

PLANNING COMMITTEE AGENDA

Tuesday 25th January 2022 at 7.15pm

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

This is a decision making public meeting of the Planning Committee, which will be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber, Causeway House, Braintree and members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the following link: <http://www.braintree.gov.uk/youtube>

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

Membership:-

Councillor J Abbott
Councillor Mrs J Beavis
Councillor K Bowers
Councillor P Horner
Councillor H Johnson
Councillor D Mann
Councillor A Munday

Councillor Mrs I Parker (Vice Chairman)
Councillor F Ricci
Councillor Mrs W Scattergood (Chairman)
Councillor P Schwier
Councillor Mrs G Spray
Councillor J Wrench

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's 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

The Agenda allows for a period of up to 30 minutes for Public Question Time. 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.

Members of the public will be invited to participate in Public Question Time remotely and once registered they will be provided with the relevant link and joining instructions for the meeting.

All registered speakers are requested to send a written version of their question/statement to the Governance and Members Team. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, the question/statement will be read by a Council Officer. Questions/statements should be submitted by E-Mail to the Governance and Members Team at governance@braintree.gov.uk by no later than 9.00am on the day of the meeting.

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 three 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/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.

Public Attendance at Meeting: The Council has reviewed its arrangements for this meeting in light of the continuing Covid pandemic and has considered that in order to protect the safety of the public, Councillors and Officers this decision making meeting of the

Planning Committee should be held as a hybrid meeting. Members of the Planning Committee and Officers will be in attendance in the Council Chamber at Causeway House, Bocking End, Braintree and members of the public will be able to view and listen to the meeting virtually. There will be no public attendance at Causeway House. The public may watch this meeting via the Council's YouTube channel.

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

Documents: Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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

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

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

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's YouTube Channel.

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

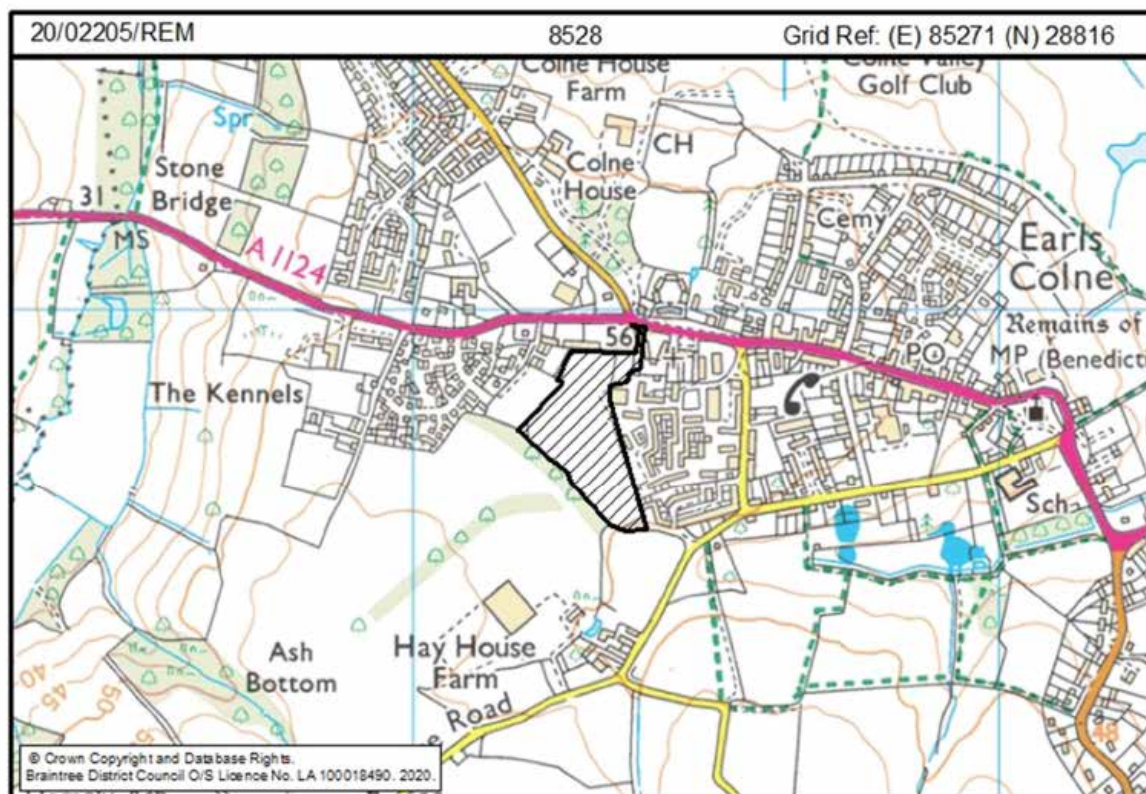
- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meetings**
To approve as a correct record the Minutes of the meetings of the Planning Committee held on 14th December 2021 (copy to follow) and 11th January 2022 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications
- 5a App. No. 20 02205 REM – Land South of Halstead Road, EARLS COLNE** **6-61**
- 5b App. No. 21 00250 FUL – Land adjacent to Nightingales Farm, Brickhouse Road, COLNE ENGAINE** **62-89**
- 6 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 7 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.
At the time of compiling this Agenda there were none.

8 Urgent Business - Private Session

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

Report to: Planning Committee		
Planning Committee Date: 25th January 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	20/02205/REM	
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	
Applicant:	Persimmon Homes Essex	
Agent:	N/A	
Date Valid:	11.01.2021	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Mathew Wilde For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2512, or by e-mail: mathew.wide@braintree.gov.uk	

Application Site Location:



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations § Planning Committee Report – Application Reference 20/02205/REM § Planning Committee Minutes – 20/07/2021 § Addendum Report – Foul Water pump station amendments § Planning Committee Minutes – 14/09/2021 <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 20/02205/REM</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 This report relates to a Reserved Matters application for a residential development. Members have considered this application twice at Planning Committee; the first time was at the Planning Committee held on 20/07/2021 where Members resolved to grant approval subject to conditions. The second time was at the Planning Committee held on 14/09/2021. The application was reported back to committee due to the necessary inclusion of a foul water pump station which previously was not considered. At the Planning Committee held on 14/09/2021, Members deferred the application due to the possible implications of the new foul water pump station on existing neighbouring amenity.
- 1.2 The application is now being reported back to Planning Committee as the pump station has been re-located to the southern part of the site.
- 1.3 The re-location of the pump station would require the amendment of/to the following plans/documents:
- § Masterplan (PH-157-002G);
 - § Detailed Layout (PH-157-003G);
 - § Material Plan (PH-157-004D);
 - § Storey Heights (PH-157-005C);
 - § Tenure Plan (PH-157-006C);
 - § Boundary Treatment (PH-157-007G);
 - § Refuse and Recycling Plan (PH-157-008C);
 - § Open Space (PH-157-009F);
 - § Levels Plan (PH-157-012B);
 - § Housetype A (PH-157-020B);
 - § Housetype D (PH-157-023B);
 - § Housetype F (PH-157-025);
 - § Housetype G (PH-157-026);
 - § Housetype H (PH-157-027);
 - § Housetype J (PH-157-028);
 - § Housetype K (PH-157-029);
 - § Housetype L (PH-157-030);
 - § Housetype M (PH-157-031D);
 - § Housetype T (PH-157-037B);
 - § Apartment Floor Plans (PH-157-050B);
 - § Pump Station Elevation and Plan (PH-157-063A);
 - § Landscape Proposals (20013-101 rev F, 20013-102 rev F, 20013-103 rev F and 20013-104 rev F).
- 1.4 This report is therefore only concerned with the re-location of the pump station and its associated layout implications, as acceptability of the development has been established by the resolution from Members at Planning Committee held on 20/07/2021.
- 1.5 Members are therefore requested to pass a new resolution to grant planning permission subject to the revised list of plans and conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

2.2 At the Planning Committee held on 14/09/2021, Members deferred the application due to the possible implications of the new foul water pump station on existing neighbouring amenity.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. BACKGROUND

5.1 The application was originally considered at Planning Committee on 20th July 2021 where Members resolved to grant planning permission for the proposed development. Since then, it transpired that the development would require a foul water pump station to be installed. As such, the application was brought back before Members at Planning Committee held on 14th September 2021 with the inclusion of a pump station on the eastern aspect of the site (near to Nonancourt Way).

5.2 At Committee on 14th September 2021, Members raised a number of concerns regarding the location of the pump station; the first was in relation to its proximity to neighbouring properties on Nonancourt Way with possible odour impacts; and the second issue was the blocking of views across the development. Members resolved to defer the application so that the developer could reconsider the location of the pump station.

5.3 Since the Planning Committee of 14th September 2021, the developer has sought to re-locate the foul water pump station to the southernmost part of the site. The application is therefore being brought back to Committee again for Members to decide if the revised location overcomes their concerns.

6. PROPOSAL

6.1 The pump station is now proposed be sited in the very southern part of the site, replacing four 'Type A' residential units (one bedroom dwellings). The development has not lost these residential units however; these 'Type A' one bedroom dwelling units have instead been relocated to the central core of the site (now units 47-50). The bin store for the apartment unit was also moved within the parking court area to be nearer to the pump station.

- 6.2 It should be noted that the development still seeks approval for 80 dwelling units at this site. However, to still accommodate 80 units while including the pump station, the developer has sought to make a minor amendment to the overall unit mix, as well as swapping around some house types for others. These amendments were so that the four 1 bedroom units could be relocated and for the development still to adhere to the required parking, garden, and back to back distance standards. For the avoidance of doubt, no new house types have been introduced. The revisions to the house type drawings (as listed in the Executive Summary) are amended to reflect updated plot numbers on the plans following the unit swapping. House Type T was also updated to remove reference to an internal bin store which was shown in error.
- 6.3 In terms of the unit mix change; within the central core (units 46-56), this area would lose two 'K' House Types (four bedroom) and one 'L' House Type (four bedroom). As these are larger house types, they are able to be replaced with a greater number of other house types; this includes the relocated four type 'A' (1 bedroom) units as discussed above, and then one of the 'D' house types (3 bedroom), one of the 'F' house type (3 bedroom), and one of the 'M' house type (4 bedroom). The other affected area is the row of houses (plots 42 – 45) which face onto the central core (as discussed above). These have been changed from two 'C' house types (2 bedroom) and one 'J' house type (four bedroom), to two 'D' house types (3 bedroom) and one 'M' house type (four bedroom).
- 6.4 So overall the development would lose two 2 bedroom units and two 4 bedroom units, but would gain four 3 bedroom units. Officers remain satisfied that the development would still provide a suitable unit mix at the site. For the avoidance of doubt, the remaining layout and road structure of the development still remains as it previously was when Members resolved to grant planning permission at Planning Committee in July 2021. As such, it is considered that the overall changes required to relocate the four 1 bedroom units would be minor in nature and would not detrimentally affect the development.
- 6.5 Turning to the Pump Station itself, the compound would measure 10m by 14m. It would be located on the very southern area of the development. It has been sited as far away as possible from both the road and importantly from existing and future residents. The pump station would therefore require a 20m turfgrass access from the road. This new location would facilitate a good opportunity to mitigate the visual impacts of the pump station.
- 6.6 The equipment for the pump station is located within the compound, albeit its associated pipes and equipment are primarily underground in a sealed chamber. As such, the above ground equipment only accounts for a small amount of this overall footprint. Moreover, none of the above ground equipment would project at a high level, all being below the proposed 1.8m brick boundary wall. The pump station is again proposed to be screened by planting, albeit this is concentrated on the east aspect (front) and northeast (side). The western side aspect is adjacent to an existing ditch and existing boundary planting beyond. The north western aspect at the rear has been

left unplanted to allow for management access to the rear of the pump station and to the carport for the apartments.

- 6.7 To recap, the pump station works by receiving effluent flows under gravity into an underground holding chamber fitted with an electronic float switch. Once the necessary level of sewage is reached, the pump switches on automatically to pump the effluent uphill to the nearest manhole within the onward gravity fed sewer system. Manhole covers at ground level provide an airtight seal to prevent the escape of any foul air from the system. A monitoring system would also be in place to ensure that the system is running correctly. As such, the operation of these systems would be relatively straightforward.
- 6.8 One of the main issues previously considered by Members was the cordon sanitaire of the pump station and its proximity to neighbouring properties. The cordon sanitaire is something most often utilised by water companies to describe a buffer zone around a potential odour emitting asset. In this case, for a pump station of this size, the usual distance for the cordon sanitaire would be 15m. As previously advised at the September 2021 Planning Committee, there is no legal requirement for a buffer zone of this exact size, and is instead more of an obscure policy utilised by water companies.
- 6.9 Since the September 2021 Committee, the developer has investigated the cordon sanitaire distance further. As set out in the Design and Construction Guidance for foul and surface water sewers offered for adoption, under the code for adoption agreements for water and sewerage companies operating wholly or mainly in England ("the Code") May 2021, the buffer zone should be measured from the centre of the 'wet well', which is the circular object in the pump station compound illustrated on the proposed plans. The wet well is the only possible odour emitting point from the pump station, which is why the distance should be measured from this area.
- 6.10 It should be noted however that odour would not emit from the wet well unless there was a system problem, which as described above would be very rare owing to how the system works and the continued management of it by the water company. Officers have checked with the Environmental Health Officer and they have confirmed that it is acceptable to measure the cordon sanitaire distance from this point.
- 6.11 The impact of this, and other impacts are explored in more detail below.

7. SUMMARY OF CONSULTATION RESPONSES

- 7.1 There have been a number of consultee comments received following the updated position of the pump station. These comments are set out below. It should be noted that the responses to the previous pump station location (considered at Planning Committee in September 2021) are not included here.

- 7.2 BDC Ecology
- 7.2.1 No objection to the revised layout.
- 7.3 BDC Environmental Health
- 7.3.1 Raises no objection to the development, stating that:
- “I have considered the revised layout plan (Drawing: PH-157-003 Revision H) showing a new location for the foul effluent pumping station adjacent to the southern boundary of the site. Whilst not strictly necessary to prevent odour nuisance, this relocation is a welcome gesture to allay the concerns of existing residents of Nonancourt Way regarding the position of the cordon sanitaire relative to their properties. I do not have any objections to this revision to the layout on environmental health grounds.”*
- 7.4 BDC Waste
- 7.4.1 No objection.
- 7.5 ECC Historic Buildings Consultant
- 7.5.1 No objection.
- 7.6 ECC SuDS
- 7.6.1 No objection.
- 7.7 Essex Fire and Rescue
- 7.7.1 No objection subject to compliance with Building Regulations Document B5.
- 7.8 Essex Police
- 7.8.1 No further comments to add – No objection.
- 7.9 Natural England
- 7.9.1 No objection, setting out that the proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.
8. PARISH / TOWN COUNCIL
- 8.1 Earls Colne Parish Council
- 8.1.1 Earls Colne Parish Council raised no objection to the revised proposals.
9. REPRESENTATIONS
- 9.1 No further neighbour comments were received.

10. ASSESSMENT

10.1 Noise & Odour

- 10.1.1 The re-sited position of the pump station would now be away from any neighbouring residential property; the closest being No.76 Thomas Bell Road at 36m. It would be close to the southern and south western boundary of the site, however there are no existing residential properties close to these boundaries; only vegetation and agricultural fields. In terms of proposed residential amenity, the cordon sanitaire would not project onto the living spaces of any proposed units; the closest distance to the edge of the cordon would be 6m away from Plot 80 to the east. To the north and northwest, the cordon sanitaire would be limited to impacting a small amount of the car port, parking court and bin store of the apartments. The closest residential unit would be a flat over garage (FOG), at approximately 3.2m away from the cordon sanitaire at the closest point.
- 10.1.2 As such, unlike when the application was previously considered at Planning Committee in September, the application would not project onto the living areas of existing or future residents. Officers are therefore satisfied that the revised position is satisfactory from a noise and odour perspective and would not have any detrimental noise or odour impacts. The Environmental Health Officer has reviewed the revisions and again raises no objection to the development.
- 10.1.3 The Environmental Health Officer also set out that the Council have enforcement powers available under the Environmental Protection Act 1990 that would be sufficient to require remedial work if odour nuisance did arise in the future.

10.2 Layout & Visual

- 10.2.1 The revised position of the pump station as now proposed would be far less visually prominent than it was previously. It would now be relatively tucked away on the boundary of the development, with a good amount of boundary planting to mitigate the impact of the compound. Furthermore, the doors of the compound would also be angled; therefore if one was to look down the access road, only a partial view of the metal gates would be had. The remaining boundary walls of the pump station would be in brick, a stronger and more visually pleasing boundary material than a continuation of a metal palisade fence (to match the gate). As stated above, due to the height of the structures in the pump station, nothing would be visible above the brick walls; only through the palisade entrance gates. However, as discussed above, these have been angled to restrict views into the compound to its equipment.
- 10.2.2 In this location, the revised pump station does not result in the loss of green space either; the space is created by the re-siting of the four 1 bedroom units as discussed in the proposals section above. These units have been replaced in the existing built confines of the layout, thereby overall the

revised location of the pump station would have no impact on public open space.

- 10.2.3 As stated in the proposals section, while the development would need to swap some of its house types around slightly affecting the unit mix, this change is minor and is considered to be acceptable by Officers.

10.3 Ecology

- 10.3.1 In terms of Ecology, a revised biodiversity metric was provided as well as an updated assessment of biodiversity net gain. The Council's Ecology Officer was consulted and following the submission of additional information has confirmed that they have no objection to the revised layout and that the required biodiversity net gain will be achieved.

- 10.3.2 It is therefore considered the ecological impacts of the re-location of the pump station within the development would be acceptable.

10.4 SuDS

- 10.4.1 The SuDS at the site would not materially change as a result of the proposed inclusion of the pump station. As such, Officers are satisfied that the proposal would be acceptable in this regard. ECC SUDs have raised no objection.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 A pump station is required to process foul water from the proposed development. The pump station was originally proposed on an area of open space on the eastern aspect of the development. It is now proposed on the southern tip of the site, away from existing and future occupiers. Officers are satisfied that from a noise, odour, visual and layout perspective that the development is acceptable and that Members previous concerns have now been satisfactorily overcome.

- 11.2 It is recommended that the application is again approved by Members with the same conditions and reasons as in the report appendix attached (including the additional/amended conditions recommended in the attached minutes of the Committee 20th July), but with the updated plan numbers as set out above in the 'Recommended Decision' section.

12. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Revised Plans:

Reference:	Description:
PH-157-002H	Masterplan
PH-157-003H	Detailed Layout
PH-157-004E	Material Plan
PH-157-005D	Storey Heights
PH-157-006D	Tenure Plan
PH-157-007H	Boundary Treatment
PH-157-008E	Refuse and Recycling Plan
PH-157-009G	Open Space
PH-157-012C	Levels Plan
PH-157-020C	Housetype A
PH-157-023C	Housetype D
PH-157-025C	Housetype F
PH-157-026C	Housetype G
PH-157-027C	Housetype H
PH-157-028C	Housetype J
PH-157-029C	Housetype K
PH-157-030C	Housetype L
PH-157-031E	Housetype M
PH-157-037D	Housetype T
PH-157-050C	Apartment Floor Plans
PH-157-063B	Pump Station Elevation and Plan
20013-101 rev J 20013-102 rev J 20013-103 rev J and 20013-104 rev J	Landscape Proposals

Unrevised Plans:

Reference:	Description:
PH-157-010B	Other Plan
PH-157-011B	Other Plan
28952/6003 Version: P04	Other Plan
28952/6001 Version: P04	Other Plan
28952/6002 Version: P04	Other Plan
28952/6004 Version: P04	Other Plan
28952/6005 Version: P03	Other Plan
28952/6006 Version: P04	Other Plan
PH157-062	Other Plan
PH-157-033B	House Types Plan
PH-157-024B	House Types Plan

PH-157-034B	House Types Plan
PH-130-038B	House Types Plan
PH-157-022B	House Types Plan
PH-157-036B	House Types Plan
PH-157-051C	Proposed Elevations
PH-157-001	Location Plan
PH-157-021 Version: B	House Types Plan
28952-SK6000-2	Other Plan
PH157-062	Bin Store
PH-157-060	Garage Details
28952/6100 Version: P01	Drainage Details
28952/6101 Version: P01	Drainage Details
28952/6102 Version: P01	Drainage Details
28952/6103 Version: P01	Drainage Details

Conditions & Reasons and Informatives

(For the avoidance of doubt, the list of conditions and reasons below incorporate the additional conditions previously requested by Members at Planning Committee (Conditions 8-10) and the revised wording for Condition 4).

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.

The development shall only be carried out in accordance with the full Arboricultural Method Statement completed by SES dated 9 July 2021.

Reason

To ensure that the trees and hedges to be retained on site are sufficiently and properly protected 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.

8.

The proposed landscaping scheme for the development shall be fully implemented no later than the first planting season following the occupation of the 68th dwelling.

Reason

To ensure the timely provision and completion of the site landscaping.

9.

A 600mm high metal railing or similar shall be installed running parallel to and to the north of the new footpath link to Nonancourt Way, in accordance with details submitted to and approved by the Local Planning Authority under the License required to be granted to facilitate the footpath link works being carried out on BDC land by the applicant. The railing (or similar) shall be installed at the same time as the new footpath link.

Reason

To provide clear delineation between the new footpath and the adjacent private driveway serving existing dwellings in Nonancourt Way.

10.

Electric vehicle charging points shall be provided to all the dwelling houses on the development. The charging points shall be installed prior to the occupation of each dwelling house.

Reason

To ensure that provision is made for more sustainable modes of transport.

APPENDIX 2:

POLICY CONSIDERATIONS

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
Open Spaces Supplementary Planning Document
Essex Parking Standards Design and Good Practice 2009

Statement on Draft Local Plan

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 and has published main modifications for consultation. 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 significant weight to the Section 2 Plan.

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
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	

Variation to resolution to approve Reserved Matters at Land South Of Halstead Road, Earls Colne (Application Reference 20/02205/REM)		Agenda No: 5c
Portfolio	Planning and Infrastructure	
Corporate Outcome:	Connecting People and Places Enhancing our Environment	
Report presented by:	Mathew Wilde, Senior Planning Officer	
Report prepared by:	Mathew Wilde, Senior Planning Officer	
Background Papers: Planning Committee Report – Application Reference 20/02205/REM Planning Committee Minutes – 20/07/2021 [ATTACHED AT THE END OF THE REPORT]		Public Report
		Key Decision: Yes
Executive Summary:		
<p>This report relates to a Reserved Matters application for a residential development that Members previously considered at the Planning Committee held on 20/07/2021, and resolved to grant approval subject to conditions.</p> <p>Since the Planning Committee meeting held on 20th July 2021, the developer (Persimmon Homes) has been in contact with the statutory water authority regarding foul water flows from the proposed development. Following these discussions, it has transpired that a foul pump station is required in order to effectively manage foul water flows. As such, a pump station is now proposed on the development. Therefore, the matter is duly being referred back to Committee for consideration.</p> <p>The inclusion of the pump station would require the amendment of/to the following plans/documents:</p> <ul style="list-style-type: none"> - Masterplan - Detailed Layout - Boundary Treatments - Open Space - Plan and Elevation - Landscape Proposals - Biodiversity Net Gain Assessment - Biodiversity Metric - Landscape and Environmental Management Plan 		

This report is therefore only concerned with the inclusion of the pump station (and its possible subsequent impacts), as acceptability of the development has been established by the resolution from Members at Planning Committee held on 20/07/2021.

Members are therefore requested to pass a new resolution to grant planning permission subject to the revised list of plans and conditions.

Recommended Decision:

That the application is GRANTED planning permission subject to the following plans and conditions set out in the original committee report (at the end of this report):

Planning Layout Plan Ref: PH-157-003G
Site Masterplan Plan Ref: PH-157-002G
Boundary Treatment Plan Ref: PH-157-007G
Public Open Space Details Plan Ref: PH-157-009F
Plans and Elevations Plan Ref: PH-157—63A
Landscape Masterplan Plan Ref: 20013-101 F
Landscape Masterplan Plan Ref: 20013-102 F
Landscape Masterplan Plan Ref: 20013-103 F
Landscape Masterplan Plan Ref: 20013-104 F

Other Plan Ref: PH-157-010B
Other Plan Ref: PH-157-011B
Levels Plan Ref: PH-157-012B
Lighting Plan Plan Ref: PHE-960-101-R1
Lighting Plan Plan Ref: PHE-960-105-R1
Other Plan Ref: 28952/6003 Version: P04
Other Plan Ref: 28952/6001 Version: P04
Other Plan Ref: 28952/6002 Version: P04
Other Plan Ref: 28952/6004 Version: P04
Other Plan Ref: 28952/6005 Version: P03
Other Plan Ref: 28952/6006 Version: P04
Other Plan Ref: PH157-062
Garage Details Plan Ref: PH-157-060
Recycling / Waste Plan Plan Ref: PH-157-008D
Height Parameters Plan Plan Ref: PH-157-005C
Tenure Plan Plan Ref: PH-157-006C
Materials Details Plan Ref: PH-157-004D
House Types Plan Ref: PH-157-033B
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
Proposed Elevations Plan Ref: PH-157-051 C
House Types Plan Ref: PH-157-037B
Location Plan Plan Ref: PH-157-001
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

Purpose of Decision:

To enable the Local Planning Authority to approve the Reserved Matters application and allow the proposed development to proceed.

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	No matters arising out of this report
Legal:	No matters arising out of this report
Safeguarding:	None
Equalities/Diversity:	No matters arising out of this report
Customer Impact:	The impact of the inclusion of a pumping station in the development layout upon existing residents in the locality has been considered
Environment and Climate Change:	No matters arising out of this report
Consultation/Community Engagement:	A public and statutory re-consultation was completed
Risks:	None
Officer Contact:	Mathew Wilde
Designation:	Senior Planner
Ext. No:	2512
E-mail:	mathew.wilde@braintree.gov.uk

REPORT

Application No:	20/02205/REM
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

BACKGROUND

Since the Planning Committee meeting held on 20th July 2021, the developer (Persimmon Homes) has been in contact with the statutory water authority regarding foul water flows from the proposed development. It was originally envisaged that natural land topography would be sufficient to manage the waste water flows. However, following these discussions, it has transpired that a foul pump station is required, otherwise there would be a significant risk that the waste water (sewage) would not be adequately dealt with. As such, a pump station is now proposed on the development. It should be noted that the pump station would be for foul water only and will not have an implication on the drainage scheme proposed for the development (SuDS).

The inclusion of the pump station has the knock on impact of requiring amendments to some of the plans previously found to be acceptable by Members at Planning Committee. It should be noted that the layout and house types remain as approved – the change only occurs on one area of green space where the pump station would be located.

The reason this is being brought back to Committee is to allow Members to be fully informed on the site requirements and possible impacts before deciding whether to uphold their original recommendation of approval or to change their original recommendation and not support these amendments.

PROPOSAL

The pump station would be sited in the southern area of the site in close proximity to the boundary with Nonancourt Way in Earls Colne. It would be opposite Plot 51 on the development. If approved, the pumping station for this development would, on completion, be adopted by the sewage undertaker, Independent Water Networks Ltd.

The pump station and its associated pipes and equipment are primarily underground in a sealed chamber. The operation of these systems is relatively straightforward. Effluent flows under gravity into an underground holding chamber fitted with an electronic float switch. Once the necessary level of sewage is reached, the pump switches on automatically to pump the effluent uphill to the nearest manhole within the onward gravity fed sewer system. Manhole covers at ground level provide an airtight seal to prevent the escape of any foul air from the system. It is understood that a monitoring system would also be in place to ensure that the system is running correctly.

The total area marked for the pump station would be 10m by 12m and surrounded by a brick wall and boundary planting (other than palisade gates). The above ground equipment only accounts for a small amount of this overall 'floor' space, and it's clear from the side elevations and sample image that nothing would project higher than ground floor level. The pump station is proposed to be screened by new native hedging, while some additional screening is proposed to its south which is to provide a stronger buffer.

The siting of a pump station is also important. As a general rule, it is understood that Water companies object to new residential development within a 15m buffer zone of an existing pump station, often called a 'cordon sanitaire'. This is to avoid any possible implications such as odour which may put pressure on the system to be amended/moved in future.

The Council's Environmental Health Officer (EHO) however confirmed that the cordon sanitaire is not legally required and is instead more of an obscure policy document used by water companies. The EHO considers that in actuality there is not a need to locate the pump station 15m from the nearest residential property (building). The EHO also confirmed that these obscure policy distances have been successfully challenged at appeal, suggesting they are an ideal as opposed to a necessity.

Notwithstanding the above, for this proposal the developer has included a 15m cordon sanitaire around the proposed pump station to show where this could extend to, and the possible implications on neighbouring properties. The first iteration of the pump station location showed that the cordon sanitaire would extend across the front garden of No.12 Nonacourt Way (a neighbouring property), as well as a small amount of the front garden for proposed Plot 51.

While the EHO raised no objection to this positioning, Officers requested that the pump station be moved westwards to be further away from No.12 Nonacourt Way. The developer agreed and moved the pump station approx. 4m westwards further into the development. As a result, the cordon sanitaire would now not extend into the front garden of No.12 (it would however still include part of the private road serving No.12, 14 and 16 Nonacourt Way). The cordon sanitaire would instead project further into the front garden of proposed Plot 51 of the development.

The impact of this, and other impacts are explored more below.

ASSESSMENT

Noise & Odour

As stated above, the Environmental Health Officer (EHO) reviewed the initial pump station proposal and had no objection from a noise and odour perspective. This is because odour problems are very rare and only usually occur with mechanical breakdowns of equipment. As this will be adopted by Independent Water Networks Ltd, a national water body, it should be managed/maintained effectively. Therefore there should be no impact on the amenity of future / existing residents.

The EHO also set out that the Council have enforcement powers available under the Environmental Protection Act 1990 that would be sufficient to require remedial work if odour nuisance did arise in the future.

For completeness, Officers also confirmed with the EHO that the revised siting of the pump station approximately 4m to the west would not change their view that the proposed pumping station was acceptable and would not give rise to any detrimental impacts.

With the revised position of the pump station, and the comments of the EHO, Officers are satisfied that the proposed pump station would not have any detrimental noise and odour impacts for existing neighbouring residents or future occupiers. In addition, the future purchaser for Plot 51 would be aware of the location of the pump station prior to deciding to purchase the property.

Layout

In terms of the layout, the inclusion of the pumping station slightly alters the footway that runs through the spine of the development. The footway now would have a more angled change in direction where it passes the front of the pump station. The previous layout had more of a natural curve in the footway. Essex Highways have reviewed the revised alignment and have raised no objections. Officers are also satisfied that the footway link would still be safe and usable to future occupiers and members of the public.

The pump station is located on land previously identified as green space. As such, the pump station will slightly reduce the amount of green space on the development by 0.012Ha. While the loss of green space is regrettable, the development would still provide a significant amount of green space that would be in excess of the Council's standards. As such, it is considered this small reduction would not have a detrimental impact on the amenity of future residents of this development.

It should be noted that no other layout changes are required.

Visual

In terms of visual impacts, the pump station would be in a relatively prominent position on the development, being visible from both a northern and southern direction. However, the predominant view would be that of the brick wall, and over time an established hedgerow which would assist in softening the brick wall. This is due to the machinery primarily being underground. The only views into the pump station would be from the gates, however this is unavoidable as with any similar development to this. In any case, the gates are a small feature of the overall pump station. As such, while the pump station is in a relatively prominent location, its overall visual impact would not be high. It is therefore considered that the overall visual impacts of the pump station would be acceptable.

Ecology

In terms of Ecology, a revised biodiversity metric was provided as well as an updated assessment of biodiversity net gain.

The landscape plans have been updated to include an area of broadleaved woodland along the eastern boundary near the pump station. This would provide habitat for species as well as biodiversity net gain and would provide further compensation for existing tree/woodland loss in the required biodiversity metric calculation after the Applicant noted during the course of updating their calculation that their original calculation contained an error and some additional compensation was required. The Ecology Officer has assessed these proposals and raised no objections. Similarly, the Ecology Officer had no objection to the location of the pump station and commented that in itself, the pump station did not have a detrimental impact on ecology or biodiversity net gain.

It is therefore considered the ecological impacts of the inclusion of the pump station within the development would be acceptable.

SuDS

The SuDS at the site would not materially change as a result of the proposed inclusion of the pump station. Essex SuDS were consulted but provided no additional comments to those originally submitted when the application was previously considered by the Planning Committee. As such, Officers are satisfied that the proposal would be acceptable in this regard.

Anglian Water were also consulted and did not offer any objection.

CONSULTATION

Further Representations Received following Re-consultation

For completeness, the Ecology and Environmental Health Officer comments are set out below (even though they are discussed in the report above) as well as further comments received from neighbours and the Parish Council.

Ecology Response

“Following a phone call with Steve at SES we have resolved the issue of the woodland not appearing within the habitat baseline information that had been supplied. Steve has successfully emailed a further copy of the Revised Metric data which now details the woodland within the habitat baseline. I shall forward this to you separately as this version will need to be uploaded.

Having reviewed the revised Metric and the revised landscaping plans please accept this email as confirmation that the proposals submitted, to provide proportionate compensation for the loss of the woodland, as detailed, are satisfactory and that the trading issues are resolved. The revised metric calculations as submitted confirm that a biodiversity net habitat gain of 4.19% can be achieved.

This demonstrates that measurable net gains for biodiversity will be delivered, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. As a result, it is recommended that the applicant’s ecologist works closely with the Landscape Architect on the delivery of the Landscape and Ecological Management

Plan and Landscaping Plans, to ensure that the aims of the Biodiversity Net Gain Assessment Report will be achieved.”

Environmental Health Response

“I have considered the application and associated documentation regarding the siting of the foul effluent pumping station.

I can confirm that the type of sewage pumping system proposed does not produce any foul odour, noticeable at ground level adjacent to the plant, during day to day operation. The operation of these systems is relatively straightforward. Effluent flows under gravity into an underground holding chamber fitted with an electronic float switch. Once the necessary level of sewage is reached, the pump switches on automatically to pump the effluent uphill to the nearest manhole within the onward gravity fed sewer system. Manhole covers at ground level provide an airtight seal to prevent the escape of any foul air from the system.

In my 30 years working as an Environmental Health Officer the only time I have witnessed odour problems with respect to sewage pumping stations is when mechanical breakdown has prevented the operation of a pump for an extended period of time so as to allow the sewage stored in the holding chamber to become septic (i.e. where anaerobic bacteria multiply within the effluent liquid). Overflow alarms can be fitted to holding tanks to alert operators of any mechanical failure of pumps well before anaerobic condition develop. Regular servicing of the plant in accordance with manufacturers recommendations will normally prevent such situations arising. In my experience problems only tend to occur with respect to pumping stations owned by private individuals where routine maintenance is neglected.

The pumping station proposed for this development will, on completion be adopted by the statutory sewage undertaker, Anglian Water plc. As such I am confident that future routine maintenance will be conducted adequately.

The Council have enforcement powers available under the Environmental Protection Act 1990 that would be sufficient to require remedial work if odour nuisance did arise in the future.

The “cordon sanitaire” mentioned in the application is a somewhat obscure policy device used by the statutory water undertakers when objecting to residential developments adjacent to their existing drainage infrastructure. Use of arbitrary separation distances such as this are not particularly useful in planning terms, and have been successfully challenged at appeal. It is better to consider each case on its merits and assess the odour generating potential of proposed drainage infrastructure scientifically.

In this instance, I consider that the siting of a sewage pumping station in the location proposed would not cause odour nuisance nor any loss of residential amenity to any neighbouring properties, including those at 12, 14 and 16 Nonacourt Way, occupied by specific objectors. I also note that no part of the pumping station or associated pipework passes under property owned by any of the objectors and as such there would be no possibility of a future need to excavate under any of their drives or gardens. Whilst I can understand residents being fearful about potential nuisance I

would suggest that their fears are unfounded and arise out of a lack of understanding regarding the nature of such equipment and how it operates in practice.

I trust that these comments will be taken into consideration when determining this application.”

Neighbour and Parish Council Comments

Representations of objection have been received from No's 12 (x2), 14 and 16 Nonancourt Way to the original siting of the pump station. These concerns are summarised as:

- 15m Cordon Sanitaire breached as would go on the front garden of No.12
 - o Permission may be needed to extend front of house in this area
- It would also go across the driveway for No.12, 14 and 16
- Possible detrimental issues regarding noise and smell – breach of policy SP7 and NPPF
 - o Environmental Health Officer doesn't say that there would never be a smell even if it's not day to day
 - o System could get blocked easily
 - o DEFRA guidance should be followed
- Better other locations in the development itself – shouldn't fall outside

Earls Colne Parish Council also objected outlining their concerns with the proximity of the pumping station and associated cordon sanitaire to neighbouring properties.

Since the change to the proposed siting of the pump station (to be further into the site and further away from residential properties), a further re-consultation was undertaken. Any further representations that are received in response to this re-consultation will be shared with Planning Committee Members in advance of the meeting.

SUMMARY

A pump station is required to process foul water from the proposed development. As such, the detailed proposals which were originally considered by Members at Planning Committee have been updated to include the pump station, as well as enhanced landscaping and bio-diversity net gain around the pump station area.

The pump station was initially proposed on a piece of open space on the eastern aspect of the development. However, owing to Officer concerns about proximity to neighbours, the pump station has been relocated approx. 4m further into the site away from neighbouring properties. Overall, while some concerns have been raised by members of the public and the Parish Council, no objections have been received from consultees. It is therefore considered that the pump station would not give rise to any detrimental impacts. On this basis, the addition of the pump station within the proposed development can therefore be supported.

RECOMMENDATION

It is recommended that the application is again approved by Members with the same conditions and reasons as in the report appendix attached (including the

additional/amended conditions recommended in the attached minutes of the Committee 20th July), but with the updated plan numbers as set out above in the 'Recommended Decision' section.

ADDITIONAL/AMENDED CONDITIONS

For the avoidance of doubt, the conditions on page 28 of the Meeting Minutes for the 20th July Committee are set out below:

Amended Condition

4. The development shall only be carried out in accordance with the full Arboricultural Method Statement completed by SES dated 9th July 2021.

Additional Conditions

8. The proposed landscaping scheme for the development shall be fully implemented no later than the first planting season following the occupation of the 68th dwelling.

9. A 600mm high metal railing, or similar, shall be installed running parallel to and to the North of the new footpath link to Nonancourt Way, in accordance with details submitted to and approved by the Local Planning Authority under the licence required to be granted to facilitate the footpath link works being carried out on Braintree District Council land by the applicant. The railing (or similar) shall be installed at the same time as the new footpath link.

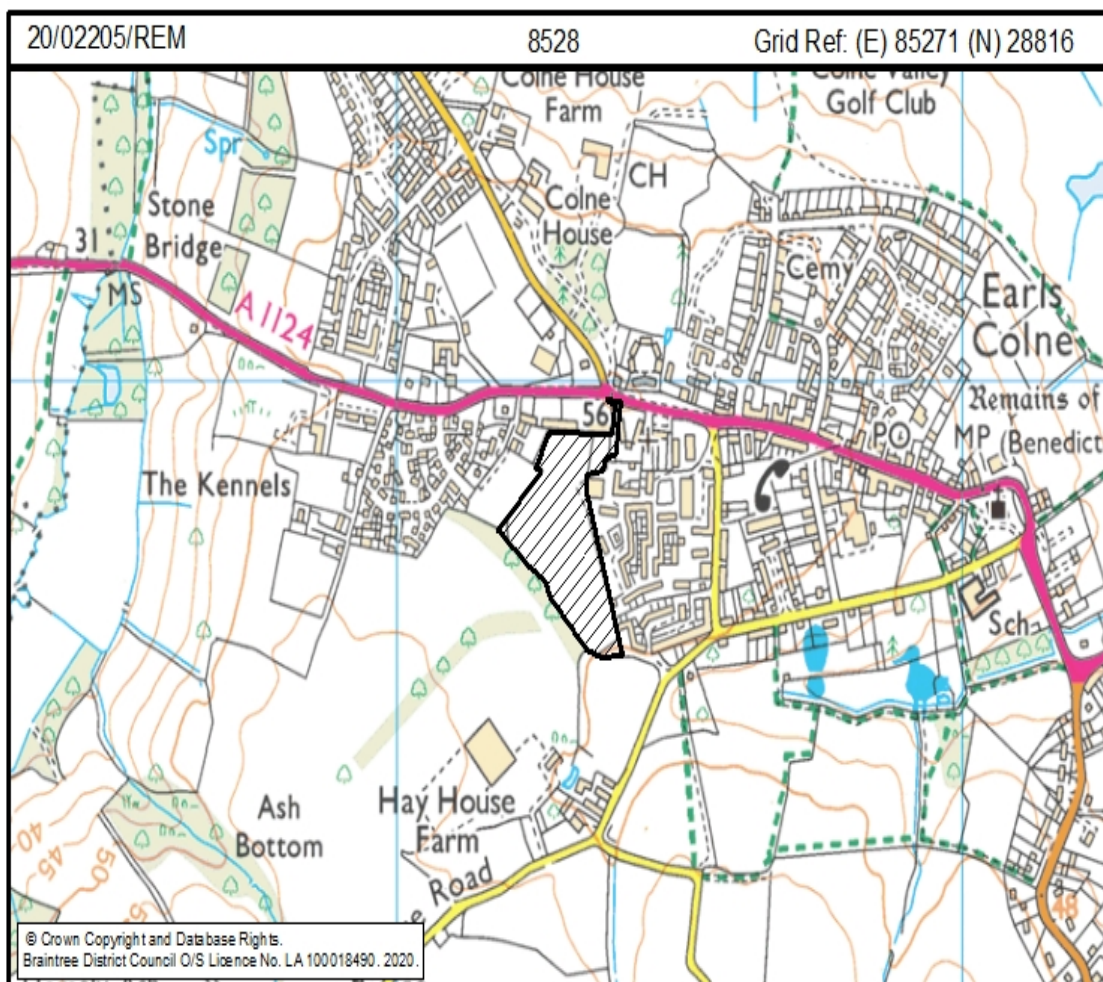
10. Electric vehicle charging points shall be provided to all the dwelling houses on the development. The charging points shall be installed prior to the occupation of each dwelling house.

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	
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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
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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

Minutes

Planning Committee 20th July 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	F Ricci	Yes
K Bowers	Apologies	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	N Unsworth	No
A Munday	Yes	J Wrench	Yes
Mrs I Parker	Yes		

Substitutes

Councillor T Cunningham attended the meeting as a substitute for Councillor K Bowers.

24 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor T Cunningham declared an enhanced non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his role as Cabinet Member for Economic Growth and Chairman of Braintree District Council’s Horizon 120 Project Reference Group on the basis of pre-determination and bias. Councillor Cunningham left the meeting when the Item was considered and determined.

Councillor Cunningham declared a non-pecuniary interest in the same Agenda Item in his capacity as a Member of Great Notley Parish Council, which had submitted representations about the revised Local Development Order/Design Code and proposed Wayfinding Strategy following consultation.

Councillor F Ricci declared a non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his capacity as Vice-Chairman of Great Notley Parish Council, which had submitted representations about the revised Local Development Order/Design Code and proposed Wayfinding Strategy following consultation. Councillor Ricci stated that he had not been in attendance at the Parish Council’s meeting when this matter had been discussed.

Councillor P Schwier declared a non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his role as a Member of Braintree District Council’s Horizon 120 Project Reference Group.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. Application No. 20/02205/REM - land South of Halstead Road, Earls Colne as she had exchanged E-Mails with Earls Colne Parish Council and Braintree District Council Planning Officers regarding the access to the site and she had had a telephone conversation with a member of the public regarding the Planning Committee Agenda. Councillor Mrs Spray stated that she had not declared a view on the application.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Agenda Item/application were considered.

25 **MINUTES**

DECISION: That the Minutes of the meetings of the Planning Committee held on 8th June 2021 and 22nd June 2021 be approved as a correct record and signed by the Chairman.

26 **QUESTION TIME**

INFORMATION: There were two statements made about the following matter. Those people who had registered to participate during Question Time had submitted statements in advance of the meeting and these were referred to at the meeting by the registered speakers immediately prior to the consideration of the application.

Application No. 20/02205/REM - land South of Halstead Road, Earls Colne

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

27 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 21/00666/HH - 4 Highlands, Gosfield was determined en bloc.

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager’s report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/02205/REM (APPROVED)	Earls Colne	Persimmon Homes Essex	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, land South of Halstead Road.

The Committee approved this application, subject to the amendment of Condition No. 4 and three additional Conditions as follows:-

Amended Condition

4. The development shall only be carried out in accordance with the full Arboricultural Method Statement completed by SES dated 9th July 2021.

Additional Conditions

8. The proposed landscaping scheme for the development shall be fully implemented no later than the first planting season following the occupation of the 68th dwelling.
9. A 600mm high metal railing, or similar, shall be installed running parallel to and to the North of the new footpath link to Nonancourt Way, in accordance with details submitted to and approved by the Local Planning Authority under the licence required to be granted to facilitate the footpath link works being carried out on Braintree District Council land by the applicant. The railing (or similar) shall be installed at the same time as the new footpath link.
10. Electric vehicle charging points shall be provided to all the dwelling houses on the development. The charging points shall be installed prior to the occupation of each dwelling house.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00666/HH (APPROVED)	Gosfield	Mr M Jarvis	Increase the height of eaves to side extension, change right hand gable end wall to solid wall and substitute rear facing window to side extension with double doors, 4 Highlands.

28 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report. Details of this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00694/OUT (REFUSED)	Witham	Kingsland Stock Essex Ltd	Outline planning application with all matters reserved - Demolition of existing factory/warehouse unit and construction of new apartment development consisting of 10 flats. Cullen Mill, 49 Braintree Road.

29 **HORIZON 120 – REVISED LOCAL DEVELOPMENT ORDER AND DESIGN CODE AND PROPOSED WAYFINDING STRATEGY**

INFORMATION: Consideration was given to a report on the proposed revision of the Local Development Order (LDO) and accompanying Design Code for the Horizon 120 Business and Innovation Park, and a proposed Wayfinding Strategy for the site.

Braintree District Council had made the LDO in April 2020 pursuant to Section 61A (2) of the Town and Country Planning Act 1990 (as amended). The LDO provided planning permission for the development of a range of employment uses at Horizon 120, subject to conditions and limitations. The LDO was accompanied by a Design Code, which set further parameters for the development of the site, including the design of buildings, landscaping and parking standards.

The Council proposed to make a new LDO for the Horizon 120 site and to amend the accompanying Design Code. A Wayfinding Strategy was also proposed. The proposed revisions to the LDO and Design Code reflected changes in national policy and legislation, including amendments to the Use Classes Order. Other changes were proposed in respect of the floorspace cap and in response to the experience of working with the LDO and the Design Code to date. The proposed changes to the

LDO were summarised in the Agenda report. No changes were proposed to the arrangement of the Zones across the Horizon 120 site.

It was reported that the Government had amended the Town and Country Planning (Use Classes) Order 1987 to provide flexibility and to enable the use of buildings to change more easily. With regard to the floorspace cap, it was reported that the original LDO had restricted the total gross internal floor area within the Horizon 120 site to 65,000sq.m. This restriction had been imposed based on the transport assessment analysis undertaken at the time and had sought to ensure that proposals did not have a detrimental impact on the strategic and local highway networks. The revised LDO sought to amend this restriction by increasing the floorspace cap to 75,000sq.m.

The Wayfinding Strategy reflected the aspirations for the Horizon 120 site and it set out how wayfinding proposals would be implemented, particularly with regard to signage, public art, and furniture and exercise equipment.

Public consultation on the revised LDO and Design Code and the proposed Wayfinding Strategy had commenced on 3rd June 2021 and had expired on 15th July 2021. Details of the representations which had been submitted at the time of publication of the Agenda report, and the Council's response to each of these, were set out in Appendices 1 and 2 of the report. Highways England had not objected to the proposals, but had requested the inclusion of a condition (G12) within the revised LDO for off-site mitigation. The wording of this condition had subsequently been agreed with Highways England.

DECISION: That it be **Recommended to Council** that:-

- (1) The revised Local Development Order and Design Code and the proposed Wayfinding Strategy for Horizon 120 be approved.
- (2) That the existing Local Development Order and Design Code for Horizon 120 be revoked.

30 **TREE PRESERVATION ORDER NO. 04/2021 – HOLLY COTTAGE, THE STREET, GREAT SALING**

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 04/2021 relating to Holly Cottage, The Street, Great Saling to which objections had been submitted. The Order had been made on 2nd February 2021 in respect of a Monterey cypress tree (T1) within the rear garden of Holly Cottage, The Street, Great Saling.

The Order had been served following the submission of a Notice by the owners of the property under Section 211 of the Town and Country Planning Act 1990 to carry out works to a tree in a Conservation Area, which would involve the felling of the cypress tree. An assessment of the amenity value of the tree had been carried out

by the Council using the standard TEMPO assessment, which had shown that the making of an Order was appropriate. This assessment was attached at Appendix 2 to the Agenda report. It was considered that the tree was a prominent evergreen, which was visible from various public spaces within the village and that its retention would help to sustain the amenity of the local Conservation Area. Furthermore, as there was evidence that the health of other trees in the area was in decline and could lead to the loss of canopy cover, it was considered that other established trees in the area should be protected.

Three objections had been lodged against the making of the Order by the owners of the property and by the occupiers of adjoining properties at Poppy Cottage, The Street, Great Saling and Thorpe House, The Street, Great Saling. The content of the objections was set out at Appendix 3 to the Agenda report. The objections related to the size of the tree, the shade cast by it, and that it was not a native species. It had also been stated that other trees surrounding the cypress had more amenity value due to their comparable size, visibility and native origin. The applicants had also stated in their objection that a previous application to fell the tree in 2015 (Application Reference 15/00065/TPOCON) had been approved. However, as the tree had not been removed within a period of two years following the decision the permission had lapsed.

It was noted that the making of a Tree Preservation Order would not exclude the possibility of consent being granted in the future for work to the tree, including a crown lift. Furthermore, trees subject to a Notice under Section 211 of the Town and Country Planning Act 1990 were assessed on the basis of how they appeared within their setting at the time.

DECISION: That Tree Preservation Order No. 04/2021 relating to Holly Cottage, The Street, Great Saling be confirmed in the interests of visual amenity.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 9.02pm.

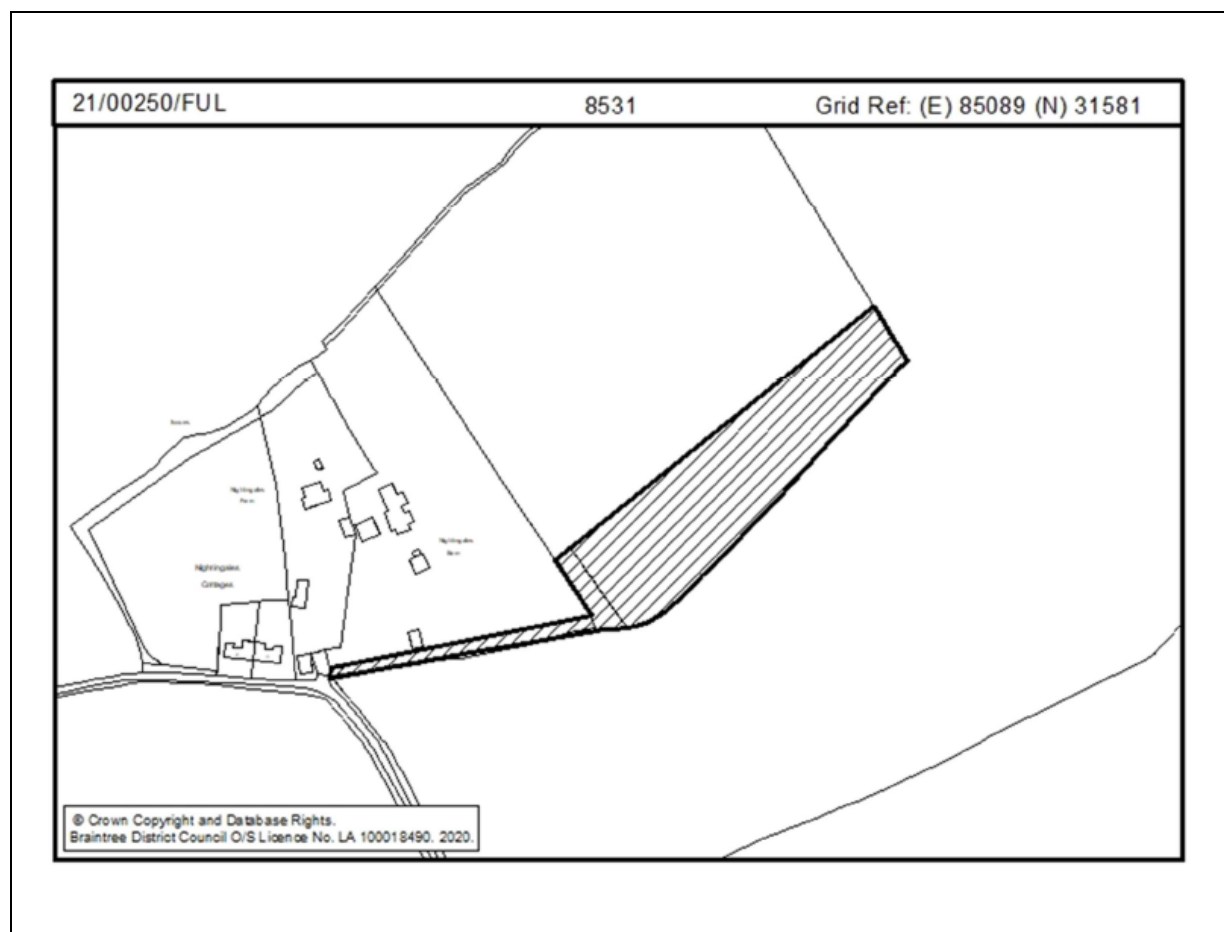
Councillor Mrs W Scattergood
(Chairman)

(page 32 not used)

Agenda Item: 5b

Report to: Planning Committee		
Planning Committee Date: 25th January 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/00250/FUL	
Description:	Erection of stables and covered equine arena with associated parking and access road	
Location:	Land Adjacent To Nightingales Farm, Brickhouse Road, Colne Engaine, Essex	
Applicant:	Assouline Dressage	
Agent:	Mr Jonathan Brown, Reeve Brown	
Date Valid:	04.02.2021	
Recommendation:	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Peter Lang For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2536, or by e-mail: peter.lang@braintree.gov.uk	

Application Site Location:



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/00250/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan Review (2005) § Braintree District Core Strategy (2011) § Braintree District Shared Strategic Section 1 Local Plan (2021) § Braintree District Publication Draft Section 2 Local Plan (2017) § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located to the north east of Colne Engaine outside of its development boundary so is considered for the purposes of this application to be located within the countryside.
- 1.2 The site itself is located to the east of Brickhouse Road and is presently an unoccupied open field bounded by trees along its southern and eastern edges. In terms of scale, the application site is approximately 0.75 Hectares.
- 1.3 Planning permission is sought for equestrian facilities consisting of a part single, part two-storey stable block, and a detached covered riding area. This development would provide facilities for an equestrian business previously located at the nearby Brickhouse Farm.
- 1.4 The site is located outside of a development boundary as defined by the Adopted Local Plan. Policy RLP85 of the Adopted Local Plan supports the provision of equestrian facilities, subject to them meeting a certain criteria.
- 1.5 The proposal would introduce a rural enterprise that is considered to be of an economic and social benefit to the local rural community consistent with the planning objectives contained within Paragraphs 84 and 85 of the NPPF.
- 1.6 In terms of layout, design, and appearance, following amendments to the proposed scheme, the impact on the countryside setting, protected lanes and special landscape area is not considered to represent material harm. No adverse impact arising from the development has been identified with respects to neighbouring residential amenity. In addition, no adverse impacts have been identified on highways grounds, nor environmental health. The application is therefore recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is located to the north east of Colne Engaine outside of its development boundary so is considered for the purposes of this application to be located within the countryside.
- 5.2 The site itself is located to the east of Brickhouse Road and is presently an unoccupied open field bounded by trees along its southern and eastern edges. In terms of scale, the application site is approximately 0.75 Hectares. It is noted that the gradient of this site decreases to the east due to its location within the Peb Valley.
- 5.3 The surrounding area is generally rural in character and appearance interspersed with residential and commercial buildings. Noticeable nearby properties include the residential Nightingale Farm and Barn to the west and Brickhouse Farm to the south which includes existing equestrian facilities. It is noted that the adjacent section of Brickhouse Road to the west is identified as a Protected Lane under Policy RLP87 of the Adopted Local Plan and Policy LPP46 of the Section 2 Plan. The wider area also formerly identified as a Special Landscape Area under Policy RLP79 of the Adopted Local Plan which was superseded by Policy CS8 of the Core Strategy. The site is also in proximity to a River Corridor as identified under Policy RLP86 of the Adopted Local Plan. In terms of flood risk, the site is in the lowest Flood Zone 1.

6. PROPOSAL

- 6.1 Planning permission is sought for equestrian facilities consisting of a part single, part two-storey stable block, and a detached covered riding area. This development would provide facilities for an equestrian business previously located at the nearby Brickhouse Farm. It has been indicated that the business would specialise in training and breeding horses for Olympic and Paralympic dressage events. This would also downsize the business from its previous 24 stables at Brickhouse Farm to 8 and is designed for long term training with minimal owner visitation.

- 6.2 The stable block would have an L-shape and would measure at its largest some 33.0m by 30.3m with areas of overhanging sections. The building's form would consist of a wider single storey gabled section incorporating rooflights along its ridge with a reduced eaves and ridgeline intersecting with a taller two-storey element with half hipped ends, two dormers and three rooflights. At ground floor, the building would accommodate 8 stables, multiple rooms for storage, a kitchen, and a toilet. The first floor is indicated to be used as an associated storage space. This building would be finished in black timber weatherboard cladding, red brick plinths and slate roofing.
- 6.3 The covered area would be of a functional appearance consisting of a low pitched roof incorporating rooflights held up by steel beams forming voids along all elevations. This building would have a footprint some 21.8m wide and 61.8m deep with an eaves and maximum height of some 5.25m and 6.25m respectively. The submitted plans indicate that the roof would be fibre cement finished in grey with featheredged boards used at ground floor to enclose the riding area.
- 6.4 As part of the works, a parking and landscaped area is proposed to the front of the site with hardstanding. The site would be accessible from a newly formed 3m wide grasscrete track connecting the site to Brickhouse Road. A fenced manure compound with a muck trailer is also proposed within the site. It is indicated that the field to the north of the site is owned by the applicants and would be used for grazing.
- 6.5 It is noted that this application was made following pre-application advice. Material changes to the design including the detachment of the two buildings was made during the application process.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 BDC Ecology

- 7.1.1 There is considered to be adequate information available to determine this application with the following informatives recommended:
- § Construction: Measures during the construction phase including covering trenches and the safe storage of materials are recommended.
 - § Nesting birds: Unless work is done outside of certain months, a competent ecologist should be brought in to assess nesting bird activity.
 - § External lighting: Recommendation that lighting is orientated away from the nearby hedgeline to protect bats. Measures to mitigate the lighting impact are also recommended.

7.2 BDC Environmental Health

- 7.2.1 No objection raised, but comments provided and recommended conditions made for various elements of the proposal which are summarised as follows:

- § Vehicle Movements: To mitigate concerns about noise from large vehicles, conditions restricting the hours of construction and HGV movements once the site is in use is recommended.
- § Manure: The collection and disposal of animal waste needs to be handled in an appropriate way and if mismanaged can be investigated by Environmental Health. Recommendation that manure is stored away from the edges of the site and nearby dwellings.
- § Drainage: If the proposed scheme is approved, a condition is recommended requiring full details of the drainage system and pipework to be submitted and approved by the local authority prior to its installation.

7.3 BDC Landscape Services

7.3.1 Response notes the proximity of the site to a public right of way and protected lane with the following comments made:

- § The high level of established landscaping on the southern boundary would help to screen the proposal from the adjacent right of way.
- § If this scheme is approved, conditions requiring a Tree Protection Plan and landscape scheme are proposed to protect nearby trees and to mitigate the visual mass of the equestrian facilities.

7.4 ECC Highways

7.4.1 Initial comments received requesting additional information relating to site access and visibility splays to ensure safe access to the site. Following the submission of this information, the scheme was considered acceptable subject to conditions and informatives as outlined below:

- § Conditions relating to site access, unbound materials and the retention of the public rights of way to the south of the site.
- § Informatives relating to contacting the local highway authority for works associated with the highway network.

8. PARISH / TOWN COUNCIL

8.1 Colne Engaine Parish Council

8.1.1 Objection received which is summarised as follows:

- § The building is beyond the scale that would be expected in this location.
- § The increased traffic movements are unacceptable on this rural narrow road.
- § There is inadequate parking for the scale of the proposed development.

8.1.2 [Officer Comment: These concerns will be addressed in the following analysis.]

9. REPRESENTATIONS

- 9.1 During the application process a site notice was displayed and notification letters were sent to neighbouring dwellings. The application was also advertised in the Press. Following this consultation, 51 objections and 7 letters of support were received. Of these responses, some are from the same members of the public owing to later re-consultations on amendments to the scheme.

Objection

- 9.2 The letters of objection have been summarised and sorted as follows:

9.3 Principle of Development:

- § There are existing equestrian facilities on Brickhouse Road that could be used in a similar way for para riders. Queries regarding why larger facilities are required that could represent overdevelopment of the surroundings.
- § The proposed use of this facility would be for the training of elite riders and the buying/selling of dressage horses and would not be open to the public.
- § There would be limited benefits of the scheme to the wider community.
- § A nearby site was previously proposed as a summer Yurt campsite which was refused and dismissed at appeal. The current scheme would be materially larger than this proposal and have greater impacts.
- § Inappropriate location for a development of this sort.
- § The proposal by reason of its change of use would remove a historic easement for the access of the site.

9.4 Design and Appearance:

- § The proposed buildings would be out of keeping with the appearance and scale of the landscape and would use inappropriate materials.
- § The scale of the proposed works would be highly visible from their surroundings and out of keeping for Brickhouse Road.
- § The proposal would detract from the surrounding appealing landscape of Brickhouse Road and the wider Pep valley frequently enjoyed through by cyclists, horse riders and pedestrians on the public rights of way.
- § The additional level contained within the revised scheme would further increase the potential harm and visibility of the development.
- § Disagreement with the assessment of the Urban Design consultant.

9.5 Residential Amenity:

- § Residential amenity concerns.
- § The noise and activity generated by the site would be to the detriment to neighbouring amenity including at a nearby outbuilding converted to tourist accommodation.
- § Concerns relating to light pollution for the rural setting.

- § Concern that the first floor element of the proposed stables could be used for habitable accommodation or the entire building could be converted at a later date.

9.6 Highways:

- § Brickhouse Road is single lane with limited passing spaces making it ill-suited for larger vehicles and accelerating the deterioration of its verges.
- § This road is also in a poor condition with multiple potholes that could be worsened by increased vehicular usage to the detriment of residents.
- § In policy terms, Brickhouse Lane is a Protected Lane and should be treated as such both in terms of usage and appearance.
- § There is already an equestrian facility in close proximity to the proposed development that leads to continuous heavy goods utilising the road. This impact would be made materially worse by a second similar facility.
- § The potential additional traffic from the proposal would worsen the state of the existing road with the greater volume of horse related traffic increasing the risk of accidents to the detriment of the safety of vehicles and other road users. Reference is made to a nearby primary school in Colne Engaine.
- § Congestion concerns relating to increased road traffic and congestion not just on Brickhouse Road but within Colne Engaine as a whole.
- § The proposed facility has insufficient parking for a development of this scale both on a day to day basis and if used for events.
- § The site access is unsuitable for the scale of the proposed usage and has poor visibility entering and leaving the road.
- § The road has the potential to contain archaeological finds that could be damaged by increased road usage.
- § Recent increased road traffic has led to ground vibrations that have damaged nearby properties.
- § Harmful impact of construction traffic to Brickhouse Road.
- § The submitted visibility splays by the agent are inaccurate and should not include nearby grass verges.
- § The recommended highways conditions cannot be feasible achieved due to land ownership issues.

9.7 Other Issues:

- § The proposal would have limited employment and financial benefits to the surrounding area.
- § Concerns about the lack of information relating to drainage and waste.
- § The manure generated by the site could be smelt by nearby dwellings as well as the adjacent footpath and would lead to increased vermin.
- § The proposal would be to the detriment of the wildlife and biodiversity of the surrounding area.
- § Flood risk concerns.
- § The submitted planning statement and letters of support make misleading comments.

- § During the construction phase, associated traffic should be instructed to avoid going through Colne Engaine with passing spaces added and maintained.
- § There are no bridleways or byways in proximity to the site designed to accommodate horse riders.

9.8 [Officer Comment: The objections to this scheme will be addressed in the following analysis.]

Support

9.9 The letters in support of the application are summarised as follows:

- § The existing business benefits the surrounding area through upkeep of the land with the existing access well maintained.
- § The business has been successful and provides local jobs and training including apprenticeships.
- § The proposal will not result in any noticeable increase in traffic.
- § No existing issues relating to access or light pollution.
- § To refuse the application would be a loss to the local area and the National Paralympic sport.
- § The business has historically trained multiple successful disability dressage horses for international events.
- § The proposal would further improve the specialist and world class facilities of this business and would be suitable for training horses.
- § There are few similar facilities in the area.
- § The complaints relating to the state of the highway stem are not solely related to the existing site but also farm traffic and winter damage.
- § The majority of users would come by car with limited potential usage of horse boxes as the horses would be stabled on site.
- § The site would be used less intensively than a livery yard.
- § No historic complaints about the previous site with the scale and management of the company limiting potential access and highway problems.
- § The road is not frequently used and the parking would be suitable for the scale of the development.
- § If planning permission was refused, it would represent a loss to the local area and British Equestrian Sport.

Ramblers:

9.10 Comments received which are summarised as follows:

- § Insufficient information submitted showing the site in relation to nearby public footpaths and bridleways including whether these would be utilised by the site.
- § Confirmation relating to floodlighting and the location of nearby trees and bushes is sought.
- § Brickhouse Road is a narrow road with poorly maintained verges. An increase in traffic would be a negative.

CPRE Essex (Campaign to Protect Rural England):

9.11 Comments received which are summarised as follows:

- § The surrounding rural area is characterised by small country lanes with attractive landscaping features which has policy protection.
- § The large scale and nature of the scheme would result in a material increase in the traffic to and from the site on a day to day basis.
- § The proposal would accelerate the degradation of existing roads and poses a congestion risk to the local road network and the safety of a nearby school.
- § Objection to the scheme on its potential visual impact from the surrounding public rights of way and countryside setting.
- § Potential light and noise pollution.
- § Proposal would threaten the tranquillity of the rural area and its protected lanes.

Councillor Mrs Beavis (as former ECC Councillor representing the Halstead Division):

9.12 Comments received which are summarised as follows:

- § The proposal represents overdevelopment of the rural landscape.
- § The increase traffic movements would be detrimental and physically degrading to the rural lanes of the surrounding area.

9.13 [Officer Comment: These responses will be addressed in the following analysis.]

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

10.1.1 As set out in Paragraph 84 of the NPPF, under the section “Supporting a Prosperous Rural Economy”, planning policies and decision should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses;
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

10.1.2 Further to this, Paragraph 85 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing

settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

10.2 The Development Plan

- 10.2.1 The site is located within the countryside as defined in the Adopted Local Plan. Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan seek to confine new development within town development boundaries and village envelopes and goes on to state that outside these areas countryside policies will apply.
- 10.2.2 Policy CS5 of the Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.
- 10.2.3 Policy RLP85 of the Adopted Local Plan supports the provision of equestrian facilities, including the erection of stable buildings subject to set criteria, relating to there being no significant effect on a Special Landscape Area, other important landscape or nature conservation interests or any adjacent residential area; that no alterations to vehicular highways in the area are required; that bridleways and byways in the vicinity are located and designed to accommodate horse riders from the site; and that no additional residential accommodation is consequently required to supervise the facilities. With reference to floodlights, this policy also states that these will not be allowed in association with such facilities.
- 10.2.4 This position regarding equestrian facilities is mirrored in Policy LPP54 of the Section 2 Plan which also adds that there should be no significant impact on designated or non-designated heritage assets.

10.3 Summary

- 10.3.1 The above policies, both local and national, have indicated that there is general support for rural enterprise including equestrian facilities, riding schools and stables subject to certain requirements. In addition to this, there is an existing riding school at Brickhouse Farm which indicates that there is a clear precedent for this kind of development at this location.
- 10.3.2 In terms of this application in relation to equestrian policies, the site is located within a previously identified Special Landscape area of which the impact will be addressed in the following analysis. There would be no alterations to the highway in the area and there are numerous footpaths and byways in the locality and the field adjoining to the north is indicated to be

for grazing purposes. The agent has confirmed separately that no residential accommodation or floodlighting would be incorporated into the scheme.

- 10.3.3 On this basis, the principle of development and the equestrian aspects of the proposal are therefore supported subject to the following analysis.

11. SITE ASSESSMENT

11.1 Design and Appearance

- 11.1.1 Paragraph 126 of the NPPF (2021) states that the creation of high quality places is fundamental to what the planning and development process should achieve. Paragraph 134 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.
- 11.1.2 Policy SP7 of the Section 1 Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.3 Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.
- 11.1.4 The application site is an area of land associated with Nightingales Farm and is presently undeveloped. The proposed development would consist of a part single, part two-storey stable block, and a detached covered riding area which has a greater footprint. This present design is representative of extensive design work between the agent and Officers with particular focus on the stable block. The choice behind this form was intended to give a distinct appearance and high quality finish to each of these elements and to represent the status associated with the stable buildings.
- 11.1.5 The resulting design of the stable is intended to represent a more traditional appearance for this usage both in terms of form, detailing and materials. It is noted that this does include more residential features such as dormers but this is not considered to detract from the main building. This form also establishes a physical and functional subservience to the less articulated and prominent riding area. The separation to the main residential property also establishes a clear separation between the residential and equestrian uses. More broadly within the surrounding area, there is no clear design form both in terms of residential dwellinghouses or other uses.
- 11.1.6 Taking into account the revised form of the proposal and its use of materials in keeping with its surroundings, it is considered that the proposed

development would have result in a high quality design and appearance, suitable for its use and appropriate to its setting.

11.2 Impact on the Countryside Setting, River Corridor and Protected Lane

11.2.1 As previously identified, the application site is located outside of a development boundary as well as being in proximity to a River Corridor and Protected Lane. To ensure that the proposal complies with equestrian policies, the scheme would need to ensure that it has an acceptable impact in these regards.

11.2.2 Policy CS5 of the Core Strategy states that development outside of development boundaries will be strictly controlled in order to protect and enhance the landscape character, geodiversity and amenity of the countryside.

11.2.3 The site is located within the Colne River Valley landscape character area (A4) which is formed of shallow river valleys predominantly pastorally grazed by horses. This guide states that:

Sensitive key characteristics and landscape elements within this character area include riverside pasture, thick hedgerows in places and a number of local vernacular buildings with timber frames, colour wash walls and thatched roofs (the loss of which, would alter the character of this area). The skyline of the valley slopes is visually sensitive to potential new development, which may be visible within open and framed views across and along the valley. Views to the valley sides from adjacent Landscape Character Areas are also sensitive to potential new development.

11.2.4 Policy RLP86 of the Adopted Local Plan states that development will not be permitted which would harm the open character, nature conservation importance or recreational importance of the floodplains of the Rivers Stour, Colne, Brain, Pant, Blackwater, Ter Valley and their tributaries and the Chelmer and Blackwater Navigation.

11.2.5 With reference to protected lanes, Policy RLP87 of the Adopted Local Plan and Policy LPP46 of the Section 2 Plan both apply in this instance. Both of these policies seek to avoid proposals that would adversely impact the physical impact of these lanes or represent harm to the traditional landscape and conservation character of a protected lane will not be permitted.

11.2.6 Policy RLP80 of the Adopted Local Plan states that proposals for new development should not be detrimental to distinctive landscape features. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

11.2.7 The application site is located on the Colne Engaine side of the Colne Valley landscape area with Countess Cross on the opposite eastern side. Within the more immediate setting, Brickhouse Road runs along the edge of

this valley with the land sloping towards the valley to its east. The proposed development would be located within this downwards slope but would be separated from the water channel within. Along its southern flank, the boundary abounds a PROW and is more broadly visible from Brickhouse Road. This section is characterised by established landscaping and trees.

11.2.8 As highlighted in the public representations, significant concern was raised regarding the impact of the proposal on the surrounding landscape owing to the design, scale and materials of the proposal. Particular reference was made here in relation to the first floor added in the revised design as well as the recreational use of the surrounding area by local residents.

11.2.9 In landscape terms, the two greatest impacts of the proposal are considered to stem from the two-storey scale of the stable building and the addition of built form deeper into the Colne Valley than the surrounding built form. The resulting effect is a prominent development that would be at least partially visible from the surrounding streetscene, PROW and wider valley views. Nevertheless, it must be considered whether this landscape impact constitutes material harm in these regards. During the application process, no objection was raised by the BDC Landscape Consultee, who stated that the established level of landscaping along the southern boundary of the site screens the site from the adjacent PROW. Conditions are recommended however, to ensure this screening is maintained through a tree management plan along with a landscaping scheme to mitigate the visual mass of the proposed development. Subject to these conditions and taking into account the existing landscaped enclosure of the site, the proposal is considered to have a satisfactory impact on the surrounding landscaped character area and protected lane.

11.3 Impact on Neighbouring Residential Amenity

11.3.1 Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Such requirements are further enforced by the NPPF.

11.3.2 The proposed development would be located towards the eastern side of the application site with a material separation to any dwellings. The nearest property is Nightingales Barn to the west which is occupied by the applicants. Along the western boundary of the application site is Nightingales Farm, with its main property positioned on the opposite side to this Nightingales Barn obscuring any views. At the shared entrance to these dwellinghouses is a converted cartlodge which is used as holiday lets.

11.3.3 During the application process, concerns were raised regarding the impact on neighbouring amenity from the cartlodge stemming from the noise and activity of the site. With a separation of some 130m to this building, it is not considered that the proposal would impact its light, outlook or privacy in any

material regards. This would similarly mitigate any potential noise or activity impacts for the surrounding properties. In terms of increased vehicle traffic stemming from the development, this cartlodge is already next to a highway and the adjacent vehicle highway is served by two separate dwellings. Taking this into account and with measures indicated by the agent to minimise traffic generated by the development, this is not considered to materially worsen the existing situation.

- 11.3.4 Based on the comments from Environmental Health, to protect neighbouring amenity during the construction process, the hours of work will be limited through condition. To protect amenity more broadly, the hours of HGV movements would be similarly limited once the site is in use.
- 11.3.5 It has been confirmed by the agent that no floodlighting would be included in the development and no details of such have been submitted. Should any future application seek additional lighting these considered on their own merit.
- 11.3.6 Some concern was raised regarding the potential for residential occupation within the stable building. While this has not been indicated in the proposed plans, the imposition of a condition is recommended to prevent this potential use.
- 11.3.7 With a material separation to other nearby dwellings, the proposal is not considered to result in material harm to their amenity in any way.
- 11.3.8 The proposal is therefore considered to be acceptable and policy compliant in terms of residential amenity.

11.4 Highway Considerations

- 11.4.1 Paragraph 110 of the NPPF explains that, when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. Paragraph 110 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.4.2 Similarly, amongst other matters, Policy RLP10 of the Adopted Local Plan, in addition to Policies LPP37 and LPP55 of the Section 2 Plan, require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users.
- 11.4.3 Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.
- 11.4.4 With particular reference to protected lanes, Policy RLP87 of the Adopted Local Plan states that the District Council will seek to conserve the

traditional landscape and nature conservation character of roads designated on the Proposals Map as Protected Lanes, including their associated verges, banks and ditches. Any proposals that would adversely affect the physical appearance of these protected lanes, or give rise to a material increase in the amount of traffic using them will not be permitted.

- 11.4.5 The proposed site would contain parking for 4 vehicles and two horse boxes and would be accessible through a newly created track connecting to an existing access onto Brickhouse Road. It has been indicated by the agent that additional parking could be provided adjacent to these spaces.
- 11.4.6 In terms of the traffic generated by the development, the submitted information indicates that the business would employ 3 full time staff and one part time employee. Information submitted by the applicant estimates that the development would result in 3-4 daily vehicle movements of varying sizes and purposes.
- 11.4.7 Brickhouse Lane is a relatively narrow road that serves multiple existing dwellings, farms and equestrian facilities representative of its rural setting. Multiple objections were received relating to the proposed development and its impact on this lane and the wider highways network whether through additional traffic, safety concerns or physical degradation of the existing road.
- 11.4.8 As outlined above, this road is already used for a wide variety of purposes including nearby equestrian facilities. Taking this into account with the relatively limited amount of traffic projected to be generated by this development, it is not considered that the proposal would materially worsen the situation on this protected lane. In terms of highways safety and egress onto Brickhouse Lane, following the submission of additional visibility splay information and subject to conditions and informatives, Essex Highways have raised no objection to the proposal.
- 11.4.9 The proposal is therefore considered to be acceptable and policy compliant in highways regards.

11.5 Waste Disposal and Drainage

- 11.5.1 As highlighted in the comments from BDC Environmental Health, care should be taken to ensure that waste including manure is handled and removed appropriately. Following these comments, the position of the manure storage area was removed away from the site's boundary with a PROW.
- 11.5.2 The recommended drainage condition from Environmental Health will also be imposed to ensure that inappropriate foul water drainage does not cause harm to the surroundings.

11.6 Ecology Comments

- 11.6.1 The documents submitted in support of the application have been reviewed by the Council's Ecologist who has confirmed that given the scope and scale of the proposed works, the impacts of development to designated sites, protected species, priority species and habitats can be predicted. As a result, there is sufficient ecological information available for determination and certainty provided of the likely impacts on Protected and Priority species/habitats so the development can be made acceptable.
- 11.6.2 The recommended informatives from BDC Ecology would be included on any decision to grant permission for the proposed development. As no external lighting within the site has been confirmed by the agent, it is not considered necessary to put a condition or informative relating to this.

11.7 Trees

- 11.7.1 The development does not propose the loss of any existing trees or hedgerows within the application site. To ensure that no harm is caused by the proposal in landscaping terms, a condition requiring a tree protection and landscaping plan will be added in accordance with BDC Landscaping team's comments.

11.8 Nearby Planning History

- 11.8.1 In the neighbour representations, reference was made to a previous planning decision at the nearby Nightingales Farm Brickhouse, which is to the west of the application site. Under this application, (Application Reference 14/00359/FUL), planning permission was sought for a change of use of a field to tourist accommodation with the erection of three yurts and an ancillary single storey utility building. This application was refused on amenity grounds relating to the level of noise and activity generated by the use and the impact of the size and appearance of the ancillary building on the character and appearance of the countryside. Both of these reasons for refusal were upheld when the case was appealed to the Planning Inspectorate. While this appeal decision is over 6 years old, it is still considered to carry some weight in for the present application.
- 11.8.2 In relation to the present proposal, this previous scheme was of a generally lesser scale and was located in a less prominent position. However, it is considered that the proposed development by reason of its design and form would better integrate into its countryside setting both in terms of its amenity impact and landscaping. Further to this, there is a clear precedent for stable facilities as set out within the nearby facilities along Brickhouse Road.

12. PLANNING BALANCE AND CONCLUSION

- 12.1 The site is located outside of a development boundary as defined by the Adopted Local Plan. Policy RLP85 of the Adopted Local Plan supports the provision of equestrian facilities, subject to them meeting a certain criteria.

- 12.2 The proposal would introduce a rural enterprise that is considered to be of an economic and social benefit to the local rural community consistent with the planning objectives contained within Paragraphs 84 and 85 of the NPPF.
- 12.3 In terms of layout, design, and appearance, following amendments to the proposed scheme, the impact on the countryside setting, protected lanes and special landscape area is not considered to represent material harm. No adverse impact arising from the development has been identified with respects to neighbouring residential amenity. In addition, no adverse impacts have been identified on highways grounds, nor environmental health. The application is therefore recommended for approval.
13. RECOMMENDATION
- 13.1 It is RECOMMENDED that the following decision be made:
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Reference:	Description:
Plan Ref: EQU-017-006 Rev E	Site Plan
Plan Ref: EQU-017-001 Rev K	Proposed Plans
Plan Ref: EQU-017-003 Rev C	Proposed Plans
Plan Ref: 2117/01	Visibility Splays
Plan Ref: P14	Location / Block Plan

Conditions & Reasons and Informatives

1.

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

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions as shown on Drawing No. 2117/01, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5.

No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6.

The public's rights and ease of passage over public footpath no 10 (Colne Engaine) shall be maintained free and unobstructed at all times.

Reason

To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7.

Prior to the installation of any foul drainage-related system, the applicant shall submit to the Local Planning Authority full details of the proposed drainage system and/or pipework for approval. Where connection to mains drainage is not proposed, the applicant must ensure that any scheme submitted will satisfy the requirements of the Environment Agency with regard to foul drainage discharge.

Reason

To ensure that the proposed development does not result in foul rain water drainage to the detriment of the surrounding area.

8.

There shall be no HGV movements for delivery purposes to or from the site (e.g. for feed delivery, manure removal), outside of the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no work

Reason

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

9.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no work

Reason

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

10.

Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

11.

Prior to the occupation of the site, a landscaping scheme shall be submitted incorporating a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

12.

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order (England) 2015 (as amended), the Equestrian facility shall not be lit by way of floodlighting.

Reason

In the interests of visual and residential amenity and/or to protect ecology.

13.

The buildings hereby permitted shall be used solely for the stabling and exercise of horses, and the storage of associated equipment and foodstuffs. No residential uses of the site shall take place whatsoever.

Reason

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

14.

Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the Local Planning Authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed on the site.

Reason

In order to protect biodiversity and protected species, the amenity of the locality and to avoid unnecessary light pollution and to allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

INFORMATION TO APPLICANT

1.

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

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

2.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees/hedges and buildings are likely to contain nesting birds between 1st March and 31st August inclusive and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

3.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 10 (Colne Engaine) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

4.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant temporarily closing the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

5.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent,
Colchester Business Park, Colchester CO49YQ

APPENDIX 2:

POLICY CONSIDERATIONS

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
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP85	Equestrian Facilities
RLP86	River Corridors
RLP87	Protected Lanes
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
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Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP45	Parking Provision
LPP46	Protected Lanes
LPP50	Built and Historic Environment
LPP54	Equestrian Facilities
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide for Mixed Use and Residential Areas
Essex Parking Standards – Design and Good Practice

Statement on Draft Local Plan

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 and has published main modifications for consultation. 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 significant weight to the Section 2 Plan.

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
N/A			