

PLANNING COMMITTEE AGENDA

Tuesday, 23rd January 2024 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

Members of the public will be able to view and listen to this meeting via YouTube.
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Councillor J Abbott

Councillor J Beavis

Councillor L Bowers-Flint

Councillor T Diamond

Councillor M Fincken

Councillor J Hayes

Councillor D Holland (Vice-Chairman)

Councillor A Hooks

Councillor A Munday

Councillor I Parker (Chairman)

Councillor F Ricci

Councillor P Schwier

Councillor G Spray

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

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

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

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF MEMBERS' INTERESTS

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

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

Public Question Time - Registration and Speaking

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

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

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

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

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

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

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

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

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

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

Health and Safety

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

Substitute Members

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

Documents

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

Data Processing

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

Mobile Phones

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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-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 Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 19th December 2023 (copy previously circulated).

4 Public Question Time

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

5 Planning Applications

To consider the following planning applications.

5a App. No. 22 02211 FUL - Halstead Hall, Braintree Road, GREENSTEAD GREEN **6 - 42**

5b App. No. 23 01840 ADV - Land at Conrad Road, WITHAM **43 - 55**

5c App. No. 23 02722 OUT - Land South of Springfields, BRAINTREE **56 - 105**

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

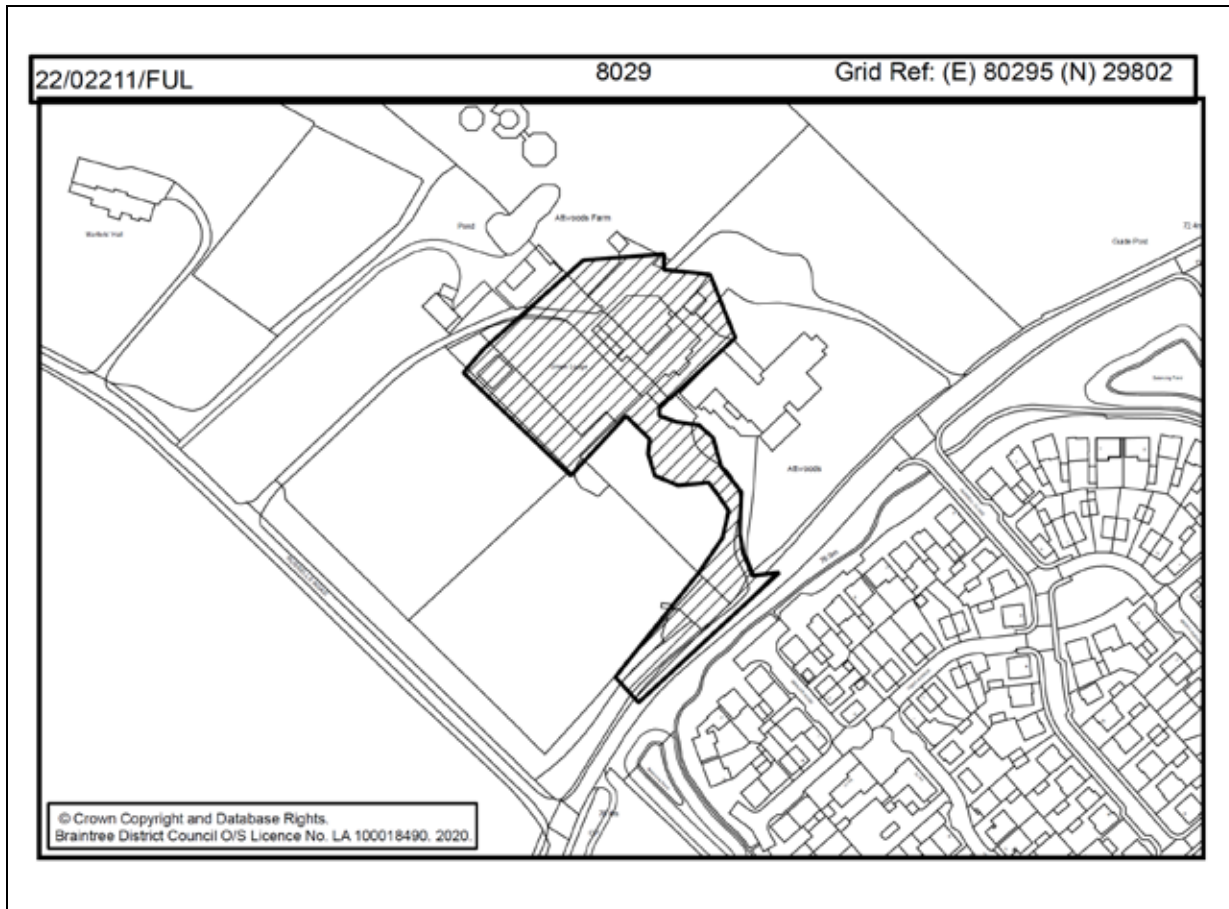
At the time of compiling this agenda there were none.

8 Urgent Business - Private Session

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

Report to: Planning Committee	
Planning Committee Date: 23rd January 2024	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	22/02211/FUL
Description:	Extension and refurbishment of existing redundant building to form 37-bed dementia unit with associated car parking and landscaping.
Location:	Halstead Hall, Braintree Road, Greenstead Green
Applicant:	Mr R Catchpole, C/O Agent
Agent:	Mr Melville Dunbar, Melville Dunbar Associates, The Mill House, Kings Acres, Coggeshall, CO6 1NY
Date Valid:	9th September 2022
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) Overtturn the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Reasons for Refusal Submitted Plans/Documents
	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

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 22/02211/FUL.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site consists of 0.657 hectares of land which forms part of the curtilage of the existing care home now known as Halstead Hall, located on the south-western fringe of Halstead, and outside of the town development boundary. The application site contains a building known as Green Lodge, a non-designated heritage asset, which is currently vacant and in a poor state of repair.
- 1.2 The proposal is for the demolition of most of Green Lodge, conversion of the remainder, and its significant extension to create a 37no. bed specialist dementia unit, along with bin and cycle stores. The ground floor would contain 16no. en-suite bedrooms, a lounge, dining room, staff facilities, television room, salon, treatment room, assisted bathroom and office/reception. On the first floor there would be 21no. en-suite bedrooms, an assisted bathroom, office/meeting room, lounge, and balcony area. Two lifts are shown to create stair-free access between the floors. The proposed extensions would create a courtyard garden in the centre of the building, with an outdoor seating area, overlooked by the proposed lounge.
- 1.3 Application Reference 21/02449/FUL was granted permission in June 2022 to '*Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 20 bungalows and layout associated car parking, drainage and landscaping*'. Consequently, the principle of refurbishing and extending Green Lodge to create a specialist dementia care unit has already been deemed acceptable.
- 1.4 Within their covering letter, the Applicant states that the conversion of the existing building would not provide the necessary room standards in terms of size and ceiling heights to make provision for disabled dementia care, however the Applicant has provided very little on this and referenced a design guide for care homes in Scotland, which Essex County Council state is not applicable to developments in England.
- 1.5 Due to the vast majority of Green Lodge to be demolished, the scale of the proposed extensions would equate to a 1600% increase in floor area. Consequently, Officers conclude that the size of the proposed extensions would be excessive in relation to the retained portion of Green Lodge and would fail to comply with criteria (i) and (ii) of Policy LPP33 of the Adopted Local Plan.
- 1.6 The proposed extension would also sit within the root protection area of a number of category A trees which would likely result in their demise. Further, there is a lack of sufficient information with regards protected species within the planning application.
- 1.7 It is therefore recommended that planning permission is refused for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site consists of 0.657 hectares of land which forms part of the curtilage of the existing care home now known as Halstead Hall, located on the south-western fringe of Halstead, and outside of the town development boundary. The application site contains a building known as Green Lodge, which is currently vacant and in a poor state of repair.

5.2 The lodge was built to reflect the high status of its host building, Attwoods (Halstead Hall) at the turn of the 19th century and is considered a non-designated heritage asset. Other derelict buildings within the grounds include a bungalow, stables and barns and remains of structures relating to the historic walled garden.

5.3 Halstead Hall currently has 60 bedrooms, and is served by two vehicular accesses from the A131, on the opposite side of which is a newly constructed housing development accessed via Hurrell Close. To the south west of the application site is a piece of land that was granted planning permission in June 2022 for a development of 20 dwellings (Application Reference 21/02449/FUL). To date these dwellings have not yet been built.

5.4 To the north and west of the application site is open countryside, with Russell's Road connecting the A131 to Gosfield.

6. PROPOSAL

6.1 The proposal is for the demolition of most of Green Lodge, conversion of the remainder and its significant extension to create a 37no. bed specialist dementia unit, along with bin and cycle stores.

6.2 The ground floor would contain 16no. en-suite bedrooms, a lounge, dining room, staff facilities, television room, salon, treatment room, assisted bathroom and office/reception. On the first floor there would be 21no. en-suite bedrooms, an assisted bathroom, office/meeting room, lounge and balcony area. Two lifts are shown to create stair free access between the

floors. The proposed extensions would create a courtyard garden in the centre of the building, with an outdoor seating area, overlooked by the proposed lounge.

- 6.3 To the south west of the existing buildings on the site (Halstead Hall Care Home and Green Lodge) is a new parking arrangement that would serve both establishments. The parking spaces are shown to be arranged in two circular patterns, linked by a section of road. These spaces would be accessed from the A131 by the existing main entrance. An existing secondary vehicular access to the east of Halstead Hall would be retained and would be continued to be used as a service route and access to a staff car park. This is shown within the land marked blue on the site location plan.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 Assets Affected- Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 7.1.2 Wastewater Treatment- The foul drainage from this development is in the catchment of Braintree Water Recycling Centre that will have available capacity for these flows.
- 7.1.3 Used Water Network- This response has been based on the following submitted documents: FRA/Drainage Strategy Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the Applicant to ensure any infrastructure improvements are delivered in line with the development. (a full assessment cannot be made due to lack of information, the Applicant has not identified a discharge rate or connection point). We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

7.2 Essex Fire and Rescue

- 7.2.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. Access is considered satisfactory subject to the following:
- There should be adequate turning facilities for fire appliances described in paragraph 15.10 and diagram 15.3, Approved document B 2019 volume 2;
 - Minimum turning circle between kerbs 17.8 metres;
 - Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 18 tonnes.

- 7.2.2 More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.
- 7.2.3 The architect or Applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or Applicant is urged to contact Water Section at Service Headquarters, 01376 576000.
- 7.2.4 “There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.”

7.3 Essex Police

- 7.3.1 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, and physical security measures.
- 7.3.2 With a development aimed at vulnerable members of society it is important that security is seriously taken into consideration. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving Secured by Design awards. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

7.4 Natural England

- 7.4.1 It has been identified that this development falls within the ‘Zone of Influence’ (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.
- 7.4.2 In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when

considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

7.4.3 We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

7.5 NHS

7.5.1 Financial contribution of £7,500 is sought to go towards the increase in floorspace at the Elizabeth Courtauld Surgery to support the population arising from the proposed development.

7.6 The Council for the Protection of Rural Essex

7.6.1 No comments received.

7.7 BDC Ecology

7.7.1 Holding objection due to insufficient ecological information on Priority Habitats (Wood Pasture and Parkland) and out of date report.

7.8 BDC Environmental Health

7.8.1 No objection. Suggest conditions regarding the hours of work, no burning, submission of a dust and mud control management plan and the submission of piling details.

7.9 BDC Landscape Services

7.9.1 The layout as proposed has unjustified and avoidable impacts to trees, and there is an absence of information to demonstrate that tree loss can be effectively compensated with new planting. Additional concerns are raised in the confusion that may arise from the supporting arboricultural documents not applying explicitly to trees within the application boundary, and the potential presence of veteran trees.

7.9.2 As such, Landscape Services are unable to support the application in its current form – ideally layout revisions should be considered, but as a minimum, further information is required in line with the above comments.

7.10 BDC Waste Services

- 7.10.1 There is no mention regarding waste and collection provisions, or where the bin store will be located. The collection area needs to be accessible for waste collection vehicles, and therefore the access road must be built to adopted highway standard and maintained as such. The access road must also be wide enough and designed in such a way that a 26 tonne, 11 metre long, 2.8 metre wide collection vehicle, can turn without causing hindrance. The waste collection point must be within 15 metres from where the collection vehicle can safely stop. The surface must be level, free of shingle and drop curbs installed where applicable.

7.11 ECC Archaeology

- 7.11.1 Green Lodge lies within the curtilage of Halstead Hall, formerly Attwoods. The Tithe map of c.1838 depicts a small rectangular building in this location adjacent to Attwoods which, by the 1st edition OS map is replaced by the current buildings. Previous applications have provided supporting documents which suggest that Green Lodge was built in 1875, a monogram of the High Sherrif of Essex on the building dates to 1877. The buildings include a mews, coach house and stables set into the former parkland setting of Attwoods. The buildings were built to a high standard in cream gault clay brick with decorative detailing. The interiors housed a number of entertainment rooms including a ballroom as well as more functional spaces. The lodge was clearly built to reflect the high status of its host building, Attwoods at the turn of the 19th century and is considered a non-designated heritage asset. Other derelict buildings within the grounds include a bungalow, stables and barns and remains of structures relating to the historic walled garden and later use of the site as a therapeutic centre.
- 7.11.2 It is recommended that the Conservation Officer/ Built Heritage Consultant be consulted on this application as it affects a non-designated heritage asset (Para.195 of the Framework).
- 7.11.3 Should the local authority approve the application a historic building record should be completed in order to preserve, by record, the historic building (Para. 205) a Level 3 historic building record should be completed for the Lodge prior to demolition and restoration and a low level record should be completed on any buildings or structures within the grounds that are proposed for demolition or that will be impacted upon by the proposed development.

7.12 ECC Highways

- 7.12.1 No objection. Suggest a condition regarding the submission of a construction management plan. Content with the contents of the workplace travel plan.

7.13 ECC Place Services (Heritage)

- 7.13.1 This application follows previously approved plans for the refurbishment and extension to Green Lodge (21/02449/FUL), which would have seen the retention, reuse, and refurbishment of the existing building. The Applicant now states that due to the derelict condition of much of the building, a significant portion would need to be demolished, with the retention of only the main house and ballroom, which would be restored and incorporated into the new scheme.
- 7.13.2 The building has a historic association with the unlisted Halstead Hall (formerly Atwood's), and was built in 1875. The Design and Access Statement for the previous application (Melville Dunbar Associates 2018) states that Green Lodge was built as a mews and stable block for the eighteenth century Atwood's House and the building has the 1877 monogram of John Robert Vaizey, High Sheriff of Essex on one of its gables.
- 7.13.3 The 1875 stables were built to a very high standard, using cream gault clay brick with decorative detailing. Along with stabling, high-status entertainment spaces were also created within Green Lodge, including a ballroom as well as more functional spaces. Other derelict buildings within the grounds include a bungalow and barns and remains of structures relating to the historic walled garden. The surrounding parkland retains some of its designed landscape features, in particular the original tree lined access drive, extending from Russell's Road to the northwest. The perimeter planting also dates to the late-nineteenth century. The surviving elements of the former Atwood's estate and its buildings, including Green Lodge remain legible, despite the later use of the site as a therapeutic centre.
- 7.13.4 The Heritage Statement accompanying the 2021 application concluded that the Green Lodge building has considerable architectural merit, "making it worthy of retention". The mews and other part of the building that are proposed for demolition are of heritage value, providing evidence for past activity and the functional use of the building within the Atwood Estate and they form an important physical element of the building and its design.
- 7.13.5 A positive effect of the retention and reuse of historic buildings and their materials is the energy conserved by refurbishing existing structures. This saving helps to significantly reduce the amount of natural resources used, in comparison to the demolition of the structure and it being entirely rebuilt. A recent study suggests that at least one third of the total carbon emitted from buildings during their life span is released during the construction and demolition process. A 2020 report from Historic England concluded that in order to meet the government's target of being carbon neutral by 2050, existing historic buildings must be recycled, reused and responsibly adapted.

- 7.13.6 Historic England provide guidance on the identification of buildings of local heritage interest (H.E. Local Heritage Listing: Identifying and Conserving Local Heritage: Advice Note 7 Second Edition). After reviewing Green Lodge using these criteria, the building, the Hall and the surviving elements of the estate can be considered to form a group of heritage assets of local interest – a non-designated heritage asset. The Planning Policy Guidance on the Historic Environment states that non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by planmaking bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. They can be identified in a number of ways, including through the planning application process, as is the case here.
- 7.13.7 The National Planning Policy Framework (NPPF) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (Paragraph 203).
- 7.13.8 In addition, and of particular relevance to this application, the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset (including non-designated heritage assets), the deteriorated state of the heritage asset should not be taken into account in any decision (Paragraph 196).
- 7.13.9 The condition of the building was considered to be suitable for repair and reuse under the previous application in 2021. Based on the information submitted, and the recent proposal for full retention, the deteriorated condition of the building should not be considered to justify the increased harm resulting from a proposal for its partial demolition. The proposed partial demolition of Green Lodge will result in considerably high level of harm to its significance, which the Historic Buildings Consultant is unable to support. The demolition would also have a negative impact on the significance of the wider group of features and buildings representing the historic Atwood's Estate.
- 7.14 ECC Independent Living/ Extra Care
- 7.14.1 The Market Shaping Strategy places greater emphasis on supporting people at home and increasing extra care housing for older people. This is based on the choices people are making and technology and health care developments making it easier to provide more care at home. The County Council will be making fewer residential care placements, with the smaller number of adults that do need a care home placement having more complex needs later in life (including complex dementia and nursing care needs).
- 7.14.2 The current care home provision in Braintree is under-used. For a care homes long term viability it needs to be running at around 95% occupancy

and the average occupancy in Braintree currently is 80% as shown in the table below. So we do not think there is a need for additional care home provision in the area at present and we have not identified Braintree as a current area for growth in the sector.

Braintree Care Home Market, June 2023	
Number of Care Homes (residential and residential with nursing)	25
Number of Care Homes with ECC placements	24
Percentage of homes CQC rated Good or Outstanding	80%
Number of beds	1379
Total occupied beds (including ECC funded)	1105
Percentage of beds occupied (including ECC funded)	80%
Total beds funded by ECC	474
Percentage of total beds funded by ECC	34%
Market entrants since April 2022	0
Market exits since April 2022	0

7.14.3 Adult Social Care have had some high level discussions with the developer of the proposed home, it is unlikely that the care home will be primarily aimed at adults known to social care. We would expect suppliers developing provision to have undertaken their own due diligence on demand and future direction.

7.14.4 It is a time of some uncertainty for the care home sector. There have been recent legislative changes in relation to social care rates and charging which are waiting to be enacted. These will further alter the demand for and shape of the care home sector. The County Council will be undertaking further demand projections as the detail of these become clearer through national guidance.

7.15 ECC Suds

7.15.1 No objection. Conditions recommended.

8. PARISH / TOWN COUNCIL

8.1 Halstead Rural & Greenstead Green Parish Council

8.1.1 Greenstead Green and Halstead Rural Parish Council made the following response 'No Objection', but they would like to see a Travel Plan put in place as per The Local Plan Policy LPP33 (Specialist Housing).

8.2 Halstead Town Council

8.2.1 No objection.

9. REPRESENTATIONS

9.1 No comments received.

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 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.
- 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 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Council's Local Plan is up to date and complies with the NPPF.
- 10.2.2 However, Footnote 79 of the NPPF sets out that this provision only applies to planning applications which were submitted on or after the date of publication of the revised NPPF (December 19th 2023). As this application was received prior to that date, the Council must consider it in relation to the 5 year housing land supply.
- 10.2.3 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply.
- 10.2.4 The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, and given that they were only recently adopted, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033.
- 10.3.2 The application site is located outside of a designated development boundary and as such is located on land identified as 'countryside' in the Adopted Local Plan.
- 10.3.3 Nonetheless, Policy LPP33 of the Adopted Local Plan sets out guidance with regards 'Specialist Housing' and states that specialist housing is defined as accommodation which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults, and may include some elements of care and support for everyone who lives there.

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

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

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

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

10.3.6 Policy LPP33 of the Adopted Local Plan goes onto to state that new specialist housing on unallocated sites in the countryside will not be supported, and on sites allocated for specialist housing, general needs housing will not be permitted.

10.3.7 The Halstead Hall complex is not allocated for specialist housing provision on the Proposals Map of the Local Plan, and as highlighted above, does not fall within a development boundary. Nonetheless, due to the extant planning permission and the fact that the scheme relates to an existing care home facility, the principle of the extension/expansion of the premises is deemed acceptable, subject to the application of criteria i, ii, and iii. of Policy LPP33. These are dealt with within the Site Assessment section below.

11. BACKGROUND AND NEED

11.1 Application Reference 21/02449/FUL was granted permission in June 2022 for 'Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 20 bungalows and layout associated car parking, drainage and landscaping'. Within this permission, the principle of refurbishing and extending Green Lodge to create a 25-bed specialist dementia care unit was accepted.

- 11.2 The previously permitted works included the retention of Green Lodge (500sq.m) and proposed extensions of 204sq.m. The proposed extensions would have squared off the existing building and would have created an internal courtyard to be used as a garden for residents.
- 11.3 Within the planning statement submitted in support of the current application, the Applicant states that in the intervening years the condition of Green Lodge has deteriorated, and that extensive damage has been caused by the theft of lead roof flashing, arson, and vandalism. The Agent then goes on to conclude that it is no longer viable to retain substantial sections of the existing building, although this has not been adequately substantiated. Only a small portion of the building would be retained and restored and incorporated into the current proposals.
- 11.4 Within their covering letter, the Applicant states that the conversion of the existing building would not provide the necessary room standards in terms of size and ceiling heights to make provision for disabled dementia care. Officers sought clarification on this from the Applicant who has made reference to a care home design guide that provides specific details with regards room sizes and ceiling heights, and state that the permitted conversion works would result in some of the bedrooms being below these standards. However, Essex County Council have confirmed that this design guide is applicable to development in Scotland only and state that care homes in England are regulated by the Care Quality Commission (CQC) who provide regulations on premises and equipment.
- 11.5 The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 15 is the relevant one for care homes. The intention of this regulation is to make sure that the premises where care and treatment are delivered, are clean, suitable for the intended purpose, maintained and where required, appropriately located, and that the equipment that is used to deliver care and treatment is clean, suitable for the intended purpose, maintained, stored securely, and used properly. Section 15 (1)(c) of the regulations state that the premises must be suitable for the service provided, including the layout, and be big enough to accommodate the potential number of people using the service at any one time. There must be sufficient equipment to provide the service. The CQC regulations do not provide any specific guidance with regards room sizes and ceiling heights.
- 11.6 Given the above and despite the Applicant's assertions that the permitted conversion works would result in sub-standard accommodation, Officers are unable to concur with this view, as this has not been sufficiently evidenced by the Applicant.
- 11.7 Within their Planning Statement, the Applicant states that this current application needs to be considered in the context of another previous application on the site, which they consider to be extant. Application 94/00105/FUL granted permission for a hydrotherapy centre on land to the north of Green Lodge and the Applicant claims that the works were started, but not completed. Furthermore, they considered that the extent of the

works approved in 1997 would not have a greater impact than the proposals currently applied for.

- 11.8 Officers contend that no weight should be attributed to this earlier permission, as whilst the Applicant states the works have been started, this has not been established by the submission of a Certificate of Lawfulness to verify that an extant permission exists.
- 11.9 Furthermore, during the processing period of the application, the Applicant provided a letter of support from Care England which is a charity that represents independent care providers; this states that 'The whole of the UK, including Essex, is underserved in terms of the provision of specialist dementia care and demographic change means that there will be a significant increased need in the coming years'.
- 11.10 However, counter to that ECC Adult Social Care responded to the application with the following advice:

"The Market Shaping Strategy places greater emphasis on supporting people at home and increasing extra care housing for older people. This is based on the choices people are making and technology and health care developments making it easier to provide more care at home. The County Council will be making fewer residential care placements, with the smaller number of adults that do need a care home placement having more complex needs later in life (including complex dementia and nursing care needs).

The current care home provision in Braintree is under-used. For a care homes long term viability it needs to be running at around 95% occupancy and the average occupancy in Braintree currently is 80%. So we do not think there is a need for additional care home provision in the area at present and we have not identified Braintree as a current area for growth in the sector.

Adult Social Care have had some high level discussions with the developer of the proposed home, it is unlikely that the care home will be primarily aimed at adults known to social care. We would expect suppliers developing provision to have undertaken their own due diligence on demand and future direction.

It is a time of some uncertainty for the care home sector. There have been recent legislative changes in relation to social care rates and charging which are waiting to be enacted. These will further alter the demand for and shape of the care home sector. The County Council will be undertaking further demand projections as the detail of these become clearer through national guidance."

- 11.11 Consequently, there is a clear lack of support from ECC Adult Social Care for the proposal, and this, along with the lack of evidence to substantiate why the extant planning permission could not reasonably be implemented

mean that any public benefits of the scheme can only be afforded limited weight in the planning balance.

12. SITE ASSESSMENT

12.1 Location and Access to Services and Facilities

- 12.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 109 states that the planning system should actively manage patterns of growth; and that 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. This can help to reduce congestion and emissions, and improve air quality and public health.
- 12.1.2 The proposed extension is situated on land that is located outside the development boundary of Halstead in the countryside where Policy LPP1 of the Adopted Local Plan applies. Nonetheless, it is on the edge of town, opposite and adjacent to permitted housing sites and criterion iii. of Policy LPP33 permits the development of specialist housing in the countryside, provided that a staff travel plan is provided, which is the case here.
- 12.1.3 Policy LPP42 of the Adopted Local Plan provides guidance on sustainable transport and states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks. Priority should be given to cycle and pedestrian movements and access to public transport.
- 12.1.4 Consequently, the strategy set out in the Adopted Local Plan is to concentrate growth 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: "That the broad spatial strategy for the Braintree District should concentrate development on the town of Braintree, Witham and the A12/Great Eastern Mainline corridor and Halstead".
- 12.1.5 Whilst previously Officers raised concerns about the location of the site, specifically in relation to its pedestrian access to Halstead, a Planning Inspector made the following observations in relation to an earlier appeal on the site:

"The route to Halstead would be along the A131, which I observed at the time of my site visit, received a frequent flow of traffic. I appreciate that my visit provided only a snapshot of highway conditions, however, I have seen nothing to suggest that these conditions were not typical of everyday traffic flows. The majority of the route from the appeal site to the centre of Halstead, approximately 1.5 kilometres, taking the appellant's measurements, which have not been disputed by the Council, consists of footways together with street lighting.

However, the initial part of this route is devoid of any footway for approximately 76 metres, taking the council's measurements, which have not been disputed by the appellant. Notwithstanding this, the availability of a wide grass verge on the opposite side of the road would provide a reasonably flat and safe route where there would be an opportunity for pedestrians to avoid vehicular conflict. In addition, the A131 is a relatively straight single carriageway road with good visibility in both directions providing opportunity for future occupants to cross the road reasonably safely.

Moreover, the Council have recently approved a housing development of approximately 292 dwellings at St Andrew's Park, located roughly opposite the appeal site on Mount Hill. The distance incurred in accessing Halstead's services and facilities is roughly the same from the approved scheme as it would be from the appeal site. To my mind, the nature of the route and the distance involved would not be likely to discourage all journeys on foot and by bicycle.

In addition, I am advised that the nearby bus stop receives a bus service that operates an hourly service towards Braintree and Halstead, commencing at roughly 8am until 6pm on Mondays to Saturdays. A more frequent service is available a little further away at White Horse Avenue. Given the frequency of the services and the relatively close proximity of the bus stops, which are well defined, I find that some journeys by bus would be an option. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Albeit future residents would be likely to depend on a private motor vehicle to reach some essential day to day services and facilities in Halstead and nearby larger settlements, there would at least be some choice to use accessible modes of transport to access local services and facilities.

Accordingly, I conclude that the proposal would not significantly undermine the aims of CS Policy CS7 insofar as this policy seeks to reduce the need to travel and reduce the impact of a development upon climate change".

12.1.6 Therefore, given the conclusions made by the Planning Inspector and that the situation of the site remains the same, Officers conclude that the proposal would be in a sustainable location; and if they had been so minded to have recommended approval of the application a Staff Travel Plan could have been secured by planning condition. Consequently, the application complies with Policy LPP42 of the Adopted Local Plan.

12.2 Heritage

12.2.1 The application building has a historic association with the unlisted Halstead Hall (formerly Atwood's) and was built in 1875. The Design and Access Statement for the previous application states that Green Lodge was built as a mews and stable block for the eighteenth century Atwood's

House and the building has the 1877 monogram of John Robert Vaizey, High Sheriff of Essex on one of its gables. Although not statutorily listed in its own right, the structure has been identified as a non-designated heritage asset.

- 12.2.2 Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy LPP57 of the Adopted Local Plan commits the Council to safeguarding the setting of heritage assets, including through the use of appropriate materials and finishes, requiring the Applicant to detail the significance of the affected heritage asset and the contribution made by the proposal, and by ensuring that the development meets the tests set out in national policy.
- 12.2.3 Given that the site has been identified as a non-designated heritage asset, its conservation becomes of importance provided that an optimum viable use is secured, and the proposed works are sympathetic. To gain a greater appreciation of the heritage matters surrounding the site, the Local Planning Authority has consulted with the Council's Heritage Consultant which informs the assessment below.
- 12.2.4 The 1875 stables were built to a very high standard, using cream gault clay brick with decorative detailing. Along with stabling, high-status entertainment spaces were also created within Green Lodge, including a ballroom as well as more functional spaces. Other derelict buildings within the grounds include a bungalow and barns and remains of structures relating to the historic walled garden. The surrounding parkland retains some of its designed landscape features, in particular the original tree lined access drive, extending from Russell's Road to the northwest. The perimeter planting also dates to the late-nineteenth century. The surviving elements of the former Atwood's estate and its buildings, including Green Lodge remain legible.
- 12.2.5 The Heritage Statement accompanying the 2021 application concluded that the Green Lodge building has considerable architectural merit, "making it worthy of retention". The mews and other part of the building that are proposed for demolition are of heritage value, providing evidence for past activity and the functional use of the building within the Atwood Estate and they form an important physical element of the building and its design.
- 12.2.6 A positive effect of the retention and reuse of historic buildings and their materials is the energy conserved by refurbishing existing structures. This saving helps to significantly reduce the amount of natural resources used, in comparison to the demolition of the structure and it being entirely rebuilt. A recent study suggests that at least one third of the total carbon emitted from buildings during their life span is released during the construction and demolition process. A 2020 report from Historic England concluded that in

order to meet the government's target of being carbon neutral by 2050, existing historic buildings must be recycled, reused and responsibly adapted.

- 12.2.7 Historic England provide guidance on the identification of buildings of local heritage interest (H.E. Local Heritage Listing: Identifying and Conserving Local Heritage: Advice Note 7 Second Edition). After reviewing Green Lodge using these criteria, the building, the Hall and the surviving elements of the estate can be considered to form a group of heritage assets of local interest – a non-designated heritage asset. The Planning Policy Guidance on the Historic Environment states that non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by planning bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. They can be identified in a number of ways, including through the planning application process, as is the case here.
- 12.2.8 The National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (Paragraph 209).
- 12.2.9 In addition, and of particular relevance to this application, the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset (including non-designated heritage assets), the deteriorated state of the heritage asset should not be taken into account in any decision (Paragraph 202).
- 12.2.10 The condition of the building was considered to be suitable for repair and reuse under the previous application in 2021. Based on the information submitted, and the recent proposal for full retention, the deteriorated condition of the building should not be considered to justify the increased harm resulting from a proposal for its partial demolition.
- 12.2.11 The proposed demolition of the majority of Green Lodge would result in a considerably high level of harm to its significance, which the Council's Heritage Consultant is unable to support. The demolition would also have a negative impact on the significance of the wider group of features and buildings representing the historic Atwood's Estate.
- 12.2.12 Criterion i. of Policy LPP33 of the Adopted Local Plan requires the scale, siting and design of proposals to be sympathetic to the landscape character and host property. Furthermore, criteria ii. of the policy states that the Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings.
- 12.2.13 The vast majority of Green Lodge is proposed to be demolished and the scale of the new extensions would equate to a 1600% floor area increase

over and above the element of the building to be retained. Officers consider that the scale of the proposed extensions are excessive in relation to the retained portion of Green Lodge and would fail to comply with both criteria i. and ii. of Policy LPP33 of the Adopted Local Plan, especially bearing in mind the scheme would give rise to the loss of a significant portion of the non-designated heritage asset to facilitate these additions.

12.2.14 Further harm would be caused to the character and appearance of the area in general, by the significant scale of the extensions and the resulting overly large building, in comparison to the size of the existing (see below). While the proposal would deliver public benefits, including the delivery of a specialist care facility, the heritage harm identified is not considered to be outweighed by the public benefits of the proposal. Therefore, the proposal would be contrary to the policies highlighted above.

12.3 Design, Appearance and Impact upon the Character and Appearance of the Area

12.3.1 Paragraph 131 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.

12.3.2 Paragraph 135 of the NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

12.3.3 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.

12.3.4 In addition to this, Policy LPP52 of the Adopted Local 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.

12.3.5 During the processing of the application, the elevation drawings have been updated so that, in isolation, the appearance of the proposed extensions are acceptable in detailed design terms, with the details largely mirroring the features of the original building, Green Lodge.

12.3.6 However, detailed design cannot be assessed alone, and the overall scale of the proposals are at issue here, along with the demolition of a substantial portion of the host building before they could be implemented, in conflict with the policies cited above and Policy LPP33 of the Adopted Local Plan.

12.4 Trees and Landscape

- 12.4.1 The NPPF states in Paragraph 136, '*trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should seek to ensure...that existing trees are retained wherever possible*'.
- 12.4.2 Policy LPP65 of the Adopted Local Plan states, '*trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example, they are considered to be dangerous or in poor condition*'.
- 12.4.3 Policy SP7 of the Adopted Local Plan states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. It goes on to state that new development should enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place.
- 12.4.4 To the north east and north of the existing Green Lodge building are two large, mature category A oak trees. The proposed extensions would have a larger footprint than the existing building and would cut through part of the root protection area of both category A trees.
- 12.4.5 During the life of the application additional arboricultural information has been submitted and the Council's Tree Officer has assessed the information submitted in support of the application. The Council's Tree Officer has concluded that the layout as proposed is unjustified and includes avoidable impact to trees, and there is an absence of information to demonstrate that tree loss can be effectively compensated with new planting. Additional concerns are raised with regards confusion that may arise from the supporting arboricultural documents not applying explicitly to trees within the application boundary, and the potential presence of veteran trees. As such, Landscape Services are unable to support the application in its current form.
- 12.4.6 As set out earlier the proposed extensions would cut through the root protection zones of two mature category A trees and whilst concerns were raised with the Applicant, there has not been a substantive review of the design proposals to increase tree retention.
- 12.4.7 In view of the above, the proposals conflict with the NPPF and Policies SP7 and LPP65 of the Adopted Local Plan.

12.5 Ecology

- 12.5.1 Policy LPP64 of the Adopted Local Plan seeks to ensure that developer undertakes an ecological survey and demonstrate adequate mitigation plan is in place to ensure no harm to protected species or priority species.

- 12.5.2 Policy LPP66 of the Adopted Local Plan states, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for then planning permission should be refused.
- 12.5.3 The Council's Ecologist has reviewed the Revised Ecological Assessment (Eco-Planning UK, October 2021), and the Bat Survey Report (Eco-Planning UK, July 2021), provided by the Applicant, relating to the likely impacts of development on designated sites, protected and priority Species & Habitats.
- 12.5.4 The Council's Ecologist is not satisfied that there is sufficient ecological information available for determination. This is because the Bat Survey Report (Eco-Planning UK, July 2021) is out of date to support this application, in line with CIEEM Guidance (CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys.
- 12.5.5 As a result, the Council's Ecologist recommends that the Applicant's ecologist provides an ecological addendum or an updated ecological report to support this application.
- 12.5.6 If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination of the planning application, unless an exceptional circumstance is demonstrated (as defined by BS42020). This is necessary as Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.
- 12.5.7 Therefore, this further information is required to provide the LPA with certainty of impacts on protected and priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006.
- 12.5.8 The Council's Ecologist highlights that the application site has been classified as Wood Pasture and Parkland on the Priority Habitat Inventory. Therefore, as the proposals would likely result in impacts to this Priority Habitat, measures in line with the mitigation hierarchy would need to be considered for this application, which would likely include additional, suitable compensatory tree planting.
- 12.5.9 Further information is therefore required to provide the Local Planning Authority with certainty of impacts on legally Protected and Priority Species and enable it to demonstrate compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. In the absence of the

additional information the proposal is contrary LPP64 of the Adopted Local Plan.

12.6 Impact upon Neighbouring Residential Amenity

12.6.1 The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of Adopted Local Plan states that there shall be no undue or unacceptable impact on the amenity of any nearby residential property.

12.6.2 The site is considered a sufficient distance away from neighbouring residential occupiers to ensure that an acceptable relationship would be preserved between the new and existing development.

12.7 Highway Considerations

12.7.1 Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential residual cumulative impacts on the road network would be severe.

12.7.2 The Highway Authority have raised no objection subject to conditions relating to submission of a construction management plan, construction of access and visibility splays and residential travel packs.

12.7.3 Policy LPP43 of the Adopted Local Plan seek to ensure sufficient vehicle/cycle parking is provided within new developments. The Essex Parking Standards 2009 provides maximum standards for parking space provision for new developments. In the case of residential care homes, one space is required per full time member of staff, along with one space per 3 beds in the home. Based on the number of bedrooms proposed, 12 car parking spaces would be required. No details with regards employee figures have been provided by the Applicant.

12.7.4 The submitted block indicates that 15 regular parking spaces would be provided, along with 4 accessible spaces for disabled persons, 19 in total. These spaces would be located to the west of Green Lodge. Staff car parking would be located to the east of Green Lodge and Halstead Hall. Therefore, Officers are satisfied that the number of parking spaces proposed would be sufficient.

12.8 Surface Water Drainage

12.8.1 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding, and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.

12.8.2 Policy LPP74 of the Adopted Local Plan seeks to minimise exposure of people and property to the risks of flooding by following the national

guidance. Policy LPP76 of the Adopted Local Plan refers to SUDS design being an integral part of the layout and should reflect up to date standards.

12.8.3 In respect of surface water drainage, the application is supported by a sustainable drainage assessment, which has been amended during the lifetime of the application. The Lead Local Flood Authority (LLFA) Essex County Council SuDS team is now satisfied with the information provided and suggest a number of conditions.

12.8.4 Given this, the proposals accord with Policies LPP74 and LPP76 of the Adopted Local Plan and guidance from the NPPF.

12.9 Habitat Regulations Assessment (HRA / RAMS)

12.9.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

12.9.2 The proposal is for a 37 bedroom care home and therefore the residents would highly unlikely generate recreational trips to any of the areas above and therefore a financial contribution towards mitigation measures is deemed unnecessary in this case.

13. PLANNING OBLIGATIONS

13.1.1 Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation.

13.1.2 **Healthcare** – Financial contribution of £7,500 is sought to go towards the increase in floorspace at the Elizabeth Courtauld Surgery to support the population arising from the proposed development.

13.1.3 Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects.

14. PLANNING BALANCE AND CONCLUSION

14.1 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways

(so that opportunities can be taken to secure net gains across each of the different objectives):

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

- 14.2 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where: (a) the Local Planning Authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in Paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in Paragraph 77) and does not benefit from the provisions of Paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years), granting permission unless:
- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 14.3 As indicated above, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply. The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, and because the most important policies for determining the application are not out of date, the presumption (at Paragraph 11d of the Framework), is not engaged. Consequently, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

14.4 Development Boundary Designation within the Development Plan

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

14.4.2 The proposed development would be contrary to Policy LPP1 of the Adopted Local Plan as it proposes development outside of defined development boundaries and within the countryside. Furthermore, the Halstead Hall complex is not allocated for specialist housing provision on the Proposals Map of the Local Plan. However, due to the extant planning permission and the fact that the scheme relates to an existing care home facility, the principle of the extension/expansion of the premises is deemed acceptable, subject to compliance with criteria i, ii, and iii. of Policy LPP33 of the Adopted Local Plan.

14.5 Summary of Adverse Impacts

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

Conflict with Policy LPP33 (Specialist Housing)

14.5.2 The proposal fails to comply with Policy LPP33 of the Adopted Local Plan, as the scale of proposals would fail to be sympathetic to the host property, having regard to the cumulative impact of extensions on the original character of the property being excessive, with the original character of the remaining element of Green Lodge being dwarfed by the proposals, significant weight is attributed to this harm.

Heritage Harm

14.5.3 The proposed demolition of a considerable amount of Green Lodge would result in a considerably high level of harm to its heritage significance. The demolition would also have a negative impact on the significance of the wider group of features and buildings representing the historic Atwood's Estate. Significant weight is attributed to this harm. The heritage harm identified is not considered to be outweighed by the public benefits of the proposal.

Harm to Trees and Hedgerows

14.5.4 The proposal would fail to safeguard a number of mature trees within the site, contrary Policies SP7 and LPP65 of the Adopted Local Plan and the National Planning Policy Framework, and significant weight is attributed to this harm as well.

Ecology

- 14.5.5 The proposal fails to provide sufficient information regarding ecological features within the site, contrary Policies LPP23 and LPP64 of the Adopted Local Plan and the National Planning Policy Framework. Significant weight is attributed to this harm.

14.6 Summary of Public Benefits

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

Delivery of Specialist Housing

- 14.6.2 The development would deliver a 37 bed care home. However, the scale of the extensions results in conflict with the Development Plan, as set out above, and given the under-used provision of care homes in the Braintree District only limited weight is assigned to this benefit. Furthermore, the extant planning permission for the site, could deliver the intended specialist housing facility, without giving rise to the adverse impacts identified above.

Economic and Social Benefits

- 14.6.3 The development would accrue social benefits with the provision of the care home and economic benefits with during the construction and thereafter with the spending powers of future staff members and residents' visitors. However, given the scale of development only limited weight is assigned to this.

14.7 Conclusion and Planning Balance

- 14.7.1 Taking into account the above, while the proposal complies with some Development Plan policies which weigh in favour of the proposal, it is considered that the proposal conflicts with the Development Plan as a whole. In addition to being contrary to Policy LPP33, Officers also consider that the proposals would also be contrary to Policies SP7, LPP57, LPP64, LPP65, and LPP78 of the Adopted Local Plan.
- 14.7.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, an important material consideration is whether the Council can demonstrate a 5 Year Housing Land Supply and consequently, whether Paragraph 11d) of the NPPF is engaged.
- 14.7.3 As indicated above, the Council is currently able to demonstrate a 5 Year Housing Land Supply and therefore Paragraph 11d) of the NPPF is not engaged.

- 14.7.4 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan. It is therefore recommended that planning permission is refused for the proposed development.
- 14.7.5 Notwithstanding the above, 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.

15. RECOMMENDATION

- 15.1 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
Proposed Elevations	1544-DC-004	A
Proposed Elevations	1544-DC-005	A
Proposed Elevations	1544-DC-006	A
Proposed Elevations	1544-DC-007	A
Proposed Plans	1544-DC-009	A
Proposed Plans	1544-DC-010	A
Site Plan	1544-DC-001	C
Proposed Site Plan	1544-DC-002	N/A
Proposed Site Plan	1544-DC-003	N/A
Proposed Plans	1544-DC-011	N/A
Proposed Plans	1544-DC-012	N/A
Landscaping	1544-DC-013	N/A
Tree Plan	1544-DC-014	N/A
Existing Site Plan	21412SE-05	N/A
Tree Plan	EAS-093.2 TCP	N/A
Location Plan	1544-LOC	N/A
Drainage Details	0002	N/A
Drainage Details	001 REV P2	N/A

Reason(s) for Refusal

Reason 1

Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. The proposals would result in the substantial loss of a large part of Green Lodge, a non-designated heritage asset which would result in a considerably high level of harm to its significance and would also have a negative impact on the significance of the wider group of features and buildings representing the historic Atwood's Estate. The heritage harm identified is not considered to be outweighed by the public benefits of the proposal.

In addition, the size and scale of the proposed extensions to Green Lodge are considered significant and excessive and fail to comply with Policy LPP33 of the Adopted Local Plan, which requires extensions to existing care home facilities in the countryside to be of a scale sympathetic to the host property, and the need to have regard to the cumulative impact of extensions on the original character of the property. In this case the scale of the extensions would be excessive, with the original character of the remaining element of Green Lodge being dwarfed by the proposals.

The proposal therefore fails to comply with the National Planning Policy Framework and Policies LPP33 and LPP57 of the Adopted Local Plan.

Reason 2

The proposed extensions are highly likely to cause long term damage to a number of category A trees, contrary to Policies SP7 and LPP65 of the Adopted Local Plan 2013-2033 and the National Planning Policy Framework.

Reason 3

The proposal fails to provide sufficient information regarding ecological features within the site, contrary to Policy LPP64 of the Braintree District Local Plan 2013-2033 and the National Planning Policy Framework.

Reason 4

The proposed development would trigger the requirement for:

- A financial contribution towards primary health services.

This requirement would need to be secured through a S106 planning obligation. At the time of issuing this decision such an obligation had not been prepared or completed. As such the proposal is contrary to Policy LPP78 of the Braintree District Local Plan 2013-2033.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP33	Specialist Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

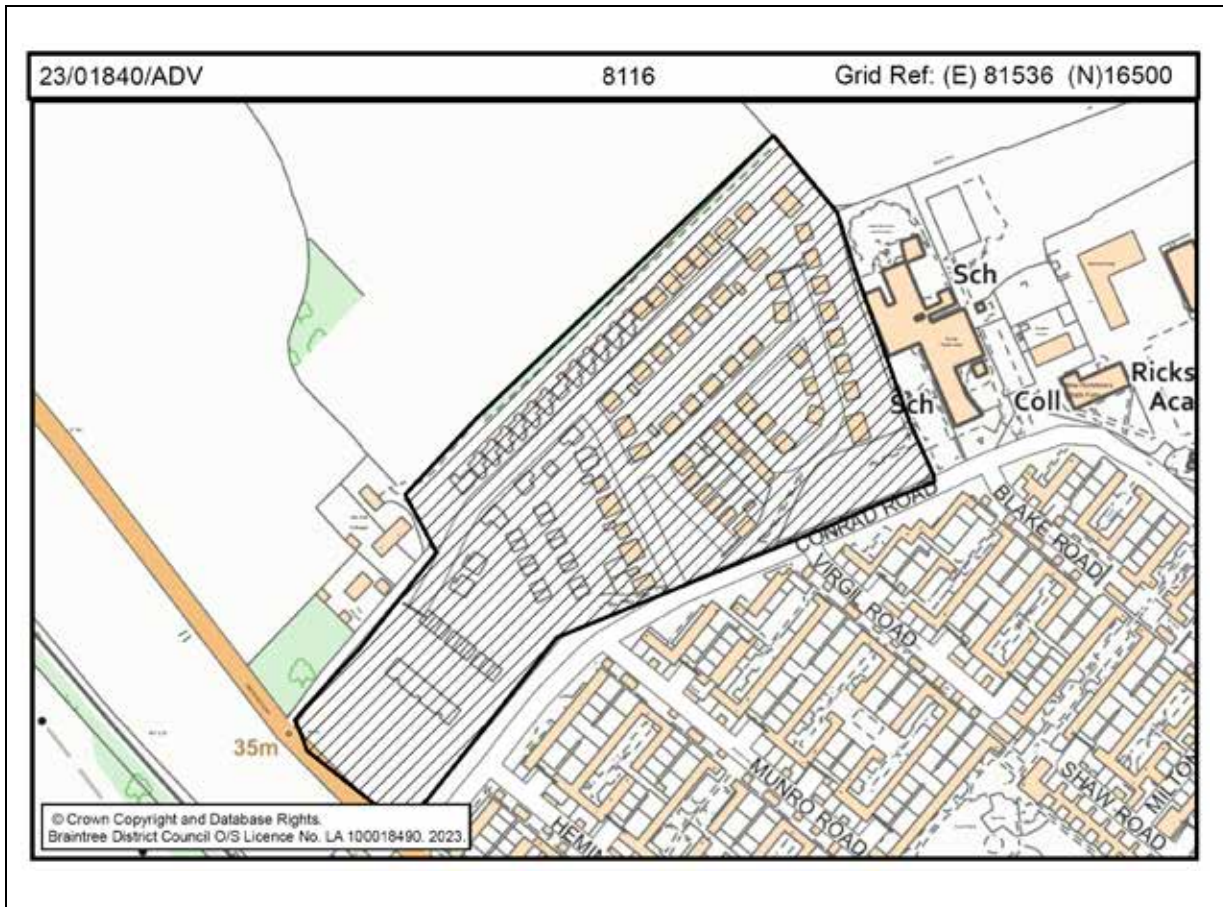
Application No:	Description:	Decision:	Date:
19/00075/NONDET	Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 30 bungalows and layout associated car parking, drainage and landscaping.	Appeal Dismissed	18.08.20
03/00717/FUL	Erection of two storey rear extension	Granted	10.07.03
81/00047/	Alterations, conversion and change of use from coach house and flat to single dwelling	Granted	10.03.81
82/00620/	Erection of detached double garage and formation of access	Granted	06.12.82
83/01369/	Change of use from private residence to residential home for the elderly	Granted	14.02.84
86/00646/	Erection of shed in connection with operation of residential home	Granted	22.07.86
86/00839/	Erection of double garage and summer house	Granted	08.07.86
88/00098/	Erection of front and rear extensions	Withdrawn	29.03.88
88/00098/P	Erection Of Front And Rear Extensions	Withdrawn	29.03.88
89/02061/P	Erection Of Single Storey Extension, Loft Conversion And Existing Front Porch Infilled	Refused	12.12.89
89/02307/P	Loft Conversion And Existing Front Porch Infilled.	Granted	17.01.90
93/01249/FUL	Proposed conservatory to side of existing building.	Granted	11.11.93
98/01208/FUL	Erection of two storey rear extension and minor alterations	Granted	08.10.98

05/01446/FUL	Proposed staircase enclosure, minor roof re-alignments, window and internal alterations	Granted	13.09.05
07/00110/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No. 1/66 A1 - Fell 1 Beech tree	Granted	19.02.07
07/00628/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No: 1/66 - A1 - Prune back lowest branch of a Desdar Cedar	Granted	23.04.07
18/01367/FUL	Single storey rear extension to provide ancillary spaces to service nursing home. Construct brick entrance piers to both main and staff entrances to the site.	Granted	24.09.18
18/01481/FUL	Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 30 bungalows and layout associated car parking, drainage and landscaping.	Appeal against non-determination	13.09.19
21/00014/FUL	Re surfacing and marking out public and staff car parking spaces and provision of bin store.	Granted	23.03.21
21/02449/FUL	Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 20 bungalows and layout associated car parking, drainage and landscaping	Granted with S106 Agreement	09.06.22
22/03366/OUT	Outline application for the erection of 34 dwellings (including 24 market units and 10 social affordable	Pending Consideration	

	units) with permission sought for access and drainage.		
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Report to: Planning Committee	
Planning Committee Date: 23rd January 2024	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/01840/ADV
Description:	Retention of 18 No. Flags on 5.4m flagpoles, 2 No. Stack Signs, 1 No. Leaderboard Sign
Location:	Land At Conrad Road, Witham
Applicant:	Mr Daniel Kenyon, Motion Graphix Limited, Unit 1 & 2, Greenwood Business Park, Gorsey Place, Skelmersdale, Lancashire, WN8 9DB
Date Valid:	16th August 2023
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>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	<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;

	<p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> § Planning Application submission: <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 23/01840/ADV.</p> <ul style="list-style-type: none"> § Policy Documents: <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1 EXECUTIVE SUMMARY

- 1.1 The application seeks temporary consent until 31/12/26 for 18no. flagpoles, 2no. stack signs and 1no. leadership board, to be sited to the Cressing Road and Conrad Road frontages. The signs are already in situ, and thus the application is retrospective.
- 1.2 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that the only relevant considerations include visual amenity and highway safety impacts.
- 1.3 Whilst the signs are within prominent locations on the site boundaries and highway frontages, they are not considered to result in advert clutter, and overall are of an appropriate size, scale, siting, and design, that would be sympathetic to the character of the locality and would not result in harm to visual amenity.
- 1.4 The signage would not be illuminated and due to their size, siting, and design, would not be overly prominent or distracting for highway users. Essex County Council Highways raises no objections to the application on grounds of impacts on highway safety.
- 1.5 It is therefore recommended that advertisement consent be granted subject to conditions, including that the signs be removed from site by 31/12/26.

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 part of the application site is owned by 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 located to the north of Witham and is currently being built out for residential development for 150no. dwellings, some of which are occupied.

5.2 The site has a frontage with Conrad Road and the Cressing Road (B1018).

5.3 The site is located outside of the Conservation Area and there are no nearby listed buildings.

6. PROPOSAL

6.1 The application seeks advertisement consent relating to the residential development under construction on the wider site. The signs would advertise the residential development, availability of units on site, as well as providing a directional sign.

6.2 The application seeks 18no. flagpoles to a height of 5.4 metres. 10 of the flagpoles are sited to the Conrad Road frontage, whilst 8 are sited to the Cressing Road frontage.

6.3 In addition, 2no. single sided stack signs to a height of 3.9 metres are proposed. 1 is located to the Cressing Road frontage, whilst the other is at the junction of Cressing Road with Conrad Road.

6.4 1no. directional leaderboard sign is also proposed, which is to a height of 1.2 metres, sited to the Conrad Road frontage.

6.5 The signs are already in situ, and thus the application is retrospective. The application form sets out that the signs are required until 31/12/26.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 ECC - Highways

7.1.1 Responded with no comments.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 Witham Town Council raise no objection, but comment that the flagpoles and signs should be removed once the last property has been sold.

9. REPRESENTATIONS

9.1 No letters of representation have been received.

10. PRINCIPLE OF DEVELOPMENT

10.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

11. SITE ASSESSMENT

11.1 Visual Impacts

11.1.1 Within the Adopted Local Plan, there are no specific policies relating to advertisements outside of Conservation Areas. However, Policies LPP47 and LPP52 of the Adopted Local Plan, which seek a high standard of design and layout, are relevant. In addition, the NPPF sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

11.1.2 The 18no. flagpoles are to a maximum height of 5.4 metres (the flag itself measures 1 x 2 metres in size, with the overall height obtained from the associated steel post). As set out above, 10 of the flagpoles are sited to the Conrad Road frontage, whilst 8 are sited to the Crossing Road frontage.

11.1.3 Although there are 18no. flagpoles in total, these are well spaced across the site frontages and are inset from the highway. It is considered that they would not result in advert clutter. Despite the height of the flagpoles, due to their overall size and siting, there would be no harm to visual amenity. In addition, any visual impact would be limited, as the signs are only sought until December 2026. Their removal would be secured via condition.

11.1.4 In regard to the 2no. stack signs, these are a single sided sign, constructed from aluminium composite on steel posts, to a height of 3.9 metres (the sign itself is 3.1m, whilst the posts take the height to 3.9m). No illumination is sought. 1 sign is located to the Crossing Road frontage, being set back within the wide grass verge, whilst the other is at the corner of the site with the junction of Crossing Road and Conrad Road. Due to the size, siting, and design of the signs (and temporary nature until December 2026), there would be no harm to visual amenity.

11.1.5 In terms of the leaderboard sign, this is also single sided, constructed from aluminium composite on steel posts. The sign itself measures 1 x 0.4 metres, but together with the posts, would have an overall height of 1.2 metres. No illumination is sought. The sign is sited to the Conrad Road frontage, to the south of the new vehicular access into the residential development and would direct visitors to the marketing suite. This sign would also be of a size, siting and design that would ensure there is no harm to visual amenity.

11.1.6 Overall, whilst the signs are within prominent locations on the site boundaries and highway frontages, they are not considered to result in advert clutter, and are of an appropriate size, scale, siting and design that would be sympathetic to the character of the locality, and would not result in harm to visual amenity.

11.2 Highway Safety Impacts

11.2.1 The signage would not be illuminated and due to their size, siting and design would not be overly prominent or distracting for highway users. Essex County Council Highways raises no objections to the application on grounds of impacts on highway safety.

11.2.2 Officers are therefore satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

12. CONCLUSION

12.1 The signs are of an appropriate size, scale, siting and design, that would be sympathetic to the character of the locality, and would not result in advert clutter. There would be no harm to visual amenity.

12.2 The signage would not be illuminated and due to their size, siting, and design, would not be unduly prominent or distracting for highway users. There would be no harm to highway safety.

12.3 It is therefore recommended that advertisement consent be granted subject to conditions, including that the signs be removed from site by 31/12/26.

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
Signage Details	Leadership Sign	N/A
Signage Details	Stack Sign	N/A
Signage Details	FLG01	N/A
Location Plan	N/A	N/A

Condition(s) & Reason(s)

Condition 1

The display of the advertisements hereby granted shall cease on or before 31/12/26 upon which date all the advertisements and associated structures shall be removed.

Reason: The advertisement is only considered acceptable for a limited period of time having regard to the visual amenities of the area.

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development

APPENDIX 3:

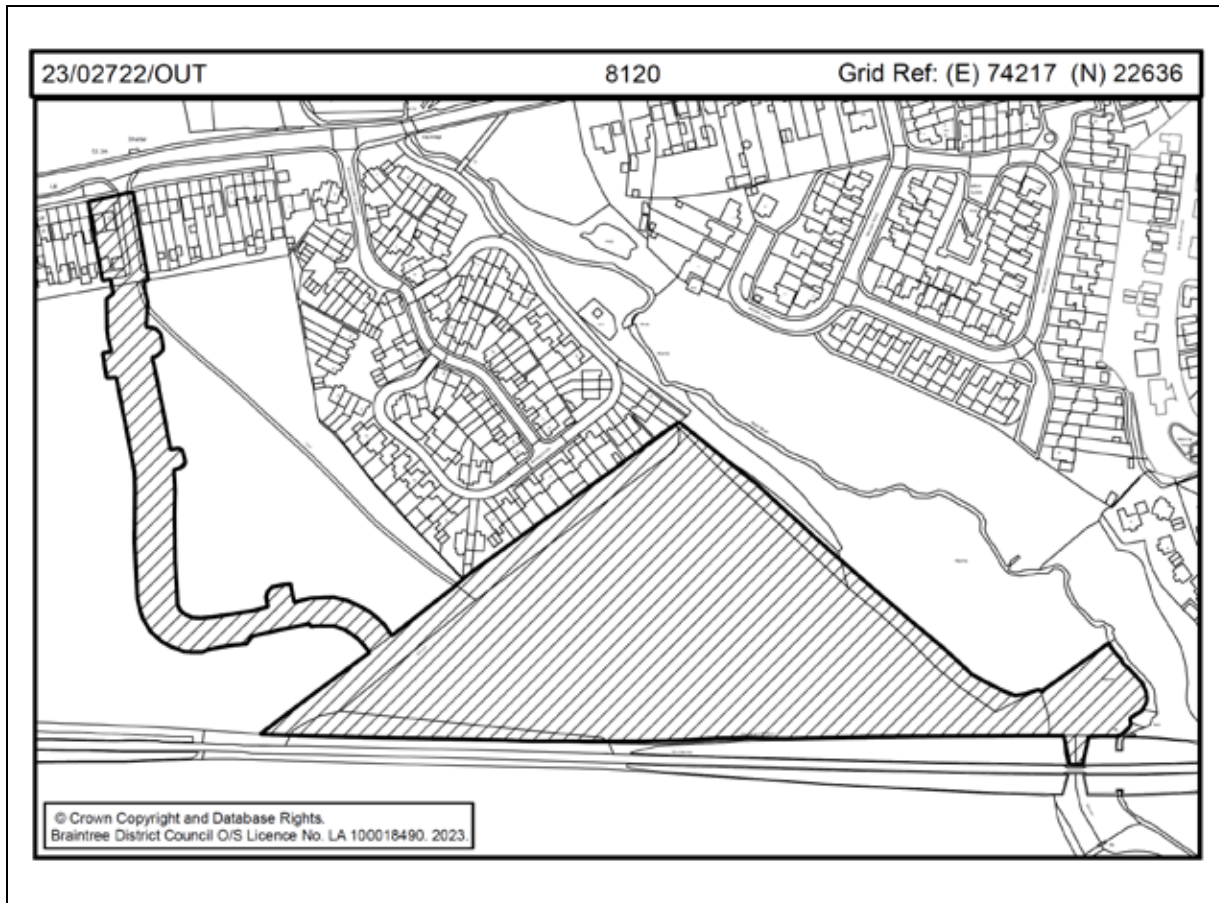
SITE HISTORY

Application No:	Description:	Decision:	Date:
19/00026/FUL	Full planning application for the erection of 150 residential dwellings with associated infrastructure and landscaping	Granted with S106 Agreement	23.10.20
20/02073/NMA	Non-Material Amendment to permission 19/00026/FUL granted 23.10.2020 for: Erection of 150 residential dwellings with associated infrastructure and landscaping. Amendment would allow: -To ratify the amended road layout to profiles and widths acceptable to ECC Highways for adoption, from that previously indicated on the approved plans. Re-alignment of proposed trees to suit amended road layout, Re-alignment of a few plots to suit amended road layout. Relocation of visitor parking spaces to suit new road layout (total number of spaces for visitor has been reduced by 1 space, new total (54) within Essex parking standards).	Granted	19.01.21
21/03247/S106A	Application made under Section 106a of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to modify Schedule 5 (Affordable Housing) of S106 Legal Agreement relating to 19/00026/FUL.	Granted with S106 Agreement	15.06.22
21/03420/NMA	Non-Material Amendment to permission 19/00026/FUL granted 23.10.2020 for: Erection of 150 residential dwellings with associated infrastructure and landscaping. Amendment would	Granted	07.12.21

	allow: -To clarify the window opening strategy on all house types and apartment blocks, including change of style to patio doors to include a fanlight above. Brick feature detailing changed from proposed 20mm recessed to 10mm projection.		
22/00543/NMA	Non-Material Amendment to permission 19/00026/FUL granted 23.10.2020 for: Full planning application for the erection of 150 residential dwellings with associated infrastructure and landscaping. Amendment would allow: -To amend the garage door style from "side-hinged double leaf doors" to "up and over single leaf doors" on all garages including detached single gable, single pitched, double pitched, attached garages to house types G, H, K.	Granted	29.03.22
22/02060/NMA	Non-Material Amendment to permission 19/00026/FUL granted 23.10.2020 for: Full planning application for the erection of 150 residential dwellings with associated infrastructure and landscaping. Amendment would allow: - Changes to Apartment Block 1, 2 and 3 main communal entrance doors to be fully glazed in lieu of timber-panel effect. - To capture the Retaining Wall installed within the site boundary to support the new footpath and road construction.	Granted	30.08.22

Report to: Planning Committee	
Planning Committee Date: 23rd January 2024	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/02722/OUT
Description:	Outline application with all matters reserved except access, for the erection of 74 affordable residential dwellings.
Location:	Land South of Springfields, Braintree
Applicant:	First Oak Partnership Ltd, C/o Agent
Agent:	Mr Rory Baker, Ceres Property, A3 East Gores Farm, Salmons Lane, Coggeshall, Essex, CO6 1RZ
Date Valid:	7th November 2023
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) Overtturn 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:	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

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <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: 23/02722/OUT.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Supplementary Planning Documents (SPD's) § Essex Design Guide for Mixed Uses and Residential Areas (2005) § External Artificial Lighting Supplementary Planning Document (2009) § Essex Parking Standards – Design and Good Practice (2009) § Open Spaces Supplementary Planning Document § Potential Open Spaces Improvement document (2023) <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 consists of 3.6ha of land which is located to the west of the town of Braintree and to the east of the village of Rayne. The site is a triangular parcel of agricultural land and during a recent visit to the site it was observed to be covered in scrubby grass.
- 1.2 To the north west of the site are the rear gardens of properties in a residential estate known as Springfields; and an undeveloped piece of land to the rear of Gilda Terrace that is subject of an outline planning permission for 120 residential units which was allowed at appeal (Application Reference 18/01065/OUT). Officers are currently considering two reserved matters applications for that site (Application References 22/03402/REM and 23/00191/REM refer). To the south of the site is the Flitch Way Country Park and to the north east of the site is a public right of way (68_108); beyond this is the River Brain and land allocated as 'Informal Recreation' in the Local Plan. A small portion of the application site, the eastern corner, lies within Flood Zone 3.
- 1.3 The application seeks outline planning permission to erect 74 affordable dwellings on the site. All matters are reserved except for access which is shown to be from Rayne Road, via the rear of Gilda Terrace development, allowed on appeal. An earlier application (Application Reference 23/01880/OUT), also seeking permission for 74 dwellings, was considered by Members at the Planning Committee meeting held on 17th October 2023, where it was resolved to refuse planning permission for the proposal.
- 1.4 The proposed development is located outside of any settlement boundary designated in the Local Plan. In such locations, only proposals that are compatible with and appropriate to the countryside would 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 to the detriment of local landscape character.
- 1.5 The Applicant has not demonstrated that they can satisfactorily accommodate 74 dwellings on the application site. The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan seeks to ensure that there is no unacceptable impact on the amenity of nearby properties including, privacy, overshadowing, loss of light and overbearing impact. Policy LPP32 of the Adopted Local Plan also requires that an appropriate standard of residential accommodation is provided for the occupants of new developments. The indicative proposals indicate that the proposal would represent an overdevelopment of the site, which fails to respond to the context, constraints, and opportunities, provide an appropriate quality of private amenity space, car parking that complies with the Parking Standards and which is well designed and discrete, tree lined streets, and meaningful public open space and landscaping.

- 1.6 When considering the planning balance, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, it is recommended that planning permission is refused for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application submission states that the application site consists of 3.6ha of land which is located to the west of the town of Braintree and to the east of the village of Rayne. The site is described as a triangular parcel of agricultural land. During a recent visit to the site it was observed to be covered in scrubby grass and largely serves as a habitat for rabbits and informal dog walking/recreation. The site does not currently have a vehicular access.

5.2 To the north west of the site are the rear gardens of properties in the residential estate known as Springfields. There are also three trees that are subject to Tree Preservation Orders close to the shared boundary. To the north west of the site is an undeveloped piece of land to the rear of Gilda Terrace that is subject of an outline planning permission for 120 residential units which was granted permission at appeal (Application Reference 18/01065/OUT). Officers are currently considering two reserved matters applications for the site (Application References 22/03402/REM and 23/00191/REM refer).

5.3 To the south of the site is the Flitch Way Country Park and the southern boundary of the application site stops short of the former railway line, with the plans showing a corridor of land between the Flitch Way path and the edge of the built development varying in depth between 27m and 30m, running parallel to it. The Flitch Way is the former railway line that runs for approximately 15 miles between Braintree and Bishop's Stortford and was decommissioned in 1972; the land between Braintree and Rayne is now owned by Essex County Council and managed by the County Council's Country Parks service. It forms a traffic-free part of Sustrans National Cycle Route 16, and is well used by walkers as well as cyclists. As the Flitch Way passes through the countryside between Braintree and Rayne parts of the path are at grade, but other sections are within a cutting, or elevated on embankments.

- 5.4 To the north east of the site is a public right of way (68_108) which runs through a wooded area. Beyond this is the River Brain and land allocated as 'Informal Recreation' in the Local Plan. A small portion of the application site, the eastern corner, lies in Flood Zone 3.
- 5.5 A topographical survey shows that the levels across site vary significantly generally falling to the south-east, with levels of approximately +58.3mAOD at the highest point at the western corner of the site falling to +52.0mAOD at the north-eastern corner of the site and +47.0mAOD at the lowest point within the south-eastern corner of the site.

6. THE 'BROOK GREEN' AND 'GILDA TERRACE' APPEALS

6.1 Brook Green

- 6.1.1 The application site forms part of a much larger site that was subject to a planning application in 2015. That application included land to the north and south of the Flitch Way, but was colloquially referred to as 'Brook Green'. That application sought outline planning permission for the development of up to 1600 residential dwellings, a local centre; a primary school site; employment land; public open space; and associated highway works with new accesses via Pods Brook Road and Rayne Road and demolition of No's. 27 & 29 Gilda Terrace (Application Reference 15/01538/OUT).
- 6.1.2 The application was refused in December 2017 and seven reasons for refusal were listed as follows: i) inadequacies in the Environmental Statement that accompanied the application; ii) harm to designated heritage assets; iii) loss of countryside and landscape harm; iv) insufficient information to assess the highway impacts of the development; v) insufficient information to assess the ecological impacts of the development; vi) that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme; and vii) the absence of a S106 agreement to secure necessary planning obligations.
- 6.1.3 The appeal was recovered for the Secretary of State's determination, and a public inquiry was held over two weeks in September 2018 to consider the arguments.
- 6.1.4 The Secretary of State dismissed the appeal in June 2019. It was agreed that the Council could not demonstrate a 5 Year Housing Land Supply and that the tilted balance was therefore engaged. Whilst substantial weight was attributed to some of the benefits of the scheme this needed to be balanced against the harm that was identified in respect of adverse impacts on a nearby listed building; landscape harm, both to the wider Landscape Character Area and the loss of the appeal site itself; the loss of views and open outlook from the Flitch Way and public footpaths; and the fact that the development would reduce the separation of Braintree and Rayne. The Secretary of State concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits,

when assessed against policies in the Framework taken as a whole and the appeal was dismissed.

- 6.1.5 The conclusions of the Planning Inspector and the Secretary of State are considered to be highly material to the assessment of this current application. Clearly it must be determined on its own merits and in the light of any material circumstances that are relevant at the time of determination. The application site and scale of development in this case is smaller than the Brook Green proposal, so the levels of harm and benefits will be different, but where it is considered relevant, Officers have referred to judgements and assessments that the Planning Inspector and Secretary of State made on the Brook Green scheme in this report.

6.2 Gilda Terrace

- 6.2.1 As described earlier in this report, to the north west of the application site lies a parcel of land known as the 'Gilda Terrace' site. This site was the subject of an outline planning application (Application Reference 18/01065/OUT) that was refused planning permission in September 2020, but granted planning permission on appeal in July 2021. In determining the appeal, the Planning Inspector concluded that with regard to the character of the landscape and its sensitivity to change, limited harm would occur. However, prior to this in his decision, the Planning Inspector made some critical comments about the current application site and the importance of this parcel of land within the local landscape.

- 6.2.2 The Planning Inspector makes the following observation with regards the current application site:

21. On entering Flitch Way from the built-up edge of Braintree, and after crossing Pod's Brook, there is open countryside to both sides of the path. Views to the wider expanse of farmland to the south are visually more accessible than to the north. To the north there is initially a triangular field between Flitch Way and the Sun Lido estate, and the vegetation along its boundaries helps screen views of this existing housing.

28. Overall, my conclusion is that the appeal site is relatively well contained visually. The impacts would be localised, and mainly from between the trees along the Flitch Way and at points from informal paths that run along its vegetated margins and embankment. The near boundary of the proposal is set back from the edge of Flitch Way, with the housing then sited behind where the main public open space and the drainage attenuation area are to be provided. Such a layout, secured through the development parameters plan, along with opportunities provided for landscaping, would further reduce the visual impact of the proposed housing. My overall conclusion is that the resulting visual harm would be limited, with the impacts being restricted to intermittent points close to the site boundary from where the housing would be seen.

6.2.3 Therefore, given the above conclusions, Officers are of the view that the Planning Inspector considered that the current application site essentially formed part of the landscape context against which the 'Gilda Terrace' appeal site was assessed, given the location of the parcel of land and its proximity to the Fritch Way. This is a material consideration of significant weight in the determination of the proposal.

6.3 Previous Application

6.3.1 An earlier application (Application Reference 23/01880/OUT), also seeking permission for 74 dwellings, was considered by Members at the Planning Committee meeting held on 17th October 2023, where it was resolved to refuse planning permission for the proposal.

7. PROPOSAL

7.1 The application seeks outline planning permission to erect 74 affordable dwellings on the site, however during the application the Applicant's solicitor has confirmed that only a policy compliant level of affordable housing (30%) would be secured via the Section 106 Agreement, and that the remainder (70%) as affordable housing is reliant on Homes England funding. This application follows the refusal of Application Reference 23/01880/OUT. This earlier application has the same red line location plan and proposed the same number of dwellings. The current submission includes different illustrative layout details to the earlier refused application. Members are advised that an appeal has been submitted in relation to the earlier application and a hearing date has been set for March 2024.

7.2 All matters are reserved except for access which is shown to be from Rayne Road, via the Gilda Terrace development, allowed on appeal.

7.3 The application is accompanied by the following plans and documentation:

- Application Form
- Site Location Plan
- Topographical Survey
- Layout Plan
- Site Plan
- Landscaping Plan
- Concept Masterplan
- Typology Plan
- Storey Heights Plan
- Pedestrian Priority Plan
- Pedestrian Routes Plan
- Parameter Plan - Vehicular Site Access Plan
- Parameter Plan - Building Heights Plan
- Parameter Plan - Buffer Landscape and Drainage Attenuation Plan
- Edge Conditions Plan
- Arboricultural Impact Assessment

- Affordable Housing Statement
- Archaeological and Heritage Statement
- Design and Access Statement
- Health Impact Assessment
- Landscape and Visual Impact Appraisal
- Landscape and Open Space Strategy
- Planning Statement
- Drainage Strategy
- Flood Risk Assessment
- Preliminary Ecological Assessment
- Foul Sewage and Utilities Assessment
- Preliminary Risk Assessment Report
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Biodiversity Net Gain Report

8. SUMMARY OF CONSULTATION RESPONSES

8.1 Active Travel England

8.1.1 No comment.

8.2 Anglian Water

8.2.1 Assets Affected- There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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

8.2.3 Used Water Network- This response has been based on the following submitted documents: Drainage Strategy and Flood Risk assessment Ver 6 Dated 31 Oct 23 and Surface Water Drainage Strategy dated 31 Oct 23 The sewerage system at present has available capacity for these flows, to connect by gravity. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

8.2.4 Surface Water Disposal- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

8.2.5 The Applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the Applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Design Strategic Assessment (PDSA). The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

8.3 Environment Agency

8.3.1 Flood Risk - The site boundary includes Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding. However, the development activities are located in Flood Zone 1. Therefore, we classify the proposed development as 'lower risk'. We have produced a series of standard comments for you and planning Applicants to refer to on 'lower risk' development proposals. These comments replace direct case by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice. They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#whento-follow-standing-advice>. We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

8.3.2 The Environment Agency advise that the Applicant may be required to apply for an Environmental Permit for Flood Risk Activities under some circumstances.

8.4 Essex Fire and Rescue

8.4.1 Access- Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. Fire service access to the proposed development appears sufficient, meeting the requirements of Section B5 Approved Document "B" Fire Safety Volume 1. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

8.4.2 Building Regulations- It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult with the Authority in accordance with

Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

8.4.3 Water Supplies- The architect or Applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or Applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

8.4.4 Sprinkler Systems- There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

8.5 Essex Police

8.5.1 Essex Police make reference to the Essex Design Guide in their comments and sets out areas that the Applicant's should consider, such as Emergency Services engagement, designing out crime and Secured by Design, traffic management considerations, zero emission fleet and infrastructure strategy and information on Essex policing priorities and context. No specific comments are made in relation to the outline proposals.

8.5.2 Braintree District Local Plan 2022 states: LPP52 (h) Designs and layouts shall promote a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes. LPP52 (j) The design and level of any lighting proposals will need to be in context with the local area, comply with national policy and avoid or minimise glare, spill and light pollution on local amenity, intrinsically dark landscapes, and nature conservation. LPP52 (m) The development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users. 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.

8.5.3 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 benefitting both the resident and wider community.

- 8.5.4 From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.
- 8.6 Natural England
- 8.6.1 Designated Sites (European) - No objection subject to securing appropriate mitigation.
- 8.7 NHS
- 8.7.1 Financial contribution of £36,800 is sought to be secured through a planning obligation in the form of a Section 106 Agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration, or relocation of premises.
- 8.8 Ramblers Association
- 8.8.1 It is noted that the previous application for 74 affordable houses 23/01880/OUT was refused. On behalf of the Ramblers, there is concern that the location of this 100% affordable homes site is not in a sustainable location. The conclusion is that the location will not encourage walking/ cycling or the use of public transport but will be substantially car dependent. The site is a considerable walking distance from the nearest primary school. The Framework Travel plan states that St Michaels Primary school is 1.3km away, an estimated 17 minutes at a walking speed of 3mph/4.4kmh. This is rather fast and further than the recommended acceptable walking distance, stated as 500metres/6minutes in 3.13 of the Framework Travel Plan - certainly for a child of primary school age. The travel plan does not state which route would be used and whether it is lit and has an all-weather surface. The nearest secondary school, Tabor Academy, is further away at a stated 1.8km/ 23 minutes' walk. The nearest bus stop is on Rayne Road - a distance of over 1km. Only one pedestrian/ cycle connection is proposed to the Flitch Way walking & cycling route towards the south-west end of the proposed development i.e., away from the primary school and Braintree town centre / railway station. A second connection at the eastern corner of the site is requested to increase the walking/cycling connectivity. The Flitch Way is not lit so this is not a suitable all-year-round route. The south-east corner connection with Braintree and Bocking public footpath 108 is via a decked path over the proposed wildlife pond. Is this a safe all-weather all-age/all-ability connection? A more northern connection by plots 20 & 21 is also indicated but with no details as regards surfacing. See also photos 3.7 and 3.8 in the Framework Travel

Plan. The "storey heights" plan has no key but the planning statement says that all the dwellings will be 2.5 storeys. Will the 2-bed properties also be 2.5 storeys high or is it proposed to include some 2.5 storey flats?

8.9 BDC Ecology

8.9.1 No objection subject to securing:

- a) A financial contribution in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy; and
- b) Biodiversity mitigation and enhancement measures.

8.10. BDC Environmental Health

8.10.1 No objection. Conditions recommended regarding the submission of an environmental management plan to include a construction of demolition method statement, contaminated land survey, no piling condition, working hours condition and protection of nearby residential amenity.

8.11 BDC Housing Research and Development

8.11.1 In accordance with Policy LPP31 to seek affordable housing, this outline proposal for up to 74 residential dwellings requires 30% of the dwellings to be provided as affordable housing which would equate to 22 homes consisting of 15 No. Affordable Rent and 7 No. for shared ownership.

8.11.2 The Applicant, working in partnership with a registered provider of affordable homes, has stated the intention is to deliver the whole scheme of 74 units as affordable housing which would comprise 15 units for Affordable Rent and 59 units for shared ownership. Although assurances have been provided by the Applicant that Homes England will provide grant to deliver an additional 52 units as shared ownership, we feel it is essential that a policy compliant 30% of the overall number of units is secured as affordable housing in a Section 106 Agreement.

8.11.3 Accordingly, the unit and tenure mix below would be considered appropriate for the 30% affordable element which we feel provides a good blend of house types to address identified housing need.

Type	Affordable Rent	Shared Ownership	Total
1 bed 2 person maisonettes	4	0	4
2 bed 4 person house	5	4	9
3 bed 5 person house	4	3	7
3 bed 5 person bungalow - M3(2a)	1	0	1
4 bed 7 person house	1	0	1
	15	7	22

- 8.11.4 Additionally, Policy LPP35 requires all new affordable homes accessed at ground level must meet Category M4(2) or M4(3). For developments within or adjacent to the Main Towns along with Key Service Villages, 5% of all new affordable homes are required to meet Building Regulations Category M4(3)(2b) – Wheelchair Accessible dwellings. Therefore, to address the challenging demand for wheelchair accessible units, a 3 bed bungalow is included in the mix. It's worth noting this requirement is being met on the adjacent scheme off Gilda Terrace where two wheelchair bungalows are to be provided.
- 8.11.5 We are supportive of this application as it provides opportunity for a significant number of additional new affordable homes to be delivered in the District.
- 8.12 BDC Landscape Services
- 8.12.1 No comments received.
- 8.13 BDC Waste Services
- 8.13.1 There is not enough information to ascertain whether waste collections can be successfully carried out. Wheelie bins will need to be within 20 metres from where the waste collection vehicle can safely stop. The waste collection vehicles will only be able to drive on adopted highway, or road built to adopted highway standard and maintained as such. Flat bin stores must be within 15 metres from where the collection vehicle can safely stop. The path between where the collection vehicle can safely stop and where the bin store is, must be flat, level, free of shingle, and drop kerbs installed where required. There must be ample hardstanding area to put the bins, once the bin store doors have been opened. The bin store must be large enough to cater for waste containers to accommodate 45 litres per resident per week for refuse, and a further 45 litres per person per week for recycling.
- 8.14 ECC Archaeology
- 8.14.1 The proposed site lies south of a Roman road, Stane Street, which led to the small Roman town at Braintree. Evidence for prehistoric and later activity has been recovered during nearby archaeological investigations though no settlement activity has yet been located.
- 8.14.2 A Desk Based Assessment (DBA) and geophysical survey have been completed across much of the site in response to an earlier application. The geophysical survey identified a curvilinear feature of probable archaeological origin and a section of probable ditch within the development site. The Heritage Statement submitted suggest the feature may relate to a settlement enclosure of possible Iron Age or Roman date and may contain further features not detected through geophysical survey.

- 8.14.3 An archaeological evaluation is thus required to determine the significance of any heritage assets which may be impacted upon by the proposed development in accordance with Para 194 of the NPPF and to preserve them, by record (Para 205). (Comments made prior to publication of new version of NPPF December 2023)
- 8.14.4 A number of specifically worded conditions are recommended.
- 8.15 ECC Country Parks
- 8.15.1 No comments received.
- 8.16 ECC Education
- 8.16.1 Financial contribution sought for early years and childcare (£129,371.00) primary education (£431,235.00), secondary education (£395,412) and library improvements (£5,757.20) and a monitoring fee.
- 8.17 ECC Highways
- 8.17.1 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements.
- 8.17.2 The recommended planning conditions require the submission of a construction management plan, provision of the site access road between Rayne Road and the development site prior to occupation of any dwellings, and provision of residential travel packs for all new occupiers. In addition, financial contributions are sought towards improvements at the Springwood Drive/Rayne Road/ Pods Brook Road roundabout and improvements to the Flitch Way, provision of a pedestrian/cycle link between the proposed site and the Flitch Way and pedestrian connection between the site and the PROW Braintree and Bocking Footpath 108.
- 8.18 ECC Independent Living/Extra Care
- 8.18.1 No comments received.
- 8.19 ECC Suds
- 8.19.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a

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

- Please clarify the discharge rate, as this is discharging to the River Brain the discharge rate should be as low as possible.
- As the site is situated within a Source Protection Zone, please clarify how the roads within the south of the site will receive sufficient treatment before entering the attenuation basin. In addition, please also clarify how the runoff from the roofs will be treated.

8.19.2 At the time of writing this report, the Applicant has provided additional drainage commentary and Officers are awaiting further comments from ECC Suds and these will be reported either verbally at the Planning Committee meeting or via an Update Report prior to the meeting.

9. PARISH / TOWN COUNCIL

9.1 Rayne Parish Council

9.1.1 Whilst the application site does not lie in a parished area, Rayne Parish Council has made the following comments.

9.1.2 Rayne Parish Council wishes to record their strong objection to the above planning application concerning the building of 74 affordable residential dwelling adjacent to the Springfield estate west of Braintree.

9.1.3 This second application for development on the same site does not diminish or address previous objections. It should be noted that Rayne Parish Council have over the years continually objected to the developments planned and approved to the rear of Gilda Terrace, all of which have one vehicular access point on to Rayne Road.

9.1.4 The current traffic mayhem in Braintree at this time is something that needs to be addressed before any further building and subsequent increased traffic is considered or even approved. As a Parish Council, we have noted in recent times increased traffic using the roads through the village. The continuous congestion at the roundabout where the Springwood industrial estate adjoins Rayne Road is a hindrance to any motorist wishing to access any of the major roads signposted towards Dunmow, Chelmsford and the A120 east and west. Drivers will no doubt prefer to turn left out of the access point on Rayne Road and travel directly westward through The Street, others choosing to travel in the same direction, but turning left at the Swan junction into Gore Road and head out of Rayne, using either New Road or Queenborough Lane both of which are totally inappropriate for the volume of traffic already being seen without this being increased by the additional vehicles from the proposed Rayne Road developments.

9.1.5 As a Parish Council, we are encouraging our residents to use alternative methods of transport, but our efforts are being countered by the need for potential nearby residents to use their vehicles to access local schools, health facilities, employment or commuting options.

9.1.6 We find the submitted Travel Plan document in the application and the 4 stated objectives to be completely unachievable and an insult to our already frustrated residents who see this development as yet another plan to connect our beautiful rural environment to the already overcrowded town of Braintree. We would hope that we will have the opportunity to hear from the developers how they hope to implement and succeed with these impossible targets.

1. Foster a partnership approach with residents to influence travel behaviour.
2. Encourage travel to the site to take place by sustainable modes of transport.
3. Encourage safe and viable alternatives for accessing the site for residence.
4. To reduce the environmental impact associated with development traffic by raising travel awareness among residents.

9.1.7 To build on this land would extend the urban feel of the Flitch way, as the development is right next to it. Rayne Parish Council has always fought to protect the Flitch way from being over developed, as has happened in Takeley. The Flitch is a linear country park and requires our protection. This was supported by a planning inspector on the Brook Green appeal, as development next to it would be detrimental to the landscape.

9.1.8 Rayne has always been concerned about coalescence and the building of this development would narrow the green wedge that is in the planning authorities Local Plan, which protects the space between Rayne and Braintree.

9.1.9 Whilst it is admirable that the development has 74 affordable houses, this should not be to the detriment of the local area.

10. REPRESENTATIONS

10.1 15 representations received making the following comments objecting to the scheme:

- Further housing in this area would harm the Flitch Way, one of Braintree's best assets.
- Would increase traffic congestion in the area.
- This application is no better than the earlier refused scheme.
- Harmful to wildlife in the area and loss of habitat.
- Harmful to the separation between Braintree and Rayne.
- The scheme is still over crowded.
- Previous objections to the earlier application should be taken into account.
- The proposals leave no gap between the proposed 74 houses and the Flitch Way.
- Unwanted urbanisation.

- Noise, traffic and light pollution.
- Increased flood risk.
- Local infrastructure will not be able to cope.
- Loss of open space.
- Issues with regards security and neighbourhood safety.
- Loss of privacy.
- The Applicants have undervalued the landscape value of the site.
- Concerns about drainage maintenance.
- The Local Plan does not earmark this site for development and there are more suitable sites for development.
- Biodiversity Net Gains report is questionable.
- Insufficient green buffer proposed.
- Traffic statement is flawed.
- Brook Green development by stealth.

10.2 Comments from 'Friends of the Flitch Way'.

- The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).
- The Flitch Way provides an easily accessible multi-user path, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about the wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Site reference Bra33 and has recently been designated a Local Nature Reserve by English Nature.
- It carries a bridleway along most of its length and is a popular and much loved greenway with over 70 access points, giving walkers, cyclists and equestrians access to the beautiful countryside of north west Essex.
- Part of what makes the Flitch Way so special is the surrounding rural landscape. It is under increasing pressure from development, and proposals like this will change its character forever. In the last few years there have been applications to build around 6,000 houses or commercial development across 30 sites directly adjacent to the Flitch Way.
- To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused, as not enough consideration has been taken of the impact it would have on

the character and appearance of the Flitch Way, wildflowers and wildlife. I could find no acknowledgement of the Local Nature Reserve designation in the application nor the importance of the Flitch Way to the green infrastructure of the district. Greenspaces in Braintree District are in high demand and should be protected for the health and well-being of residents.

- The proposed development site as seen from the Flitch Way, would have an adverse impact. The latest revised build line is much closer to the Flitch Way than the neighbouring development.
- I would draw your attention to Planning Appeals to build 1500 houses on Land North and South of the Flitch Way in Braintree District, reference APP/Z1510/W/18/3197293, which this land forms part. On 13 June 2019, the Secretary of State agreed with the Planning Inspector's conclusions and recommendation and dismissed the Appeal. One of the key reasons quoted was "that the proposal would cause harm to the character and appearance of the area, including a residual effect of major-moderate significance in the wider Landscape Character Area A12, and a substantial adverse effect arising from the loss of the appeal site itself. The Secretary of State further agrees with the Inspector that the loss of views and open outlook from the Flitch Way and the public footpaths crossing parcel B would both suffer a major adverse impact. Taken together, these harms attract considerable weight."
- A second Planning Appeal nearby to build 135 houses on Land west of Canfield Road, reference APP/C1570/W/18/3213251 was dismissed on 8 August 2019. I ask you to look in particular at point 21 in the Character and Appearance section which was one of the main issues quoted in the statement. The inspector also highlights in points 24 and 25: "24. In part this is due to a further defining feature, the Flitch Way, which lies immediately to the north of the site. The Flitch Way is clearly an important public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site and its informal surfacing, well-treed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge. 25. I accept it is not an open countryside feature along its entire length, and in places there is development close to the northern edge, but it is an important refuge from the growing urban centres and provides easily accessible countryside experiences and access to important features such as Hatfield Forest."
- For these reasons the Friends of the Flitch Way are objecting.

- Should however permission be granted, conditions regarding a buffer zone along the Flich Way, pedestrian and cycle access and Section 106 financial contributions are sought.

11. PRINCIPLE OF DEVELOPMENT

11.1 National Planning Policy Framework (NPPF)

- 11.1.1 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).
- 11.1.2 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.
- 11.1.3 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.
- 11.1.4 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 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.
- 11.1.5 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).

11.2 5 Year Housing Land Supply

- 11.2.1 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Council's Local Plan is up to date and complies with the NPPF.
- 11.2.2 However, Footnote 79 of the NPPF sets out that this provision only applies to planning applications which were submitted on or after the date of publication of the revised NPPF (December 19th 2023). As this application was received prior to that date, the Council must consider it in relation to the 5 year housing land supply.
- 11.2.3 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply.
- 11.2.4 The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, and given that they were only recently adopted, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

11.3 The Development Plan

- 11.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033.
- 11.3.2 The application site is located outside of any identified town, village or commercial development boundary and lies within the countryside for planning purposes. As it is not a use appropriate to the countryside, the general principle of development is therefore not supported by and is contrary to Policy LPP1 of the Adopted Local Plan.
- 11.3.3 The application site has no specific designations in the current adopted Development Plan, but it should be noted that the Flich Way is identified

for Informal Recreation as well as a Local Wildlife Site and Suitable Accessible Natural Greenspace (SANG); and the area around the River Brain is identified as a River Corridor.

- 11.3.4 Although the site was put forward for development when the Council undertook a call for sites for the new Local Plan, it was not selected as a site that should be developed and is not allocated for development on the proposals map in the Council's Adopted Local Plan.

12. SITE ASSESSMENT

12.1 Location and Access to Services and Facilities

- 12.1.1 Braintree is classified as a 'Town' in the Adopted Local Plan. The overarching spatial strategy implies that, in principle, the town is capable of accommodating a significant amount of development, representing one of the most sustainable locations in the District for new growth on account of the availability of local employment, services, facilities and transport links.
- 12.1.2 The approach is consistent with the objectives of Paragraph 105 of the NPPF which states that: "*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. This can help to reduce congestion and emissions, and improve air quality and public health*".
- 12.1.3 Sustainability is not simply a function of a development's location, but this can contribute towards the appropriateness of the principle of development and assessment of its likely adverse impacts.
- 12.1.4 Policy LPP42 of the Adopted Local Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.
- 12.1.5 The site is located on the periphery of one of the District's main towns and the Applicant's Transport Assessment (TA) claims that the site is a suitable location for development, with good levels of access to existing pedestrian / cycling facilities, which would encourage use of these modes.
- 12.1.6 The Flich Way forms the southern boundary of the site. The Flich Way is a 15-mile long generally flat walking and cycling trail running along what used to historically be a single-track railway line between Braintree and Bishop's Stortford. The route offers a traffic-free environment, clear of motorised vehicles of any sort, and the TA highlights that it provides a link to Braintree Railway Station located 2km to the east. The Flich Way route is also designated as a Country Park.

- 12.1.7 The TA states that Rayne Road is a two-way single carriageway road, subject to 30mph speed limit which comes into effect c.100m to the west of 18/01065/OUT's access proposals, at the end of Gilda Terrace. East of this point, toward the village of Rayne, is subject to a 50mph speed limit. Footways and street lighting are present on both sides of the carriageway, providing reasonably attractive routes for future residents wishing to walk to and from the site.
- 12.1.8 Two bus stops are located close to the vehicular access point serving the site, along Rayne Road. The bus service operates between Braintree Town Centre and Stansted Airport Coach Station and operates an hourly service, 7 days a week. The TA also sets out a number of local bus services, however access to these services would require a significant walk into the town centre, prior to boarding the bus.
- 12.1.9 The Applicant indicates that there are a range of amenities to serve the everyday needs of future residents located both in and around Braintree town centre and that the town centre can be seen a short walking distance to the east of the application site with facilities provided including healthcare, educational institutions, recreation facilities and open spaces, food stores, retail stores, and public transport connections from Braintree Station. However, all of these services are located at least a 1km walk away, rising to 2.1km. (14min walk to 27min walk).
- 12.1.10 The TA states that cycling has the potential to substitute for short car trips, especially those less than 5km. Thus, amenities / services including bus stops, train stations, educational facilities, religious centres, health care, restaurants, supermarkets and numerous employment, retail and leisure opportunities are located within an acceptable cycling distance of the site and there is ample opportunity for users of the site to utilise this mode of transport. The TA goes on to state that the site benefits from good connectivity to a number of cycle routes, the primary one being its local proximity to Flitch Way. There are several off-road cycle routes around Braintree, providing safe routes for cyclists to key destinations, such as Braintree Railway Station, the town centre, local schools / colleges and to surrounding areas.
- 12.1.11 The TA states that Braintree railway station is the nearest rail station to the site, located approximately 2km to the east following Flitch Way the entire length. Whilst the station is considered the maximum distance of the typical 'preferred maximum' distance set out previously, it is also accessible within a 7-minute cycle from the site also via Flitch Way, providing a dedicated cycle route free of vehicular traffic. Furthermore, the station can be accessed within 15 minutes from the existing bus stops on Rayne Road (located outside the Site access); made up of a 5-minute bus journey eastward via Route 133, stopping at the 'Blyth's Meadow' stop and travelling by foot to the railway station via a 9-minute walk / 750m journey.
- 12.1.12 Two pedestrian links are proposed to connect the site to the Flitch Way and the Applicant claims this to be a very significant benefit in terms of

enhancing the site's sustainability credentials, providing a direct off-road link to the town centre. However as noted by the Planning Inspector in the Brook Green appeal, whilst the scheme would offer good opportunities to make journeys on foot and by cycling, use of these modes may be less attractive during periods of inclement weather. Moreover, the Fritch Way, which is a key component of the sustainable travel credentials of the site, is unlit. This circumstance is likely to discourage use during the hours of darkness, which in the winter months would cover times when people would be making journeys for various purposes including work and shopping.

12.1.13 Public transport serving the site is to some extent limited. Braintree railway station is approximately 2km east of the site and provides an hourly service to Witham and the main line to London, and there is an hourly bus service which passes along Rayne Road, north of the site, with services to Braintree, Rayne, and Stansted Airport. The larger Brook Green scheme sought to address the limited public transport connectivity of that site through the provision of a new regular seven day a week bus service, to connect it to the town centre. Whilst that was feasible for a development of up to 1600 dwellings, the current application is for a smaller development, and it is considered that the provision of a new bus service would not be feasible or reasonable. Therefore, whilst a smaller form of development is now proposed, it still has many of the negative impacts of greenfield development, but without many of the public benefits of the larger scheme, such as a new bus service. Nonetheless, the Planning Inspector for the Gilda Terrace appeal stated: *"The housing is in a location where appropriate opportunities to promote sustainable transport modes can be taken up. Subject to the contributions secured by the s106 and to the conditions sought by the LHA, the scheme is acceptable in respect of highway safety and capacity and in terms of sustainable transport choices"*.

12.1.14 Therefore, in conclusion, bearing in mind that the current scheme would rely upon the vehicular access through the Gilda Terrace scheme, and that its relationship to the Fritch Way, Public Rights of Way, footways and Public Transport provision would be very similar to it, it is considered that an objection cannot be raised to the planning application on accessibility grounds. It is however considered that the site's sustainability credentials in respect of accessibility have been overstated by the Applicant.

12.2 Design, Appearance and Impact upon the Character and Appearance of the Area

12.2.1 Paragraph 131 of the NPPF highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

- 12.2.2 Paragraph 135 of NPPF states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 12.2.3 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.
- 12.2.4 Policy LPP35 of the Adopted Local Plan requires, *inter alia*, that the density and massing of residential development will be related to the character of the site and its immediate surroundings, as well as the wider locality, existing vegetation including trees on the site and the necessity for further landscaping.
- 12.2.5 In addition, Policy LPP52 of the Adopted Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, layout, height, and massing of buildings. It also seeks high architectural quality and a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, but not necessarily replicate the local architectural character.
- 12.2.6 Policy LPP35 of the Adopted Local Plan requires onsite amenity space to be provided in accordance with the adopted guidance and requires that all new development should be in accordance with the national technical housing standards.
- 12.2.7 Policy LPP52 of the Adopted Local Plan seeks a high standard of accommodation and amenity for all prospective occupants.
- 12.2.8 This is an outline planning application where layout, scale, appearance, and landscaping are reserved matters and thus are not considered as part of this application. The application does however include four Parameter Plans which were submitted for approval. As the name indicates, the plans are intended to set the parameters for the development which the Reserved Matters will follow. The Parameter Plans establish:
- Vehicular Site Access and Principle Street;
 - Pedestrian routes to adjacent landscape;
 - Building Heights;
 - Buffer Landscape and Drainage Attenuation;
 - Edge Conditions (identifying where some of the building frontages will be and where some of the rear gardens will be located).

The Applicant's Agent has confirmed that the submitted house types, site, and block plans are illustrative and are therefore not submitted for approval as part of this application.

- 12.2.9 Whilst the application has been submitted in outline form, with only access being considered at this stage, the Applicant has submitted a significant amount of illustrative information with regards the layout, scale,

appearance, and landscaping of the site. The Applicant has sought to address issues raised with the illustrative material submitted with the first application. The illustrative layout site has been changed significantly, including moving the housing further away from the rear gardens of the existing Springfields properties. The illustrative plans now show that a sufficient distance of 15m can be achieved between the rear elevation of new dwellings and the rear boundary of the existing dwellings. However, in order to achieve this, other changes have been made to the illustrative layout and housing mix. To achieve 74 dwellings the layout now includes an apartment block which presents further design issues. The plans also show that the buffer zone to the Flitch Way has been reduced by at least 2m in comparison to the illustrative details submitted in relation to the first application (Application Reference 23/01880/OUT). Officers have assessed this information to come to a conclusion with regard to the capacity of the site and whether 74 units can be accommodated in an appropriate and acceptable form.

- 12.2.10 Officers consider that these documents demonstrate that the number of units proposed cannot be satisfactorily accommodated on the site without making significant compromises with regards to the design of development. This assessment is based on both a quantitative and qualitative assessment of the submitted information. Issues identified include privacy, outlook, garden sizes and car parking levels for future occupiers. The development does not follow national design guidance by setting out development using perimeter blocks. It would not be possible to provide tree lined streets and the arrangement of the development would have a poor relationship with existing trees, including those subject to TPO's. The illustrative layout also indicates that car parking will be, in places, unduly prominent within the streetscene and to accommodate the number of dwellings the layout is considered to have poor legibility and lacks a clear street hierarchy. These factors would result in a sub-standard development that would fail to comply with Policies SP7, LPP35 and LPP52 of the Adopted Local Plan, the NPPF, and the National Design Guidance.
- 12.2.11 In order to respond to the site constraints and opportunities, including the TPO trees, appropriate quality of private amenity space, car parking that complies with the Parking Standards and which is well designed and discrete, tree lined streets and meaningful public open space and landscaping, including tree lined streets, Officers consider that the number of proposed units would have to be significantly reduced below the 74 units currently proposed. In addition to all these factors, as set out below, the Council consider that the Parameter Plans would result in development being too close to the Flitch Way. If the site were to be developed there should be a significantly deeper buffer between the Flitch Way and the development but this would further reduce the capacity of the site and could further exacerbate the concerns about design outlined above.
- 12.2.12 As set out earlier in the report, there is a drop in levels of approximately 10m from west to east on the application site. Members are advised that the matter of levels on the adjacent 'Gilda Terrace' site has become

significant issue at the Reserved Matters application stage in connection with that proposal. The developer of that site is still working to find a design solution which would allow the site to be developed, but schemes investigated by their engineers have involved the construction of significant retaining walls running across the site or the removal of very significant amounts of soil from the site. Nowhere in the Applicant's submission for this current application, is this significant site constraint dealt with. As such, it is considered that this is likely to be a further contributing factor in reducing the density of development proposed for the site. It also presents a further challenge in respect of residential amenity impact and potentially the construction impacts of the development.

- 12.2.13 To conclude, whilst Officers acknowledge that the submitted layout has a better relationship to the housing to the north of the site than the illustrative layout previously considered, the consequence of that change has had adverse implications for the remainder of the development. Having assessed this new illustrative layout, Officers are still of the opinion that the site is not capable of accommodating the 74 dwellings proposed in a manner that would comply with national and local policies and design guidance for the reasons set out above. Consequently, the proposal would represent an overdevelopment of the site, conflicting with the policies and guidance.

12.3 Landscape Impact

- 12.3.1 The NPPF states in Paragraph 180 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.
- 12.3.2 Policy LPP1 of the Adopted Local Plan states, '*development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside*'.
- 12.3.3 Policy LPP67 of the Adopted Local Plan further states, '*the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District and recognise the intrinsic character and beauty of the countryside in order to ensure that any development permitted is suitable for the local context*'.
- 12.3.4 The planning application is supported by a Landscape and Visual Impact Assessment (LVIA). This report contains the following conclusions and observations:

6.8 This appraisal considered the landscape in terms of its context and character with reference to both the published County level assessment and District level assessment. Whilst the County level assessment set out relevant background, due to the scale of the proposed development it was considered most appropriate to assess the potential effects of the

development at the more District level. The site falls within the Landscape Character Area (LCA) A12 Pods Brook River Valley and adjacent to B13 Rayne Farmland Plateau. Following the site visits it was concluded that whilst the site retained a number of characteristics described for Pod Brook River Valley, the site is influenced by its proximity to the urban context of Braintree which was found to be of greater influence in this part of the LCA than acknowledged in the published LCA report.

6.9 In considering the potential effects of the proposed development on the adjacent LCA B14, it was found that there would be a limited and indirect effect which notwithstanding the loss of agricultural land and replacement with houses, would not result in any adverse effect on the LCA.

6.10 For LCA A12 Pods Brook River Valley, the site in its current state makes a limited contribution to the overall character of the area. There would be a direct effect resulting from the development which at year 1 was assessed as being Minor and for the reasons given above, on balance the nature of the effects on the LCA would be neutral, however over time, once planting had established, particularly within the open space, at year 15, the effects were considered to be Minor and neutral – positive.

6.11 In considering the site and its constituent parts, as noted above it comprises an agricultural field with vegetated boundaries to all sides, part of which is within the gardens of houses in Springfields which back onto the site. With the exception of a short length of hedgerow all boundary vegetation will be retained and accordingly, due to the nature of the site, it was not considered necessary or proportionate for this appraisal to assess the individual landscape elements, rather the site was assessed as a whole.

6.12 In doing so, the site was found to have a Medium/ Low sensitivity and as a result of the direct and permanent impact on the site, resulting in a Major/Moderate and adverse effect at year 1. At year 15, however, and again notwithstanding the change in use, it was concluded that well designed houses in this location, have the ability to assimilate well into the context on the edge of Braintree and that in combination with the landscape benefits afforded by the multi-functional open space to the south would result in a residual beneficial effect.

6.13 In assessing the visual effects of the proposed development, and following a series of site visits, the site in its existing condition is largely screened from all but very local views adjacent to the site.

6.14 For those using Fritch Way, views into the site exist from some locations as it passes the site, particularly where existing gaps in the vegetation exist. Proposed access at these existing gaps will facilitate views into the proposed development with houses over looking the linear park being prominent in these views. Whilst the overall effects were assessed as being Major/Moderate, by year 15, once planting has

established the effects on the views would range between neutral and positive.

6.15 In overall conclusion, the site, whilst undeveloped, sits to the south of an existing housing estate and will connect to the recently approved scheme to the south of Gilda Terrace which is currently under construction and is therefore heavily influenced by its adjacent context.

6.16 It is noted that the first reason for refusal given for the previous scheme proposal included reference to the development within the site as "an unacceptable form of urbanisation to the detriment of local landscape character". Drawing on the findings of the assessment set out above, this LVA, however, concludes that the proposed development could be successfully assimilated into this part of Braintree without undue harm caused to the wider countryside and it's landscape character of the area or without causing harm to the visual amenity of those using the surrounding roads, footpaths or the Flich Way.

- 12.3.5 Officers engaged an Independent Landscape Consultant (ILC) in relation to the earlier application (Application Reference 23/01880/OUT) to assess the landscape impact of the proposed development of 74 residential units. The ILC has confirmed that their overall conclusions reached on the earlier proposals remain the same and their observations form part of the following paragraphs.
- 12.3.6 The LVIA submitted with the application considers the landscape effects of the development and the potential visual impact. The report includes a methodology in line with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) and provides the necessary level of information for a development of the size proposed. The report identifies a study area of approximately 1km surrounding the site. This has been established using a manual review of topography and adjacent land use, not by utilising a digital zone of theoretical visibility (ZTV). This is considered proportionate and appropriate to the size of proposed development.
- 12.3.7 Within the identified study area, the LVIA presents a thorough description of baseline character, referencing the necessary precedent landscape character studies at multiple scales. Using the descriptions provided in Table A.1 of the LVIA methodology, the ILC agrees that the site and surroundings hold a 'medium' landscape value. Whilst the ILC agrees with the LVA assessment, it is now common practice to use Technical Guidance Note 02-21 Assessing Landscape Value Outside National Designations, published by the Landscape Institute in 2021, to assist with assessment of value. Utilising this newer guidance would encourage a finer grained assessment of landscape value. Nevertheless, the ILC agrees with the site level conclusion that "it is not within a designated landscape and whilst it is a small distinct parcel the site does make some contribution to the surrounding Landscape Character" (Paragraph 4.54).

- 12.3.8 The LVIA correctly identifies landscape receptors to be character area A12 Pods Brook Valley, character area B13 Rayne Farmland Plateau, and the site itself. The ILC agrees with the landscape sensitivity assessments given to character areas A12 and B13. In both cases, the LVIA assesses a combination of 'medium' susceptibility and 'medium' value to conclude 'medium' sensitivity. However, the ILC does not agree with the 'medium/low' susceptibility and sensitivity ratings afforded to the site itself. It is their opinion that the site performs an important role as an undeveloped buffer between existing residential development and the Flitch Way. The recent approval of the adjacent appeal scheme further emphasises the importance of this aspect. The ILC therefore concludes that the site itself holds 'medium' susceptibility to the proposals. Combined with a 'medium' landscape value, this equates to a 'medium' sensitivity.
- 12.3.9 The ILC agrees with the visual receptors that have been identified within the LVA:

- Receptor A – Users of the Flitch Way
- Receptor B – Users of FP 108_68 adjacent to Pods Brook
- Receptor C – Users of FP 70_68 (east), FP 73_68, and FP 74_68
- Receptor D – Users of FP 70_68 (west) and FP 70_71
- Receptor E – Pedestrians on streets and pavements along Springfields/Sun Lido gardens

The ILC also agrees with the visual sensitivity ratings provided for Receptors D ('high') and E ('medium'), but does not agree with the 'medium' visual sensitivity assessments provided for Receptors A, B, and C. In each case, it is their opinion that scenic value forms an important part of the experience for users of these recreational routes and visual sensitivity to the proposals is 'high'.

Landscape Effects

- 12.3.10 The submitted LVIA offers a description of predicted landscape effects separated by identified receptors. Descriptions are provided, which identify the relevant changes to landscape character. It is the general opinion of the ILC that the report underestimates the level of landscape effects for some receptors. The report assesses landscape effects at Year 15 for LCA A12 to be 'minor' and 'neutral/positive'. This is based on the potential for the high-quality design of new housing, as well as proximity of the LCA to existing development. It is their opinion that character effects on LCA A12 will be 'minor' by Year 15, but this cannot be considered to be neutral or positive. Existing vegetation and topography around the site would restrict character effects to a local level, but the change in use from undeveloped grassland to residential development would not be beneficial. Therefore, effects on LCA A12 should be considered 'minor' and 'negative'.
- 12.3.11 With regards to the site itself, the ILC agrees with the statement describing the predicted magnitude of change, "The site will undergo a complete change in land use resulting in the site becoming part of the adjacent

residential areas (including the site currently under construction)” (Paragraph 5.33). Using the methodology from the LVA, the ILC agrees that this would represent a ‘moderate/major’ and ‘negative’ effect at Year 1. However, the ILC does not agree that this would change to a ‘moderate’ and ‘beneficial’ effect by Year 15. The loss of an undeveloped buffer between existing housing and the Flitch Way will be permanently lost. Although there may be some green infrastructure enhancements, this would not outweigh the level of adverse character intrusion. It is their opinion that landscape effects on the character of the site itself will be ‘moderate’ and ‘negative’ by Year 15.

- 12.3.12 The ILC agrees with the ‘minor’ and ‘neutral’ assessment of effects on LCA B13 by Year 15. This part of the surrounding landscape character is not likely to be materially affected in an adverse way.

Visual Effects

- 12.3.13 The ILC is in agreement with the assessments of visual effects at Year 15 for the following receptors:

- Receptor B – Users of FP 108_68 adjacent to Pods Brook (‘minor’ and ‘neutral’)
- Receptor C – Users of FP 70_68 (east), FP 73_68, and FP 74_68 (‘minor’ and ‘neutral’)
- Receptor D – Users of FP 70_68 (west) and FP 70_71 (‘minor’ and ‘neutral’)
- Receptor E – Pedestrians on streets and pavements along Springfields/Sun Lido gardens (‘minor’ and ‘neutral’)

- 12.3.14 The LVA correctly identifies that visual intrusion will be contained by existing vegetation and topography, limiting visual effects to these receptors.

- 12.3.15 With relation to Receptor A, people using the Flitch Way, the ILC disagrees with the conclusions of the LVIA. The ILC does not believe that the proposed planting and open space along the southern boundary of the site would mitigate the visual intrusion of new housing to the extent asserted within the report, even after 15 years when the new planting is established. It is also noted that in the illustrative layout shows an apartment block containing four flats, with a roof terrace, in the south-eastern corner of the site. The form and mass of such a building, would exacerbate the adverse visual effects of the built development, particularly in such close proximity to the Flitch Way. The LVIA correctly predicts a ‘medium/high’ magnitude of change to views from the Flitch Way. New housing would appear considerably closer than existing properties along Springfields. Visual effects would be increased along this particular stretch of the Flitch Way as the path is level or, in places, higher than the site. The proposed open space along the southern boundary would slightly soften the contrast between new housing and the open countryside to the south by Year 15. However, it is their opinion that a ‘medium/high’ magnitude of visual change

would still remain. The ILC therefore assesses visual effects on users of the Flitch Way to be 'major/moderate' and 'negative' at Year 15.

Conclusions

- 12.3.16 Whilst the ILC agreed with many aspects of the submitted assessment, there are some key areas that they did not agree with. It is their opinion that the LVIA understates the landscape susceptibility and sensitivity of the site itself to the proposed scheme. It also underestimates the visual sensitivity of some key receptors; recreational receptors along the Flitch Way and other surrounding footpaths.
- 12.3.17 In terms of visual effects, the ILC does not believe that the proposed planting and open space along the southern boundary of the site would mitigate the visual intrusion of new housing to views from the Flitch Way. Using the methodology within the submitted LVIA, the ILC predicts the visual effects on these recreational receptors to remain at a 'major/moderate' and 'negative' level by Year 15. The ILC believes that the predicted landscape effects on the character of the site and immediate surroundings, as well as visual effects on the users of the Flitch Way would be materially harmful and would result in conflict with the policies outlined above.
- 12.3.18 Officers have assessed the contents in the report carried out by the ILC and consider that the proposed development of the application site for residential purposes would result in significant harm to landscape character and visual effects, in particular for future uses of the Flitch Way Country Park.
- 12.4 Ecology
- 12.4.1 Policy LPP66 of the Adopted Local Plan requires that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development.
- 12.4.2 The Council's Ecologist has reviewed the Preliminary Ecological Appraisal (Assystem Energy & Infrastructure Ltd October 2023), submitted by the Applicant, relating to the likely impacts of development on designated sites, protected and Priority Species & Habitats. In addition, the Council's Ecologist has reviewed the Biodiversity Net Gain Report (Assystem Energy & Infrastructure Ltd, October 2023), relating to the likelihood of measurable biodiversity net gains being achieved for this application.
- 12.4.3 The Council's Ecologist is satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

- 12.4.4 The Council's Ecologist suggests that the mitigation measures identified in the Preliminary Ecological Appraisal (PEA) should be secured by a condition of any permission and implemented in full. This is necessary to conserve and enhance protected and Priority species. As a result, it is recommended that the finalised measures should be secured via a Construction Environment Management (CEMP: Biodiversity) given the close proximity of the Flitch Way Local Wildlife Site and the River Brain.
- 12.4.5 In addition, the Council's Ecologist highlights that the site contains residential development which is situated within the Zone of Influence (ZOI) for the Blackwater Special Protection Area (SPA) and Ramsar site and Essex Estuaries Special Area of Conservation (SAC). As a result, a financial contribution (£156.76 per residential unit 2023 / 2024) should be secured in line with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which will need to be secured by legal agreement or S111 payment. The LPA has prepared a Habitat Regulations Assessment - Appropriate Assessment Record, which demonstrates that an adverse effect on site integrity upon the Blackwater Special Protection Area (SPA) and Ramsar site and Essex Estuaries Special Area of Conservation (SAC) from increased recreational disturbance in combination with other plans or projects can be avoided, subject to this mitigation being secured.
- 12.4.6 It is also recommended that any lighting is conditioned, given the proximity of wildlife and sensitive receptors as indicated within the Ecological Impact Assessment.
- 12.4.7 In regard to the Biodiversity Net Gain Report (Assystem Energy & Infrastructure Ltd, July 2023), it is indicated that we are satisfied that the assessment has been completed by a Competent Person. The assessment indicates that the development will deliver an increase of 1.36 habitat units (11.01 %) and 1.63 hedgerow unit (22.22 %). As a result, Officers are satisfied that a measurable biodiversity net gain can be achieved in principle, in line with Paragraph 180d and 186d of the NPPF and indicate that the updated calculations can be submitted following the updated soft landscaping plan.
- 12.4.8 The Council's Ecologist particular welcomes the provision of the proposed Priority habitat pond and the proposed other neutral grassland in good condition. Therefore, further planting specifications / schedules should be provided for the proposed habitat at reserved matters, along with the pond profiles for the pond to ensure that it approximately only dries 1 in 10 years at a minimum. The Council's Ecologist also notes that the proposed urban trees in the public open spaces are proposed to be of moderate size (DBH 30 – 90cm). As a result, it is expected that the planting specifications should include measures to ensure that the trees will reach this diameter. As a result, it is recommended that the finalised measures are secured alongside the reserved matters proposals via a bespoke biodiversity net gain management and monitoring plan.

- 12.4.9 Additionally, the Council's Ecologist supports the proposed bespoke biodiversity enhancement measures contained within the (PEA) and have indicated that a finalised strategy should be provided via Biodiversity Enhancement Strategy to be secured by condition.
- 12.4.10 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 12.5 Impact upon Neighbouring Residential Amenity
- 12.5.1 The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy LPP52 of the Adopted Local Plan seeks to ensure that there is no unacceptable impact on the amenity of nearby properties including, privacy, overshadowing, loss of light and overbearing impact.
- 12.5.2 The Council has received a number of written representations from residents living adjacent or near the site which raise concerns about the impact of the development on their amenity.
- 12.5.3 The application seeks Outline planning permission and layout is one of the Reserved Matters. The Essex Design Guide states that a reasonable standard of amenity and privacy can be achieved between two storey dwellings where they stand at least 25 metres apart, when directly facing each other, and that new dwellings should not be located within 15 metres of existing residential boundary. Previously Officers considered the indicative layout submitted as part of Application Reference 23/01880/OUT and concluded that the site is not capable of accommodating the 74 dwellings proposed. One of the reasons that led to this assessment was because the illustrative layout showed new dwellings that would back onto the properties in Springfields would have back-to-back distance of approximately 22m and garden depths of less than 15m. The submitted indicative layout plan for the current application has sought to amend these details and all of the properties proposed along the northern boundary of the site now comply with the Essex Design Guide in this respect, having garden depths of more than 15m, and maintain a gap of more than 25m with the existing properties in Springfields.
- 12.5.4 Other concerns expressed by local residents include the noise and disruption arising from construction activity, and these fears have been heightened for some residents by disturbance from the housing development at Rayne Lodge which is currently underway near the site, on the northern side of Rayne Road. To some degree planning conditions can be used to limit and control demolition and construction activity but it is inevitable that local residents would be exposed to disturbance and issues like dust even with the most well-run construction site. These issues would however be temporary and concerns about problems arising from demolition and construction would not be a reason to withhold planning permission.

12.6 Highway Considerations

- 12.6.1 Paragraph 115 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.6.2 Policy LPP43 of the Adopted Local Plan requires that development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards.
- 12.6.3 Policy LPP52 of the Adopted Local Plan requires that, '*The development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users*'.
- 12.6.4 The application proposes that access is considered at the outline planning application stage and it is proposed that the development would be served by a single access point off Rayne Road, via the Gilda Terrace development.
- 12.6.5 The Highways Authority have reviewed the submitted access information and considered it to be acceptable for the scale of development proposed.
- 12.6.6 The Essex Parking Standards 2009 require two off-street car parking spaces per dwelling with two or more bedrooms. Whilst the indicative plan shows two spaces per dwelling, some of the parking spaces are distributed in an odd manner across the site, with some being quite remote from the host dwelling/apartment. A number of car parking spaces are provided within garages, which are under sized, and could result in inappropriate on-street car parking.
- 12.6.7 The Parking Standards also specify the provision of 0.25 visitor parking spaces per dwelling. This equates to 18 spaces on a development of this size. The illustrative plans do not evidence that the required level of parking can be provided with this number of dwellings in appropriate manner. The plans indicate that the visitor parking would poorly distributed and visually dominant, contrary to the National Design Guide which states that parking should not dominate the public realm.
- 12.6.8 Officers consider that these arrangements are a further indication that the site is not able to accommodate the number of dwellings proposed and that the proposals would amount to an overdevelopment of the site.

12.7 Archaeology

- 12.7.1 The proposed site lies south of a Roman road, Stane Street, which led to the small Roman town at Braintree. Evidence for prehistoric and later activity has been recovered during nearby archaeological investigations though no settlement activity has yet been located.

12.7.2 A Desk Based Assessment (DBA) and geophysical survey have been completed across much of the site in response to an earlier application. The geophysical survey identified a curvilinear feature of probable archaeological origin and a section of probable ditch within the development site. The Heritage Statement submitted suggest the feature may relate to a settlement enclosure of possible Iron Age or Roman date and may contain further features not detected through geophysical survey.

12.7.3 A Desk Based Assessment (DBA) and geophysical survey have been completed across much of the site in response to an earlier application. The geophysical survey identified a curvilinear feature of probable archaeological origin and a section of probable ditch within the development site. The Heritage Statement submitted suggest the feature may relate to a settlement enclosure of possible Iron Age or Roman date and may contain further features not detected through geophysical survey.

12.7.4 An archaeological evaluation is thus required to determine the significance of any heritage assets which may be impacted upon by the proposed development and to preserve them, by record (NPPF Paragraph 211).

12.7.5 Specifically worded conditions are requested requiring a programme of archaeological investigation to be submitted prior to the commencement of development that accords with a written scheme of investigation.

12.8 Drainage and Flood Risk

12.8.1 Policy LPP74 of the Adopted Local Plan states that, *'new development shall be located on Flood Zone 1 or areas with the lowest probability of flooding, taking climate change into account and will not increase flood risk elsewhere'*.

12.8.2 Policy LPP76 of the Adopted Local Plan states that all new development of 10 dwellings or more and major commercial development, car parks and hard standings will incorporate Sustainable Drainage Systems (SuDs) appropriate to the nature of the site. Such systems shall provide optimum water runoff rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues, unless it can be clearly demonstrated that they are impracticable.

12.8.3 The submitted Flood Risk Assessment (FRA) shows that the majority of the site lies in Flood Zone 1. Whilst part of the red line site includes land within Flood Zone 3, the indicative masterplan shown that no built form would be sited beyond Flood Zone 1.

12.8.4 The Lead Local Flood Authority (LLFA) were consulted on the application as it relates to more than 10 dwellings. The LLFA have reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and raised a holding objection to the granting of planning permission. The Applicant submitted further information and

having reviewed this the LLFA have removed their holding objection and confirmed that they have no objection to the grant of planning permission subject to recommended planning conditions.

12.8.5 Given this, the proposals accord with Policies LPP74 and LPP76 of the Adopted Local Plan and guidance from the NPPF.

12.9 Habitat Regulations Assessment (HRA / RAMS)

12.9.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of one or more of the following:

- § Blackwater Estuary Special Protection Area and Ramsar site;
- § Dengie Special Protection Area and Ramsar site;
- § Essex Estuaries Special Area of Conservation.

12.9.2 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.

12.9.3 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.

12.9.4 The proposed mitigation measures would consist of the securing of a financial contribution of £156.57 per dwelling (index linked) towards offsite visitor management measures at the above protected sites.

12.9.5 This financial contribution would need to be secured by way of a Section 106 Agreement.

13. PLANNING OBLIGATIONS

13.1 Policy SP6 of the Adopted Local Plan states that all development must be supported by the infrastructure, services and facilities that are identified as being necessary to serve the development. It also requires developers to facilitate the delivery of a wide range of social infrastructure including sufficient school places, healthcare infrastructure, green open space, places for active play and food growing.

13.2 Policy LPP78 of the Adopted Local Plan directs that permission is only granted where it can be demonstrated there is sufficient appropriate infrastructure capacity to support the development and that such capacity can be delivered by the proposal. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation

measures must be agreed with the Council which can include financial contributions towards new or expanded facilities.

- 13.3 Policy LPP63 of the Adopted Local Plan establishes that the Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure, defined (amongst other things) to include open spaces, parks, and allotments. Policy LPP50 states that, where a deficit of one type of open space or sports provision has been identified by the Council, planning conditions or obligations may be used to secure this.
- 13.4 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design, and this includes a range of place shaping principles, including creating well-connected places that prioritise the need of pedestrians, cyclists and public transport services above use of the private car. Policy LPP42 of the Adopted Local Plan establishes that the Council will require that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.
- 13.5 Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (but are not limited to):
- § Financial contributions towards new or expanded facilities and the maintenance thereof;
 - § On-site construction of new provision;
 - § Off-site capacity improvement works; and/or
 - § The provision of land.
- 13.6 Developers and landowners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.
- 13.7 The following identified those matters that the District Council would seek to secure through a planning obligation, if it were prepared to grant permission.

Affordable Housing

- 13.8 In accordance with Policy LPP31 of the Adopted Local Plan, affordable housing should be provided on-site. In this location a development of 74 residential dwellings requires 30% of the dwellings to be provided as affordable housing which would equate to 22 homes.
- 13.9 During the negotiations in relation to the drafting of the Section 106 Agreement, the Applicant's solicitor has indicated that they no longer wish to have the legal agreement refer to the provision of a 100% affordable

housing scheme, and that they wish for the affordable housing clause to relate to a policy compliant level only (30%). Any further provision, over and above the policy compliant level of 30% is subject to funding from Homes England and therefore cannot be guaranteed and no weight is attributed to this extra provision.

13.10 At the time of preparing this report the drafting of a Section 106 Agreement is quite well advanced but is yet to be agreed by all parties. Officers will update Members at planning Committee if the position changes but currently it is not possible to say that a suitably worded Section 106 Agreement has been agreed. The absence of an agreement to secure planning obligations is recommended as an additional reason for refusal.

13.11 Officers consider the following obligations to be necessary.

NHS

13.12 Financial contribution of £36,800 in order to increase capacity for the benefit of patients of the primary care network operating in the area. This may be achieved through any combination of extension, reconfiguration, or relocation of premises and/or clinical staff recruitment or training.

Open Space

13.13 Policy LPP50 of the Adopted Local Plan states that all developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces SPD. The Councils Open Space SPD sets out details on how standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space and an outdoor equipped play area. A financial contribution would be sought for the provision of new or improved outdoor sport and allotments to help mitigate the additional demand generated by this development for such facilities. There is also a requirement to secure the ongoing management and maintenance of any public open space and amenity areas provided within the site.

Education

13.14 Essex County Council have stated that there is insufficient capacity at existing schools to accommodate the additional number of children who are expected to live on the proposed development. They have requested financial contributions towards creating additional capacity. The actual level of financial contributions will be determined by the number of dwellings where it is anticipated children may live but for Members benefit, the County Council have given an indication of the levels of contributions. The contributions are sought for early years and childcare (£129,371.00) primary education (£431,235.00), secondary education (£395,412) and library improvements (£5,757.20) and a monitoring fee.

Highways

- 13.15 Essex County Council have indicated that if permission is granted, financial contributions are paid to mitigate the impacts of the development – a contribution of £35,000 is sought towards the Springwood Drive/ Rayne Road/Pods Brook Road roundabout improvement scheme and £27,000 towards Flitch Way improvements.

Refuse Vehicle Access

- 13.16 An obligation is sought to ensure that non-adopted private roads within the development can be accessed by the Council so that refuse crews can pass and repass over these roads in order that they can collect refuse and recycling.

Habitat Regulations Assessment (HRA / RAMS)

- 13.17 The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site and Essex Estuaries Special Area of Conservation (SAC). A financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries Special Area of Conservation (SAC), (£156.76 per dwelling index-linked) for delivery prior to occupation would be required.
- 13.18 Subject to the above matters being incorporated into a Section 106 Agreement, the development would be made acceptable in these respects. No such agreement is in place at the present time and therefore the development fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Policies LPP31, LPP50 and LPP78 of the Adopted Local Plan.

14. PLANNING BALANCE AND CONCLUSION

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

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and

- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).
- 14.2 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where: (a) the Local Planning Authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in Paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in Paragraph 77) and does not benefit from the provisions of Paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years), granting permission unless:
- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 14.3 As indicated above, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply. The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, and because the most important policies for determining the application are not out of date, the presumption (at Paragraph 11d of the Framework), is not engaged. Consequently, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.
- 14.4 Development Boundary Designation within the Development Plan
- 14.4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be "genuinely plan led".
- 14.4.2 The proposed development would be contrary to Policy LPP1 of the Adopted Local Plan as it proposes development not appropriate to the countryside outside of defined development boundaries. Full weight is afforded to this conflict.

14.5 Summary of Adverse Impacts

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

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

- 14.5.2 It is considered that the proposed development would cause harm to the character and appearance of the area, most significantly in respect of the application site itself, but also more widely within the Landscape Character Area A12, although this harm would be at a lower level. The development would also reduce the sense of openness enjoyed by users of the Flitch Way and result in the loss of views across the site that users currently enjoy. This combination of harm to landscape character; failure to respect the specific landscape qualities of the site; and harm to the visual amenity of sensitive receptors are considered to be contrary to Policies LPP1 and LPP67 of the Adopted Local Plan. The latter policy is consistent with the NPPF and can be afforded full weight; and overall, the harm that would be caused to this main issue is considered to carry significant weight in the planning balance.

Overdevelopment – Design, Layout & Living Conditions

- 14.5.3 It is considered that it has not been demonstrated that the site is able to accommodate the number of dwellings proposed, in a form and layout that would be appropriate for this edge of town location, adjacent to the Flitch Way Country Park. The proposals would result in overdevelopment that would result in poor design, layout, and amenity for future residents, contrary to Policies SP7, LPP1, LPP35 and LPP52 of the Adopted Local Plan. The above policies are consistent with the NPPF and can be afforded full weight; and overall, the harm that would be caused to this main issue is also considered to carry significant weight against the scheme.

14.6 Summary of Public Benefits

- 14.6.1 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

- 14.6.2 The description of development and submitted planning statement indicates that the site would provide all of the dwellings as affordable housing. However, during the life of the application, the Applicant's solicitor has confirmed that they are only willing for a policy compliant level of affordable housing to be secured through a Section 106 Agreement. The development would therefore facilitate the provision of 74 new dwellings comprising 22 affordable dwellings and 52 dwellings which might be affordable housing, but this would not be secured through a Section 106 Agreement. The provision of 22 affordable dwellings is afforded significant weight.

Economic and Social Benefits

- 14.6.3 Although no specific details have been provided, it is also acknowledged that a development of this nature would create jobs during the construction period, both directly and indirectly. It is also accepted that new residents would consume goods and services at local businesses, increasing economic activity. As these economic and social benefits would arise from any similar sized housing development, including one without the above adverse impacts, it is considered that these should be given limited weight.

Section 106 Obligations

- 14.6.4 Were they to be provided, the proposals would secure a number of planning obligations including the aforementioned affordable housing, a healthcare contribution, highways improvement contributions, open space, education, library enhancements and HRA/RAMS contribution. The Section 106 benefits are afforded limited weight, as the obligations would be mitigating the impacts of the development in accordance with planning policy.

14.7 Conclusion and Planning Balance

- 14.7.1 Taking into account the above, while the proposal complies with some Development Plan policies which weigh in favour of the proposal, it is considered that the proposal conflicts with the Development Plan as a whole. In addition to being contrary to Policy LPP1, Officers also consider that the proposals would be contrary to Policies SP7, LPP35, LPP52 and LPP67 of the Adopted Local Plan.
- 14.7.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, an important material consideration is whether the Council can demonstrate a 5 Year Housing Land Supply and consequently, whether Paragraph 11d) of the NPPF is engaged. As indicated above, the Council is currently able to demonstrate a 5 Year Housing Land Supply and therefore Paragraph 11d) of the NPPF is not engaged.
- 14.7.3 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan. It is therefore recommended that planning permission is refused for the proposed development.
- 14.7.4 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.

15. RECOMMENDATION

- 15.1 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
Access Details	307-LRW-ZZ-ZZ-DR-8A-00-140 P01	N/A
Other	8037-LRW-ZZ-00-DR-A-00-139 REV P02	N/A
Parameter Drawing	8037-LRW-ZZ-00-DR-A-00-141 REV P01	N/A
Other	8037-LRW-ZZ-ZZ-DR-A-00-144 REV P04	N/A
Site Layout	8307-LRW-ZZ-00-DR-A-00-135_P05	N/A
Height Parameters Plan	8307-LRW-ZZ-00-DR-A-00-142 REV P01	N/A
Location Plan	8307-LRW-ZZ-ZZ-DR-A-00-136 P01	N/A
Storage Building Details	8307-LRW-ZZ-ZZ-DR-A-00-145 P04	N/A
Topographical Survey	8307-LRW-ZZ-ZZ-DR-A-00-146 P04	N/A
Other	8307-LRW-ZZ-ZZ-DR-A-00-147 REV P04	N/A
Drainage Details	8307_LRW_ZZ_00_DR_A_00_143 REV P01	N/A
Landscape Masterplan	A340-LA-04	N/A

Reason(s) for Refusal

Reason 1

The proposed development is located outside of any settlement 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 to the detriment of local landscape character and would result in adverse visual impact. On this basis, the proposal is contrary to the National Planning Policy Framework, Policies SP1, SP3, SP7, LPP1, LPP52 and LPP67 of the Adopted Braintree District Local Plan (2013-2033).

Reason 2

The Applicant has not demonstrated that they can satisfactorily accommodate 74 dwellings, with an appropriate mix of housing, on the application site. The indicative proposals indicate that the proposal would represent an overdevelopment of the site and is not able to provide all dwellings with appropriate provision of private amenity space, car parking that complies with the Council's Adopted Parking Standards and which is well designed and discrete, including visitor parking in an appropriate form, and meaningful public open space and landscaping, including tree lined streets, and the relationship of development to important, retained trees. The illustrative layout also relies on many dwellings having private amenity areas that are exposed to the public realm contrary to guidance in the National Model Design Code. The proposal is therefore contrary to the NPPF, Policies SP7, LPP35 and LPP52 of the Adopted Braintree District Local Plan (2013-2033), and the Essex Design Guide.

Reason 3

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

- On-site Affordable Housing – 22 dwellings.
- A financial contribution towards outdoor sport and allotments (index-linked).
- Provision of on-site informal and amenity open space and an outdoor equipped play area plus arrangements for ongoing management and maintenance of the Open Space and Amenity Areas.
- A financial contribution for the NHS to increase capacity at local health centres.
- A financial contribution towards early years and childcare, primary education, secondary education, and library improvements (index linked).
- A financial contribution towards the Springwood Drive/ Rayne Road/Pods Brook Road roundabout improvement scheme and towards Flitch Way improvements (index linked).
- Provision of pedestrian links from the site to the Flitch Way & Public Right of Way 108.
- Refuse vehicle access.
- A financial HRA contribution (index linked).
- Monitoring fees.

These requirements would need to be secured through a S106 planning obligation. At the time of issuing this decision no agreement or unilateral undertaking had been agreed. In the absence of securing such planning obligations the proposal is contrary to Policies SP6, LPP31, LPP50 and LPP78 of the adopted Braintree District Local Plan (2013-2033), the Open Space Supplementary Planning Document (2009) and Essex County Council Developers' Guide to Infrastructure Contributions (2020).

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 setting these out clearly in the reason(s) for refusal. 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 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
23/00096/REF	Outline application with all matters reserved except access, for the erection of 74 affordable residential dwellings.		
23/01880/OUT	Outline application with all matters reserved except access, for the erection of 74 affordable residential dwellings.	Refused	18.10.23