

PLANNING COMMITTEE AGENDA

Tuesday 22nd March 2022 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

This is a decision making public meeting of the Planning Committee, which may 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 may also choose to attend the meeting. Members of the public will also 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 I Parker (Vice Chairman) |
| Councillor Mrs J Beavis | Councillor F Ricci |
| Councillor K Bowers | Councillor Mrs W Scattergood (Chairman) |
| Councillor P Horner | Councillor P Schwier |
| Councillor H Johnson | Councillor Mrs G Spray |
| Councillor D Mann | Councillor J Wrench |
| Councillor A Munday | |

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 to Speak 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 who have registered to speak during Public Question Time are requested to indicate when registering if they wish to attend the Planning Committee meeting ‘in person’ at Causeway House, Bocking End, Braintree, or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

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 Councillors/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.

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

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the continuing Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of

the public may also attend the meeting 'in person', but priority will be given to those people who have registered to speak during Public Question Time. Members of the public will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

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

Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that it is safe to return to the building.

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

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

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

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

- 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, 22nd February 2022 and 8th March 2022 (copies to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications
- 5a App. No. 21 00396 REM – Land at the Airfield, EARLS COLNE** **6-27**
- 5b App. No. 21 03015 FUL – Horizon 120 Business Park, Off A131 London Road, GREAT NOTLEY** **28-51**
- 5c App. No. 21 03016 VAR – Horizon 120 Business Park, Off A131 London Road, GREAT NOTLEY** **52-79**
- 5d App. No. 21 03053 OUT – Land East of Braintree Road, CRESSING** **80-118**
- 5e App. No. 21 03551 REM – Land at Haverhill Business Park, Phoenix Road, HELIONS BUMPSTEAD** **119-135**
- 5f App. No. 21 03608 REM – Towerlands, Panfield Road, BRAINTREE** **136-160**
- 6 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

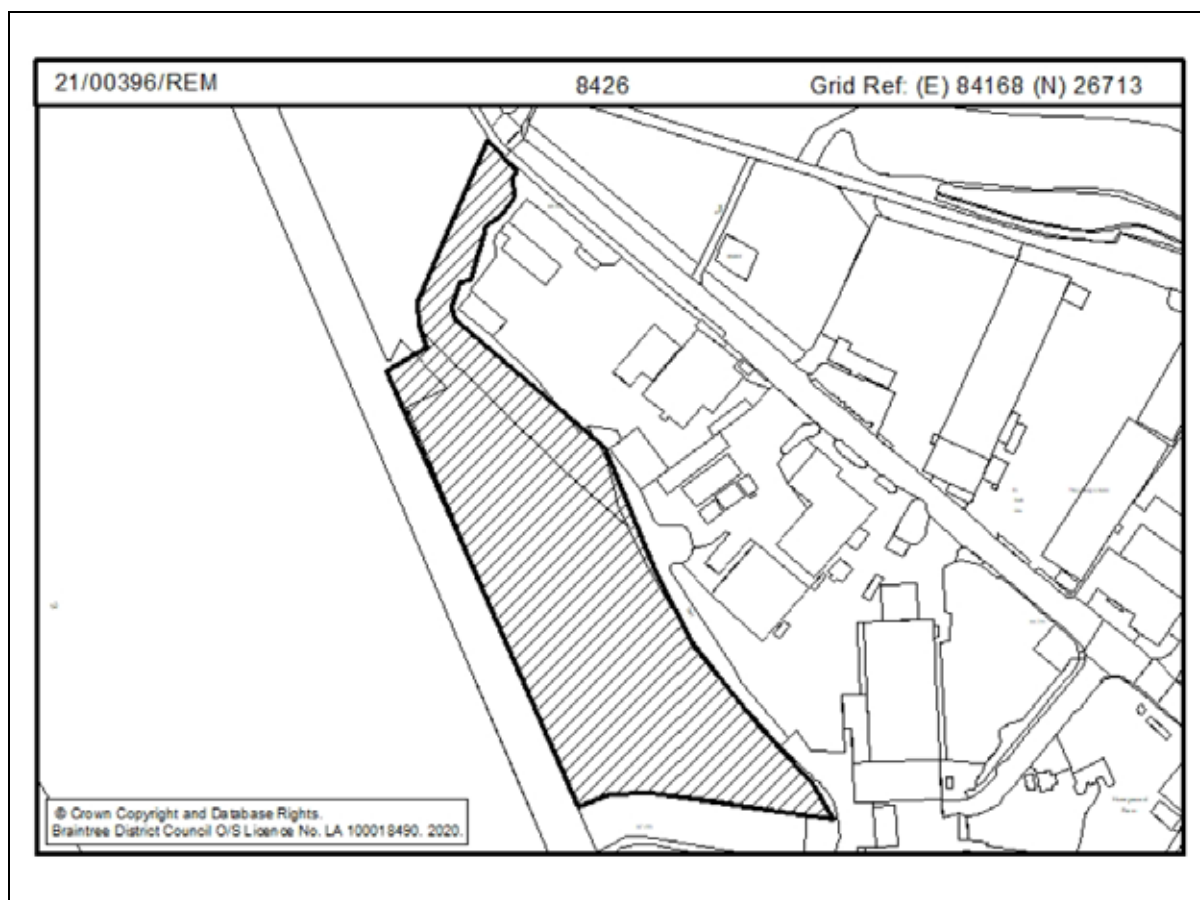
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8 Urgent Business - Private Session

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

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| Report to: Planning Committee | | |
| Planning Committee Date: 22nd March 2022 | | |
| For: Decision | | |
| Key Decision: No | | Decision Planner Ref No: N/A |
| Application No: | 21/00396/REM | |
| Description: | Application for the approval of reserved matters (in respect of layout, scale, appearance, access and landscaping) pursuant to outline planning permission 17/01157/OUT granted 25.11.2019 for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space. Reserved matters relates to the development of the southern parcel of the site for B8 external storage and ancillary parking. | |
| Location: | Land At The Airfield Earls Colne | |
| Applicant: | C/O Strutt & Parker | |
| Agent: | Strutt And Parker | |
| Date Valid: | 22nd February 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: | Janine Rowley For more information about this Application please contact the above Officer on: 01376 551414 Extension: , or by e-mail: janine.rowley@braintree.gov.uk | |

Application Site Location:



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| 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. |

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|---------------------------|--|
| | <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: 21/00396/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 The application site is located within Earls Colne Airfield Employment Area. This industrial estate is classified as an Employment Area under the Core Strategy and the Adopted Local Plan.
- 1.2 The site subject to this application is made up of undeveloped land currently laid to open grassland and which has been previously accepted together with land to the north and south to redevelop for up to 10,220sq.m of B1, B2 and B8 employment purposes under Application Reference 17/01157/OUT which was granted permission on the 25th November 2019. Consequently, the principle of employment and industrial development of the site has been established.
- 1.3 The Applicant now seeks approval of the reserved matters pursuant to the south of the site consisting of layout, scale, appearance, landscaping and access for the site for B8 external storage and ancillary parking.
- 1.4 Policy RLP33 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused, which is further reinforced by Policy RLP28 of the Adopted Local Plan.
- 1.5 The proposal would maintain a policy compliant industrial usage of the site, carrying an economic and social benefit to the local community consistent with the planning objectives contained within Paragraph 11 of the NPPF.
- 1.6 In terms of layout, design, and appearance, no adverse impact arising from the development has been identified. No adverse impacts have been identified on highways grounds and the provision of the access is deemed acceptable. There would be no harm arising to neighbouring residential amenity, environmental health, ecology or flooding. The proposal is considered to be acceptable in planning terms.
- 1.7 Accordingly it is recommended that the Reserved Matters are approved.

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 within Earls Colne Airfield Employment Area. This industrial estate is classified as an Employment Area under the Core Strategy and the Adopted Local Plan.
- 5.2 The site subject to this application is made up of undeveloped land currently laid to open grassland and which has been previously accepted together with land to the north and south to redevelop for up to 10,220sq.m of B1, B2 and B8 employment purposes under Application Reference 17/01157/OUT which was granted permission on the 25th November 2019.
- 5.3 The site is bounded to the north, west and south by a very substantial and well establish hedge line. To the east, the site is bounded by the Airfield perimeter road.
- 5.4 In terms of the wider context, further countryside lies to the north, west and south. Earls Colne Airfield is located immediately to the east, with the existing commercial buildings abutting part of the site's eastern boundary and the airfield perimeter road abutting the remainder. The airstrip itself lies adjacent to the north-eastern site boundary with planes taking off directly over this part of the site.

6. PROPOSAL

- 6.1 The application seeks to agree the reserved matters in respect of layout, scale, appearance, access and landscaping relating to the development of part of the southern parcel of the site for B8 external storage and ancillary parking.
- 6.2 The development of the northern part of the site is covered by a separate full planning application (Application Reference 21/00411/FUL) which has been submitted concurrently with this reserved matters application. Officers are still in negotiation with the Applicant with regard to this related proposal.

- 6.3 There is an area of land to the south of the reserved matters site which forms part of the wider site covered by the outline planning consent. This area of land does not form part of this reserved matters application and it is anticipated that it will be bought forward under a separate planning application. Provision has been made within this proposal to ensure that this adjacent site can be accessed at a later date.
- 6.4 The proposed development would comprise a hard surfaced open space for external B8 storage with associated ancillary parking. The layout and external surface for the site have been specifically designed to accommodate the needs of the future occupier; Milbank Concrete Products Ltd, who produce large concrete structures and foundations for the construction industry.
- 6.5 The following drawings and documents have been submitted in support of the planning application:
- § Application Form & Certificates;
 - § Location Plan;
 - § Existing and Proposed Drawings;
 - § Arboricultural Method Statement Report;
 - § External Lighting Impact Assessment;
 - § Outdoor Lighting Report;
 - § Noise Technical Note;
 - § Biodiversity Management Plan;
 - § Ecological Report;
 - § Design & Access Statement;
 - § Soft Landscaping Proposals;
 - § Travel Plan.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 No comments.

7.2 Environment Agency

- 7.2.1 No objections.

7.3 Essex Fire and Rescue Service

- 7.3.1 Access for Fire Service purposes is considered satisfactory subject to access routes and hard standings being capable of sustaining a minimum carrying capacity of 15 tonnes. More detailed observations on access and facilities for Fire Service will be considered at Building Regulations consultation stage.

7.4 BDC Ecology

- 7.4.1 Raise no objections and note that those conditions on the outline consent secures the required ecological enhancement and protection. Requested the substitution of the proposed non-native hedge *Laurel Prunus Laurocerasus* for a suitable native species hedge that will be of benefit to wildlife, amendments to which have been secured.

7.5 BDC Environmental Health

- 7.5.1 No objections.

7.6 BDC Historic Buildings Consultant

- 7.6.1 The proposed development lies on land that was formerly part of a WWII Airfield at Earls Colne. The removal of the structural remains of the airfield would have caused significant damage to any earlier archaeological deposits and it is unlikely that any below ground remains associated with the military use of the site survive. Therefore offer no objection to the reserved matters application.

7.7 BDC Landscape

- 7.7.1 No comments received.

7.8 ECC Highways

- 7.8.1 No objections.

7.9 ECC Minerals and Waste

- 7.9.1 No comments.

7.10 ECC SUDS

- 7.10.1 No comments as the surface water drainage is being dealt with by way of related application 21/00411/FUL.

8. PARISH / TOWN COUNCIL

8.1 Earls Colne Parish Council

- 8.1.1 No objection.

9. REPRESENTATIONS

- 9.1 A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. Two letters of representation have been received stating:

- § A strong objection to this application due to the adverse effect it will have on the volume of traffic within the Earls Colne village area of Coggeshall Road. Houses near the roadside are already being subject to potential damage to the foundations caused by relentless pounding of heavy goods lorries that pass the door at all the times of day and night. There is no pedestrian walkway and at times is dangerous crossing the road as there is a blind bend. With the increase in heavy traffic that this application would result in would put lives at risk.
- § Another haulage company is not acceptable.
- § Constant stream of lorries entering or exiting.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.4 Paragraph 82 of the NPPF outlines that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration. Paragraph 83 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 10.5 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

- 10.6 The application site lies within an Employment Policy Area as outlined on the Proposals Map contained within the Core Strategy. Policy RLP33 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused, which is reinforced by Policy RLP28 of the Adopted Local Plan. This is further reflected in emerging Policy LPP3 of the Section 2 Plan. Policy LPP2 of the Section 2 Plan states that all employment sites, including sites or buildings in current or recent use as an employment site, will be retained for such uses where they continue to offer a viable and sustainable location for such employment uses.
- 10.7 The principle of redevelopment of the site for employment and industrial uses has been previously considered acceptable and established under extant planning permission (Application Reference 17/01157/OUT) whereby outline planning permission for this site, along with the adjacent parcels of land, has outline planning permission with all matters reserved for the erection of up to 10,220sq.m of B1, B2 and B8 employment floor space.
- 10.8 The current application seeks approval for the reserved matters pursuant to the outline permission. The reserved matters consist of:
- § Layout
 - § Scale
 - § Landscaping
 - § Appearance
 - § Access
- 10.9 It is therefore these reserved matters which must be assessed in detail.
- 10.10 The application has been submitted in accordance with the outline consent 17/00157/OUT. Therefore the principle of this application for reserved matters is considered acceptable.

11. SITE ASSESSMENT

11.1 Appearance, Layout and Scale

- 11.1.1 Paragraph 126 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 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 In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design

and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development.

- 11.1.3 The application site is contained by a tree bund perimeter on the southern and western boundaries. Beyond this is agricultural land owned by the Marks Hall Estate. To the east of the site is the Earls Colne Business Park separated by dense vegetation and fencing.
- 11.1.4 In relation to scale, no buildings are proposed as part of this proposal which solely relates to the provision of open storage. The appearance of the site will therefore be open hard surface bound by existing vegetation to the east and west of the site. The layout of the site would include a large area of hardstanding to accommodate an external storage area to be accommodated by Milbank Concrete Products limited who currently operate within Earls Business Park to the north of the private access road within the park. The access would be from the north east of the site as per the outline consent illustrative drawings.
- 11.1.5 The development would be in accordance with the approved parameter plans with relation to the development area of the site and maximum building heights. As the proposal comprises only open B8 storage, there is no built form which could cause any harm to the surrounding landscape. The height of external storage would not conflict with the approved parameters height plan which will be consistent with the outline consent and controlled by Condition 18 of this permission which requires building heights to not exceed 8m above ordnance datum.
- 11.1.6 It is therefore concluded that the proposed open storage in regard to appearance would be heavily screened from the surrounding area, and the given the height is restricted it would not result harm to the character and appearance of the surrounding area.
- 11.2 Landscaping
- 11.2.1 The Applicant proposes a hard and soft landscaping scheme across the site which has been reviewed by the Council's Landscape Officer and is considered to be acceptable.
- 11.2.2 The soft landscaping proposals included seeded grass areas, 2m high native hedge to bund and infill planting areas and a maintenance plan to ensure the planting is maintained.
- 11.2.3 Subject to an appropriate condition, it is considered the proposed landscaping scheme will enhance the character and appearance of the site and surrounding area and no objections have been raised by the Councils Landscape Officer.

11.3 Ecology

- 11.3.1 The Ecological impact of developing the overall site was assessed in full at the outline planning application stage and is not for consideration as a reserved matter. The Applicant however, has submitted an updated Ecological Report dated October 2020 carried out by T4 Ecology Limited and subsequent letter dated June 2021. No material changes have occurred to the ecological conditions of the site and no additional surveys are required.
- 11.3.2 The Ecological Report demonstrates in accordance with the outline consent 17/01157/OUT a roost assessment of the Oak trees located on the eastern boundary of the southern section of the site and confirms that the trees will still have moderate potential for bat roosting suitability. The Biodiversity Management Plan provides a number of mitigation measures to prevent disturbance to nesting birds and other mammals during the construction process. With regards to the site lighting scheme, this has been designed in a manner to minimise light spillage onto sensitive ecological areas.
- 11.3.3 The Councils Ecology Officer has reviewed the application and raised no objection on ecology grounds.

11.4 Highway Considerations

- 11.4.1 Paragraph 104 of the NPPF is explicit that development proposals should identify and pursue opportunities to promote walking, cycling and modes of transport. Paragraph 105 of the NPPF goes on to state the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 111 of the NPPF states development shall only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.4.2 Similarly, amongst other matters Policy 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 The access would be located to the north of the site and will also provide access to the parcel of land immediately to the north, which also formed part of the outline permission. The proposed access road from the existing Southern Perimeter Road is part of the road network privately owned by the wider business park. It is 7m wide in the vicinity of the site and caters for a range of vehicle movements. The B1024 in the vicinity of the access to the business park has an approximate width of 5.3m.
- 11.4.4 The impact of a mixed use development on the highway network in principle was assessed at the outline planning stage with a thorough review

of the transport assessment examining the impact of the proposed development on the existing highway network with no objections raised by Essex County Council Highways.

- 11.4.5 With regard to the site layout, ECC Highways have been consulted and no objections have been raised to the proposal in relation to the position and layout of the access which is deemed appropriate to meet the needs of the development without resulting in harm to the surrounding highway network.
- 11.4.6 Essex Parking Standards (2009) states that relating to B8 use 1 space per 150sq.m plus 1 space per 20sq.m retail area for customer parking in terms of vehicles, 1 space per 500sq.m for staff plus 1 space per 1000sq.m for visitors.
- 11.4.7 There are no buildings associated with the proposals. The Applicant has confirmed no specific car parking is allocated within the site as it is proposed to be used primarily as an open storage facility. In addition, any vehicles which use the site for deliveries and collection will be able to use the area of hardstanding at the site. No objection to the proposal was made by Essex Highways. On balance, taking into account the site will not benefit from buildings on site it is considered the EPOA Vehicle Parking Standards can be applied flexibly.
- 11.4.8 The application is accompanied by a travel plan with a number of measures for non-car modes of transport and car sharing in order to achieve a number of objectives and targets which can be controlled by condition.
- 11.4.9 Taking the above into the account and with no indication that the proposal would raise parking provision above existing levels, the proposal is considered to be acceptable and policy compliant in highways regards.
- 11.4.10 Overall, no objections are raised by Essex County Council highways or officers to the proposed access, parking provision and measures employed by the travel plan to offer alternative modes of transport which can be controlled by condition.

11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Adopted Local Plan which states that 'there shall be no undue or unacceptable impact upon the amenity of any nearby residential properties'. The emerging plan has similar objectives.
- 11.5.2 There are no residential properties within the immediate locality of the site and the nearest residential properties would be sufficiently distanced from it to prevent any harm to their amenity. No impact is considered to arise to nearby commercial/industrial uses as a consequence of the development.

11.5.3 The application is therefore considered to satisfy national and local policies designed to safeguard neighbouring residential amenity.

11.6 Flooding and Drainage Strategy

11.6.1 The site lies within Flood Zone 1 (a low probability of flood risk). Flood risk and drainage were considered in general terms at outline planning stage and relevant conditions were attached to the outline planning permission. The Environment Agency and ECC SuDs advisors have confirmed the surface water drainage is being dealt with by related application 21/00411/FUL and have therefore raised no objections to this application.

11.7 Heritage and Archaeology

11.7.1 The likely heritage impact of the proposed development of the overall site was assessed at outline application stage. The application site is not located within or near a Conservation Area or Listed Building. Essex County Council Place Services (Archaeology) have raised no objection in relation to the archaeological surveys or investigation works. It is not considered the proposal would cause a harmful impact on the historic environment.

11.8 Lighting

11.8.1 Policy RLP65 of the Adopted Local Plan indicates that external lighting should be designed as an integral element of the development and provides guidance on the design of the lighting.

11.8.2 In this respect, this application is accompanied by an External Lighting Impact Assessment, which concludes a compliant lighting scheme can be designed and installed with a low impact on commercial properties and wildlife. A condition is recommended to ensure the any development is carried out in accordance with the mitigation measures contained within the external lighting report to ensure the proposal would not result in material harm to the surrounding area, nearby residents nor impact upon local wildlife.

11.9 Contamination

11.9.1 A report carried out by GEMCO Phase 2 Geo-Environmental Assessment February 2021 has been submitted for consideration and demonstrates the proposal would not give rise to contamination and the risk to controlled waters is low. An appropriate condition will be imposed to ensure works are carried out in accordance with such details.

11.10 Public Footpath

11.10.1 Public Footpath PROW 75_1 currently runs through part of the application site. Following the approval of outline planning permission 17/01157/OUT, the Applicant proposed to divert PROW 75_1 to run around the outside of

the application site, on the opposite side of the established hedge which forms its northern, western and southern boundaries rather than through it. This would also be on land owned by the Applicant. This remains unchanged and the footpath has now been closed and diverted.

12. CONCLUSION

- 12.1 The principle of employment and industrial development of the site has been established under the extant outline planning permission (Application Reference 17/01157/OUT). The Applicant now seeks approval of the reserved matters pursuant to the south of the site consisting of layout, scale, appearance, landscaping and access.
- 12.2 The site is located within an Employment Policy Area as outlined on the Proposals Map contained within the Core Strategy. Policy RLP33 of the Adopted Local Plan states that within defined Employment Policy Areas proposals for uses other than those within Use Classes B1, B2, and B8 will be refused, which is further reinforced by Policy RLP28 of the Adopted Local Plan.
- 12.3 The proposal would maintain a policy compliant industrial usage of the site, carrying an economic and social benefit to the local community consistent with the planning objectives contained within Paragraph 11 of the NPPF.
- 12.4 In terms of layout, design, and appearance, no adverse impact arising from the development has been identified. No adverse impacts have been identified on highways grounds and the provision of the access is deemed acceptable. There would be no harm arising to neighbouring residential amenity, environmental health, ecology or flooding. The proposal is considered to be acceptable in planning terms.
- 12.5 Accordingly it is recommended that the Reserved Matters are approved.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

| Plan Description | Plan Ref | Plan Version |
|-------------------------|-----------------------|---------------------|
| Site Masterplan | 11849 R-02C | N/A |
| Landscaping | 11849 Rev A | N/A |
| Landscape Masterplan | Soft Landscaping Plan | N/A |
| Location Plan | 11849 R-01A | N/A |
| Other | 11849 R-01.2B | N/A |
| Proposed Site Plan | 11849 R-04A | N/A |
| Lighting Plan | LL1193-001 Rev A | N/A |

Condition(s) & Reason(s)

1.

The development hereby permitted shall take place not later than two years from the date of this approval.

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 development shall only be carried out in accordance with the submitted External Lighting Impact Assessment carried out by Loveday Lighting Report reference: LL1193 dated 11/02/2021 Revision C, Outdoor Lighting Report 10/02/2021 reference LL1193-001 dated 10/02/2021 Private Proposed Lighting Revision A Access Road, Northern Parcel, Drawing LL1193-001 dated 09/10/2020.

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

4.

The noise attenuation performance of the noise mitigation measures set out in the submitted Noise Technical Note reference 2004420-02A completed by Accon UK Environmental Consultants and dated 16th February 2021 shall be implemented in their entirety prior to occupation of the development hereby approved and shall be maintained in perpetuity thereafter.

Reason: To ensure that the proposed noise mitigation measures are both effective and properly installed.

5.

The development shall only be carried out in accordance with the submitted Biodiversity Management Plan carried out by T4 Ecology dated November 2019.

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

6.

The development shall only be carried out in accordance with the submitted Ecological Report carried out by T4 Ecology Limited dated October 2020.

Reason: In the interests of protecting and enhancing biodiversity.

7.

The development shall only be carried out in accordance with the submitted Arboricultural Method Statement Report and arboricultural protection measures detailed therein completed by Sharon Hosegood Associates, Ref SHA 036 AMS Rev B dated 11.02.2021.

Reason: To ensure the protection of the existing trees and hedgerows on the site which are to be retained.

8.

The scheme of landscaping indicated on the 'Soft Landscaping Proposals' reference 11849 Revision A and Planting Plan reference R-08C, shall be implemented in the first planting and seeding seasons after the commencement of the development, and shall be maintained in perpetuity thereafter.

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

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

9.

The principal access to serve the development shall be constructed as shown on the approved plan prior to the commencement of any work upon the commercial development on site.

Reason: In the interests of highway safety.

10.

The development shall only be carried out in accordance with the submitted Travel Plan carried out by Journey Transport Planning reference JTP373 dated April 2021.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality.

11.

The development hereby approved shall be undertaken in accordance with the recommendations contained within the GEMCO Phase Geo-Environmental Assessment dated February 2021.

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

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan Review 2005

| | |
|--------|--|
| RLP27 | Location of Employment Land |
| RLP30 | Diversity of Industrial and Commercial Premises |
| RLP33 | Employment Policy Areas |
| RLP36 | Industrial and Environmental Standards |
| RLP40 | Minor Industrial and Commercial Development in the Countryside |
| RLP46 | Earls Colne Airfield |
| RLP49 | Pedestrian Networks |
| RLP50 | Cycleways |
| RLP51 | Cycle Parking |
| RLP55 | Travel Plans |
| RLP56 | Vehicle Parking |
| RLP62 | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP64 | Contaminated Land |
| RLP65 | External Lighting |
| RLP67 | Flood Risk in Undeveloped Areas |
| RLP69 | Sustainable Urban Drainage |
| RLP70 | Water Efficiency |
| RLP71 | Water Supply, Sewerage & Drainage |
| RLP73 | Waste Minimisation |
| 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 |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |
| RLP105 | Archaeological Evaluation |

Braintree District Local Development Framework Core Strategy 2011

| | |
|------|--|
| CS5 | The Countryside |
| 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 |
| SP4 | Providing for Employment and Retail |
| SP5 | Employment |
| SP7 | Place Shaping Principles |

Braintree District Draft Section 2 Local Plan (2017)

| | |
|-------|--|
| LPP1 | Development Boundaries |
| LPP2 | Location of Employment Land |
| LPP3 | Employment Policy Areas |
| LPP7 | Design and Layout of Employment Policy Areas and Business Uses |
| LPP8 | Rural Enterprise |
| LPP45 | Parking Provision |
| LPP50 | Built and Historic Environment |
| LPP51 | An Inclusive Environment |
| LPP52 | Health and Wellbeing Impact Assessment |
| LPP53 | Provision of Open Space, Sport and Recreation |
| LPP55 | Layout and Design of Development |
| LPP60 | Heritage Assets and their Settings |
| LPP63 | Archaeological Evaluation, Excavation and Recording |
| LPP67 | Natural Environment and Green Infrastructure |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat |
| LPP69 | Tree Protection |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP71 | Landscape Character and Features |
| LPP73 | Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| LPP74 | Climate Change |
| 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 |
| LPP82 | Infrastructure Delivery and Impact Mitigation |

Other Material Considerations

ECC Parking Standards (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 a consultation on the main modifications closed on 24th January 2022. 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.

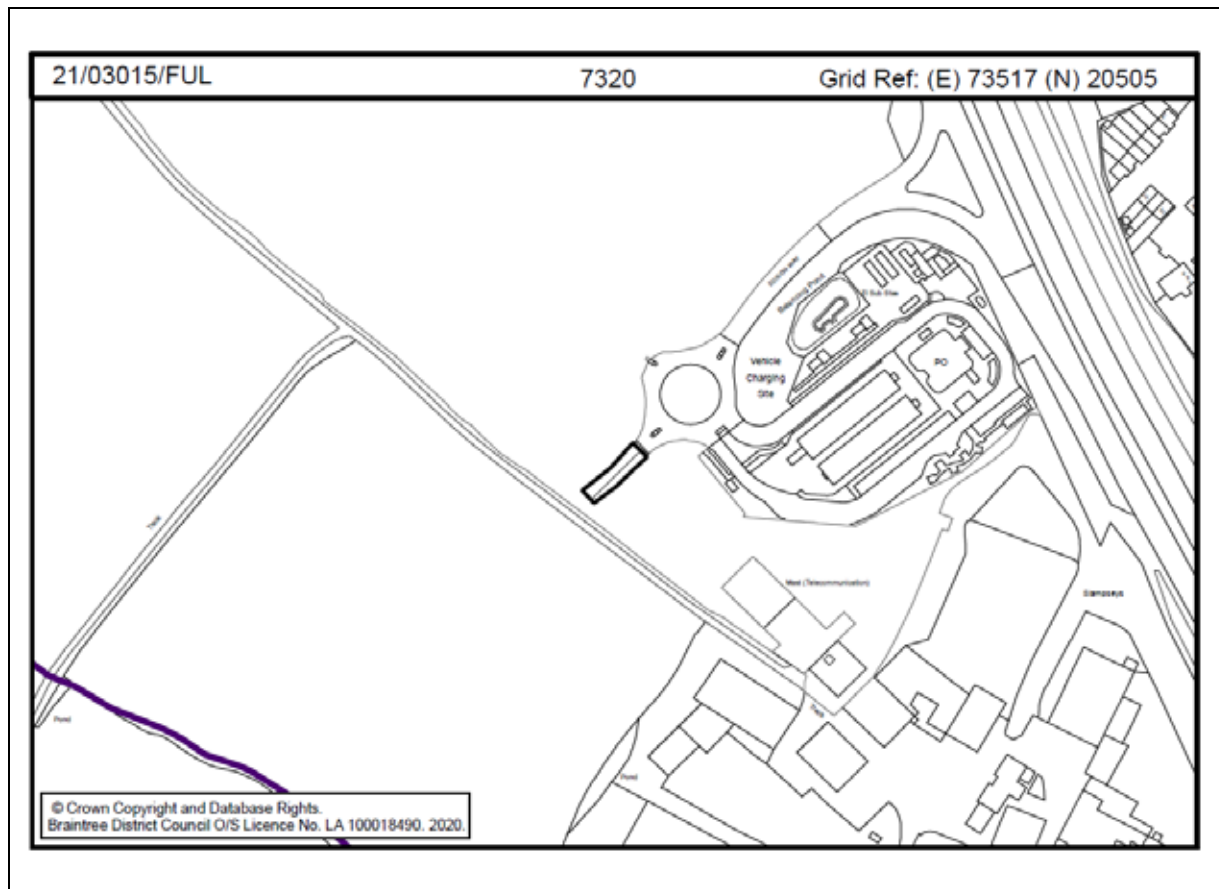
APPENDIX 3:

SITE HISTORY

| | | | |
|--------------|--|------------------------------------|----------|
| 17/00002/SCR | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Outline Planning Application with some matters reserved - Development of 10,220sq.m. B1, B2 and B8 floor space | Screening/ Scoping Opinion Adopted | 30.03.17 |
| 17/01157/OUT | Outline Planning Application with all matters reserved for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space. | Granted with S106 Agreement | 25.11.19 |
| 21/00373/DAC | Application for approval of details as reserved by conditions 6, 9, 12, 13, 14 and 16 of approved application 17/01157/OUT | Pending Consideration | |
| 21/00411/FUL | Change of Use of land to be used as a Haulage Yard (Sui Generis) with associated works, security fencing, access and landscaping with the erection of a two-storey building to be used as ancillary office space. | Pending Decision | |
| 21/03483/VAR | Removal of Condition 18 (Maximum finished height) of permission 17/01157/OUT granted on 25/11/2019 for: Outline Planning Application with all matters reserved for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space. | Pending Decision | |

| | | |
|---|---|---|
| Report to: Planning Committee | | |
| Planning Committee Date: 22nd March 2022 | | |
| For: Decision | | |
| Key Decision: No | | Decision Planner Ref No: N/A |
| Application No: | 21/03015/FUL | |
| Description: | Construction of western spur off roundabout with landscaping | |
| Location: | Horizon 120 Business Park, Off A131 London Road, Great Notley | |
| Applicant: | Braintree District Council | |
| Agent: | Strutt & Parker | |
| Date Valid: | 13th October 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: | Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: lisa.page@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: 21/03015/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 original planning permission (Application Reference 19/01525/FUL) was a full planning permission for the construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131, together with the construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. This permission was subsequently varied by Application Reference 20/01503/VAR, which related to the skylark mitigation strategy.
- 1.2 Construction of the roads has been completed, however, the western spur of the southern roundabout has been straightened slightly. Two identical applications have been submitted to regularise this – this full application, and a Section 73 application which covers the original site (Application Reference 21/03016/VAR).
- 1.3 The changes sought to re-align the road are modest and would result in an appropriate layout of development with no adverse impact upon the character and appearance of the site and wider locality. Equally, there are no implications for landscaping, neighbouring amenity, or setting of listed buildings. Highway considerations also remain acceptable. Consequently, it is recommended that planning permission is granted subject to conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The Horizon 120 site is being built out in accordance with the planning permissions on site for employment/commercial use, and the approved Local Development Order. The current application site relates only to a small part of a wider site that measures approximately 5.9ha.
- 5.2 The wider Horizon 120 site is bounded to the east by the A131. Great Notley Country Park is located immediately to the north and to the south is Slamseys Farm. To the west lies further agricultural land. In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south.

6. PROPOSAL

- 6.1 This full planning application relates to the Horizon 120 Site that was originally granted planning permission under Application Reference 19/01525/FUL, and subsequently varied by Application Reference 20/01503/VAR.
- 6.2 The original permission (Application Reference 19/01525/FUL) was a full planning permission for the construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131, together with the construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Application Reference 20/01503/VAR approved changes to the original permission in relation to the Skylark Strategy.
- 6.3 Construction of the roads has been completed, however, the western spur of the southern roundabout has been straightened slightly. Two identical applications have been submitted to regularise this – this full application, and a Section 73 application which covers the original site (Application Reference 21/03016/VAR).

7. SUMMARY OF CONSULTATION RESPONSES

7.1 National Highways

7.1.1 No objection.

7.2 Highway Authority

7.2.1 Have no comments to make. Note that the proposal is in accordance with the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. PARISH / TOWN COUNCIL

8.1 Great Notley Parish Council

8.1.1 Great Notley Parish Council have no comments to make on the application.

9. REPRESENTATIONS

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

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of development has been established under the existing full planning permissions for the site (Application References 19/01525/FUL and 20/01503/VAR), and work has commenced to implement these. Furthermore, subsequent to the grant of planning permission for the original application, this now falls within the Local Development Order for the Horizon 120 site.

10.2 The proposal relates to the strategic road infrastructure to serve the business park and forms part of the first phase of the development of the site for its allocated use. The general principle of the development is therefore in accordance with the Development Plan.

11. SITE ASSESSMENT

11.1 Layout and Design

11.1.1 This layout and design of the development would closely relate to that approved under the wider site development. It is only the western arm of the southern roundabout that has simply been straightened. The reasoning for this is that it creates a more logical siting to adjoining plot boundaries.

11.1.2 The detailed design and materials of the road are as per that approved for the rest of the site, with the road constructed in asphalt with the concrete

block paving for the footpaths. The landscaping approach with trees and planting would also be as per previously approved for this area of the site and this remains acceptable.

- 11.1.3 Overall, the design and layout of the development is considered to be acceptable and has no wider implications to the character and appearance of the site.

11.2 Landscaping

- 11.2.1 The change to re-align the road have no implications for landscaping. A detailed Landscape Strategy document was submitted with the extant permission at the wider site, which set out the full landscape proposals. In any event, and as set out above, hard and soft landscape details are set out on the approved plans, and these are as previously approved for this area of the site and as such are acceptable.

11.3 Ecology

- 11.3.1 The re-aligned roadway has no further implications for ecology. Ecology matters were adequately addressed on the wider development site.

11.4 Highway Considerations

- 11.4.1 The proposal relates only to the internal re-alignment off this roundabout, which has no highway implications. The Highway Authority have no objections.

11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 Given the location of the site in relation to the closest existing neighbours, and due to the modest change, there would be no impact to neighbours.

11.6 Heritage

- 11.6.1 There are two listed buildings and a listed dovecote located to the south of the application site at Slamseys Farm. Given the scale and nature of the application, there would be no adverse impact upon the setting of these nearby heritage assets.

11.7 Flood Risk and Surface Water Drainage

- 11.7.1 The development would have no implications for flood risk. The application site is located in Flood Zone 1, where there is a low risk of flooding. Essex County Council as the Local Lead Flood Authority, having been consulted on the original proposal raised no objection subject to conditions.

11.8 Archaeology

- 11.8.1 The application does not have any implications for archaeology. In any event, all fieldwork has been completed with the results to be provided to the Local Planning Authority in an Archaeological Evaluation Report.

12. CONCLUSION

- 12.1 The application site sits within an area which is allocated for strategic employment land. Furthermore, subsequent to the grant of the original permission, the Local Planning Authority have adopted the Local Development Order (LDO) for Horizon 120.
- 12.2 The changes sought to re-align the road are modest and would result in an appropriate layout of development with no adverse impact upon the character and appearance of the site and wider locality. Equally, there are no implications for landscaping, neighbouring amenity, or setting of listed buildings. Highway considerations remain acceptable.
- 12.3 It is therefore recommended that planning permission is granted subject to conditions.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

| Plan Description | Plan Ref | Plan Version |
|-------------------------|--|---------------------|
| Location Plan | 721-FX-XX-00-DP-L-005 01 | N/A |
| General | 721-FX-XX-00-DP-L-108 01 | N/A |
| Other | 721-FX-XX 721-FX-XX- 00-DP-L-109 01 | N/A |
| Other | 721-FX-XX-00-DP-L-208 01 | N/A |
| Other | 721-FX-XX-00-DP-L-408 01 | N/A |
| Other | 19-029/480 | N/A |

Condition(s) & Reason(s)

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.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan Review 2005

| | |
|--------|--|
| RLP27 | Location of Employment Land |
| RLP31 | Design and Layout of Business Parks |
| RLP33 | Employment Policy Areas |
| RLP34 | Buffer Areas between Industry and Housing |
| RLP36 | Industrial and Environmental Standards |
| RLP49 | Pedestrian Networks |
| RLP50 | Cycleways |
| RLP53 | Generators of Travel Demand |
| RLP62 | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP63 | Air Quality |
| RLP64 | Contaminated Land |
| RLP65 | External Lighting |
| RLP67 | Flood Risk in Undeveloped Areas |
| RLP69 | Sustainable Urban Drainage |
| RLP70 | Water Efficiency |
| RLP74 | Provision of Space for Recycling |
| RLP77 | Energy Efficiency |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |
| RLP92 | Accessibility |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |
| RLP105 | Archaeological Evaluation |
| RLP106 | Archaeological Excavation and Monitoring |

Braintree District Local Development Framework Core Strategy 2011

| | |
|-----|--------------------------------------|
| CS5 | The Countryside |
| CS7 | Promoting Accessibility for All |
| CS8 | Natural Environment and Biodiversity |

Braintree District Shared Strategic Section 1 Local Plan (2021)

| | |
|-----|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP3 | Spatial Strategy for North Essex |

| | |
|-----|-------------------------------|
| SP5 | Employment |
| SP6 | Infrastructure & Connectivity |
| SP7 | Place Shaping Principles |

Braintree District Draft Section 2 Local Plan (2017)

| | |
|-------|--|
| LPP1 | Development Boundaries |
| LPP2 | Location of Employment Land |
| LPP3 | Employment Policy Areas |
| LPP7 | Design and Layout of Employment Policy Areas and Business Uses |
| LPP44 | Sustainable Transport |
| LPP50 | Built and Historic Environment |
| LPP51 | An Inclusive Environment |
| LPP55 | Layout and Design of Development |
| LPP60 | Heritage Assets and their Settings |
| LPP63 | Archaeological Evaluation, Excavation and Recording |
| LPP67 | Natural Environment and Green Infrastructure |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat |
| LPP69 | Tree Protection |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP71 | Landscape Character and Features |
| LPP73 | Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| LPP74 | Climate Change |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP79 | Surface Water Management Plan |
| LPP80 | Sustainable Urban Drainage Systems |
| LPP81 | External Lighting |

Neighbourhood Plan

N/A

Other Material Considerations

External Lighting Supplementary Planning Document

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 a consultation on the main modifications closed on 24th January 2022. 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

| | | | |
|--------------|--|-----------------------------|----------|
| 00/00139/TEL | Erection of one 15 metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and ancillary development | Refused | 09.03.00 |
| 89/00641/P | Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses upto maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development | Granted | 12.12.91 |
| 93/01236/OHL | Proposed 33kv dual circuit overhead line diversion | No Objections Raised | 10.11.93 |
| 95/01057/REM | Structural landscaping to bypass bunding (areas 16 & 18) | Granted | 31.01.96 |
| 97/01430/FUL | Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004 | Granted with S106 Agreement | 20.08.98 |

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| 12/00003/SCO | Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion | Screening/ Scoping Opinion Adopted | 13.08.12 |
| 15/00015/SCO | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Proposed business park | Screening/ Scoping Opinion Adopted | |
| 17/01235/FUL | Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure. | Granted | 26.10.17 |
| 18/00003/SCR | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated | Screening/ Scoping Opinion Adopted | 07.08.18 |

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| | structural landscaping; allotments; and a new access from A131. | | |
| 19/00632/ADV | Proposed erection of two temporary signage boards. | Withdrawn | 30.05.19 |
| 19/00950/ADV | Proposed erection of two temporary signage boards | Granted | 16.10.19 |
| 19/01092/FUL | Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. | Granted | 30.09.19 |
| 19/01525/FUL | Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. | Granted | 10.02.20 |
| 19/01616/FUL | Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL) | Granted | 06.12.19 |
| 20/00132/ADV | 9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs. | Refused | 30.03.20 |
| 19/00001/LDO | Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and | Granted | 16.04.20 |

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| | Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure. | | |
| 20/00444/NMA | Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided. | Granted | 22.05.20 |
| 20/00445/NMA | Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the | Granted | 22.05.20 |

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| | A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided. | | |
| 20/00473/DAC | Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL | Granted | 02.12.20 |
| 20/00474/DAC | Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL | Granted | 02.12.20 |
| 20/00548/DAC | Application for approval of details reserved by condition 10 of approved application 19/01616/FUL | Granted | 19.06.20 |
| 20/00549/DAC | Application for approval of details reserved by condition 10 of approved application 19/01525/FUL | Granted | 19.06.20 |
| 20/00859/ADV | Display of double sided site signage | Granted | 21.08.20 |
| 20/00860/ADV | Display of double sided site signage | Granted | 21.08.20 |
| 20/00898/DAC | Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL | Pending Consideration | |
| 20/00901/DAC | Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL | Pending Consideration | |

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| 20/01502/VAR | Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures. | Granted | 09.12.20 |
| 20/01503/VAR | Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01525/FUL granted 10/02/2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Variation would allow revised wording of the condition regarding implementation of mitigation measures. | Granted | 09.12.20 |
| 20/00001/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), | Confirmation of Compliance with LDO | 06.11.20 |

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| | P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P11 (Building Maintenance) and P12 (Renewable Energy). | | |
| 20/00002/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone A (Enterprise Centre comprising offices and a cafe with associated landscaping and parking) pursuant to the discharge of conditions G2 (Compliance Checklist) G7 (Construction Management Plan) P1 (Plot Landscaping) P2 (Access) P3 (Parking) P6 (Surface Water Drainage) P7 (Foul Drainage) P11 (Building Maintenance) and P12 (Renewable Energy). | Confirmation of Compliance with LDO | 08.01.21 |
| 20/02234/DAC | Application for approval of details as reserved by conditions of approved application 20/01502/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan; 18 - post excavation strategy. | Granted | 18.11.21 |
| 20/02236/DAC | Application for approval of details as reserved by conditions of approved application 20/01503/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan. | Granted | 18.11.21 |
| 21/01300/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone C | Confirmation of Compliance with LDO | 21.05.21 |

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| | <p>(Erection of industrial/R&D unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure.) pursuant to the discharge of Conditions G1. (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10. (Signage and Wayfinding Strategy); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P4. (Pedestrian Footpaths); P6. (Surface Water Drainage); P7. (Foul Drainage); P8. (Noise); P9. (Building Use); P11. (Building Maintenance); P12 (Renewable Energy); and S3. (Landscape Maintenance).</p> | | |
| 21/01783/LDO | <p>Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class</p> | Granted | |

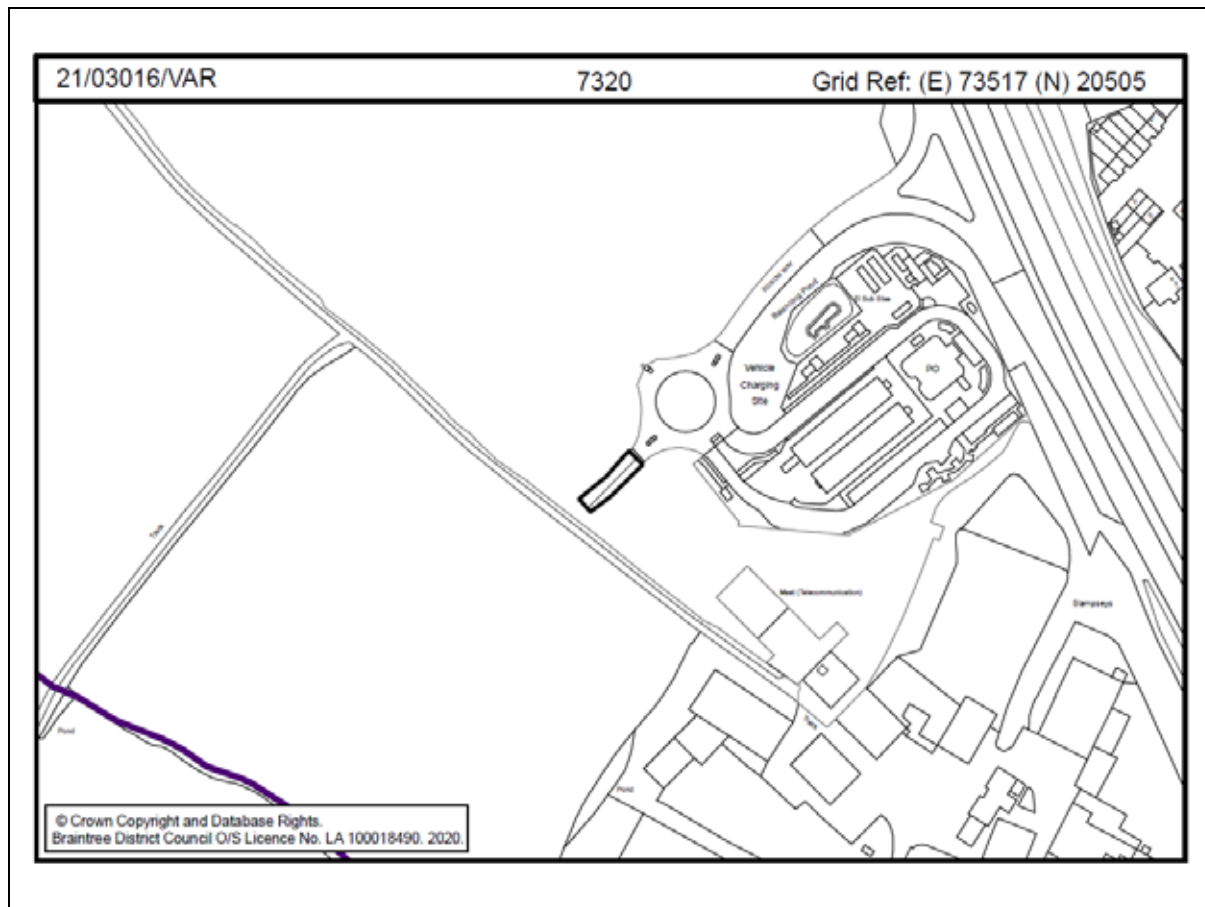
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| | E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy | | |
| 21/02715/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P10 (Building Maintenance) and P11 (Renewable Energy). | Non-Compliance with LDO | 08.10.21 |
| 21/02944/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. | Confirmation of Compliance with LDO | 04.11.21 |

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| | (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO | | |
| 21/03016/VAR | Variation of Condition 1 (Approved Plans) of permission 20/01503/VAR granted 09/12/2020. Variation would allow - Minor amendment to the siting of the western spur of the southern roundabout. | Pending Decision | |
| 21/03516/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C - The erection of 3no. buildings totaling circa 14,927m ² GEA of Use Class B8 (Storage or distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO. | Confirmation of Compliance with LDO | 22.12.21 |
| 22/00254/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot | Pending Consideration | |

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| | <p>(Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m² GEA of Use Class E (g)(iii) (Industrial) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p> | | |
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| Report to: Planning Committee | | |
| Planning Committee Date: 22nd March 2022 | | |
| For: Decision | | |
| Key Decision: No | | Decision Planner Ref No: N/A |
| Application No: | 21/03016/VAR | |
| Description: | Variation of Condition 1 (Approved Plans) of permission 20/01503/VAR granted 09/12/2020. Variation would allow - Minor amendment to the siting of the western spur of the southern roundabout. | |
| Location: | Horizon 120 Business Park, Off A131 London Road, Great Notley | |
| Applicant: | Braintree District Council | |
| Agent: | Strutt & Parker | |
| Date Valid: | 7th October 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: | Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: lisa.page@braintree.gov.uk | |

Application Site Location:



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| 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. |

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| | <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: 21/03016/VAR.</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 original permission (Application Reference 19/01525/FUL) was a full planning permission for the construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131, together with the construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. This permission was subsequently varied by Application Reference 20/01503/VAR, which related to the skylark mitigation strategy.
- 1.2 Construction of the roads has been completed, however, the western spur of the southern roundabout has been straightened slightly. Two identical applications have been submitted to regularise this – this current Section 73 application, and, as part of the road is outside of the red line of the original consent, a full application has also been submitted (Application Reference 21/03015/FUL).
- 1.3 The changes sought within this Section 73 application are limited, and would result in an appropriate layout of development with no adverse impact upon the character and appearance of the site and wider locality. The changes sought have no implications for landscaping, neighbouring amenity, or setting of listed buildings. Highway considerations also remain acceptable. Consequently, it is recommended that planning permission is granted subject to conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is being built out in accordance with the planning permissions on site for employment/commercial use, and the approved Local Development Order. The site relates to part of a wider site that measures approximately 5.9ha.
- 5.2 The site is bounded to the east by the A131. Great Notley Country Park is located immediately to the north and to the south is Slamseys Farm. To the west lies further agricultural land. In terms of the wider context there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south.

6. PROPOSAL

- 6.1 This Section 73 (Minor Material Amendment) application relates to the Horizon 120 Site that was originally granted planning permission under Application Reference 19/01525/FUL, and subsequently varied by Application Reference 20/01503/VAR.
- 6.2 The original permission (Application Reference 19/01525/FUL) was a full planning permission for the construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131, together with the construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Application Reference 20/01503/VAR approved changes to the original permission in relation to the Skylark Strategy.
- 6.3 Construction of the roads has been completed, however, the western spur of the southern roundabout has been straightened slightly. Two identical applications have been submitted to regularise this – this current Section 73 application, and, as part of the road is outside of the red line of the original consent, a full application has also been submitted (Application Reference 21/03015/FUL).

7. SUMMARY OF CONSULTATION RESPONSES

7.1 None.

8. PARISH / TOWN COUNCIL

8.1 Great Notley Parish Council

8.1.1 Great Notley Parish Council have not commented on the application.

9. REPRESENTATIONS

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

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of development has been established under the existing full planning permissions for the site (Application References 19/01525/FUL and 20/01503/VAR), and work has commenced to implement these. Furthermore, subsequent to the grant of planning permission for the original application, this now falls within the Local Development Order for the Horizon 120 site.

10.2 The proposal remains a requirement for strategic road infrastructure to serve the business park and forms part of the first phase of the development of the site for its allocated use. The general principle of the development therefore remains in accordance with the Development Plan.

11. SITE ASSESSMENT

11.1 Layout and Design

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

11.1.2 No changes are proposed to the principles of the road, use of materials (the road remains as asphalt with the concrete block paving for the footpaths) or landscaping, it is only the western arm of the southern roundabout that has simply been straightened. The reasoning for this is that it creates a more logical siting to adjoining plot boundaries.

- 11.1.3 Overall, the design and layout of the development is considered to be acceptable and has no wider implications to the character and appearance of the site.
- 11.2. Landscaping
- 11.2.1 The changes sought within this Section 73 application do not have any implications for landscaping. A detailed Landscape Strategy document was submitted with the extant permission, which sets out the full landscape proposals for the spine road and for the SUDs area. This details were secured via condition.
- 11.3 Ecology
- 11.3.1 The changes sought within this Section 73 application do not have any implications for ecology.
- 11.4 Highway Considerations
- 11.4.1 The changes sought within this Section 73 application do not have any implications for access onto the A131 which remain as per the extant permission. Both ECC Highways and Highways England were consulted to the original application and raised no objection.
- 11.4.2 The proposal relates only to the internal re-alignment off this roundabout, which has no highway implications.
- 11.5 Impact upon Neighbouring Residential Amenity
- 11.5.1 The changes sought within this Section 73 application do not have any implications for considerations of amenity. The nearest dwellings located on the opposite side of the A131 would be unaffected by the changes sought within the application.
- 11.6 Heritage
- 11.6.1 The changes sought within this Section 73 application do not have any implications for heritage matters. There are no heritage assets located on the site. There are two listed buildings and a listed dovecote located to the south of the application site at Slamseys Farm but the development would not result in any altered impact upon the setting of these heritage assets.
- 11.7 Flood Risk and Surface Water Drainage
- 11.7.1 The changes sought within this Section 73 application do not have any implications for flood risk. The application site is located in Flood Zone 1, where there is a low risk of flooding.
- 11.7.2 Essex County Council as the Local Lead Flood Authority, having been consulted on the original proposal raised no objection subject to conditions.

These conditions has been discharged and thus compliance conditions are re-imposed as necessary.

11.8 Archaeology

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

12. CONCLUSION

- 12.1 The application site sits within an area which is allocated for strategic employment land. Furthermore, subsequent to the grant of the original permission, the Local Planning Authority have adopted the Local Development Order (LDO) for Horizon 120.
- 12.2 The application to construct two access points and a connecting spine road, in addition to a substantial SUDs basin and habitat area, would facilitate the wider development of the employment site which would accord with its allocated use in the Adopted Local Plan and the LDO. The scheme would therefore act as the catalyst for the wider development of the employment site, allowing the social and economic benefits of a new employment park within the District to be realised.
- 12.3 The changes sought within this Section 73 application are limited, and would result in an appropriate layout of development with no adverse impact upon the character and appearance of the site and wider locality. The changes sought have no implications for landscaping, neighbouring amenity, or setting of listed buildings. Highway considerations remain acceptable.
- 12.4 It is therefore recommended that planning permission is granted subject to conditions.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

| Plan Description | Plan Ref | Plan Version |
|-------------------------|---------------------------|---------------------|
| Location Plan | 721-FH-XX-00-DP-L-001 P1 | N/A |
| General | 721-FH-XX-00-DP-L-108 01 | N/A |
| Other | 721-FH-XX-00-DP-L-109 01 | N/A |
| Other | 721-FH-XX-00-DP-L-208 01 | N/A |
| Other | 721-FH-XX-00-DP-L-408 01 | N/A |
| Other | 19-029/480 | N/A |
| Drainage Details | 19-029/304 V13 | N/A |
| Drainage Details | 19-029/301 V13 | N/A |
| Drainage Details | 19-029/302 V13 | N/A |
| Drainage Details | 19-029/303 V13 | N/A |
| General | 19-029/453 V12 | N/A |
| Site Plan | 19-029/460 V14 | N/A |
| General | 19-029/461 V13 | N/A |
| General | 19-029/462 V13 | N/A |
| General | 19-029/463 V14 | N/A |
| Landscape Masterplan | 721-FH-XX-00-DP-L-101 VP4 | N/A |
| Landscape Masterplan | 721-FH-XX-00-DP-L-102 VP5 | N/A |
| Landscape Masterplan | 721-FH-XX-00-DP-L-201 VP4 | N/A |
| Landscape Masterplan | 721-FH-XX-00-DP-L-202 VP5 | N/A |
| Landscape Masterplan | 721-FH-XX-00-DT-L-201 VP4 | N/A |
| Landscape Masterplan | 721-FH-XX-00-DT-L-202 VP3 | N/A |
| Access Details | IT2021/SK/01 | N/A |
| Access Details | IT2021/SK/02 | N/A |
| Section | 721-DT-L-104 VP1 | N/A |
| Section | 721-DT-L-105 VP1 | N/A |
| Section | 721-DT-L-101 VP3 | N/A |
| Landscape Masterplan | 721-DP-L-110 VP1 | N/A |
| Section | 721-FH-XX-00-DT-L-104 VP1 | N/A |
| Section | 721-FH-XX-00-DP-L-105 VP1 | N/A |
| Section | 721-FH-XX-00-DT-L-101 VP3 | N/A |

Condition(s) & Reason(s)

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.

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

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

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

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

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

3.

The development shall only be carried out in accordance with the landscaping scheme, which includes that for the SUDs attenuation basin and spine road, approved under Condition Discharge Application 20/02236/DAC.

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

4.

The development shall only be carried out in accordance with the lighting scheme approved under Condition Discharge Application 20/02236/DAC.

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

5.

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

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

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

6.

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

Monday to Friday 0800 hours - 1800 hours;

Saturday 0800 hours - 1300 hours;

Sundays and Bank Holidays no vehicular movements.

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

7.

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

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

8.

The development shall only be carried out in accordance with the Construction Method Statement approved under Condition Discharge Application 20/00474/DAC.

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

9.

The development shall only be carried out in accordance with the Surface Water Drainage Scheme approved under Condition Discharge Application 20/00474/DAC.

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

10.

The development shall only be carried out in accordance with the Surface Water Drainage 'During Construction' Scheme approved under Condition Discharge Application 20/00474/DAC.

Reason: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage

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

11.

The development shall only be carried out in accordance with the SuDS maintenance plan approved under Condition Discharge Application 20/00474/DAC.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

12.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the Maintenance Plan approved under Condition 11. These must be available for inspection upon a request by the Local Planning Authority.

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

13.

The development shall only be carried out in accordance with the badger protection measures approved under Condition Discharge Application 20/00474/DAC.

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

14.

The development shall only be carried out in accordance with the Landscape and Ecological Management Plan (LEMP), approved under Condition Discharge Application 20/02236/DAC.

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

15.

The development shall only be carried out in accordance with the Biodiversity Enhancement Strategy, approved under Condition Discharge Application 20/02236/DAC.

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

16.

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Green Environmental Consultants Ltd, Surface Property Ltd August 2017), Great Crested Newt Survey Report (Surface Property Ltd, August 2019) and Great Crested Newt Non-Licensed Method Statement (Surface Property Ltd, November 2019) to the satisfaction of the Local Planning Authority as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

17.

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

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

18.

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

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

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan Review 2005

| | |
|--------|--|
| RLP27 | Location of Employment Land |
| RLP31 | Design and Layout of Business Parks |
| RLP33 | Employment Policy Areas |
| RLP34 | Buffer Areas between Industry and Housing |
| RLP36 | Industrial and Environmental Standards |
| RLP49 | Pedestrian Networks |
| RLP50 | Cycleways |
| RLP53 | Generators of Travel Demand |
| RLP62 | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP63 | Air Quality |
| RLP64 | Contaminated Land |
| RLP65 | External Lighting |
| RLP67 | Flood Risk in Undeveloped Areas |
| RLP69 | Sustainable Urban Drainage |
| RLP70 | Water Efficiency |
| RLP74 | Provision of Space for Recycling |
| RLP77 | Energy Efficiency |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |
| RLP92 | Accessibility |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |
| RLP105 | Archaeological Evaluation |
| RLP106 | Archaeological Excavation and Monitoring |

Braintree District Local Development Framework Core Strategy 2011

| | |
|-----|--------------------------------------|
| CS5 | The Countryside |
| CS7 | Promoting Accessibility for All |
| CS8 | Natural Environment and Biodiversity |

Braintree District Shared Strategic Section 1 Local Plan (2021)

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| SP1 | Presumption in Favour of Sustainable Development |
| SP3 | Spatial Strategy for North Essex |
| SP5 | Employment |

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|-----|-------------------------------|
| SP6 | Infrastructure & Connectivity |
| SP7 | Place Shaping Principles |

Braintree District Draft Section 2 Local Plan (2017)

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|-------|--|
| LPP1 | Development Boundaries |
| LPP2 | Location of Employment Land |
| LPP3 | Employment Policy Areas |
| LPP7 | Design and Layout of Employment Policy Areas and Business Uses |
| LPP44 | Sustainable Transport |
| LPP50 | Built and Historic Environment |
| LPP55 | Layout and Design of Development |
| LPP60 | Heritage Assets and their Settings |
| LPP63 | Archaeological Evaluation, Excavation and Recording |
| LPP67 | Natural Environment and Green Infrastructure |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat |
| LPP69 | Tree Protection |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP71 | Landscape Character and Features |
| LPP73 | Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| LPP74 | Climate Change |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP79 | Surface Water Management Plan |
| LPP80 | Sustainable Urban Drainage Systems |
| LPP81 | External Lighting |

Neighbourhood Plan

N/A

Other Material Considerations

External Lighting Supplementary Planning Document

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 a consultation on the main modifications closed on 24th January 2022. 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

| | | | |
|--------------|---|-----------------------------|----------|
| 00/00139/TEL | Erection of one 15 metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and ancillary development | Refused | 09.03.00 |
| 89/00641/P | Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development | Granted | 12.12.91 |
| 93/01236/OHL | Proposed 33kv dual circuit overhead line diversion | No Objections Raised | 10.11.93 |
| 95/01057/REM | Structural landscaping to bypass bunding (areas 16 & 18) | Granted | 31.01.96 |
| 97/01430/FUL | Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004 | Granted with S106 Agreement | 20.08.98 |

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|--------------|---|------------------------------------|----------|
| 12/00003/SCO | Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion | Screening/ Scoping Opinion Adopted | 13.08.12 |
| 15/00015/SCO | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Scoping Opinion Request - Proposed business park | Screening/ Scoping Opinion Adopted | |
| 17/01235/FUL | Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure. | Granted | 26.10.17 |
| 18/00003/SCR | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated | Screening/ Scoping Opinion Adopted | 07.08.18 |

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| | structural landscaping; allotments; and a new access from A131. | | |
| 19/00632/ADV | Proposed erection of two temporary signage boards. | Withdrawn | 30.05.19 |
| 19/00950/ADV | Proposed erection of two temporary signage boards | Granted | 16.10.19 |
| 19/01092/FUL | Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. | Granted | 30.09.19 |
| 19/01525/FUL | Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. | Granted | 10.02.20 |
| 19/01616/FUL | Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL) | Granted | 06.12.19 |
| 20/00132/ADV | 9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs. | Refused | 30.03.20 |
| 19/00001/LDO | Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and | Granted | 16.04.20 |

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| | Development); B1(c) Industrial Process; B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure. | | |
| 20/00444/NMA | Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided. | Granted | 22.05.20 |
| 20/00445/NMA | Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the | Granted | 22.05.20 |

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| | A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided. | | |
| 20/00473/DAC | Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL | Granted | 02.12.20 |
| 20/00474/DAC | Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL | Granted | 02.12.20 |
| 20/00548/DAC | Application for approval of details reserved by condition 10 of approved application 19/01616/FUL | Granted | 19.06.20 |
| 20/00549/DAC | Application for approval of details reserved by condition 10 of approved application 19/01525/FUL | Granted | 19.06.20 |
| 20/00859/ADV | Display of double sided site signage | Granted | 21.08.20 |
| 20/00860/ADV | Display of double sided site signage | Granted | 21.08.20 |
| 20/00898/DAC | Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL | Pending Consideration | |
| 20/00901/DAC | Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL | Pending Consideration | |

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| 20/01502/VAR | Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01616/FUL granted 06/12/2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Variation would allow revised wording of the condition regarding implementation of mitigation measures. | Granted | 09.12.20 |
| 20/01503/VAR | Variation of Condition 21 'Skylark Mitigation (Compensation) Strategy' of permission 19/01525/FUL granted 10/02/2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Variation would allow revised wording of the condition regarding implementation of mitigation measures. | Granted | 09.12.20 |
| 20/00001/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), | Confirmation of Compliance with LDO | 06.11.20 |

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| | P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P11 (Building Maintenance) and P12 (Renewable Energy). | | |
| 20/00002/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone A (Enterprise Centre comprising offices and a cafe with associated landscaping and parking) pursuant to the discharge of conditions G2 (Compliance Checklist) G7 (Construction Management Plan) P1 (Plot Landscaping) P2 (Access) P3 (Parking) P6 (Surface Water Drainage) P7 (Foul Drainage) P11 (Building Maintenance) and P12 (Renewable Energy). | Confirmation of Compliance with LDO | 08.01.21 |
| 20/02234/DAC | Application for approval of details as reserved by conditions of approved application 20/01502/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan; 18 - post excavation strategy. | Granted | 18.11.21 |
| 20/02236/DAC | Application for approval of details as reserved by conditions of approved application 20/01503/VAR as follows: 3 - plans and details; 4 - lighting plan and specification; 14 & 15 - Landscape and Ecological Management Plan. | Granted | 18.11.21 |
| 21/01300/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) - Compliance Checklist application for Zone C | Confirmation of Compliance with LDO | 21.05.21 |

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| | <p>(Erection of industrial/R&D unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure.) pursuant to the discharge of Conditions G1. (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10. (Signage and Wayfinding Strategy); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P4. (Pedestrian Footpaths); P6. (Surface Water Drainage); P7. (Foul Drainage); P8. (Noise); P9. (Building Use); P11. (Building Maintenance); P12 (Renewable Energy); and S3. (Landscape Maintenance).</p> | | |
| 21/01783/LDO | <p>Proposed Local Development Order for the creation of a Business and Innovation Park comprising E(g)(i) (Office); E(g)(ii) (Research and Development); E(g)(iii) (Industrial Process); B2 (General Industrial) and B8 (Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: E(a) (Shop; maximum 300sq.m); E(b) (Restaurant and Cafe; maximum 200sq.m); Gymnasium within Use Class E(d) (maximum 700sq.m.); E(e) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class</p> | Granted | |

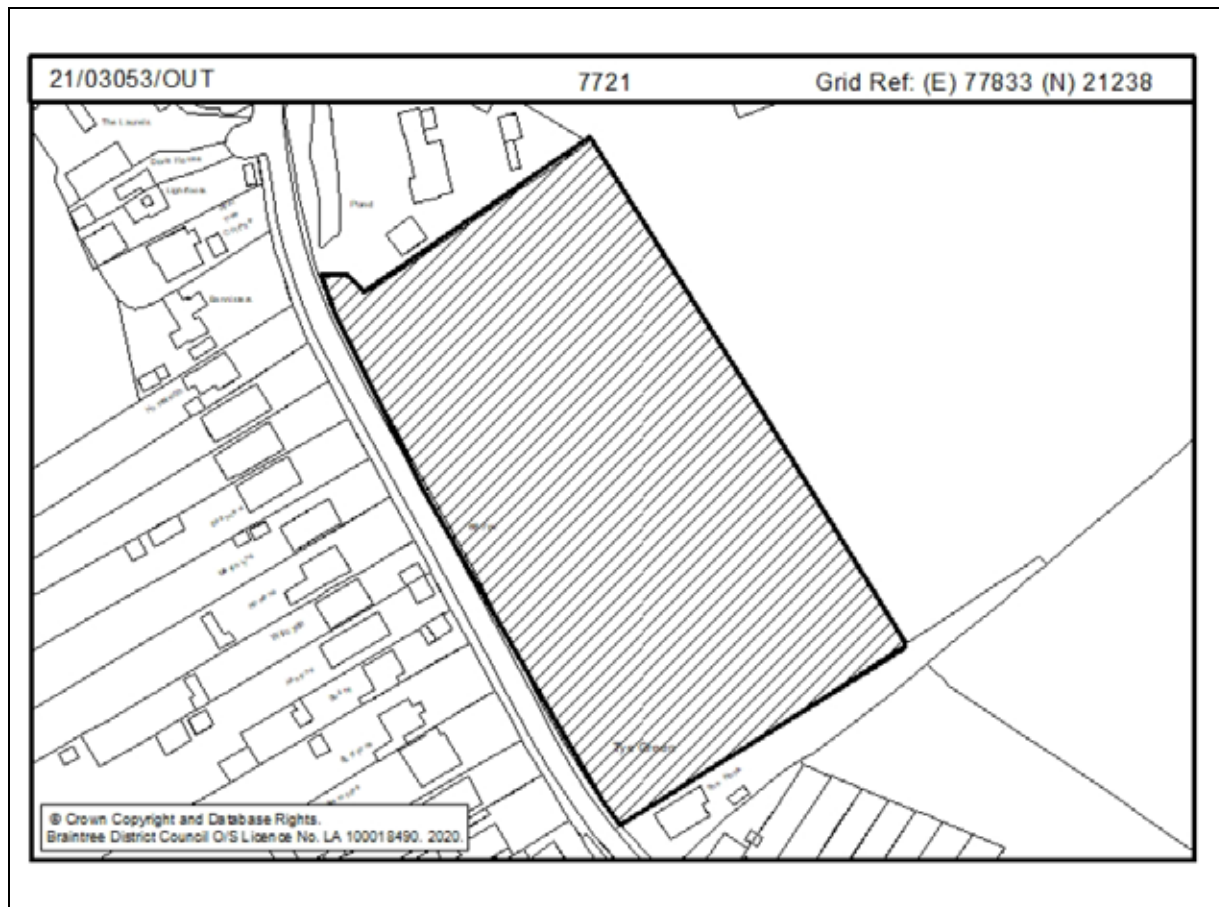
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| | E(f) (maximum 350sq.m); 250sq.m for Sui Generis Event Space (excluding such space within a building principally used as a C1 Hotel); Sui Generis Bus Depot including welfare facilities; and associated structural landscaping and infrastructure - Amendments to the Approved Local Development Order (LDO) and Proposed Horizon 120 Wayfinding Strategy | | |
| 21/02715/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2020 (LDO) Compliance Checklist application for Parcel C1, Discharge of condition G2 (Compliance Checklist), G7 (Construction Management Plan), G10 (Signage and Wayfinding), P1 (Plot Landscaping), P2 (Access), P3 (Parking), P6 (Surface Water Drainage), P7 (Foul Drainage), P8 (Noise), P10 (Building Maintenance) and P11 (Renewable Energy). | Non-Compliance with LDO | 08.10.21 |
| 21/02944/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcel DC 3.1 Zone B - Erection of Research and Development unit with offices and associated parking, landscaping, drainage, and service/utility infrastructure. Checklist application for discharge of Conditions; Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. | Confirmation of Compliance with LDO | 04.11.21 |

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| | (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO | | |
| 21/03015/FUL | Construction of western spur off roundabout with landscaping. | Pending Decision | |
| 21/03516/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for Parcels 1,2 & 3 Zone C - The erection of 3no. buildings totaling circa 14,927m ² GEA of Use Class B8 (Storage or distribution) with ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P7. (Noise); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO. | Confirmation of Compliance with LDO | 22.12.21 |
| 22/00254/LDOCC | Horizon 120 Business and Innovation Park Local Development Order 2021 (LDO) Compliance Checklist application for the EOS plot (Zone B) - The erection of 4no. buildings with 9no. units between totalling circa 11,850m ² GEA of Use Class E (g)(iii) (Industrial) with | Pending Consideration | |

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| | <p>ancillary offices, associated car parking, service yards and landscaping. Checklist application for discharge of Conditions G1; (Design Code Compliance); G2. (Compliance Checklist); G7. (Construction Management Plan); G10 (Wayfinding); P1. (Plot Landscaping); P2. (Access); P3. (Parking); P5. (Surface Water Drainage); P6. (Foul Drainage); P10. (Building Maintenance) and P11 (Renewable Energy) for Local Development Order number 21/01783/LDO.</p> | | |
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| Report to: Planning Committee | | |
| Planning Committee Date: 22nd March 2022 | | |
| For: Decision | | |
| Key Decision: No | | Decision Planner Ref No: N/A |
| Application No: | 21/03053/OUT | |
| Description: | Outline planning permission with all matters reserved apart from access, for the residential development of up to 35 dwellings (including 40% affordable housing), with vehicular access, areas of landscaping and public open space. | |
| Location: | Land East Of Braintree Road Crossing | |
| Applicant: | Rainier Developments Limited And Mr Nicholas Cousins | |
| Agent: | Turley | |
| Date Valid: | 11th October 2021 | |
| Recommendation: | It is RECOMMENDED that the following decision be made: § Application REFUSED for the reasons 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: | Reason(s) for Refusal Submitted Plan(s) / Document(s) |
| | Appendix 2: | Policy Considerations |
| | Appendix 3: | Site History |
| Case Officer: | Carol Wallis For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2534, or by e-mail: carol.wallis@braintree.gov.uk | |

Application Site Location:



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

| | |
|---------------------------|--|
| | <p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p> |
| 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: 21/03053/OUT.</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 approximately 1.68ha in size, roughly rectangular in shape, and is located on the eastern side of Braintree Road B1018, to the north of Tye Green Village. The site is located outside but adjacent to the village boundary of Tye Green. It is a greenfield site, forming part of a larger arable field and is relatively flat. There is a roadside hedge and a ditch along the western edge of the site fronting onto Braintree Road B1018.
- 1.2 The application seeks outline planning permission for 35no. residential units, including 14 affordable housing (40%). Access is to be considered at the outline stage with the matters of layout, appearance, scale and landscaping being reserved matters for future consideration. An indicative Masterplan has been submitted with the application. A single point of access off Braintree Road B1018 is proposed for both vehicles and pedestrians. A landscape buffer of about 3,525sq.m would be provided to mitigate against the coalescence with Braintree and to protect views from and to the countryside. An attenuation pond, 2 pumping stations and a play area of 100sq.m would be provided in the open space area in the eastern part of the site.
- 1.3 The application site is not allocated for development and lies beyond any designated town or village development boundary in either the Adopted Local Plan or Section 2 Plan. The site falls within the identified Open Countryside Buffer Area as designated under The Cressing Parish Neighbourhood Plan (2020). The proposal would result in a reduction of the physical gap between Braintree and Cressing, and would therefore fail to avoid coalescence between the settlements. Consequently, the proposal is therefore contrary to the adopted Development Plan.
- 1.4 This weighs against the development in the Planning Balance, along with the harm to the character and appearance of the local area, reliance on the use of private vehicles, harm to residential amenity and poor parking provision. In addition, planning contributions on health provision, education, open space, affordable housing, footpath provision and bus stops upgrade have not been secured by a completed S106 agreement. There are also detrimental impacts on the Blackwater Estuary Special Protection Area/Ramsar site and the Essex Estuaries Special Area of Conservation as no payment has been secured by a signed legal agreement.
- 1.5 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal are clearly and significantly outweighed by the harms, including the harm arising from the conflict with the Development Plan, such that planning permission should be refused in line with the Development Plan.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is approximately 1.68ha in size, roughly rectangular shape, and is located on the eastern side of Braintree Road B1018, to the north of Tye Green Village. The site falls outside but adjacent to the village boundary of Tye Green.
- 5.2 The site is a greenfield site, forming part of a larger arable field and is relatively flat. There is a roadside hedge and a ditch along the western edge of the site fronting onto Braintree Road B1018.
- 5.3 There are residential properties on the opposite side of Braintree Road B1018 to the west, to the immediate north and to the immediate south of the site. To the immediate east and southeast are open agricultural fields. Further to the northeast is a larger site with extant outline consent for 250 dwellings which was allowed at appeal (Application Reference 18/00549/OUT). Further to the southeast, there is another outline application (Application Reference 19/01968/OUT) for erection of 350 dwellings, which is currently pending consideration.

6. PROPOSAL

- 6.1 The application seeks outline planning permission for 35no. residential units. Access is to be considered at the outline stage with the matters of layout, appearance, scale, and landscaping being reserved matters for future consideration.
- 6.2 Applications for outline planning permission seek to establish whether the nature of a proposed development would be acceptable to the Local Planning Authority, before a detailed proposal is put forward. An indicative Masterplan has been submitted with the application.
- 6.3 A single point of access off Braintree Road B1018 is proposed for both vehicles and pedestrians. The proposed internal spine road would be of a

width of 6m with 2m wide footpath on both sides. Shared drive would then be provided to serve further dwellings.

- 6.4 The submitted Design and Access Statement indicates that the scheme would consist of 2-bed bungalows and 2-storey 2- to 4-bed terraced, semi-detached and detached dwellings. The Applicant also proposes to provide 40% affordable housing. The proposed housing mix is detailed in Table 1 below.

Table 1. Proposed Housing Mix

| Proposed | Market | % | Affordable | % | Total | % |
|--------------|-----------|-------------|------------|-------------|-----------|-------------|
| 1-bed | 0 | | 0 | | | |
| 2-bed | 1 | 5% | 4 | 29% | 5 | 14% |
| 3-bed | 14 | 67% | 9 | 64% | 23 | 66% |
| 4+ | 6 | 29% | 1 | 7% | 7 | 20% |
| Total | 21 | 100% | 14 | 100% | 35 | 100% |

- 6.5 The Design and Access Statement indicates that a landscape buffer of about 3,525sq.m would be provided to mitigate against the coalescence with Braintree and to protect views from and to the countryside. According to the submission, an attenuation pond, 2 pumping stations and a play area of 100sq.m would be provided in the open space area in the eastern part of the site.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 No objection. There are no assets owned by Anglian Water or those subject to an adoption agreement within the site boundary.
- 7.1.2 The foul drainage falls within the catchment of White Notley Water Recycling Centre, which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity, should planning permission be given.
- 7.1.3 Development may lead to an unacceptable risk of flooding downstream. Whilst the strategy is acceptable in principle, conveyance may be via a pumped station. An approval condition for on-site foul water drainage strategy is required prior to the construction above damp proof course, to ensure any infrastructure improvements are delivered in line with the development.

7.2 Essex Fire and Rescue Service (Protection)

- 7.2.1 No objection. Access for fire service purposes is considered satisfactory subject to access routes and hard standings capable of sustaining a

minimum carrying capacity of 18 tonnes, and a minimum turning circle between kerbs of 17.8m.

7.3 Essex Fire and Rescue Service (Provisions of Water Supplies for Firefighting)

- 7.3.1 Due to an excessive distance to the nearest existing statutory fire hydrant, it is considered necessary that additional fire hydrants are installed within the curtilage of the proposed site. The Fire and Rescue Service will liaise directly with the Local Water Authority once the new water main design scheme for the development is received, to ensure that all necessary fire hydrants are provided.

7.4 Essex Police

- 7.4.1 Neither objecting to nor supporting the application. Finer details are required such as the proposed lighting, boundary treatments and physical security measures. Would welcome the opportunity to be consulted on this development to assist the developer to demonstrate their compliance with Policy RLP90 by achieving a Secured by Design (SBD) Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

7.5 NHS

- 7.5.1 The development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practice do not have capacity for the additional growth resulting from this development and cumulative development in the area. It will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. A sum of £13,000 is required to be secured through a planning obligation in order to increase capacity for the benefit of patients of Silver End Surgery.

7.6 BDC Environmental Health

- 7.6.1 No objection subject to conditions on noise assessment, air quality assessment, updated land contamination assessment, construction management plan, restricting construction hours and piling.
- 7.6.2 It is noted that the layout shows dwellings closer to the road than existing properties alongside Braintree Road, so the impact of the noise and air pollution from road transport on the proposed dwellings would need to be assessed so as to inform the final layout of the scheme.
- 7.6.3 The Enviro check report does not indicate past contaminative industrial uses but the preliminary report makes reference to CLR11 which was withdrawn in October last year, so there will be a requirement to provide an

updated assessment if permission is granted which is focused towards the risks of all the end users of any development. Given the proposed residential use then the recommendation to carry out intrusive sampling is noted and will be required to develop the remediation strategy as appropriate for the site.

7.7 BDC Housing

7.7.1 In accordance with Policy CS2 of the Core Strategy to seek affordable housing, the proposal for up to 35 residential dwellings requires 40% of the dwellings to be provided as affordable housing which would equate to 14 homes.

7.7.2 The Applicant has provided a revised indicative affordable housing unit mix, this is considered appropriate in matching evidence of housing need providing agreement can be reached on the tenure mix set out below:

| | No | Affordable Rent | Shared Ownership |
|-------------------------|----|-----------------|------------------|
| 2 bed 4 person bungalow | 2 | 2 | 0 |
| 2 bed 4 person house | 2 | 2 | 0 |
| 3 bed 6 person house | 9 | 5 | 4 |
| 4 bed 7 person house | 1 | 1 | 0 |
| Total | 14 | 10 | 4 |

7.7.3 Affordable dwellings should be deliverable without reliance on public subsidy. All affordable dwellings that are accessed at ground level should be compliant with Building Regulations Part M(2). Affordable dwellings should meet Nationally Described Space Standards.

7.8 BDC Landscape

7.8.1 No response received.

7.9 BDC Waste Services

7.9.1 The distance to the furthest properties down the two privately shared driveways, are beyond 75 metres from where the waste collection vehicles can safely stop. The waste operatives can walk up to 20 metres from where the collection vehicle can safely stop. The driveways will either need to be changed to adopted highway or, built to a standard equivalent to adopted highway and maintained as such, and Braintree District Council will require written indemnity stating that the Council will not be liable for any damages caused to the driveways, as a result of the vehicle driving over them to carry out collections.

7.9.2 The final option is that a communal waste collection point is located within 20 metres from the adopted highway. However, this method is not

considered preferable, as it causes issues if and when residents present extra waste, as it makes it difficult to identify whose waste it is.

7.10 ECC Archaeology

7.10.1 No objection, subject to approval conditions on field evaluation.

7.11 ECC Ecology

7.11.1 No objection subject to conditions securing a financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area (SPA) and Ramsar Site and the Essex Estuaries Special Area of Conservation (SAC) in line with the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy; and ecological mitigation and enhancement measures

7.12 ECC Education

7.12.1 On the basis of 35 houses being 2 or more bedrooms, a development of this size can be expected to generate the need for up to 3.1 Early Years and Childcare (EY&C) places, 10.5 primary school places and 7 secondary school places. The following developer contributions are requested:

- § £51,804 index linked to Q1 2020, to mitigate its impact on local childcare provision;
- § £181,314 index linked to Q1 (January 2020, to mitigate its impact on local primary provision;
- § £166,425 index linked to Q1 (January 2020, to mitigate its impact on local secondary provision;
- § £35,245 towards secondary transport contribution based on £5.30 per pupil at 2020 x 7 (pupils) x 190 (academic year) x 5 (number of years); and
- § £2,723 towards local library enhancements.

7.12.2 In the current economic climate and national skills shortage, ECC supports Braintree District Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'.

7.12.3 ECC also supports Braintree District Council in requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Additionally, ECC encourages Braintree District Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this application.

7.12.4 On behalf of Essex County Council (ECC), if planning permission for this development is granted, it should be subject to a section 106 agreement to mitigate its impact on EY&C, Primary and Secondary places, Secondary School Transport and library enhancements. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. The standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

7.12.5 If the District Council were minded to turn down the application, the lack of surplus, EY&C, Primary & Secondary places, Secondary School Transport and library facilities in the area to accommodate the proposed new homes can be noted as an additional reason for refusal.

7.13 ECC Highways

7.13.1 No Objection.

7.14 ECC Historic Buildings Consultant

7.14.1 No objection from a built heritage perspective. The site is not considered part of the setting of the 3 listed buildings to the southeast of the site. However, the proposal will enlarge the village, introducing a cul-de-sac development to the east of Braintree Road, contrary to the ribbon development on the western side of Braintree Road. The Urban Design Consultant should be consulted to ensure the proposal is in accordance with local character and contribute positively to the location.

7.15 ECC SuDS

7.15.1 No objection subject to approval conditions on detailed surface water drainage scheme, a scheme to minimise the risk of offsite flooding during construction works and prevent pollution, a maintenance plan for surface water drainage system and year logs of maintenance.

8. PARISH / TOWN COUNCIL

8.1 Cressing Parish Council

8.1.1 Objection on the following grounds:

- § Resident's recent traffic count shows that the road is over-crowded in both directions and the proposal would further increase the traffic.
- § Poor and dangerous access from the B1018.
- § Inappropriate development on open farmland.
- § Further destruction of wildlife in this area.
- § Site is not included in the adopted Neighbourhood Plan.
- § Development outside village envelop.

- § Increase of pollution affecting residents and pedestrians, totally opposite to BDC's climate Change pledge.
- § BDC has approved more than the required 5-year housing land supply and site is not included in the emerging Local Plan, so this would be surplus to the identified need and unnecessary.

9. REPRESENTATIONS

9.1 Public representations have been received from 11 addresses, all objecting to the development mainly on the following grounds:

- § Encroachment/Loss of prime agricultural land.
- § Further diminish the remaining physical gap/joining up Braintree and Cressing.
- § Urbanising the agricultural land/damaging the rural landscape.
- § Impacting on the rural character of the village and countryside.
- § Falls within the Open Countryside Buffer Area/against the Cressing Neighbourhood Plan.
- § Against the Council's environmental commitment if allowing buildings on green and agricultural land.
- § Speculative development.
- § Braintree District can provide a 5 year housing land supply.
- § Existing traffic issues, including the overuse of B1018, carrying capacity, the traffic hotspot of Galleys corner, on-street parking.
- § Dangerous, poor surfaced/un- lit footpath.
- § The improvements of A12 and A120 are not finalised or even have fund allocated for A120 improvement scheme/no prospect of traffic easement.
- § The Transport Assessment has not taken into account the frequency of train services, the bus journey time and preference to the Witham train line over Braintree branch line.
- § Unclear whether the traffic surveys take into account school runs.
- § Proposed pedestrian crossing will slow down traffic, unsafe for pedestrians and cyclists; and the provision of this crossing is dependent on another speculative larger scheme, which may not be granted.
- § Should not have another exit onto the B1018.
- § Affecting visibility of the road bend.
- § High dependency on private cars.
- § Traffic calming measures will be essential if the application is approved.
- § The developer owns much larger piece of land, extra/surrounding land will also be built on.
- § Impact on adjacent housing prices.
- § Insufficient infrastructure and facilities to support the growth in Tye Green.
- § Cressing has borne more than a proportionate share of the District's housing target.
- § 343 new houses were already approved due to the 2 recent consents, tipping over the existing housing numbers in the village.
- § There is another speculative scheme (Application No. 19/01968/OUT) for another 350 units, which National Highways has expressed concern

regarding the additional traffic volume, showing that it is not the time to consider this application.

- § Planting and landscaping are inadequate to filter views.
- § Loss of open view/open fields/green space.
- § Overbearing and blocking of light.
- § Existing flooding and drainage issues.
- § Existing sewerage capacity issue.
- § Impact on nearby Listed Buildings.
- § Overlooking/privacy issue.
- § Affect mental health and quality of life.
- § Air pollution.
- § Detrimental impacts on local wildlife.
- § High density small estate and of a very different style to the existing ribbon development.
- § The development will worsen the existing problems/situation on traffic, likelihood of accidents, flooding, pollution, over-stretched facilities etc.
- § The scheme will only provide modest contribution to the housing needs of the District. The District's housing needs should be met by development areas identified in the emerging Local Plan instead of standalone/piecemeal speculative development(s).

10. PRINCIPLE OF DEVELOPMENT

10.1 National Planning Policy Framework (NPPF)

- 10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).
- 10.2 5 Year Housing Land Supply
- 10.2.1 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 10.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 10.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 10.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 10.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of

a 5% buffer, and having regard to the above appeal decision, the Council considers that the current 5 Year Housing Land Supply for the District is 5.1 years.

- 10.2.6 In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Local Plan but do not yet have planning permission or a resolution to grant planning permission.
- 10.2.7 These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), the Braintree District Shared Strategic Section 1 Local Plan (2021), and the Adopted Cressing Neighbourhood Plan.
- 10.3.2 The site falls outside of the development boundary and is therefore in a countryside location. Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.
- 10.3.3 The Cressing Parish Neighbourhood Plan was adopted in February 2020, which covers the application site. Policy 3 of the Neighbourhood Plan specifically identified an Open Countryside Buffer Area to protect the character and appearance of the Parish and to maintain a clear physical gap between the build form of Braintree and the villages of Tye Green and Cressing. Following the recent outline scheme of 250 new dwellings being allowed on appeal in Long Green (Application Reference 18/00549/OUT), to the northeast of the site, the identified Buffer Area has significantly reduced. The Inspector has acknowledged that the consented scheme would diminish the physical gap and would alter the settlement pattern with a harmful loss of countryside. Consequently, the remaining buffer is much more sensitive and significant to avoid any coalescence.
- 10.3.4 The site falls within the identified Open Countryside Buffer Area and the Applicant has provided a Landscape and Visual Appraisal as required under Policy 3 of the Neighbourhood Plan. The proposal would result in a further reduction of the physical gap between Braintree and Cressing, and therefore failed to avoid coalescence between the settlements, clearly

contrary to Policy 3 of the Adopted Neighbourhood Plan. As the proposal is not an exception scheme outside development boundary for affordable housing and is not for self-build or custom-build scheme, it also contradicts with Policy 7 of the Adopted Neighbourhood Plan.

- 10.3.5 The application site is not proposed for allocation for development in the Section 2 Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

- 11.1.1 The strategy set out in the emerging Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan inter alia:

“That the broad spatial strategy for the District should concentrate development in Braintree, Witham and the A12 corridor, and Halstead”.

- 11.1.2 Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- § Direct public transport services exist, or there is potential for the development to be well served by public transport;
- § The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

- 11.1.3 Policy LPP44 of the Section 2 Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

- 11.1.4 The site is located within the countryside outside of Tye Green in Cressing, albeit the settlement boundary sits to the west of the application site. Notwithstanding this it is necessary to consider the amenities/facilities that are available within close proximity to the site.

- 11.1.5 Cressing is identified as a third tier village in the settlement hierarchy that lacks most of the facilities required to meet the day-to-day needs. Cressing

is a small settlement of about 1,500 population and 3 main residential areas, namely Tye Green, Hawbush and Cressing.

- 11.1.6 There is 1 petrol station, a corner shop, 2 village halls, a post office and a primary school in the Tye Green village which are all over 400m away from the site. The nearest bus stops are located at Mill Lane to the south, providing bus services to Witham, Braintree Town Centre and Halstead. The nearest train station is Cressing train station which is over 1km walking distance. Witham train station provides a quicker train service to London, but is over 7km to the south. Most of the local residents are required to travel by private cars to larger towns for day-to-day services and facilities. The site therefore has poor accessibility to services and facilities.
- 11.1.7 There is no currently no pavement between the site's frontage and the rest of the village. The submitted illustrative site plan indicates that a 2m wide footway would be introduced to the south of the proposed access, however the proposed footway falls outside the application site boundary. It appears that the proposed footway falls within the highway extent. A S106 legal agreement would be required to secure such provision, however, it has not been agreed or secured at the time of writing.
- 11.1.8 An uncontrolled pedestrian crossing is also proposed near the proposed access point, meaning that the future residents will be required to cross the busy road in order to connect to the village. In Officers' opinion, having experienced the pedestrian environment, use of the highway for walking is unlikely to be attempted by residents or if it is, not without some difficulty or degree of hazard being posed.
- 11.1.9 With the site and development in an area not allocated or intended for housing growth, the principal of residential development in this location is not supported.
- 11.1.10 Future residents are unlikely to be encouraged to utilise sustainable modes of transport and will largely rely on travel by private motor car. Officers are of the view that development in this location would undoubtedly place reliance on travel by car which conflicts with Policy CS7 of the Core Strategy, Policy RLP53 of the Adopted Local Plan, Policy SP3 of the Adopted Section 1 Plan, Policy LPP44 of the Section 2 Plan and the aspirations of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised. This weighs against the proposal in the overall planning balance.

11.2 Design, Appearance and Layout

- 11.2.1 Paragraph 126 the NPPF highlights 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 developments, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that

planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 11.2.2 In addition to this, Policy RLP90 of the Adopted Local Plan requires 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.
- 11.2.3 Policy SP7 of the Section 1 Plan sets out place shaping principles, including responding positively to local character and context to preserve and enhance of existing places and their environs.
- 11.2.4 Policy LPP55 of the Section 2 Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.2.5 The Strategic Housing Marketing Assessment 2015 (SHMA) identifies that the District requires 75.72% of market dwellings to be 2- to 3-bedroom properties, and 79.33% of affordable housing to be 1- or 2-bedroom properties. The submitted Design and Access Statement indicates that the final housing mix would reflect the Council's standards. The Applicant has provided a revised indicative housing mix following consultation. The scheme has been revised to provide a majority of 3-bed dwellings, which is a type of units in high demand for both private and social housing. According to the latest figures, 2-bed or 3-bed properties account for 72% of the marketing dwellings and 93% of the affordable units.
- 11.2.6 It is therefore considered that the proposed housing mix is generally in line with the SHMA figures and the identified local affordable housing need. As housing mix could not be considered as part of scale or layout under Reserved Matters application, a condition would be required to control the proposed housing mix in order to ensure that it meets the identified housing needs, should approval be given.
- 11.2.7 This is an outline application where appearance, scale, layout and landscaping are reserved matters. The application includes an illustrative masterplan indicating the key aspects of the design and layout, such as access, landscape features and SuDS features. It is indicated that the density of the development of the whole site for up to 35 dwellings would be 30dph. The proposed density is far higher than the existing density of the Tye Green Village.
- 11.2.8 The Applicant proposes to have a density change, with a pair of bungalows to be of 1.5 storey at the southwest corner and all the remaining dwellings will be of 2-storey. This provides no visual change in character, spacing or rhythm and thus is of no benefit to the scheme overall.

- 11.2.9 Tye Green village has a clear settlement pattern with development concentrated near to the junction of Mill Road and Braintree Road B1018 and spreading to the south since 1922. The low density ribbon development on the western side of the road, to the north of this junction is also a main character of the village pattern. Properties in the village have a very strong character of deep front and rear gardens.
- 11.2.10 The proposed development with 35 dwellings would require a pattern of development of much higher density and of completely different form to the immediate ribbon development on the western side of the road. As demonstrated in the indicative masterplan, the proposed dwellings are squeezed to the western part of the site in order to allow for the open space and attenuation basin.
- 11.2.11 The proposed plot sizes are much smaller than the existing immediate neighbouring properties, failing to provide the deep front and rear gardens as characterised in the village. The proposed front gardens are all very shallow and many are dysfunctional and would not allow for planting and personalisation to be successful. Some of the rear gardens for large houses are of less than 100sq.m in size, which are considered substandard.
- 11.2.12 Some of the proposed car parking is poorly located for convenience and security, visually too dominant in the public realm. The southwestern plot also appears to have no on-site parking. The visitor parking clusters at the site entrance and on bends, which are poorly located resulting visual harm and likely to cause danger to other road users. Most of the parking and garage are smaller than the required size of the Essex Parking Standards (2009) which are not acceptable, and further demonstrated that the site is too small for a development of this scale.
- 11.2.13 Officers are of the view that the site could not accommodate the quantum of development proposed whilst meeting all the design criteria and requirements.
- 11.2.14 The proposed development, even in outline form, has poor elements of design which are alien to the village character and does not have regards to the existing development pattern nor the prevailing street scenes.
- 11.2.15 The proposal would not reinforce local distinctiveness and would not meet criteria (i), (iv) and (v) of Policy RLP90 of the Adopted Local Plan, failing to meet the clear expectations of the Development Plan and the higher quality design as required by the NPPF, National Design Guide and National Design Code. The location and proposed form of the development, with the associated height and bulk of mainly 2-storey dwellings together with domestic paraphernalia, would also erode the openness of the countryside, urbanising an open field and harmfully affecting the appearance of the local area.

- 11.2.16 For the reasons given above, the proposal, albeit indicative, is not a suitable form of development for the District and is therefore considered to be contrary to the abovementioned policies.

11.3 Impact on Residential Amenity

- 11.3.1 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. This sentiment is reiterated in Policy LPP55 of the Section 2 Plan.
- 11.3.2 The immediate neighbouring properties are Dean's Farm to the north and the bungalow, The Nook, to the south, with both of them having a triangular shaped plots. The illustrative masterplan fails to show that a minimum separation distance of 15m can be provided to the shared boundaries. Whilst the northern elevation may be able to avoid direct overlooking in the garden of Dean's Farm with careful design at later stage, the proposed properties along the southern boundary would not be able to achieve that due to the orientation and proximity of only about 11.5m. There is no additional space available within the site for adjustment to overcome this matter. Given the scale of development proposed this would result in an overlooking issue into the rear garden as well as the private sitting area of the bungalow to the immediate south, intruding the privacy of the existing residents.
- 11.3.3 The proposal is therefore not in line with the requirement of Essex Design Guide and would give rise to unacceptable level of overlooking to the existing neighbours.
- 11.3.4 It appears that 25 back-to-back separation distance could be achieved for the proposed dwellings within the site and a separation distance of not less than 10m front-to-front elevations could also be achieved. However, a number of the rear gardens are less than 100sq.m for the larger properties, which is below the requirement of Essex Design Guide (2005) for properties of 3 or more bedrooms. These would result in provision of unacceptable level of amenity for the future occupants.
- 11.3.5 The Council's Environmental Health Team also raised concerns as to the noise and air emission impacts from the B1018 on the future occupants, in view of a shorter set back distance as compared to those dwellings opposite to the road. Technical assessments such as Noise Impact Assessment and Air Quality Assessment are required to demonstrate that no detrimental impacts would be imposed on the future occupants and to inform the final site layout. However, these technical assessment has not been provided for consideration at this stage.

11.4 Highway Issues

- 11.4.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residential residual cumulative impacts on the road network would be severe.
- 11.4.2 The application proposes that access is considered at the outline stage. The proposed access into the site would be via Braintree Road B1018.
- 11.4.3 Residents have raised concerns regarding traffic conditions in the local area, including the capacity of the local road network, the difficulties of road crossing, visibility splays, and the nature of the bend. The perception is that the increase in vehicles from the development would exacerbate the current problems.
- 11.4.4 Following the initial consultation, the Applicant has repositioned the access point slightly to the south to demonstrate the required visibility splays are achievable. The Applicant has provided Transport Assessment and a Technical Transport Note following the revision to the access point.
- 11.4.5 The visibility arrangement and the Transport Assessment are considered acceptable by ECC Highways, subject to conditions requiring the submission of a Construction Traffic Management Plan, provision of the visibility splays, provision of a 2m wide footpath linking to the existing provision at The Nook, provision of Residential Travel Information Packs and the upgrade of 2 nearby bus stops that will best serve the site. The provision of a footpath link and upgrades to bus stops would need to be secured by a S106 agreement. However, there is no agreed or completed legal agreement yet.
- 11.4.6 In terms of parking provision, although the Applicant indicates that off-street parking would be provided to each dwelling in the form of car ports, parking courts, garage or driveway spaces, it appears that one of the bungalows at the southwestern corner has no parking spaces. As the scheme does not indicate there would be any 1-bed properties, a minimum of 70 parking spaces and 9 visitor parking bays would be required.
- 11.4.7 Most of the parking spaces are below the standard sizes, including all the carport/garage and visitor parking bays. Essex Parking Standards (2009) requires that all parking bays should be of a size of 2.9m (w) x 5.5m (w) whilst a single garage should internally measure not less than 3m (w) x 7m (d). No parking for disabled persons can be identified in the illustrative plan. Although there are more than 9 visitor parking bays, most of the visitor parking spaces are located on bends near to the site entrance, which are not convenient to use, blocking the internal traffic flow and will cause danger to other road users. Any queuing of the cars near the site entrance would also lead to vehicles waiting on Braintree Road B1018.

- 11.4.8 Secured cycle parking could be provided via garage or in the rear garden, therefore this element is in line with the requirement.
- 11.5 Heritage Assets and Their Settings
- 11.5.1 There are no designated heritage assets within or adjoining the site. The closest heritages assets are the 3 Grade II Listed buildings to the further south. Due to their physical separation distance from the site, there would be no harm to the setting of these Listed Buildings. The ECC Historic Buildings Consultant raises no objection to the proposal. However, Officers considered that the development would result in expansion of Tye Green village contradicts the historic development pattern of the village, resulting in coalescence with Braintree and thereby weakening the ability to read the historic character of the area.
- 11.6 Archaeology
- 11.6.1 Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application subject to planning conditions relating to further archaeological evaluation.
- 11.6.2 The proposed development lies within an area of archaeological activity as identified through aerial photography on the Historic Environment Records (HER 14214). The cropmarks are linear features, one of which lies parallel to Braintree Road which is a historic route. Recent archaeological excavation in Cressing has revealed significant occupation from the Iron Age to Roman period and settlement along historic routes was common from the medieval period onwards.
- 11.6.3 The proposed development site has the potential to include heritage assets with archaeological interest and, in accordance with Paragraph 194 of the NPPF, a field evaluation will be required in order to determine the significance of any heritage assets affected.
- 11.6.4 Planning conditions relating to the securing of the above are therefore required to ensure that the impact of the development upon any archaeological non-designated heritage assets could be mitigated by way of archaeological excavation and recording, should approval be given.
- 11.7 Landscape and Trees
- 11.7.1 The site is located within National Landscape Character Area B1 (Central Essex Farmland), and locally within the Braintree Landscape Character Area B18 (Silver End Farmland Plateau). On the maps provided by the Applicant in the Landscape and Visual Appraisal (LVA), it is clear that the application site is to the western fringes of both character types, for which the main abundance is to the east and southeast.
- 11.7.2 The submitted LVA concluded that the landscape effects would be highly localised and no higher than moderate. The negative effects would be

limited to the site itself and all other effects on the wider landscape would be neutral.

- 11.7.3 Landscaping is a Reserved Matter for future consideration. However, the Applicant has provided a Planning Statement and a Landscape and Visual Appraisal to support the application. The general thrust of these documents is that the future design of the landscaping around the site would see all existing trees and hedgerows along the site boundaries being largely retained, with replacement and enhancements where necessary.
- 11.7.4 The site constitutes an open agricultural field at present, with only the boundaries containing features of landscape interest and importance. Officers do however acknowledge that the field itself provides visual relief from the urban form on the western side of the B1018 and is part of the local area.
- 11.7.5 Whilst the proposed development would detract from the character of the area in other ways, as stated elsewhere in this report, it is conceivable that a landscaping scheme could come forward at the Reserved Matters stage that will represent an enhancement to the local area. The indicative plan shows chances for a stronger landscape presence along the highway as well as a beneficial environmental area on the eastern side.
- 11.7.6 It is important that, at a Reserved Matters stage, the Applicant provides sufficient information to demonstrate an understanding of the local context that informs the species, spacing and plantings that will form part of the landscape scheme. However, Officers consider that such a scheme could come forward at the appropriate stage.
- 11.7.7 Due to the topography and surrounding landform, the main views (other than from the B1018) would be from Ashes Road to the east, although such views are shown to be moderately distanced and the site does not feature prominently within them at present. Officers therefore consider that the development would have highly localised effects only upon the aforementioned landscape character areas and local views. Therefore, at this time, there are no objections to the scheme from a landscape perspective.

11.8 Ecology

- 11.8.1 Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation. Where development is proposed that may have an impact on these species the District Council will require the Applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:
 - a) Facilitate the survival of individual members of the species
 - b) Reduce disturbance to a minimum; and

- c) Provide supplementary habitats.
- 11.8.2 These sentiments are reiterated in Policies LPP68 and LPP70 of the Section 2 Plan.
- 11.8.3 Following the additional information provided by the Applicant, the ECC Ecological Consultant no longer objects to the scheme, subject to securing the financial contributions in line with the Essex Coast Recreational Avoidance and Mitigation Strategy by way of a S106 agreement or S111 payment; as well as conditions to secure the ecological mitigation and biodiversity enhancement measures.
- 11.9 Habitat Regulations Assessment (HRA / RAMS)
 - 11.9.1 The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary Special Protection Area (SPA)/Ramsar site and the Essex Estuaries Special Area of Conservation (SAC).
 - 11.9.2 Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations.
 - 11.9.3 In accordance with the revised interim guidance, an appropriate assessment will need to be completed for this application by the Planning Authority, as it falls within the threshold for residential development and is located within the updated Zones of Influence.
 - 11.9.4 Any residential development for a net gain of one or more new dwellings located within the Zone of Influence must mitigate its impact on the areas of Protected Essex coastline. The proposed scheme will be required to make a financial contribution of £127.30 per dwelling towards the mitigation strategy.
 - 11.9.5 Instead of an up-front payment, the Applicant has indicated that this financial contribution will be secured by a S106 Agreement. However, the contributions have not been secured until a S106 agreement has been signed by the relevant parties.
- 11.10 Construction Activity
 - 11.10.1 In order to safeguard the amenity of existing residents in the locality, should the application be approved, a condition is recommended requiring the Applicant to submit for approval a comprehensive Construction Management Plan for each phase of the development covering for example construction access; hours of working; dust and mud control measures; contractor parking; points of contact for existing residents; construction noise control measures and details of any piling to be carried out on site.

12. PLANNING OBLIGATIONS

12.1 Affordable Housing

- 12.1.1 According to Policy CS2 of the Core Strategy (2011), 40% of the proposed dwelling would be required to be provided as affordable housing, which equates to 14 homes. The Applicant has indicated that 4x2-bed, 9x3-bed and 1x 4-bed units would be provided as affordable housing and these are pepper-plotted throughout the development to ensure that it is tenure blind.
- 12.1.2 The Council's Housing Enabling Officer has provided a mix and tenure which would be considered appropriate to match evidence of housing need, highlighting the higher local needs for 2-bed properties. However, the indicative affordable housing mix does not match with the figures identified and therefore the potential of the scheme to meet the local housing need is significantly reduced.
- 12.1.3 Similar to other contributions, the affordable housing element has not been secured until a S106 agreement has been signed by the relevant parties.
- 12.1.4 As housing mix is not considered as a Reserved Matters, a condition would be required to control the housing mix and to inform the detailed design for the Reserved Matters stage, should approval be given.

12.2 Other Obligations

- 12.2.1 In addition to affordable housing, as outlined above, the development gives rise to a number of contributions, namely:
- § Open Space and Amenity
 - § HRA
 - § NHS
 - § Education
 - § Bus Stops Upgrade
 - § Footpath link
- 12.2.2 The Adopted Open Space SPD states that financial contribution for outdoor equipped playgrounds should be secured for scheme with 10 to 50 dwellings. However, the Applicant has proposed an on-site provision of 100sq.m. Based on the SPD's formula, with an average occupancy rate of 2.36 per dwelling, the proposed development would result in a population of 82.6 persons. This yields a requirement for equipped playground of a size of 165.21sq.m to 247.8sq.m. Therefore the proposed on-site provision falls short of the amount required, and would give rise to a need for an additional financial contribution for off-site provision.
- 12.2.3 None of the above planning contributions have been secured through a legal agreement pursuant to Section S106 of the Town and Country Planning Act 1990 (as amended). On this basis, without the contributions to

mitigate the effects of the development, the proposal would cause adverse pressure and harm upon both social infrastructure and environmental assets.

13. PLANNING BALANCE AND CONCLUSION

- 13.1.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.
- 13.1.2 Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.
- 13.1.3 Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant planning permission, have not been included within the 5 Year Housing Land Supply calculation.
- 13.1.4 As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.
- 13.1.5 As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
- 13.1.6 In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1, SP2, SP3, SP6, and SP7 of the Section 1 Plan; Policies RLP2, RLP56, RLP80 and RLP90 of the Adopted Local Plan; Policy CS5, CS7 and CS8 of the Core Strategy; and Policies 3 and 7 of the Adopted Cressing Parish Neighbourhood Plan.

- 13.1.7 Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP2 of the Section 1 Plan secures the mitigation measures in accordance with the Recreational disturbance Avoidance and Mitigation Strategy. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Policy SP6 of the Section 1 Plan highlights the important of the provision of infrastructure, services and facilities to serve the needs arising from the development. Policy SP7 of the Section 1 Plan relates to place shaping principles and states that all new development must meet high standards of urban design and architectural design. It specifically references that development should protect and enhance assets of historical or natural value.
- 13.1.8 As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that all 5 policies are consistent with the NPPF and can be afforded full weight. None of them are out-of-date.
- 13.1.9 Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight.
- 13.1.10 The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.
- 13.1.11 Policy RLP56 of the Adopted Local Plan sets out the off-street parking standards for all development. This is in line with the NPPF that parking should be integral to the design of schemes and contribute to making high quality places and are not considered to be out of date and can be given significant weight.
- 13.1.12 Policy RLP80 of the Adopted Local Plan requires that new development must successfully integrate into the local landscape and that proposals that

fail to do so will not be permitted. Policy CS8 of the Core Strategy is a wide ranging policy concerning the natural environment and biodiversity. Amongst other things the policy requires that consideration is given to landscape impact. It states that development must have regard to the character of the landscape and its sensitivity to change and, where development is permitted, it will need to enhance the locally distinctive character of the landscape in a manner that accords with the Landscape Character Assessment for the area. The underlying objectives of Policies RLP80 and CS8 are to protect the landscape character and amenity of the countryside and require a decision maker to consider the established landscape character and its sensitivity to change and are considered to both be consistent with paragraph 174(b) of the NPPF and are not considered to be out of date and can be given significant weight.

- 13.1.13 Policy RLP90 of the Adopted Local Plan seeks a high standard of layout and design in all development. This echoes with the latest requirement of the NPPF for high quality design and beautiful development that reflect and/or enhance the local character, and therefore is not considered to be out of date and can be given significant weight.

- 13.1.14 Policy CS7 of the Core Strategy promotes accessibility for all, and in particular states that future development will be provided in accessible locations to reduce the need to travel, an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.

- 13.1.15 Policy 3 of the Cressing Parish NP specifically identified an Open Countryside Buffer Area to protect the character and appearance of the Parish and to maintain a clear physical gap between the build form of Braintree and the villages of Tye Green and Cressing. Policy 7 of the Cressing Parish NP allocates site for residential development and listed out the criteria for new housing within and outside the settlement boundaries. As the NP has been found to be sound and fairly recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. None of them are out-of-date.

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

- 13.1.17 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the ‘flat’ (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.

- 13.1.18 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching

objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

13.2 Summary of Adverse Impacts

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

Conflict with the Development Plan

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

13.2.3 The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside. Significant weight is given to this conflict.

13.2.4 The proposal would result in a significant reduction of the physical gap between Braintree and Cressing, and therefore fails to avoid coalescence between the settlements, clearly violating Policy 3 of the Adopted Neighbourhood Plan. As the proposal is not an exception scheme outside development boundary for affordable housing and is not for self-build or custom-build scheme, it also conflicts with Policy 7 of the Adopted Neighbourhood Plan. Significant weight is given to this conflict.

Conflict with the Section 2 Plan

- 13.2.5 The proposed development would conflict with Policy LPP1 of the Section 2 Plan as it proposes development outside the defined development boundaries and within the countryside. Given the stage of preparation of this plan, this conflict is afforded significant weight.

Location and Access to Services and Facilities

- 13.2.6 It is likely that prospective residents would be heavily reliant on private cars to access facilities for day-to-day living, even to access those limited services available in Cressing itself. It is considered that this would be contrary to Policy CS7 of the Core Strategy.
- 13.2.7 The lack of a completed S106 for provision of a footpath and upgrade to bus stops would not encourage the use of sustainable modes of transport. The existing poor footpath connection with the village and the reliance on private cars, weigh against the proposal and is afforded significant weight.

Harm to the Character and Appearance of the Area and Landscape Character

- 13.2.8 The proposal would result in encroachment into the rural countryside and an unacceptable form of urbanisation. The indicative masterplan demonstrates that the proposed scheme would result in over-development of the site without complying with the relevant design requirements and standards. The illustrative masterplan fails to demonstrate that a development of up to 35 dwellings could be accommodated on the site and achieve a satisfactory form of development. It instead demonstrates that a development of this scale would fail to reinforce local distinctiveness, appearing incongruous and discordant with the character and appearance of the local area, and within the local landscape. The proposed development pattern and density are also out of keeping with the pattern of existing development in the area. This weighs against the proposal and is afforded significant weight.

Harm to Neighbouring Residential Amenity

- 13.2.9 The development fails to provide acceptable level of amenity to the future occupants and would impose adverse harm to the privacy of the neighbouring properties. Significant weight is afforded to this harm.

Highways Considerations

- 13.2.10 The proposed scheme fails to provide sufficient off-street parking provision and of the required standards. It would lead to on-street parking, hindering the traffic flow. The location of some visitor parking spaces would also impose danger to other road users. This harm is therefore afforded significant weight.

Ecology and HRA/RAMS

- 13.2.11 The proposal would increase the recreational pressure on the designated sites. The lack of secured financial contribution would impose detrimental impacts on these protected sites. The harm is afforded significant weight, however it is acknowledged that this harm could be addressed through a Section 106 Agreement, and through the imposition of suitable planning conditions.

Lack of Planning Contribution

- 13.2.12 There is no agreed S106 agreement to secure all the identified planning contribution required to mitigate the impacts of increased demand for services and facilities, including health provision, education, open space, affordable housing, footpath provision and bus stops upgrade. The failure to acquire the required planning contribution and on-site provision would insert unacceptable pressure and detrimental impacts on these infrastructure. Significant weight is therefore afforded to this harm, however it is acknowledged that this harm could be addressed through a Section 106 Agreement.

13.3 Summary of Public Benefits

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

Delivery of Market and Affordable Housing

- 13.3.2 The proposal would deliver 21 market dwellings and 14 affordable dwellings. Taking into account the scale of development proposed, and that the affordable mix proposed would not meet the identified local housing need, the contribution towards the delivery of market and affordable housing is afforded moderate weight.

Economic and Social Benefits

- 13.3.3 The proposal would undoubtedly deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. In view of the scale of development proposed, this is afforded moderate weight.

Biodiversity Net Gain

- 13.3.4 Although no biodiversity net gain has been included as part of the outline submission, an approval condition would be imposed to secure a 10% biodiversity net gain as required by the NPPF. Given the scale of the development proposed, it would only be afforded limited weight.

13.4 Planning Balance

- 13.4.1 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal are clearly and significantly outweighed by the harms, including the harm arising from the conflict with the Development Plan, such that planning permission should be refused in line with the Development Plan.
- 13.4.2 Notwithstanding the above, even if the 'tilted balance' was engaged, it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context, it would be recommended that planning permission be refused for the proposed development.

14. RECOMMENDATION

- 14.1 It is RECOMMENDED that the following decision be made:
Application REFUSED for the reasons outlined within APPENDIX 1.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

REASON(S) FOR REFUSAL / SUBMITTED PLAN(S) / DOCUMENT(S)

Submitted Plan(s) / Document(s)

| Plan Description | Plan Ref | Plan Version |
|-------------------------|-----------------|---------------------|
| Location Plan | L01 B | N/A |
| Access Details | P03 | N/A |
| Parameter Drawing | P04 | N/A |
| Height Parameters Plan | P05 | N/A |
| Site Masterplan | P02 | N/A |
| Density Parameters Plan | P06 | N/A |
| Access Details | 001 P5 | N/A |

Reason(s) for Refusal

Reason 1.

The proposed development is located outside of a defined development boundary. In such locations, only proposals that are compatible with and appropriate to the countryside will be permitted. The proposal is not one of those forms of development and therefore represents an encroachment into the countryside and an unacceptable form of urbanisation of the rural setting of Cressing, to the detriment of local landscape character. The proposed development would conflict with the adopted local policies which recognise the site as a verdant gap integral the village's organic evolution and as an area of important visual, physical and spatial relief from urban form. The proposed development would lead to a coalescence of dwellings on the eastern side of the B1018, which conflicts with the historical pattern of development in the village and results in the urbanisation of a locally important open space. This would be detrimental to the character and appearance of the local area, and would conflict with the spatial strategy set out in the Adopted Braintree District Section 1 Local Plan and the Adopted Cressing Parish Neighbourhood Plan (2020). The proposal is therefore contrary to Policies RLP2, RLP53, RLP80 and RLP90 of the Adopted Braintree District Local Plan Review (2005), Policies CS5, CS7 and CS8 of the Adopted Core Strategy (2011), Policies SP1, SP3 and SP7 of the Adopted Braintree District Shared Strategic Section 1 Local Plan (2021), and Emerging Policies LPP1 and LPP44 of the Section 2 Local Plan (2017).

Reason 2.

The illustrative masterplan fails to demonstrate that a development of up to 35 dwellings could be accommodated on the site and achieve a satisfactory form of development. It instead demonstrates that a development of this scale would fail to reinforce local distinctiveness, appearing incongruous and discordant with the character and appearance of the local area, and within the local landscape. The proposed development pattern and density would also out of keeping with the pattern of existing development in the area. Moreover, the indicative masterplan demonstrates that the proposed scheme would result in over-development of the site without complying with the relevant design requirements and standards, such as inadequate garden sizes and insufficient/sub-standard parking provision. The

proposed development is therefore contrary to the NPPF, Policies RLP56 and RLP90 of the Adopted Braintree District Local Plan Review (2005), Policy CS7 of the Adopted Core Strategy (2011), and Emerging Policies LPP45 and LPP55 of the Section 2 Local Plan (2017).

Reason 3.

The proposed development fails to secure appropriate mitigation with regards to increased recreational pressure on the Blackwater Estuary Special Protection Area and RAMSAR, and the Essex Estuaries Special Area of Conservation. In the absence of such mitigation, the proposed development would result in, on its own and in combination with other projects, detrimental impacts on the integrity of these European designated sites protected under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The proposed development is therefore contrary to Policy SP2 of the Adopted Braintree District Shared Strategic Section 1 Local Plan (2021).

Reason 4.

Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- On site Affordable Housing;
- On site provision as well as a financial contribution towards the equipped play;
- A financial contribution towards outdoor sport and allotments;
- Ongoing maintenance for on-site public open space;
- Provision of a footpath linking to the existing footpath provision at 'The Nook' in Tye Green;
- Upgrade of the 2 bus stops that will best serve the development;
- A financial contribution to Essex County Council to mitigate its impact on Early years and childcare, Primary and Secondary places, Secondary School Transport and library enhancements; and
- A financial contribution for the NHS to ensure that the impacts of increased demand for services can be accounted for.

These requirements would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement has not been prepared or completed.

In the absence of securing such planning obligations the proposal is contrary to Policy RLP138 of the Adopted Braintree District Local Plan Review (2005), Policies CS2 and CS10 of the Adopted Core Strategy (2011), Policy SP6 of the Adopted Braintree District Shared Strategic Section 1 Local Plan (2021), Emerging Policies LPP33, LPP53 and LPP82 of the Section 2 Local Plan (2017), the Open Space Supplementary Planning Document (2009) and Policies DM1, DM9, DM10 and DM11 of the Highway Authority's Development Management Policies (2011).

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and discussing these with the applicant either at the pre-

application stage or during the life of the application. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

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 |
| RLP10 | Residential Density |
| RLP22 | Accessible Housing and Lifetime Housing |
| RLP49 | Pedestrian Networks |
| RLP50 | Cycleways |
| RLP51 | Cycle Parking |
| RLP53 | Generators of Travel Demand |
| RLP54 | Transport Assessments |
| RLP56 | Vehicle Parking |
| RLP64 | Contaminated Land |
| RLP65 | External Lighting |
| RLP69 | Sustainable Urban Drainage |
| RLP70 | Water Efficiency |
| RLP71 | Water Supply, Sewerage & Drainage |
| RLP74 | Provision of Space for Recycling |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |
| RLP92 | Accessibility |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |
| RLP105 | Archaeological Evaluation |
| RLP106 | Archaeological Excavation and Monitoring |
| RLP138 | Provision of Open Space in New Housing Developments |

Braintree District Local Development Framework Core Strategy 2011

| | |
|------|--|
| CS2 | Affordable Housing |
| CS5 | The Countryside |
| 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 |
| SP2 | Recreational disturbance Avoidance and Mitigation Strategy (RAMS) |

| | |
|-----|----------------------------------|
| SP3 | Spatial Strategy for North Essex |
| SP6 | Infrastructure & Connectivity |
| SP7 | Place Shaping Principles |

Braintree District Draft Section 2 Local Plan (2017)

| | |
|-------|--|
| LPP1 | Development Boundaries |
| LPP17 | Housing Provision and Delivery |
| LPP33 | Affordable Housing |
| LPP37 | Housing Type and Density |
| LPP44 | Sustainable Transport |
| LPP45 | Parking Provision |
| LPP50 | Built and Historic Environment |
| LPP53 | Provision of Open Space, Sport and Recreation |
| LPP55 | Layout and Design of Development |
| LPP60 | Heritage Assets and their Settings |
| LPP63 | Archaeological Evaluation, Excavation and Recording |
| LPP67 | Natural Environment and Green Infrastructure |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat |
| LPP69 | Tree Protection |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP71 | Landscape Character and Features |
| LPP73 | Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards |
| LPP74 | Climate Change |
| LPP75 | Energy Efficiency |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP79 | Surface Water Management Plan |
| LPP80 | Sustainable Urban Drainage Systems |
| LPP81 | External Lighting |
| LPP82 | Infrastructure Delivery and Impact Mitigation |

Neighbourhood Plan

Cressing Parish Neighbourhood Plan 2017-2033 (adopted February 2020)

- Policy 1 Protecting and Enhancing the Natural Environment
- Policy 2 Protection of Special and Sensitive Landscapes
- Policy 3 Maintaining the Character and Interiority of the Parish
- Policy 4 Protecting the Historic Environment
- Policy 5 Infrastructure, Services, and Utilities
- Policy 6 Protecting and Enhancing Community Facilities and Public Open Spaces
- Policy 7 Housing
- Policy 8 Design, Layout, Scale, Character, and Appearance of New Development
- Policy 11 Developer Contributions

Other Material Considerations

Affordable Housing Supplementary Planning Document (2006)
Essex Coast RAMS Supplementary Planning Document (2020)

Essex Design Guide for Mixed Use and Residential Areas (2005)
External Artificial Lighting Supplementary Document (2009)
Open Space Supplementary Planning Document (2009)
Parking Standards – Design and Good Practice (2009)
Urban Place Supplement Guidance (2007)

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 a consultation on the main modifications closed on 24th January 2022. 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.

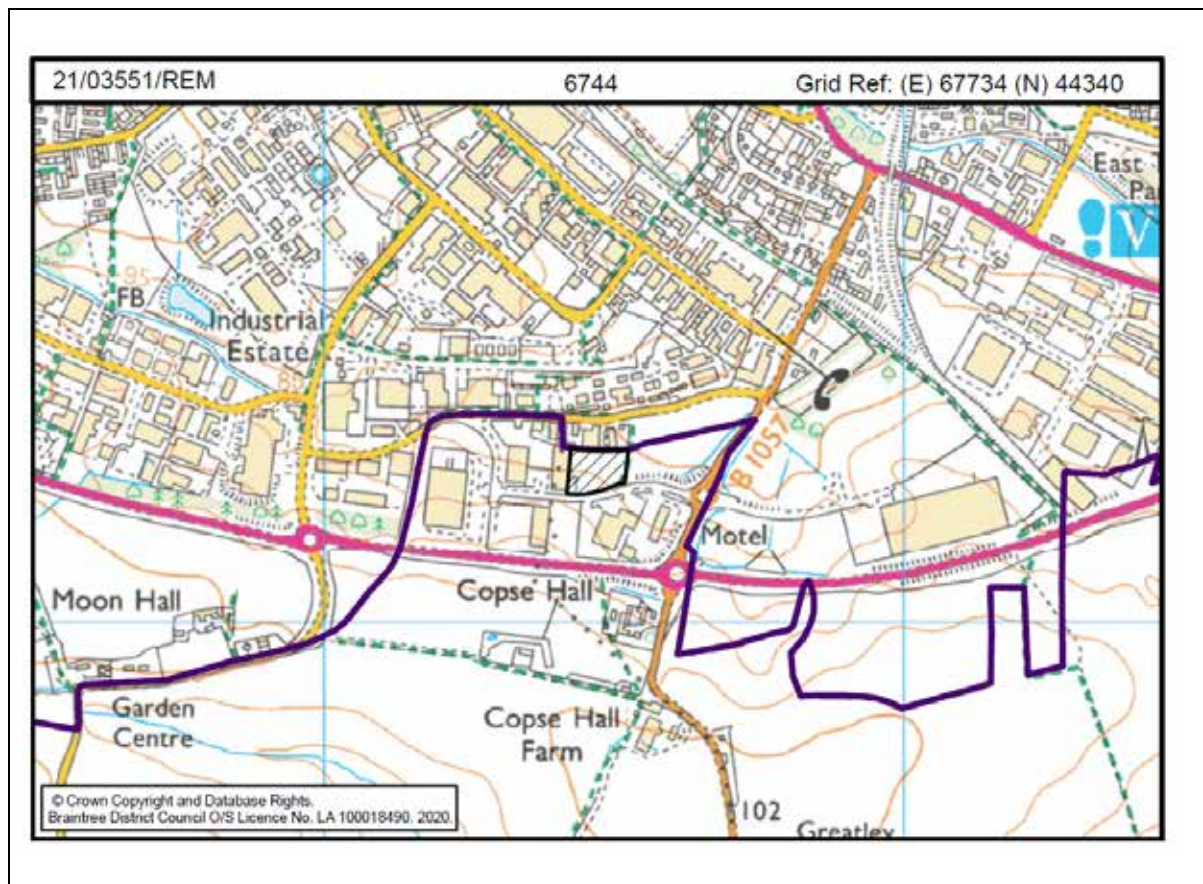
APPENDIX 3:

SITE HISTORY

None.

| | | |
|---|--|---|
| Report to: Planning Committee | | |
| Planning Committee Date: 22nd March 2022 | | |
| For: Decision | | |
| Key Decision: No | | Decision Planner Ref No: N/A |
| Application No: | 21/03551/REM | |
| Description: | Application for the approval of reserved matters (in respect of access, appearance, landscaping, layout and scale) pursuant to outline planning permission 15/01477/OUT granted 05.10.2016 for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping. | |
| Location: | Land At Haverhill Business Park, Phoenix Road, Helions Bumpstead | |
| Applicant: | Mann Enterprises Properties LTD | |
| Agent: | Real8 Group | |
| Date Valid: | 6th December 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: | Carol Wallis For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2534, or by e-mail: carol.wallis@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: 21/03551/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 The site is situated on the northern side of Phoenix Road, in the Haverhill Business Park, in the northern part of Braintree District. The wider Haverhill Business Park straddles across both Braintree District and St Edmundsbury Borough (West Suffolk). The site is identified as Plot NW1 (Plot 6), one of the unoccupied plots, in the central part the Business Park. It falls entirely within the administrative area of Braintree District Council.
- 1.2 The site is largely covered with grass and vegetation. It generally slopes downhill from west to east and from south to north. There is an existing hard paved vehicular entrance and turning head connected to another plot to the immediate west. The site falls within an Employment Policy Area designated on the Proposals Map for the Adopted Local Plan. The southwest corner of the site also falls within an archaeological site.
- 1.3 Previous approvals had been granted for Use Class B1, B2 and B8 under Application References 03/01493/OUT and 15/01477/OUT, subject to various conditions. A Reserved Matters application was granted under Application Reference 16/01833/REM for the erection of site security fencing and therefore the outline planning permission is still valid.
- 1.4 This application seeks permission for all Reserved Matters in relation to the erection of a 2-storey building for Use Class B8 (Storage or Distribution), together with associated parking and landscaping. The proposed dual-pitched building is approximately 1,508sq.m. A small flat-roofed refuse store would be provided in the western part, near the vehicular entrance gate. A parking area, a small employee's sitting area and a small swale are proposed in front of the building. A separated pedestrian access with stairs would be provided at the south-eastern corner of the site.
- 1.5 The industrial uses of the site have been established under the previous outline planning permissions. The site is located within an Employment Site as designated on the Proposals Map for the Adopted Local Plan. The proposal is therefore in accordance with the intended industrial uses designated for Employment Policy Areas under Policies RLP28 and RLP33 of the Adopted Local Plan.
- 1.6 The architectural approach of the proposal has strong visual interest and a design that relates well to the site. It is considered that there will be no adverse impacts on residential amenity, highways, parking, drainage, landscaping, or ecology. No objection has been raised by statutory consultees. Officers consider that the proposed development complies with the relevant policy criteria and it is recommended that this Reserved Matters application is approved, subject to recommended planning 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.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is situated on the northern side of Phoenix Road, in the Haverhill Business Park, in the northern part of Braintree District. The wider Haverhill Business Park straddles across both Braintree District and St Edmundsbury Borough (West Suffolk). The site is identified as Plot NW1 (Plot 6), one of the unoccupied plots, in the central part the Business Park. It falls entirely within the administrative area of Braintree District Council.
- 5.2 The site is largely covered with grass and vegetation. It generally slopes downhill from west to east and from south to north. There is an existing hard paved vehicular entrance and turning head connected to another plot to the immediate west.
- 5.3 The site falls within an Employment Policy Area designated on the Proposals Map for the Adopted Local Plan. The southwest corner of the site also falls within an archaeological site.
- 5.4 Previous planning permissions had been granted for Use Class B1, B2 and B8 under Application References 03/01493/OUT and 15/01477/OUT, subject to various conditions. A Reserved Matters application was granted under Application Reference 16/01833/REM for the erection of site security fencing and therefore the outline planning permission is still valid.
- 5.5 The site is enclosed by Phoenix Road to the south. To the east is another vacant plot. There are other industrial and commercial uses to the north, west, northwest and southeast. To the opposite of Phoenix Road, a waste recycling facility has recently been granted approval at Plot 7 by Essex County Council (Application Reference ESS/145/20/BTE).

6. PROPOSAL

- 6.1 This application seeks permission for all Reserved Matters in relation to the erection of a 2-storey building for Use Class B8 (Storage or Distribution), together with associated parking and landscaping.

- 6.2 The proposed dual-pitched building is approximately 49.36 (w) x 30.55m (d) x 10m (h) [not including the rain shelter] with eave heights of approximately 8.35m. Two canopies would be provided on the western and southern elevation, for the pedestrian entrance and cycle parking area respectively. An external fire escape staircase will be provided on the eastern elevation for the first floor offices.
- 6.3 A flat-roofed refuse store measuring approximately 5.8m (w) x 4.3m (d) x 1.8m (h) would be provided in the western part, near the vehicular entrance gate. A parking area, a small employee's sitting area and a small swale are proposed in front of the building. A separated pedestrian access with stairs would be provided at the south-eastern corner of the site.
7. SUMMARY OF CONSULTATION RESPONSES
- 7.1 Anglian Water
- 7.1.1 No response received.
- 7.2 Essex Fire and Rescue Services (Protection)
- 7.2.1 Access for Fire Service purposes is considered satisfactory subject to access routes and hard standings being capable of sustaining a minimum carrying capacity of 18 tonnes. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.
- 7.3 Essex Fire and Rescue Services (Water Services)
- 7.3.1 The applicant is advised to refer to the requirement of Approved Document B Volume 2 Section 16 in relation to provision of private hydrants.
- 7.4 BDC Ecology
- 7.4.1 No objection subject to ecological mitigation and enhancement measures.
- 7.5 BDC Environmental Health
- 7.5.1 No response received.
- 7.6 BDC Landscape
- 7.6.1 Conflict between SuDS feature and seating area. Detailed landscaping scheme including an appropriate planting schedule is required.
- 7.6.2 No response received following the additional planting schedule and revision to provide an outdoor seating area and replacement of attenuation pond with a smaller swale.

- 7.7 ECC Archaeology
- 7.7.1 No response received at the time of writing.
- 7.8 ECC Highways
- 7.8.1 No comments to make as the proposal is in accordance with the Highway Authority's Development Management Policies as adopted as County Council Supplementary guidance (Feb 2011).
- 7.9 ECC SuDS
- 7.9.1 No objection following the revised SuDS/Surface Water Drainage Statement. The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Drainage Strategies and the documents submitted with this application are implemented as approved.
- 7.9.2 Note - Awaiting further comments with regards to revision to provide an outdoor seating area and replacement of attenuation pond with a smaller swale.
8. PARISH / TOWN COUNCIL
- 8.1 Helions Bumpstead Parish Council
- 8.1.1 No response received.
9. REPRESENTATIONS
- 9.1 A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. No representations have been received.
10. PRINCIPLE OF DEVELOPMENT
- 10.1 The proposal is for Use Class B8 (Storage and Distribution) use. The industrial uses of the site have been established under the previous outline planning permissions. The proposal is therefore in accordance with the intended industrial uses designated for Employment Policy Areas under Policies RLP28 and RLP33 of the Adopted Local Plan and Policy SP5 of the Core Strategy.
- 10.2 The proposal is considered to be acceptable in principle.

11. SITE ASSESSMENT

11.1 Layout, Design and Appearance

- 11.1.1 Paragraph 126 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 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 In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.1.3 The proposed footprint is approximately 1,508sq.m, which is about a third smaller than the 2,199sq.m as shown on the indicative framework plan of Application Reference 15/01477/OUT. The proposed scale and building bulk are considered generally acceptable and compatible to the wider Business Park. A building setback of about 9m is provided from Phoenix Road whilst a large landscaped area of a depth of about 16m would be provided to the north.
- 11.1.4 Following the discussion at pre-application stage, the Applicant has taken into account the advice of the Council's Urban Design Consultant. The current proposal has made reference to the Design Code of Horizon 120 which establishes principles of highly quality design in both landscape and built form. Officers acknowledge that due to site entrance, turning requirement, functionality and operational efficiency, it would not be viable and practical to reconfigure the layout to re-locate the service yard from the street.
- 11.1.5 The architectural approach of the current proposal has strong visual interest and a design that relates well to the site.

11.2 Landscape and Ecology

- 11.2.1 The Applicant has provided a detailed landscaping proposal with planting schedule. The Council's Landscape Team has not raised objection to the landscaping proposal.
- 11.2.2 The Council's Ecological Consultant has raised no objection to the scheme subject to conditions to secure mitigation measures and biodiversity enhancement.

11.3 Impact on Neighbouring Residential Amenities

- 11.3.1 One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Adopted Local Plan which states that 'there shall be no undue or unacceptable impact upon the amenity of any nearby residential properties'. The emerging plan has similar objectives.
- 11.3.2 It is considered that the proposal would not have a detrimental impact upon any adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking. As there are no residential properties in close distance, it is not considered that there would be unacceptable impacts on amenity levels of local residents.

11.4 Highway Considerations

- 11.4.1 Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan commits the LPA to the guidance outlined in the ECC Parking Standards (2009). Information contained within this document includes guidance for parking provision within sites designated as Use Classes B1, B2 and B8.
- 11.4.2 The proposal would provide 15 standard parking bays, 2 parking spaces for disabled persons, 3 motorcycle parking space, and designated loading and unloading area for heavy goods vehicles (HGVs). A cycle parking area for 8 cycles will also be provided in the fore court of the building. The parking provision is in line with the requirement of the adopted Essex Parking Standards (2009). Sufficient parking and turning space would also be provided.
- 11.4.3 Sufficient provision would be made for pedestrian and cycle access. A footpath would be provided in the southeast corner for the users to safely access to the office building.
- 11.4.4 The ECC Highway Authority has no objection to the proposal.

11.5 Flood Risk and Drainage

- 11.5.1 The site falls within Flood Zone 1 with low risk of flooding. However, a small area at the southeast corner of the site is identified with low to medium risk of surface water flooding, which extended to the section of Phoenix Road in front. The Applicant has provided a Revised Drainage Statement and a swale is proposed on the site layout.
- 11.5.2 ECC SuDS has not objected to the scheme. However, it is highlighted that the proposed development will only meet the requirement of the NPPF if the proposed drainage measures are implemented as agreed. As these are covered by Conditions 6, 20, and 21 of the original outline planning

permission, these would be secured under a separate application for the discharge of these conditions, which ECC SuDS would be consulted upon in due course.

12. CONCLUSION

12.1 The site is located within an Employment Site as designated on the Proposals Map for the Adopted Local Plan. The proposal is therefore in accordance with the intended industrial uses designated for Employment Policy Areas under Policies RLP28 and RLP33 of the Adopted Local Plan.

12.2 The design and appearance of the proposed building are considered to be acceptable and compatible with the character of the wider industrial park.

12.3 No adverse impact has been identified with respects to neighbouring residential amenity, highways grounds, or environmental health. The ecological impacts could be adequately mitigated and biodiversity net gain could also be secured via approval conditions. 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)

| Plan Description | Plan Ref | Plan Version |
|----------------------------|-----------------|---------------------|
| Other | 309.04 | N/A |
| Landscape Specification | 1304-01 | Dated Jan 2022 |
| Site Layout | 300.03 | N/A |
| Access Details | 306.02 | N/A |
| Location Plan | 001.01 | N/A |
| Proposed Ground Floor Plan | 301.01 | N/A |
| Proposed 1st Floor Plan | 302.01 | N/A |
| Elevations | 303.01 | N/A |
| Section | 305.01 | N/A |
| Roof Plan | 307.01 | N/A |

Condition(s) & Reason(s)

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.

Prior to works above slab levels, a schedule of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

3.

Prior to works above slab levels, a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures, contained within the Low Impact EcIA (Hybrid Ecology, August 2021) shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

4.

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Low Impact EcIA (Hybrid Ecology, August 2021) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

5.

The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

Informative(s)

Informative 1

The applicant should refer to the detailed comments of the Essex Fire and Rescue Services dated 9th December 2021 and 10th December 2021.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan Review 2005

| | |
|--------|---|
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP28 | Employment Land Provision |
| RLP29 | Business Parks |
| RLP31 | Design and Layout of Business Parks |
| RLP33 | Employment Policy Areas |
| RLP34 | Buffer Areas between Industry and Housing |
| RLP36 | Industrial and Environmental Standards |
| RLP49 | Pedestrian Networks |
| RLP51 | Cycle Parking |
| RLP56 | Vehicle Parking |
| RLP63 | Air Quality |
| RLP64 | Contaminated Land |
| RLP65 | External Lighting |
| RLP69 | Sustainable Urban Drainage |
| RLP74 | Provision of Space for Recycling |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP105 | Archaeological Evaluation |
| RLP106 | Archaeological Excavation and Monitoring |

Braintree District Local Development Framework Core Strategy 2011

| | |
|-----|--------------------------------------|
| CS7 | Promoting Accessibility for All |
| CS8 | Natural Environment and Biodiversity |

Braintree District Shared Strategic Section 1 Local Plan (2021)

| | |
|-----|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP3 | Spatial Strategy for North Essex |
| SP5 | Employment |
| SP7 | Place Shaping Principles |

Braintree District Draft Section 2 Local Plan (2017)

| | |
|------|-----------------------------|
| LPP1 | Development Boundaries |
| LPP2 | Location of Employment Land |
| LPP3 | Employment Policy Areas |

| | |
|-------|--|
| LPP6 | Business Parks |
| LPP44 | Sustainable Transport |
| LPP45 | Parking Provision |
| LPP50 | Built and Historic Environment |
| LPP55 | Layout and Design of Development |
| 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 |
| LPP78 | Flooding Risk and Surface Water Drainage |
| LPP80 | Sustainable Urban Drainage Systems |
| LPP81 | External Lighting |

Other Material Considerations

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 a consultation on the main modifications closed on 24th January 2022. 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:

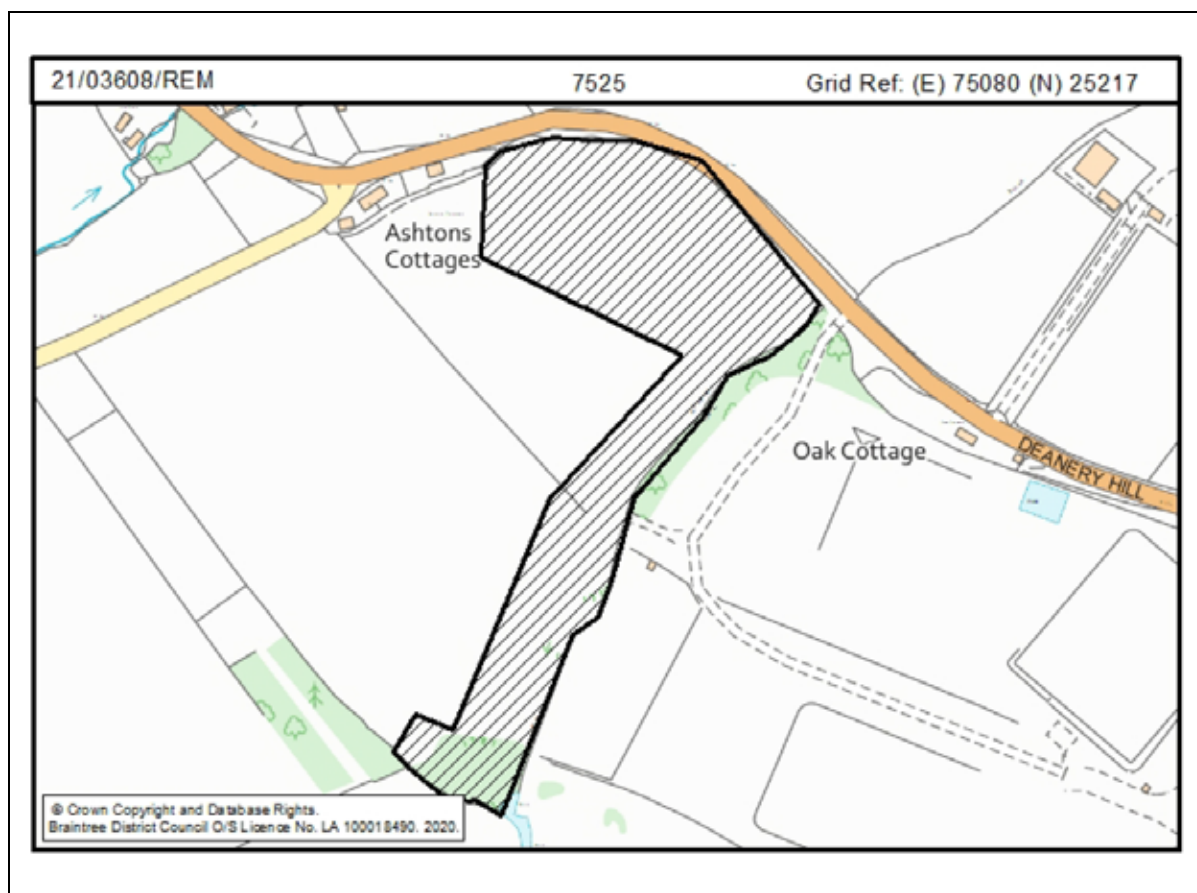
SITE HISTORY

| | | | |
|--------------|---|-----------------------------|----------|
| 15/01274/FUL | Cross Boundary Application - Construction works associated with earth moving and ground profiling, together with the erection of retaining structures, as well as temporary access from Phoenix Road and Iceni Way for construction vehicles and the formation of development platforms | Granted | 11.01.16 |
| 15/01477/OUT | Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000sq.m of floor space for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (Sui generis), builders merchants (Sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access. | Granted with S106 Agreement | 05.10.16 |
| 16/00691/DAC | Cross Boundary Application - Application for approval of details reserved by condition nos. 3, 4, 5 and 6 of approved application 15/01274/FUL | Granted | 08.06.16 |
| 16/01833/REM | Submission of details under Outline Planning Permission 15/01477/OUT - erection of site security fencing | Granted | 16.05.17 |
| 16/02099/DAC | Application for approval of details reserved by condition nos. 7, 13 and 21 of approved application 15/01477/OUT | Granted | 29.03.17 |

| | | | |
|--------------|---|-----------------------|----------|
| 21/00137/ECC | Consultation on Essex County Council application no. ESS/145/20/BTE- Construction and operation of a waste recycling facility comprising a standalone recycling building, static recycling plant, storage bays and associated plant and equipment, office and welfare building, weighbridge, parking, fencing, lighting, landscaping, overnight HGV parking and new vehicular access. | Objections Raised | 03.02.21 |
| 22/00401/ODC | Out of District Consultation from West Suffolk Council for : Reserved matters application - submission of details under outline planning permission DC/15/2424/OUT - matters reserved by condition 2 (appearance, landscaping, layout and scale) for the development of unit 6 (formerly unit 2) of plot NE2, for Class B1, B2 and B8 use. | Pending Consideration | |

| | | |
|---|---|---|
| Report to: Planning Committee | | |
| Planning Committee Date: 22nd March 2022 | | |
| For: Decision | | |
| Key Decision: No | | Decision Planner Ref No: N/A |
| Application No: | 21/03608/REM | |
| Description: | Application for approval of Reserved Matters for appearance, landscaping, layout and scale for the ecological mitigation area at the northern end of the site (Phase 0) pursuant to outline planning permission 19/00786/OUT granted on 09.04.2021. | |
| Location: | Towerlands, Panfield Road, Braintree | |
| Applicant: | Dandara Eastern | |
| Agent: | JCN Design & Planning | |
| Date Valid: | 17th December 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: | Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: melanie.corbishley@braintree.gov.uk | |

Application Site Location:



| | |
|--|---|
| Purpose of the Report: | The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies. |
| Financial Implications: | <p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>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: 21/03608/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 The application site forms part of a larger development site known as 'Towerlands'. This reserved matters application relates to the northern most portion of the site which currently consists of undeveloped land in the form of a large grassed field. It is proposed to utilise this area to create the ecological mitigation area in relation to the built development proposed to the south and is known as 'Phase 0'.
- 1.2 Outline planning permission (Application Reference 19/00786/OUT) was granted on 9th April 2021 for 'Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling'.
- 1.3 This application seeks the Reserved Matters approval for the creation of an ecological mitigation area. The principle of establishing this area was established by the outline planning permission (Application Reference 19/00786/OUT).
- 1.4 There are no objections from the relevant statutory technical consultees and Officers consider that the development is acceptable in planning terms. Accordingly, it is recommended that the Reserved Matters are approved.

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 forms part of a larger development site known as 'Towerlands'. This reserved matters application relates to the northern most portion of the site.
- 5.2 This portion of the site currently consists of undeveloped land in the form of a large grassed field. It is proposed to utilise this area to create the ecological mitigation area in relation to the built development proposed to the south and is known as 'Phase 0'.
- 5.3 There is an existing tree belt along the southern edge of the Phase 0 site and hedging and trees run along the boundary where the site bounds Panfield Road (B1053).
- 5.4 Two water easements run through the site.

6. PROPOSAL

- 6.1 Outline planning permission was granted in April 2021 for the following:

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

- 6.2 The application is seeking approval for the reserved matters in relation to Phase 0 and the creation of an ecological mitigation area, as set out in the outline planning permission (Application Reference 19/00786/OUT).
- 6.3 Surveys of the existing on-site and nearby off-site ponds were undertaken as part of the pre-application baseline and subsequently as part of this reserved matters application. These surveys confirmed the presence of a small population of great crested newts (*Triturus cristatus*) within two ponds on the larger site that are required to be removed to facilitate the construction of the development. This species is fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore compensation for the impact of the development is to be provided in the northern corner of the site in the form of a dedicated Ecological habitat area. This constitutes 'Phase 0' and it is to this area which the current reserved matters application relates.
- 6.4 The ecological mitigation area covers an area of approximately 3.5ha of existing grassland, within which eight new ponds would be created, along with an area of 0.14ha of new tussocky grassland and the creation of 4.8ha of new scrub habitat.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 No comments received.

7.2 British Gas Connection Ltd

- 7.2.1 No comments received.

7.3 Essex Police

- 7.3.1 BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.
- 7.3.2 Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.
- 7.3.3 We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

- 7.4 Essex Wildlife Trust
- 7.4.1 No comments received.
- 7.5 Health and Safety Executive
- 7.5.1 No comments received.
- 7.6 National Grid (Fisher German LPP)
- 7.6.1 No comments received.
- 7.7 National Grid UK Transmission
- 7.7.1 No comments received.
- 7.8 UK Power Networks
- 7.8.1 No comments received.
- 7.9 BDC Ecology
- 7.9.1 No objection subject to the implementation of the ecological mitigation and enhancement measures.
- 7.10 BDC Environmental Health
- 7.10.1 No objection. Condition regarding unexpected contamination is requested.
- 7.11 BDC Landscape Services
- 7.11.1 No objection.
- 7.12 ECC Highways
- 7.12.1 No comments received.
- 7.13 ECC Suds
- 7.13.1 No objection.
- 8. PARISH / TOWN COUNCIL
- 8.1 Panfield Parish Council
- 8.1.1 No comments received.

9. REPRESENTATIONS

- 9.1 356 neighbour notification letters were sent to local residents and six site notices were displayed. No comments have been received.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 The principle of the residential development of the site has been established under the original outline planning permission (Application Reference 19/00786/OUT).
- 10.2 The current application seeks approval only for the reserved matters pursuant to the outline planning permission for Phase 0 of the development consisting of:

- § Appearance;
- § Landscaping;
- § Layout; and
- § Scale.

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

11. SITE ASSESSMENT

11.1 Ecology

- 11.1.1 Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation. Where development is proposed that may have an impact on these species the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

- 11.1.2 These sentiments are reiterated in Policies LPP68 and LPP70 of the Section 2 Plan.

- 11.1.3 The Council's Ecology Consultant has reviewed the submitted documents for this application, including the Detailed Soft Landscape Proposals for Mitigation Area – Rev C (James Blake Associates Ltd, September 2021), the Landscape and Ecological Management Plan – Rev A (James Blake Associates, October 2021) and the Pond Cross Sections Mitigation Area (Barter Hill Partnership Limited, November 2021).

- 11.1.4 Furthermore, they reassessed the submitted documents provided at the outline planning stage (Application Reference 19/00786/OUT) by WSP Ltd,

which relate to the likely impacts of development on designated sites, protected and priority species and habitats. This primarily includes the Preliminary Ecological Appraisal (April 2019); Great Crested Newt Survey Report (July 2019); Reptile Survey Report (August 2019) and Grassland Survey Report (October 2019).

- 11.1.5 The Council's Ecology Consultant supports the planting specification and schedules proposed within the updated Detailed Soft Landscape Proposals for Mitigation Area – Rev C. In particular, that the 'Native Buffer Mix – A' now wraps around the northern edge of the ponds. This will create a dense scrub boundary to the north of the development, whilst creating heterogeneity within the landscape, without significantly over shading the ponds. This will also provide shelter and foraging opportunities for variety of species, including Great Crested Newts during their terrestrial phase. In addition, the proposals have the potential to create optimal habitat conditions for Turtle Dove, which is a significantly declining priority species and red list species.
- 11.1.6 The Council's Ecology Consultant also supports the varying levels of the ponds, as outlined within the Pond Cross Sections Mitigation Area, as well as the proposed marginal and emergent planting mixes. This will create significant opportunities for a range of foraging and sheltering aquatic invertebrates and amphibians, via the creation of several microhabitats within the ponds. In addition, it is highlighted that the Council's Ecology Consultant is satisfied that permanent water would be achieved for the majority of the ponds, unless in severe periods of drought, by providing an impermeable lining to be placed under 300mm with soil and shingle.
- 11.1.7 Furthermore, the Council's Ecology Consultant also supports the management and aftercare measures outlined within the Landscape and Ecological Management Plan – Rev A and confirms that they are pleased to see the incorporation of Great Crested Newt precautionary measures into the management plan for the management of the areas around the ponds.
- 11.1.8 As a result, the Council's Ecology Consultant is satisfied that the favourable conservation status of the European Protected Species can be maintained following the implementation of Phase 0. This provides certainty to the Local Planning Authority that a European Protected Species Mitigation Licence can be achieved, following the creation of the proposed compensation measures.
- 11.1.9 This will enable Local Planning Authority to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 11.1.10 To conclude, it is considered that the proposed ecological mitigation area complies with the policies and guidance outlined earlier in this report.

11.2 Trees and Landscaping

- 11.2.1 The NPPF states in Paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment recognising the intrinsic character and a beauty of the countryside.
- 11.2.2 Policy CS8 of the Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.
- 11.2.3 Policy RLP80 of the Adopted Local Plan states that new development should not be detrimental to the distinctive landscape features and development that would not successfully integrate in to the local landscape will not be permitted. This sentiment is reiterated in Policy LPP71 of the Section 2 Plan.
- 11.2.4 Policy SP7 of the Section 1 Plan states that all new development should reflect a number of place shaping principles, where applicable. These include the following:
- § Protect and enhance assets of historical or natural value
 - § Incorporate biodiversity creation and enhancements measures
- 11.2.5 The application has been supported by an Arboricultural Method Statement prepared by Tim Moya Associates dated December 2021, a Landscape and Ecological Management and Maintenance Plan prepared by James Blake Associates dated October 2021, and detailed soft landscaping proposal plans.
- 11.2.6 The aim of the landscape management plan is to secure a coordinated and high standard of landscape management for the landscape areas within the site, to ensure the successful integration of the residential development with the surrounding landscape and to protect and enhance nature conservation interests in accordance with the design objectives in the approved planning documents. This will include the appropriate maintenance of existing retained and proposed landscape components.
- 11.2.7 With specific reference to landscaping, the plan proposes to bolster planting along retained hedgerows and management of hedgerows at 3m and with wide bases.
- 11.2.8 The Council's Landscape Officer has assessed all of the documents submitted and raises no objections to the landscape proposals, their maintenance and the long term management proposed.

11.3 Other Matters

- 11.3.1 A condition has been requested by the Environmental Team with regards unexpected contamination on the site. However Members are advised that this condition is not required on this specific reserved matters decision, as it was imposed on the outline planning permission which covers the whole of the site.

12. CONCLUSION

- 12.1 Officers are satisfied that the submitted documents are acceptable and would result in a suitable ecological mitigation area in the northern portion of the larger Towerlands site.
- 12.2 The proposals comply with the NPPF, Policy SP7 of the Section 1 Plan, Policy CS8 of the Core Strategy, Policies RLP80 and RLP84 of the Adopted Local Plan, and Policies LPP68, LPP70 and LPP71 of the Section 2 Plan.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

| Plan Description | Plan Ref | Plan Version |
|-------------------------|--|---------------------|
| Supporting Documents | Landscape and Ecological Management and Maintenance Plan | A Oct 2021 |
| Arboricultural Report | Arboricultural Method Statement | Dec 2021 |
| Landscaping | JBA 21/187/18 | C |
| Landscaping | JBA 21/187/19 | C |
| Landscaping | JBA 21/187/20 | C |
| Landscaping | JBA 21/187/21 | C |
| Proposed Phasing Plan | DN001-PH0-PL-01 REV 00 PHASE 00 | N/A |
| Location Plan | DN001-PH0-PL-01 | A |
| Section | 8541-102-003 | N/A |

Condition(s) & Reason(s)

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.

The development hereby approved shall be carried out in accordance with Arboricultural Impact Assessment prepared by Tim Moya Associates dated Dec 2021 (180626-CD-21) and the Landscape and Ecological Management and Maintenance Plan prepared by James Blake Associates dated Oct 2021 (JBA 21-187).

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

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan Review 2005

| | |
|-------|---|
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |

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 |
| SP7 | Place Shaping Principles |

Braintree District Draft Section 2 Local Plan (2017)

| | |
|-------|--|
| LPP1 | Development Boundaries |
| LPP20 | Strategic Growth Location - Former Towerlands Park Site |
| LPP55 | Layout and Design of Development |
| 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 |

Other Material Considerations

None

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 a consultation on the main modifications closed on 24th January 2022. 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

| | | | |
|--------------|--|---------|----------|
| 02/00207/T56 | Erection of 15m lattice tower and equipment housing | Granted | 25.03.02 |
| 04/00336/COU | Conversion of redundant buildings to two dwellings | Refused | 02.08.04 |
| 04/00337/FUL | Construction of new manege | Granted | 28.07.04 |
| 04/00348/OUT | Erection of new golf clubhouse | Refused | 28.07.04 |
| 04/01702/FUL | Removal of condition 2 of Planning Permission P/BTE/0998/82 to allow premises to be used outside the currently permitted hours of 9.00 - 22.00 hours | Granted | 19.10.04 |
| 04/01801/FUL | Extension to existing practice ring to main area of equestrian centre | Granted | 13.10.04 |
| 84/01040/P | Alterations and extensions to changing rooms. | Granted | 11.09.84 |
| 84/00226/P | Erection of extension to stable block. | Granted | 05.04.84 |
| 82/00998/P | Proposed erection of building for indoor green bowling rink. | Granted | 07.12.82 |
| 81/01177/P | Proposed building to house standby generator. | Granted | 16.10.81 |
| 80/01483/P | Proposed retention of existing equestrian centre, with the removal of condition 8 relating to its use. | Granted | 02.12.80 |
| 79/01052/P | Extension to main equestrian centre to provide additional seating. | Granted | 15.08.79 |
| 79/01519/P | Extension to sports building. | Refused | 24.01.80 |
| 79/00657/P | Erection of sports building. | | 24.07.79 |
| 77/01419/P | Extension of approved main equestrian centre building by the addition of one bay (20ft) to the practice ring. | Granted | 12.01.78 |
| 77/00110/P | Proposed hay barn. | Granted | 29.03.77 |
| 77/01119/P | Construction of an oxygest sewage disposal plant. | Granted | 25.11.77 |
| 77/00058/P | Erection of a horses swimming pool building in connection with the Equestrian Centre. | Granted | 15.02.77 |

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| 76/01165/P | Equestrian centre and horse breeding establishment including managers house. | Granted | 07.12.76 |
| 75/00558/P | Erection of managers house. | Refused | 23.09.75 |
| 83/01349/P | Change of use of land from use in connection with equestrian activities to golf course and use in connection with equestrian centre. | Granted | 06.02.84 |
| 89/01328/P | Erection Of Extension To Provide Golf Professional Shop, Workshop, Store & Office | Granted | 01.08.89 |
| 90/00366/E | Proposed Signs | | |
| 95/01225/FUL | Construction of access for emergency vehicles | Granted | 10.01.96 |
| 97/00259/FUL | Proposed access for emergency vehicles - amendment to Planning Approval 95/01225/FUL | Granted | 11.06.97 |
| 98/01416/FUL | Proposed internal alterations to form first floor gymnasium and new external fire escape | Granted | 17.11.98 |
| 05/00484/FUL | Erection of extension to sports centre to provide swimming pool | Withdrawn | 06.05.05 |
| 06/00788/COU | Change of use of land from agricultural to equestrian use and/or golf | Granted | 25.07.06 |
| 07/00268/FUL | Erection of extension to sports centre to provide swimming pool and foyer extension | Granted | 10.05.07 |
| 07/00643/FUL | Erection of 60-bed two storey hotel | Refused | 02.07.07 |
| 08/01426/FUL | Variation of condition 4 of planning application 06/00788/COU to provide for the felling of 12 no. trees and partially remove boundary hedge/scrub | Refused | 08.09.08 |
| 08/00108/DAC | Application for approval of details reserved by condition 2 of approval 06/00788/COU - Change of use of land from agricultural to equestrian use and/or golf | Granted | 15.12.08 |

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| 14/01033/HDG | Notice of intent to carry out works to a hedge - Remove 6 metres of hedge | Withdrawn | 28.08.14 |
| 15/00007/SCO | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Outline application for the site clearance and development of up to 1,150 homes, up to 5,000sq.m of B1 employment, and up to 3000sq.m of other commercial uses including a local centre with retail | Screening/ Scoping Opinion Adopted | 30.06.15 |
| 17/00006/SCR | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential-led, mixed-use development comprising: 1. Demolition of existing buildings and structures; 2. Construction of 600 new dwellings including affordable homes; 3. Primary school or contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal recreation including landscaping to the rural edge; 7. Main access from Deanery Hill/Panfield Lane 8. Potential additional vehicular access from the Growth Location to the south | Screening/ Scoping Opinion Adopted | 08.08.17 |

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| | of the site; 9. Associated engineering, drainage, access and other ancillary works. | | |
| 18/00004/SCR | Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - 1. Demolition of existing buildings and structures; 2. Construction of 700 new dwellings including affordable homes; 3. Contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal recreation including landscaping to the rural edge; 7. Main access from Deanery Hill/Panfield Lane 8. Potential additional vehicular access from the Growth Location to the south of the site; 9. Associated engineering, drainage, access and other ancillary works. | Screening/ Scoping Opinion Adopted | 10.09.18 |
| 19/00786/OUT | Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and | Granted with S106 Agreement | 09.04.21 |

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| | Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling. | | |
| 21/01900/DAC | Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT | Granted | 19.10.21 |
| 21/02625/DAC | Application for approval of details as reserved by condition 17 of approved application 19/00786/OUT | Granted | 19.10.21 |
| 21/03199/DAC | Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT | Pending Consideration | |
| 21/03210/ADV | Display of non-illuminated - 1 x V-Stack Sign, 5 x Flags, 1 x Totem Sign | Granted | 21.12.21 |
| 21/03231/REM | Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a | Pending Consideration | |

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| | 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.) | | |
| 21/03438/DAC | Application for approval of details as reserved by conditions 14 and 22 of approved application 19/00786/OUT | Pending Consideration | |
| 21/03439/DAC | Application for approval of details as reserved by condition 27 of approved application 19/00786/OUT | Pending Consideration | |
| 21/03500/DAC | Application for approval of details as reserved by condition 16 of approved application 19/00786/OUT | Pending Consideration | |
| 21/70007/PPA | Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 167 no. two, three, four and five bedroom houses plus associated parking and landscaping, | Pending Consideration | |

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| | <p>together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)</p> | | |
| 21/03714/DAC | <p>Application for approval of details as reserved by conditions 14 & 22 of approved application 19/00786/OUT</p> | Pending Consideration | |
| 22/70001/PPA | <p>Application for approval of Reserved Matters for appearance, landscaping, layout and scale for the ecological mitigation area at</p> | Pending Consideration | |

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| | <p>the northern end of the site (Phase 0) pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)</p> | | |
| 22/00322/NMA | <p>Non-Material Amendment to permission 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable</p> | Pending Consideration | |

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

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| | <p>including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.</p> <p>Amendment would allow for: Change in parameter plan to reflect the form of development approved for the Parkland Edge - South Character Area.</p> | | |
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