments are noted, no changes are proposed to these as part of these revisions, save for updating the relevant Use Classes. Each of the development plots have to provide sufficient car parking, which will ensure that this will not adversely affect local residents.

While the Parish Council's Section 106 request is noted, no details are provided within the consultation response. Furthermore, no mitigation was secured in this regard within the original Local Development Order, and given the nature of the proposed revisions, it is not considered that there would be any basis to secure further mitigation.

There will therefore be a need for appropriate traffic management so as not to adversely impact upon local residential areas.

It is noted in the documentation that the request from this Parish for a section 106 payment is refuted and it is stated that a CIL payment will be made. At present Braintree District Council has not elected to use the CIL scheme and the Parish Council maintains that there will be an impact upon the Parish which would justify a section 106 payment to be made.

Appendix 3: Location of Signage

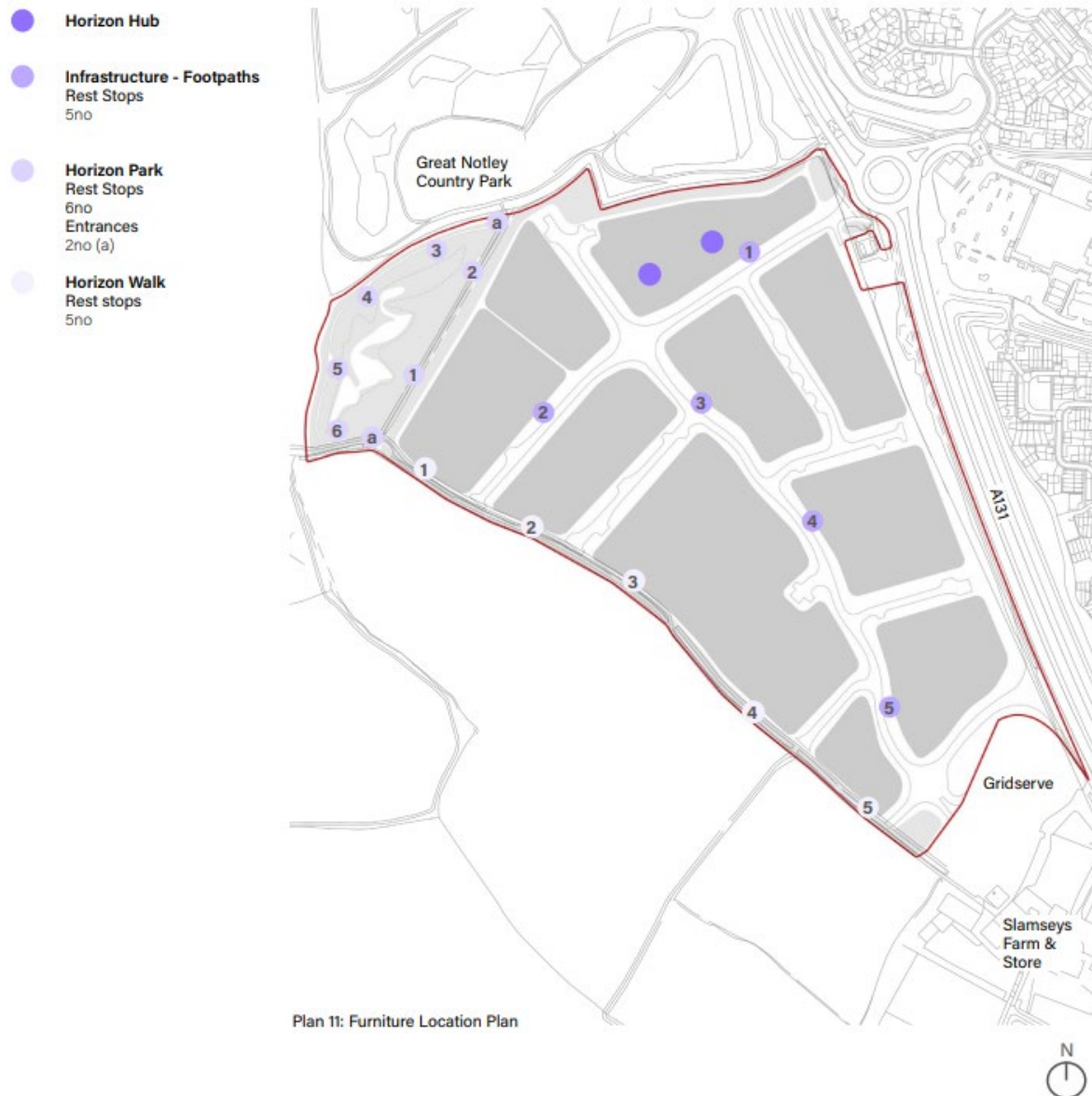


Appendix 4: Location of Public Art

- Horizon Hub
- Horizon Park
- Northern Roundabout
- Entrance



Appendix 5: Location of Furniture and Exercise Equipment



Agenda Item: 7

Report Title: To consider an Objection to the making of a Tree Preservation Order No. 04/2021 Holly Cottage, The Street, Great Saling	
Report to: Planning Committee	
Date: 20 th July 2021	For: Decision
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Shaun Taylor, Landscape Services Team Leader	
Enquiries to: Cara Hitt, Tree and Landscape Officer cara.hitt@braintree.gov.uk 01376 551414 EXT 2417	

1. Purpose of the Report

- 1.1 This report considers the objections raised by Mr. and Mrs. Cross, Mrs. Welch and Mr. Church to the making of Tree Preservation Order 04/2021.
- 1.2 On the 25th January 2021, a provisional Tree Preservation Order was placed on a Monterey cypress in the garden of Holly Cottage, The Street, Great Saling following a Conservation Area Notification of intent to fell.

2. Recommendations

- 2.1 That Tree Preservation Order No. 04/2021 at Holly Cottage, The Street, Great Saling is confirmed to ensure that the visual amenity is retained by securing protection for this prominent tree.

3. Summary of Issues

Background

- 3.1 A Section 211 Notice informing the Council of the intent to carry out tree works in a conservation area was submitted by Mr. Cross on the 24th December 2020, and validated on the 4th January 2021. This notification informed the Council of the intent to fell a conifer because of its size and the shading it produced. I visited the site to view the tree from the publicly accessible land surrounding the property. It was felt that the tree had strong amenity value and should be retained.
- 3.2 A provisional Tree Preservation Order (TPO) was made on the 25th January 2021 to protect the tree. A copy of the provisional Order was also sent to Holly Cottage, The Street and immediate neighbours. Letters of objection (Appendix 3) were received on the 6th of February 2021 from Mrs Welch of Poppy Cottage, The Street, and on the 12th of February 2021 from Mr Church

from Thorpe House, The Street, and on the 26th of February 2021 from Mr and Mrs Cross at Holly Cottage, The Street.

- 3.3 On the 16th June 2021 Shaun Taylor (Landscape Services Team Supervisor) and I visited the site and met with Mrs. Cross, Mr. Church and Mr. and Mrs. Welch to evaluate the condition of the tree and discuss the objections. The matter could not be resolved at the meeting and the objections have been set out in this report to the Planning Committee for determination.

Assessment

- 3.4 The tree is a semi-mature Monterey cypress that appears to be in good health and is a prominent feature in the street-scene. The tree is situated in the rear garden of Holly Cottage, The Street, Great Saling and is visible from The Street, the public playing fields, the access footpath to the playing fields and Piccotts Lane. The tree is situated east of the house at the rear of the back garden, at one of the furthest points from the house (Photos are shown in Appendix 6).
- 3.5 The applicant stated that they want to fell the tree due to its size and shading in the Section 211 Notification of Intent to do Tree Works in a Conservation Area. Firstly, there is no legal height limit for a tree. Secondly, although the cypress is relatively tall, approximately 22 meters, its height is also one of the attributes that contributes to the amenity of the tree.
- 3.6 Mrs. Welch, Mr. Church and Mr. and Mrs. Cross have all raised objections about shading. The position of this tree is to the east of all three of the properties that have raised objections. For Poppy Cottage, the tree is in a north easterly position from the property. As the sun rises in the east and sets in the west, the tree would not cast a shadow affecting this property. The tree therefore could not block light into the living room of the property as claimed in their objection. For Thorpe House, the shadow cast from the tree relative to the position of the back garden may affect the most northern point on the garden (approximately 15% of the back garden) for a portion of the morning. For Holly Cottage, the shadow cast from the tree would affect areas in the back garden during the morning, but by the afternoon the shadow would no longer affect the garden.
- 3.7 Mr. Church and Mr. and Mrs. Cross have all raised concerns about growing plants, even grass, under the shade created by the tree. With regards to the shadow cast from the tree at different points of the day, the gardens should receive unobstructed light in the majority of the afternoon to allow plants to grow. Various healthy plants can be seen growing in these gardens in the photographs in Appendix 6. A successful vegetable patch can be seen in a northerly part the back garden of Holly Cottage that is partially in shade in the morning, showing the ability to grow plants in even partially shaded parts of the gardens. With regards to the shade created directly underneath the tree canopy in the garden of Holly Cottage; as the tree is an evergreen tree there will always be shade directly underneath the canopy. Shade tolerant grass

and shade loving plants; for example hellebores, heucheras and fuchsias, could be planted here. Plants naturally found in woodlands will enjoy this area, such as ferns, red campions and lily of the valley. The soil underneath the tree canopy may be drier than the surrounding areas, but there are hardy shade loving plants that will tolerate the area.

- 3.8 The TPO does not exclude possible works to the tree in future. With suitable consent a crown lift of the tree would allow some dappled light underneath the tree to help the growth of plants underneath. The area beneath the canopy can also be used for multiple purposes; the current arrangement use the garden includes a play area, comprising climbing frame, slide and swing, constructed around the base of the tree.
- 3.9 Mr. Church and Mr. and Mrs. Cross have made the point that the trees surrounding the cypress having more amenity than this tree due to their comparable size, visibility and native origin. The character and charm of the local Conservation Area is derived largely from the blend of historic buildings and established trees. Views from the playing fields show a row of tall trees in front of the cypress. Despite the surrounding trees the cypress is still visible; the other trees are mostly ash with a few field maples, a horse chestnut and smaller hawthorns. Unfortunately, the ash trees in this area are all showing signs of ash dieback and patchy canopies. With ash dieback, the fungus blocks the water transport systems in the tree slowly causing the tree to die; these ash trees will most likely be lost in the next six to ten years. With the likely loss of the ash trees the cypress will become even more visible. Great Saling Parish Council has planted young trees on the playing fields and they will hopefully establish over time but they are mainly rowan trees which will not have the same prominence as the existing canopy cover.
- 3.10 With regards to other trees along The Street, the eastern side of the road does not have any large mature trees in the immediate area to Holly Cottage. Further north along the road there is a green area in front of Grove Villas with some silver birch, horse chestnut and fruit trees. None of these trees are comparable to the cypress in size. The western side of The Street does have some larger trees in the front gardens of The Old Vicarage and The Beech House, however the large beech at Beech House also has a patchy canopy, indicative of the presence of a fungal infection such as honey fungus. It is likely that the health of this tree will also decline. The memorial area in front of Vicarage Close currently has two lime trees, a group of cypress trees, a large holly and several acers, however the Council has recently been informed through a Section 211 Notification that one lime, the group of cypress trees, the holly and the acers will need to be felled due to subsidence damage. Although the area will be replanted, it will be restocked with smaller trees that have a lower water demand. These trees will take time to establish and produce the same amount of amenity that will be lost. Although there are other tall trees in the surrounding area, the declining health of some of these trees suggests a reduction in the canopy cover over the next few years, therefore increasing the need to protect the cypress.

- 3.11 Mr and Mrs Cross have also stated in their objection that they previously applied to fell the tree in 2015 (Application Reference 15/00065/TPOCON). This notification of intent received no objections from the Council at the time. The tree was not removed within the two year time frame after the notification in 2015 and permission then lapsed. Each tree is assessed at the time of a Section 211 Notification based on how it appears within the setting at the time of the application. The cypress does show good amenity partly because of its prominence and set against the evidence of the pathogens/disease affecting a number of the surrounding trees. (The TEMPO form used to assess the merit of a TPO in this case is shown in Appendix 2).
- 3.12 The Monterey cypress is a prominent evergreen tree with good amenity value that is visible from various public spaces in this part of the village. There is evidence of declining tree health in the locality and the potential loss of canopy cover that will be the likely outcome supports the case for protecting other established trees in the area where possible. Confirmation of the TPO in this case will help to sustain the amenity of the local conservation area.

Conclusion

- 3.13 Consequently, it is recommended that Tree Preservation Order No.04/2021 Holly Cottage, The Street, Great Saling is confirmed.

4. Options

- 4.1 The two options are as follows:

1) To confirm the provisional Tree Preservation Order in the interests of amenity.

2) Not to confirm the provisional Tree Preservation Order and allow the owner to prune/fell the trees as they see fit.

5. Financial Implications

- 5.1 The cost of making the TPO have been met from existing budgets.

6. Legal Implications

- 6.1 The Council is required to follow the legislative framework in place for making a Tree Preservation Order. The proposals set out within this report are in line with that legislative framework.

7. Other Implications

Environment and Climate Change

- 7.1 If the Order is not confirmed there is a risk that the visual amenity of the conservation area will be diminished and the tree's contribution to carbon sequestration will be lost.

Risks

- 7.2 Compensation rights could arise if the Council subsequently refuses an application for tree work and the tree or a part of it then fails, or causes damage.

8. List of Appendices

- 8.1 Appendix 1: Tree Preservation Order 04/2021
- 8.2 Appendix 2: Copy of TEMPO Assessment
- 8.3 Appendix 3: Letter of objections from Mrs Welch dated 6th February 2021, Mr Church dated 12th of February 2021, and Mr and Mrs Cross dated 26th of February 2021
- 8.4 Appendix 4: Copy of Section 211 Notification of Intent to do Tree Works in a Conservation Area
- 8.5 Appendix 5: Map of Holly Cottage and the immediate area
- 8.6 Appendix 6: Photographs

9. Background Papers

- 9.1 Part VIII of the Town and Country Planning Act 1990 (as amended)
- 9.2 The Town and Country Planning (Tree Preservation) (England) Regulations 2012
- 9.3 Section 192 of the Planning Act 2008
- 9.4 Part 6 of the Localism Act 2011

Appendix 1: Tree Preservation Order 04/2021

THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Town and Country Planning Act 1990 TPO 04/2021/TPO

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:- Holly Cottage, The Street, Great Saling, CM7 5DT

Citation

1. This Order may be cited as TPO 04/2021/TPO

Interpretation

2. (1) In this Order "the authority" means the Braintree District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of.

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Given this *Second day of February 2021*

The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:


Authorised Signatory



SCHEDULE

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Cypress	The rear garden of Holly Cottage, The Street, Great Saling.

Trees specified by reference to an area
(within a dotted black line on the map)

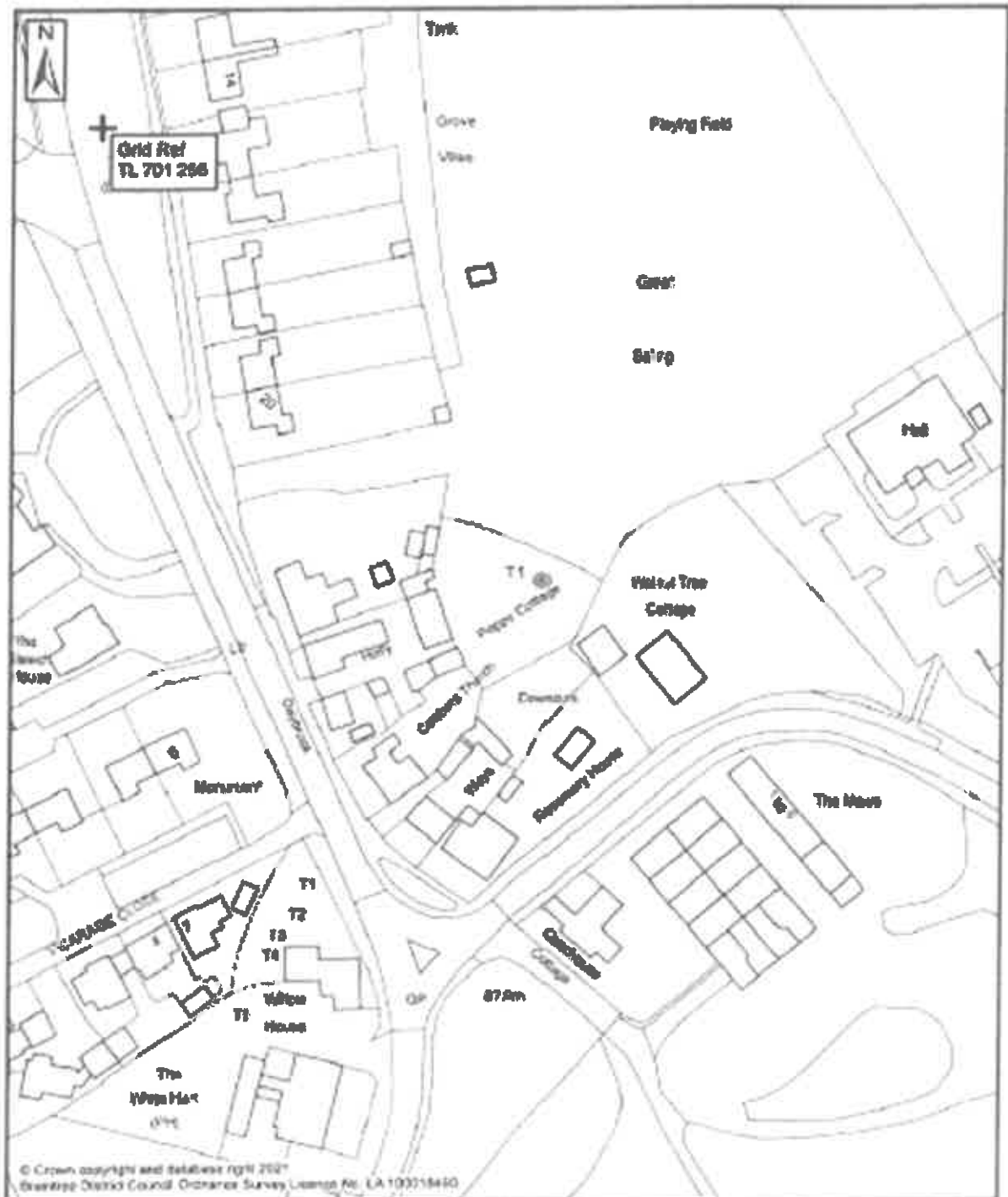
REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Groups of trees
(within a broken black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Woodlands
(within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	



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Planning Department

Date: JAN 2021

Ref: 1164434

Drawn: DP

Scale: 1:1000
 TL 7025

TREE PRESERVATION ORDER 04/2021

HOLLY COTTAGE
 THE STREET
 GREAT SALING
 CM7 6OT

This document is referred to in the
 Greater London Council Tree
 Preservation Order No. 04/2021

04/2021
 Authorised Signatory

Greater London Council
 District Council

Appendix 2: Copy of TEMPO Assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/01/2021	Surveyor: Cara Hitt
Tree details TPO Ref (if applicable): _____ Tree/Group No: 1 Species: Cypress Owner (if known): _____ Location: Holly Cottage, The Street, Great Saling.	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |
- * Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
3

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
4

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes
3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|-------------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes
1 |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | |
|-------------------------------|-------------------------------|
| 5) Immediate threat to tree | Score & Notes
5 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:
16

Decision:
Definitely merits TPO

Appendix 3: Letter of objections from Mrs Welch dated 6th February 2021, Mr Church dated 12th of February 2021, and Mr and Mrs Cross dated 26th of February 2021

Objection received from Mrs Welch on 06/02/2021:

'I live at Poppy Cottage, The Street, Braintree, England, CM7 5DT.

With regards to the TPO at Holly Cottage for the cypress tree, firstly I'd like to ascertain the meaning of Cypress. Cypress trees are narrow columnar trees with erect branches that retain their pencil thin form throughout life. The tree in question is more of a leyland Cyprus hybrid which in a more universal term is a leylandii. This particular tree in Holly Cottage garden completely blocks our light in the summer and winter so our front room which is at the back of our house is permanently dark and chilly.

As for the appearance of it it nothing more than an eyesore and I have never walked through the park at the back of garden thinking it was a pretty tree. It really is just an overgrown dark leylandii.'

Objection received from Mr Church on 12/02/2021:

'Tree Preservation Order No: 04/2021/TPO – Holly Cottage, The Street, Great Saling, CM7 5DT

I am writing to formally object to the above tree preservation order. My reasons for objecting to the tree preservation order on the Cypress tree are:

- The tree is of low amenity value – there are numerous other trees of equal size and visibility from The Street, Piccotts Lane, public footpath and the playing fields. Some of which are grander and taller.
- It is not a native UK tree; consideration should be given to replacing with a native tree
- It is creating excessive shading in the garden
- It is reducing the fertility of the surrounding soil and therefore reduces diversity of the local plants and, and support of the wildlife
- It impacts our ability to have a varied garden with strong and healthy plants and those that are bee friendly.
-

I look forward to the acknowledgement of the above and your comments before making the order permanent.'

Objection received from Mr and Mrs Cross on 27/02/2021:

'We write in objection to the formal notice of Tree Preservation Order No 04/2021/TPO. We would like you to consider the following to support our opposition:

Firstly, the tree in question is a Leyland Cypress. It is a large tree that dominates the centre of our garden. It is not a native tree to the UK and in fact, The Wildlife Trust provides the following summary:

The Leyland cypress, or 'Leylandii', is a notorious tree that has been widely planted for its fast-growing nature. It easily can get out of control, shading gardens at the expense of native plants. (Taken from <https://www.wildlifetrusts.org/wildlife-explorer/trees-and-shrubs/leylandcypress#:~:text=The%20Leyland%20cypress%2C%20or%20'Leylandii'%2C%20is%20a%20large,it%20a%20popular%20hedging%20species.>)


This is exactly our experience, it shades a large portion of our garden and we find it difficult to grow anything, even grass under its shadow. In speaking with our neighbours, it's also clear they suffer from shading in their gardens (Poppy Cottage and Thorpe House particularly).

In addition, although the tree is visible from a footpath behind the property, it is by no means visible in its entirety and only approximately 2M of the crown can be seen over the surrounding trees. On the back boundary of our property, there are around 8-12 individual trees. We feel these trees that border the playing fields are of far greater amenity, and in the main are native to the UK unlike the cypress on our property.

Finally, we put in the request to fell this tree as the previous permission granted in 2015 had elapsed and it was simply something we hadn't got around to (ref no 15/00065/TPOCON). We're unsure as to what has changed between then and now such that a TPO has now been placed on it.

We hope this letter urges you to reconsider the authorities' decision as to whether a TPO is truly necessary on this particular tree.'

Appendix 4: Copy of Section 211 Notification of Intent to do Tree Works in a Conservation Area

	Development Management	
	Causeway House	
	Bocking End	T: 01376 552525
	Braintree	E: planning@braintree.gov.uk
	Essex CM7 9HB	W: www.braintree.gov.uk

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Trees Location

Number	<input type="text"/>
Suffix	<input type="text"/>
Property name	<input type="text" value="Holly Cottage"/>
Address line 1	<input type="text" value="The Street"/>
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>
Townicity	<input type="text" value="Great Saling"/>
Postcode	<input type="text" value="CM7 5DT"/>

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

Existing (x)	<input type="text" value="570154"/>
Nothing (y)	<input type="text" value="225572"/>

Description

2. Applicant Details

Title	<input type="text"/>
First name	<input type="text" value="Richard"/>
Surname	<input type="text" value="Cross"/>
Company name	<input type="text"/>
Address line 1	<input type="text" value="Holly cottage"/>
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>

Planning Portal Reference: PP-00084501

2. Applicant Details

Town/city	<input type="text" value="Great sailing"/>
Country	<input type="text"/>
Postcode	<input type="text" value="CM7 5dt"/>

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email address	<input type="text"/>

3. Agent Details

No Agent details were submitted for this application

4. What Are You Applying For?

Based on the type of work proposed and the location and protected status of the trees involved, there are various details and supporting information that will need to be supplied in order for the Local Planning Authority to determine the application.

Are you seeking consent for works to tree(s) subject to a Tree Preservation Order?

☐ Yes ☒ No

Are you wishing to carry out works to tree(s) in a conservation area?

☒ Yes ☐ No

Documents and plans (for any tree)

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

Are you providing additional information in support of your application (e.g. an additional schedule of work for question 'Identification of Tree(s) and Description of Works')? ☒ Yes ☐ No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application

TBA

5. Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see help for sketch plan requirements).

Please provide the following information:

- Tree species
- The number used on the sketch plan; and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:

- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with one standard ash in same position.

Conifer - fell due to size in comparison to garden, excessive shading of our and neighbour's garden

6. Tree Ownership

Is the applicant the owner of the tree(s)?

☒ Yes ☐ No

7. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

☐ Yes ☒ No

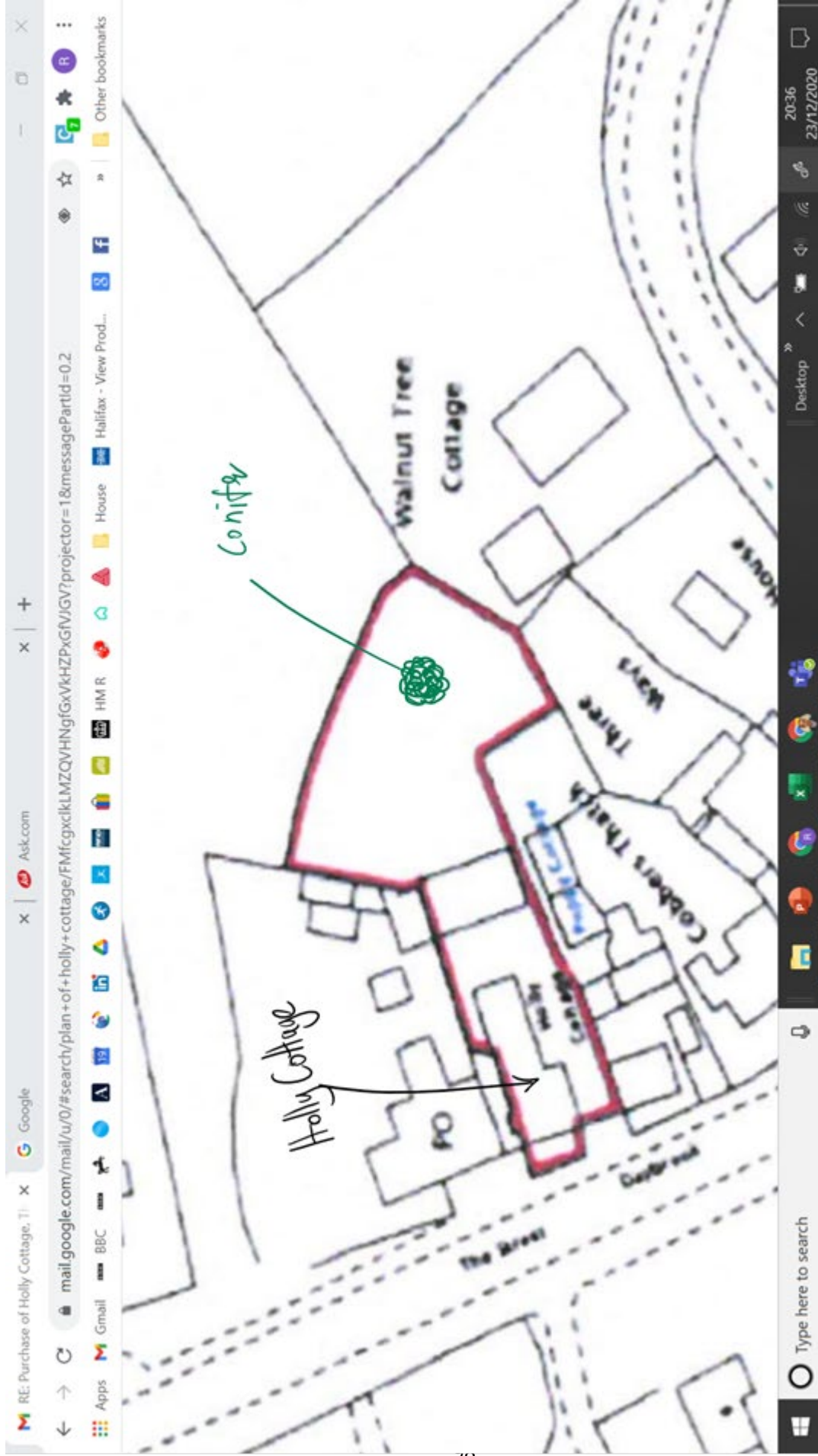
For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

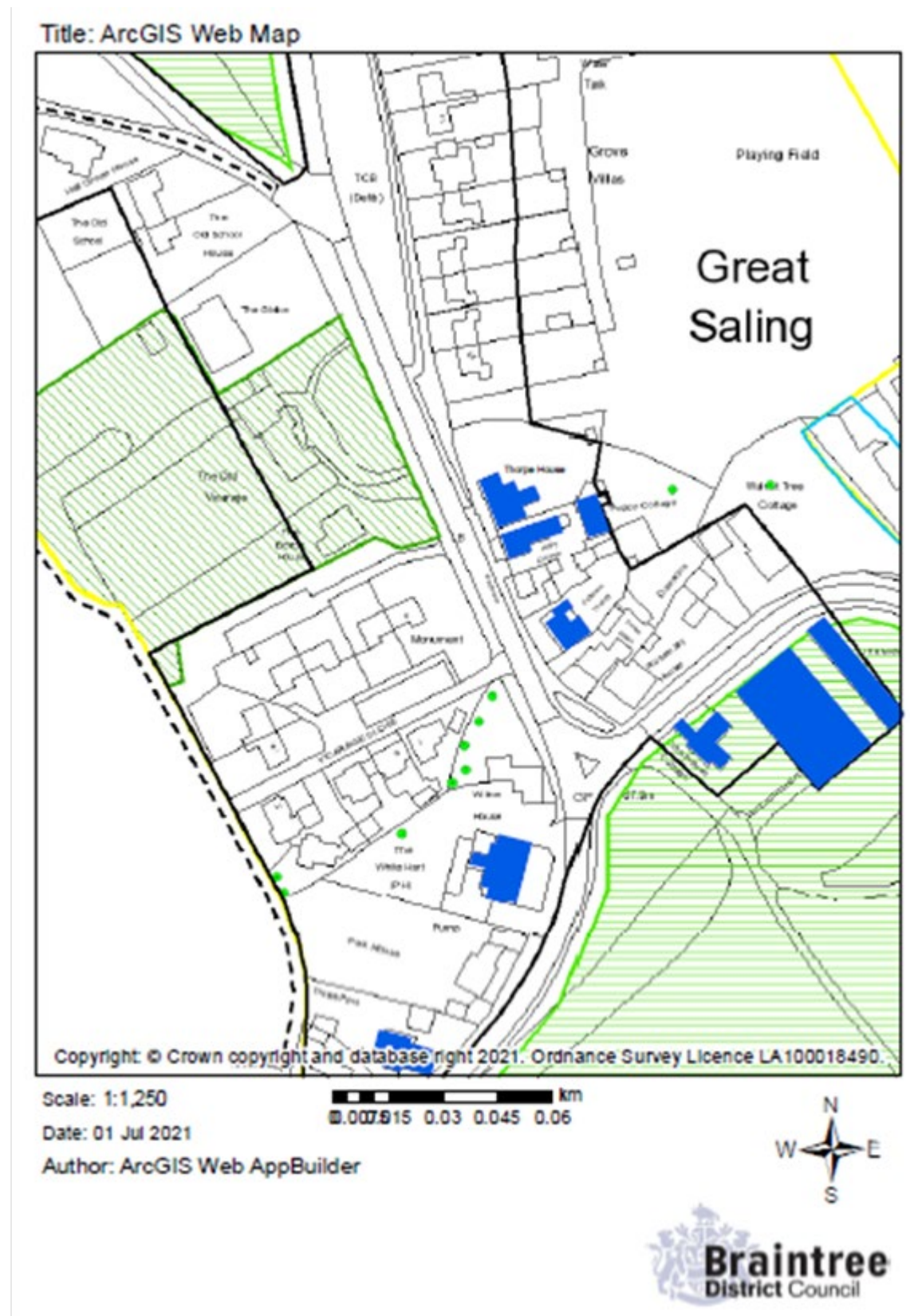
8. Trees - Declaration

We hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application)



Appendix 5: Map of Holly Cottage and the immediate area



Appendix 6: Photographs

View of Monterey cypress between Holly Cottage and Cobbers Thatch, The Street



View of Monterey cypress between Cobbers Thatch and Three Ways, The Street



View of Monterey cypress from in front of Walnut Tree Cottage, Piccotts Lane



View of Monterey cypress from in from of Thorpe House, The Street



View of Monterey cypress from the green opposite The White Hart Inn



View of Monterey cypress from the footpath leading to the playing fields



Monterey cypress in the back garden of Holly Cottage



Monterey cypress seen from the back garden of Poppy Cottage



Monterey cypress crown and trees behind Holly Cottage on the playing fields, including ash trees with ash dieback



Trees behind Holly Cottage on the playing fields, including ash trees with ash dieback



Close ups of different ash trees with die back in the playing fields



Close ups of different ash trees with die back in the playing fields



View of trees at The Old Vicarage, The Street showing dead wood and patchy crowns



Beech tree at The Beech House, The Street with patchy crown indicating fungal infection



The green area in front of Vicarage Close showing trees to be felled (one lime, one holly, a group of conifers and a group of acers)



Monterey cypress seen from the back garden of Thorpe House, The Street

