

# PLANNING COMMITTEE AGENDA

**Tuesday 19th April 2022 at 7.15pm**

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

## **THIS MEETING IS OPEN TO THE PUBLIC**

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

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

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

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

### **Membership:-**

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

Substitutes: Councillors T Cunningham, A Hensman, D Hume, P Thorogood, Mrs S Wilson, Vacancy *(Substitutes who wish to observe the meeting will be required to do so via the Council's YouTube Channel).*

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

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

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

### **Public Question Time – Registration to Speak on a Planning Application/Agenda Item:**

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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

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

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

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

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

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

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

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

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

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

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

**Documents:** Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

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

[https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

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

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

## **PUBLIC SESSION**

## **Page**

- 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 5th April 2022 (copy to follow).
- 4 Public Question Time**  
(See paragraph above)
- 5 Planning Applications**  
To consider the following planning applications
- 5a App. No. 21 01772 OUT – Land South of Coggeshall Road, BRADWELL** **6-52**
- 5b App. No. 21 02449 FUL – Halstead Hall, Braintree Road, GREENSTEAD GREEN** **53-133**
- 5c App. No. 21 03101 FUL – Land North of Oak Road, HALSTEAD** **134-189**
- 5d App. No. 22 00150 HH – 34 Buckwoods Road, BRAINTREE** **190-202**
- 5e App. No. 22 00732 FUL – Land North of Osier Way, SIBLE HEDINGHAM** **203-233**
- 6 Urgent Business - Public Session**  
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

**7 Exclusion of the Public and Press**

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

*At the time of compiling this Agenda there were none.*

**PRIVATE SESSION**

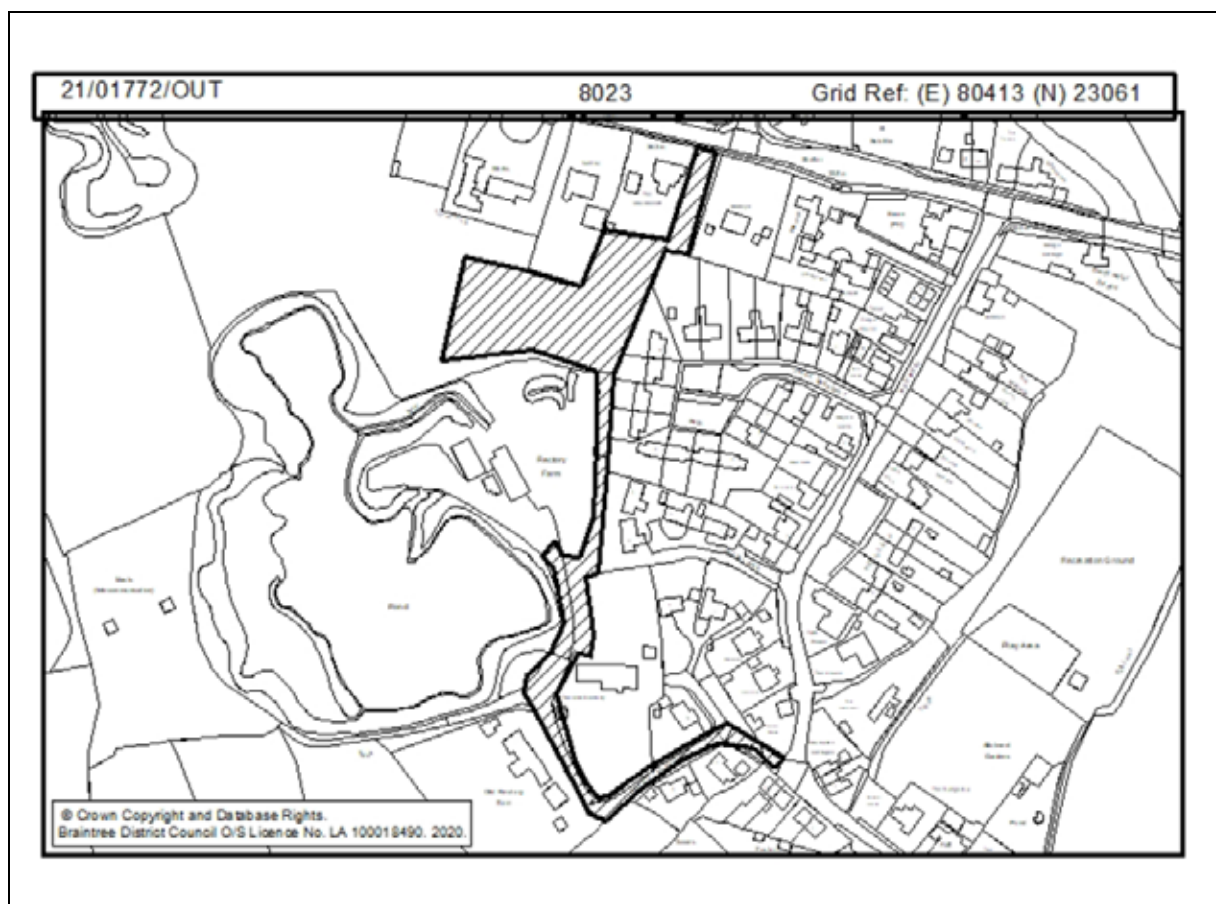
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**8 Urgent Business - Private Session**

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

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 19th April 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	21/01772/OUT	
<b>Description:</b>	Outline Planning Permission for the erection of five houses and one bungalow, with permission sought for Access, Layout and Scale; with Appearance and Landscaping reserved	
<b>Location:</b>	Land South Of Coggeshall Road, Bradwell	
<b>Applicant:</b>	McDonnell Mohan Ltd	
<b>Agent:</b>	Mark Jackson Planning	
<b>Date Valid:</b>	7th June 2021	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overtake</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
	<b>Appendix 4:</b>	Appeal Decision (17/00649/OUT)
<b>Case Officer:</b>	Janine Rowley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2551, or by e-mail: <a href="mailto:janine.rowley@braintree.gov.uk">janine.rowley@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>The Applicant has paid a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul>



	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 21/01772/OUT.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan Review (2005)</li> <li>§ Braintree District Core Strategy (2011)</li> <li>§ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> <li>§ Braintree District Publication Draft Section 2 Local Plan (2017)</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located outside of the village boundary. It is a greenfield site, forming part of the countryside. Residential properties in Coggeshall Road are to the north and properties in Forge Crescent to the east of the site.
- 1.2 The application seeks outline planning permission for 6 dwellings. Access, layout and scale are considered at outline stage with matters for appearance and landscaping matters being reserved for future consideration.
- 1.3 The application site is not allocated for development and lies beyond any designated town or village development in either the Adopted Local Plan or Section 2 Plan. Notwithstanding the above, in terms of the Bradwell with Pattiswick Neighbourhood Plan (from herein referred to as 'the Neighbourhood Plan'), whilst the site is not allocated for residential development within it, when it comes to assessing proposals for residential development outside of the Village Envelope, Policy 7 states the following:
- b) Development proposals for small scale residential development and extensions and conversions for residential use outside the Bradwell village settlement boundary shall be supported as an exception to planning policies where they:*
- *Can demonstrate a significant contribution towards maintaining the future viability and sustainability of the adjacent settlement;*
  - *Are adjacent to an existing settlement or hamlet and do not provide a linear extension to Bradwell village along Coggeshall Road, Church Road, Rectory Meadow or Hollies Road.*
- 1.4 To summarise, whether or not the proposed development would be in conflict with the Council's Development Plan as a whole is dependent on a number of detailed considerations. Officers and statutory consultees consider the proposal by reason of its principle of development, location to services, layout, access and scale, impact on residential amenity, ecological and tree impacts, highway considerations, heritage, contamination and surface water would comply with relevant planning policies.
- 1.5 It is considered the adverse impacts arising from the provision of six new dwellings outside of the Bradwell Village Envelope are tempered by the proposed developments compliance with the exception criterion of Policy 7(b) of the Neighbourhood Plan.
- 1.6 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted 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 deemed to be 'significant' by the Planning Development Manager.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site abuts the western boundary of the Bradwell Village Envelope, adjoined by bungalow properties that front onto Forge Crescent and Coggeshall Road. Access to the site is gained by a private track which connects to Rectory Meadow, between an existing small woodland and commercial site and the Forge Crescent properties along an existing access.
- 5.2 The Public Right of Way 67-37 runs east to west from Rectory Meadow to Glazenwood Road along an established field boundary hedgerow within the Applicants control. Public footpath 67-51 runs from Rectory Meadow north past Old Rectory Cottage and alongside the woodland on the eastern boundary before turning west alongside the woodland leading north to the A120.
- 5.3 There is a Grade II Listed Building at Tippet's Wade which is adjacent to the existing junction of Church Road and The Street.
- 5.4 The site lies within the countryside adjacent to the Village Envelope.

6. PROPOSAL

- 6.1 The application seeks outline planning permission to erect five houses and one bungalow, with all matters reserved except access, layout and scale.
- 6.2 The proposed dwelling mix would include one two bedroom bungalow, three two bedroom terraced properties and two four bedroom properties. The three terraced properties and two detached houses would have an overall height of 7.7m (5m eaves height). The single storey bungalow would have an overall height of 6.2m (5.6m eaves height). All properties would benefit from amenity space 100sq.m or more and two parking spaces per dwelling.

- 6.3 To the south of the site is an extant planning permission for three houses which is relevant to this planning application most notably the appeal of Application Reference 17/00649/OUT (APP/Z1510/W/17/3185814) and subsequent approval of Application Reference 20/01897/OUT, whereby the Inspector identified that whilst the dwellings would be located outside of the Village Envelope and would generate private vehicles, it would not be wholly reliant upon the use of car, with other modes of sustainable transport available within an acceptable distance of the application site. This is discussed further in the assessment section of this report below. A copy of the appeal decision is attached in Appendix 4 of this report.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 National Highways

- 7.1.1 No objections subject to a condition in relation to the works as detailed by Redwood Partnership drawing titled; 'A120 Highway Works Plan', drawing number REDW-3392-103 Revision B, dated October 2021.2

### 7.2 BDC Ecology

- 7.2.1 Advised that sufficient information has been submitted to enable the Local Planning Authority to demonstrate compliance with its statutory duties. It has also been advised that sufficient information has been provided to enable the Local Planning Authority to demonstrate that biodiversity net gains have been secured.
- 7.2.2 Recommended conditions include securing a Wildlife Friendly Light Strategy; mitigation measures in accordance with the submitted Preliminary Ecological Appraisal; badger assessment, and reasonable biodiversity enhancement measures through the submission and approval of a Biodiversity Enhancement Layout.

### 7.3 BDC Environmental Health

- 7.3.1 No objections, however it has been noted contamination within the soil which maybe remediated and further gas sampling results are to be provided also. A number of conditions including contamination and construction hours are recommended if the application is granted planning permission.

### 7.4 BDC Waste Management

- 7.4.1 The illustrative layout indicates the waste collection vehicle will have to stop at the end of the size 2 turn head. Providing written indemnity the council can access the private driveway without liability of cost for damage caused to the driveway. Collectors would have to walk 50m each way from where collection vehicle stops in order to collect and needs to be amended to have access within 20m of the houses.

## 7.5 ECC Archaeology

- 7.5.1 The site lies adjacent to the historic settlement formerly known as Blackwater and now forming part of Bradwell. Settlement along the Street is depicted as on the Chapman and Andre Map of 1777 and is likely to be medieval in origin. In addition, the site lies just to the south of the Roman Road Stane Street which ran from Braintree to Colchester and close to the river which would have been preferable locations for settlement and activity in prehistoric and Roman periods. A condition will be required to ensure prior to any development or preliminary works a programme of archaeological investigation and a post excavation assessment.

## 7.6 ECC Fire and Service Rescue

- 7.6.1. Commented with a number of requirements for the access to the development to ensure that a fire vehicle could adequately attend the site. These requirements are discussed in the fire risk section in the below report.

## 7.7 ECC Highways

- 7.7.1 No objections raised, the proposal would not have a material impact on the safety and efficiency of the highway network and the area available to park within the site. A number of conditions are recommended including a construction management plan, public rights away shall be maintained, travel packs for residents and the development shall be carried out in accordance with the footpath and access details as shown on the submitted plans.

## 7.8 ECC Historic Buildings Consultant

- 7.8.1 No objections.

## 8. PARISH / TOWN COUNCIL

### 8.1 Bradwell with Pattiswick Parish Council

- 8.1.1 Objects to the planning application. A summary of the main issues raised within the consultation response are as follows:

- The Bradwell and Pattiswick Neighbourhood Plan (2019) states that the proposed developments outside the Bradwell Village settlement boundary would not be supported where they provide a linear extension to Rectory Grove and this application provides a linear extension to Rectory Meadow.
- The areas proposed for development surround a Priority Habitat protected under the Neighbourhood Plan and therefore should not be development.
- Access to the proposed site would require widening the public rights of way destroying the priority habitat protected.

- Further wildlife studies should be undertaken of the site in order to protect threatened species including bats and owls.
- The areas proposed for development surround a Priority Habitat protected under the Neighbourhood Plan and therefore should not be development.
- Fire safety regulations require a fire engine to be able to get within of the dwellings this cannot be achieved for this site from the junction of Church Road and Rectory Meadow.
- Access to the proposed site would require widening the public rights of way destroying the priority habitat protected.
- Further wildlife studies should be undertaken of the site in order to protect threatened species including bats and owls.
- The application seeks permission for access Rectory Meadow is a private road, none of the residents have been contacted by the develop or agents regarding access and Essex Highways have confirmed that as sole owners of the road the residents can block access to anyone not a resident of Rectory Meadow as long as footpath access is maintained.
- Fire safety regulations require a fire engine to be able to get within 45m of the dwellings this cannot be achieved for this site from the junction of Church Road and Rectory Meadow.
- Access to Rectory Meadow itself via The Street in the vicinity of Tippetts Wade is not enough space for two cars, no room for cyclists and no pavement for pedestrians. The turning into Rectory Meadows is too tight for ambulances and fire engines.
- Access for HGVs which will be required for the construction phase is impossible, on more than one occasion HGVs have had to reverse out of Rectory Meadow due to the limited width of the road.
- Housing supply figures for Braintree show there is no requirement for additional housing in the Braintree District.
- The neighbourhood plan did identify a need for a small number of dwellings 2/3 semi-detached houses, there is no need for 4 bedroom detached houses proposed here. Two three bedroom semi-detached houses have recently been built within the village settlement boundary meeting the near term requirement.
- The flood risk assessment uses data from 2000-2003. There was flooding in Chapel Rise in 2016, which may have been caused, in part, by an overflow from the fishing lake. It is essential that all run-off water is contained within the site.
- The Road Safety Audit accompanying this application has a site on the A42 which is totally irrelevant.
- The forecast traffic of 36 vehicle movements is not negligible and will have a huge impact from both disturbance and potential for accidents on a sharp bend with restricted visibility.

## 9. REPRESENTATIONS

- 9.1.1 The application was publicised by way of an advertisement in the Braintree & Witham Times. A site notice has also been displayed in close proximity to the application site and neighbour notification letters have been sent to the properties immediately adjacent to the site.

9.1.2 A total of 32 representations have been received. Below is a summary of the concerns raised:

- Bradwell is a small village with no amenities within walking distance. This site is on the edge of the village, creating a new village boundary and significantly changing the rural and private feel of those houses that border the plot.
- Access is via Rectory Meadow this is a private road and maintained solely by residents as confirmed by Essex Highways. No residents have been contacted regarding the development.
- The addition of more properties will have a huge impact on the environment.
- Traffic and pollution to the village.
- Development will increase risk to pedestrians.
- Unnecessary development.
- Urban sprawl.
- Neighbourhood Plan does not promote this type of development.
- Increased noise and disturbance to properties in Forge Crescent.
- The area is surrounding a very deep gravel pit.
- The increased number of residents will put pressure on local services which are already at capacity. There is already permission of three houses and then these six houses will likely result in 18 more cars moving through the village and local area.
- The village is supposed to be a village.
- Construction of this development would result in noise and vibration damage to the Grade II listed building Tippetts Wade.
- Traffic movement would be severe.
- No bat survey is proposed and there will be a requirement to demolish barn buildings which are ideal for bats.
- Badgers very close to the fishing lake and an ecology report should be submitted.
- The visual analysis is flawed as does not take into account the existing permission granted.
- The flood risk assessment does not take into account the high water table in the area.
- Not in keeping with the area.
- Does not create affordable housing.
- Loss of valuable open countryside.
- Loss of wildlife including deer, hares, rabbits, snakes and many other species too including herons, owls various birds.
- Loss of trees.
- This plan has been formulated in order to get more homes added in the future creating a new estate.
- New homes would undermine the well-being and character of this village.
- The transport assessment is incorrect the access to the lake is via the A120 and public footpath F66. There is no legal access via Rectory Meadow.
- Vehicle access is dangerously narrow.

- It will change local peoples way of like as the area is a popular walking route that has badgers.
- The entrance to the lake from rectory meadow is incorrect and the entrance is further to the A120.
- Insufficient drainage
- Regard should be given to the site's full planning history, including the previous considerations surrounding the continued use of the site as scaffolders' yard, particularly the requirement for an agreement with existing residents relating to the use of the road.
- Access to Rectory Meadow from The Street/Church Lane is dangerous for highway users due to poor visibility.
- Width of the existing highway is insufficient for passing vehicles.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

- 10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of



housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

10.2 5 Year Housing Land Supply

- 10.2.1 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 10.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 10.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 10.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the tilted balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 10.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, and having regard to the above appeal decision, the Council considers that the current 5 Year Housing Land Supply for the District is 5.1 years.
- 10.2.6 In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Local Plan but do not yet have planning permission or a resolution to grant planning permission.

- 10.2.7 These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

### 10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021) and, relevant to this application, the Bradwell with Pattiswick Neighbourhood Plan (2019).

- 10.3.2 The application site is located outside of a designated development boundary and as such is located on land designated as countryside in the Local Plan Review (2005), the Core Strategy (2011), and the Bradwell with Pattiswick Neighbourhood Plan (2019).

- 10.3.3 Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

- 10.3.4 In addition, the application site is not proposed for allocation as a development site within the emerging Section 2 Plan, meaning it would be contrary to Policy LPP1 of the Section 2 Plan which states that outside of development boundaries, development will be strictly controlled to uses appropriate to the countryside.

- 10.3.5 Notwithstanding the above, in terms of the Bradwell with Pattiswick Neighbourhood Plan (from herein referred to as 'the Neighbourhood Plan'), whilst the site is not allocated for residential development within it, when it comes to assessing proposals for residential development outside of the Village Envelope, Policy 7 states the following:

*b) Development proposals for small scale residential development and extensions and conversions for residential use outside the Bradwell village settlement boundary shall be supported as an exception to planning policies where they:*

- Can demonstrate a significant contribution towards maintaining the future viability and sustainability of the adjacent settlement*
- Are adjacent to an existing settlement or hamlet and do not provide a linear extension to Bradwell village along Coggeshall Road, Church Road, Rectory Meadow or Hollies Road.*

- 10.3.6 The above extract from Policy 7 does not detract from the fact that the clear spatial preference provided by the first arm of the same policy is for new residential development to be contained within defined settlement boundaries. Nonetheless, the above exception criteria taken from the second arm of Policy 7 requires attention, given the explicit reference to the principle of development being supported subject to compliance with the exception criteria. A detailed discussion of the proposed development in that respect, alongside all the other usual material considerations, is provided within the remainder of the report under the general site assessment section.
- 10.3.7 To summarise, whether or not the proposed development would be in conflict with the Council's Development Plan as a whole is dependent on a number of detailed considerations, as whilst on the face of it there would be a direct conflict with Policy RLP2 of the Adopted Local Plan, in addition with Policy LPP1 of the Section 2 Plan, determining the extent of conflict, if any, with Policy CS5 of the Core Strategy and Policy 7 of the Neighbourhood Plan is a more nuanced matter of planning judgement which requires a detailed assessment. A detailed policy assessment of the proposed development and its merits is therefore provided within the remainder of this report and will ultimately inform the overall planning balance.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 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.
- 11.1.2 As has already been highlighted above, with respect to the Development Plan, the site is located outside of development boundaries, contrary to Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan, where Policy CS5 of the Core Strategy seeks, amongst other matters, to restrict development to uses appropriate to the countryside. Moreover, Policy CS7 of the Core Strategy and Policy LPP44 of the Section 1 Plan both seek to promote development in accessible locations in order to reduce the need for travel, particularly private car use. Furthermore, whilst not explicitly related to rural locations, Policy SP2 of the Section 1 Plan explains that the re-use of previously development land within settlements is an important objective, although this is to be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

- 11.1.3 Paragraph 80 of the NPPF is also material and explains that planning policies should avoid the development of isolated homes in the countryside, albeit subject to certain exemptions. Nonetheless, in this case the application site constitutes previously developed land adjacent to the Village Envelope of Bradwell and existing residential development. As such, whilst the application site is located outside of the Village Envelope of Bradwell, the proposed development would not materialise in new isolated dwellings when taking into account the High Court judgement of *Braintree District Council vs Secretary of State for Communities and Local Government & Ors* [2018] and the extant planning permission (Application Reference 20/01897/OUT) to the south of the site for three new dwellings.
- 11.1.4 There are limited facilities within Bradwell and that future occupants would need to access larger centres. During the determination of applications to the immediate south of the site for three dwellings which are relevant to this planning application most notably the appeal of Application Reference 17/00649/OUT (APP/Z1510/W/17/3185814) and subsequent approval of Application Reference 20/01897/OUT. The Inspector had recognised that there are limited facilities within Bradwell and that future occupants would need to access larger centres, weight was given to the fact that footpath linkages through to nearby bus stops where onward connections to a number of larger settlements. Moreover, the Inspector identified that whilst the dwellings would be located outside of the Village Envelope they would be as close to the services that exist in Bradwell, in addition to onward connections, as existing dwellings within the Village Envelope. Overall whilst it was concluded private car journeys would be generated from the residential development of the site, it would not be wholly reliant upon the use of car, with other modes of sustainable transport available within an acceptable distance of the application site.
- 11.1.5 Officers have reviewed the proposed development under the current application and accept that the application site is located adjacent to the Village Envelope of Bradwell, where there are some facilities, albeit limited, and importantly bus stops offering onward connections via frequent services to the larger centres of Braintree, Colchester and Chelmsford where there are greater opportunities for key services and opportunities, such as healthcare, education, and employment. There would of course remain a degree of reliance on private car use, however, the resulting harm is not considered to be unacceptable when having regard to the rural context of the application site and the footpath linking the site with the A120 Coggeshall Road to the north. Consequently, the private car journeys likely to be generated by the proposed development would only result in a limited amount of harm when assessed against the policies of the Development Plan and the NPPF as a whole, yet benefits would simultaneously arise from the proposed development including the provision of new homes, which will be factored into the overall planning balance at the end of this report.

## 11.2 Access

- 11.2.1 Paragraph 110 of the NPPF explains that, when assessing specific applications for development, it is important to consider whether safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.2.2 Similarly, amongst other matters, Policies RLP3 and RLP10 of the Adopted Local Plan, in addition to Policies LPP37 and Policy LPP55 of the Section 2 Plan, require new developments to be provided with a safe and suitable access, without detriment to the local road network, in order to maintain highway safety for all highway users. Policy 9 of the Neighbourhood Plan sets out that, amongst other matters, new developments should protect public rights of way, including footpaths, cycle routes and bridleways, and not create a significant potential risk or be detrimental to the safety of the highway network.
- 11.2.3 The proposed development would be accessed via Rectory Meadow, a private road, which connects to the adopted public highway network via Church Road at its junction with The Street. There are a number of existing residential properties served by the private road which is also contiguous with Public Footpaths 37 and 51.
- 11.2.4 The proposed development also includes a pedestrian link from the development site to the A120 utilising the existing footpath 51 (Bradwell) for access. The National Highways have reviewed the application and advised that a safety review of the pedestrian access and consideration of safe locations for any users to cross the A120 has been agreed as shown on drawing REDW-3392-103 Revision B. No objections have been raised in relation to the proposed development subject to a condition imposed to ensure the development is carried out in accordance with the above drawing.
- 11.2.5 Essex County Council Highways (ECC Highways) have been consulted on the application and have returned no objections to the application on highway safety grounds or otherwise. It is therefore concluded that the proposed access would be acceptable.
- 11.2.6 Notwithstanding the above, it is noteworthy that the Public Right of Way network is protected by the Highways Act 1980. An informative is recommended explaining that any unauthorised interference with the route would be a breach of separate highways legislation, and as such the public's rights and ease of passage over the public footpath should be maintained free and unobstructed at all times.

- 11.3 Design, Appearance and Impact upon the Character and Appearance of the Area
- 11.3.1 Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that ‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve’. It then goes on to cite good design as a ‘key aspect of sustainable development’.
- 11.3.2 Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 11.3.3 Paragraph 174 of the NPPF, amongst other matters, explains that when making decisions local planning authorities should recognise the intrinsic character and beauty of the countryside. The emphasis on local responsiveness and high-quality design is also reaffirmed within the National Design Guide (NDG).
- 11.3.4 Policy 10 of the Neighbourhood Plan, Policy SP6 of the Section 1 Plan, Policy RLP90 of the Adopted Local Plan, and Policies LPP50 and LPP55 of the Section 2 Plan reflect the NPPF and NDG by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings to reflect or enhance the area’s local distinctiveness. Additionally, Policy 10 of the Neighbourhood Plan requires new developments to be delivered in accordance with the Bradwell with Pattiswick Parish Village Design Statement (VDS), which sets out a number of guiding principles in relation to landscaping, parking, energy efficiency, front-gardens, and ecological enhancement. Pertinently, the VDS also states that ‘building height should be in keeping with the character of the village (e.g. no more than two storeys within the Village)’. In short, new developments should respond to their context, maintaining harmony with the character and appearance of the surrounding area.
- 11.3.5 Also, given the countryside location of the application site, regard must be given to Policies CS5 and CS8 of the Core Strategy, and Policy RLP80 of the Adopted Local Plan. Amongst other matters, these policies seek to strictly control new developments within rural locations, in order to ensure that they do not have an adverse impact upon the landscape character, amenity, and intrinsic value of the countryside. Policy 2 of the Neighbourhood Plan requires that development proposals protect and enhance the special features and the overall character of the Landscape Character Area, which for this site is the Silver End Farmland Plateau, and where possible improve access to the open countryside within the Landscape Character Area for recreation.
- 11.3.6 This application seeks outline planning permission with details pursuant to the matters of access, layout and scale. The matters of appearance and landscaping are therefore reserved and are not subject to detailed consideration under this application. However, in the interest of completeness, a high-level consideration is given to the indicative design

and layout material submitted in support of the application, as they provide some general parameters in an attempt to illustrate one way in which the development could be satisfactorily achieved on the site.

- 11.3.7 Subsequently, what follows is a discussion of the proposed scale of the development, before briefly considering the general design and layout, so as to inform a reasonable conclusion on whether the five dwellings and one bungalow could be satisfactorily achieved on the site in alignment with policy expectations and requirements.

#### *Scale*

- 11.3.8 In terms of scale, the 'height parameter plan' submitted demonstrates the two storey dwellings including the row of three terraced properties and two detached houses would have an overall height of 7.7m (5m eaves height). The single storey bungalow would have an overall height of 6.2m (5.6m eaves height). The applicant has submitted a parameter plan illustrating the proposed heights of the dwellings against existing properties and the extension permission to the south of the site (Application Reference 20/01897/OUT). Whilst the proposed heights would be 0.5m higher than the extant permission to the south of the site, on balance taking into account the varied type of properties within the vicinity of the site and the development is screened from Coggeshall Road to the north, Forge Crescent to the east and Rectory Meadow to the south no objection is raised in relation to the height and scale of the proposed dwellinghouses.
- 11.3.9 This is considered to be an appropriate scale for the site's context and, given the site is enclosed by existing vegetation and a woodland, the dwellings would assimilate into the wider landscape context without any harm to the intrinsic character and beauty of the countryside. Indicative landscape sections have been provided to demonstrate this, by comparing the existing built-form on the site to the scale of residential development proposed under this application, all within the context of the existing woodland and vegetation that define the site's boundaries.
- 11.3.10 As this is in application for outline planning permission with scale as a matter for consideration, it is also appropriate to consider the housing mix. In this case the application form indicates that the six dwellings proposed would include three 2 bedroom properties, one 2 bedroom bungalow, two 4 bedroom detached houses. It is noted that supporting text of Policy 7 of the Neighbourhood Plan sets out a need for a greater proportion of smaller dwellings in the Parish of Bradwell with Pattiswick, A proposal of this size on a windfall site would make a positive contribution towards the local housing stock.
- 11.3.11 To conclude the scale of the proposed development is considered to be acceptable.

### *Design and Layout*

- 11.3.12 The layout submitted illustrates how the six dwellings could be arranged within the site in a manner that would meet with the garden size and parking standards established by the Essex Design Guide (EDG) and the adopted Essex County Council Vehicle Parking Standards (VPS) respectively. It is clear from an appraisal of the indicative material that six dwellings could be comfortably accommodated on the site with sufficient space to ensure that a high-quality strategy for design, internal and external amenity, and landscaping can be secured at the reserved matters stage.
- 11.3.13 Indicative drawings have been submitted detailing the proposed elevations, which appear to respect the guidance set out within the Essex Design Guide and will be subject to further consideration at reserved matters stage.
- 11.3.14 To conclude the amount of development proposed would be appropriate, when having regard to the site's characteristics and constraints, and the detailed considerations surrounding design could be positively resolved through an application for reserved matters.

### *Proposed Residential Amenity*

- 11.3.15 The Nationally Described Space Standards, which are incorporated into Policy LPP37 of the Section 2 Plan, set out the requirements for internal space in new dwellings. The appearance of the dwellings is reserved for future consideration and will be formally assessed during the reserved matters stage to ensure the proposal meets policy requirements.
- 11.3.16 The Essex Design Guide (EDG) which recommends minimum garden sizes of 50sq.m for two bedroom properties and 100sq.m for a three or more bedroom dwelling, which the layout plan demonstrates the proposed development would meet the policy requirement.
- 11.3.17 Officers are satisfied that, by virtue of the layout the residential amenity of future occupiers would not be unacceptable.

### 11.4 Heritage

- 11.4.1 Both the Development Plan and the NPPF seek to ensure that new developments preserved the significance of heritage assets and their settings. The Council also has a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest they possesses.
- 11.4.2 There is a Grade II Listed Building, Tippet's Wade, adjacent to the junction of Church Road and The Street, meaning it abuts the red line boundary of the site due to the inclusion of Rectory Meadow and Church Road within



the red line for the purposes of demonstrating access to the adopted public highway. Having regard to the separation distance between the proposed dwellings and the identified heritage asset, in addition to the existing nature of the access route from Rectory Meadow through to the junction of The Street and Church Road, no harm has been identified to the significance of the Grade II Listed Building at Tippet's Wade. Furthermore, ECC Heritage Advisor has raised no objections to the proposal.

## 11.5 Trees and Ecology

- 11.5.1 Paragraph 179 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity, whilst also recognising more generally the benefits of trees.
- 11.5.2 Policy CS8 of the Core Strategy establishes that all development proposals will, amongst other matters, ensure the protection and enhancement of the natural environment, habitats and biodiversity, and geodiversity of the District. Additionally, Policy RLP81 of the Adopted Local Plan sets out that the Council will seek to protect established trees of local amenity value, whilst Policy RLP84 of the Adopted Local Plan states that planning permission will be refused for developments that would have an adverse impact on protected species. Furthermore, where a proposed development may have an impact on protected species, Policy RL84 goes on to explain that the developer will be required to undertake and submit an ecological survey, to demonstrate that an adequate mitigation plan is in place to ensure there is no harm to protected species and no net loss of priority species. These objectives are reflected under Policies LPP68 and LPP69 of the Section 2 Plan.
- 11.5.3 The above objectives are also reflected in Policy 1 of the Neighbourhood Plan which is explicit that all development proposals should seek to deliver net biodiversity gain, in addition to protecting existing habitats and species. Policy 1 also explains that development proposals should protect and where possible enhance natural environment features identified within the Neighbourhood Plan including Rectory Meadow, Priority Habitat, which wraps around the application site. Policy 1 concludes that development proposals which are likely to have a negative impact upon natural environment features should demonstrate where the benefits of the development clearly outweigh any negative impacts to the nature conservation value of the feature or to its contributions to wider biodiversity objectives.
- 11.5.4 Additionally, Policy 10 of the Neighbourhood Plan details that development proposals should, where appropriate, respond sensitively to the existing, natural environment in part by ensuring that their proposed layout protects and enhances important features of the natural environment and biodiversity of the site and its surroundings. It also highlights the importance of retaining and protecting existing trees and hedges in and around the Parish wherever possible.

- 11.5.5 With regards to ecology, the application is supported by an Extended Phase 1 Survey, prepared by Hillier Ecology dated November 2020, relating to the likely impacts of the development on Protected and Priority Habitats and species, as well the identification of proportionate mitigation measures. In addition, a Low Impact EclA carried out by Hybrid Ecology Limited dated September 2021.
- 11.5.6 The Council's ecologist has reviewed the ecological information and is satisfied that sufficient ecological information has been submitted with the application for determination. They have also raised no objections to the application, subject to the imposition of conditions securing the proposed mitigation measures, a wildlife sensitive lighting design scheme, and the proposed biodiversity enhancements which would deliver net gains for biodiversity.
- 11.5.7 In terms of the relationship between the proposed development and existing trees, an Arboricultural Impact Assessment, prepared by Hallwood Associated and dated May 2021, has been submitted for consideration as part of the application and outlines the impact the proposed development may have on the site's existing trees, as well as the impact the site's trees may have on the proposed development. A total of 2 trees, 1 hedge and 4 groups of trees, mostly falling under Category C with the exception of 1 Category A tree, have been identified within the site. Taking into account the trees to be retained, a landscape buffer zone proposed and subject to the recommendations within the Arboricultural Method Statement, it is considered the proposal in relation to trees is acceptable.
- 11.6 Impact upon Neighbouring Residential Amenity
- 11.6.1 The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy 7 and Policy 10 of the Neighbourhood Plan, Policy SP6 of the Section 1 Plan, Policy RLP90 of the Adopted Local Plan, and Policies LPP37 and LPP55 of the Section 2 Plan all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.
- 11.6.2 The layout of the proposed dwellings with specific reference to dwellings 1-5 are sufficiently distanced from existing residential properties within Rectory Meadow and Forge Crescent. The properties have been orientated, designed, and positioned in an arrangement which respects the residential amenity enjoyed by neighbours. In relation to the impact on The Chaldecott and Sunray to the north off Coggeshall Road. Dwelling No.6 at two storey would be orientated towards the rear garden and there is a separation distance of 22m to the boundary and 49.2m from the rear elevation from Chaldecott. Plot 5 will be located 9m away from the rear boundary of Sunray and 42m from the rear elevation of the property Sunray. Plot 1 and 6 are located 11.6m (Plot 6) and 14.3m (Plot 1) away from the properties in Forge Crescent.

- 11.6.3 It is considered that it would essentially be possible at the reserved matters stage to prevent any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

## 11.7 Highway Considerations

- 11.7.1 In promoting Sustainable Development Paragraph 105 of the NPPF indicates that the planning system should actively manage patterns of growth in support of the Government's objective of improving transport networks and reducing reliance on the private car. Paragraph 107 states that if setting local parking standards for residential and non-residential development, policies should take into account of, amongst other things, the accessibility of the development, its type, mix and use and the availability of public transport. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.7.2 Policy RLP56 of the Adopted Local Plan and LPP45 of the Section 2 Plan recommend that all new development is provided with sufficient parking in accordance with the adopted Essex County Council Vehicle Parking Standards. In this case, 2 vehicle parking spaces is required for 2-bed+ properties. The proposed development fully complies with that recommendation given sufficient parking can be accommodated to the front of the properties.
- 11.7.3 As stated above no objections have been raised in relation to the new footpath access.
- 11.7.4 In respect of parking, each dwelling will benefit from two parking spaces per dwelling, and the two 4 bedroom properties will have double garages and the 2 bedroom bungalow will have a single garage. The application is accompanied by a transport statement which states the proposed double garages will have an internal dimension of 7m x 6m and the single garage 7m x 3m. Whilst full drawings have not been provided the indicative drawings of the proposed development would be in accordance with the EPOA Vehicle Parking Standards (2001). ECC Highways has raised no objections and considered that the application is policy compliant in relation to highways matters.

## 11.8 Surface Water Drainage

- 11.8.1 The application site is located within Flood Zone 1 where there is a low probability of flooding. A flood risk assessment and surface water drainage/suds strategy has been submitted for consideration with the application concludes that proposed use of the land in this location is appropriate. The risk of groundwater flooding will be mitigated by having floor levels 150mm higher than ground levels and a water exclusion

strategy is proposed to be adopted to protect foundations. Sustainable drainage techniques to be used for the driveways and access road.

- 11.8.2 It is therefore considered that the on-site flood risk would be acceptable and that there would be a negligible flood risk impact on neighbouring areas as a result of the proposed development.

11.9 Contamination

- 11.9.1 Policy RLP64 of the Adopted Local Plan requires that an applicant proposing development on, or near, where contamination may exist should carry out a thorough investigation, so as to establish the nature and extent of any contamination. This same objective is reflected in Policy LPP75 of the Section 2 Plan and within the NPPF.

- 11.9.2 A Phase 1 Land Contamination Assessment has been submitted in support of the application carried out by Richard Jackson Engineering Consultants. The Council's Environment Health Officer, has raised no objections but given contamination has been found within the soil this will be subject to the imposition of suitably worded conditions for remediation and also gas sampling is required.

11.10 Construction Activity

- 11.10.1 In order to safeguard the amenity of existing residents in the locality, should the application be approved, a condition is recommended requiring the applicant to submit for approval a comprehensive Construction Management Plan for the development covering for example, construction access, hours of working, dust and mud control measures, contractor parking; points of contact for existing residents.

11.11 Habitat Regulations Assessment (HRA / RAMS)

- 11.11.1 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.

- 11.11.2 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.
- 11.11.3 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.

11.11.4 The proposed mitigation measures would consist of the securing of a financial contribution of £137.30 per dwelling erected towards offsite visitor management measures at the above protected sites.

11.11.5 This financial contribution has been secured and the applicant has made the required payment under S111 of the Local Government Act 1972.

## 12. PLANNING BALANCE AND CONCLUSION

12.1.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

12.1.2 Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.

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

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

12.1.5 As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

- 12.1.6 In this case the basket of policies which are considered to be the most important for determining the application are Policy 7 of the Bradwell and Pattiswick Parish Neighbourhood Plan, Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2, RLP95 and RLP100 of the Adopted Local Plan and Policy CS5 of the Core Strategy.
- 12.1.7 Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.
- 12.1.8 Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.
- 12.1.9 Policy 7 of the Bradwell and Pattiswick Parish Neighbourhood Plan states when it comes to assessing proposals for residential development outside of the Village Envelope, Policy 7 states the following:
- b) Development proposals for small scale residential development and extensions and conversions for residential use outside the Bradwell village settlement boundary shall be supported as an exception to planning policies where they:*
- Can demonstrate a significant contribution towards maintaining the future viability and sustainability of the adjacent settlement*
  - Are adjacent to an existing settlement or hamlet and do not provide a linear extension to Bradwell village along Coggeshall Road, Church Road, Rectory Meadow or Hollies Road.*

- 12.1.10 The above extract from Policy 7 does not detract from the fact that the clear spatial preference provided by the first arm of the same policy is for new residential development to be contained within defined settlement boundaries. Nonetheless, the above exception criteria taken from the second arm of Policy 7, gives the explicit reference to the principle of development being supported subject to compliance with the exception criteria and can be given significant weight.
- 12.1.11 Policy RLP95 seeks to preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Policy RLP100 inter alia seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land. In respect of conserving and enhancing the historic environment, the NPPF states at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether this amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraphs 201 and 202 then set out the criteria for circumstances where a proposal would lead to substantial harm/total loss and less than substantial harm respectively. Policies RLP95 and RLP100 both pre-date the NPPF and both lack the balancing exercise contained in the Framework which requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal. Both policies are considered to be partially consistent with the NPPF, and therefore not out-of-date and accordingly can only be afforded reduced weight. However, as set out above, the Council also have a statutory duty when assessing planning applications that affect Listed Buildings and Conservation Areas and although the Development Plan policies carry reduced weight it is clear that significant weight must be attributed to fulfilling these statutory duties.
- 12.1.12 When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.
- 12.1.13 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.
- 12.1.14 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

## 12.2 Summary of Adverse Impacts

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

### **Conflict with the Development Plan**

- 12.2.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 12.2.3 The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside.

### Conflict with the Section 2 Plan

- 12.2.4 The proposed development would conflict with Policy LPP1 of the Section 2 Plan as the site lies outside the defined development boundaries and within the countryside.
- 12.2.5 However, whilst the location of the application site outside of the Bradwell Village Envelope would also represent a departure from the preferred spatial strategy set out under Policy 7 of the Bradwell with Pattiswick Neighbourhood Plan, this conflict is neutralised in the overall planning balance by the compliance of the proposed development with the exception criteria established under Policy 7 of the Bradwell with Pattiswick Neighbourhood Plan. The identified harm above is therefore only afforded limited weight.



### 12.3 Summary of Public Benefits

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

#### Delivery of Market and Affordable Housing

- 12.3.2 The proposal would result in six market dwellings and this is afforded moderate weight.

#### Economic and Social Benefits

- 12.3.3 The proposal would deliver economic benefits during the construction period and economic and social benefits following the occupation of the dwelling, in supporting local facilities. Due to the proposal being for six dwellings, this is afforded moderate weight.

### 12.4 Planning Balance

- 12.4.1 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.
- 12.4.2 Notwithstanding the above, even if the 'tilted balance' was engaged, it is considered that the adverse impacts would not 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 granted for the proposed development.

## 13. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	20/064 PL01C	N/A
Elevations	20/064 AR01A	N/A
Site Layout	20/064 UD01L	N/A
Highway Plan	REDW-3392-101	N/A
Parameter Drawing	20/064-AR02	N/A

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

1.

Details of the:

- (a) Appearance and the
- (b) Landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission. The development hereby permitted shall take place not later than 3 years from the date of approval of the last of the reserved matters to be approved.

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

2.

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

Reason: To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

3.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction;
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) A scheme for any piling on site together with details of any associated noise and vibration levels;
- ix) Delivery, demolition and construction working hours.

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

Reason: To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

4.

Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to:
    - Human health,
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - Adjoining land,
    - Groundwaters and surface waters,
    - Ecological systems,
    - Archeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

5.

Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the

Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of these measures a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

6.

The development shall only be carried out in accordance with the submitted Arboricultural Method Statement Report and arboricultural protection measures detailed therein completed by Hallwood Associates, Ref HWA10573\_APIII 4.0 dated May 2021.

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

7.

No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:- Monday to Friday 0800 hours - 1800 hours; Saturday 0800 hours - 1300 hours; Sundays, Public and Bank Holidays - no work

Reason: In the interests of the amenity of residents of the locality.

8.

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality.

9.

The development shall not be occupied unless and until the developer provides a Residential Travel Information Pack for each dwelling, for sustainable transport purposes, to be submitted to and approved in writing by the Local Planning Authority (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

10.

A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures, as detailed in the Update Preliminary Ecological Appraisal (Skilled Ecology, August 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

11.

Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s.40 of the NERC Act 2006 (Priority habitats & species).

12.

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Low Impact EclA (Hybrid Ecology, September 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s.40 of the NERC Act 2006 (Priority habitats & species).

13.

No development shall take place (including any demolition, ground works, site clearance) until a pre-commencement Badger Survey has been submitted to and approved in writing by the local planning authority. This will identify the likely impacts upon the Protected Species from the development and should outline any mitigation measures and/or works to reduce potential impacts to Badger during the construction phase. The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

14.

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Low Impact EclA (Hybrid Ecology, September 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

15.

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

16.

Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

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

17.

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

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

18.

No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

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

19.

Prior to commencement of the development:

- a. A construction traffic management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan
- b. The public's rights and ease of passage over public footpath no 51 and 66

(Bradwell) shall be maintained free and unobstructed at all times.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 and DM11 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

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No occupation of the development shall take place until the following have been provided or completed:

c. The proposed site access road and footway shall be provided as shown on Drawing No. REDW3392-101.

d. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operators).

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9, DM10 and DM11 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

21

No development or preliminary groundworks of any kind shall take place until the applicant has secured and undertaken a programme of archaeological work in accordance with written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To enable full investigation the site may be of archaeological interest.

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Prior to the first occupation of the development, the works as detailed by Redwood Partnership drawing titled: 'A120 Highway Works Plan', drawing number REDW-3392- 103 revision - B, dated October 2021 (or subsequent versions approved in writing by the local planning authority in consultation with National Highways) shall be carried out to the satisfaction of the planning authority in consultation with National Highways.

Reason: To ensure that the A120 will continue to operate safely and efficiently as part of the Strategic Road Network.

#### Informative(s)

1.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 51 and 66 (Bradwell) shall be maintained free and



unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

2.

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

3.

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

4.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: [development.management@essexhighways.org](mailto:development.management@essexhighways.org) SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

5.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

6.

Third Party Works (Highways Act Section 278 Agreements)

If as part of development proposals, there is a need to alter the Strategic Road Network either to provide access on to it or to provide improvements to the road and/or its junctions, in order to mitigate the impact of the development, then the developer will need to enter in an arrangement with Highways England to procure and deliver these works. This is undertaken by entering into a Section 278 Agreement of the Highways Act, 1980, as amended by section 23 of the New Roads and Street Works Act 1991, with National Highways.

The Agreement provides a financial mechanism for ensuring delivery of the mitigation works identified and determined as necessary for planning permission to be granted. This protects the Public owned Company against the risk of carrying out the works without adequate funds being in place. Following granting of planning consent, the developer should contact the Service Delivery Manager of the particular trunk road affected to discuss taking these matters forward. The contact details are:

Service Delivery Manager

National Highways

Woodlands, Manton Lane, Bedford, MK41 7LW

Email S278 East Operations [S278East@highwaysengland.co.uk](mailto:S278East@highwaysengland.co.uk)

Telephone 0300 123 5000

### Positive and Proactive Statement

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

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy 2011

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

#### Braintree District Local Plan Review 2005

RLP2          Town Development Boundaries and Village Envelopes  
RLP10        Residential Density  
RLP50        Cycleways  
RLP51        Cycle Parking  
RLP64        Contaminated Land  
RLP80        Landscape Features and Habitats  
RLP81        Trees, Woodlands, Grasslands and Hedgerows  
RLP90        Layout and Design of Development

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1            Presumption in Favour of Sustainable Development  
SP2            Recreational disturbance Avoidance and Mitigation Strategy (RAMS)  
SP4            Meeting Housing Needs  
SP7            Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1           Development Boundaries  
LPP17          Housing Provision and Delivery  
LPP37          Housing Type and Density  
LPP44          Sustainable Transport  
LPP45          Parking Provision  
LPP50          Built and Historic Environment  
LPP55          Layout and Design of Development  
LPP56          Conservation Areas  
LPP68          Protected Species, Priority Spaces and Priority Habitat  
LPP69          Tree Protection  
LPP70          Protection, Enhancement, Management and Monitoring of Biodiversity  
LPP71          Landscape Character and Features  
LPP73          Protecting and Enhancing Natural Resources, Minimising Pollution and

Bradwell with Pattiswick Parish Neighbourhood Plan 2017-2033

Policy 7           Housing

Other Material Considerations

ECC Parking Standards (2009)  
ECC Design Guide (2005)

Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
20/01897/OUT	Outline application with all matters reserved, except access and scale, for demolition of existing commercial buildings and erection of 3 two-storey dwellinghouses.	Granted	16.04.21

APPENDIX 4:

APPEAL DECISION

Appeal Reference: APP/Z1510/W/17/3185814

Application Reference: 17/00649/OUT

- Rectory Meadow, Bradwell, Braintree
- Dated 15.02.2018

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## Appeal Decision

Site visit made on 15 January 2018

**by D J Board BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 February 2018**

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**Appeal Ref: APP/Z1510/W/17/3185814**  
**Rectory Meadow, Bradwell, Braintree**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by McDonnell Mohan Ltd against the decision of Braintree District Council.
  - The application Ref 17/00649/OUT, dated 8 April 2017, was refused by notice dated 14 June 2017.
  - The development proposed is demolition of existing commercial buildings and structures and erection of three houses.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing commercial buildings and structures and erection of three houses at Rectory Meadow, Bradwell, Braintree in accordance with the terms of the application, Ref 17/00649/OUT, dated 8 April 2017, subject to the conditions in Annex A.

### Procedural Matters

2. The application was made in outline form with matters of access and scale submitted for consideration at this stage. The appeal is considered on this basis.
3. I have been provided with policies from the Braintree Local Plan Publication Draft June 2017. This plan has not yet been found sound. For this reason I am unable to accord any significant weight to these policies.

### Main Issue

4. The main issue is the whether the site, is suitable for housing, having particular regard to its location.

### Reasons

5. Policy RLP2 of the Braintree District Local Plan Review (LP) and policy CS5 of the Core Strategy (CS) seek to direct new development to areas within town boundaries and village envelopes. The site lies outside but adjacent to the defined settlement boundary of the village of Bradwell and therefore is in open countryside where new development is strictly controlled. The appellants have referred me to CS policy CS1 which relates to housing provision and delivery. This allows for the provision of housing '*...on previously developed land and infill sites in Key Service Villages and other villages*'. I understand that the site

has previously been used as a scaffolder's yard<sup>1</sup> and that this use has now ceased. Nevertheless, the site contains a number of existing buildings of varying size and some areas of hard standing. In this case there is no dispute that the site could be considered as 'previously developed'.

6. The Council's decision notice focuses on the reliance of new dwellings on the use of the car. In particular that Bradwell itself is low in the settlement hierarchy as an 'other village' and has limited facilities. It is likely that to meet day to day needs that future occupiers of the dwellings would need to access larger centres. There are footpath linkages through to nearby bus stops. The appellants have provided information regarding the frequency of the services which provide onward connection to a number of other higher order settlements.
7. The location of the site close to existing dwellings within the settlement of Bradwell is such that it would not be isolated from other dwellings. Therefore, whilst outside of a settlement boundary the dwellings would be as close to the services that exist in Bradwell and the onward connections as existing dwellings within the settlement boundary. In this regard it would not be functionally isolated and not wholly reliant upon the use of the car. I appreciate that there would be journeys generated by the future occupiers of three dwellings. There would be some minor conflict with the objectives of the National Planning Policy Framework (the Framework) and the policies of the LP and CS.
8. The Council has confirmed that it is currently unable to demonstrate a five year supply of housing. I have no reason to disagree. Therefore paragraphs 49 and 14 of the Framework are engaged and the relevant policies for the supply of housing should not be considered up to date. Within this context the provision of additional dwellings would weigh in favour of the proposal. Furthermore there is no dispute that provision of three dwellings would not lead to significant or demonstrable harm to character and appearance. I have identified that there would be some minor harm resulting from the sites location. In light of this, and the benefits of the proposal in providing additional dwellings to offset the Council's lack of a five year housing land supply, I consider that the conflict with LP policy RLP2 and CS policy CS5, due to the sites location, would be outweighed by other considerations. I therefore conclude that overall the site would be suitable for housing. Therefore in this case the totality of the other material considerations outweighs the limited conflict with the development plan.

## **Conditions**

9. The Council has suggested a number of conditions. I have considered these against paragraph 206 of the Framework. I have attached the standard implementation conditions and those for reserved matters and a condition specifying the approved plans.
10. In the interests of the living conditions of existing and future occupants conditions are necessary regarding contamination investigation, construction hours and management. In the interest of highway safety a condition is reasonable and necessary that secures the access works and pedestrian visibility.

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<sup>1</sup> LPA ref 06/0723/COU



11. At this stage it is not necessary to secure the details of material finish, hard and soft landscaping (including a scheme to protect existing hedgerows), and boundary treatments as these are specifically linked to matters reserved for future consideration and should be dealt with at that point. Further, suggested condition 5 appears to repeat the requirements of other legislation. Therefore I cannot be satisfied that this condition is necessary or relevant to planning.

### **Conclusion**

12. For the above reasons and having had regard to all other matters raised I therefore conclude that the appeal should be allowed.

*D J Board*

INSPECTOR

## **Annex A – Conditions**

- 1) Details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: A-1627-PL-01 E; A-1627-PL-02 D; A-1627-PL-04 B; A-1627-PL-05.
- 5) Demolition or construction works shall take place only between 0800-1800 Monday to Friday, 0800-1300 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) a scheme for any piling on site together with details of any associated noise and vibration levels;
  - ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) No development shall take place until full details of the dimensions and surface finish of the parking spaces and the surface finish of the access routes have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) No dwelling shall be occupied until the access to the site, visibility splays and vehicle parking and turning areas shown on the approved plans have been laid out and that the access, visibility and parking and turning space shall thereafter be kept available at all times for those purposes.

- 9) Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

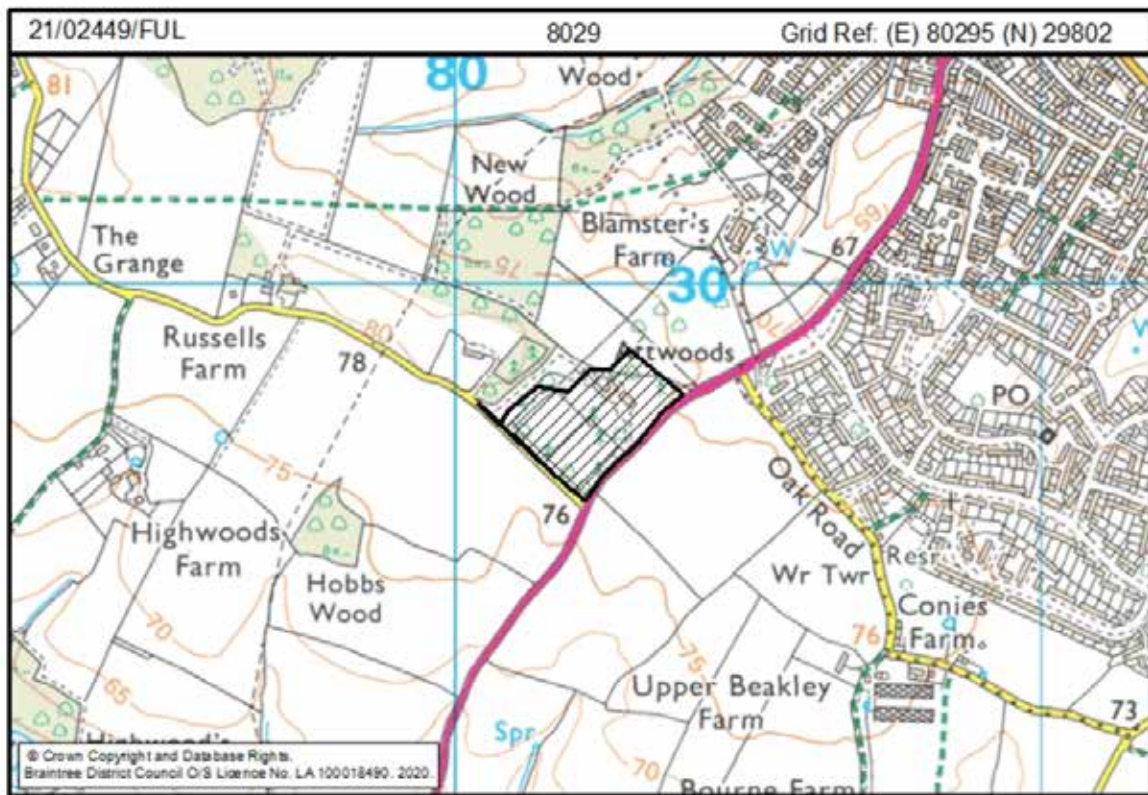
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of these measures a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 10) Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 19th April 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	21/02449/FUL	
<b>Description:</b>	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	
<b>Location:</b>	Halstead Hall, Braintree Road, Greenstead Green	
<b>Applicant:</b>	Mr R Catchpole, Stow Healthcare Group	
<b>Agent:</b>	Melville Dunbar Associates	
<b>Date Valid:</b>	17th August 2021	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can: a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
	<b>Appendix 4:</b>	Appeal Decision (18/01481/FUL)
<b>Case Officer:</b>	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: <a href="mailto:melanie.corbishley@braintree.gov.uk">melanie.corbishley@braintree.gov.uk</a>	

## Application Site Location:



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>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 &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those</li> </ul>

	<p>who do not;</p> <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>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 21/02449/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan Review (2005)</li> <li>§ Braintree District Core Strategy (2011)</li> <li>§ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> <li>§ Braintree District Publication Draft Section 2 Local Plan (2017)</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>



## 1. EXECUTIVE SUMMARY

- 1.1 The application site consists of 3.85 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, outside the town development boundary. To the north of the existing care home is a building known as Green Lodge, which is currently vacant and in a poor state of repair.
- 1.2 The application seeks full planning permission for the conversion and extension of a redundant building to create a 25no. bed specialist dementia unit and the erection of 20no. bungalows and houses.
- 1.3 A previous application (Application Reference 18/01481/FUL) was dismissed on appeal however the Inspector stated *'Overall, the proposed development would not result in material harm to the wider landscape character of the area and thus it would accord with CS Policy CS8 and LP Policy RLP80 insofar as these policies require development to have regard to the character of the landscape and its sensitivity to change'*.
- 1.4 The application site is not allocated for development and lies beyond any designated town or village development boundary in either the Adopted Local Plan or Section 2 Plan. The development is therefore contrary to the Adopted Development Plan. This weighs against the development in the Planning Balance. A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site, however the Planning Inspector previously concluded that development of the site would not result in material harm to the wider landscape character of the area. Therefore it is considered that the proposals would not result in an unacceptable impact upon the character and appearance of the area, thus the conflict with Policies CS8 of the Core Strategy and Policy RLP80 of the Adopted Local Plan is attributed limited weight.
- 1.5 Members are advised that within the previous appeal decision, the Planning Inspector did not rule out the use of the site for residential purposes and the appeal was dismissed by way of applying the titled balance. The Inspector considered the impacts (design and layout, lack of affordable housing and ecology concerns) significantly and demonstrably outweighed the benefits.
- 1.6 The Council can currently demonstrate a 5 year housing land supply, albeit marginally, and with the need to maintain this supply. In light of the Planning Inspectors previous conclusions, and given that the adverse impacts previously identified by the Inspector have now been overcome, it is considered that when applying the flat planning balance, it is recommended that planning permission is granted for the proposal. This is against the context that only moderate weight is given to the conflict with Policy RLP2 of the Adopted Local Plan, and given that the proposal does not conflict wholly with Policy CS5 of the Core Strategy, given that the Inspector did not rule out the site for residential purposes.

- 1.7 While no weight can be attributed to the delivery dementia care unit (in respect of the proposed residential development of the site), as the Local Planning Authority cannot require the developer to implement this aspect of the proposal, if planning permission is granted, the proposed extensions to Green Lodge to create a 25no. bed dementia care unit are considered to be acceptable and accord with guidance from the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP50 of the Section 2 Plan.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site consists of 3.85 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, outside the town development boundary. To the north of the existing care home is a building known as Green Lodge, which is currently vacant and in a poor state of repair.
- 5.2 The site is bordered by the A131 to the east and Russells Lane to the south. The wider site is surrounded by open countryside and farmland to the north, south, and west, and to the east is new housing development.
- 5.3 The site is physically separated from the town of Halstead and is located outside the Town Development Boundary.
- 5.4 Opposite the application site to the southern side of Oak Road is a newly constructed housing development.

6. PROPOSAL

- 6.1 The application seeks planning permission for the conversion and extension of a redundant building to create a 25no. bed specialist dementia unit and the erection of 20no. bungalows and houses.
- 6.2 The application relates to the refurbishment and extension of the existing redundant building known as Green Lodge to be used as a 25no. bed dementia unit, along with bin and cycle stores. The ground floor would contain 11no. en-suite bedrooms, a lounge, dining room, kitchen, staff facilities, assisted bathroom and office/reception. On the first floor there would be 14no. en-suite bedrooms, an assisted bathroom, office/meeting room and large activity room. 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 The Applicant states that a recent extension permitted to the existing care home, at Halstead Hall, would result in facilities that would be shared between the new facility and the existing one. No works are proposed to Halstead Hall and the care home would continue to operate.
- 6.4 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 will be retained and would be continued to be used as a service route and access to 30no. staff car parking spaces.
- 6.5 The application also includes the erection of 20no. bungalows and houses (including 6 units affordable housing units) located on land to the west of Halstead Hall, which would have vehicular access from Russells Lane. The dwellings are a mix of semi-detached pairs and detached units.
- 6.6 During the life of the application the number of units have reduced from 30 to 20 and are no longer being relied upon to fund the creation of the specialist dementia unit. The dwellings are also no longer age restricted to those occupiers 55 years or over.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

*Comments submitted following first consultation:*

- 7.1.1 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 an informative be included within your Notice should permission be granted.
- 7.1.2 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 This response has been based on the following submitted documents: Drainage Plan. Development may 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. The Drainage Plan shows foul flows connecting to a sewer under the A131, there are no public foul sewers in this location, we require a strategy showing the connection point to the public foul sewer. We therefore request a condition requiring an on-site drainage strategy.

7.1.4 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.

7.1.5 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

*Comments following second consultation:*

7.1.6 No additional comments.

## 7.2 Care England

*Comments submitted following first consultation:*

7.2.1 Supportive of the proposals. The proposals will develop Halstead Hall which had been failing prior to Stow Healthcare taking over.

7.2.2 At present there are low resident numbers at Halstead Hall, and given the low level of occupancy at present it would be impossible to justify the level of spending required to development the new dementia care unit.

7.2.3 However, if the Council is minded to support this expansion, the services would be both financially viable and also add a new and much-needed resource for the people of Essex.

7.2.4 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 increase need in the coming years.

7.2.5 The proposals being put forward by Stow Healthcare will not only improve specialist services in Essex, but through the development of the over 55's housing, will also give older people more appropriate accommodation and as their needs change, they will be able to secure appropriate on-site services without having to leave their home.

*Comments following second consultation:*

7.2.6 No further comments made.

## 7.3 Council for the Protection of Rural England

7.3.1 No comments received.

7.4 Environment Agency

7.4.1 No comments received.

7.5 Essex Police

*Comments submitted following first consultation:*

7.5.1 BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety.

7.5.2 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.

7.5.3 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.

*Comments following second consultation:*

7.5.4 No additional comments.

7.6 Natural England

*Comments submitted following first consultation:*

7.6.1 It has been identified that this development falls within the 'Zone of Influence' (Zol) 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.

7.6.2 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.

- 7.6.3 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.

*Comments following second consultation:*

- 7.6.4 Above advice repeated.

7.7 NHS

*Comments submitted following first consultation:*

- 7.7.1 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.
- 7.7.2 The development would give rise to a need for improvements to capacity, in line with the emerging Mid and South Essex Health and Care Partnership Estates Strategy, by way of recruitment of additional clinical personnel for the benefit of the patients of the Elizabeth Courtauld Surgery; a proportion of which should be met by the developer.
- 7.7.3 The CCG therefore requests that the sum of £20,000 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Elizabeth Courtauld Surgery.
- 7.7.4 The development will also lead to the need for collaboration and joint working between the dementia unit and the GP practice to effectively manage the primary care needs of residents. An agreement to provide secure and robust digital connectivity within the residential unit to facilitate access to patient records and to share training and best practice between the parties is requested.

*Comments following second consultation:*

- 7.7.5 Thank you for reconsulting the Mid and South Essex Health and Care Partnership (HCP) on the planning application detailed above. It is noted

that the proposal has been amended to reduce the number of dwellings from no.30 to no.20 and still includes a 25 bed dementia unit.

7.7.6 The Health and Care Partnership's request set out in its response dated 11 October 2021, that £20,000 be secured through a planning obligation remain pertinent to the amended proposal. The impact on healthcare capacity of the dementia unit would not change and the smaller impact from reduced dwelling numbers would be outweighed by revised costings updated 01/01/2022.

7.7.7 The CCG and the Mid and South Essex HCP has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that these are secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services. The CCG look forward to working with the Applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

## 7.8 ECC Archaeology

*Comments submitted following first consultation:*

7.8.1 The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological potential. The proposed development lies to the south of the historic town of Halstead, which is Medieval in origin, by the post medieval period the town had expanded and lay directly north of the development site with some associated activity extending south along Mount Hill. Little archaeological investigation has taken place within the surrounding area, recent evaluation further south found evidence for limited prehistoric activity and medieval activity and a medieval tile kiln was found opposite the proposed development site. Ongoing investigation to the north of the site found evidence for prehistoric activity and medieval/postmedieval activity. The southern area of the development site appears to have remained open and undeveloped since at least c.1700's, therefore preservation of archaeological remains is likely to be good.

7.8.2 The proposed development site encompasses the now derelict Green Lodge which 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. The supporting documents describe Green Lodge as 19th century and suggest they were built in 1875, a monogram of the High Sheriff 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.

- 7.8.3 A Level 2 historic building record should be completed for the Lodge prior to the 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.
- 7.8.4 Conditions are suggested regarding archaeological evaluation and building recording.

*Comments following second consultation:*

- 7.8.5 No additional comments.

7.9 ECC Education

*Comments submitted following first consultation:*

- 7.9.1 No contribution requested.

*Comments following second consultation:*

- 7.9.2 Financial contribution sought for the following:

§ Early Years and Childcare - £24,866  
§ Library enhancements - £1,556

7.10 Essex Fire and Rescue

*Comments submitted following first consultation:*

- 7.10.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.
- 7.10.2 Access is considered satisfactory subject to the following:
- Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 18 tonnes.
- 7.10.3 More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.
- 7.10.4 Following a review of these documents I can advise that due to what would be considered an excessive distance to the nearest existing statutory fire hydrants, shown on the enclosed plan, it is considered necessary that

additional fire hydrants are installed within the curtilage of the proposed site.

- 7.10.5 Should the development proceed, once we receive the new water main design scheme for this development from the local Water Authority, we will liaise with them directly to ensure that all necessary fire hydrants are provided.

*Comments following second consultation:*

- 7.10.6 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:
- Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 18 tonnes.
- 7.10.7 More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.11 ECC Highways

*Comments submitted following first consultation:*

- 7.11.1 All housing 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 the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 7.11.2 The site layout as submitted would not be considered for adoption by the highway authority.
- 7.11.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to the submission of a construction management plan, visibility splays onto Russells Road, and A131 and residential travel information packs.

*Comments following second consultation:*

- 7.11.4 No additional comments.

7.12 ECC Independent Living

*Comments submitted following first consultation:*

- 7.12.1 Attwoods Manor (Halstead Hall) was in much need of refurbishment throughout, and this development of the site at Halstead Hall will no doubt offer a high standard of social care facilities within the locality.
- 7.12.2 Stow Health Care has already demonstrated that they can provide good and outstanding Care Quality Commission (CQC) ratings within the care provision they have in other parts of the country and I am sure over time the former poorly rated Attwoods Manor now Halstead Hall will achieve a good quality CQC rating under this new provider.
- 7.12.3 There is a significant investment to develop specialist service for people with Dementia and the design features are in keeping with good practice.
- 7.12.4 Fully support the planning development at Halstead Hall without any guarantees that Essex County Council will make unconditional placements at the home.

*Comments following second consultation:*

- 7.12.5 No further comments received.

7.13 ECC Suds

*Comments submitted following first consultation:*

- 7.13.1 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:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedures and the infiltration methods found in chapter 25.3 of the Ciria SuDS Manual C753.
  - The drainage strategy does not demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - The drainage plan should include the basin in addition to the site and SuDs layout already provided.

*Comments following second consultation:*

- 7.13.2 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission. A number of planning conditions are requested.

#### 7.14 BDC Ecology

*Comments submitted following first consultation:*

- 7.14.1 Holding objection due to insufficient information on Priority habitats (Wood Pasture and Parkland, Deciduous Woodland and Traditional Orchards).

*Comments following second consultation:*

- 7.14.2 No objection subject to securing:
- A financial contribution towards visitor management measures at the Black Water Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation in line with the Essex Coast RAMS;
  - Biodiversity mitigation and enhancement measures.

#### 7.15 BDC Environmental Health

*Comments submitted following first consultation:*

- 7.15.1 No objections in principle to the proposed development on Environmental Health grounds, however the following issues need further assessment before determining whether the scheme is acceptable:

##### **Traffic Noise Mitigation**

- 7.15.2 The site lies adjacent to the A131, a busy single carriageway road. I note that the Applicant has not submitted any form of noise assessment in support of their application. BS 8233:2014 Guidance on sound insulation and noise reduction for buildings sets out recommended maximum target noise levels, both for habitable rooms inside dwellings and for outside amenity space.
- 7.15.3 Having regard to the proposed location plan 1544-P001, I would anticipate that road traffic noise from the A131 may have a significant adverse impact on the following properties:
- 7.15.4 Plots: 23, 24, 25, 26, 27 – these properties may require acoustic glazing to achieve target internal noise levels.
- 7.15.5 Plots: 22, 23, 24 – external amenity space (gardens) may be adversely impacted by traffic noise.
- 7.15.6 A comprehensive environmental noise survey is needed to quantify the road traffic noise from the A131 and model how it impacts on the facades of proposed properties and outside amenity space. This data can then be used to inform the design of any acoustic insulation works needed. Ideally the external noise climate should be used to determine the site layout as the position of new buildings will materially affect both the level of external

noise impacting on gardens and the façades of noise sensitive properties. The Applicant may therefore wish to withdraw the application and resubmit a revised site layout once the noise survey and modelling work has been commissioned.

7.15.7 S.174(e) of the National Planning Policy Guidance states that:

7.15.8 “Planning policies and decisions should contribute to and enhance the natural and local environment by:

*(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of .. noise pollution ...*

7.15.9 If the application is approved in its current form, I would suggest the inclusion of a number of conditions to protect the future occupiers of the residential development from existing noise sources, these include hours of work, no burning, no piling and the submission of a construction management plan.

*Comments following second consultation:*

7.15.10 The Applicant has still not submitted the required noise assessment.

7.15.11 The EHO has considered the revisions submitted, including the reduction in the overall number of residential units proposed and the layout changes shown in Drawing 1544-P101A, and my previous concerns about noise exposure remain. It should be noted that the plot numbering has changed between these layout revisions but those properties situated adjacent to the A131 are still likely to be exposed to unacceptably high noise levels, particularly in outside amenity spaces.

7.15.12 The EHO suggests that it would be inappropriate to approve this application for a noise sensitive residential use adjacent to a significant transport related noise source without submission of a robust noise impact assessment. In the absence of material evidence to the contrary, a precautionary approach should be taken that assumes that road traffic noise will adversely affect the residential occupiers, particularly Plots 8,9,10 and 11 that are located within 25m of this busy main road.

7.15.13 However, if this application is approved the EHO would recommend that all of the Conditions suggested in my response of 3rd September are applied to mitigate potential harm.

7.16 BDC Housing, Research and Development

*Comments submitted following first consultation:*

7.16.1 This application seeks detailed approval for a scheme that comprises refurbishment of an existing redundant building to form a 25 bed dementia

unit and provision of 30 new bungalow dwellings which includes 4 bungalows identified as social housing units. This offer accordingly represents an affordable contribution of just 13%.

- 7.16.2 In accordance with Core Strategy Policy CS2, 9 of the proposed bungalows, equating to 30%, should be provided as affordable housing. The application shows the 4 affordable bungalows offered as being one bed dwellings. There is extremely low demand for one bed bungalows and a considerably more appropriate unit, tenure mix and design requirement to address housing need is illustrated in the table below.

	No	Affordable Rent	Shared Ownership
2 bed 4 person bungalow (Part M2)	7	4	3
3 bed 5 person bungalow (Part M3a)	2	2	0
	9	6	3

- 7.16.3 Demand for bungalows that are accessible and compliant with Building Regulations Part M(2) and M3(a) is high and challenging to meet, particularly 3 bed bungalows, due to the low number of units of this type within the existing social housing stock.
- 7.16.4 It is also noted the application proposes an age restriction of 55 and over for the affordable homes. We recommend affordable units should not be age restricted because it would not only undermine the Council's allocation policy, it would likely be difficult to generate interest from RP's because of risk of rented units not being easy to let, particularly relets. Furthermore, there undoubtedly would be RP's concern about the risk of shared ownership buyers aged 55 and over being unable to secure mortgages.
- 7.16.5 Consequently, we are not able to offer any support to this application because it fails to comply with affordable housing policy, offers inappropriate dwellings to meet housing need and is indicated as being age restricted.

*Comments following second consultation:*

- 7.16.6 Thank you for re-consulting us following revisions to this application.
- 7.16.7 This application now seeks detailed approval for a scheme that comprises refurbishment of an existing redundant building to form a 25 bed dementia unit and provision of 20 new dwellings which includes 6 bungalows identified as social housing units. We are content this proposal is now compliant with Affordable Housing Policy CS2.
- 7.16.8 Whilst the affordable unit mix now accords with guidance provided through the course of the application, we can find no confirmation that our requirements for tenure are agreed in line with that shown in the table below. As part of agreeing an s106 agreement we would require the tenure to be clearly defined.

	No	Affordable Rent	Shared Ownership
2 bed 4 person bungalow (Part M2)	4	2	2
3 bed 5 person bungalow (Part M3a)	2	2	0
	6	4	2

7.16.9 It's also pleasing the application no longer proposes the affordable units be age restricted to the over 55's.

7.16.10 We are comfortable in supporting this application, particularly as it brings opportunity for bungalow type homes to potentially meet the needs of people in the district suffering mobility and disability issues.

#### 7.17 BDC Land Drainage

7.17.1 No comments received.

#### 7.18 BDC Landscape Services

*Comments submitted following first consultation:*

7.18.1 This comment focuses more upon the Arboricultural aspect of the application. Overall the revision to the plan to allow for greater retention is an improvement and has meant the requirement for removals is only to low value and easily mitigated trees.

7.18.2 Adjustments are requested in relation to a number of significant trees to ensure the development would not have a detrimental impact. These trees are T231, T232, T233 and T234 which are located to the north of the existing care home. Concerns relate to the staff access road proposed close to these trees.

7.18.3 Suggested conditions relate to an Arboricultural method statement, due to the requirement for arboricultural supervision and woodland management plan.

*Comments following second consultation:*

7.18.4 No further comments received.

#### 7.19 BDC Waste Services

*Comments submitted following first consultation:*

7.19.1 In order to assess the feasibility of waste collections, we will need a detailed plan showing highway adopted access roads and distances to bin collection points/ bin stores (if blocks of flats are to be built). Our operatives can only walk up to 20 metres to each property. The bin store should be large enough to house the recommended number of bins with a minimum

clearance of 15 cm around all sides of each bin, so that each one can be accessed by the residents and by the collection crews. The pathway from the collection point to the rear of the vehicle needs to be flat, free from steps, kerbs or shingle and have a solid, smooth surface.

*Comments following second consultation:*

- 7.19.2 Are the bungalows going to have their own individual collection points? If so we will need to know whether the road will be adopted, and if it is not, it will need to be built to a standard equivalent to adopted highway, and maintained as such, and Braintree District Council (BDC) will require written indemnity stating that BDC will not be liable for any damage caused to the private driveway as a result of carrying out collections. Also as per my previous comments, for the apartment block/residential home, there will need to be adequate refuse and recycling storage for all residents. We advise 45 litres of refuse storage, and another 45 litres of recycling storage, per week, for each resident. There will also need to be enough space in the bin store for these bins to fit, with an excess of 15cm around each bin, so that our operatives can manoeuvre them. The distance from where the refuse collection vehicle can stop and where they operatives have to travel for the large 4 wheeled bins, must not be further than 15 metres. The ground must be flat, and even, no shingle.

8. PARISH / TOWN COUNCIL

8.1 Halstead Rural and Greenstead Green Parish Council

*Comments submitted following first consultation:*

- 8.1.1 No objection.

*Comments following second consultation:*

- 8.1.2 The original scheme was for thirty bungalows with just 4 for social or affordable use and they were all 1 bed units. The Housing, Research and Development officer at Braintree District Council (BDC) rightly criticised that this was way below the 30% affordable housing required by Policy CS2 and that there was very little demand for 1 bed bungalows. The Applicant has now proposed 20 units of which 6 would be bungalows for social and affordable use and 14 market properties, of which 2 would be bungalows and the remainder would be open market housing. It is welcome that 30% of units are now affordable and that these are 2 and 3 bedroomed instead of 1.
- 8.1.3 The site is not allocated in Section 2 of the new Braintree Local Plan and Braintree now has a housing supply in excess of five years so the pressure to grant planning permission has receded. We believe that bungalows would be better accommodated within the landscape at this important southern entrance to Halstead rather than housing.



- 8.1.4 We think the layout for the new 20 units instead of 30 is a better layout but we are concerned by the clause in their covering letter that they are not now to be for the over fifty-five's.
- 8.1.5 We are also concerned that the building of the dementia unit might not go ahead even if the houses are passed.
- 8.1.6 Further, we question BDC on why they believe that the proposed change from the original scheme - 30 bungalows of which four were affordable, to 12 houses and 8 bungalows of which 6 are affordable - is not so significant as to materially affect the proposal such that a new application should be submitted.
- 8.1.7 Therefore, we feel that this is a significant change and therefore now repeal our previous 'No Objection' and replace it with an 'Objection'

## 8.2 Halstead Town Council

*Comments made after second consultation, requested by HTC:*

- 8.2.1 Objection on the following reasons:
- That this application was not within Halstead area but was within the boundaries of Greenstead Green and Halstead Rural Parish.
  - Concerns were raised about visibility on egress of the site and it was noted that a previous fatal road traffic accident close to the site of egress was not mentioned.
  - The 20 dwellings were not within the Draft Local Plan and were outside the village envelope and were not needed for BDC's 5-year supply which had already been reached.
  - Concerns were raised about Halstead being unable to cope with further residents who, although they were outside the development boundary, would still depend on Halstead's infrastructure, in particular the already overloaded doctors' surgery.
  - This development is planned in the open countryside as a separate settlement not linked to the town.
  - The dementia unit might well be needed, but it should not be linked in any way to the commercial development of 20 residential properties.
  - Possible bus stops are not well sited.

## 9. REPRESENTATIONS

- 9.1 17 representations received in support of the proposals making the following comments. Five are from members of staff from Halstead Hall and two are from a relatives of current residents at Halstead Hall.
- Proposal would provide a vital service to the area.
  - There is a lack of specialist dementia care beds in the area.
  - Transform the area behind the care home.
  - Remove anti-social behaviour.

- An ageing population in the UK will result in the need for such accommodation.
- Bungalows are in short supply in the local area and are often preferred by older members of the population.

9.2 Following the second consultation of the application, 8 representations were received making the following comments. One is from the manager of Halstead Hall Care Home.

- Objection to the loss of the age restriction on the bungalows.
- This is now another open market estate development.
- We could do without another outside of town boundary development.
- Concerns that the bungalows will disappear when the development is built.
- Concern regarding the loss of the link to the creation of the dementia unit- will this be conditioned?
- Concerns regarding whether this is a suitable location for new housing.
- No new open spaces will be provided.
- Appears to be no links to the town centre via footpaths.
- Increased in traffic movements particularly during peak times.
- Concerns about impact on existing drainage systems.
- Disturbance to existing residents during construction work.
- The development would destroy landscape, mature trees and habitat for wildlife.
- Access onto the A131 would not be safe.
- Bus stop does not exist and should be constructed.
- A bungalow only estate would be an asset to the local area.
- Proposal would provide a vital service to the area.
- There is a lack of specialist dementia care beds in the area.
- Transform the area behind the care home.
- Remove anti-social behaviour.
- Russell's Road is not suitable to be used as the access.

## 10. Background

10.1 Application Reference 18/01481/FUL was received by the Council in August 2018 but was not determined by the Council within the prescribed timescales and a subsequent appeal against non-determination was submitted by the Applicant to the Planning Inspectorate.

10.2 The application was reported to the Planning Committee on 5th November 2019 with a recommendation for refusal, to allow the Members of the Planning Committee to indicate what they would have done, should they have had an opportunity to determine the application. The report suggested 4 reasons for refusal, as set out below:

*1. The bungalows are proposed to ensure that the creation of the specialist dementia care unit is viable and is considered to be 'enabling development' by the applicant. The Council consider that the supporting viability report is flawed, particularly in relation to build costs of the bungalows and it has not*

*been demonstrated that 30no. residential properties are required to make the scheme viable. Furthermore the Council consider that the 'enabling development' argument can only be applied to heritage assets and not the creation of a dementia unit such there is no justification for the proposed bungalows.*

*Whilst the dementia unit is considered to be an unviable project on its own, this does not justify the erection of residential development in the countryside where there is not policy support not any special circumstances.*

*In addition to this, the applicant has not adequately demonstrated that there is a need for this specialist type of accommodation in the District.*

*The proposal is contrary to Adopted Local Plan Policies RLP2 and RLP21, Adopted Core Strategy CS5 and Draft Local Plan Policy LPP35.*

*2. The proposed 30 no. market bungalows would be located in the countryside, falling outside of the defined development boundary as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal is therefore contrary to Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan.*

*The site is divorced from a village/town with facilities and amenities beyond reasonable and safe walking distance of the site and development in this location would undoubtedly place reliance upon travel by car. The disconnected and divorced nature of the site from the existing settlement results in an enclave of housing which would be an unnatural enlargement of the town and would be of harm to the amenity afforded to the countryside location and the character of the settlement. Furthermore the proposal by way of the design and layout results in a development which is suburban in character, unrelated to its context and failing to integrate in to the countryside location in which it would be situated and failing to secure a high standard of design or good level of amenity for future occupiers. The proposal would also lead to the future pressure to remove the existing established tree belt along the South Western boundary of the site, causing further harm to the landscape character of the area.*

*Cumulatively the adverse impacts of the development outweigh the benefits and the proposal fails to secure sustainable development, contrary to the NPPF, policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy, policies RLP2, RLP9, RLP10, RLP80 and RLP90 of the Adopted Local Plan and policies LPP1, LPP37, LPP50, LPP55 and LPP71 of the Draft Local Plan.*

*3. The proposal fails to provide sufficient information regarding ecological features within the site, contrary to the NPPF, Policy RLP84 of the Adopted Local Plan, CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.*

4. *The proposed development would trigger the requirement for:*

- *The delivery of 30% affordable housing on site;*
- *A financial contribution towards primary health services;*
- *The provision, maintenance and delivery of public open space, outdoor sports and allotments.*

*These requirements would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS10 and CS11 of the Core Strategy, the Open Space Supplementary Planning Document (SPD) and Policy LPP82 of the Draft Local Plan.*

10.3 A hearing was held in January 2020 and the appeal was dismissed in August 2020. The Inspector made the following observations about various aspects of the proposals.

10.4 With regards the accessibility, the Inspector concluded that despite the lack of a pavement for 76m, there was a wide, flat grass verge that would give pedestrians the opportunity to avoid vehicular conflict. Furthermore as this part of the A131 is relatively straight with good visibility that would allow residents to cross the road reasonably safely. Combined with the St Andrews Park development and local nearby bus services the Inspector concluded 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.

10.5 With regards landscape character, layout and design the Inspector concluded with the following:

*Overall, the proposed development would not result in material harm to the wider landscape character of the area and thus it would accord with CS Policy CS8 and LP Policy RLP80 insofar as these policies require development to have regard to the character of the landscape and its sensitivity to change. However, by reason of its layout and design the proposed dwellings would fail to preserve the character and appearance of the area. Thus, it would conflict with CS Policy CS9 and LP Policies RLP9, RLP10 and RLP90. Among other things, these policies seek to promote and secure the highest possible standards of design and layout in all development in order to respect and respond to local context and distinctiveness.*

10.6 With regards the living conditions of future occupiers of the bungalows, the Inspector raised concerns with regards the proximity of the large tree canopies and the heavy shading they would cause significantly reduce light levels to the windows within the rear elevations of the proposed bungalows and private amenity areas. This effect would be amplified during the summer months when foliage is dense. The Inspector stated:

*In my view, this effect would have the potential to make these rooms and the private amenity areas unduly gloomy. The associated living conditions of the future occupiers would therefore be likely to suffer from a lack of sufficient light.*

10.7 The Inspector concluded:

*Accordingly, I conclude that the proposal would have an unacceptable effect on the living conditions of future occupants of the dwellings with regards to inadequate daylight. The proposal would fail to accord with CS Policy CS9 insofar as it requires high standards of design to create an environment which will contribute towards quality of life.*

10.8 With regards protected species, The Inspector concluded with the following paragraphs:

*I have given consideration to an appropriately worded condition to require further surveys. However, taking the precautionary principle enshrined in the Habitats Regulations 2017, I consider that given the potential for protected species within the appeal site, it needs to be clearly demonstrated why the proposed development would not have a detrimental effect on the local habitat.*

*Without any evidence to the contrary, I therefore conclude that the proposed development would be likely to have an adverse effect on protected species, namely bats. Therefore, I consider the proposal would conflict with LP Policy RLP84 and CS Policy CS8 insofar as these policies state that development which would have an adverse effect on protected species will not be permitted. In addition, the proposal would conflict with the Framework's aims to protect and enhance biodiversity.*

10.9 The Inspector made the following observations and conclusions regarding affordable housing, enabling development and viability:

*CS Policy CS2 requires new development within Halstead to provide a target of 30% affordable housing. In addition, it also stipulates that economic viability will be taken into account where it is proved necessary to do so. The supplementary text to this policy indicates that economic viability will be a material consideration.*

*The proposal would provide 30 dwellings and the refurbishment and extension of Green Lodge to form a twenty-five bed dementia unit. All proposed dwellings would be for sale on the open market, albeit they would be restricted to occupation by persons of at least fifty-five years of age. As such, it is the appellant's view that the dwellings would satisfy the exemption provisions of paragraph 64(b) of the Framework insofar as the proposal would provide specialist accommodation for a group of people with specific needs. The Framework advises that this may include purpose-built accommodation for the elderly.*

*I am advised that the proposed dwellings would be capable of meeting the changing needs of future occupants. However, there is little information before me detailing the extent of how the dwellings could adapt to a variety of changing needs. It has not been put to me that the dwellings would benefit from the use of any communal health and social facilities within the wider appeal site, nor access any care facilities as and when these are required. To my mind, notwithstanding there being limited provision of similar types of dwellings within Halstead, there is no good reason before me as to why this type of elderly persons accommodation should be exempt from making a contribution towards a need for affordable housing. Albeit it may be true that there is a need for such type of accommodation, there is no suggestion that this need is greater than the need for affordable housing for elderly persons.*

*The appellant contends that the Viability Assessment (VA) it has undertaken as part of the application process demonstrates that the renovation and extension of Green Lodge as a dementia care unit would not in itself be financially viable. To enable this part of the proposal, open market units are proposed and as a consequence the provision of 30% affordable housing would not be possible. Whilst it is the Council's case that 'enabling development' is solely reserved for heritage assets, it is nonetheless accepted by the Council on the basis of its own VA, that the proposed development of Green Lodge would generate a loss and thus some open market dwellings would be needed to bring forward the dementia care unit proposal. The Council's calculation broadly suggests that five market units would be necessary.*

*Setting aside the wide and varied differences concerning issues of viability between the parties for a moment, the appellant has provided a UU which, among other things, prevents occupation of any market housing unit prior to the expenditure of at least 25% of the estimated cost of the Green Lodge works. A further clause precludes the occupation of more than twenty dwellings until at least fifty percent of the estimated costs have been expended. Whilst these provisions would, in part, ensure that some works to Green Lodge would be undertaken, there is no mechanism within the UU to ensure that the remainder of the works beyond 50% of the estimated costs would be spent.*

*I am cognisant that the financial outlay for undertaking fifty percent of the works to Green Lodge would not be insignificant and I note the appellant's intention to construct the proposed scheme in its entirety. Nonetheless, it would be open to the appellant to construct all of the dwellings and not to undertake any further works to Green Lodge beyond 50% of the estimated costs.*

*Even if I were minded to find in favour of the appellant's case regarding the other issues concerning viability, in the absence of any provision within the UU to compel the appellant to construct the entire dementia care unit I find there is a lack of adequate safeguard to secure the use of the dementia care unit. Accordingly, on the basis of the evidence before me I am unable*

*to consider whether any wider benefits associated with the provision of a specialist care facility justify the proposed development without the provision of affordable housing.*

*Accordingly, I conclude that the proposed development fails to make adequate provision of affordable housing. Thus, the proposal would be contrary to CS Policy CS2, the requirements of which are set out above.*

- 10.10 Within the appeal decision, the Inspector spends significant time assessing the Council's land supply situation, which will not be repeated here, however she concluded this section with the following paragraph:

*Taking into account the deductions that I have identified above, totalling 658 units, the Council's deliverable supply is reduced to 4,079 units. Against the agreed requirement figure of 4,598 units, this amounts to a supply in the region of 4.4 years.*

- 10.11 Within the Inspector's planning balance it is stated that there would be conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy for the District. It would also conflict with Policy CS9 of the Core Strategy (now superseded) and Policies RLP9, RLP10 and RLP90 of the Adopted Local Plan due to its impact on the character and appearance of the surrounding area, with Policy CS9 of the Core Strategy (now superseded) due to its impact on the living conditions of future occupants of the dwellings, with Policy RLP84 of the Adopted Local Plan and Policy CS8 of the Core Strategy due to its likely impact on protected species, and Policy CS2 of the Core Policy because of an inadequate supply of affordable housing. Aside of Policy RLP21 of the Adopted Local Plan, which is permissive of the provision of specialist care outside of the settlement boundary, there are no other development plan policies that weigh positively in favour of any development on this site. The appeal proposal therefore generally fails to accord with the development plan as a whole.

- 10.12 As the Inspector concluded that the Council did not have a 5YHLS, Paragraph 11d of the NPPF was engaged and as such, the Framework dictates that where the policies which are the most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 10.13 The Inspector outlines that the benefits flowing from the development included 30 market bungalows, support for local services and facilities, costs and jobs associated with the construction works and permanent jobs from the new specialist dementia care unit and the provision of the dementia care unit.

- 10.14 The Inspector found that the proposal would not result in material harm to the wider landscape character of the area. The absence of harm weighs neither for nor against the proposal.
- 10.15 In terms of harm, the Inspector concluded that:
- In terms of harm, the proposal would have a materially harmful adverse impact on the character and appearance of the area and the living conditions of future occupiers of the dwellings. In addition, it would also result in harm to protected species and fail to make adequate provision for affordable housing. Overall, this would conflict with the social and environmental objectives of sustainable development and in my view, the benefits of the proposed scheme are significantly and demonstrably outweighed by the combination of the adverse impacts.*
- The scheme therefore does not constitute sustainable development. It follows that the conflict with the development plan is not outweighed by the other material considerations.*
- 10.16 A copy of this appeal decision is appended to this Committee Report, within Appendix 4.

## 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 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 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 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 11.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 11.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 11.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 11.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of

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

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

### 11.3 The Development Plan

- 11.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).
- 11.3.2 Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.
- 11.3.3 The application site is not proposed for allocation for development in the Section 2 Plan. The proposed development of 20no. residential properties is therefore contrary to it, in particular to Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.
- 11.3.4 The proposal for form a 25no. bed dementia unit by way of an extension to the existing care home is considered acceptable in principle, subject to relevant policies and other material consideration as addressed below.

## 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 105 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 bungalows/houses are proposed on land that is located outside the development boundary of Halstead in the countryside where Policy RLP2 of the Adopted Local Plan, Policy CS5 of the Core Strategy, and Policy LPP1 of the Section 2 Plan apply, and therefore development of the dwellings conflicts with these policies.
- 12.1.3 Paragraph 79 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 12.1.4 The strategy set out in the Section 2 Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan inter alia: "That the broad spatial strategy for the District should concentrate development in Braintree, Witham and the A12 corridor, and Halstead".
- 12.1.5 Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Whilst previously Officer's raised concerns about the location of the site, specifically in relation to its pedestrian access to Halstead, the Planning Inspector made the following observations:

*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 Inspector and that the situation of the site remains the same, Officer's conclude that in terms of Policy CS7, the proposals would comply. An assessment of the development of the site with regards countryside impact can be found later in this report.

## 12.2 Principle of Creating the Dementia Unit

- 12.2.1 The Applicant makes reference to the Greater Essex (Southend, Essex and Thurrock) Dementia Strategy (2015-2020). The Strategy identifies 9 priorities aimed at improving support to ensure it is the best available and thus enable people to live in the community with dementia for as long as possible. The Applicant states that in 2015 it was estimated that there are 19,000 people in Greater Essex with dementia but predicted to rise to 25,000 by 2025.
- 12.2.2 The Applicant quotes that one of the priorities relates to 'Living well in long term care' and that the strategy notes "in 2014 the CQC found that the quality of care for people with dementia varied greatly. A key issue was that some hospitals and care homes did not comprehensively identify all of a person's care needs and there was variable or poor staff understanding and knowledge of dementia care".

- 12.2.3 The Applicant states that whilst part of the strategy is to enable people to live well with dementia in the community, particularly during the early stages, those in a more advance stages of dementia will require specialist care. Therefore based on this County wide strategy the Applicant believes that the provision of the specialist dementia care unit would support the aims of this strategy and dovetails with the existing care home.
- 12.2.4 Letters in support of the dementia care unit proposal from ECC and Care England have been received during the life of the application, however they do not go into any specific details with regards the need for this specialist care in this part of the District.
- 12.2.5 No further specific details with regards the demand or need for specialist accommodation in this part of the District have been submitted by the Applicant.
- 12.2.6 Policy RLP21 of the Adopted Local Plan provides guidance with regards institutional uses in the countryside.

*Residential care homes may be permitted in the countryside through the conversion of, or minor extension to, existing habitable dwellings, as an exception to countryside policies providing that:*

- There is a high quality of design and landscaping in terms of scale, form, layout and materials;*
- There is sufficient amenity open space;*
- Boundary treatments provide privacy and a high standard of visual amenity both for residents and the impact of the proposed home on its setting;*
- Provision is made for the storage and recharging of wheelchairs and invalid carriages;*
- Parking is provided in accordance with the Council's standards.*

*The Council will also require written evidence that healthcare services, including visiting general practitioner and dental services, will be available for residents.*

- 12.2.7 Policy LPP35 of the Section 2 Plan relates to specialist housing:

*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.*

*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*
- 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*

*Minor extensions to, or the expansion of existing specialist housing in the countryside, may be acceptable if 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*

*New specialist housing on unallocated sites in the countryside will not be supported. On sites allocated for specialist housing, general needs housing will not be permitted.*

- 12.2.8 Given the adopted and draft policy restraints outlined above, the works proposed to Green Lodge to enable the creation of the specialist dementia unit would go beyond what the Council could support within the criteria of the above policy.
- 12.2.9 Despite the restraints of the above policies, given the intended relationship between the existing care home and the new facilities, it is considered that the principle of the proposed development of the specialist facilities, in isolation, is supported.

### 12.3 Viability of the Proposal and Enabling Development

- 12.3.1 Originally in order to fund the specialist facilities, the Applicant's intended that the proposed market dwellings would act as enabling development to deliver the new care home. The Applicant stated that without the 'enabling development' the provision of the new facility would not be financially viable. In addition to this, given the financial constraints, no affordable housing was offered. The application was supported by a viability assessment prepared by BNP Paribas Real Estate.
- 12.3.2 However during the life of the application, the Applicant has decided to no longer put forward this argument. The application therefore relates to two separate elements (the specialist dementia care unit and the 20no. dwellings) which are no longer to be interlinked by funding.

## 12.4 Design, Appearance and Layout

- 12.4.1 Paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The National Design Guide 'illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice'. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.
- 12.4.2 Policies RLP3 and RLP90 of the Adopted Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.
- 12.4.3 The NPPF states that planning decisions should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. This is replicated in Policy RLP90 of the Adopted Local Plan.
- 12.4.4 Policy SP7 of the Section 1 Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.
- 12.4.5 Policy CS8 of the Core Strategy requires amongst other things that all development proposals have regard for the landscape and its sensitivity to change; requiring that development enhances the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan requires new development proposals to not be detrimental to the distinctive landscape features and successfully integrate into the local landscape. Paragraph 130 of the NPPF requires decisions to ensure that developments are sympathetic to landscape setting, whilst Paragraph 174 explains the planning system should recognise the intrinsic character and beauty of the countryside; a sentiment also echoed in Policy CS5 of the Core Strategy.

- 12.4.6 With regards the landscape impact of the proposals, it is pertinent to refer to back to the appeal decision in which the Planning Inspector made the following comments:

*In landscape terms, the appeal site forms part of the Gosfield Wooded Valley landscape character area, F1, as identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006). The key characteristics of which include gently undulating landform together with a strong pattern of large and small woods, regularly shaped arable fields bounded by thick hedgerows and mature hedgerow trees, open character and many small farmsteads and occasional villages.*

*The appeal site consists of a roughly rectangular open area of uncultivated and semi overgrown grassland. Mature belts of trees and vegetation border the appeal site along its edges and serve to separate it from the wider part of the appeal site, the adjacent highways and a neighbouring farm. The appeal site is reasonably contained by mature vegetation and is fairly typical of the landscape character of the area. As such, I find that it makes a moderate contribution to the rural character of the surrounding area.*

*The Braintree District Settlement Fringes Evaluation of Landscape Capacity Analysis, describes the site as falling within parcel 6d, a location identified as having a relatively high sensitivity to change. The proposal would introduce onto the site some 30 dwellings, gardens, fences, roadways, vehicles, lighting and associated domestic paraphernalia. As such, the appeal site's present rural character would inevitably be lost and would be subsumed by a very different urban character that would result from any new residential development of this scale.*

*Notwithstanding this, new housing development lies roughly adjacent to the eastern boundary on the opposite side of the A131 and has had the effect of extending the south western fringe of the settlement of Halstead. Given the presence of other built form within the wider appeal site and the extensive well-established belts of trees and vegetation along its edges, I find that this part of the appeal site is relatively enclosed, separate and distinct from the farmland and open countryside that lies beyond it.*

*I have no doubt that the majority of the existing trees and vegetation bordering the appeal site could be retained. Moreover, these could be enhanced by better and more active management. The appeal site has sufficient space for new planting and landscaping, and the inclusion of the landscaped central area to include a collecting basin and attenuation pond would provide an enhancement to the landscape character of the site.*

*Due to the existing vegetation and trees, inter-visibility within the wider appeal site is limited and as a result, views of the proposed dwellings from the north and north-east would generally be concealed by Halstead Hall, Green Lodge and the existing vegetation. Views from the south and south-west would be partial and glimpsed through gaps in the vegetation and the*



*vehicular access. However, these views would be largely limited to motorists travelling along the adjacent highways and nearby occupants of neighbouring dwellings. Any partial views would be seen as a backdrop to the existing built environs and as such would not appear out of keeping with the semi-rural edge of village character.*

*Longer range views from the wider countryside to the south and south west would be seen in the context of the expansion of Halstead. Moreover, extensive tree cover is representative of the wider landscape character. The retention and enhancement of these important landscape characteristics would, to my mind, enable the proposed scheme to be reasonably well assimilated within the wider environment and not significantly detract from it.*

- 12.4.7 The Inspector concluded with the following sentence:

*Overall, the proposed development would not result in material harm to the wider landscape character of the area and thus it would accord with CS Policy CS8 and LP Policy RLP80 insofar as these policies require development to have regard to the character of the landscape and its sensitivity to change.*

- 12.4.8 Given the above assessment and conclusions made by the Planning Inspector, Officers consider that there is therefore scope for part of the site to be developed.

- 12.4.9 The previous proposals related to an inward looking development that had significant flaws, as indicated by the Planning Inspector:

*Notwithstanding my findings above, the oval arrangement of dwellings facing inwards towards a central green area of open space is in my view untypical of layouts within the locality. The appellant drew my attention to a similar Almshouse arrangement of dwellings adjacent to the hospital which I was able to observe on my site visit. Whilst I accept that there are similarities between that development and the appeal proposal, the two sites are considerably distant from one another.*

*Moreover, nearby dwellings are typically arranged to face the highway or alternatively, they are positioned within cul-de-sac arrangements. Whilst the proposed dwellings would include the use of traditional materials and be constructed as single storey dwellings, the inclusion of steeply pitched roof structures would add to the overall visibility of the dwellings. Taken together with wide expanses of garden fencing to enclose private amenity areas, the dwellings would appear out of keeping with the prevailing character of the surrounding area.*

- 12.4.10 During the life of the application the layout and the scale of the development has been altered from 30no. dwellings to 20no. dwellings. The proposed development is now outward facing, with all of the private gardens clustered together within the centre of the site. The outward facing

design is considered to be far more favourable than the earlier incarnation. The proposals include a mix of bungalows and one and half storey dwellings that have been designed in a simple rural style, some of which would have chimneys.

- 12.4.11 The submitted layout plan indicates that a substantial landscaping scheme would be introduced to both the rear and front gardens, which is welcomed. It is considered that the landscaping provided to the front of the dwelling is important as it will aid to soften the appearance of the development in respect of the dwellings. The specific details of this landscaping scheme have not been provided within the application submission and therefore a suitably worded condition will be imposed.
- 12.4.12 With the reduction of dwellings from 30 to 20 this has resulted in back to back distances that accord with the 25m required by the Essex Design Guide. In addition, all of the plots have gardens that meet the minimum requirements for their bedroom numbers as set out in the Essex Design Guide.
- 12.4.13 It is considered necessary to impose a condition to remove permitted development rights for further extension to ensure that these gardens are retained for future occupiers and to also ensure that suitable relationships between the new properties are retained.
- 12.4.14 Each property is provided with two parking spaces each, some of which is contained within an integral garage. All of these garages have internal dimensions of 7m by 3m, which complies with standards. To ensure that these garage spaces are retained for this parking purpose, a suitably worded condition is recommended.
- 12.4.15 The 2009 adopted Standards also require 1 visitor space per 4 dwellings and in this case, 5 visitor spaces are provided within the site to accord with the adopted standard.
- 12.4.16 Concerns have been raised by the Council's Waste Team with regards the nature of the roadway and the collection points for each dwelling. With regards the construction of the road being built to an adoptable standard, it is proposed that a suitably worded clause will be included in the legal agreement which will ensure that the Council would not be liable for any future damage to the roadway. The proposed layout plan indicates that each dwelling would have access to their rear gardens and therefore occupiers would have the ability to drag bins to the road edge on the appropriate collection day.
- 12.4.17 As set out above, the Council's Environmental Health Officer raised concerns about traffic noise from the A131 in both consultation responses. A noise impact assessment was requested, but has not been provided by the Applicant.

- 12.4.18 Notwithstanding this, Officers are aware that the issue of road noise was not raised by the Environmental Health team in the consideration of the Bloor Homes development on the opposite side of the A131. Furthermore the proposed dwellings are located a greater distance away from the A131 than those built on the land opposite.
- 12.4.19 Two conditions are suggested by the Environmental Health Officer which seek to protect the new occupants from unwanted and excessive noise from the nearby road. However given the above, Officers consider that it would be unreasonable to impose these conditions and conclude that the future living conditions for the occupiers would be acceptable.
- 12.5 Works to Green Lodge
- 12.5.1 The proposed extensions to Green Lodge are substantial, creating a large portion of the proposed specialist accommodation.
- 12.5.2 The extensions have the same eaves height as the host building and includes the small gabled roofs over each first floor window that currently exists on the elevations of Green Lodge. The proposed extensions would square off the building and would create an internal courtyard to be used as a garden for residents.
- 12.5.3 It is considered that the design and appearance of the proposed extensions to Green Lodge are acceptable in isolation, as they replicate the style and character of the existing building and therefore accord with guidance from the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP50 of the Section 2 Plan.
- 12.6 Trees
- 12.6.1 Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other matters, protecting sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan.
- 12.6.2 Policy RLP81 of the Adopted Local Plan and Policy LPP69 of the Section 2 Plan both set out that the Council will protect established trees of local amenity value.
- 12.6.3 The site is located within a rural landscape setting. There are some trees of modest to high amenity value on site, most of which are 'B' and 'C' category trees. The dominant individual tree species on this site is English Oak, primarily within perimeter tree belts around the boundaries and groups of trees within the grounds. There are specimen trees located close to the original manor house, including Wellingtonia, Cypress and Monkey Puzzle trees. A Horse Chestnut lined overgrown and overrun avenue remains from a historic entrance. Most of the trees on site are not managed, with many trees dead/dying and most in need of some basic crown pruning maintenance works.

- 12.6.4 The trees on the site surround each boundary in groups, containing occasional mature trees of modest to high amenity value, with younger pioneer trees located within the site. A mature and unmanaged tree avenue feature is located along the north western boundary of the site. The north eastern boundary primarily consists of screen planting for the area at Green Lodge and the main manor house, most of which is of lower quality and landscape value. The proposed development area is within an existing paddock field south of the main hall, and therefore the main issues were and remain the entrance to the site from Russell's Road and the location of the bungalows adjacent to the boundary tree groups.
- 12.6.5 The application has been supported by an Arboricultural Impact Assessment prepared by EnviroArb- Solutions Ltd dated 7th August 2021. The report has been assessed by the Council's Landscape Team who welcome the revisions to allow for greater retention of trees on the site and has meant the requirement for removals to only low value and easily mitigated trees.
- 12.6.6 Concerns were raised by the Landscape Team with regards four trees located to the northern side of the existing care home. The trees lie in close proximity of an existing access route into the site. An earlier application from last year (Application Reference 21/00014/FUL) granted planning permission for the creation of a staff car parking area at the end of the existing driveway. This application was approved on 23.3.2021. Given that the driveway is already in place and that further works have been approved in close proximity, it would not be reasonable for permission with be withheld on these grounds.
- 12.6.7 Officers are content that sufficient information has been submitted with regards the existing trees within the site and that due to changes to the layout, only a small number of low grade specimens are having to be removed to facilitate the enable development. A number of suitably worded conditions will be imposed requiring the submission of an Arboricultural Method Statement and a Woodland Management Plan.
- 12.7 Ecology
- 12.7.1 Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Section 2 Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

- 12.7.2 Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Section 2 Plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the Applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:
- a) Facilitate the survival of individual members of the species;
  - b) Reduce disturbance to a minimum; and
  - c) Provide supplementary habitats.
- 12.7.3 The Council's Ecologist has reviewed the Revised Ecological Assessment (ECO-Planning UK Ltd, October 2021), the Bat Roost Surveys report (Eco-Planning UK Ltd, July 2021) and the Priority Habitats -Further Information report (Eco-Planning UK Ltd, February 2022), submitted by the Applicant, relating to the likely impacts of development on designated sites, protected and priority species/habitats.
- 12.7.4 The Council's Ecologist is satisfied that sufficient ecological information is available for determination for 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. As a result, it is highlighted that a European Protected Species Licence (Bats) will be required to be obtained from Natural England in order to carry out lawful development prior to commencement of any works to the building to be extended and renovated. Further, the mitigation measures identified in the Revised Ecological Assessment (ECO-Planning UK Ltd, October 2021), and the Bat Roost Surveys report (Eco-Planning UK Ltd, July 2021), should be secured and implemented in full. Additionally, The Council's Ecologist advises that any external lighting should be directed away from boundary vegetation and woodland to avoid disturbance to foraging and commuting bats.
- 12.7.5 The Council's Ecologist also recommends that bespoke biodiversity enhancements should be secured for this application to deliver net gains for biodiversity within the design, as outlined under Paragraph 174d & 180d of the National Planning Policy Framework 2021. Therefore, reasonable biodiversity enhancement measures, should be detailed within a separate Biodiversity Enhancement Layout to be secured by condition. The Council's Ecologist recommends that this includes the provision of bird nesting and bat roosting boxes, hedgehog friendly fencing (13cm x 13cm gaps at the base of fences) and native wildlife friendly planting. Further, the proposed retention and improvement of two existing ponds on the application site as recommended in the Revised Ecological Assessment (ECO-Planning UK Ltd, October 2021), for the benefit of breeding Great Crested Newts, should be detailed within a Landscape and Ecological Management Plan and secured by condition.

- 12.7.6 As the Local Planning Authority has a biodiversity duty to conserve and enhance priority habitat the Council's Ecologist also recommend that appropriate planting to compensate for the removal of trees, and the proposed ongoing management of the existing priority habitats (UK Priority Habitat as listed on s.41 of the NERC Act 2006 -Deciduous Woodland and Traditional Orchard) as suggested in the Priority Habitats -Further Information report (Eco-Planning UK Ltd, February 2022) should also be detailed within a Landscape and Ecological Management Plan and secured by condition.
- 12.7.7 In addition, the Council's Ecologist highlights that the site contains proposed residential development which is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar site and the Essex Estuaries SAC. Therefore, Natural England's standard advice should be followed to ensure compliance with the Habitats Regulations. As a result, the Local Planning Authority is advised that a financial contribution should be secured in line with the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS), which will need to be secured by a legal agreement or S111 payment.
- 12.7.8 Impacts will be minimised such that the proposal is acceptable subject to the imposition of a number of conditions based on BS42020:2013. These conditions should cover the following matters, compliance with mitigation measures, the submission of the EPS license for bats, submission of a biodiversity enhancement plan and the submission of the landscape and ecological management plan.
- 12.7.9 Officers are content that the application provides sufficient information to allow the Local Planning Authority to discharge its responsibilities as it provides certainty for the Local Planning Authority of the likely impacts on designated sites, protected and priority species & habitats. The proposals therefore comply with the policies set out above and the NPPF.
- 12.8 Impact on Neighbour Amenity
- 12.8.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Similar criteria is replicated in Policy LPP55 of the Section 2 Plan.
- 12.8.2 The site is considered a sufficient distance away from neighbouring occupiers to ensure that an acceptable relationship would be preserved between the new and existing development.

## 12.9 Surface Water Drainage

- 12.9.1 Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.
- 12.9.2 Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 12.9.3 The Local Lead Flood Authority (LLFA) initially submitted a holding objection with regards surface water drainage, however during the life of the application a revised drainage strategy has been supplied by the Applicant, and the LLFA no longer object to the application. A number of conditions are requested and are set out in Appendix 1.

## 12.10 Highway Issues

- 12.10.1 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.10.2 With the National Planning Policy Framework in mind, particularly Paragraph 109, the Highway Authority has reviewed the planning application and supporting Transport Assessment against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity.
- 12.10.3 Officers acknowledge the comments made by local residents, however in the absence of an objection from the Highways Authority, and reason for refusal based on an unsafe highway access cannot be substantiated.

## 12.11 Habitat Regulations Assessment (HRA / RAMS)

- 12.11.1 Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
- 12.11.2 In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required

to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

- 12.11.3 The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. Given the scale of the development, the developer would be required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£137.30 per dwelling) for delivery prior to occupation. These matters would be secured via a Section 106 legal agreement.

### 13 PLANNING OBLIGATIONS

- 13.1.1 Paragraph 56 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 **Affordable Housing** – 30% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. All Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3.
- 13.1.3 **Healthcare** – Financial contribution of £20,000 is sought to go towards the recruitment of additional clinical staff to increase capacity of the Elizabeth Courtauld Surgery.
- 13.1.4 **Open Space** – Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.
- 13.1.5 The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for open space.
- 13.1.6 A financial contribution of £30,898.18 would be sought for Open Space projects listed in the Council's Open Spaces Action Plan for Halstead Trinity Ward. There is also a requirement to secure the on-going maintenance of amenity spaces provided on site.
- 13.1.7 **HRA** – The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. A financial contribution towards offsite visitor



management measures for the Blackwater Estuary SPA & Ramsar site, (£137.30 per dwelling) for delivery prior to occupation would be required.

**13.1.8 Education** – Financial contribution are sought for the following:

- Early Years and Childcare - £24,866
- Library enhancements - £1,556

**13.1.9** 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**

**14.1.1** As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

**14.1.2** Paragraph 59 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.

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

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

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

Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

- 14.1.6 In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policies RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy.
- 14.1.7 Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.
- 14.1.8 Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to development boundaries, and thus resist it in the countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it is considered that this policy is not out-of-date and can be given significant weight.
- 14.1.9 When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.
- 14.1.10 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untitled) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.
- 14.1.11 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable

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

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

## 14.2 Summary of Adverse Impacts

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

### **Conflict with the Development Plan**

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

14.2.3 The proposed development for 20no. residential units would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy (with regard to the Council's spatial strategy, because it proposes development outside of defined development boundaries and within the countryside, albeit not because it offends the wider countryside preservation interests specifically acknowledged within this policy).

14.2.4 Members are advised that within the previous appeal decision, the Planning Inspector did not rule out the use of the site for residential purposes and the appeal was dismissed by way of applying the titled balance. The Inspector considered the impacts (design and layout, lack of affordable housing and ecology concerns) significantly and demonstrably outweighed the benefits.

14.2.5 The Council can currently demonstrate a 5 year housing land supply, albeit marginally and with the need to maintain this supply. Officers do not

consider, in light of the Planning Inspectors previous conclusions and that the impacts identified have now been overcome, together with that only moderate weight is given to Policy RLP2 of the Adopted Local Plan, and that the proposal does not conflict wholly with Policy CS5 of the Core Strategy, that being able to demonstrate a 5 year supply of housing is solely enough, in this case, to justify refusal of the application when applying the flat balance.

- 14.2.6 Taking the above factors into account Officers consider that the conflict with the Development Plan should be afforded moderate weight.

#### **Conflict with the Section 2 Plan**

- 14.2.7 The proposal would conflict with Policy LPP1 of the Section 2 Plan. For the reasons given above, this conflict can be given moderate weight.

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

- 14.2.8 A degree of harm would inevitably be caused to the character of the landscape as a result of the change in use of the site. Within the context of the appeal decision for the site and the Inspector's conclusions with regards landscape harm:

*'Overall, the proposed development would not result in material harm to the wider landscape character of the area and thus it would accord with CS Policy CS8 and LP Policy RLP80 insofar as these policies require development to have regard to the character of the landscape and its sensitivity to change'.*

- 14.2.9 Officer's therefore conclude that the proposals would not result in an unacceptable impact upon the character and appearance of the area, thus is attributed limited weight.

#### **14.3 Summary of Public Benefits**

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

#### **Delivery of Market and Affordance Housing**

- 14.3.2 The development proposes 20 dwellings of which 30% would be affordable housing. This benefit attracts significant weight.

#### **Economic and Social Benefits**

- 14.3.3 The provision of housing would deliver associated economic and social benefits, some of these would only exist during the construction phases, whereas others would be sustained, such as the increased patronage of

existing services and facilities in the Town. Officers consider these benefits in combination attract moderate weight.

- 14.3.4 Members are advised that no weight should be attributed to the delivery of the dementia care unit, as the Local Planning Authority cannot guarantee its provision, as the Applicant could choose to not implement this portion of the permission, should it be granted.

#### 14.4 Planning Balance

- 14.4.1 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole and the previous conclusions of the Planning Inspector, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.
- 14.4.2 Notwithstanding the above, even if the 'tilted balance' was engaged, it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Against this context and given the previous decision of the Planning Inspector, it would be recommended that planning permission be granted for the proposed development.
- 14.4.3 It is considered that the proposed extensions to Green Lodge to create a 25no. bed dementia care unit are acceptable and accord with guidance from the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP50 of the Section 2 Plan.

#### 15. RECOMMENDATION

- 15.1 It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Terms:

- § Affordable Housing - 30% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. All Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3.
- § Financial contribution of £33,898.18 towards Open Space projects listed in the Council's Open Spaces Action Plan for Halstead Trinity Ward. Outdoor Sport.
- § On-site open space management plan.

- § NHS financial contribution of £20,000 is sought to go towards the recruitment of additional clinical staff to increase capacity of the Elizabeth Courtauld Surgery.
- § Financial contribution towards offsite visitor management measures for Blackwater Estuary SPA/Ramsar site (£127.30 per dwelling).
- § Financial contribution for Early Years and Childcare £24,866 and Library enhancements £1,556.

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 15.2 Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	1544-LOC 01	N/A
Floor Plan	1544-P028	N/A
Floor Plan	1544-P029	N/A
Elevations	1544-P030	N/A
Access Details	48842/P/004 A	N/A
Tree Plan	AIA prepared by EnviroArb-Solutions Ltd	7.8.2021
Fencing Layout/Details	1544 P103	N/A
Floor Plan	1544 P104	N/A
Floor Plan	1544 P106	N/A
Elevations	1544 P107	N/A
Elevations	1544 P108	N/A
Floor Plan	1544 P109	N/A
Elevations	1544 P110	N/A
Elevations	1544 P111	N/A
Floor Plan	1544 P112	N/A
Floor Plan	1544 P113	N/A
Floor Plan	1544 P114	N/A
Floor Plan	1544 P115	N/A
Floor Plan	1544 P116	N/A
Floor Plan	1544 P117	N/A
Floor Plan	1544 P118	N/A
Floor Plan	1544 P119	N/A
Floor Plan	1544 P120	N/A
Elevations	1544 P121	N/A
Elevations	1544 P122	N/A
Garage Details	1544 P123	N/A
Garage Details	1544 P124	N/A
Site Plan	1544-P101	A
Other	Priority Habitats	028/22
Other	Ecological Assessment	082/21
Landscape Masterplan	1544-P102	B

## Condition(s) & Reason(s)

### **PART A - Conditions relate to the whole site (Green Lodge and dwellings)**

1.

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

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

2.

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

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

3.

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates (we do not accept QBar) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm



which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

4.

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

5.

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

6.

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

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

7.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

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

8.

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

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

9.

The development shall be carried out in accordance with the approved Arboricultural Impact Assessment prepared by EnviroArb- Solutions Ltd dated 7.8.2021.

Reason: To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

10.

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Revised Ecological Assessment (ECO-Planning UK Ltd, October 2021), and the Bat Roost Surveys report (Eco-Planning UK Ltd, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

## **Part B - Conditions relating to Green Lodge only**

11.

Prior to the commencement of any works in relation to Green Lodge, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall contain:

- (a) A photographic condition survey of the roads, footways and verges leading to the site,
- (b) Details of construction access and associated traffic management to the site,
- (c) Arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway,
- (d) Arrangements for the parking of contractor's vehicles,
- (e) Arrangements for wheel cleaning,
- (f) Arrangement for the storage of materials,
- (g) Arrangements for the control of dust, mud and emission from construction,
- (h) Arrangements for the storage and removal of excavation material,
- (i) Noise mitigation measures during construction and demolition, and
- (k) Hours of construction.

For the duration of the development, works shall be carried out in accordance with the approved Construction Management Plan.

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

12.

Prior to the commencement of any above ground works samples of the materials to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved samples and retained in the approved from thereafter.

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

## **Part C - Condition relating to the Residential Development (20 dwellings) only**

13.

Prior to the commencement of any works in relation to the 20 dwellings, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall contain:

- (a) A photographic condition survey of the roads, footways and verges leading to the site,
- (b) Details of construction access and associated traffic management to the site,
- (c) Arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway,
- (d) Arrangements for the parking of contractor's vehicles,

- (e) Arrangements for wheel cleaning,
- (f) Arrangement for the storage of materials,
- (g) Arrangements for the control of dust, mud and emission from construction,
- (h) Arrangements for the storage and removal of excavation material,
- (i) Noise mitigation measures during construction and demolition, and
- (k) Hours of construction.

For the duration of the development, works shall be carried out in accordance with the approved Construction Management Plan

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

14

A) No development, including any preliminary groundworks or demolition, shall commence until a Written Scheme of Investigation (WSI), which shall include details for a programme of archaeological investigation, has been submitted to and approved in writing by the Local Planning Authority.

B) No development, including any preliminary groundworks or demolition, shall commence until the approved WSI as required by this permission has been fully implemented and a report of the findings including any mitigation strategy and/or preservation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved mitigation strategy and / or preservation strategy.

C) Within six months of the completion of the fieldwork in connection with the WSI a post excavation assessment of the findings shall be submitted to an appropriate depository and the Local Planning Authority shall be notified in writing. This will result in the completion of post excavation analysis, preparation of a full site archive and report, and publication report.

Reason: To enable full investigation and recording of this site of archaeological importance. The details are required prior to the commencement of development to ensure that the site is appropriately recorded prior to loss of any details of archaeological significance.

15.

Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and

supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason: To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

16.

Prior to the commencement of development a woodland management plan, including long term design objectives, management responsibilities and maintenance schedules for all woodland areas, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the woodland management plan approved.

Reason: To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

17.

Prior to the commencement of any above ground works in relation to the 20 dwellings details and samples of the materials to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved samples and retained in the approved form thereafter.

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

18.

Prior to any works which will impact the breeding/resting place of bats, shall not in any circumstances, commence unless the local planning authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties

under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

19.

No occupation of the development shall take place until the following have been provided or completed:

- a) The site access onto Russells Road shall be provided as shown in principle on submitted drawing 48842/P/001 with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- b) The visibility splays at the junction of Russells Road and the A131 Bournebridge Hill and the visibility splays at the existing accesses from the site to A131 Bournebridge Hill shall be provided as shown in principle on submitted drawing 48842/P/004/A. Such vehicular visibility splays shall be provided before the junction/access is first used by vehicular traffic from the development and retained free of any obstruction at all times.
- c) A Residential Travel Information Pack for each dwelling, for sustainable transport, approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

20.

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment where appropriate.

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

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

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

21.

Prior to the implementation of the landscaping scheme pursuant to Condition 20 of this permission, an irrigation and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Once approved the irrigation and maintenance of the landscaping scheme shall be carried out in accordance with these details.

Reason: To ensure that the landscaping scheme is able to fully establish in the interests of the appearance of the development and amenity of future and that of adjoining occupiers.

22.

Prior to the occupation of the development hereby approved a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures, shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

23.

Prior to the occupation of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development and concurrent with reserved matters.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

24.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A, AA, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason: To protect the amenities and privacy of adjoining occupiers.

25.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason: In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

26.

The garages for plots 1, 7, 8, 9, 10, 14, 15, 17 and 18 shall be kept available for the parking of motor vehicles at all times. The garages shall be used solely for parking for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

#### Informative(s)

1.

#### **GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE**

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

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



c) Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

2.

#### NESTING BIRDS

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

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

3.

#### INFORMATIVE FOR PROTECTED SPECIES

Should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant

#### Positive and Proactive Statement

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

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design And Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP21	Institutional Uses in the Countryside
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP69	Sustainable Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodlands, Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP33	Affordable Housing
LPP35	Specialist Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport

LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision for Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

### Other Material Considerations

Essex Design Guide  
Essex Parking Standards

### Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

**APPENDIX 3:**

**SITE HISTORY**

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
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.		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

#### APPENDIX 4:

#### APPEAL DECISION

Appeal Reference: APP/Z1510/W/19/3236460

Application Reference: 18/01481/FUL

- Halstead Hall, Mount Hill, Halstead CO9 1SL
- Dated 18.08.2020



## Appeal Decision

Hearing Held on 14 January 2020

Site visit made on 14 January 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> August 2020

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Appeal Ref: APP/Z1510/W/19/3236460

Halstead Hall, Mount Hill, Halstead CO9 1SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr R Catchpole of Stow Healthcare Group against Braintree District Council.
  - The application Ref: 18/01481/FUL, is dated 10 August 2018.
  - **The development proposed is described as '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'.**
- 

### Decision

1. The appeal is dismissed and planning permission is refused.

### Application for costs

2. An application for costs was made by Mr R Catchpole of Stow Healthcare Group against Braintree District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The appeal **results from the Council's failure to reach a decision on the** information submitted by the appellant. There is no formal decision, as jurisdiction over that was taken away when the appeal was lodged. After the appeal was lodged, the Council considered the application at its Planning Committee and resolved that it would have refused the application. To this effect, the Council has suggested the wording it would have used had it made a formal decision. I have taken this into account, together with the assessment and conclusions submitted in the statement of the Council, which sets out its concerns regarding the proposed development.
4. The Council is currently in the process of preparing a new Local Plan. The main parties set out within their statement of common ground that the emerging Local Plan does not form part of the Development Plan and there is uncertainty as to when further progress will be made with it. As such, the main parties agree that the emerging Local Plan (eLP) should be afforded little or no weight. Having regard to the Planning Practice Guidance, I agree with the conclusions of the main parties as to the weight to be afforded to these emerging policies.

5. At the hearing, the appellant tabled a revised plan, drawing number 1544-PL002 Rev D. This revised plan included a pedestrian footpath together with a reduced number of dwellings, namely 26 units. However, in my view the resultant changes were substantial and did materially alter the scale and nature of the development proposed. Accordingly, I could not be satisfied that no **party's case within the appeal** would not be prejudiced by my consideration of the revised plan. Therefore, the revised plan did not form part of the discussion at the hearing.
6. In respect of securing contributions towards necessary infrastructure, it was agreed between the parties that these matters could be secured by a planning obligation to include revised amounts taking account of up to date formulae. A planning obligation in the form of a unilateral undertaking (UU) under section 106 of the Town and Country Planning Act 1990 (as amended) dated 24 January 2020 was submitted before the hearing which was subsequently closed in writing on the same date. I deal with the provisions of the planning obligation below.
7. The Council contend that they can demonstrate a five-year supply of housing land. The appellant disputes this. This matter is considered further below.

#### Main Issues

8. The main issues are: -

- i) whether the appeal site is a suitable location for the proposed development having regard to the settlement strategy and the accessibility of services and facilities;
- ii) the effect of the proposed development on the landscape character of the countryside and the character and appearance of the surrounding area;
- iii) the effect of the proposed development on the living conditions of the future occupants of the proposed dwellings, with particular regard to daylight and security;
- iv) the effect of the proposed development on protected species;
- v) whether the proposed development is 'enabling development' and necessary to the viability of the works to Green Lodge as a specialist dementia care unit and, whether the proposed development makes adequate provision for affordable housing; and
- vi) whether the Borough of Waverley has an adequate supply of land for housing.

#### Reasons

##### *Settlement strategy*

9. The development plan for the area consists of the saved policies of the Braintree District Local Plan Review (LP), adopted 2005, which covers the period 1996 to 2011 and the Braintree District Core Strategy (CS), adopted 2011, which covers the period 2009 to 2026.



10. LP Policy RLP2 sets out, among other things, **the Council's spatial strategy** for the district and seeks to direct new development to areas within the town development boundaries and village envelopes. Outside those areas, only development that is consistent with countryside policies will be permitted. CS Policy CS5 has similar aims, in that it strictly controls development outside of settlement boundaries to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.
11. It is common ground that the appeal site falls outside of any settlement boundary and thus, in policy terms, is located within the countryside.
12. At the hearing, the Council confirmed that, despite being located beyond the settlement boundary, part of the scheme relating to the provision of a specialist care dementia unit within the countryside, could in principle accord with LP Policy RLP21. As such, the settlement strategy conflict relates solely to the proposed dwellings. It therefore follows, that in the absence of anything to suggest that the proposed dwellings would be consistent with countryside policies, the scheme would conflict with LP Policy RLP2 and CS Policy CS5, the requirements of which are set out above. The Council also cite a conflict with eLP Policy LPP1, however, for reasons explained above, I attribute only very negligible weight to this conflict.

#### *Accessibility of services and facilities*

13. The Council deem the services and facilities within Halstead to be sufficient to meet the day to day needs of future residents. However, **it is the Council's case** that the location of the appeal site beyond the settlement boundary results in the site being physically divorced from those services and facilities. Thus, there would be an undue reliance on the use of private motor vehicles.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.

*Character and appearance*

19. **It is the Council's case that, when viewed in isolation, the extension and** restoration of Green Lodge would not amount to adverse harm to the landscape character of the countryside and the character and appearance of the surrounding area. Green Lodge is positioned centrally within the appeal site and is not readily visible from the nearby highway network, albeit some partial views from the wider countryside and farmland exist. Moreover, it is read alongside the existing backdrop of built form of Halstead Hall. As such, I see no reason to disagree with the **Council's** view. Therefore, the following part of this sub-heading is made with reference to the proposed dwellings on an area of land which forms part of the curtilage to Halstead Hall.
20. CS Policy CS8 stipulates that development must have regard to the character of the landscape and its sensitivity to change and, where development is permitted it will need to enhance the locally distinctive character of the landscape according to the Landscape Character Assessment. LP Policy RLP80 states that new development should not be detrimental to the distinctive landscape features and habitats of the area.
21. In landscape terms, the appeal site forms part of the Gosfield Wooded Valley landscape character area, F1, as identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006). The key characteristics of which include gently undulating landform together with a strong pattern of large and small woods, regularly shaped arable fields bounded by thick hedgerows and mature hedgerow trees, open character and many small farmsteads and occasional villages.
22. The appeal site consists of a roughly rectangular open area of uncultivated and semi overgrown grassland. Mature belts of trees and vegetation border the appeal site along its edges and serve to separate it from the wider part of the appeal site, the adjacent highways and a neighbouring farm. The appeal site is reasonably contained by mature vegetation and is fairly typical of the landscape character of the area. As such, I find that it makes a moderate contribution to the rural character of the surrounding area.
23. The Braintree District Settlement Fringes Evaluation of Landscape Capacity Analysis, describes the site as falling within parcel 6d, a location identified as

having a relatively high sensitivity to change. The proposal would introduce onto the site some 30 dwellings, gardens, fences, roadways, vehicles, lighting and associated domestic paraphernalia. **As such, the appeal site's present rural character would inevitably be lost and would be subsumed by a very different urban character that would result from any new residential development of this scale.**

24. Notwithstanding this, new housing development lies roughly adjacent to the eastern boundary on the opposite side of the A131 and has had the effect of extending the south western fringe of the settlement of Halstead. Given the presence of other built form within the wider appeal site and the extensive well-established belts of trees and vegetation along its edges, I find that this part of the appeal site is relatively enclosed, separate and distinct from the farmland and open countryside that lies beyond it.
25. I have no doubt that the majority of the existing trees and vegetation bordering the appeal site could be retained. Moreover, these could be enhanced by better and more active management. The appeal site has sufficient space for new planting and landscaping, and the inclusion of the landscaped central area to include a collecting basin and attenuation pond would provide an enhancement to the landscape character of the site.
26. Due to the existing vegetation and trees, inter-visibility within the wider appeal site is limited and as a result, views of the proposed dwellings from the north and north-east would generally be concealed by Halstead Hall, Green Lodge and the existing vegetation. Views from the south and south-west would be partial and glimpsed through gaps in the vegetation and the vehicular access. However, these views would be largely limited to motorists travelling along the adjacent highways and nearby occupants of neighbouring dwellings. Any partial views would be seen as a backdrop to the existing built environs and as such would not appear out of keeping with the semi-rural edge of village character.
27. Longer range views from the wider countryside to the south and south west would be seen in the context of the expansion of Halstead. Moreover, extensive tree cover is representative of the wider landscape character. The retention and enhancement of these important landscape characteristics would, to my mind, enable the proposed scheme to be reasonably well assimilated within the wider environment and not significantly detract from it.
28. Notwithstanding my findings above, the oval arrangement of dwellings facing inwards towards a central green area of open space is in my view untypical of layouts within the locality. The appellant drew my attention to a similar Almshouse arrangement of dwellings adjacent to the hospital which I was able to observe on my site visit. Whilst I accept that there are similarities between that development and the appeal proposal, the two sites are considerably distant from one another.
29. Moreover, nearby dwellings are typically arranged to face the highway or alternatively, they are positioned within cul-de-sac arrangements. Whilst the proposed dwellings would include the use of traditional materials and be constructed as single storey dwellings, the inclusion of steeply pitched roof structures would add to the overall visibility of the dwellings. Taken together with wide expanses of garden fencing to enclose private amenity areas, the dwellings would appear out of keeping with the prevailing character of the surrounding area.

30. Overall, the proposed development would not result in material harm to the wider landscape character of the area and thus it would accord with CS Policy CS8 and LP Policy RLP80 insofar as these policies require development to have regard to the character of the landscape and its sensitivity to change. However, by reason of its layout and design the proposed dwellings would fail to preserve the character and appearance of the area. Thus, it would conflict with CS Policy CS9 and LP Policies RLP9, RLP10 and RLP90. Among other things, these policies seek to promote and secure the highest possible standards of design and layout in all development in order to respect and respond to local context and distinctiveness.
31. The Council also cite a conflict with eLP Policies LPP37, LPP50, LPP55 and LPP71, however, for reasons explained above, I attribute only very negligible weight to this conflict.

*Living conditions*

32. By reason of their spread of canopies, a number of trees along the **site's** boundaries markedly overhang the appeal site. The rear gardens would be of an adequate size to meet the minimum standards of the Essex Design Guide (2005). However, given that the proposed dwellings **adjacent to Russell's Road** would not be set back by a sufficient distance, in my view the trees would cause heavy shading that would be likely to significantly reduce light levels to the windows within the rear elevations of the proposed bungalows and private amenity areas. This effect would be amplified during the summer months when foliage is dense.
33. In my view, this effect would have the potential to make these rooms and the private amenity areas unduly gloomy. The associated living conditions of the future occupiers would therefore be likely to suffer from a lack of sufficient light.
34. The appellant states that some future occupants may prefer darker properties and that the effect of the nearby trees would be apparent to a prospective purchaser. The provision of a central green space could provide an alternative area for future occupants to utilise, however, there is little detail before me concerning this element of the proposed scheme. Moreover, this area of public open space does not justify poor design nor the harm I have identified above.
35. The appellant intends to actively manage the trees. However, I accept that it is likely that there would be some future pressure from the occupants of the proposed dwellings for the trees to be lopped, topped or felled, the result of which would be to substantially reduce their amenity value and the contribution they make to assimilating the proposed development within the wider landscape setting.
36. **The Council's** case, in part, concerns the security of the private amenity areas of the proposed dwellings adjoining the outer edge of the appeal site. However, there is little evidence before me to demonstrate that these dwellings would be susceptible to instances of crime. Moreover, the Police express no apparent concerns with the layout. Mitigation measures such as proposed lighting, boundary treatments and physical security measures would be capable of being addressed by an appropriately worded condition requiring the detail of such measures.

37. Accordingly, I conclude that the proposal would have an unacceptable effect on the living conditions of future occupants of the dwellings with regards to inadequate daylight. The proposal would fail to accord with CS Policy CS9 insofar as it requires high standards of design to create an environment which will contribute towards quality of life.
38. The Council also cite a conflict with eLP Policies LPP37 and LPP55, however, for reasons explained above, I attribute only very negligible weight to this conflict.

*Protected species*

39. Circular 06/2005 states that the presence of a protected species is a material consideration when a proposal is being considered which would be likely to **result in harm to the species or its habitat. It goes on to state that it 'is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposal, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'**
40. The planning application was accompanied by a bat survey (BS) that indicated the presence of an active bat roost within Green Lodge. Accordingly, in **accordance with Bat Conservation Trust's (BCT) guidelines<sup>1</sup>** the appellant's ecologists recommended that a number of dawn and dusk emergence and re-entry surveys should be undertaken. The **Council's concerns** also relate to the requirement of a preliminary assessment of the roost potential within the trees proposed to be removed as part of this proposal. At the hearing, the appellant's ecologist submitted that none of the aforementioned surveys had been undertaken.
41. I am mindful that the results of the dawn and dusk emergence and re-entry surveys would have determined whether a European Protected Species Licence would be required for this scheme, and, that given the effluxion of time, this licence would have likely expired. However, the information gained from the additional survey is required to clearly explain the likely impacts to protected species arising from the proposed development and how these would affect biodiversity within the vicinity. Furthermore, given the absence of information, there is no clear assessment of any mitigation measures that would be required to address the specific effects, nor how these would be secured nor their likely effectiveness.
42. I note it is the appellant's **desire** to retain the main roof structure to Green Lodge and enhance the bat roost. Whilst a worsening condition of dereliction may reduce the potential of the building being used as a roosting place for bats, there is no clear evidence before me that this has occurred.
43. The **Council's** concerns also relate to the absence of a tree roost survey. Whilst the appeal scheme has been designed to mostly avoid the loss of trees, some trees would inevitably be removed. Whilst these have been assessed as moderate or low amenity value, there is no evidence before me to substantiate that they would not provide a roost for bats.
44. I have given consideration to an appropriately worded condition to require further surveys. However, taking the precautionary principle enshrined in the Habitats Regulations 2017, I consider that given the potential for protected

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<sup>1</sup> Bat Survey Guidelines for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> edn)

species within the appeal site, it needs to be clearly demonstrated why the proposed development would not have a detrimental effect on the local habitat.

45. Without any evidence to the contrary, I therefore conclude that the proposed development would be likely to have an adverse effect on protected species, namely bats. Therefore, I consider the proposal would conflict with LP Policy RLP84 and CS Policy CS8 insofar as these policies state that development which would have an adverse effect on protected species will not be permitted. In addition, the proposal would conflict with the Framework's aims to protect and enhance biodiversity.
46. The Council also cite a conflict with eLP Policy LPP70, however, for the reasons given above, I attribute only very negligible weight to this conflict.

*Affordable housing, enabling development and viability*

47. CS Policy CS2 requires new development within Halstead to provide a target of 30% affordable housing. In addition, it also stipulates that economic viability will be taken into account where it is proved necessary to do so. The supplementary text to this policy indicates that economic viability will be a material consideration.
48. The proposal would provide 30 dwellings and the refurbishment and extension of Green Lodge to form a twenty-five bed dementia unit. All proposed dwellings would be for sale on the open market, albeit they would be restricted to occupation by persons of at least fifty-five years of age. As such, it is the **appellant's view that the dwellings would satisfy the exemption provisions of paragraph 64(b) of the Framework** insofar as the proposal would provide specialist accommodation for a group of people with specific needs. The Framework advises that this may include purpose-built accommodation for the elderly.
49. I am advised that the proposed dwellings would be capable of meeting the changing needs of future occupants. However, there is little information before me detailing the extent of how the dwellings could adapt to a variety of changing needs. It has not been put to me that the dwellings would benefit from the use of any communal health and social facilities within the wider appeal site, nor access any care facilities as and when these are required. To my mind, notwithstanding there being limited provision of similar types of dwellings within Halstead, there is no good reason before me as to why this type of elderly persons accommodation should be exempt from making a contribution towards a need for affordable housing. Albeit it may be true that there is a need for such type of accommodation, there is no suggestion that this need is greater than the need for affordable housing for elderly persons.
50. The appellant contends that the Viability Assessment (VA) it has undertaken as part of the application process demonstrates that the renovation and extension of Green Lodge as a dementia care unit would not in itself be financially viable. To enable this part of the proposal, open market units are proposed and as a consequence the provision of 30% affordable housing would not be possible. Whilst it is **the Council's case that 'enabling development' is** solely reserved for heritage assets, it is nonetheless accepted by the Council on the basis of its own VA, that the proposed development of Green Lodge would generate a loss and thus some open market dwellings would be needed to bring forward the



dementia care unit proposal. **The Council's calculation** broadly suggests that five market units would be necessary.

51. Setting aside the wide and varied differences concerning issues of viability between the parties for a moment, the appellant has provided a UU which, among other things, prevents occupation of any market housing unit prior to the expenditure of at least 25% of the estimated cost of the Green Lodge works. A further clause precludes the occupation of more than twenty dwellings until at least fifty percent of the estimated costs have been expended. Whilst these provisions would, in part, ensure that some works to Green Lodge would be undertaken, there is no mechanism within the UU to ensure that the remainder of the works beyond 50% of the estimated costs would be spent.
52. I am cognisant that the financial outlay for undertaking fifty percent of the works to Green Lodge would not be insignificant and I note the **appellant's** intention to construct the proposed scheme in its entirety. Nonetheless, it would be open to the appellant to construct all of the dwellings and not to undertake any further works to Green Lodge beyond 50% of the estimated costs.
53. Even if I were minded to find in favour of the appellant's case regarding the other issues concerning viability, in the absence of any provision within the UU to compel the appellant to construct the entire dementia care unit I find there is a lack of adequate safeguard to secure the use of the dementia care unit. Accordingly, on the basis of the evidence before me I am unable to consider whether any wider benefits associated with the provision of a specialist care facility justify the proposed development without the provision of affordable housing.
54. Accordingly, I conclude that the proposed development fails to make adequate provision of affordable housing. Thus, the proposal would be contrary to CS Policy CS2, the requirements of which are set out above.

#### *Supply of land for housing*

55. **The Council's view of the housing land supply** position for the 5-year period 2018-2023, is set out in the Position Statement published in August 2019 (Position Statement). The requirement figure of 4,598 dwellings, is agreed between the parties. Against this figure, the Position Statement shows a maximum supply of 4,737 units, a surplus of 139 units. In terms of years' supply, this equates to 5.15 years.
56. The requirement within the Framework is for a supply of sites that are **deliverable**. **The meaning of 'deliverable' in this context** is set out in the Glossary to the Framework, and further clarified in the Planning Practice Guidance (the PPG). Following the changes to the Framework in July 2018, sites for more than minor development, which do not have detailed planning permission, can only be considered deliverable where there is clear evidence that housing completions will be achieved within the 5-year period.
57. I note that the **Council's** Position Statement was revised following a number of appeal decisions<sup>2</sup> in which the Inspector concluded the supply position was

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<sup>2</sup> APP/Z1510/W/16/3162004 Land off Stone Path Drive; APP/Z1510/V/17/3180729 Land east of Gleneagles Way; APP/Z1510/W/18/3209711 Woodpecker Court, Poole Street, Great Yeldham.

- 4.15 years having found that there was not clear evidence of deliverability in relation to 10 sites.
58. Notwithstanding these previous appeal decisions, it is the Council's **position** that a number of the sites, which were excluded by the previous Inspectors, should now be included within their housing supply figure based on additional updated evidence. Subsequently, at the hearing, the Council provided an up to date position for those schemes.
59. Since the previous appeal decisions, the scheme at Ashen Road for 16 units had been granted full planning permission. No constraints to the scheme were identified and the appellant agreed that there was adequate evidence to support the deliverability of that scheme. I see no reason to take a different view.
60. In addition, land to the east of Sudbury Road, has a full planning permission for 218 units. Construction of approximately 73 units had already commenced, albeit, the Council conceded a delay to the delivery of 33 units planned for 2019/20 and thus no units would be delivered during that year. As a result, an additional 8-13 units, approximately, are envisaged to be delivered in each later year of the trajectory. There was disagreement between the parties as to the annual build rate and whether all the units could be delivered within the five-year period. The appellant gave evidence of its own more conservative assumptions as to the lead-in time and the annual build rate based upon its own experience of these and national delivery rates. However, **the appellant's** considerations do not take account of specific circumstances of individual sites and is therefore not a substitute for site-specific information and knowledge; the Council's **revised trajectory** having been informed on account of information provided to the Council by the site manager.
61. Accordingly, notwithstanding there being some delay to the scheme, the annual build rate does not seem unrealistic. On the basis of the available evidence, I find that it has been demonstrated that housing completions will be delivered during the five-year period on this site. Thus, I am minded to include the entire **218 units within the Council's supply figure**.
62. Land north east of Inworth Road has an outline permission for 165 dwellings. Notwithstanding the submission of a reserved matters application, this remains to be determined by the Council. It follows a previous reserved matters application that was deferred for alterations to the layout of the scheme. The Council's **evidence concerning the progress of the** application and intended timescale for approving the application was ambiguous. Although estimated dates and numbers are presented within the trajectory, these are now of some age and have not been revised to take account of the situation with the reserved matters applications.
63. In addition, there was no indication or breakdown of any advance works that are likely to be needed on site, for discharging conditions, site preparation and installing infrastructure. To my mind, I can see little if anything that amounts to clear evidence that any completions can realistically be achieved by 2020/21. As such, having regard to the presumptive effect of the Framework's definition, these circumstances would justify excluding Inworth from the current supply in its entirety. The effect of this would **be to reduce the Council's** deliverable supply by 165 dwellings.



64. For land to the west of Panfield, this large strategic site assumes the delivery of 200 dwellings within five years. A resolution to grant planning permission for 189 dwellings was passed by the Council in July 2019. However, a section 106 planning agreement remains to be completed. The Council's **evidence at the hearing** was that the planning obligation would likely occur in the 'spring' albeit the nature of the delay to the legal agreement was unclear. The Council conceded that the number of units to be delivered in the early part of the trajectory, 2020/21, would fall below the expected figures, although, in their view, the involvement of two developers would enable units to be delivered at an expedited rate in the following year.
65. In this case, there is no clear evidence of any real progress since the resolution to grant planning permission in July 2019. There is no corroborative evidence to support the **Council's optimistic view** of an expedited annual build rate. In any event, even if I were to accept the **Council's best case scenario**, there would inevitably be a lead in period before any completions were concluded. In my view, there is no clear evidence before me that there is a realistic prospect of any units being capable of delivery during 2020/21. **The Council's** assumptions are not necessarily unrealistic, but neither have they been shown to be clearly realistic; for the site to be deliverable, the evidence would need to be more convincing and more up to date. For the remaining units with outline planning permission, the Council were uncertain as to the likely timing of a reserved matters application. This casts considerable doubt on their deliverability within the five-year period. Thus, the evidence justifies excluding **Panfield in its entirety from the Council's current supply**.
66. **In view of my findings above, it is clear that the Council's five-year supply** must fall below the number that is required within that period. However, it remains necessary for me to get **an approximate view of the shortfall's likely full extent**. In light of this, I have considered the remaining disputed sites, albeit more briefly.
67. The remaining sites each have an extant outline planning permission. However, two sites have opted to pursue full applications for planning permission. The Council have resolved to approve one of these schemes, however, this is subject to the negotiation and preparation of a planning obligation. Limited information concerning the progress and timeframe for the legal agreement was presented to me at the hearing. In addition, for two sites there is little **corroborative evidence from each site's current developer as to when the** reserved matters or a full application will be brought forward. I am mindful that there is an outstanding objection to one scheme for which revised plans are being considered by the developer, and that whilst the planning obligation is similar to that of the outline planning permission, the scheme has been altered from 22 to 17 units.
68. None of these circumstances make it impossible that these sites could contribute to the supply of housing land, however, that is not the test of deliverability. To justify including sites of these types it would be necessary to produce clear and specific evidence, in sufficient detail, to show that sites were available, suitable and achievable, with a realistic prospect of delivery within the required timescale. On the evidence before me, none of the remaining sites can currently justify being included within the five-year supply. The effect of this is to reduce the deliverable land supply by a further 293 units.

69. Taking into account the deductions that I have identified above, totalling 658 units, **the Council's deliverable supply is reduced to 4,079 units**. Against the agreed requirement figure of 4,598 units, this amounts to a supply in the region of 4.4 years

#### Planning Obligation

70. Aside of the matters discussed above, the agreement also secures various financial contributions including healthcare, allotments and public open space. In general, the financial contributions were based on formulae adopted by the Council and were consistent with policy and addressed the additional pressure that would result from the additional population from the proposed scheme.
71. In my view, the obligations provided would comply with paragraph 56 of the Framework and the statutory tests contained in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. I therefore take account of these obligations in my decision.

#### Planning Balance

72. For the reasons set out in this decision, I have found the proposed development would conflict with LP Policy RLP2 and CS Policy CS5 with regard **to the Council's spatial strategy for the district. It would also conflict with** CS Policy CS9 and LP Policies RLP9, RLP10 and RLP90 due to its impact on the character and appearance of the surrounding area, with CS Policy CS9 due to its impact on the living conditions of future occupants of the dwellings, with LP Policy RLP84 and CS Policy CS8 due to its likely impact on protected species, and CS Core Policy CS2 because of an inadequate supply of affordable housing. Aside of LP Policy RLP21 which is permissive of the provision of specialist care outside of the settlement boundary, there are no other development plan policies that weigh positively in favour of any development on this site. The appeal proposal therefore generally fails to accord with the development plan as a whole.
73. In addressing the planning balance, an absence of a 5-year housing land supply triggers paragraph 11(d) of the Framework. As such, the Framework dictates that where the policies which are the most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
74. Since there is less than a 5-year supply of housing land, it follows that LP Policy RLP2 and CS Policy CS5 must be considered out of date. I therefore afford this conflict limited weight. In addition, albeit future occupants of the dwellings would be likely to depend on a private motor vehicle to reach some essential day to day services and facilities within Halstead and in nearby larger settlements, there would be some choice available to use accessible modes of transport to access local services and facilities. Thus, the proposal would not significantly undermine the aims of the development plan which seeks to avoid undue reliance on the private motor vehicle.
75. In terms of benefits, given my finding that the Council can only demonstrate a housing land supply in the region of 4.4 years, the contribution of 30 dwellings weighs substantially in favour of the proposal. The additional housing would

support the vitality of Halstead through spending within the local economy and its support for services and facilities. This is a matter that weighs moderately in favour of the proposal. Costs and jobs associated with the construction of the proposed scheme would be for a temporary period and thus I consider these to be a modest benefit of the proposal. Permanent jobs in the region of thirty full-time posts that would be generated through the operation of the specialist dementia care unit would also be a moderate benefit weighing in favour of the proposal.

76. The Council state that it has not been adequately demonstrated that there is a need for this type of specialist accommodation within the district. However, no specific policy has been brought to my attention which requires the need to be evidenced. Moreover, the appellant has drawn my attention to an appeal decision at Whyke Lodge<sup>3</sup> which concerned the provision of specialist dementia care. I note the **Inspector's findings in that particular appeal** determined that demand for appropriate accommodation and care was a material consideration of significant weight.
77. In the appeal case, I have been provided with letters of support from the County Council and Care England. Whilst the appellant makes reference to the Greater Essex (Southend, Essex and Thurrock) Dementia Strategy (2015-2020), there is no detailed analysis before me concerning the demand for, and any lack of dementia care bedspaces locally. Notwithstanding this, I note the comments of Care England that, in general, there is an inadequate provision of specialist dementia care and that due to demographic change this is likely to result in a significant increased need in the coming years. As such, I find that the provision of a 25-bedroom specialist dementia care unit weighs significantly in favour of the proposal.
78. I have found that the proposal would not result in material harm to the wider landscape character of the area. The absence of harm weighs neither for nor against the proposal.
79. However, in terms of harm, the proposal would have a materially harmful adverse impact on the character and appearance of the area and the living conditions of future occupiers of the dwellings. In addition, it would also result in harm to protected species and fail to make adequate provision for affordable housing. Overall, this would conflict with the social and environmental objectives of sustainable development and in my view, the benefits of the proposed scheme are significantly and demonstrably outweighed by the combination of the adverse impacts.
80. The scheme therefore does not constitute sustainable development. It follows that the conflict with the development plan is not outweighed by the other material considerations.

#### Other Matters

81. **It is part of the appellant's case that the restoration of Green Lodge would** improve and preserve a building of architectural merit. However, the appeal building is not identified as a building of heritage importance. On the basis of the limited evidence before me, I am unable to reach a fixed conclusion as to

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<sup>3</sup> APP/L3815/W/18/3196022 Whyke Lodge, 115 Whyke Road, Chichester

whether the appeal building should be considered as a non-designated heritage asset.

82. The appellant submits that the proposed design would complement the character of the existing care home and the Council have raised no concern in this respect. In addition, the Council have not cited any harm arising from flood risk and highway safety. The proposal would meet the minimum standards for parking. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
83. I have had regard to a number of letters provided in support of the appeal proposal however, support for the proposed scheme cannot outweigh general planning considerations. In this instance, it does not outweigh the harm I have identified above.
84. The parties dispute whether part of the site amounts to previously developed **land. However, even if I were minded to accept the appellant's position**, this would have no bearing on my findings above.
85. The appeal site falls within the zone of influence of the Blackwater Estuary SPA and Ramsar sites. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Habitats Regulations 2017. However, as the appeal is failing because of the harm which has been identified in relation to the main issues, the development is not going ahead and therefore any harm to the SPA/Ramsar would not occur. Therefore, I do not need to give any further consideration to this matter in this appeal.

#### Overall Conclusion

86. I have had regard to all the other matters raised, but none leads me to any other conclusion than the planning permission should be refused. The appeal is therefore dismissed.

*E Brownless*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Roger Catchpole	Managing Director Stow Healthcare
Melville Dunbar	Architect, Melville Dunbar Associates
Paul Munson	Chartered Town Planner, C/o Melville Dunbar Associates
Paul Coleman	Daniel Connal Partnership, Construction Costs Estimate
Jamie Purvis	BNP Paribas
Martin Taylor	Planning Director, Lichfields
Harry Bennett	Lichfields
Adam Hastings	Landscape Assessment
Patrick McKenna	Ecological Consultant
Paul Allen	Tree Consultant

### FOR THE LOCAL PLANNING AUTHORITY:

Melanie Corbishley	Planning Case Officer, Braintree District Council
Alex Evans	Planning Policy Officer, Braintree District Council
Kieran McGrath	Tree and Landscape Officer, Braintree District Council
Neil Jones	Planning Case Officer, Braintree District Council
Andrew Golland	Viability Assessment Consultant for Braintree District Council

## DOCUMENTS

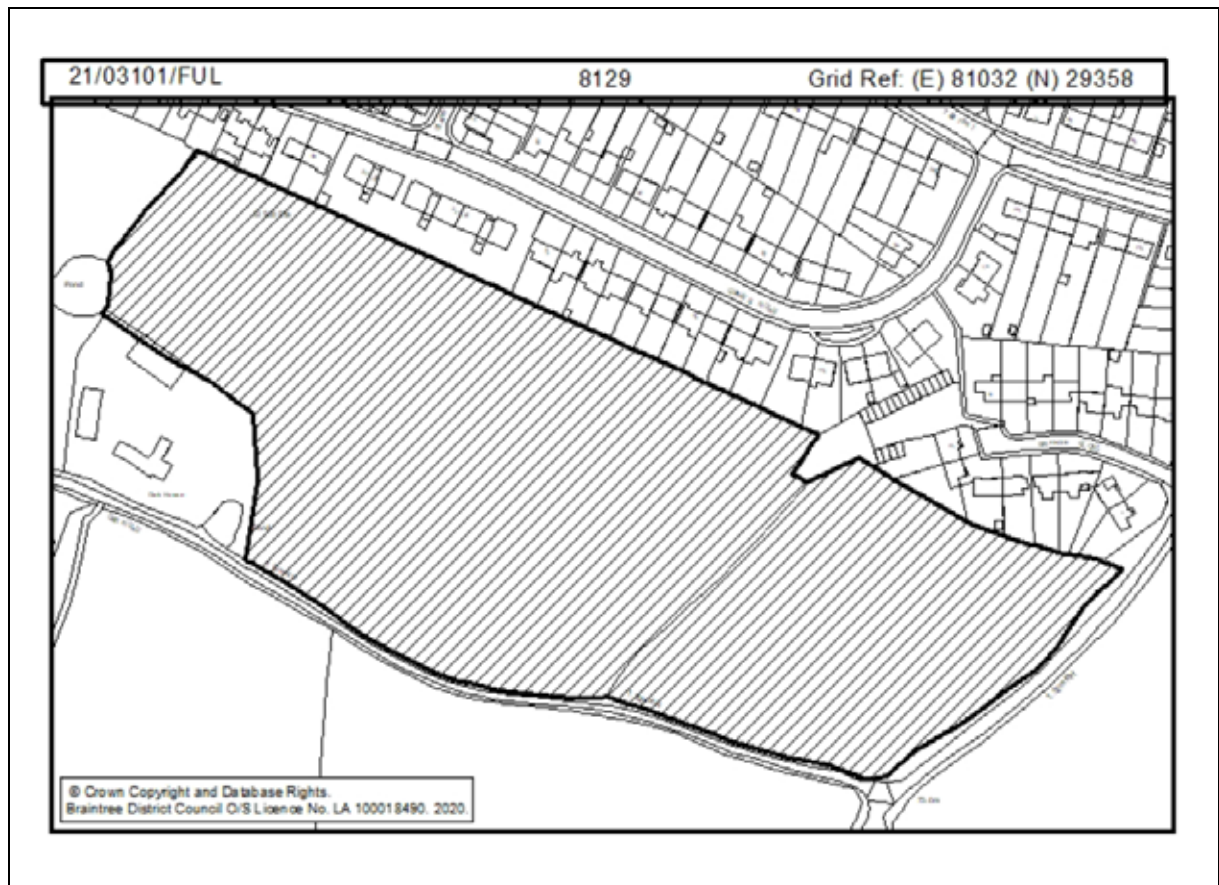
- 1 Notification of appeal
- 2 Notification of hearing
- 3 Policies CS1, CS2, CS10, CS11 of the Braintree District Core Strategy (2011)
- 4 Appeal Decision APP/J3720/A/11/2153222 Land off Manor Road, Stratford upon Avon
- 5 Appeal Decision APP/Z1510/W/18/3209711 Woodpecker Court, Poole Street, Great Yeldham
- 6 **Appellant's Unilateral Undertaking**

## PLANS

- A Drawing Number 1544-PL002 Rev D Site Layout Block Plan

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 19th April 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
Application No:	21/03101/FUL	
Description:	Erection of 80 dwellings (Class C3) including affordable homes, public open space including local equipped area for play, access from Tidings Hill, sustainable drainage systems, landscaping and all associated infrastructure and development	
Location:	Land North Of Oak Road Halstead	
Applicant:	Bellway Homes (Essex) Ltd	
Agent:	Mr Olivier Spencer, Andrew Martin Planning	
Date Valid:	20th October 2021	
<b>Recommendation:</b>	<p>It is RECOMMENDED that the following decision be made:</p> <p>§ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) &amp; Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</p>	
<b>Options:</b>	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> <li>a) <b>Agree</b> the Recommendation</li> <li>b) <b>Vary</b> the Recommendation</li> <li>c) <b>Overturn</b> the Recommendation</li> <li>d) <b>Defer</b> consideration of the Application for a specified reason(s)</li> </ul>	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	<p>Lisa Page</p> <p>For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: <a href="mailto:lisa.page@braintree.gov.uk">lisa.page@braintree.gov.uk</a></p>	

**Application Site Location:**





<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>The S106 will also secure a financial contribution pursuant to the Habitat Regulations as set out within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>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 &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.



<p><b>Equality and Diversity Implications</b></p>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website:  <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 21/03101/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan Review (2005)</li> <li>§ Braintree District Core Strategy (2011)</li> <li>§ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> <li>§ Braintree District Publication Draft Section 2 Local Plan (2017)</li> <li>§ Supplementary Planning Documents</li> </ul> </li> </ul>

	<p>(SPD's) Affordable Housing Supplementary Planning Document (2006); Essex Design Guide for Mixed Use and Residential Areas (2005); Essex Design Guide Urban Place Supplement (2005); External Artificial Lighting SPD (2009); Open Space SPD (2009); Parking Standards – Design and Good Practice (2009)</p> <p>§ Other Guidance</p> <p>Landscape Character Assessment (2006)</p> <p>Braintree District Settlement Fringes – Evaluation of Landscape Analysis of Halstead (June 2015)</p> <p>Open Spaces Action Plan (2021)</p> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>
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## 1. EXECUTIVE SUMMARY

- 1.1 Although the application site is located outside the Halstead town development boundary, as designated in the Adopted Local Plan, and thus lies within a countryside location, there is an extant outline planning permission at the site for up to 70 dwellings (Application Reference 18/01876/OUT) which was granted on 19th December 2019. As such the principle of development is established and is therefore acceptable.
- 1.2 In respect of access to services and facilities, the site is considered to be in a relatively sustainable location. The site is located approximately 1.3km from Halstead town centre located along Bridge Street and the High Street, and is within walking distance of a range of services and amenities, and close to existing bus stops.
- 1.3 The layout, scale and detailed design of the development would result in a high quality scheme that would be sympathetic to the character and appearance of the locality. High quality open space would be provided across the site, which would incorporate an area of equipped play. SuDs systems are also being provided. However, as part of the layout, the development does not propose tree lined streets to both sides of the road within the two shared surface roads off to the south of the main road. This is a matter which weighs against the proposal.
- 1.4 In respect of market housing, the development provides for 10no. 2 bed units (amounting to 19.2%), 34no. 3 bed units (amounting to 65.4%) and 8no. 4 bed units (amounting to 15.4%). Although this does not reflect the needs identified within the 2016 SHMA which detailed that some 42.8% of new owner-occupied dwellings should be three bedroom properties, with 34.2% containing two bedrooms, 17.2% having four or more bedrooms and 5.7% having one bedroom, the Section 2 Plan is well advanced the policies within it still cannot be given full weight. The provision of 10 x 2-bed dwellings meets the expectation established by the Outline planning permission that 20% of the market housing would consist of smaller (1 or 2-bed) dwellings. Officers do not consider that the mix of market housing would warrant refusal of the application but the failure to provide a mix which reflects need identified in the SHMA does weigh against the proposal.
- 1.5 In respect of affordable housing, it is proposed that 28 of the total dwellings will be affordable to meet with housing needs. This equates to 35% of the total number of units (and would comprise of one, two, three and four bedroom properties). This exceeds the 30% threshold set out in Policy CS2 of the Core Strategy. The Councils Housing Enabling Officer is supportive of the tenure mix and comments that it provides opportunity for a significant number of new affordable homes to be delivered which will assist the council in addressing a variety of housing need.
- 1.6 To facilitate the site access, tree removal will be required. 9 trees would need to be removed to accommodate the site's access road and are

necessary for development to take place. These trees combine a mix of Field Maples (4no) and English Oaks (5no) and of these trees, 4 of them are Category C trees, and 5 of them are Category B trees. Since the outline planning permission was granted the hedge on the eastern side of Tidings Hill has been significantly reduced by the owner of that land. This has already started to change the character of the street, removing the canopy cover that previously existed on that side of the road. The loss of the trees to form the entrance is regrettable as they do still positively add to the character of the road, and their loss is a matter which weighs against the proposal in the planning balance.

- 1.7 The application proposes the removal of further trees within the application site. The majority of the trees are classified as Category C trees, with some Category B trees and Category U trees which are dead or dying. Whilst the removal of these further trees is regrettable, their removal is fundamental to accommodate the site's layout and utilities infrastructure, and, as discussed below, these losses would be mitigated through an extensive tree planting scheme.
- 1.8 The proposed replacement tree planting, includes the planting of 24no. trees around the perimeter of the site to close up gaps in the existing mature treed boundary hedgerows. These new trees, in addition to the new trees to be planted along the northern boundary of the entrance area of public open space, represent a significant replacement for the poor quality trees and unavoidable loss of trees to facilitate the proposed development.
- 1.9 In regard to highway matters, the Highway Authority have been consulted on the application and are satisfied that the additional traffic flows generated by the development can be accommodated safely within the highway network. Specifically in regard to the access, this is to be provided from a single priority access junction point off Tidings Hill. At the site entrance visibility splays of 2.4 x 55 metres to the north and 2.4 x 64 metres to the south are proposed and can be provided within highway land and would provide for acceptable visibility and safety. The scheme also includes the widening of Tidings Hill to 4.1 metres in width. Allocated parking for all dwellings, in addition to visitor parking, would be in accordance with the Adopted Parking Standards. Every plot has also been fitted with a passive charging point ready for wall mounted or freestanding connection points.
- 1.10 The development would provide high quality amenity for future occupiers and would have no unacceptable impact to the amenity of neighbouring properties. Matters in regard to ecology, contamination, flood risk and drainage are all acceptable.
- 1.11 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted 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 is some 4.2 hectares in area located on the southern side of Halstead. The site consists of two fields (improved grassland) separated by a mature hedgerow.
- 5.2 It backs onto existing housing to the north which fronts Conies Road and Grange Close. To the west is a detached dwelling known as Oak House, Oak Road and an area of scrubland associated with Conies Farm on which there is an undetermined application to build up to 39 dwellings (subject to a separate application, Application Reference 21/00493/OUT). The site fronts two roads, the southern end of Tidings Hill where the land levels off to the south east and Oak Road to the south west which leads to the A131 Mount Hill. The lane (Letches Lane) which runs in a southerly direction from the Tidings Hill/Oak Road junction to Plaistow Green is identified as a protected lane within the Adopted Local Plan.
- 5.3 Much of the site's external boundaries are delineated by hedgerows and trees, rendering it as quite visually self-contained from public vantage points, especially as the land in question is relatively flat (although there is a gentle south, to south easterly fall).
- 5.4 The application site is located outside the Halstead town development boundary, as designated in the Adopted Local Plan. (The application has been advertised as a departure from the Development Plan). The smaller, eastern field is identified in the Adopted Local Plan for Formal Recreation.
- 5.5 However, as detailed within the history in Appendix 3, there is an extant outline planning permission at the site for up to 70 dwellings (Application Reference 18/01876/OUT) which was granted on 19th December 2019. That planning application was submitted in outline form with all matters reserved for future consideration.

- 5.6 Bellway Homes have since acquired the site and seek to bring forward a new planning application for 80 dwellings. Bellway have engaged in extensive detailed pre-application discussions with Officers in this regard.

## 6. PROPOSAL

- 6.1 The application seek full permission for the erection of 80 dwellings accessed via a new priority junction onto Tidings Hill, which is proposed to be widened to 4.1 metres.
- 6.2 The development would also contain public open space (1.3 hectares), and to the north eastern corner a local equipped area for play (LEAP) is proposed.
- 6.3 A sustainable drainage system would support the development consisting of two drainage basins. One detention basin would be located to the eastern end of the site near the site access. The detention basin treats and attenuates flows before discharging into a piped network that flows towards the proposed wetland located near the southern end of the site. The wetland provides further treatment and attenuation prior to discharging to the proposed surface water pump station (located adjacent to Plot 77-78). The pump station flows through a rising main to an existing Anglian Water surface water manhole.
- 6.4 With the exception of 4 bungalows, all the dwellings will be a maximum height of 2 storeys in height.
- 6.5 In regards to housing mix, the development will provide 52 market dwellings and 28 affordable house (35%) with the following mix:

### Market Housing

- 10 x 2 bed
- 34 x 3 bed
- 8 x 4 bed

### Affordable Housing

- 4 x 1 bed
- 17 x 2 bed
- 5 x 3 bed
- 2 x 4 bed houses

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 Comment that the foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows.

- 7.1.2 In regard to used water network comment that the sewerage system has available capacity for these flows. If the developer wishes to connect to the sewerage network they will need to serve notice.
- 7.1.3 In respect to surface water disposal comment that the preferred method would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Confirm that the documents in the supporting FRA are acceptable.
- 7.2 Essex Police
- 7.2.1 Highlight that Adopted Plan policy RPL90 states that designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. Comment that there is insufficient detail within the application in relation to the proposed lighting, boundary treatments and physical security measures, to be able to comment. Welcome the opportunity to assist the developer achieving a Secured by Design award.
- 7.3 Natural England
- 7.3.1 Comment that the site lies within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The development is likely to have a significant effect on the sensitive interest features of these coastal European designated sites. A Habitats Regulations Assessment (HRA) shall be undertaken to secure any necessary mitigation.
- 7.4 NHS (Healthcare)
- 7.4.1 Comment that the proposed development is likely to have an impact on the services of 1 main surgery operating within the vicinity of the application site (Elizabeth Courtauld Surgery). The GP practice does not have capacity for the additional growth resulting from this development and cumulative development growth in the area. The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore require the payment of a financial contribution of £30,400 to mitigate the impacts of the development. The contribution would be used to improve patient capacity at the Elizabeth Courtauld Surgery which could include the provision of additional floorspace.
- 7.5 BDC Ecology
- 7.5.1 No objection subject to securing: a proportionate financial contribution towards visitor management measures for the Blackwater Estuary SPA/Ramsar Site and Essex Estuaries SAC; and ecological mitigation and enhancement measures.

7.6 BDC Environmental Health

- 7.6.1 No objection. Recommend the imposition of a number of condition in respect to hours of working for site clearance, demolition or construction; no burning of refuse, waste materials or vegetation; dust mitigation measures to be implemented during the earthworks and construction phases of the proposed development; no piling.

7.7 BDC Housing

- 7.7.1 Comment that the affordable housing element satisfies the requirements of Policy CS2. The affordable unit and tenure mix shown is considered appropriate to meet evidence of housing need. Support the application and comment that it provides opportunity for a significant number of new affordable homes to be delivered which will assist the council in addressing a variety of housing need.

7.8 BDC Waste Services

- 7.8.1 No comments.

7.9 ECC Archaeology

- 7.9.1 Comment that the application has been submitted with a written scheme of investigation for an archaeological evaluation. This evaluation has been completed and has not identified any significant surviving archaeological remains. As such there will be no further requirement for archaeological investigation for the above application. However, as the results of the evaluation have not been submitted as a report, this will be required as a condition on this application to ensure the information is presented and disseminated in accordance with the Written Scheme of Investigation.

7.10 EEC Highway Authority

- 7.10.1 Comment that the proposal is acceptable subject to the imposition of a legal agreement / conditions to secure; provision of site access visibility splays; the provision of a 2m footway from the northern side of the site access road with appropriate dropped kerbs/tactile paving to be provided at the junction of Tidings Hill and Grange Close; a residential travel plan with accompanying monitoring fee of £1533p.a (index linked); residential travel information packs for each dwelling; and the upgrading of the pair of bus stops that best serve the development.

7.11 ECC Infrastructure Planning

- 7.11.1 No objection subject to securing financial contributions to mitigate the impact of the development, with payments required for Early Years & Childcare facilities; Primary School Education and Library Service.



7.12 ECC Local Lead Flood Authority (LLFA) - SuDS

7.12.1 Do not object to the granting of planning permission subject to the imposition of conditions.

8. PARISH / TOWN COUNCIL

8.1 Halstead Town Council

8.1.1 Object and raise the following comments:

- Tidings Hill and Oak Road are not suitable for construction traffic, or for the increased traffic as a result of the development, and signage would need to be installed permanently on Tidings Hill;
- Oak Road is a single track road and is unsuitable for through traffic (an application was made 5 years ago for this to be classified as a Quiet Lane);
- Goes against the walking and cycling strategy in narrow roads/lanes surrounding the site;
- Does not provide good connections to the main road, (both Oak Road and Tidings Hill being too narrow);
- Flooding is a major concern;
- The number of houses has increased from 70 to 80, although the infrastructure needed is not in place;
- The GP practice cannot accommodate the influx of new patients;
- The bus stop at White Horse Avenue needs to be electronic;
- The internal layout provides for inadequate parking;
- No regard for the environmental impact on agricultural land, trees, green space and habitats;
- Is an over intensification of the site;
- Concerned that the play equipment to be provided does not include accessible equipment;
- Plots 1 and 25 are too close to Conies Road properties.

8.2 Greenstead Green and Halstead Rural Parish Council

8.2.1 Object and raise the following comments:

- Surrounding roads (Oak Road, Letches Lane and Tidings Hill) are not suitable for the amount of traffic that will be generated and concerned could become a 'rat run' – seek a traffic scheme;
- Seek landscaping to the border with the parish of Greenstead Green and Halstead Rural;
- Support requests for S106 healthcare contributions to be paid on commencement of the development.

## 9. REPRESENTATIONS

9.1 The application was advertised by way of site notice, newspaper notification and neighbours letters.

9.2 11 letters of representation have been received from neighbouring properties. 1 letter neither objects nor supports the application, and 10 object to the application. Their comments can be summarised as follows:

- Will result in loss of countryside that locals currently and historically have always enjoyed for access / recreation;
- The main road into Halstead (Mount Hill) is already beyond capacity especially during peak. Development will exacerbate matters. Oak Road is a main entry/exit point on to this main road and has already seen a huge increase in junction usage due to the David Wilson/Bloor Homes site traffic;
- The speed sign at the point that Oak Road becomes a single track road is 60mph and there are no road markings or warning signs. Suggest a 20mph limit should be imposed;
- Awaiting 'Quiet Road' status. Safety of the road needs to be addressed;
- Oak Road needs speed bumps and passing places installed;
- Harm to safety of pedestrians;
- Location of visitor parking poor. Will result in parking on pavement restricting access for emergency vehicles;
- Site prone to flooding and has poor drainage. Concerns in regards to surface water;
- Site is a 'waterlogged wasteland' with a natural pond. Contains protected newts. Site also contains bats and owls;
- Any drainage work undertaken would affect the surrounding water table that would harm ponds and wildlife (and other possible flora);
- Drainage of site could also affect adjacent buildings due to subsidence;
- Noise and vibration disturbance from the build harmful to neighbours / concern that piling is required;
- Will result in air pollution;
- Harm to neighbouring amenity from overlooking, noise and light;
- Unclear what the new boundary with properties in Conies Road are;
- Social housing all behind current boundary homes where 99% of the houses are now privately is unfair;
- Over development of a small plot of land;
- Concern that the proposed footpath is not achievable due to a ditch;
- No more houses needed in this side of the town;
- Street lighting will result in change to the character of the local environment and loss of wildlife and species diversity;
- Local GP service, school and doctors already at capacity.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

- 10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

## 10.2 5 Year Housing Land Supply

- 10.2.1 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 10.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 10.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 10.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 10.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of a 5% buffer, and having regard to the above appeal decision, the Council considers that the current 5 Year Housing Land Supply for the District is 5.1 years.
- 10.2.6 In addition, the current supply position does not include sites which are proposed to be allocated within the Section 2 Local Plan but do not yet have planning permission or a resolution to grant planning permission.
- 10.2.7 These allocations without permission are being tested at the Section 2 Plan Examination. Once the Section 2 Plan is adopted, these sites will become adopted allocations and greater weight can be given to them. It will also improve the prospects of these being included within the deliverable supply, where there is clear evidence that there is a realistic prospect that housing will be delivered on the site within five years.

## 10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Core

Strategy (2011), and the Braintree District Shared Strategic Section 1 Local Plan (2021).

10.3.2 The application site is located outside the Halstead town development boundary, as designated in the Adopted Local Plan, and thus lies within a countryside location. The proposal is therefore contrary to Policy RLP2 of the Adopted Plan and CS5 within the Core Strategy, which seek to confine development to the areas within Town Development Boundaries and Village Envelopes. The smaller, eastern field which fronts Tidings Hill is identified in the Adopted Local Plan for Formal Recreation.

10.3.3 However, as detailed within the history in Appendix 3, there is an extant outline planning permission at the site for up to 70 dwellings (Application Reference 18/01876/OUT) which was granted on 19th December 2019. The planning application was approved in outline form with all matters reserved. The permission remains extant. As such the principle of development is established and is therefore acceptable.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

11.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 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.

11.1.2 Halstead is identified as a main town in the settlement hierarchy in the Core Strategy. It is stated in Paragraph 4.9 that, 'although Halstead has many of the day to day services and facilities and access to local jobs that residents need, its growth potential is severely limited by sensitive landscape, lack of public transport and relative isolation in the north of the District. The main constraints to Greenfield growth in Halstead are its relatively isolated location and its high quality landscape setting. Also the current levels of services are not as high as in Braintree and Witham'.

11.1.3 However, as one of the 3 main towns in the District, Halstead is considered a sustainable location for an appropriate scale of housing growth. Whilst the town may not have the range of services or public transport options that may be found in Braintree and Witham, it nonetheless offers a good range of day to day services and facilities; and includes several large employment areas which offer residents the opportunity to meet their needs within the town.

11.1.4 The site is located approximately 1.3km from Halstead town centre located along Bridge Street and the High Street, and is within walking distance of a range of services and amenities. These include; Pharmacy (approximately

1300m); The Three Pigeons Public House (approximately 1300m); Halstead Royal British Legion (approximately 1400m); Library (approximately 1600m); Co-operative food store (approximately 1600m); Halstead Town Council Offices (approximately 1300m). Halstead High Street itself is approximately 1400m to 1700m away. In terms of schools the Richard De Clare Community School is approximately 1200m walking distance from the site access and the Ramsey Academy Secondary School approximately 1900m walking distance (within 2km). At sub-2km these distances are generally considered to be an appropriate distance that occupiers of a site could be reasonably expected to walk to access a particular service and amenity.

11.1.5 Furthermore, in terms of sustainable transport, the site is located just over 250m from a bus-stop on Conies Road and 500m from a bus-stop on White Horse Avenue. These stops are served by a number of bus services, which provide regular hourly services to a variety of destinations including Colchester, Great Yeldham, Earls Colne and Braintree and Sudbury.

11.1.6 As was concluded within the outline planning application, Officers remain of the view that in respect of access to services and facilities, the site is considered to be in a relatively sustainable location, notwithstanding its peripheral siting on the edge of the town.

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

11.2.1 In regards to the layout, the development would be served by a single access point from Tidings Hill. This access road then extends into the site in a curved alignment flanked by trees on both sides. Within the first parcel of the site is a cluster of 10no. dwellings, accessed immediately off the road, or via the shared surface and private drives. The density here is much lower than the remainder of the site and is of a looser form, with dwellings facing out onto the roads and open space. The dwellings are inset from all boundaries and would ensure that the impact of built form is reduced from Tidings Hill and Oak Road, whilst still providing an attractive and interesting appearance as you enter the site.

11.2.2 Within this first parcel of land, is one of the sites attenuation basins together with the pumping station - located adjacent to Plots 77-78 - which is used solely for pumping surface water from the SUDs wetland basin to the point of connection to the public surface water sewer network on Tidings Hill (discussed in more detail later in this report). Whilst the pumping station will not be pumping foul water, with the attendant concerns about odour, the Applicant has ensured that there is a suitable distance separating it from the new homes. This will ensure that there is sufficient distance to ensure that any noise generated should not adversely affect residents in their properties. Also in this parcel, and located to the sites north eastern corner is the proposed equipped play space – a Local Equipped Area of Play (LEAP). The siting of this play space enables the opportunity for it to be readily accessible by existing residents of Grange Close, Tidings Hill and

Conies Road as well as future residents of the development. Following comments made by the Town Council, the Applicant has amended the specification of the play equipment proposed within the play area. The new homes have been arranged such that natural surveillance of the proposed play area is provided by new homes near the park, as well by people walking and driving pass the site. Also within this area is the pedestrian footpath that connects the development site with Halstead, via a footpath linking in with existing at the north-eastern corner of the site.

- 11.2.3 The road then enters the other larger parcel of land, and straightens in its alignment to provide an east–west street. Here the dwellings generally front onto the road to create a more assertive and different character area. To the northern side of the road, dwellings have been designed to incorporate large rear gardens to the properties along the northern boundary, ensuring there is a minimum back to back distance of 35metres between the rear elevation of the existing flats and the rear elevation of the proposed new houses, in order to preserve the existing residential amenity.
  
- 11.2.4 This east-west road is also tree lined to both sides and provides an avenue character, terminating at the end with the mature English Oak (14 metres in height). The tree is sited within the proposed open space near the western site boundary and provides the space with a focal point. Dwellings front onto this open space via the shared surface and private driveway which provides natural surveillance to the area.
  
- 11.2.5 Off the main road, to the southern side are 3 off shoots, with 1 private drive and 2 shared surface areas. Here, dwellings front onto the road and then as they reach the edge of the site are turned to face the open space and provide a layout that has a softer and appropriate more ‘urban edge’ character.
  
- 11.2.6 The dwellings fronting the central east-west road and the dwellings fronting the shared surface roads, are a range of traditional house types, presented in a combination of different brick finishes with some small areas of boarding. To the greener edges to the development on the western, eastern and southern boundaries, the typology of house type design changes with the placement of detached dwellings. This loosens the density and character along these edges and allows the landscaping character to also change and become softer in character. The street typologies also change in these areas to the use of private drives and shared surfaces to soften the scheme to the outer edges from the more urban inner nature of the development.
  
- 11.2.7 In terms of the scale of development all the proposed dwelling are two storey, expect for 4no. bungalows which are proposed to reduce the impact on existing dwellings in Conies Road in two specific locations where this is necessary to maintain a suitable relationship and protect existing residents amenity. All of the proposed single and double garages are proposed as single storey. Materials across the site consist of Atherstone Red Brick, Crest Autumn Gold Brick, Cedral Weatherboard in Grey, whilst roof tiles are

a mix of Marley Ashmore Old English Dark Red Tile and SVK Montana Textured Tile (a slate effect tile) which are considered to be appropriate to the locality and would contribute to the high quality finish of the dwellings. A condition has been imposed requiring samples of materials to be submitted, as although those indicated are acceptable, the developer will need to confirm they can source the materials for their build programme and they cannot do this until they have planning permission.

- 11.2.8 In regards to the provision and layout of public open space, the total provision of 1.3 hectares is provided within a number of areas. At the western end of the site a small informal area is proposed. As noted above, as the principal street approaches this space, the road realigns slightly to create a vista towards the existing mature Oak tree which would form a focal point at the end of the road and central feature to the open space. This area will be largely laid out with amenity grass with wildflower grassland edges, whilst the existing trees and areas of outgrown hedgerow are to be retained and managed.
- 11.2.9 A linear green is located in the centre of the site, and here the focus is to provide a positive setting for the existing mature trees that divide the site into two. Careful management and planting of the field boundary will be required to create a safe and attractive space for residents to enjoy. A SuDS basin creates an opportunity to create a positive landscape feature at the southern edge of this green and seating will allow views to be enjoyed across this space. Informal mown paths are shown through this space but Officers do have some concerns that a more formal surfaced path should be provided to allow the public access year round access through this space. This aspect is specifically stated as not been part of the approved landscape plans. It is a matter that can be picked up within the open space strategy on the Section 106 Legal Agreement.
- 11.2.10 The entrance green to the north east of the site, features the LEAP and also includes seating. There is an existing backdrop of existing mature trees within the central green that will be visible when entering the site, though in addition, new tree and hedgerow planting along the northern boundary of this space will provide ecological connectivity as well as a screen between the proposed open space and the back gardens of existing houses to the north.
- 11.2.11 In regards to the acceptability of the layout and design on the amenity of future occupiers, it is noted that all the dwellings will meet with the Nationally Described Space Standards (NDSS). Equally all the properties have external amenity spaces in accordance with the minimum standards set out within the Essex Design Guide. The development will provide high quality amenity for future occupiers.
- 11.2.12 Further in regard to future occupier's amenity, is consideration of noise and air quality. The application has been submitted with a Noise Impact assessment. The Councils Environment Heath Team have reviewed this and are content that there are no significant environmental noise sources



impinging on this site and that no noise mitigation works are necessary to provide satisfactory noise levels inside habitable rooms and external amenity spaces. In regards to air quality the application is submitted with an Air Quality Screening Report which demonstrates that the development site is situated in a location with good ambient air quality.

- 11.2.13 The presence of street trees has already been noted within this report, and species mix is discussed later with the landscape section. The NPPF notes that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Paragraph 131 states that 'planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible'. Footnote 50 of Paragraph 131 states that tree lined streets should be provided 'unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.'
- 11.2.14 The developer has worked with Officers in seeking to achieve this, and the number of street trees proposed has been significantly increased from that indicated within the original outline permission and earlier pre-application discussions wherein there was no policy requirement for these.
- 11.2.15 On immediately entering the site, the proposals include street trees to both side of the main access road set within a 4m wide verge. As the road reaches the main dwellings the siting of street trees to both sides of the road continues (to the northern side within the open space land and to the south within a 2 metre wide grass verge).
- 11.2.16 Additionally, as the road extends through to the second parcel of land, the presence of street trees to both sides of the road is also maintained. These are to be planted within a 2m grass verge and here 1 metre high evergreen hedgerows will define the back of the verge.
- 11.2.17 The shared surface street adjacent to Plots 34 to 40 will feature private front gardens that are 4metres in depth. A two-metre-wide strip of evergreen groundcover planting will lie between the private gardens and the edge of the shared drives. This planting would be within the public realm (a means of enclosure to provide a permanent boundary that clearly defines what is private and what is public space will be erected – details to be secured via condition), and would provide space for the planting of new street trees.
- 11.2.18 There is a different approach for the shared surface road in front of plots 60, 61 and 69. Here it is proposed to plant trees in hard surfaces within specially designed tree pits adjacent to parallel visitor bays with hard paving around the tree grille to help identify these trees as being within the public realm. These new trees will be planted a minimum of 5 metres distance from the adjacent homes. All trees types have been selected to

ensure that they are suitable for the spaces in which they are planted and to avoid creating situations where trees need to be removed because they are adversely affecting residential properties.

- 11.2.19 The above tree planting strategy however, does not provide street trees to both sides of the road for the two shared surface roads off to the south of the main road. The developer has commented that the development has been laid out to recognise the amenity/value of the existing landscape assets and to respect the setting of them, noting that the existing mature treed hedgerows will provide a tree lined outlook from properties and from the adjacent public realm. Whilst the presence of existing established landscaping to the boundaries is noted, Officers do not accept that this is justifiable reasons why full compliance of tree lined streets cannot be achieved. In stating this view however, it is acknowledged that there are no street trees proposed for the shared surface streets (Plots 1-4 and 63-66). However, in these instances, there are trees flanking the entrance to the street, with a tree at the end of the road, and furthermore they front onto the established tree belt that dissects the two parcels of land. Given this, and due to the length of street (4no. dwellings), it is considered that the layout is accepted. Overall, however, the failure to achieve street trees to both sides of the internal shared surface streets (Plots 41-46 and 49-56) is a matter which weighs against the proposal.

- 11.2.20 In regard to housing mix the development provides:

Market Housing

- 10 x 2 bed houses
- 34 x 3 bed
- 8 x 4 bed houses

Affordable Housing

- 4 x 1 bed flats
- 17 x 2 bed (1 x 2 bed bungalow, 6 x 2 bed flats and 10 x 2 bed houses)
- 5 x 3 bed (1 x 3 bed bungalow and 4 x 3 bed houses)
- 2 x 4 bed houses

(Note that within the market housing, 4 plots (No. 52, 53, 67 and 68) are shown to have 2 bedrooms at first floor with a further study. In this case Officers consider that it is reasonable to consider these dwellings to be 2-bed dwellings, as opposed to 3 bed dwellings, as the size of the study is significantly below the minimum size of a bedroom in the Nationally Described Space Standards (the room measures 4.24sq.m against a NDSS minimum requirement of 7.5sq.m) and is below the minimum width for a bedroom – 2 metres against a minimum of 2.15m)).

- 11.2.21 Planning policies are clear that the District Council should seek to promote mixed and inclusive communities. Policy RLP8 of the Adopted Local Plan states that the Council will seek the provision of a range of house types and sizes from one development site to another and within individual sites, in order to meet the local needs of the different household types. Policy

LPP37 of the Section 2 Plan indicates that the Council will expect the housing mix to be in line with the identified local need 'set out in the 2015 Strategic Housing Market Assessment (SHMA) update (or its successor), unless material considerations indicate otherwise'.

- 11.2.22 The accompanying scheme shows a mix of market dwelling types including bungalows, semi-detached and detached units. Whilst there are no 1 bed units, there are 10no. 2 bed units (amounting to 19.2%), 34no. 3 bed units (amounting to 65.4%) and 8no. 4 bed units (amounting to 15.4%).
- 11.2.23 The 2016 SHMA showed that some 42.8% of new owner-occupied dwellings should be three bedroom properties, with 34.2% containing two bedrooms, 17.2% having four or more bedrooms and 5.7% having one bedroom. The mix of market housing is not reflective of the need identified in the SHMA, however whilst the Section 2 Plan is well advanced the policies within it still cannot be given full weight. The provision of 10 x 2-bed dwellings meets the expectation established by the Outline planning permission that 20% of the market housing would consist of smaller (1 or 2-bed) dwellings. Officers do not consider that the mix of market housing would warrant refusal of the application but the failure to provide a mix which reflects need identified in the SHMA does weigh against the proposal.
- 11.2.24 In respect of affordable housing, it is proposed that 28 of the total dwellings would be affordable to meet with housing needs. This equates to 35% of the total number of units (and will comprise of one, two, three and four bedroom properties). 20 units would be for affordable rent and 8 as shared ownership. Two of the Affordable Housing units proposed are bungalows which will be designed and constructed to be suitable for use by residents who are wheelchair users. The Council's Housing Enabling Officer is supportive of the tenure mix and comments that it provides opportunity for a significant number of new affordable homes to be delivered which would assist the council in addressing a variety of housing need.
- 11.2.25 The provision of affordable housing exceeds the 30% threshold set out in Policy CS2 of the Core Strategy and in Policy LPP33 of the Section 2 Plan. It is acknowledged that within the outline permission on the site, the Section 106 agreement secured the provision of 40% affordable housing (equivalent to 28 affordable homes). This quantum has been matched in the current planning application, with 28 of the 80 dwellings (a total of 35%) dedicated to affordable tenures. Whilst it is a lower percentage of Affordable Housing is achieved within this full application, to that secured within the outline permission, it is still exceeds policy requirements and results in the same total number of affordable homes being provided. In this regard, the provision of affordable housing is acceptable.

### 11.3 Heritage

- 11.3.1 The site lies outside of a Conservation Area and there are no near listed buildings.

- 11.3.2 The application has been submitted with a written scheme of investigation for an archaeological evaluation. This evaluation has been completed and has not identified any significant surviving archaeological remains. As such there will be no further requirement for archaeological investigation for the above application. However, as the results of the evaluation have not been submitted as a report, this will be required as a condition on this application to ensure the information is presented and disseminated in accordance with the Written Scheme of Investigation.

#### 11.4 Landscaping and Trees

- 11.4.1 Matters in relation to the impact of the development on wider landscape character and its sensitivity to change was considered in full on the outline application. Whilst this application is not a reserved matters application, and does propose an increase in the number of dwellings from that approved on the outline application (up to 70 dwellings within the outline application and 80 dwellings within this full application), the principles of that earlier consideration still apply. The application has been submitted with an Addendum to the Landscape & Visual Impact Assessment.
- 11.4.2 The site consists of two fields (improved grassland) separated by a mature hedgerow/field boundary. Much of the site's external boundaries are delineated by hedgerows and trees, rendering it as quite visually self-contained from public vantage points, especially as the land in question is relatively flat, being located on a natural ridge.
- 11.4.3 Policy CS8 of the Core Strategy states 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment'.
- 11.4.4 The 2006 Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) make explicit reference to this site, pursuant to Policy CS8 of the Core Strategy. The LCAn is finely grained to the point where it deals with specific land parcels, in this case Land Parcel 5d Oak Road and has been identified as having Medium-High capacity to absorb development. In assessing this parcel of land the LCAn states in paragraphs 4.11 and 4.12:  
"The Parcel occupies a relatively flat, elevated band of land along the southwestern edge of Halstead...The southern boundary is also contained by strong bands of mature vegetation. The eastern boundary is formed by Tidings Hill with a tall tree belt alongside it...There are no public rights of way running through the Parcel and boundary vegetation provides good enclosure to views from the public roads along the southern and eastern boundaries...Residential properties on Oak Road and Conies Road have some open views across the Parcel and form a slightly harsh and abrupt edge to the settlement. The Parcel is generally well contained in views from the wider landscape on approach to Halstead".

- 11.4.5 In Paragraph 4.13 the LCA then states: “The analysis highlights that the existing containment to the Parcel provides good scope to mitigate any proposed development. The hedgerow structure should be retained and strengthened, and the strong planting belt to the southern boundary preserved to provide a contained edge to Halstead and screen views back towards the town from the landscape around the Bourne Brook valley. Opportunities to provide a landscape framework that softens the existing abrupt residential edge on the northern boundary of the Parcel are also identified. There is potential to provide additional open space as part of any new built development, which should reflect the scale and character of the existing settlement”.
- 11.4.6 Consequently, and as was concluded on the outline application, from a landscape character point of view there would be no unacceptable objection to the development of the site for residential development.
- 11.4.7 To further support the application, an arboricultural survey was carried out by Southern Ecological Solutions (SES) in October 2021, which assesses the impact the development may have on trees, and the effect retained trees may have on the development.
- 11.4.8 As was discussed on the outline permission, tree removal will be required to facilitate the site access. The application details that 9 trees will need to be removed to accommodate the site’s access road and are necessary for development to take place. These trees combine a mix of Field Maples (4no) and English Oaks (5no) and of these trees, 4 of them are Category C trees, and 5 of them are Category B trees. Since the outline planning permission was granted the hedge on the eastern side of Tidings Hill has been significantly reduced by the owner of that land. This has already started to change the character of the street, removing the canopy cover that previously existed on that side of the road. The loss of the trees to form the entrance is regrettable as they do still positively add to the character of the road, and their loss is a matter which weighs against the proposal in the planning balance.
- 11.4.9 In addition to the removals on the Tidings Hill frontage there are other trees and tree groups which are proposed to be removed. These consist of 2 Category U trees (a Goat Willow whose crown is 40% dead and a dead English Oak), 2 Category C trees (a Common Hawthorn near the western boundary and an English Oak to form the access between the two fields), 2 Category C groups (a leylandi group in the south-eastern corner of the larger field and group of Goat Willow at the rear of properties on Conies Road on the north-western site boundary), and 1 Category B tree (an English Elm in the south-eastern corner of the larger field). The proposed layout will also require the part removal of two Category C tree groups (approx. 1/6<sup>th</sup> of a group Common Hawthorn/Quick/May) on the western side of the central field boundary and approx. half of a group of Field Maple on the eastern side of the central tree belt); along with groups of hawthorn (Category C) at the rear of properties on Grange Close, in and along the

western side of the central field boundary; and removal of shrub/scrub extending into the field from the hedges along Oak Road and Tidings Hill.. Whilst the majority of the removals within the site would be of Category U trees (which are unsuitable for retention) and Category C trees (are of low quality/value, or young trees with a stem diameter below 150 mm), the Arboricultural survey does identify the removal of 1no. Category B tree and the partial removal of part of a Category B hedge and shrub/scrub group). These are all identified as being of a moderate quality/value with a life expectancy of over 20 years. Whilst the removal of these trees within the site is regrettable, their removal is fundamental to accommodate the site's layout and utilities infrastructure, and, as discussed below, these losses would be mitigated through an extensive tree planting scheme.

- 11.4.10 The proposed replacement tree planting, includes the planting of 24no. trees around the perimeter of the site to close up gaps in the existing mature treed boundary hedgerows. These new trees, in addition to the new trees to be planted along the northern boundary of the entrance area of public open space, represent a significant replacement for the poor quality trees and unavoidable loss of trees to facilitate the proposed development.
- 11.4.11 Furthermore, as outlined previously in this report, in addition to the planting to the sites boundaries, street trees are also proposed. *Carpinus Betulus* 'Frans Fontaine' trees are planted on both sides of the entrance road and the main east – west street, whilst tree planting within the shared surface streets will include *Plant Betula pendula* 'Obelisk' (a light canopied streetwise variety of native Silver Birch), and *Acer campestre* 'Elegant' (a streetwise variety of the native Field Maple), with *Sorbus aucupari* 'Sheerwater Seedling' (an urban street tree) specifically for Plots 77 to 79. These will further soften the development, enhance the character and appearance of the site and assist in providing biodiversity net gain.
- 11.4.12 Members will also note that there is a tall leylandi hedge growing along the boundary of Oak House, at the western end of the site. This hedge which in places stands approximately 15m high is growing with the grounds of Oak House. During pre-application discussions Officers raised concerns about the presence of the hedge and its relationship to the proposed housing. The Applicant has addressed this concern in two ways. It is proposed that there will be some facing back of the leylandi which is over hanging the boundary into the site. The rear gardens of the properties that back on the leylandi have also been pulled off the boundary to create an easement and service strip for a high voltage electricity cable which will be trenched underground.

## 11.5 Ecology

- 11.5.1 The application was submitted with an updated Ecological Impact Assessment (October 2021); Habitat Regulations Assessment Report (October 2021); Landscape Master Plan Drawing; Lighting Layout Drawing; Lighting Schedule Drawing; and Outdoor Lighting Report. These relate to

the likely impacts of the development on designated sites, protected and Priority Species & Habitats.

- 11.5.2 On this basis, Officers are satisfied that there is sufficient ecological information available for determination. The supporting information provides certainty of the likely impacts on protected and priority species/habitats and with appropriate mitigation measures secured, the development can be made acceptable.
- 11.5.3 Namely, the mitigation measures identified in the update Ecological Impact Assessment (October 2021) should be secured and implemented in full. This is necessary to conserve protected and priority Species. The measures contained within Construction and Ecological Management Plan (October 2021), are also acceptable and should also be secured and implemented in full.
- 11.5.4 In regard to the submitted lighting information, this details that proposed locations of the external lighting will prevent the boundary features from being lit. At the main access point, lighting will slightly affect trees adjacent to the entrance, but with a 1 lux level or less (i.e. the same lighting level as twilight), the lighting proposals are considered unlikely to impact foraging and commuting bats. However, and as detailed within the updated Ecological Impact Assessment (October 2021), the luminaire at this location should ideally be warm white light (3000k or below) to further reduce impact to foraging and commuting bats.
- 11.5.5 The submitted Landscape Masterplan details that the proposal is to retain and enhance the boundary vegetation where possible, with the planting of replacement trees, native hedge planting, creation of new species rich grassland and a wildlife friendly attenuation basin. This approach is supported. The comments from the ecologist recommending that consideration could be given to create further species rich grassland to the western boundary which is currently shown as amenity grass is noted, however this would not be achievable as it is designed open space and grassland would not be an appropriate approach for the usability of this space.
- 11.5.6 It is recommended that the landscaping management for the development should be secured via a Landscape and Ecological Management Plan which should also detail the ongoing management of the reptile receptor area. This can be secured via condition. The Councils Ecologist has also recommended a condition to ensure that bespoke biodiversity enhancements can be secured to deliver net gains for biodiversity within the design. This should follow the recommendations contained within the updated Ecological Impact Assessment (October 2021). In addition, to the recommendations of that Assessment, it is also recommended that the proposed biodiversity enhancements could include integrated swift bricks on new dwellings.

## 11.6 Impact upon Neighbouring Residential Amenity

- 11.6.1 The NPPF at Paragraph 130 states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.
- 11.6.2 The layout of the development meets or exceeds the standards as set out in the Essex Design Guide. In particular, the back to back distances between the proposed dwellings to the northern boundary and those existing neighbours within Conies Road is in excess of 30 metres. To the elevations of Oak House, the distances are extended to at least 45 metres from the rear of the proposed dwellings. Adherence to these standards would thus ensure that the living conditions of existing residents would be protected from overlooking, whilst seeking to design out crime through natural surveillance is facilitated.
- 11.6.3 No objection is raised by Environmental Services to the proposal, but in view of the proximity to existing dwellings it is recommended that short term dust emissions can be reduced to acceptable levels by following the best practice dust mitigation measures contained in the submitted Air Quality Screening Report produced by SRI (Ref: 80213-SRLRP-YQ-01-P1).
- 11.6.4 The impact upon neighbours during the construction process is also a material consideration. In this respect, the application has been submitted with a Geotechnical Assessment within the RSK Site Investigation Report in regard to soil condition. This concludes that soil conditions on the site are generally suitable for spread foundations and it is not anticipated that piling will be necessary. A condition is imposed to restrict the use of piling. A construction management plan is also imposed which will control a number of matters including the storage of plant and materials used in constructing the development; the storage of top soil; wheel washing; details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance; and contact details for Site Manager and details of publication of such details to local residents.

## 11.7 Highway Considerations

- 11.7.1 Part 9 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should however only be prevented where the residual cumulative impacts are likely to be severe. Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment (TA) is submitted with all proposals for major new development.



- 11.7.2 As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means. These other options, such as walking, cycling and public transport have been covered within the first section of this site assessment.
- 11.7.3 It is acknowledged that in addition to the Town Council, a significant number of letters of representation have raised objections to the proposal on highway safety grounds. The Highway Authority have been consulted on the application and are satisfied that the additional traffic flows generated by the development can be accommodated safely within the highway network.
- 11.7.4 It is recognised that Letches Lane which runs in a southerly direction from the Tidings Hill/Oak Road junction to Plaistow Green is identified as a protected lane in the Adopted Local Plan proposals map. The majority of traffic entering and leaving the site would be from and to the north, therefore on balance it is considered that the physical appearance of this lane would not be adversely affected by an increase in traffic associated with the future occupation of the site, pursuant to Policy RLP87 of the Adopted Local Plan.
- 11.7.5 In regard to access matters, there is currently no formalised vehicular access to the site. Although Outline planning permission has previously been granted, access was a Reserved Matter. The Applicant who submitted the Outline planning application demonstrated that the site could be accessed and Tidings Hill widened passing the site to 5.5m width, based on information supplied within their application. The actual access arrangements would have needed to be approved as part of the approval of Reserved Matters had a developer sought to implement the Outline planning permission.
- 11.7.6 The new landowner (Bellway Homes) has submitted a Full planning application which includes details for the proposed vehicular access to the site. This is to be provided from a single priority access junction point off Tidings Hill. (As was indicated on the outline application). No vehicular access is to be provided from Oak Road. The proposed access arrangement comprise 5.5 metre access road and 6 metre kerb radii. The proposals include widening of Tidings Hill to 4.1 metres in width. At 4.1m in width the widening of Tidings Hill is less than the Highway Authority recommended when the Outline planning application was assessed. At detailed design stage it has been found that there is less highway land available than had been assessed at Outline stage. The landowner on the opposite side of Tidings Hill has carried out improvements to the ditch that runs alongside Tidings Hill. This wider ditch and the need to offset the construction of the carriageway from the ditch (to ensure that it can be safely constructed) reducing the extent of highway land available on which the carriageway can be widened. Whilst the extent of the widening is

reduced the Highway Authority are satisfied that the carriageway will be suitable and safe for use.

- 11.7.7 At the site entrance visibility splays of 2.4 x 55 metres to the north and 2.4 x 64 metres to the south are proposed. These can be provided within the application site and highway land and will provide for acceptable visibility and safety.
- 11.7.8 The access into the site comprises a 5.5 metre carriageway and will be reinforced with tree planting to create an avenue styled entrance. Where the road approaches the first residential plots (Plots 71 & 72) it becomes flanked on its southern side by 2-metre wide footways for pedestrians. A separate pedestrian access is also proposed off Tidings Hill to the north of the access road which runs adjacent to the LEAP and amenity grassland before it joins the alignment of the access road roughly opposite Plot 71. This enables pedestrians and cyclists safe and convenient access from the site into Halstead without having a footway running along Tidings Hill and necessitating the removal of further trees. This footpath is supported by the Highway Authority who seek its construction via condition, together with an appropriate dropped kerbs/tactile paving to be provided at the junction of Tidings Hill and Grange Close.
- 11.7.9 The refuse vehicle strategy includes swept path analysis which demonstrate that refuse vehicles can enter and exit the site access in forward gear, with adequate manoeuvring within the internal road network utilising the turning heads provided. In accordance with Manual for Streets, the site layout ensures that future occupiers would not be required to carry waste more than 30 metres to the storage points and that refuse vehicles can reach within 25 metres of the storage point.
- 11.7.10 In terms of emergency fire appliance vehicles, all of the proposed dwellings are within 45 metres of the proposed carriageway and thus are within the length of the hose from the fire appliance.
- 11.7.11 In respect of parking, all plots will have the use of the appropriate number of car parking spaces. A minimum of one parking space has been proposed for all 1 bedroom dwellings, two parking spaces for all 2 and 3 bedroom dwellings, and three spaces provided for all 4 bedroom dwellings. This meets, or exceeds, the standards as set out within the Essex Parking Standards. The size of parking spaces and size of proposed garages also comply with the standards as set out within the Council's adopted Parking Standards. Every plot will also be fitted with a passive charging point ready for wall mounted or freestanding connection points.
- 11.7.12 The car parking has been designed so that vehicles do not dominate the street-scene or cause inconvenience to pedestrians and cyclists. Where possible parking spaces have been proposed on driveways, to the side of the dwelling with the front of the parking space positioned behind the front elevation line of the dwelling, so that the proposed scheme is pedestrian orientated.

11.7.13 Visitor parking is proposed on the site, in the form of designated visitor parking bays off the main carriageway, or in specific visitor parking laybys spread out across the proposed development. A total of 20 visitor parking spaces have been proposed across the site which meets with the required standards in the Essex Parking Standards.

11.7.14 In addition, bicycle storage is proposed to all plots. It is proposed that dwellings with the use of a garage would store their bike/s there. Dwellings without garages would be provided with a shed, to allow secure storage of bicycles.

## 11.8 Flood Risk and Drainage

11.8.1 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.

11.8.2 Furthermore, Policy CS8 of the Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. Paragraph 169 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.

11.8.3 The proposal site lies in Flood Zone 1 with a low risk of groundwater flooding, surface water and sewer flood risk across the site overall. Ground investigations at the site have revealed that the soil types possess little infiltration capacity. The infiltration rates associated with the soils are not considered sufficient for the practical use of infiltration devices such as soakaways or permeable surfaces, hence it is proposed that surface water is attenuated through the use of attenuation basins in the lowest part of the site. A smaller SuDs system is located at the eastern end of the site. This would be constructed to store surface water before being discharged into a piped system that flows towards the proposed wetland attenuation area to the west of the central field boundary. The system would then discharge water at an agreed rate through a pumping station (located adjacent to Plot 77-78) to discharge to the agreed point of connection to the public surface water sewer network on Tidings Hill. It is acknowledged that there are some local concerns with regard to surface water flooding, however, the Applicant has had to demonstrate through their application that surface water run-off from the site can be controlled and then discharged in a manner that does not increase flood risk elsewhere.

11.8.4 Having reviewed the proposals and associated documents which accompanied the planning application, the Lead Local Flood Authority (LLFA) confirm that, subject to the imposition of reasonable conditions, the

proposal would provide appropriate measures to manage surface water through the implementation of SUDS and other engineered hydrological measures.

- 11.8.5 In addition, Anglian Water states that the foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows; the sewerage system at present also has available capacity for these flows. Therefore, from this basis it is considered that the scheme would be acceptable in respect of surface water drainage and sewerage capacity.

## 11.9 Contamination

- 11.9.1 The application has been submitted with a preliminary risk assessment undertaken by RSK. The Council's Environmental Health Officer has reviewed the application and is satisfied that contaminated land is not a material consideration with respect to this site. No further site investigations are necessary and a scheme of remediation is not needed in this instance.

## 11.10 Habitat Regulations Assessment (HRA / RAMS)

- 11.10.1 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;
- § Essex Estuaries Special Area of Conservation.

- 11.10.2 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.
- 11.10.3 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.
- 11.10.4 The proposed mitigation measures would consist of the securing of a financial contribution of £137.30 per dwelling erected towards offsite visitor management measures at the above protected sites.
- 11.10.5 This financial contribution would be secured by way of a Section 106 Legal Agreement.

## 12. PLANNING OBLIGATIONS

- 12.1.1 To secure the provision of the on-site Affordable Housing previously referred to in this report it is recommended that there is a Section 106

agreement which will establish the planning obligations required in connection with this development.

- 12.1.2 Policy SP6 of the Adopted Section 1 Plan states that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The policy refers to various types of infrastructure, services and facilities, including transportation and travel and social infrastructure which includes education and health and well-being. Officers have identified a range of planning obligations that the District Council would require to mitigate the impacts of the development and a S106 agreement has been drafted which covers these matters.

12.2 Community Facilities

- 12.2.1 Within the outline application, a contribution was sought towards community facilities. The need for this contribution still remains. The spend purpose could either be the provision of new facilities at land adjacent to the car park at Butlers Road Halstead and/or the provision of new community facilities and/or upgrading of existing community facilities and/or alterations to existing community facilities within a 2 kilometre radius of Townsford Mill. Based on schemes of comparable scale, in the District, the contribution sought would be £45,014.

12.3 Education

- 12.3.1 To ensure that the Education Authority can provide sufficient and accessible high quality early years and childcare provision to meet local demand a financial contribution will be required to create an additional places. The Education Authority indicate that the financial contribution would equate to £17,268 per additional place. As a guide ECC Officers indicate the contribution would be approximately £110,343. The precise level of contribution would be calculated at the time of payment and would include indexation.
- 12.3.2 With regards to Primary education ECC Officers state that the development sits within the area served by Holy Trinity CE Primary School, which has a Published Admission Number of 30 pupils per year. As at the last census in October, the school was full in most year groups with a total of 208 children on roll. Forecasts for the Halstead area (Braintree Group 3) suggest a large Reception cohort should be expected in September 2023, which may require a local school to over admit. Longer term, all schools are likely to be close to capacity with two surplus places per year anticipated. This level of unfilled capacity falls significantly short of the 5% recommended to accommodate mid-year admissions and facilitate parental choice. To ensure that there are sufficient primary school places available a financial contribution is sought to create additional primary school places. The Education Authority indicate that the financial contribution would equate to £17,268 per additional school place. As a guide ECC Officers indicate the contribution would be approximately £367,808. The precise level of

contribution would be calculated at the time of payment and would include indexation.

#### 12.4 Library Service

12.4.1 The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

12.4.2 The proposed development will create additional usage of the local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided, at a cost of £77.80 per unit. A contribution of £6,224 (index linked) is sought to fund improvements at the local library.

#### 12.5 Healthcare

12.5.1 In response to their consultation on the application NHS England state that the existing GP practice at Elizabeth Courtauld Surgery does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 192 residents and subsequently increase demand upon existing constrained services. A financial contribution of £30,400 that can be used to increase capacity for patients of the surgery is sought. The contribution would be used by the NHS on funding a suitable project and this could include work to create additional useable floor space at the surgery.

#### 12.6 Pedestrian Link

12.6.1 The NPPF in paragraph 112 a) states that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

12.6.2 As set out in the highways consideration section above, the Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. The majority of those aspects that are recommended as mitigation can be secured by way of planning condition. However, in order to facilitate greater permeability of the site and the existing built fabric of the town, a pedestrian only link between the site and the garage parking court at the end of Grange Close is sought to be provided. Such a link will involve third party land – in this case Eastlight Housing and the District Council, and as such an additional pedestrian link in this location will only be possible with the landowners consent. It is recommended that a planning obligation is included which requires the developer to submit a strategy to the Council for approval and then use reasonable endeavours to deliver the link.

12.6.3 In addition, Officers also want to future proof the development in terms of pedestrian and cycle connectivity. Land immediately to the west of the site has been subject to a separate planning application for residential development. Whilst any proposal to develop that site will be assessed on its own merits it is not inconceivable that at some point in the future, perhaps through the next iteration of the Local Plan, that the site may be considered suitable for development. To improve connectivity, mixed communities and further promote walking and cycling it would be advantageous if a pedestrian and cycle link could be provided between the two sites.

12.6.4 It would be unreasonable for Bellway (the Applicant for this application) to either provide a path which would run to the site boundary but lead nowhere, or to require them to provide the path at a later date at their expense. It is therefore recommended that an obligation is included within the agreement that would allow a developer of the adjoining land the right to construct a pedestrian / cycle link to link the two sites. Clearly this link would only be provided in the event that planning permission were granted to develop the land to the west. If that land is never developed the obligation will not be engaged and a link will not be provided.

## 12.7 Public Open Space

12.7.1 Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

12.7.2 The Council's Open Space SPD sets out further details on how these standards will be applied. The development would make provision on site for equipped children's play areas and the required amount of informal and casual open space on site is provided in an acceptable layout and form (the site provides 1.3 hectares of public open space). The SPD also specifies that for a development of this size (taking into account the tenure mix as set out in Paragraph 11.2.20 of this report), a financial contribution should be sought towards the provision of off-site outdoor sports facilities and allotment provision calculated on the number and size of the dwellings constructed. As Members will be aware these figures are updated annually to allow for inflation. At the time of writing this report that recalculation is due to take place in the next couple of weeks so the actual payments to be specified within the agreement are not currently known. As a guide Members are advised on the contribution levels for the year 2021-2022 the contributions would be £79,149.27 for Outdoor Sports and £2511.84 for allotments. It will also be necessary for the S106 to include an obligation for the Applicant to form a Management Company responsible for the day to day and longer term management and maintenance of the Public Open Space, including the Play Area.

- 12.7.3 As noted previously, the District Council own the small wooded parcel of land between the application site and the garage court on Grange Close. Due to an anomaly at Land Registry this land is not registered to the Council despite the fact that we have paper title. The Councils Asset Management team are in the process of claiming title and in the event that planning permission is granted and the development proceeds, that the land will be transferred to the management company appointed by Bellway in order that they maintain the land along with the on-site Open Space, once the title is registered at Land Registry. This will allow the land to continue to be used as Public Open Space and will allow it to be managed in more efficient and cost effective way than the Council continuing to maintain the land.
- 12.8 Habitat Regulations Assessment (HRA / RAMS)
- 12.8.1 As detailed above, the site lies within the Zone of Influence of the Blackwater Estuary Special Protection Area and Ramsar site and the Essex Estuaries Special Area of Conservation.
- 12.8.2 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance, which establishes that mitigation measures, in the form of a financial contribution of £137.30 per dwelling towards offsite visitor management measures, can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.
13. PLANNING BALANCE AND CONCLUSION
- 13.1.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.
- 13.1.2 Paragraph 60 of the NPPF sets out the Government's objective of significantly boosting the supply of homes. The main mechanism within the NPPF for achieving this is the requirement that local planning authorities demonstrate a five-year supply of deliverable housing land, assessed against housing need. In this regard, the Council is currently able to demonstrate a Housing Land Supply of 5.1 years against its housing need. As such the Council is presently meeting this objective.
- 13.1.3 Until the adoption of the Section 2 Plan, the sites which are proposed to be allocated but do not yet have planning permission or a resolution to grant



planning permission, have not been included within the 5 Year Housing Land Supply calculation.

- 13.1.4 As such, although the Council can currently demonstrate a 5 Year Housing Land Supply, this is finely balanced, and currently only marginally exceeds the 5 year threshold.
- 13.1.5 As the Council can demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to Paragraph 11d) of the NPPF is not engaged due to a lack of housing land supply. It is therefore necessary to identify the most important policies for determining the application and to establish whether these are out-of-date. Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
- 13.1.6 In this case the basket of policies which are considered to be the most important for determining the application are Policies SP1 and SP3 of the Section 1 Plan, Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy.
- 13.1.7 Policy SP1 of the Section 1 Plan states that when considering development proposals the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, and will seek to approve proposals wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Policy SP3 of the Section 1 Plan sets out the spatial strategy for North Essex, namely to accommodate development within or adjoining settlements according to their scale, sustainability and existing role both within each individual Districts, and where relevant, across the wider strategic area. Further growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. As the Section 1 Plan has been found to be sound and recently adopted by the Council, it is considered that both policies are consistent with the NPPF and can be afforded full weight. Neither are out-of-date.
- 13.1.8 Whilst the primary purpose of Policy RLP2 of the Adopted Local Plan is to restrict development to within development boundaries, and thus resist it in the areas designated as countryside, it is considered that the policy remains broadly consistent with the Framework's approach of protecting the countryside from harmful development, and is not hindering the Council in delivering housing growth within the District. The policy is not out-of-date, and can be given moderate weight. The aims of Policy CS5 of the Core Strategy are much wider as the policy seeks to amongst other things, protect and enhance the landscape character and amenity of the countryside. As it is effectively seeking to preserve the intrinsic character and beauty of the countryside – an objective contained within the NPPF – it

is considered that this policy is not out-of-date and can be given significant weight.

- 13.1.9 When considering the basket of the most important policies for the determination of this application as a whole, it is considered that the policies are not out-of-date and are broadly consistent with the Framework.
- 13.1.10 Given that the Council can demonstrate a 5 Year Housing land Supply, and the basket of policies are not otherwise out-of-date, the 'flat' (or untilted) planning balance must still be undertaken which weighs the adverse impacts of the proposed development, including the conflict with the Development Plan, against the public benefits of the proposal.
- 13.1.11 In undertaking this flat planning balance, such an assessment must take account of the economic, social and environmental impact of the proposed development. As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
  - a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
  - an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

## 13.2 Summary of Adverse Impacts

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

### **Conflict with the Development Plan**

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

- 13.2.3 The proposed development would conflict with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy with regard to the Council's spatial strategy as it proposes development outside of defined development boundaries and within the countryside. However, as detailed within this report, there is an extant outline planning permission at the site for up to 70 dwellings (Application Reference 18/01876/OUT). The permission remains extant. As such the principle of development is established and is therefore acceptable. The weight to be applied to this conflict is therefore neutral.

#### **Conflict with the Section 2 Plan**

- 13.2.4 The site also lies outside of the defined development boundary within the Section 2 Plan. As above though, as there is an extant outline permission at the site for residential development, the principle of development is accepted and the conflict is neutral.

#### **Harm to Trees and Hedgerows**

- 13.2.5 As detailed within the report, a total of 16 trees (or groups) will need to be removed. 2no. are classed as Category U, 7no. Category C and 7no. Category B. It is at the site entrance where the impact of these trees will be impacted most. Here 9 trees (field maple and English oaks) will need to be removed to accommodate the site's access road. 4 of these are Category C trees, and 5 of them are Category B trees. In addition, the proposed layout will also require the part removal of 2 groups of trees, 3 hedges and 2 shrubs (All Category C). The loss trees and hedging across the site is regrettable as they do positively add to its character, in particular those to the area of the proposed access positively contribute to the character and appearance of the road, however, as there is canopy cover on both sides of the road and views into the area concerned are localised, the loss of amenity within the broader setting is reduced. Removal and partial removal of the trees, tree groups and hedging is fundamental to accommodate the site's layout and utilities infrastructure, and, as discussed within the report, these losses would be mitigated through an extensive tree planting scheme. However, moderate weight is attributed to the loss of these trees.

#### **13.3 Summary of Public Benefits**

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

#### **Delivery of Market and Affordable Housing**

- 13.3.2 The development will deliver 80no.new dwellings. 28 of these will be secured as affordable housing, the tenure mix for which is supported. Although the Councils housing need is not unmet, the development provides opportunity for a significant number of new homes to be delivered which will assist the council in addressing a variety of housing need. However, the outline permission for 70 units is already counted towards the

Council's Housing Land Supply position. In this regard, given the increased number of dwellings proposed, there would be a net increase. Moderate weight is therefore assigned to this.

### **Location and Access to Services and Facilities**

- 13.3.3 As was concluded within the outline application, Officers remain of the view that in respect of access to facilities and services (including public transport), the site is considered to be in a sustainable location, notwithstanding its peripheral siting on the edge of the town. The proposed pedestrian links to the existing urban areas will further enable access to such services and facilities. Significant weight is assigned to this.

### **Economic and Social Benefits**

- 13.3.4 The proposal would deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. Given the scale of development this is assigned moderate weight.

### **13.4 Summary of Neutral Benefits**

#### **Section 106 Obligations**

- 13.4.1 The proposals will secure a number of obligations through a Section 106 legal agreement. Obligations include the aforementioned outdoor sports facilities, allotments, community building and contribution to NHS, library service and education and mitigate against RAMS.
- 13.4.2 The Section 106 benefits are afforded neutral weight, as the obligations are mitigating the impacts of the development in accordance with planning policy.

### **13.5 Planning Balance**

- 13.5.1 When considering the flat planning balance and having regard to the adverse impacts and benefits outlined above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal outweigh the adverse impacts. Consequently it is recommended that planning permission is granted for the proposed development.
- 13.5.2 Notwithstanding the above, even if the 'tilted balance' was engaged, it is considered that the adverse impacts would not 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 granted for the proposed development.

## 14. RECOMMENDATION

14.1 It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- § **Affordable Housing** – 35% of units on-site (28 units in total) to be Affordable Housing, with a mix of 20 affordable rent and 8 shared ownership as set out within the Accommodation Schedule - revision D;
- § **Allotments** – Financial contribution calculated in accordance with the Open Spaces SPD updated financial contributions for 2022-2023. Contribution to be spent on new or improved allotment facilities within 2km of Townsford Mill, as identified in the District Councils Open Space Action Plan;
- § **Community Facilities** – Financial contribution of £45,014 towards the provision of either the provision of new facilities at land adjacent to the car park at Butlers Road Halstead and/or the provision of new community facilities and/or upgrading of existing community facilities and/or alterations to existing community facilities within a 2 kilometre radius of Townsford Mill;
- § **Ecological Mitigation** – Financial contribution of £137.30 per dwelling for delivery of visitor management at the Blackwater Estuary SPA & Ramsar site;
- § **Education** – Financial contributions for Early Years and Childcare provision and Primary School provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of qualifying dwellings to be constructed, index linked, but equating to £17,268 per additional Early Years & Childcare place and £17,268 per additional Primary school place;
- § **Healthcare** – Financial contribution towards the provision of additional capacity at The Elizabeth Courtauld Surgery, with a financial contribution of £30,400 to mitigate the impacts of this proposal;
- § **Libraries** – Financial contribution of £6,224 towards improvements to Halstead library (or such other library as serves the town);
- § **Outdoor Sports** – A financial contribution calculated in accordance with the Open Spaces SPD updated contribution levels for 2022-2023 to be spent on new or improved outdoor sports facilities within 2km of Townsford Mill, as identified in the District Councils Open Space Action Plan;
- § **Pedestrian Link** – To submit a strategy to secure a pedestrian only link between the site and the garage parking court at the end of Grange Close. (Such a link will involve third party land – in this case Eastlight Housing and the District Council, and as such an additional pedestrian link in this location will only be possible with the landowners consent);
- § **Public Open Space** - (On-site) All Public Open Space and Amenity Space to be set out to an agreed specification and managed by a Management Company to an agreed specification;
- § **Residential Travel Plan Monitoring Fee** – Annual monitoring fee of £1533p.a (index linked) to be paid to Essex County Council for the

monitoring of a Residential Travel Plan (which has been approved by the Council and implemented by the applicant);

- § **Western Link** – obligation to allow the developer of the adjoining land to construct a 3 metre wide foot/cycleway route through the Western Link Land to connect to publicly accessible and useable foot/cycle routes or Estate Roads within the Site (only in the event that planning permission is granted for the development of the adjoining land);
- § **Monitoring Fees** - for the District & County Councils. (NB - All financial contributions to be index linked).

The Planning Development Manager or an authorised Officer be authorised to GRANT planning permission under delegated powers in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

- 14.2 Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	8960-01 Rev	N/A
Block Plan	8960-02 Rev B	N/A
Site Plan	8960-03 Rev D	N/A
Site Plan	8960-04 Rev B	N/A
Street elevation	8960-10 Rev B	N/A
Street elevation	8960-11 Rev B	N/A
Amenity Space Details	8960-20 Rev B	N/A
Tenure Plan	8960-21 Rev C	N/A
Parking Strategy	8960-22 Rev B	N/A
Storey Height	8960-25 Rev B	N/A
Materials Details	8960-26 Rev D	N/A
Design Analysis Plan	8960-27 Rev B	N/A
Design Analysis Plan	8960-28 Rev B	N/A
First Floor Plan	8960-29 Rev B	N/A
Movement and Permeability Plan	8960-30 Rev B	N/A
House Types	8960-31 Rev B	N/A
Parking Strategy	8960-32 Rev B	N/A
Refuse Information	8960-33 Rev C	N/A
Proposed Elevations and Floor Plans	8960-BA-01 Rev B	N/A
Proposed Elevations and Floor Plans	8960-BU-01 Rev B	N/A
Proposed Elevations and Floor Plans	8960-BU-02 Rev B	N/A
Proposed Elevations and Floor Plans	8960-CA-01 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CA-02 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CA-03 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CA-04 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CA-05 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CH-01 Rev B	N/A
Proposed Elevations and Floor Plans	8960-CH-02 Rev B	N/A
Proposed Elevations and Floor Plans	8960-CH-03 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CH-04 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CH-05 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CHS-03 Rev B	N/A
Proposed Elevations and Floor Plans	8960-CO-01 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CO-02 Rev A	N/A
Proposed Elevations and Floor Plans	8960-CT-01 Rev B	N/A
Proposed Elevations and Floor Plans	8960-FR-02 Rev A	N/A
Proposed Elevations and Floor Plans	8960-FR-03 Rev A	N/A
Proposed Elevations and Floor Plans	8960-MAI-01 Rev C	N/A
Proposed Elevations and Floor Plans	8960-MAI-02 Rev A	N/A
Proposed Elevations and Floor Plans	8960-MAI2-01 Rev	N/A

Proposed Elevations and Floor Plans	8960-MAI2-02 Rev	N/A
Proposed Elevations and Floor Plans	8960-MAI2-03 Rev	N/A
Proposed Elevations and Floor Plans	8960-SC-01 Rev B	N/A
Proposed Elevations and Floor Plans	8960-SC-02 Rev A	N/A
Proposed Elevations and Floor Plans	8960-SI-01 Rev A	N/A
Proposed Elevations and Floor Plans	8960-SI-02 Rev A	N/A
Proposed Elevations and Floor Plans	8960-SR-01 Rev A	N/A
Proposed Elevations and Floor Plans	8960-SR-02 Rev A	N/A
Proposed Elevations and Floor Plans	8960-SR-03 Rev A	N/A
Proposed Elevations and Floor Plans	8960-TA-01 Rev B	N/A
Proposed Elevations and Floor Plans	8960-TH-01 Rev A	N/A
Proposed Elevations and Floor Plans	8960-TH-02 Rev B	N/A
Proposed Elevations and Floor Plans	8960-TH-03 Rev A	N/A
Proposed Elevations and Floor Plans	8960-TH-04 Rev A	N/A
Proposed Elevations and Floor Plans	8960-TI-01 Rev B	N/A
Garage Details	8960-DG	N/A
Garage Details	8960-SG	N/A
Garage Details	8960-DSG Rev A	N/A
Landscape Masterplan	PR211-01 Rev P	N/A
Play Area Plan	2201.32256	N/A
Tree Plan	PR211-03	N/A
Public Open Space Details	PR211-04 Rev D	N/A
Drainage Details	20-095-100 Rev D	N/A
Drainage Details	20-095-101 Rev B	N/A
Levels	20-095-102 Rev B	N/A
Access Details	20-095-103 Rev C	N/A
Access Details	20-095-104 Rev B	N/A
Access Details	20-095-106 Rev D	N/A
Access Details	20-095-107 Rev D	N/A

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

1.

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

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

2.

The development hereby permitted shall only be implemented in accordance with the approved plans/documents listed above, with the exception of the informal mown paths as detailed within the landscape plan – this detail is not approved.

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



3.

The applicant will submit to the local planning authority a post excavation assessment. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure the information is presented and disseminated in accordance with the Written Scheme of Investigation and to properly provide for archaeological remains.

4.

No above ground development shall commence until a schedule of the types and colour of the materials and samples of the materials to be used in the external finishes of the building hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and permanently retained as such.

Reason: In the interests of the appearance of the development.

5.

All service intakes to dwellings (apart from gas), including soil and waste plumbing, shall be run internally and not visible on the exterior.

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

6.

Prior to installation of any meter cupboards on the external front and side (if a corner plot) elevations of the dwelling(s) hereby approved, details of the location, design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

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

7.

No development above ground level shall take place unless and until additional drawings that show details of proposed new eaves, verges and ridges to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To ensure that the detail has the traditional appearance required for the traditional architecture that has been used in the design of the dwellings.

8

No above ground development shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation / first use of the relevant plot and shall be permanently retained as such.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity.

9.

The cycle parking facilities as shown on the approved plan shall be provided prior to the first occupation of the dwelling that it serves and shall be retained at all times. The development shall only be implemented in accordance with the approved details.

Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10.

No above ground development shall commence until an Electric Vehicle Charging Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Reason: In the interest of securing sustainable development and contributing to reduce carbon emissions.

11.

No above ground development shall commence until a strategy to provide fastest available broadband access has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Reason: To ensure that all new dwellings/commercial units are provided with appropriate internet connectivity that will improve commercial opportunities and facilitate working from home and improve residents' connections to essential online services and social networks.

12.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwellinghouse, as permitted by Class A of Part 1 of Schedule 2 of that Order shall be carried out to Plots 33, 34, 66, 77 and 78 without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any

proposed future extensions in the interests of residential and/or visual amenity.

13.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no addition or alteration to the roof of a dwellinghouse, as permitted by Class B of Part 1 of Schedule 2 of that Order shall be carried out to Plots 30, 45, 56, 59, 63, 64, 69, 70 and 79 without first obtaining planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may exercise control over any proposed future roof extensions in the interests of residential and/or visual amenity.

14.

The garage hereby permitted to Plots 39, 40, 49, 61, 62, 64 and 65, shall be used for the parking of motor vehicles, bicycles, and powered two wheelers associated with the dwelling.

Reason: To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

15.

No vehicular movements relating to the construction of the development to, from, or within the site shall take place outside the following times:- Monday to Friday 0800 hours - 1800 hours Saturday 0800 hours - 1300 hours Sundays, Public and Bank Holidays - no vehicular movements.

Reason: In the interests of the amenity of residents of the locality.

16.

No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:- Monday to Friday 0800 hours - 1800 hours Saturday 0800 hours - 1300 hours Sundays, Public and Bank Holidays - no work.

Reason: In the interests of the amenity of residents of the locality.

17.

All of the dust mitigation measures contained within Section 5.5 of the SRL Air Quality Screening Report (Ref: 80213-SRL-RP-YQ-01-P1) shall be implemented during the earthworks and construction phases of the proposed development.

Reason: To protect the amenity of neighbouring residential properties

18.

The visitor parking spaces as shown on the approved plans, shall be retained for such use.

Reason: To ensure adequate visitor parking space is provided within the site in

accordance with the standards adopted by the Local Planning Authority.

19.

The development shall be undertaken in accordance with the surface water drainage strategy as outlined in the Flood Risk Assessment 20-095-002 REV A (October 2021).

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

20.

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Update Ecological Impact Assessment (SES, October 2021) and the Construction and Ecological Management Plan (SES Ltd, October 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

21.

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be

implemented in accordance with the approved details.

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

22.

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

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

23.

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;
- Measures to manage the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- The erection and maintenance of security hoarding including any decorative displays and facilities for public viewing;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of neighbouring amenity.

24.

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

Reason: In the interest of neighbouring residential amenity.

25.

No occupation of the development shall take place until the following have been provided or completed:

- a. The site access as shown in principle on the planning application drawing 20-095-103 Rev C. Access shall include but not be limited to a clear to ground visibility splay with dimensions of 2.4 metres by 55 metres to the north and 2.4 metres by 64m metres to the south as measured with a maximum 1m offset from the carriageway edge in both directions.
- b. The provision of a 2m footway from the northern side of the site access road (extending approximately as far as opposite plot number 80) to provide a link north to the junction of Tidings Hill and Grange Close as shown in principle of submitted drawing 8960/04 Rev B. Appropriate dropped kerbs/tactile paving to be provided at the junction of Tidings Hill and Grange Close.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

26.

The development shall not be occupied until the developer provides a Residential Travel Information Pack (to include six one-day vouchers for use with the relevant local public transport operator) for each dwelling, promoting the use of sustainable transport, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

27.

Notwithstanding the details submitted, a Residential Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved Travel Plan shall be implemented and the use shall thereafter only be operated in accordance with the approved Travel Plan.

Reason: In the interest of highway safety and the efficient operation of the highway network and in order the development promotes public transport, walking and cycling and limits the reliance on the private car.

28.

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the agreed implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out in accordance with the approved implementation programme.

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

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

29.

The development shall only be implemented in accordance with the approved Arboricultural Report and associated Tree Protection Plan, undertaken by SES Arboricultural Impact Assessment, dated October 2021.

Reason: To ensure existing trees, shrubs and hedges that are identified for retention are protected as they are considered essential to enhance the character of the development and for their ecological value.

30.

Any road which is required to carry a refuse vehicle shall be constructed to take a load of 26 tonnes.

Reason: To ensure that the access within the development is adequate to allow for the refuse collections to take place and to avoid damage to the road surface.

31.

No development shall commence on Plots 1 and 25 until written confirmation from an Approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 1 and 25 have been designed to comply with Building Regulations 2015 Part M(4) Category

3(b).

Reason: To ensure that all the identified housing plots comply with the required standards at the design stage.

32.

No development shall commence on Plots 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37, 75, 76 and 78 until written confirmation from an approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37, 75, 76 and 78 as indicated on the approved layout plan, have been designed to comply with Building Regulations 2015 Part M4 Category 2.

Reason: To ensure that all the identified housing plots comply with the required standards at the design stage.

33.

Prior to occupation of each of the following Plots 1 and 25 as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service, to certify that each respective plot (as indicated above) have been constructed in accordance with Building Regulations 2015 Part M4 Category 3(b), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that all relevant affordable housing plots comply with the required standards when they are constructed.

34.

Prior to occupation of each of the following Plots: 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37, 75, 76 and 78; as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service, to certify that each plots 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37, 75, 76 and 78 have been constructed in accordance with Building Regulations 2015 Part M4 Category 2, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that all the identified housing plots comply with the required standards when constructed.

#### Informative(s)

1.

If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).



2.

In respect of the construction management condition, the developer is advised that they shall use reasonable endeavours to encourage site operatives and contractors to park on site, to avoid disruption to local residents and any obstruction within the highway.

3.

In respect of the approved plans condition, you are advised that Officers are not supportive of the proposed informal mown footpaths within the open space. The omission of these will form part of the open space strategy to be secured on the S106 Legal Agreement.

4.

In respect of the 'boundary treatment' condition, whilst Officers are content with that detailed on plan number 8960-23 Rev B and 8960-24, these plans do not detail the means of enclosure to demarcate the private and public areas within the shared streets.

#### Positive and Proactive Statement

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

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design And Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments2
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage and Land Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodlands, Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings, and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP53	Provision for Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy Within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Other Material Considerations

Essex Design Guide Urban Place Supplement (2005)  
Parking Standards – Design and Good Practice (September 2009)  
External Lighting Supplementary Document

### Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

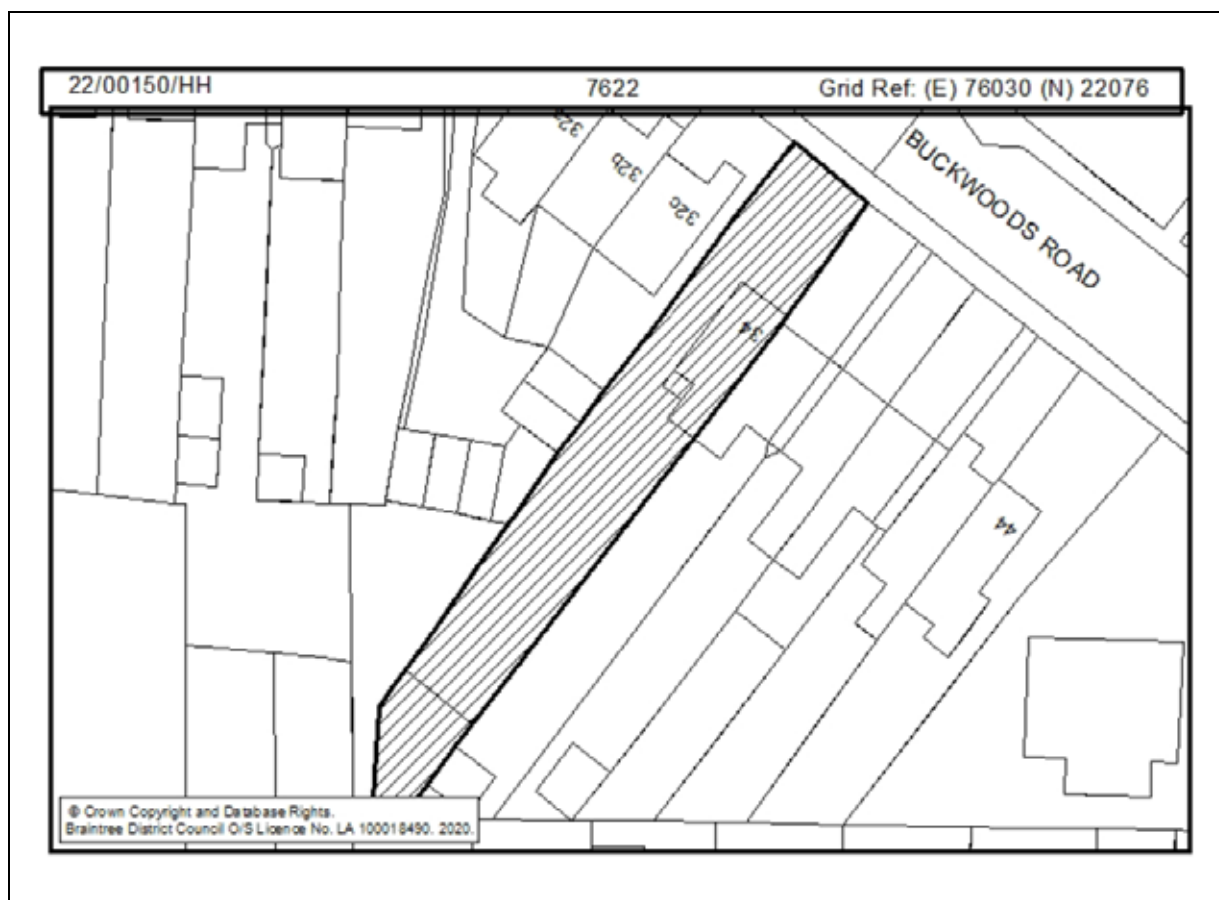
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
18/01876/OUT	Outline planning application (all matters reserved) for up to 70 residential dwellings, public open space and associated development	Granted with S106 Agreement	19.12.19
21/02536/DAC	Application for approval of details as reserved by condition 3 of approved application 18/01876/OUT	Part Grant, Part Refused	01.09.21
21/02664/DAC	Application for approval of details as reserved by conditions 22 & 23 of approved application 18/01876/OUT	Granted	13.01.22
21/03255/DAC	Application for approval of details as reserved by condition 21 of approved application 18/01876/OUT	Granted	03.12.21
21/03455/DAC	Application for approval of details as reserved by conditions 3 of approved application 18/01876/OUT	Pending Consideration	

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 19th April 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/00150/HH	
<b>Description:</b>	Single-storey rear extension and first floor extension	
<b>Location:</b>	34 Buckwoods Road, Braintree, CM7 1DZ	
<b>Applicant:</b>	Bob Jordan, 34 Buckwoods Road, Braintree, CM7 1DZ	
<b>Agent:</b>	Edward Parsley Associates Ltd	
<b>Date Valid:</b>	26th January 2022	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Fay Fisher For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2507, or by e-mail: <a href="mailto:fay.fisher@braintree.gov.uk">fay.fisher@braintree.gov.uk</a>	

**Application Site Location:**



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



	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/00150/HH.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan Review (2005)</li> <li>§ Braintree District Core Strategy (2011)</li> <li>§ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> <li>§ Braintree District Publication Draft Section 2 Local Plan (2017)</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is located along Buckwoods Road in Braintree and comprises an end of terrace dwelling. The site is located within the Braintree Town Development Boundary. There is off street parking to frontage and a garden area to the rear of the property.
- 1.2 The application seeks planning permission for the erection of a single storey rear extension which would measure 4.8 metres in depth by 5.2 metres in width, and would be 2.6 metres in height. In addition to this, the proposal includes the erection of a first floor extension over the existing rear cat slide roof to create a further bedroom. The extension would project to a depth of 2.5 metres and would be 3.6 metres wide.
- 1.3 The proposed extensions are of appropriate size, scale, design and layout and would be in keeping with the character and appearance of the locality. No detrimental impact would occur to neighbours amenity or in regards to highway matters. Officers conclude that the proposed extensions would be acceptable and therefore it is recommended that planning permission is granted.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the Applicant is an employee of 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 application site is located along Buckwoods Road in Braintree and comprises an end of terrace dwelling. The site is located within the Braintree Town Development Boundary. There is off street parking to frontage and a garden area to the rear of the property.

6. PROPOSAL

- 6.1 The proposal comprises the erection of a single storey rear extension which would measure 4.8 metres in depth by 5.2 metres in width, and would be 2.6 metres in height. In addition to this, the proposal includes the erection of a first floor extension over the existing rear cat slide roof to create a further bedroom. The extension would project to a depth of 2.5 metres and would be 3.6 metres wide. The height of the first floor extension would be 6 metres when measured from ground level, which is approximately 1 metre below the ridge height of the main dwelling. The extensions would be finished in render and would have a tiled roof to match the existing dwelling.

7. SUMMARY OF CONSULTATION RESPONSES

- 7.1 None.

8. PARISH / TOWN COUNCIL

- 8.1 N/A.

9. REPRESENTATIONS

- 9.1 No representations have been received in connection with this application.

## 10. PRINCIPLE OF DEVELOPMENT

- 10.1 The proposal is for an extension to an existing dwelling located within the town development boundary of Braintree as defined in the Adopted Local Plan. The application is therefore supported in principle in accordance with Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Section 2 Plan, subject to compliance with criteria on design, amenity and other material considerations.

## 11. SITE ASSESSMENT

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

- 11.1.1 Paragraph 126 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 11.1.2 In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.
- 11.1.3 In this case, the application site comprises an end of terrace dwelling located on an established housing estate within Braintree. The surrounding dwellings are largely similar in style and design.
- 11.1.4 In terms of size and scale, Officers consider that the proposed extensions would be seen as substantial additions to the rear of the dwelling, however, the amount of development would be comfortably accommodated within the site and there would also be sufficient garden amenity remaining. In terms of design and appearance, the extensions match the form and appearance of the existing dwelling and raise no objections in terms of their impact on the existing street scene. The proposal is therefore considered acceptable in this regard.

### 11.2 Landscaping

- 11.2.1 There are no landscaping impacts in relation to the proposal.

### 11.3 Ecology

- 11.3.1 There are no ecological impacts in relation to the proposal.

#### 11.4 Highway Considerations

- 11.4.1 The proposal would not make any alterations to the current parking provision on the site and it is therefore considered that the proposal would be acceptable in this regard.

#### 11.5 Impact upon Neighbouring Residential Amenity

- 11.5.1 Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Section 2 Plan allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling.
- 11.5.2 Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy.
- 11.5.3 To help assess the impact that an extension can have on neighbouring amenity in terms of overshadowing and loss of light, the Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 is used. This guidance suggests that the obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone.
- 11.5.4 In applying this guidance, Officers consider that the proposal would not have an impact on the neighbouring dwellings in terms of loss of light or overshadowing owing to the depth of the first floor extension. The first floor rear window would introduce overlooking of the rear garden of the adjoining dwelling, however, it is not considered to be unreasonable to have a degree of overlooking from rear windows of a dwelling in normal circumstances and is not considered to be unduly harmful or to a level that would be detrimental to neighbouring residential amenity. In this regard, it should be noted that a dormer extension could be constructed under permitted development with the same implications.
- 11.5.5 The single storey extension would fail on a combined plan in terms of its depth and would be visible to the neighbour, however, at a height of 2.6 metres, it is not considered that the amount of built form along the boundary would give rise to an unacceptable overbearing impact that would be detrimental to neighbouring residential amenity.
- 11.5.6 In addition to the above, it is noted that no objections have been received from the neighbouring properties.

- 11.5.7 Officers therefore consider the proposal is compliant with the abovementioned policies in terms of impact on neighbouring residential amenities.

11.6 Flooding and Drainage Strategy

- 11.6.1 There are no flooding or drainage issues associated with this proposal.

12. CONCLUSION

- 12.1 The proposed extensions are of appropriate size, scale, design and layout and would be in keeping with the character and appearance of the existing property and locality. No detrimental impact would occur to neighbouring residential amenity or in regards to highway matters. Officers conclude that the proposed extensions would be acceptable and it is recommended that planning permission be granted.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location / Block Plan	13766 01A	N/A
Proposed Floor Plan	13766 03A	N/A
Proposed Elevations	13766 04B	N/A

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

1.

The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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

2.

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

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

3.

The external materials and finishes shall be as indicated on the approved plans and/or schedule unless otherwise agreed in writing by the local planning authority.

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

#### Positive and Proactive Statement

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

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy 2011

CS7              Promoting Accessibility for All

#### Braintree District Local Plan Review 2005

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

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1              Presumption in Favour of Sustainable Development  
SP7              Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1            Development Boundaries  
LPP38           Residential Alterations, Extensions and Outbuildings  
LPP45           Parking Provision  
LPP50           Built and Historic Environment  
LPP55           Layout and Design of Development

#### Other Material Considerations

Essex Design Guide  
§ Page 76 & 77 – Amenity Space  
§ Page 89 - 45 Rule & Overlooking  
§ Page 81 – 109 – Design  
Essex Parking Standards

#### Statement on Draft Local Plan

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

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



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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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

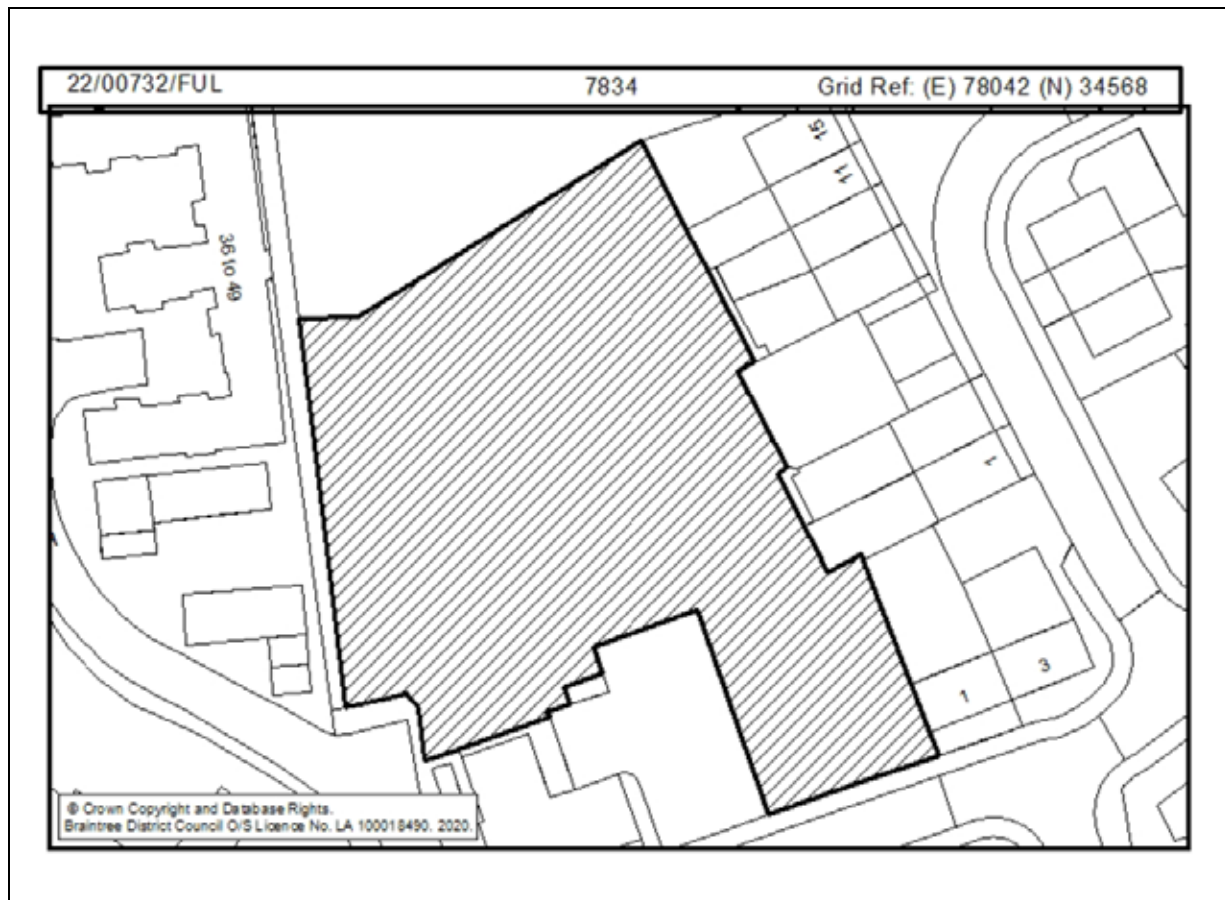
APPENDIX 3:

SITE HISTORY

None.

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 5th April 2022		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/00732/FUL	
<b>Description:</b>	Erection of a two-storey medical centre with allocated parking	
<b>Location:</b>	Land North Of Osier Way, Sible Hedingham	
<b>Applicant:</b>	One Medical Property Holding Ltd.	
<b>Agent:</b>	Mr Alessandro Caruso, Alessandro Caruso Architects	
<b>Date Valid:</b>	18th March 2022	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Neil Jones For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2523, or by e-mail: <a href="mailto:neil.jones@braintree.gov.uk">neil.jones@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the applicant for the determination of the application.</p> <p>As highlighted within this report, the site is currently owned by BDC and the Applicant in this case is One Medical Property Holding Ltd. Subject to the grant of planning permission, it is understood that the Applicant would seek to enter into an agreement with the Council as land owner to secure the site and bring forward the proposed medical centre.</p> <p>There are no other direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>The planning obligations which are proposed to be secured by way of Grampian style conditions are 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 &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.

<p><b>Equality and Diversity Implications</b></p>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/00732/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan Review (2005)</li> <li>§ Braintree District Core Strategy (2011)</li> <li>§ Braintree District Shared Strategic Section 1 Local Plan (2021)</li> </ul> </li> <li>§ Braintree District Publication Draft Section 2 Local Plan (2017)</li> <li>§ Supplementary Planning Documents (SPD's) Parking Standards – Design &amp;</li> </ul>

	<p>Good Practice (2009); External Artificial Lighting SPD (2009); Masterplan – Premdor / Rockways Regeneration Site Sible Hedingham (2012)</p> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>
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## 1. EXECUTIVE SUMMARY

- 1.1 The application proposes the erection of a 2 storey purpose built medical centre to meet with the needs of around 12,000 patients from Sible Hedingham, Castle Hedingham and the surrounding villages.
- 1.2 The floor area amounts to approximately 983sq.m, and would provide 11 clinical rooms (consisting of 7 consulting rooms, 2 treatment rooms and 2 healthcare assistant rooms), a waiting area and reception, a dispensary, utility and storage space, staff room, accessible WC facilities, and office space. The new facility has been designed to futureproof for the needs of the local community as it grows and would be able to serve around 12,000 patients from Sible, Castle Hedingham and the surrounding villages.
- 1.3 The site is located within the defined Village Envelope, and is also identified in the Masterplan for the Premdor / Rockways Regeneration site which was adopted as planning guidance in 2012, thus the principle of the proposed Medical Centre is acceptable. Furthermore, as detailed above, the use of the site for a medical centre is attributed from Application Reference 13/00416/FUL (Redevelopment of former Premdor Factory Site for residential development) where the land was secured for such use within the Section 106 Legal Agreement.
- 1.4 The proposed building is arranged over 2 floors but is of 3 storey scale and in terms of the size, siting, scale and design, it would result in a high quality development, complementing adjacent built form and positively adding to the overall character and quality of the locality.
- 1.5 Traffic generation by the Medical Centre was considered as part of the residential development planning application for the wider site (Application Reference 13/00416/FUL). The development would raise no adverse impact in terms of the capacity of the local highway network. The Highway Authority raise no objections to the application in terms of highway safety.
- 1.6 The main matter in terms of highway considerations, relates to parking provision. The development proposes a total of 38 vehicle parking spaces, with 12 spaces assigned for staff parking and 23 for patients (3 being accessible spaces); a patient drop off area; an ambulance waiting area; 12 cycle parking spaces; and an area for two-wheeler parking for 2-3 vehicles depending on size.
- 1.7 Whilst parking demand for patients would be met on site, the proposed 12 allocated parking spaces for staff is not sufficient to provide a parking space for each member of staff given that the Applicant advises 20 staff are expected to be on-site at any one time. A Travel Plan has been produced which seeks to reduce the proportion of staff travelling by single occupancy vehicle; by encouraging the use of active travel modes (walking and cycling), public transport and car sharing; and ensuring that facilities and support are in place to assist users to make sustainable travel choices. The Plan includes a range of different measures and initiatives to promote



sustainable travel, the implementation of which is to be secured via condition. In addition, the Highway Authority are seeking a financial contribution to the monitoring of an approved Travel Plan for a minimum of a 5 year period.

- 1.8 To further address the staff parking shortfall, the Applicant is in discussions with the Baptist Church (on the western side of Swan Street) and the Library to enable some of their parking spaces to be utilised by staff of the Medical Centre. Whilst discussions appear to be positively advancing, there is no legal agreement or other mechanism to secure this, and as such no weight can be assigned to this at this stage.
- 1.9 The shortfall in on-site parking to meet the needs of the Medical Centre does therefore weigh against the proposal. It is anticipated that the Applicant will secure a formal agreement with the adjacent land owners for 'staff overflow parking', and this would assist in reducing parking pressures. In any event, the Highway Authority seek a financial contribution to monitor the impact of the Medical Centre following opening and to implement a waiting restriction scheme if required.
- 1.10 Other planning considerations in regard to neighbour amenity, ecology, flood risk and drainage, and contamination are considered acceptable subject to the imposition of conditions.
- 1.11 Overall it is considered that this purpose built Medical Centre would result in a well-designed, high quality scheme. The parking constraints are a matter which weigh against the proposal but with measures in place for managing this (the Travel Plan and potential parking restrictions) and noting the potential agreement for off-site staff parking, it is considered that on balance, the development would be acceptable. Accordingly it is therefore recommended that permission be granted.

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 land is owned by Braintree District Council at the time of writing this report.
- 2.2 A previous planning application was submitted to the Council and in October 2021 (Application Reference 21/03099/FUL). That application was subject to public consultation. The Applicant submitted some revised plans as part of the original planning application to address Officer concerns, including the arrangement of some of the parking spaces and the location and design of the refuse store. These revisions were minor in nature and Officers did not consider that these changes necessitated further public consultation.
- 2.3 Officers were preparing to report the application to the Planning Committee for determination when it was realised that the Applicant had completed the wrong land ownership certificate on the planning application form. The Applicant certified that they owned the site when in fact Braintree District Council remain the current owners of the site. As a result the original planning application had to be withdrawn and a new application submitted with the correct land ownership certificate completed. All consultation responses and consultee comments from the original application have been transferred to this new application. This report details the representations and consultation responses from the original application as well as additional representations and consultee comments that have been received since this new application was publicised.
- 2.4 Whilst it was not anticipated that the change to the ownership details on the application form would attract much public interest the new application has been subject to public consultation. Given the unusual circumstances of the application and given the pressing need for a new medical centre to be provided, Officers have prepared this report prior to the publicity period ending. Any additional representations or consultation responses received will be reported to the Planning Committee.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1.1 The application site is approximately 0.239ha in area and is located to the north-east side of Sible Hedingham. The application site is currently void of built form and is unmanaged. The site itself is generally level, but there is a

gradual slope towards the north. The site is accessible via Osier Way and Bewick Court.

- 5.1.2 To the south of the application site is Osier Way and the Braintree District Council Work Hub building, which is a 2-3 storey brick and render building; to the west and immediately adjoining the site boundary is a public right of way (PROW) bounded by metal palisade fencing, beyond which lies 3 storey residential development on Bewick Court; to the north is some undeveloped land, located at the rear of Rippers Court commercial estate, and currently used for some informal parking and low-key open storage, screened by metal palisade fencing; and to the east is two storey residential development built as part of the redevelopment of the former Premdor factory site, screened by vertical timber lapped fence.
- 5.1.3 The site is located outside of the Conservation Area, and lies within Flood Zone 1 (a low probability of flood risk).
- 5.1.4 Whilst the land is currently vacant, within Application Reference 13/00416/FUL (Redevelopment of former Premdor Factory Site; demolition of existing factory buildings and associated outbuildings; construction of a new residential development consisting of 193 no. dwellings; provision of open space; creation of a new vehicular junction via Swan Street and emergency access via Station Road and provision of access roads, footpaths, landscaping and associated infrastructure), the area of land was shown as being allocated for a future Doctor's Surgery (and which also extended to include the land for the work hub). To ensure that the work hub was built and the land made available for the Doctor's Surgery they formed part of the S106 Legal Agreement associated with that planning permission.

## 6. PROPOSAL

- 6.1.1 The application proposes the erection of a 2 storey purpose built medical centre. The floor area amounts to approximately 983sq.m, and would provide 11 clinical rooms (consisting of 7 consulting rooms, 2 treatment rooms and 2 healthcare assistant rooms), a large waiting area and reception, a dispensary, utility and storage space, staff room, accessible WC facilities, and office space. The new facility has been designed to futureproof for the needs of the local community as it grows and would be able to serve around 12,000 patients from Sible Hedingham, Castle Hedingham and the surrounding villages.
- 6.1.2 The building is to be sited to the north-west boundary of the site with the majority of the parking proposed to the east of the site, extending from Osier Way to the northern site boundary.
- 6.1.3 Patient parking consists of a total of 26 spaces (3no. accessible spaces for disabled persons). A visitor drop off area is proposed to the site entrance, together with an ambulance drop off area. Parking on site for staff consists of a total of 12no. spaces. (Parking total 38 spaces).

- 6.1.4 Across the site there is also provision for 12no. cycle parking spaces, in addition powered two-wheeler (PTW) parking.
- 6.1.5 The main vehicle access to the Medical Centre would be gained via Osier Way. The development consists of two vehicular access points. For patients, the only access and egress to the Medical Centre is via a two-way access located to the eastern side of the site frontage. This access would also be used for emergency vehicles that may need to access the development. Staff would access the allocated staff parking via a one-way access on the western side of the site frontage from Bewick Court, and egress the site via the eastern 'patient' access (although they could also access the main allocation of parking via the Osier Way access). Signage within the car park would advise that there is no access from the main car park to the rear of the building. Furthermore signage would demarcate the assigned staff and patient parking.
- 6.1.6 In regards to pedestrian access, they would primarily access the Medical Centre via the Bewick Court entrance, but equally would be able to gain access via Osier Walk and through the carpark.

6.1.7 The proposal also includes a refuse store area for the Medical Centre.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 Comment that the foul drainage from this development is in the catchment of Sible Hedingham Water Recycling Centre that will have available capacity for these flows and equally the sewerage system at present has available capacity for these flow. Note that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Do not recommend any conditions.

### 7.2 Essex Police

- 7.2.1 Raise no concerns with the layout but commented that details of the proposed boundary treatments and physical security measures need to be considered.

### 7.3 Fire & Rescue Service

- 7.3.1 Draw attention to Building Regulations, Approved Document B Volume 2 – buildings other than dwellings Section 16: Fire mains and hydrants.

### 7.4 NHS

- 7.4.1 Comment that the Mid Essex Clinical Commissioning Group and the Mid and South Essex Health and Care Partnership (HCP), are aware of the

proposed healthcare centre and are working with the medical practice and the Council to deliver the new facility.

7.5 BDC Ecology

7.5.1 No objection subject to securing ecological mitigation and enhancement measures.

7.6 BDC Environmental Health

7.6.1 In regards to contaminated land, comment that the Phase 1 Report conclusions and recommendations are accepted. A Phase 2 detailed contamination investigation report, with details of required remediation measures and programmes is required prior to the commencement of any development, and can be secured via condition.

7.6.2 Further conditions are recommended to require Construction and Demolition Method Statement(s) and other controls relating to: hours of working for (heavy plant, noisy equipment or operations and deliveries); noise, vibration, fumes and dust management; piling; bonfires.

7.7 BDC Landscape

7.7.1 No objection.

7.8 BDC Waste

7.8.1 Comment that the waste collection crew will need to stop on the main road, and walk the bins out from the refuse store.

7.9 ECC Archaeology

7.9.1 Comment that as the area was formerly occupied by an industrial complex, the potential for surviving archaeological remains is low and no archaeological investigation is required.

7.10 ECC Highways

7.10.1 No objections subject to a condition to require a construction traffic management plan, which shall address wheel washing and a work travel plan. In addition seek the provision of a financial contribution towards possible future waiting restrictions at and/or in the vicinity of the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development), and a financial contribution to secure the monitoring of an approved workplace travel plan for a minimum period of 5 years.

8. PARISH / TOWN COUNCIL
- 8.1 Belchamp Otten Parish Council / Belchamp St Paul Parish Council / Belchamp Walter Parish Council
- 8.1.1 Do not object to the principle of development but raise concerns with lack of parking provision on the site and also the poor access arrangements to the site itself.
- 8.2 Bulmer Parish Council
- 8.2.1 No comments received.
- 8.3 Castle Hedingham Parish Council
- 8.3.1 Comment that the building appears fit for purpose and in keeping with the surroundings and it is welcomed that there is room for expanding capacity. Concerns with transport and access. Comment that a transport assessment is critical. The bus services referred to in the submission are currently being reduced. The 'Riverside Walk' should be a priority for pedestrian and cycle access.
- 8.4 Gestingthorpe Parish Council
- 8.4.1 Supports the application provided there is sufficient parking at the Medical Centre for patients and staff.
- 8.5 Great Maplestead Parish Council
- 8.5.1 Broadly supportive of the medical facility but comment that does not appear to give regard to the local infrastructure adversely impacted by the volume of traffic to/from the site. The proposed allocated parking for is inadequate for the size of the facility and the community it serves. The roads in this location could not support increased kerb-side parking.
- 8.6 Little Maplestead Parish Council
- 8.6.1 No comments received.
- 8.7 Little Yeldham, Ovington & Tilbury Juxta Clare and Ovington Parish Council
- 8.7.1 Comment that the medical centre is much needed and supported by Councillors. Initially had reservations in regards to insufficient parking provision and overspill into the surrounding roads which will create congestion and frustration for residents. (Comment that if staff are making alternative arrangements for parking nearby, away from the site, but not on surrounding roads, and if this can be made a condition of the planning permission, they would withdraw the reservations regarding parking). Note the public transport links from the catchment villages are poor and reliance

on the car is unavoidable. A credible plan to provide a bus/taxi service to and from the Centre is required to alleviate the pressure on parking.

8.8 Ridgewell Parish Council

8.8.1 No comments received.

8.9 Sible Hedingham Parish Council

8.9.1 No objection to the building but strongly objects to the parking and traffic issues, commenting that a transport survey needs to be carried out. Also a concern that there could be overlooking to neighbours gardens from the balcony.

8.10 Stambourne Parish Council

8.10.1 No comments received.

8.11 Toppesfield Parish Council

8.11.1 No comments received.

9. REPRESENTATIONS

9.1.1 The application was advertised by way of 3 site notices (one on the lighting column in front of the site on Osier Way; one of the metal gates off Bewick Court and one on the metal palisade fence that runs along the public right of way towards the back of the site); and neighbour letters.

9.1.2 16 letters of representation have been received. These were registered as 2 supporting letters, 11 objections and 3 general comments. The comments are summarised as follows:

Supporting comments

- The new medical centre is desperately needed;
- Traffic concerns will be unfounded.

Objection comments

- Application was poorly advertised;
- Inadequate parking provision on site;
- Overspill parking in Bewick Court, the Osier housing estate, and adjacent roads – inconvenience and highway safety concern;
- Requested double lines / Traffic Regulation Order (TRO) in locality;
- Increased traffic generation;
- Vehicular access to the site inadequate;
- The staff vehicular entrance is adjacent to a footpath which is heavily used – safety concerns;

- Balcony will result in overlooking of neighbouring gardens;
- Noise pollution and disturbance to neighbours from vehicles and general movements;
- Poor landscaping scheme. Biodiversity Net Gain not secured;
- No need to provide landscaping at the site, nor bird and bat boxes.

#### General comments

- Question if this will have an air source or ground source heat pump;
- Plans do not correctly show neighbours (1 Osier Way).

### 10. PRINCIPLE OF DEVELOPMENT

- 10.1.1 The site is located within the defined Village Envelope, wherein accordance with Policies RLP2 and RLP3 of the Adopted Plan, development will be confined. The site is also identified for the development of a health centre in the Premdor & Rockways Redevelopment Masterplan which was adopted by the Council in 2012 as planning guidance in the determination of planning applications. The principle of the proposed Medical Centre is therefore acceptable.
- 10.1.2 Furthermore, as detailed above, the use of the site for a medical centre is attributed from Application Reference 13/00416/FUL (Redevelopment of former Premdor Factory Site for residential development). The Section 106 Legal Agreement to that permission, ensured that the work hub was built and the land made available for the Doctor's Surgery.

### 11. SITE ASSESSMENT

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

- 11.1.1 The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan seek to ensure a high quality design and layout in all developments. In this regard, Officers have engaged in lengthy discussions with the Applicant in regards to the layout and detailed design of the building.
- 11.1.2 The building is proposed to be sited towards the north-west boundary, set behind the existing work hub building that fronts onto Osier Way, while the majority of the proposed parking lies to the east of the site. The siting of the building has been chosen due to the need to accommodate the required size of the building for its intended use; to respect the relationship with adjacent built form; and due to the size constraints on the site, wherein there is only a modest length of boundary with the street frontage which is where vehicular access is required. The layout enables the required size of building to be appropriately accommodated on site, and it would not appear cramped within the plot, with adjacent built form, or with the adjacent public footpath.



- 11.1.3 The building itself although has accommodation over two floors, is of a 3 storey scale which reflects the scale of built form of both adjacent residential and commercial development. In design terms, the building also reflects design elements and the proportions of buildings in the locality, with pitched roofs and gables ends, and sympathetic elevational treatment design. In regards to materials, the building consists of reconstituted slates for the roof, whilst the walls would be red bricks and white render. This reflects the materials of buildings in the locality and is considered to be acceptable. To further add interest to the building, a window surround feature consisting of a pressed metal cladding (Green and Magenta in colour) is proposed. The assertive porch entrance / feature would be of a timber construction. The palette of materials would add to the high quality appearance of the building which would complement adjacent built form and positively add to the overall character and quality of the locality.
- 11.1.4 The proposed development only provides for a limited amount of soft landscaping and Officers have discussed with the Applicant whether additional landscaping could be introduced, particularly within the car park. Whilst additional soft landscaping could be added, if this was to be given sufficient room to establish and thrive it is likely that the number of car parking spaces would either need to be reduced in number or altered in a manner that would make spaces less practical or attractive to use. Although there is limited opportunity for soft planting across the site, given the high quality building and relatively limited expanse of hard standing, it would not reduce the overall quality of appearance of the development. Some soft landscaping is proposed across the site in the form of shrubs, ornamental grasses and herbaceous vegetation, together with some similar planting to the first floor 'balcony' feature on the building. A soft landscaping condition is imposed to ensure appropriate species are planted across the site, and to ensure that such planting is appropriately managed.
- 11.1.5 In regards to heritage matters, the site lies outside of a Conservation Area, and the nearest listed building is at No.198 Swan Street (Grade II Listed). Given the siting of the development, and intervening Work Hub building, the development would have no impact upon the setting of this heritage asset.
- 11.2 Highway Considerations
- 11.2.1 Traffic generated by the Medical Centre was considered as part of the residential development planning application for the wider site (Application Reference 13/00416/FUL). The Highway Authority and the Council were content that the surrounding road network had sufficient capacity to accommodate traffic generated by the Centre. In addition, as part of the this planning application, the operation of the Bewick Court/Swan Street junction was modelled and found to operate below practical capacity. Essex County Council as the Highway Authority have reviewed this application and raise no objections. The development would raise no adverse impact in terms of the capacity of the local highway network.

- 11.2.2 The development consists of two access points. The main vehicular access to the Medical Centre would be gained via Osier Way. For patients, the only access and egress to the Medical Centre is via a two-way access located to the eastern side of the site frontage. This access would also be used for emergency vehicles that may need to access the development. Staff would access the allocated staff parking either via a one-way access on the western side of the site frontage (from Bewick Court) or through the main entrance off Osier Way, and egress the site via the eastern 'patient' access on Osier Way.
- 11.2.3 As noted above, the Highway Authority raise no objections to the application in terms of highway safety. Adequate visibility can be achieved at the vehicular access points, and internally to the site, tracking and swept path plans form part of the detailed submission, which demonstrate that all the parking spaces can be appropriately accessed.
- 11.2.4 The concerns expressed by third parties in regards to the safety of pedestrians exiting the PROW on the western boundary and potential conflict with vehicles entering the staff car park at the rear of the building, off Bewick Court are noted. However, this vehicular access is ingress only, which improves visibility. In addition, the access is for staff only which would limit the number of vehicle movements, and such staff will be aware of the presence of the footpath. Furthermore, traffic speeds at this point would be low.
- 11.2.5 In regard to vehicle, cycle and powered two-wheeler (PTW) parking provision, the development proposes a total of 38 vehicle parking spaces, with 12 spaces assigned for staff parking and 23 for patients (3 being accessible spaces); a patient drop off area; an ambulance waiting area; 12 cycle parking spaces; and an area for two-wheeler parking for 2-3 vehicles depending on size. All the vehicle parking spaces measure 5.5m x 2.9m and thus meet with the preferred bay sizes as set out within the Adopted Parking Standards.
- 11.2.6 The parking provision as required by Adopted Standards, together with that proposed at the development is set out below:

Type of provision	Policy requirement	Total spaces required	Proposed provision	Difference between requirement and provision
Vehicle Parking	1 space per full time equivalent staff + 3 per consulting room (Maximum)	56 spaces	38 spaces (12 staff and 26 patients)	18 spaces shortfall
Cycle	1 space per 4 staff + 1 space per consulting room (Minimum)	16.75 spaces	12 spaces	5 space shortfall

Powered Two-Wheeler	1 space + 1 space per 20 car spaces (Minimum)	2-3 spaces	2-3 spaces depending on bike size	In accordance
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- 11.2.7 The application has been submitted with a Transport Statement which initially seeks to justify the proposed provision of parking. It is outlined that when first becoming open, it is anticipated that the Medical Centre would initially operate with 4 consulting rooms, 2 treatment rooms and 2 HCA rooms in use at most times. The extra consulting rooms would later become used as the Centre expands, but 1 of them is proposed as a virtual consulting room so will not have patients visiting the site. The other rooms would be used on a sporadic basis as services move into them.
- 11.2.8 Further in regards to patient car parking, it is outlined that for the 7 consultancy rooms, appointments are calculated to be 10 minutes long, so even if all were in use this would require a total car parking provision of three car parking spaces per consulting room with one patient in the appointment and up to another two patients in the waiting room (21 spaces). For the 2 treatment rooms and 2 healthcare assistant rooms, appointments are anticipated to be up to 30 minutes, with one patient in the appointment while another is waiting (8 spaces). On this basis, a total of 29 parking spaces would be required if all patients drove to their appointment.
- 11.2.9 It is understood that approximately 31% of patients within the proposed catchment area for the Medical Centre live within 1km of the development site within Sible Hedingham. Although many patients may still chose to drive due to mobility issues and similar, a proportion of patients within Sible Hedingham are likely to travel to site by active modes, particularly walking. In regards to connectivity for walking, the site is located to the north of Osier Way, which benefits from a good footway provision on both sides of the carriageway, leading to a residential area to the east and Swan Street to the west. Public Rights of Way in the area also link to the site.
- 11.2.10 Patients may also choose to access the Medical Centre via the local bus service. The closest bus stops to the development site are located along Swan Street, approximately 150m west of the development site, which provide hourly services to the surrounding area, including Colchester, Braintree and Halstead to the south and to Great Yeldham and Castle Hedingham to the north. Cycle parking is also proposed at the site and as such some patients may also choose to cycle to their appointments.
- 11.2.11 In addition, some consideration should be given to the use of virtual appointments that reduces in person visits. There is, and was before the pandemic, a move to giving patients different ways of accessing medical and non-medical support. Indeed, the Medical Centre has been designed so that it can be used either for face to face or virtual consultations and can flex over the lifetime of the building as needed. There is currently no specifics about how many face to face consultations versus remote appointments are being undertaken and whether it will change, but if the

drive to allow a wider range of access for patients, which includes telephone and video consultations, this will inevitably reduce the presence on patients visiting the site.

- 11.2.12 On this basis, the proposed 26 patient parking spaces are considered to be appropriate and would meet with demand.
- 11.2.13 In terms of the staff parking, the development would provide 12 allocated parking spaces. It is anticipated that approximately 20 staff will be on-site at any one time. To justify this shortfall, extensive work has been undertaken to research where existing staff live to explore what opportunities there are for alternative means of transport, as well as opportunities for car sharing.
- 11.2.14 Based on information gained from the existing Medical Centres, approximately 10-20% of staff live within close proximity of the site in either Sible Hedingham or Castle Hedingham and will thus have the opportunity to travel to work by sustainable modes, particularly by walking. This is detailed within the Travel Plan submitted with the application.
- 11.2.15 The primary focus of this Travel Plan is to reduce the proportion of staff travelling by single occupancy vehicle; by encouraging the use of active travel modes (walking and cycling), public transport and car sharing; and ensuring that facilities and support are in place to assist users to make sustainable travel choices. As part of this, staff shower facilities are provided. The Plan includes a range of different measures and initiatives to promote sustainable travel, the implementation of which is to be secured via condition. In addition, the Highway Authority are seeking a financial contribution to the monitoring of an approved Travel Plan for a minimum of a 5 year period. In this case as it is not possible for there to be a legal agreement it is recommended that this is secured via an appropriately worded condition.
- 11.2.16 In addition to the opportunities for car sharing, the Applicant has been actively seeking to address the shortfall of parking and is in advanced discussions with the Baptist Church (on the western side of Swan Street) and the Library to enable some of their parking spaces to be utilised by staff of the Medical Centre. Officers have seen the correspondence between the parties, and it is clear that there is an in-principle agreement for such 'overflow' staff parking to be provided at these nearby premises. However, although the discussions do appear to be positively advancing, there is no legal agreement or other mechanism to secure this, and it would not be appropriate to impose such a requirement via condition. As such, at this stage, weight should not be given to the proposal for some provision of staff parking at the Church or Library.
- 11.2.17 Notwithstanding the discussions being undertaken between the Applicant and adjacent landowners for overflow staff parking, and the presence of the Travel Plan, the shortfall in on-site parking does have the potential to result in on-street parking within the vicinity of the Medical Centre. In this regard the Highway Authority also seek a contribution to monitor the impact of the

Medical Centre following opening and implement a scheme of parking restrictions if required. The potential provision of waiting restrictions near the Medical Centre has been discussed with the Applicant who have agreed to make this financial contribution. It is again recommended that this contribution will be secured by way of an appropriately worded condition.

- 11.2.18 In summary, in regard to staff parking, despite opportunities for staff to travel to the site via alternative means, Officers do acknowledge that the demand generated is unlikely to be fully met on-site all the time. The Travel Plan submitted, which will be secured via a planning condition, does positively address this with the encouragement of alternative means of travel and car share opportunities. Furthermore, the Applicant is actively seeking to agree a formal agreement for alternative staff parking at nearby sites. However, despite these measures, the shortfall in on-site parking, is a matter that does weigh against the proposal.

### 11.3 Impact upon Neighbouring Residential Amenity

- 11.3.1 One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Adopted Local Plan which states that 'there shall be no undue or unacceptable impact upon the amenity of any nearby residential properties'. The Section 2 Plan has similar objectives.
- 11.3.2 The development would have no impact on the land to the north which is largely used for occasional informal parking and some low key open storage. The land to the north is also elevated such that the impact from the development is reduced.
- 11.3.3 The neighbours to the west in Bewick Court, have no windows within their rear elevation that face directly across the development site. It is acknowledged that Bewick Court does have some rear windows facing across the vacant land to the north of the application site, but due to the distance between the site and the scale of the proposed building, there would be no unacceptable overlooking, loss of light, impact to their outlook or similar.
- 11.3.4 Neighbours to the east in Westrop Drive have their rear elevations facing onto the development site, with rear gardens and a parking court backing directly onto the shared boundary. In regards to the building itself, given the distance away from these neighbours, there would be no adverse impact on any residential amenity in terms of loss of light or outlook. Concerns from third parties in regards to potential overlooking are noted (both from windows and the balcony), however due to the distances and different uses, there would be no unacceptable overlooking. In regard to the balcony, the only access to this is via the staff meeting room, and given the depth of balcony, it is not able to be utilised for 'siting out' on or similar.

- 11.3.5 In regards to the impact to neighbours amenity in terms of noise and general disturbance, it is acknowledged that there will be some disturbance to neighbours from the coming and goings of staff and patients. It is proposed that the Medical Centre will be open from 8am to 6.30pm, with staff likely to be on-site between 7.15am to 6.45pm, Monday to Friday. (Patient surgery times would be between 8.30am to 1pm and 2pm to 6.30pm). The main impact to neighbours would therefore be from arrival of staff in the morning. Given the number of parking spaces available for staff (a total of 12), the impact will be limited, and furthermore staff will be aware of adjacent residential units and thus be considerate in reducing any noise, such that it is not considered to result in adverse harm. It is also acknowledged that there will also be impacts throughout the day, with movement of vehicles and associated general noise and disturbance, but to a moderate level that would be expected with such a use, and which is also not considered to be unacceptable.

#### 11.4 Ecology

- 11.4.1 The application has been submitted with an Ecological Assessment and 'External Lighting Plan Drawing', relating to the likely impacts of development on designated sites, protected and priority species/habitats. These have been reviewed by the Councils Ecologist, and Officers are satisfied that sufficient ecological information is available for determination for the application.
- 11.4.2 The likely impacts on designated sites, protected and priority species and habitats is detailed and with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Ecological Assessment should therefore be secured via condition and implemented in full. This is necessary to conserve protected and Priority Species, particularly nesting birds and mammals that may forage and commute across the site during the construction period. It is however considered that the integrated bat roosting features proposed by the Applicant would not be appropriate in this instance due to the need for lighting at the site that would deter bats and as the site has limited suitability for foraging and commuting bats.

#### 11.5 Flooding and Drainage Strategy

- 11.5.1 The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. If development is necessary, it should be made safe, ensuring that flood risk elsewhere is not increased.
- 11.5.2 Relevant Local Plan policies follow this approach, wherein Policy CS8 of the Core Strategy and Policy LPP78 of the Section 2 Plan states that the Council will ensure that all proposals will be located to avoid the risk of flooding. Policy RLP69 of the Adopted Local Plan and Policy LPP80 of the Section 2 Plan states that the Council will require developers to use

Sustainable Drainage techniques appropriate to the nature of the site, unless it can be clearly demonstrated that they are impracticable.

- 11.5.3 The site is located on Flood Zone 1 (a low probability of flood risk). Given this and due to the site area there is no requirement for the application to be supported by a Flood Risk Assessment (FRA).
- 11.5.4 The application is submitted with a Surface Water Drainage Scheme which includes permeable paving and geocellular attenuation, which will ensure that surface water is appropriately managed within the site.

#### 11.6 Contamination

- 11.6.1 Policy RLP64 of the Adopted Local Plan and Policy LPP73 of the Section 2 Plan state that development on or near a site where contamination may exist, should carry out a thorough investigation, so as to establish the nature and extent of the contamination. These policies outline that the development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination.
- 11.6.2 Given the sites former uses, and the presence of contamination that was remediated as part of the residential development of other parts of the former factory site, there is potential for contaminated 'Made Ground' on the site.
- 11.6.3 The application has been submitted with a Phase 1 Site Assessment. The Councils Environmental Health Section have reviewed the document and accept the report's conclusions and recommendations, which require the submission of a Phase 2 detailed contamination investigation to be submitted to and approved in writing by the Council. The report shall detail methods of work required to take account of an acceptable risk from contamination with regards to proposed end users, property, controlled waters and ecological systems. It shall identify remediation measures and programmes required.
- 11.6.4 Subject to the imposition of an appropriately worded condition, matters in relation to contamination can be made acceptable.

#### 11.7 Planning Obligations

- 11.7.1 The Adopted Local Plan sets out that developers will be required to make appropriate provision for affordable housing, open space and recreation facilities, education, health care and other infrastructure improvements. As detailed above, the Highway Authority seek a contribution to monitor the impact of the Medical Centre following opening and to implement a parking restriction scheme if required, and to monitor an approved Travel Plan.
- 11.7.2 In this instance as the landowner is currently Braintree District Council, a legal Agreement cannot be secured. The required financial contributions can however be secured through the use of planning conditions, and in this

instance a Grampian style condition is imposed to secure the requirements for these contributions.

## 12. CONCLUSION

- 12.1 The development by reason of its size, siting, scale and design, would result in a high quality development, complementing adjacent built form and positively adding to the overall character and quality of the locality.
- 12.2 The development raises no adverse impact in terms of the capacity of the local highway network and the Highway Authority raise no objections to the application in terms of highway safety.
- 12.3 Parking demand for patients would be met on site, although the proposed 12 allocated parking spaces for staff is not considered to meet with the 20 staff that are expected to be on-site at any one time. A Travel Plan has been produced which seeks to reduce the proportion of staff travelling by single occupancy vehicle; by encouraging the use of active travel modes (walking and cycling), public transport and car sharing; and ensuring that facilities and support are in place to assist users to make sustainable travel choices. The Plan includes a range of different measures and initiatives to promote sustainable travel, the implementation of which is to be secured via condition. In addition, the Highway Authority are seeking a financial contribution to the monitoring of an approved Travel Plan for a minimum of a 5 year period.
- 12.4 To further address the staff parking shortfall, the Applicant is in discussions with the Baptist Church and the Library to enable some of their parking spaces to be utilised by staff of the Medical Centre. Whilst discussions appear to be positively advancing, there is no legal agreement or other mechanism to secure this, and as such no weight can be assigned to this at this stage.
- 12.5 The shortfall in on-site parking to meet the needs of the Medical Centre does therefore weigh against the proposal. It is anticipated that the Applicant will secure a formal agreement with the adjacent land owners for 'staff overflow parking', and this would assist in reducing parking pressures. In any event though, the Highway Authority seek a financial contribution to monitor the impact of the Medical Centre following opening and to implement a parking restriction scheme on adjoining roads if required.
- 12.6 Other planning considerations in regard to neighbour amenity, ecology, flood risk and drainage, and contamination are considered acceptable subject to the imposition of conditions.
- 12.7 Overall it is considered that this purpose built Medical Centre would result in a well-designed, high quality provision. The parking constraints are a matter which weigh against the proposal but with measures in place for managing this (the Travel Plan and waiting restriction) and noting the potential agreement for off-site staff parking, it is considered that on



balance, the development would be acceptable. Accordingly, it is recommended that planning permission is granted for the proposed development.

13. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>
Proposed Floor Plan	PL-03-S2-P2
Proposed Elevations	PL-04-S2-P2
Proposed Sections	PL-05-S2
Street elevation	PL-06-S2
Site Plan	PL-02-S2-P5
Refuse Information	PL-07B-S2-P3
Refuse Information	PL-07A-S2-P3
Street elevation	PL-06B-S0-P1
Visibility Splays	21083-OS-103.10
Levels	003 S2 P2

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

1.

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

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

2.

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

Reason: For the avoidance of doubt.

3.

The development shall be carried out in accordance with the approved levels as shown on plan 003 S2 P2.

Reason: To avoid the excessive raising or lowering of ground levels and therefore any building(s) within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy, and to ensure that the development does not prejudice the appearance of the locality.

4.

The external materials and finishes shall be as indicated on the approved plans and permanently retained as such.

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

5.

Prior to installation details of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and permanently retained as such.

Reason: To enhance the appearance of the development and ensure it does not prejudice the appearance of the locality.

6.

No above ground development shall commence until details of all gates / fences / walls or other means of enclosure, including the proposed vehicular barriers, have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the first use of the development and shall be permanently retained as such.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity.

7.

Prior to the first use of the development hereby permitted, the car park shall be set out as per the allocation of the spaces for staff and patients, shown on plan PL-02-S2-P5, with all spaces, including the accessible parking spaces for blue badge holders and the ambulance drop off area, hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

8.

Prior to the first use of the development hereby permitted, a CCTV Plan shall be submitted to and agreed in writing by the local planning authority. The Plan shall detail the model, location, height and surveillance area of all CCTV cameras to be installed. The applicant shall also submit details setting out how the installed CCTV cameras are to be maintained and operated. Once agreed, the cameras will be installed and operated in full accordance with the approved CCTV Plan prior to the first use of the building.

Reason: To ensure that security surveillance is effective and to ensure that the safety and security of visitors to the site is safeguarded.

9.

No development shall commence, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;
- Safe access in / out of the site;

- Measures to manage the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: To protect highway efficiency of movement and safety of the highway, and in the interest of neighbouring amenity.

10.

No development shall commence on site until a Phase 2 detailed contamination investigation has been submitted to and approved in writing by the Local Planning Authority. This shall pay particular attention to the possible contaminants that were identified within the MLM Premdor, Premdor Site, Sible Hedingham, Phase I, Desk Study Report (Ref. DMB/731065/R1/F). This investigation shall be undertaken in accordance with the Governments 'Land contamination risk management (LCRM)' and in association with the Essex Contaminated Land Consortiums Land Affected by Contamination: Technical Guidance for Applicants and Developers. It shall, where necessary, identify required remediation measures and programmes along with consequent impacts on development phasing. Prior to the first use of the Medical Centre hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the Applicants Contaminated Land Assessment.

Reason: In the interests of neighbouring amenity.

11.

No development shall commence until a Noise Assessment Report has been submitted to and agreed in writing with the Local Planning Authority. The Report shall assess the impact of Construction noise that might emanate from the site on the nearby residential and commercial properties, and any proposed recommendations, which should include physical/construction measures.

Reason: In the interests of neighbouring amenity.

12.

Prior to the first use of the development hereby permitted, an approved scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed specification including plant types and

sizes, plant numbers and densities, written specification, together with a strategy for watering and maintenance, colour and type of material for all hard surfaces and full implementation timetables for all hard and soft landscaping. Any plant which dies, are removed or become seriously damaged or diseased within 5 years of the completion of the development, shall be replaced in the next planting season.

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

13.

All mitigation measures and/or works shall be carried out in accordance with the details contained within the Ecological Assessment (Turnstone Ecology, September 2021).

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

14.

A Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

15.

Notwithstanding the details submitted, a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation / first use of the development, the approved Travel Plan shall be implemented and the use shall thereafter only be operated in accordance with the approved Travel Plan.

Reason: In the interest of highway safety and the efficient operation of the highway network and in order the development promotes public transport, walking and cycling and limits the reliance on the private car.

16.

Prior to the first use of the Medical Centre hereby approved, a strategy detailing the mechanisms and means for securing contributions for possible future waiting restrictions at and/or in the vicinity of the site, and to secure the monitoring of an approved workplace travel plan for a minimum period of 5 years, shall be submitted to and approved in writing by the Local Planning Authority and thereafter, the approved strategy shall be fully implemented.

Reason: To adequately mitigate the impacts of the development.

17.

Prior to above ground construction details of the proposed photovoltaic (PV) panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the photovoltaic panels shall be installed prior to first use of the Medical Centre and permanently retained as such.

Reason: To ensure that the development will generate renewable energy, increasing the sustainability of the development and to ensure the installation does not prejudice the appearance of the locality.

#### Informative(s)

1.

If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

2.

In respect of the construction management condition, the developer is advised that they shall use reasonable endeavours to encourage site operatives and contractors to park on site, to avoid disruption to local residents and any obstruction within the highway.

#### Positive and Proactive Statement

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

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy 2011

CS7 Promoting Accessibility for All  
CS8 Natural Environment and Biodiversity

#### Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes  
RLP3 Development within Town Development Boundaries and Village Envelopes  
RLP4 Prevention of Town Cramming  
RLP36 Industrial and Environmental Standards  
RLP51 Cycle Parking  
RLP55 Travel Plans  
RLP56 Vehicle Parking  
RLP65 External Lighting  
RLP69 Sustainable Drainage  
RLP70 Water Efficiency  
RLP74 Provision of Space for Recycling  
RLP77 Energy Efficiency  
RLP84 Protected Species

#### Braintree District Shared Strategic Section 1 Local Plan (2021)

SP1 Presumption in Favour of Sustainable Development  
SP6 Infrastructure & Connectivity  
SP7 Place Shaping Principles

#### Braintree District Draft Section 2 Local Plan (2017)

LPP1 Development Boundaries  
LPP45 Parking Provision  
LPP50 Built and Historic Environment  
LPP51 An Inclusive Environment  
LPP55 Layout and Design of Development  
LPP68 Protected Species, Priority Spaces and Priority Habitat  
LPP70 Protection, Enhancement, Management and Monitoring of Biodiversity  
LPP71 Landscape Character and Features  
LPP78 Flooding Risk and Surface Water Drainage

LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

### Other Material Considerations

Essex Design Guide Urban Place Supplement (2005)  
 Parking Standards – Design and Good Practice (September 2009)  
 External Artificial Lighting SPD (2009);  
 Masterplan – Premdor / Rockways Regeneration Site Sible Hedingham (2012)

### Statement on Draft Local Plan

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

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

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

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan and a consultation on the main modifications closed on 24th January 2022. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 Plan") and the weight that can be given is related to:

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

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

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

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



APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
13/00416/FUL	Redevelopment of former Premdor Factory Site; demolition of existing factory buildings and associated outbuildings; construction of a new residential development consisting of 193 no. dwellings; provision of open space; creation of a new vehicular junction via Swan Street and emergency access via Station Road and provision of access roads, footpaths, landscaping and associated infrastructure	Granted with S106 Agreement	12.07.13