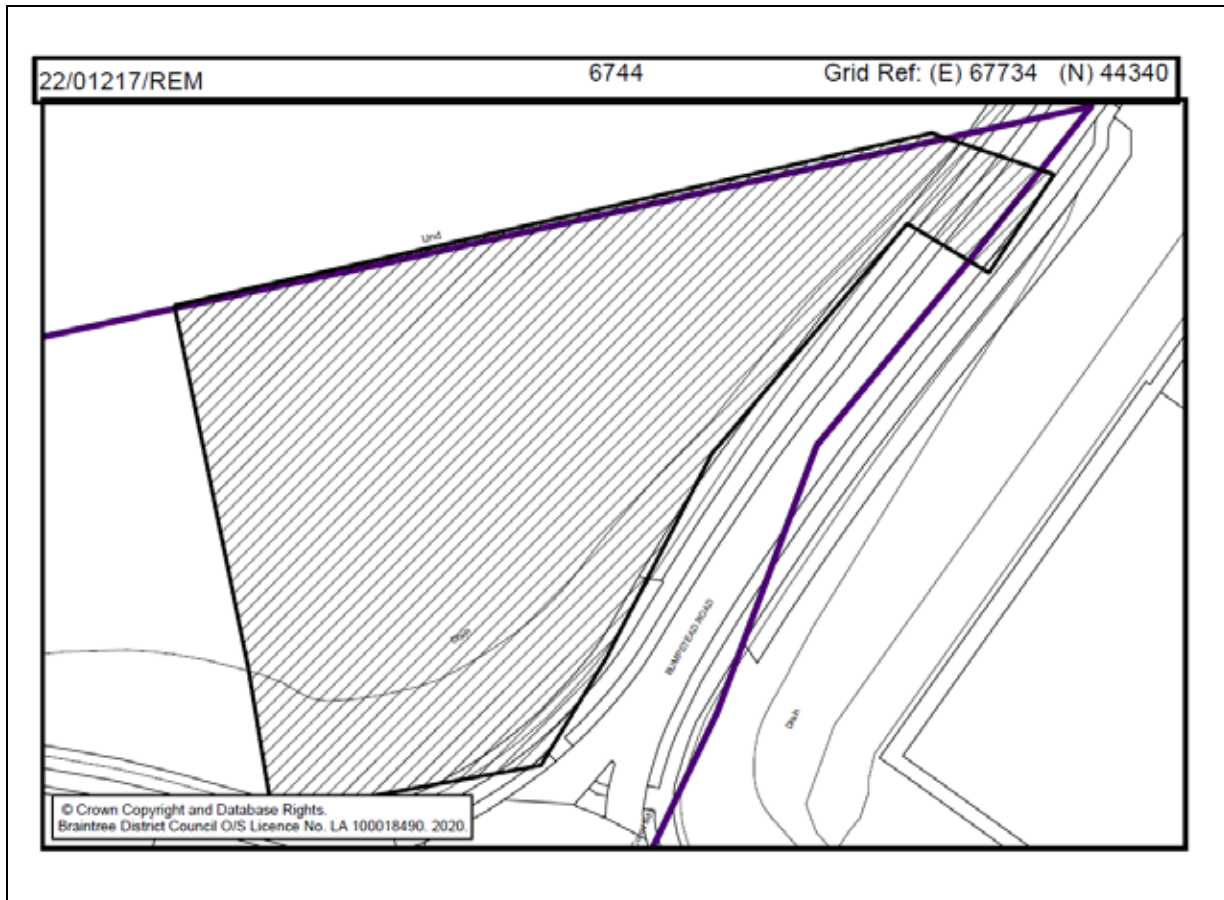


<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 4th July 2023	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/01217/REM
<b>Description:</b>	Application for the Approval of Reserved Matters (in respect of Access, Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 15/01477/OUT granted 04.10.2016 for: Construction of access road and the erection of a freestanding drive-thru restaurant with car parking, goal post height restrictor, customer order displays and associated works.
<b>Location:</b>	Land At Haverhill Business Park Phoenix Road Helions Bumpstead
<b>Applicant:</b>	McDonald's Restaurants Ltd, 11-59 High Road, East Finchley, London, N2 8AW
<b>Agent:</b>	Mr Benjamin Fox, Planware Ltd, St Andrews Castle, 33 St Andrews Street South, Bury St Edmunds, IP33 3PH
<b>Date Valid:</b>	6th May 2022
<b>Recommendation:</b>	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.
<b>Options:</b>	The Planning Committee can: a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overtturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
<b>Case Officer:</b>	Carol Wallis For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2534, or by e-mail: <a href="mailto:carol.wallis@braintree.gov.uk">carol.wallis@braintree.gov.uk</a>

**Application Site Location:**



<b>Purpose of the Report:</b>	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.
<b>Financial Implications:</b>	<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>
<b>Legal Implications:</b>	<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 &amp; 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>
<b>Other Implications:</b>	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.
<b>Equality and Diversity Implications:</b>	<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"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul>

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/01217/REM.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located to the northwest of the junction of Bumpstead Road / A1017 / Phoenix Road. It is currently vacant and undeveloped land and has been designated as employment land on the Adopted Local Plan proposals map.
- 1.2 The site forms part of Plot NW2 within an outline planning consent which would be served by a new and agreed access road via Bumpstead Road. The Applicant proposes to erect a single storey drive-through restaurant with associated parking, sitting out areas, play frames and landscaped areas.
- 1.3 The proposed building would have a footprint of around 462sq.m. A total of 48 car parking spaces would be provided with a dedicated drive-through loop road to the rear of the building.
- 1.4 The overall design and site layout are considered to be acceptable in view of the nature of the business and the wider industrial setting. Appropriate parking provision would be provided, and electric charging points and cables would be provided, in line with the Building Regulations.
- 1.5 The Applicant has demonstrated, through technical reports and plans, that there would not be detrimental impacts on amenities of local residents, drainage issues, nor on highway safety. No trees would be removed. Only a stretch of roadside hedgerow will be removed to facilitate the provision of the agreed vehicular access point onto Bumpstead Road.
- 1.6 Officers therefore consider that, subject to the conditions listed, the development is acceptable, and the Reserved Matters pursuant to this application should be 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 deemed to be 'significant' by the Planning Development Manager.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is located to the northwest of the junction of B1057 Bumpstead Road/ Phoenix Road/ Iceni Way, in the Haverhill Business Park. It forms part of a 12.6ha site covered by cross boundary outline planning permissions (Application Reference 15/01477/OUT of Braintree District and Application Reference DC/14/2087/OUT of West Suffolk) for uses including B1, B2, B8, road sides uses (petrol filling station and restaurant/s - A3/A5 uses), car dealerships, builders merchants, ancillary lorry park for Business Park occupiers together with landscaping, car and HGV parking and associated works and facilities including access. Access was also determined under the outline consents with one additional access from Bumpstead Road to serve Plot NW2. The current application site covers the south-eastern portion of Plot NW2.

- 5.2 The site is approximately 0.66ha in size. It is currently undeveloped and vacant, with trees and vegetation along the road frontages. The site gently slopes up from the north-eastern corner to the middle part of the site and the majority of the site remains relatively flat. The gradient rises sharply along the southern boundary towards Phoenix Road.

6. PROPOSAL

- 6.1 Reserved Matters approval is sought for access, appearance landscape, layout and scale pursuant to outline planning permission 15/01477/OUT for the construction of an access road and the erection of a freestanding drive-thru restaurant with car parking, goal post height restrictor, customer order displays and associated works. The proposed building would be single storey in height, with dimension of approximately 36m (w) x 14m (d) x 5.8m (h). The building would consist of staggered flat roofs.

- 6.2 The building will have an external footprint of about 426sq.m. It would provide a dining area of about 128sq.m which could accommodate 118 covers. A play frame of about 3.8m (w) x 3.8m (d) x 4.46m (h) would also be provided to the west of the restaurant.

6.3 Together with the suite of plans and drawings, the following technical documents are also submitted for consideration:

- Acoustic Assessment
- Anti-Social Behaviour Workbook
- Covering Letter
- Drainage Maintenance Plan
- Flood Risk Assessment and Drainage Strategy
- Foul and Surface Water Drainage Strategy
- Landscape Plan
- Litter Management Plan
- Materials and Product Specifications
- Phased 2 Geo-technical Assessment
- Rapid Health Impact Assessment
- Sample Photos of Building
- Technical Note in response to Lead Local Flood Authority (LLFA)
- Technical Note dated 28 July 2022 in response to Highways' comments
- Topographical Survey
- Visual Perspectives

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

7.1.1 No response received at the time of writing.

### 7.2 Essex Police

7.2.1 Whilst there are no apparent concerns with the layout of the development to comment further, finer details such as the proposed lighting and physical security measures would be required. Would welcome the opportunity to assist the developer to demonstrate their compliance with criterion (h),(j) and (m) of Policy LPP52 of the Local Plan, by achieving a Secured by Design (SBD) Commercial 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.

### 7.3 Health and Safety Executive (HSE)

7.3.1 No response received at the time of writing.

### 7.4 National Highways

7.4.1 No objection. The proposed development site is remote from the nearest Strategic Road Network.

7.5 Natural England

7.5.1 No comments.

7.6 Rambles Association

7.6.1 No response received at the time of writing.

7.7 West Suffolk Council – Planning

7.7.1 Objection. The site is in a prominent location and is highly visible. The existing trees and hedge are not sufficient to acceptably reduce the stark visual impacts of the development from nearby roads. Land adjacent to Bumpstead Road is not under Applicant's control. There is insufficient land within the site for meaningful landscaping. There is no landscaping proposed along the majority of northern boundary. The proposed play equipment is generously scaled and is located in a highly visible position along Phoenix Road. The site layout is cramped and presents an overly engineered and vehicle dominated arrangement.

7.7.2 A transport assessment should be provided and consider matters including the anticipated volume of the customers, the suitability of the process access, justification of the location, a no-right turn for vehicles travelling from north to south, suitability of the visibility splays, existing speeding issues, assessment of the proposed parking and electric vehicle (EV) charging provision, lorries and refuse parking and manoeuvring and pedestrian and cycle links to the wider area.

7.7.3 Additional documents including Noise Impact Assessment, External Lighting and Waste and Little Management Strategy should be provided.

7.7.4 The requirement to comply with the outline consents, with particular reference to Conditions 4 (provision of a 1.8m wide footway on the eastern side of Bumpstead Road between Helion Bumpstead Road and Hollands Road), 9 (lighting not exceeding 1 lux at ground level at the highway boundary) and 16 (all lighting installations not to cause any glare to residential properties) is highlighted.

7.7.5 No further or revised comments were received following re-consultation on additional information and revised drawings.

7.8 BDC Environmental Health

7.8.1 No objection, subject to conditions on Construction Method Statement, Dust and Mud Control Management Scheme and Noise Assessment following installation of plant or equipment controlled and agreed by Condition 14 of the outline consent.

7.8.2 Satisfied with the assessment and conclusion of the submitted Phase II Contaminated Land Assessment. Any unexpected land contamination is



- controlled by Condition 19 of the outline consent, which is still applicable to the proposed project.
- 7.8.3 Artificial lighting is controlled by Condition 16 of the outline consent, which is still applicable to the proposed project.
- 7.8.4 Condition 14 of the outline consent controls the acoustic issue of the proposed plant/equipment and the Officer is satisfied that it will deal with any noise issues that may arise.
- 7.8.5 The Applicant's Acoustic Assessment has been examined and assessed, and the assessment, process used, and the conclusion are agreed.
- 7.8.6 There is no record of noise nuisance issues associated with the McDonald's premises at Galley's Corner since its opening.
- 7.9 BDC Waste
- 7.9.1 The proposed plans will not cause any issues for the purposes of waste and recycling collection operations.
- 7.10 ECC Archaeology
- 7.10.1 The site falls within an area that has been previously investigated through archaeological evaluation and a subsequent excavation. No further fieldwork would be required, and a report has been completed. There will be no archaeological recommendations for this application.
- 7.11 ECC Highways
- 7.11.1. No objection, the impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective.
- 7.11.2 The proposed means of access for pedestrians and cyclists as shown on Drawing No. 8342-SA-8333-P008 Rev. D and the content of Create Consulting Engineers Limited Technical Note dated 28th July 2022 are considered satisfactory.
- 7.11.3 As the principle of a drive-thru restaurant has been granted via the outline planning permission, which does not restrict the size of any A3/A5 land use proposed, and there has not been any significant changes to the pattern of traffic flows over that part of the network for which Essex County Council (ECC) is responsible, ECC does not require a TA to accompany the planning application.
- 7.12 ECC SuDS
- 7.12.1 Defer to Suffolk County Council for SuDS information to avoid a confused approach.

7.13 Suffolk County Council – Highways

- 7.13.1 Due to the time that has passed since the grant of outline consent, it is considered that a Transport Assessment (TA) should be provided to consider the impact of the development on the highway with mitigation proposals where necessary.
- 7.13.2 Given the extent of landownership, there would be merit in revising the location of the access to be from one or both of Phoenix Road or Helions Bumpstead Road. The TA should test potential options to assess the impact of the proposed (and approved) junction.
- 7.13.3 In general, the development has not prioritised pedestrian and cycle movement. The pedestrian will have to cross the drive through lane and the northern footway tapers to a narrower and unspecified width.
- 7.13.4 It is unable to ascertain if the new road will be constructed to adoptable standard. Clarification is recommended, given the unusual ownership of ECC and highway maintenance arrangements to be with SCC. Details would be useful to clarify future s38 and s278 technical approval agreements.

7.14 Suffolk County Council - Lead Local Flood Authority

- 7.14.1 No objection following additional information provided by the Applicant.

8. PARISH / TOWN COUNCIL

8.1 Sturmer Parish Council

- 8.1.1 No objection.

8.2 Haverhill Town Council

- 8.2.1 Neither objecting to nor supporting but requested the following:
- the height of the advertisement totem post is reduced to avoid light pollution/impact on local residents and impact on Haverhill skyline.
  - A new traffic survey is required as the submitted one was conducted when there were temporary traffic lights in place, which did not reflect the normal traffic conditions.
  - New access onto Bumpstead Road is a dangerous choice, Phoenix Road would be a safer option.
  - Increase the number of EV charging points.
  - A condition to require regular litter patrols.
- 8.2.2 There is no further comments received following re-consultation on additional information and revised drawings.

## 9. REPRESENTATIONS

9.1 Representations have been received from 9 commentators, 5 in support and 4 raised objections.

9.2 The 5 supportive representations, including 2 West Suffolk District Councillors, are summarised as follows:

- Welcomed by people in Haverhill, positive feedback from the public on social media.
- Very well designed and an ideal location as it is out of the main town, located next to Travelodge/ positive to those working in the surrounding area as well as providing facilities to lorry drivers.
- More jobs for the local area, not only jobs at the premises but also delivery companies.
- A big boost of the local area as a big name is willing to invest into the town.
- The restaurant will greatly improve the gateway into Haverhill. With a drop in height, it will help to break up the huge warehouse type buildings on the opposite side of the road and should not be shy and hidden by landscaping, but stand proud like the new one in Newmarket.
- The access road is very good and well planned, entering a 30mph road/perfect entrance and the new junction will help to ensure this longest length of the road to remain 30mph.
- There is plenty of room for queuing cars into the drive through.
- The large play area is a nice touch and will be appreciated by the children.
- The outdoor sitting area and children play equipment will positively contribute to the area visually.
- No objections from Haverhill Town Council and Sturmer Parish Council.
- Do not agree with the objections from West Suffolk District Council.
- Phoenix Road is heavily congested with parked lorries which severely restrict visibility of a new junction and therefore is a bad alternative to the access road.
- Fantastic addition to the eatery option available in the area.
- Unfair and unreasonable for Suffolk Highways to make negative comments to ask for a travel assessment and change of access at a late stage.

9.3 Objections have been received from 4 addresses, including 1 from a West Suffolk District Councillor, and are summarised below:

- The Applicant has failed to obtain pre-application advice. It has been agreed at outline stage that the entire Business Park, including those partly or wholly within Essex to be determined by West Suffolk Council (WSC) and to consult Suffolk County Council, and that Reserved Matters should have submitted to WSC.
- The access road was designed at outline to service warehousing, not a drive-through restaurant. The amount of traffic is considerable different between the two.

- Bumpstead Road is notoriously known for much higher speed than the 30mph limit. The location is regular monitored by both local police and the Suffolk SafeCam Team because it has been determined as a traffic speed problem.
- Bumpstead Road is not designed for industrial traffic nor the ever-increasing volume of traffic.
- The proposal will worsen the existing highways issues, including busy junctions, speeding and road safety concerns.
- The siting of the access road from Bumpstead Road is unsuitable.
- The access will be used by multiple cars entering and exiting every hour and it is virtually guaranteed to lead to an accident. A Traffic Assessment is needed.
- Phoenix Road is a perfect good entrance with a safe roundabout, the Applicant should be encourage to look at this when designing the site and explain why this is not used as access road.
- Lorries in Essex are likely to cause numerous waste drops in WSC once the restaurant opens.
- Likely noise issues from the drive-through speakers, affecting the nearby residents. The building on the other side of the road is required to carry out a full acoustic assessment.
- Higher acoustic fencing will resolve the noise issues.
- Delivery lorries may not be able to get out if there is a queue on-site.
- Limited provision of EV charging points, in particular for the users of A1017 as a route between Colchester and Cambridge.
- There should be no right-turn from the north along Bumpstead Road, requiring vehicles to go around the roundabout first.
- The drive-through at McDonald's on London Road tailing back onto the roundabout near junction 7 of the M11 has caused traffic issue, forcing others wanting to reach Epping and Harlow to wait for the queue to move and that McDonald's has to employed staff to steward the queue. This is exactly the scenario here with the potential for queuing back onto Bumpstead Road. With a steep contour incline, this affects the speed of road users and the HGVs attempting to reach Culina (Logistics company).
- Opening hours should be controlled so as not to affect nearby resident's night time amenity.
- The proposed access would cause additional queueing on some of the side streets, affecting nearby residents to enter or exit their properties by car.
- All previous applications by McDonald's to gain dominance in Haverhill has been rejected by West Suffolk District Council and it is clear that it is not wanted in the town.
- This application has been handled differently/underhand and in devious manner as compared to previous ones.
- There is overabundance of eating establishments in Haverhill, including restaurants and fast-food takeaways, a further business in not required in this already crowded market, which will lead to unavoidable closure of local business.
- Potential nuisance, including littering, noise, and anti-social behaviour.

- Believe the original application requires acoustic fencing around the perimeter of this site for commercial development to help mitigate light, noise and smell pollution impacting on residents within 100m of the site. The rest of the business park has a 4m high fencing.
- Suffolk county Council maintains and repair Bumpstead Road and West Suffolk District Council maintains the verges with local residents bearing the upkeeping costs, but it is unfair that the business rates for the properties would go to Braintree District Council.
- There is no continuous footpath to access Haverhill Business Park from any location.
- The toilet facilities will attract more lorry drivers and parked up the road.
- The proposal will impose impact to Haverhill and West Suffolk more than the residents of Braintree District.
- There is no bus stop and no bus service connecting to any town.
- The submitted Health Impact Assessment is biased and an independent view is required. The outline permission is for a warehouse facility which is completely different to the proposal and has been totally ignored. The report should not be a material consideration.
- The submitted Technical Note has not differentiate the traffic patterns of B2/B8 uses as compared to a use that would attract hundreds of vehicles a day. It is also inaccurate to assume that the vast majority of the users would come from the bypass, which is linked to a rural road network from the east.
- There is no separation of HGVs/deliveries to be separated from the pedestrians and other vehicles using the drive-through.
- The noise assessment does not take into account of the height and the audio waves travelling across the valley nor how it would impact on the nearest neighbours. There is no mentioning of noise from drive-through speakers or idling of vehicles.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The principle of development has been established under the outline planning consent (Application No. 15/01477/OUT), which includes restaurants and cafés and hot food takeaways (Former Use Classes A3 and A5). The outline planning consent also considered the site access, including the new access road for Plot NW2 (included the application site) via Bumpstead Road.
- 10.2 The current application seeks approval for all reserved matters. Whilst the location of the proposed access is in line with the approved drawings within the outline consent, access is being sought in relation to internal layout of the application site and how it relates to the remaining land of Plot NW2.
- 10.3 Notwithstanding that the principle of development has previously been established, in view of the requirement of Policy LPP49 of the Adopted Local Plan, the Applicant has provided a Health Impact Assessment to demonstrate that there will not be a cluster of hot food takeaways in the nearby area. There is no school within the immediate surrounding and all of

them are over 1.2km away from the application site. There is no significant adverse health and wellbeing impacts identified.

## 11. SITE ASSESSMENT

### 11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

11.1.1 The proposed building would be of a single storey with a modern and contemporary design with earth tone colour including brown, green, and grey. The design of the proposed building would match that typically expected of a McDonald's premises, with some of the wood poles sourced from a sustainably managed forest. Modular construction techniques would be used to reduce the construction time, minimising the total number of deliveries required during the build and also reduce in the carbon footprint. It would be a single storey building set at the base of a landscaped slope and in itself would not appear prominent in views from surrounding streets.

11.1.2 In the context of the surrounding industrial estate, the proposed building would be mainly visible in views from the north along the new access road into NW2 via Bumpstead Road. For these reasons, Officers do not raise any objection to the design of the building, considering it compatible with the site and surroundings.

11.1.3 It is acknowledged that car parking is largely to the front of the building, but this is not an unusual layout given the industrial estate location. It also represents the most practical and accessible car parking layout to support the restaurant / takeaway use.

11.1.4 The proposal incorporates general areas with green spaces and an outdoor sitting and play area. It is noted that West Suffolk Council planning service raises objection to the size of the play area, but Officers do not consider this to be an adverse characteristic of the proposal. The play equipment is proportionate to the size of the development and not considered visually offensive, according to the principles of natural surveillance and good public realm design contained in the National Design Guide.

### 11.2 Landscaping

11.2.1 The Applicant has provided illustrative drawings and cross sections to demonstrate that the proposed development would be of limited visibility from Bumpstead Road, Phoenix Road and Helions Bumpstead Road. This is due to the natural topography of the site, existing trees, and hedgerows along the highway boundary.

11.2.2 The original outline planning consent required landscaping details to be submitted through planning conditions. The Applicant has provided a landscaping layout plan which indicates areas of proposed planting and green margins. Closed-boarded fencing with a height of 1.2m would be provided around the drive-through but not impacting onto the existing

roadside vegetations. Apart from providing the visibility splays for the agreed access, amounting to an approximate 16m stretch of hedge, no other trees or hedgerows will be removed or pruned back.

- 11.2.3 Whilst the proposed landscaping plan shows soft landscaping areas within the site, no additional tree planting is proposed to be provided along the new internal access road, although it should be noted that the existing trees along the Bumpstead Road frontage are proposed to be retained. The proposal would therefore conflict with Paragraph 131 of the NPPF, which requires that new streets are tree lined. Owing to the proposed site layout, it would be difficult to accommodate new tree planting along the road frontage given the internal vehicular circulation requirements of the proposed drive-thru facility. There is a separate condition on the outline planning consent (Condition 10) requiring the submission of the finer landscaping planting details, however in respect of the proposed landscaping to the site pursuant to this Reserved Matters application, on balance, the proposal is considered to be acceptable in this regard.
- 11.2.4 Given the site is location within a well-established industrial estate, Officers do not have any ecological concerns.

### 11.3 Highway Considerations

- 11.3.1 The Essex Parking Standards (2009), stipulate that restaurant uses would require vehicular parking provision on a ratio of 1 space per 5sq.m whilst hot food takeaway would require 1 space per 20sq.m. As the proposed scheme involves both elements, the parking requirement would range between 21 to 85 parking bays.
- 11.3.2 The submitted drawings show a total of 45 parking bays, and a further 3 accessible parking bays for disabled persons, to be provided near to the building. A total of 8 motorcycle spaces would be provided within the site. A cycle shelter is also proposed in the western part of the site.
- 11.3.3 The general parking bay is of a minimum size of 5m x 2.5m, which is smaller than the preferred size of the Essex Parking Standards (2009). However, given the drive-through nature of the scheme, the application of larger preferred standards would reduce the total number of parking bays. In these circumstances, unique to this type of service provider, the smaller bay size is considered on balance to be acceptable in this instance. The overall parking provision is considered to be generally in line with the adopted standards.
- 11.3.4 The submission has been examined by the Local Highways Authority. There is no objection from ECC Highways who consider that the location of the vehicular entrance is in line with the outline consent, safe and suitable for use. Given there is no major change to the pattern of traffic flow within the local area, it is not considered that a new TA would be required, and it would not be reasonable to request such.

- 11.3.5 West Suffolk Highways have requested an updated assessment given the amount of time that has lapsed since the outline consent was granted. However, the outline remains extant, and the current proposal does not alter the main point of access onto Bumpstead Road. The suggestions from Suffolk Highways and members of the public to create alternative access onto Phoenix Road are considered impractical in view of the gradient change of about 4m ground levels difference. In any event, the alternate access proposed by third parties would contradict the outline consent, specifically Condition 3, that requires access to be taken from Bumpstead Road.
- 11.3.6 Representations raised concerns on the traffic pattern and number of trips of a drive-through as compared to general industrial uses. However, the 2 development scenarios of the TA of the outline consent (Application Reference 15/01477/OUT) had already taken into account the trip generation of a potential drive-through (5% of the total development schedule, equivalent to about 2,298sq.m). The report indicated that the highway network has sufficient capacity to accommodate all the traffic associated and the outline scheme would not increase queues beyond the 2020 base + scenarios. There were no concerns or representations raised regarding how the traffic count was undertaken for the TA. Both ECC Highways and SCC Highways had no objection at the outline stage and the TA was agreed. The currently proposed drive-through proposes a much lower floorspace compared to the 2 scenarios previously tested and therefore it is not considered the trip generations would exceed those agreed previously.
- 11.3.7 Objections have also been raised regarding the manoeuvring of refuse vehicles and the possible queueing of vehicles onto nearby highways. The proposed Block Plan demonstrates that the dedicated drive-through lane would be able to accommodate about 24 vehicles (including 3 waiting bays), without blocking the internal traffic flow of the car park. It is therefore unlikely to have adverse impacts on service delivery. In view of the ample parking provision, temporary waiting bays could be assigned within the car park during busy period as and when needed. Therefore, it is considered that it is unlikely to have substantial queues leading to the public highway. The Applicant is advised to monitor the traffic situation daily and to deploy staff to manage any queueing onto the nearby public highways.
- 11.3.8 In response to representations and in discussion with Officers, the Applicant has agreed to increase the EV charging provision. Apart from the originally proposed 2 EV charging points in the western part, an additional one is also provided for one of the accessible parking spaces for disabled persons in front of the building to aid the user(s). The Applicant has confirmed that charging cables would be laid in the car park to enable the future expansion of EV charging provision as required by the Building Regulations.
- 11.3.9 On this basis, there is no objection to the highways and access arrangements for the proposal.



#### 11.4 Impact upon Neighbouring Residential Amenity

- 11.4.1 There are no residential properties which directly adjoin to the application site. The nearest residences are located on the eastern side of Bumpstead Road, which is about 95m to the northeast of the proposed vehicular road. Representations have been received objecting to the proposal in view of the existing and increased littering problem, as well as the potential of lighting pollution, noise nuisance and anti-social behaviour, and thereby impacting on the amenity levels of the local residents.
- 11.4.2 As the proposed single storey building would be only of 6m in height, it is not considered that it would have an overbearing, overlooking, or overshadowing issue nor blocking the outlook of any residential properties.
- 11.4.3 The Applicant has provided an Acoustic Assessment in support of the application. The technical report has taken into account the operational plant, delivery and drive-through noise, including the use of speakers. The initial BS4142 assessment indicates that there is a low/negligible potential for any adverse impact to the existing noise sensitive receptors. The increase in road traffic movements on the surrounding roads are also negligible and would not be expected to lead to a significant increase in noise, with only less than or equal to 0.5dB.
- 11.4.4 The Council's Environment Health Service has been consulted and raised no objection to the proposal, subject to conditions. There is also no record of any noise nuisance in relation to the other drive-through in Galley's Corner in Braintree. It is not considered that there is a need or a technical justification to control the opening hours of the drive-through.
- 11.4.5 Following initial consultation and the representations regarding the proposed totem sign, the Applicant has revised the location of the totem sign and to reduce the ground level so that it is more in line with those signs of Travel Lodge on the opposite site of Phoenix Road. The acceptability of the totem sign will be subject to the consideration of the separate advertisement consent application (Application Reference 22/01445/ADV).
- 11.4.6 It is not considered that the proposed development would have excessive external lighting which would have detrimental impact on the nearby residences. Condition 16 of the outline planning consent, as a compliance condition, also requires all lighting not to cause glare to nearby residents.
- 11.4.7 In terms of existing and possible littering problems, potential nuisance, and anti-social behaviour, these are controlled under different regimes, including but not limited to Public Order Act, Licensing Act and other environmental regulations. The Applicant has also provided the Applicant's Corporate Littering Management Plan and Anti-Social Behaviour

Guidebook to demonstrate that these matters will be considered and managed by the business. Regular litter patrols will also be conducted by the branch manager which covers an area of 150m from the premises.

11.4.8 In view of the above, Officers are satisfied that the proposal would not cause significant harm to the amenity level of the nearby local residents.

#### 11.5 Flooding and Drainage Strategy

11.5.1 The Applicant has submitted a Flood Risk Assessment and Drainage detailed plan, together with a Drainage Maintenance Plan in support of the application.

11.5.2 The Lead Local Flood Authority has been consulted and raised no objection following the technical note in response to their initial comments. Conditions 6 and 21 of the outline planning consents control these matters, which will need to be discharged under separate application(s).

#### 12. CONCLUSION

12.1 The proposed scheme is considered to be well-designed, appropriate for the site and its industrial setting. There are no substantiated technical objections to the scheme, noting that the principle of a drive-through takeaway restaurant is agreed in principle through the earlier outline planning permission. There would not be any adverse effects on the character and appearance of the local area, local amenities or upon highway safety.

12.2 Overall, Officers consider that the details of the proposal are acceptable in planning terms and in line with the original outline consent and comply with the relevant policies in the Adopted Local 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)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	8342-SA-8333-AL01	A
Proposed Block Plan	8342-SA-8333-P002	C
Proposed Site Plan	8342-SA-8333-P004	D
Proposed Elevations	8342-SA-8333-P005	N/A
Proposed Plans	8342-SA-8333-P006	N/A
Landscaping	8342-SA-8333-P007	A
Street elevation	8342-SA-8333-SK11	N/A
Section	8342-SA-8333-SK12	N/A
Levels	4220178-1100	P1

#### Condition(s) & Reason(s)

##### Condition 1

The development hereby permitted shall begin not later than 2 years from the date of this decision.

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

##### Condition 2

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

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

##### Condition 3

The development hereby permitted should be implemented in accordance with the following specifications and retained thereafter:

- Broxap Cycle Shelter Specification Sheet (submitted on 6 May 2022);
- Goal Post and McDigit COD Canopy brochure (submitted on 6 May 2022);
- Outdoor Climb 3x3 E09-004 (2017 Revision) (submitted on 6 May 2022); and
- Standard Patio Area Supporting Specifications (submitted on 6 May 2022).

Reason: In the interests of proper planning.

##### Condition 4

No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Safe access to/from the site including details of any temporary haul routes and

- the means by which these will be closed off following the completion of the construction of the development;
- b) The parking of vehicles of site operatives and visitors;
  - c) The loading and unloading of plant and materials;
  - d) The storage of plant and materials used in constructing the development;
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) Wheel washing facilities;
  - g) Construction hours;
  - h) Measures to control the dust, mud and dirt during construction and vehicular activities on the site;
  - i) Measures to ensure that no burning of refuse, waste materials or vegetation is undertaken on the site;
  - j) A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - k) A scheme to control noise and vibration during the construction phase;
  - l) Measures to minimise the risk of off-site flooding caused by surface water runoff and groundwater during construction;
  - m) Provision of a dedicated telephone number(s) of the site manager for members of the public to raise concerns/complaints, and a strategy for pre-warning residents of noisy activities/sensitive working hours.

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

Reason: To protect highway efficiency of movement and safety, to protect the amenities of the occupiers of nearby residential properties and the surrounding area.

#### Informative(s)

##### Informative 1

Any works to a watercourse may require consent under Section 23 of the Land Drainage Act 1991.

##### Informative 2

Any works to lay new surface water drainage pipes underneath the public highway will need a licence under Section 50 of the New Roads and Street Works Act.

##### Informative 3

The Applicant should refer to the detailed comments from BDC Environmental Health dated 2 March 2023.

##### Informative 4

The Applicant should refer to the detailed comments from ECC Highways Authority dated 1 June 2022.

##### Informative 5

The Applicant is advised to monitor the traffic situation on a daily basis and to deploy staff to manage any queueing onto the nearby public highways.

### Positive and Proactive Statement

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

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP49	Health and Wellbeing Impact Assessment
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP76	Sustainable Urban Drainage Systems

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
03/01493/OUT	Industrial and warehouse development (Classes B1, B2 and B8), petrol filling station, road users restaurant and hotel and construction of vehicular access	Granted with S106 Agreement	26.05.04
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 Icení 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 46,000 sq 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.	Granted	08.06.16

	3, 4, 5 and 6 of approved application 15/01274/FUL		
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
21/03551/REM	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: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq 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	Granted	24.03.22



	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. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping.		
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.	No Objections Raised	16.03.22
22/01444/ADV	Installation of: - 6No. internally-illuminated fascia signs - 3No. internally-illuminated booth lettering signs - 1No. internally-illuminated 15" digital booth screen	Pending Consideration	
22/01445/ADV	Installation of internally-illuminated freestanding totem sign.	Pending Consideration	
22/01446/ADV	Installation of: - 4No. freestanding signs - 2No. banner signs - 1No. playland sign - 20. DOT signs - 1No. internally-illuminated single digital	Pending Consideration	

	<p>menu board - 3No. internally-illuminated double digital menu board</p>		
22/03016/NMA	<p>Non-Material Amendment to permission 21/03551/REM granted 24.03.2022 for: 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: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq 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. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping. Amendment would allow for: Relocation of building westwards within the site to avoid clash with underground utilities.</p>	Refused	01.12.22

22/03354/VAR	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: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq 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. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping. Variation would allow:- The building to be relocated within the application site	Pending Consideration	
23/00065/DAC	Application for approval of details as reserved by Conditions 2 (Materials Schedule), 3 (Biodiversity Enhancement Layout) and 6 (EV Charging Strategy) of approved application 21/03551/REM.	Pending Consideration	
02/01208/ADV	Display of four advertisement boards	Granted	11.11.02

02/01412/ADV	Erection of 4 no oval signs at Bumpstead Road Roundabout and Rowley Hill Roundabout on Haverhill Bypass		19.11.02
89/00174/P	Construction Of A604 Bypass Of Haverhill To The South Together With Associated Side Road Improvements	Granted	29.03.89
01/00308/FUL	Erection of cold store building	Granted	03.04.01
02/02170/FUL	Erection of storage building for butchers sundries	Granted	07.03.03
03/02188/COU	Proposed change of use of building 'A' from cold storage to plant for handling animal by products	Granted	20.01.05
04/00333/FUL	Erection of extension to form canteen to existing factory unit	Granted	31.01.05
02/00962/REM	Proposed new road junction arrangements and entrance to proposed Business Park	Granted	16.08.02
02/01208/ADV	Display of four advertisement boards	Granted	11.11.02
02/01412/ADV	Erection of 4 no oval signs at Bumpstead Road Roundabout and Rowley Hill Roundabout on Haverhill Bypass		19.11.02
02/01451/REM	Proposed roundabout and internal estate road to proposed business park	Granted	18.11.02
02/01784/REM	Erection of eight industrial units	Granted	16.12.02
02/02329/REM	Landscape scheme for Haverhill Business Park	Granted	28.12.06
03/01493/OUT	Industrial and warehouse development (Classes B1, B2 and B8), petrol filling station, road users restaurant and hotel and construction of vehicular access	Granted with S106 Agreement	26.05.04

04/01043/FUL	Demolition of dwelling and construction of new vehicular access and storage yard in association with new B2 use	Granted	19.07.04
04/01044/REM	Erection of building for general industrial purposes (class B2) together with ancillary storage	Granted	19.07.04
04/01551/FUL	Erection of food processing factory	Granted	02.12.04
81/00576/P	Proposed layout of roads and footpaths for industrial purposes together with flood park and landscaping(amendment to BTE/368/76)		
89/00545/P	Layout of roads and footpaths for B1,B2 and B8 purposes together with landscaping(amendment to BTE/368/76)		
76/00368/P	Layout of roads, footpaths for industrial purposes together with flood park and landscaping.	Granted	28.06.76
72/00585/1/P	Use of 0.25 of an acre for landscaping adjoining development	Granted	13.04.73
89/00545/P	Development Of Site For B1, B2 & B8 Purposes		18.05.89
97/01576/OUT	Industrial Warehouse Development (Classes B1, B2 and B8 )	Withdrawn	15.01.02
05/00705/REM	Proposed Restaurant and hotel	Granted	30.08.05
05/00706/FUL	Erection of Builders Merchants and yard	Granted	11.10.05
05/01393/ADV	Proposed signage relating to Brewers Fayre	Granted	07.09.05
05/01434/ADV	Erection of non-illuminated name board	Granted	08.09.05
05/01435/ADV	Erection of non-illuminated name board - Terence Barker Ltd	Granted	09.09.05
05/01700/FUL	Proposed installation of air	Refused	18.10.05

	extract vents at Terence Barker Unit		
05/02394/FUL	Proposed installation of air extract vents at Terence Barker Unit	Granted	17.01.06
06/00449/REM	Amendment to development approved under application 05/00705/REM - Proposed restaurant and hotel	Granted	05.05.06
06/00702/COU	Change of use land to self storage container area	Granted	24.05.06
06/00902/REM	Office development	Granted	28.07.06
06/02121/REM	Erection of single storey production/warehouse unit with associated two storey offices, associated car parking and landscaping	Granted	26.04.07
06/02203/ADV	Erection of external pylon mounted sign for hotel	Refused	21.12.06
06/02213/ADV	Display of internally illuminated advertisement signage relating to hotel	Granted	18.12.06
06/02278/FUL	Surfacing and use of land for the open storage of a minimum of 15 buses to a maximum of 24 buses with associated timber hut and car parking and new vehicular access	Granted	08.01.07
07/00130/ADV	Display of externally illuminated signage	Granted	19.03.07
07/01235/ADV	Display of non illuminated name board	Granted	08.08.07
08/00071/ADV	Display of illuminated and non- illuminated signage	Granted	21.02.08
09/00308/FUL	Erection of new factory unit within the curtilage of the existing factory unit	Granted	16.06.09
15/01477/OUT	Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side	Granted with S106 Agreement	05.10.16

	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.		
22/03016/NMA	<p>Non-Material Amendment to permission 21/03551/REM granted 24.03.2022 for: 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: Outline Planning Application (means of access to be determined).</p> <p>- cross boundary application - creation of up to 46,000 sq 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. This application is for the construction of a commercial building for B8 storage and distribution</p>	Refused	01.12.22

	<p>purposes and associated infrastructure and landscaping.</p> <p>Amendment would allow for:</p> <p>Relocation of building westwards within the site to avoid clash with underground utilities.</p>		
22/03354/VAR	<p>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: Outline Planning Application (means of access to be determined). - cross boundary application - creation of up to 46,000 sq 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. This application is for the construction of a commercial building for B8 storage and distribution purposes and associated infrastructure and landscaping. Variation would allow:- The building to be relocated within the application site.</p>	Pending Consideration	



23/00065/DAC	Application for approval of details as reserved by Conditions 2 (Materials Schedule), 3 (Biodiversity Enhancement Layout) and 6 (EV Charging Strategy) of approved application 21/03551/REM.	Pending Consideration	
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