

PLANNING COMMITTEE AGENDA

Tuesday 1st November 2022 at 7.15pm

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

THIS MEETING IS OPEN TO THE PUBLIC

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

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

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

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

Membership:-

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

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

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

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

D GASCOYNE
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

Public Question Time – Registration to Speak on a Planning Application/Agenda

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

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

Members of the public may speak on any matter listed on the Agenda for this meeting. Registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have three minutes each to make a statement.

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

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

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

Public Attendance at Meeting: The Council has reviewed its arrangements for this decision making meeting of the Planning Committee in light of the Covid pandemic. In order to protect the safety of people attending the meeting, Councillors and Officers will be in attendance at Causeway House, Bocking End, Braintree. Members of the public may also attend the meeting ‘in person’, but priority will be given to those people who have

registered to speak during Public Question Time. Members of the public will be able to view and listen to the meeting either as a live broadcast, or as a recording following the meeting, via the Council's YouTube channel at <http://www.braintree.gov.uk/youtube>

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

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

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

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

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

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

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

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

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

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

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

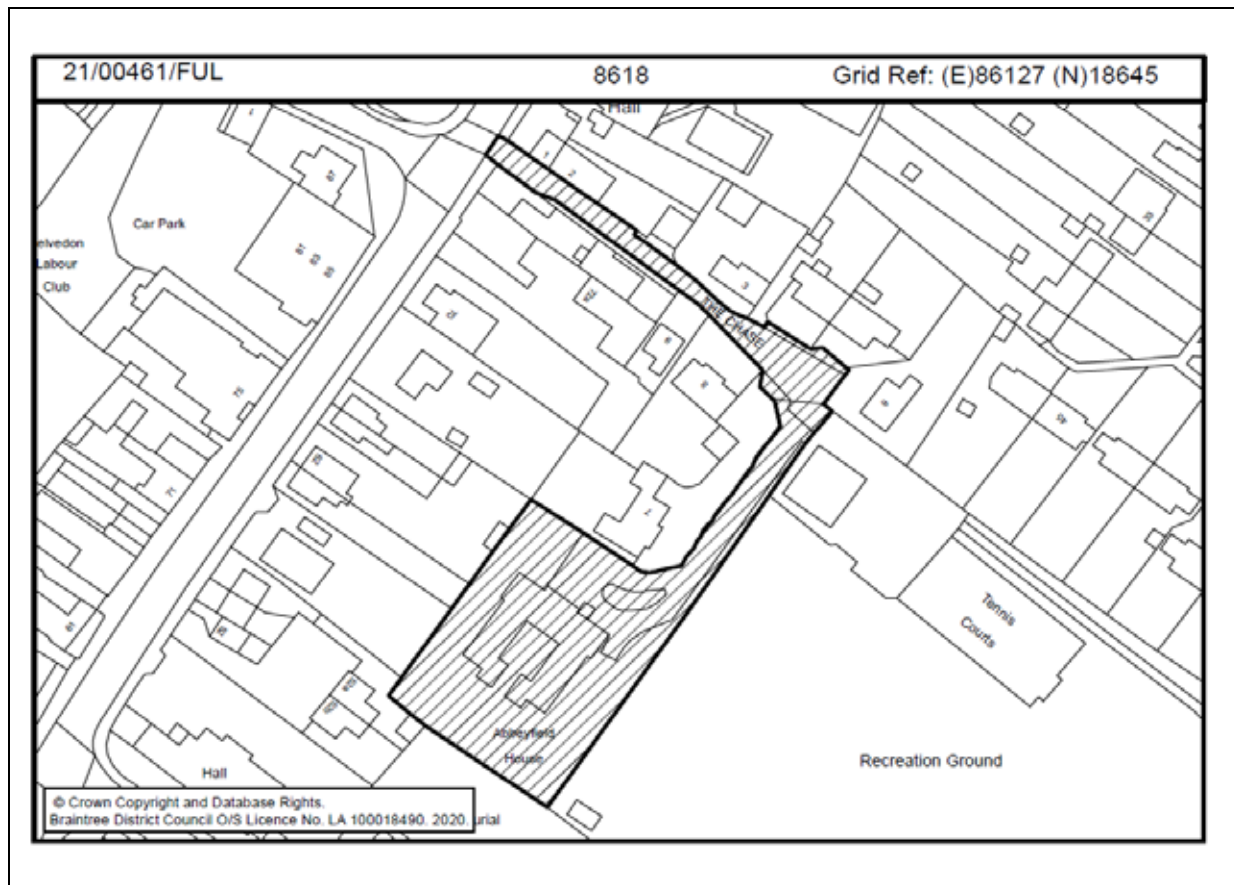
- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Planning Committee held on 18th October 2022 (copy to follow).
- 4 Public Question Time**
(See paragraph above)
- 5 Planning Applications**
To consider the following planning applications
- 5a App. No. 21 00461 FUL – Abbeyfield House, The Chase, KELVEDON** **6-39**
- 5b App. No. 21 03475 FUL – Blixes Farm, Ranks Green Road, FAIRSTEAD** **40-60**
- 6 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 7 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.
At the time of compiling this Agenda there were none.

8 Urgent Business - Private Session

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

Report to: Planning Committee		
Planning Committee Date: 1st November 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/00461/FUL	
Description:	Remodelling of existing care home to provide a 22-bedroom nursing home (Use Class C2) together with associated access, car parking and landscaping	
Location:	Abbeyfield House, The Chase, Kelvedon	
Applicant:	Glenavon Care Ltd, C/o Agent	
Agent:	Strutt & Parker, Mr Adam Davies, Strutt & Parker, Coval Hall, Rainsford Road, Chelmsford, CM1 2QF	
Date Valid:	1st March 2021	
Recommendation:	<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) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.</p>	
Options:	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s) 	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	<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: lisa.page@braintree.gov.uk</p>	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>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>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	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>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those 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> <p>The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.</p>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council’s Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/00461/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013-2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD’s) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p>

	<p>The other abovementioned policy documents can be viewed on the Council's website:</p> <p>www.braintree.gov.uk.</p>
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1. EXECUTIVE SUMMARY

- 1.1 The application seeks the remodelling of the existing, vacant 10 bed carehome, to create a 22 bed carehome. The site is located within the defined Village Envelope for Kelvedon where the principle of development is acceptable in accordance with Policy LPP1 of the Adopted Local Plan. Further support is attributed to Policy LPP33 of the Adopted Local Plan which confirms that in principle, proposals for specialist housing will be permitted within village or development boundaries.
- 1.2 The site is in an accessible and sustainable location within this key service village. Kelvedon and Feering offer a good range of services and facilities to meet day to day needs of the development (for residents, staff and visitors). The site is in very close proximity to shops, a pharmacy, restaurants/cafes and similar. In addition, the site is located close to bus-stops on the High Street, which supply a number of services to a variety of destinations, and Kelvedon is also served by its Rail Station which provides access to regular rail services.
- 1.3 Officers have engaged in lengthy discussions with the Applicant regarding the design and appearance of the building. The resultant scheme would now result in a building that would be high quality in appearance and of a design and materials that would sit comfortably within the site and its wider context. It would also have no adverse impact upon the character and appearance, and setting of the Conservation Area.
- 1.4 Matters in regard to highway capacity and safety (both at the junction and along The Chase) are considered acceptable. The Highway Authority have raised no objections subject to conditions. The level of parking proposed does fall below the maximum standards, but as noted within this report, the site is in an accessible and sustainable location where staff and visitors could access the site other than by private vehicle.
- 1.5 Matters relating to neighbouring amenity are considered acceptable, and subject to the imposition of a number of conditions, the development would not result in adverse impact to amenity in terms of overlooking, loss of light, outlook, or from noise and disturbance.
- 1.6 Other matters in relation to landscape and trees, flooding and drainage, and ecology are considered acceptable subject to conditions.
- 1.7 Taking the above factors into account, the application is recommended for approval subject to conditions and a S106 Legal Agreement.

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 almost 0.3 hectares in area and is located at the end of The Chase, a private single track lane which services residential dwellings behind the High Street and car parking associated with Kelvedon Recreation Ground.
- 5.2 The site has an existing one and a half storey building which was previously used as a care home but has been vacant since 2017. The existing building has a footprint of 398.3sq.m and when in operation had 10 bedrooms.
- 5.3 The site is currently dilapidated and boarded up and is surrounded by heras fencing to secure the site which does not currently have any boundary treatments.
- 5.4 The site currently has a tarmacked area for 5 parking spaces and grassed areas with mature trees to the rear of the site.
- 5.5 The site is bound by the recreation ground to the south-east; with residential dwellings to the north-east and north-west; and a grave yard attached to a church to the south-west.
- 5.6 The application site is located within the Conservation Area and provides views into the Conservation Area from the recreation ground.
- 5.7 The site is located within Flood Zone 1, an area with a low probability of flooding.
6. PROPOSAL
- 6.1 The proposal is for the remodelling of the existing building on the site to create a 22 bedroom care home (Use Class C2). It is understood that it would provide for residential care with 24 hour personal and nursing care

with a care team on site providing a variety of residential, nursing, specialist dementia and respite care.

- 6.2 The building will also include additional residents' facilities including two lounges / activity rooms, reception, and visitor room, staff offices, kitchen and a laundry room.
- 6.3 Externally, is the provision of outdoor amenity space and landscaped area including seating and sensory garden around the nursing home, accessed from the communal rooms and ground floor residents' bedrooms.
- 6.4 The site would be provided with 9 car parking spaces for staff and visitors, and externally a bin and cycle store is proposed. Access would remain as existing via The Chase.
- 6.5 It is understood that the development will create up to 8 full time equivalent staff on site at any one time.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

- 7.1.1 Comment that they have assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 7.1.2 In regard to wastewater, comment that the foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 7.1.3 In regard to used water network comment that the sewerage system at present has available capacity for these flows.
- 7.1.4 In regard to surface water disposal comment 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.

- 7.2 Essex Fire & Rescue
- 7.2.1 Access for Fire Service is satisfactory. It is recommended that the development is installed with Automatic Water Suppression Systems to help with the rapid suppression of fire.
- 7.3 Highways England
- 7.3.1 Offer no objection.
- 7.4 NHS
- 7.4.1 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. A contribution of £4,400 is requested to be secured.
- 7.5 BDC Ecology
- 7.5.1 No objection subject to securing a financial contribution in regard to RAMS and biodiversity mitigation and enhancement measures.
- 7.6 BDC Landscape Services
- 7.6.1 Comments that the proposal is to retain the trees that collectively form an attractive feature on the local skyline. Note that a suitable Arboricultural Impact Assessment has been (AIA) and raise no objections subject to conditions in relation to the Tree Protection Plan being secured, the submission of a revised arboricultural method statement and that a suitable landscape scheme is provided for the site.
- 7.7 BDC Waste Services
- 7.7.1 No comment.
- 7.8 ECC Archaeology
- 7.8.1 There is the potential for the disturbance of archaeological remains and therefore conditions are recommended.
- 7.9 ECC Highways
- 7.9.1 Comment that the access to the proposal site will be taken via The Chase which is a private road and does not form part of the publicly maintainable highway. The Highway Authority are comfortable with the visibility demonstrated within the submitted drawings and comment that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

7.10 ECC Historic Building Consultant

- 7.10.1 Comment that the proposed design of the building detailed is appropriately massed and designed for its location within the Kelvedon Conservation Area. Raise no objections subject to conditions.

7.11 ECC Local Lead Flood Authority

- 7.11.1 Comment that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, do not object to the granting of planning permission subject to the imposition of conditions.

8. PARISH / TOWN COUNCIL

8.1 Kelvedon Parish Council

- 8.1.1 Support the application but raise concerns in regard to the following: -

- The width of the road turning into the Chase and the increase in traffic;
- The lack of parking provision for the development, noting that the small car park that exists in this area belongs to the Parish Council. Seek signage stating that the car park is for use by users of the Recreation Ground, the Pavilion and its facilities only;
- The development is adjacent to a busy playing field with heavy usage at weekends and evenings and any development of the site should not take place during these times;
- The area is surrounded by Listed Buildings, and we request that consideration is given to Vibration Monitoring to ensure protection for these buildings.

9. REPRESENTATIONS

- 9.1.1 The application has been advertised by site notice, newspaper advert and neighbour letters.

- 9.1.2 4 objection letters have been received from local residents and the Kelvedon and Feering Heritage Society, raising the following comments: -

- The Chase is single lane for traffic and there are no passing points until the lane widens at the end. Increased traffic during the construction of Abbeyfield will exacerbate problems.
- Poor visibility from The Chase to the High Street.
- Concerns for pedestrians using The Chase.
- Insufficient parking for staff and visitors (including servicing vehicles etc).
- Within The Chase parking is for residents only. During construction there is no extra capacity for trades persons parking and they should not use the small car park by the recreation ground.

- Exit from the Chase is often difficult as the line of sight is compromised by vehicles parked either side of the entrance - additional parking restrictions should be installed.
 - The cottage at 76 High St. and 1-2 The Chase are grade 2 listed – concern for safety from increased traffic & any vibration damage.
 - Seek wheel washing within The Chase to be undertaken.
 - Seek restrictions on hours of working (no start before 8am).
 - Impact from dust and debris during construction.
 - Loss of trees.
 - Loss of privacy to 7 The Chase. A new boundary is required.
- 9.1.3 5 support letters have been received from local residents raising the following comments: -
- General support for the principle of redevelopment for the site.
 - Is an appropriate reuse of an existing building within the village.
 - The design and materials are within keeping with the surrounding properties.
 - The location and setting will provide a restful home for its residents and yet views into the Recreation ground allows them to feel apart of the community to observe life outside.
 - The relatively small number of bed spaces and therefore staff requirement will not overburden The Chase with vehicular movements and these will be limited to shift changes.

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 has an up-to-date Local Plan which has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033.
 - 10.2.2 To this annual supply the Council must add the backlog which it has not delivered at that level since the start of the Plan period. This figure is recalculated each year and as of April 2022 stands at 1,169 across the 5 Year Housing Land Supply.
 - 10.2.3 The Council must also apply a buffer to the housing land supply based on the results of the Housing Delivery Test. In the latest results published on 14th January 2022, the Council had delivered 125% of the homes required. This means that the Council is required to apply the lowest level of buffer at 5%
 - 10.2.4 Taking the above into account the Council's latest 5 Year Housing Land Supply position for 2022-2027 shows a supply of 4.86 years. This position is marginal and with a number of strategic sites starting to deliver homes alongside other permissions that the situation is likely to change.
 - 10.2.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out-of-date. However, this does not mean that Development Plan policies should be completely disregarded. It

is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the Braintree District Local Plan 2013-2033 and the Adopted Kelvedon Neighbourhood Plan (July 2022).
- 10.3.2 The site is located within the defined Village Envelope for Kelvedon (as set out within the Adopted Local Plan) and is not subject to any site-specific allocation or protection that would prevent redevelopment.
- 10.3.3 The site is also suitable in principle for the provision of specialist housing having regard to Policy LPP33 of the Adopted Local Plan which confirms that proposals for specialist housing will be permitted within the village or development boundaries subject to criteria relating to design, accessibility, availability of health services, parking, provision of amenity space. (These factors are considered in more detail later in this report).
- 10.3.4 Whilst there are no specific policies within the Kelvedon Neighbourhood Plan that support the provision of such specialised housing, it is noted that it would meet with its more general housing objective set out which is to 'enable local people to stay in the village throughout their lifetime...'
- 10.3.5 In summary therefore, the principle of this use in this location is acceptable, subject to the abovementioned criteria as well as being compliant with Council policies relating to the protection and enhancement of Conservation Areas.

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 Kelvedon (and Feering) is assigned as a key service village as identified within the Adopted Local Plan. (Kelvedon and Feering are two separate villages, but functionally act as a whole, with services and facilities in one, serving the population of the other. As such, for the purpose of the settlement hierarchy, they are both treated as Key Service Villages, but it will be important that they maintain their own identity and character). The Spatial Strategy within the Plan identifies that the ability to meet day to day needs is normally possible in a Key Service Village through the availability

of schools, primary health care facilities, convenience shopping facilities, local employment opportunities and links by public transport and road to the larger towns. Development may be considered sustainable within a Key Service Village, subject to the specific constraints and opportunities of that village.

- 11.1.3 Kelvedon and Feering offer a good range of services and facilities to meet day to day needs of the development. (It is highlighted that due to the nature of the care facility to be provided, it is not anticipated that the residents will be making day to day trips from the care home; however, these services and amenities will be important to both staff and visitors). The site itself is located less than 150 metres to a pharmacy, 170 metres in the co-op, 330 metres from a hairdressers, with other shops, restaurants and similar at a similar distance.
- 11.1.4 Furthermore, in terms of sustainable transport, the site is located around 150 metres from a bus-stop on the High Street, which supply a number of services to a variety of destinations including Witham (including Witham Rail Station), Mark Tey Rail Station, Colchester and Chelmsford, as well as the numerous villages between these places.
- 11.1.5 Kelvedon is also served by its Rail Station which lies at approximately 0.6 miles distance and provides access to regular rail services. Destinations from Hatfield Peverel station include London Liverpool Street, Chelmsford, Witham, Colchester, and Ipswich. The bus and rail provision would enable staff and visitors to reach the site other than in a private vehicle.
- 11.1.6 Taking into account the above, Officers are of the view that in respect of access to services and facilities, the site is considered to be in a sustainable location and staff and visitors, and any residents if able, could readily access this provision. The site is also well served by public transport to encourage more sustainable transport means by staff and visitors.

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

- 11.2.1 The design and appearance of the development has evolved significantly since the original submission and the Applicant has worked with Officers in these matters to result in a development of a significantly reduced scale and bulk. The development now seeks to remodel the existing building by way of extensions and alterations, rather than to demolish and re-build it as was originally proposed.
- 11.2.2 The scale of the building would be two-storey in height, and this responds appropriately to the surrounding context of built development and would have a positive relationship with its neighbours. In design terms, the detailing and appearance of the building is modern and simple and would reflect the fabric of the existing building. Generously sized soffits are proposed which reflect the feature on the existing building.

- 11.2.3 In terms of materials, the building (and refuse store) would have rendered walls with a slate roof. These would be traditional and characteristic of the local style. Light grey windows have been proposed for a more contemporary finish to the building, and dark red creasing cill tiles are to be used.
- 11.2.4 The plans indicate that the existing retaining walls around the western and northern boundary of the site will be retained, whilst new railings are proposed to part of the boundary with the playing field with part of that boundary being a new 2m high brick wall for the privacy of the communal garden area. Officers consider that the wall could appear too utilitarian for a Conservation Area and seek full details of this via condition (A more decorative design perhaps with panels or regular piers and an appropriate capping stone would be more suitable aesthetically). The boundary behind the bin store should also be a brick wall to enclose the car parking area fully (and again can be secured via condition).
- 11.2.5 In terms of amenity for future occupiers, the bedrooms would exceed standards, and have acceptable outlook. Communal rooms overlook the landscaped gardens, with the ground floor communal lounge (and a number of the bedrooms) having direct access to the garden areas. Overall, the development is considered to result in high quality amenity for future occupiers.
- 11.3 Heritage
- 11.3.1 The site is within the Kelvedon Conservation Area, designated for its special historic and architectural interest.
- 11.3.2 The existing building makes no contribution to the architectural significance of Kelvedon Conservation Area, and its current condition is a detractor from the appearance of this section of the Conservation Area. As such there are no objections in principle to the remodelling of the existing building.
- 11.3.3 As detailed above, there have been extensive discussions between Officers and the Applicant regarding the scale, design and form of any replacement development. The proposed design of the building is now presented is considered appropriately massed and designed for this location within the Kelvedon Conservation Area. The Historic Buildings Consultant comments that the proposed design of the building detailed is appropriately massed and designed for its location within the Kelvedon Conservation Area and therefore raises no objections to the proposal, subject to conditions.
- 11.3.4 On this basis, the proposed development would accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, preserving the special interest of the Conservation Area.

11.4 Archaeology

- 11.4.1 Further in regard to heritage, is the consideration of archaeology. The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of high archaeological potential. The proposed development site lies within the mid-1 St Century AD Roman town (EHER 18762). Previous excavations in the immediate vicinity of the site (EHER 8286-8290) have revealed Late Iron Age- early Roman buildings and structures as well as prehistoric activity. Excavations in the surrounding area carried out in the 1970's and 80's have established the presence of a possible Roman fort in this location and evidence for settlement, cemeteries and industrial activity associated with the Roman settlement at Kelvedon.
- 11.4.2 Beyond the footprint of the existing building and within the grounds of the home there is potential for the survival of archaeological remains. Any significant groundworks for utilities, drainage and landscaping may impact upon archaeological remains associated with the Iron Age and Roman settlement, the presence and survival of archaeological deposits in areas proposed for any significant groundworks will need to be established through an archaeological evaluation. The potential for the survival of archaeological remains within the development area should be established prior to demolition of the existing building and could comprise a test pitting archaeological investigation. A condition to secure such archaeological evaluation is therefore imposed.

11.5 Ecology and Landscape

- 11.5.1 The application has been submitted with a Preliminary Ecological Appraisal (Southern Ecological Solutions Ltd, July 2020), relating to the likely impacts of development on designated sites, protected and Priority species and habitats. Having reviewed this, Officers are content that sufficient ecological information is currently available for determination and provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & Habitats and that with appropriate mitigation measures secured, the development can be made acceptable.
- 11.5.2 The mitigation measures contained within the Preliminary Ecological Appraisal should be secured and implemented in full. This is necessary to conserved protected and Priority species. In addition, it is also recommended that a Wildlife Friendly Lighting Strategy is implemented to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area.
- 11.5.3 Officers also support the proposed reasonable biodiversity enhancement measures and the recommendation to provide Defra Biodiversity Metric Calculations (2.0 or any successor). This will ensure that the development will secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. As a

result, it is recommended that the finalised details are implemented via a Biodiversity Enhancement Strategy, to be secured prior to occupation.

- 11.5.4 In regard to trees and landscaping, it is noted that the site lies within the village Conservation Area and benefits from several prominent trees that collectively are an attractive feature on the local skyline. Given the siting of these trees within the Conservation Area, they are protected. It is noted that the intention is to retain these elements of the established tree cover that contribute strongly to the amenity of the local setting.
- 11.5.5 The application has been submitted with a suitable Arboricultural Impact Assessment (AIA). The AIA notes in particular that the T4 -T7 pines are an important landscape feature. They are growing rather close together which has affected their crown spreads, but otherwise are in a good form and condition. The proximity of the pines to the building does raise some concerns and these have been highlighted by the report which specifies the approach that will need to be taken to ensure the damage or risk of damage to the trees and their rooting zones is kept to a minimum. Suitable supervision and reporting of the works will be required and this should be specified by condition.
- 11.5.6 It is also noted that the footprint impinges on the lime trees at the western boundary but the consideration that these have been managed as pollarded features and the rooting area is probably limited but this feature will need continued management in a similar manner.
- 11.5.7 The development proposals seek to retain a few mature trees within the curtilage; the longevity and viability of these trees is vulnerable to change, disruption and damage during the demolition and construction phases of the development. As such, conditions relating to adherence to the Tree Protection Plan contained within the AIA and that a revised arboricultural method statement be agreed, are imposed to ensure their protection and retention. In addition, a condition to secure a high quality landscaping proposal across the site is imposed to ensure that the development assimilates appropriately into its context and to provide acceptable amenity for future occupiers.
- 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 LPP52 of the Adopted Local Plan 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 application site is bordered by the gardens of dwellings to the north (No. 1 The Chase), whilst to the west and south-west are dwellings on the High Street. Given the scale of the development and existing landscaping, which is to be protected and retained, it is not considered that the

development would result in unacceptable overlooking to neighbouring properties, nor result in loss of light or harm to outlook.

- 11.6.3 The proposed parking area and bin/cycle store will be sited behind a 2-metre-high brick wall (secured via condition). Due to this enclosure and the modest level of parking and activity, there will be no adverse impact to neighbours from noise or fumes.
- 11.6.4 In terms of impact to neighbours from increased noise disturbance and similar, the application is supported by a Construction Management Plan (CMP) to address matters during construction. This will ensure that short term dust emissions and thus air quality can be reduced to acceptable levels by following the best practice dust mitigation measures. In terms of long term impacts, given the nature of the use itself, this will not generate undue noise. In addition, the external seating and amenity area for future residents is set away from neighbouring boundaries.
- 11.6.5 Neighbours have raised concerns regarding the impact of the development using existing dwellings from vibration. The application now proposes remodelling of the existing property (rather than demolition and re-build) and therefore will not require any piling or similar. Equally, given the size of vehicles that will be able to access the site; the likely very low speed of travel; and the construction Management Plan to be adhered to, it is not considered that there will be any adverse impacts to neighbours from vibration or similar.

11.7 Highway Considerations

- 11.7.1 The existing vehicular and pedestrian access is from the High Street (B1024), and via The Chase. This will remain to be the case with the new care home.
- 11.7.2 In regard to visibility slays onto the B1024, the Highway Authority are content that the visibility demonstrated is acceptable and would create no objections in terms of highway safety.
- 11.7.3 Access to the care home is then taken via The Chase - this is a private road and does not form part of the publicly maintainable highway. The road is also well used by pedestrians accessing the adjacent open space and indeed the majority of the concerns expressed by third parties to the application are in relation to this aspect of the access. The Chase does have some areas of increased width which allows vehicles to pass. Equally given the good forward visibility vehicles are able to give way to each other. In terms of the shared use with pedestrians, it is considered that due to the road's characteristics, vehicles would be travelling at low speeds and overall, the provision of a 'shared surface' is considered appropriate. The Highway Authority have no objections to the access, and it is considered that its use following construction would be acceptable.

- 11.7.4 The concerns from residents during the construction period are noted. A Construction Environment Management Plan (CMP) has been submitted with the application to address impacts and management of vehicles during construction. This includes routing / access (signage will be erected from the High Street to warn delivery drivers and all deliveries will be escorted to site from this point. When entering the site, the banksmen who escorted them on their arrival will ensure that they are directed to the delivery drop off area and supervise the unloading procedure. Once complete the banksman will escort all vehicles safely off site, along the Chase and out onto the High Street); mud on roads; construction noise and dust; hours of working; parking; management of pedestrians.
- 11.7.5 The Highway Authority have reviewed the CMP and find the contents acceptable. Subject to a condition being imposed to secure that the development be carried out in accordance with the document and for a package of signage measures referred to be agreed, they raise no objections.
- 11.7.6 In regard to parking, the site provides for a total of 9 spaces. The maximum parking standards for a C2 Residential Care Home is 1 space per full time equivalent staff, in addition to 1 visitor space per 3 beds. The development will generate 8 full time staff and with 22 bedrooms generates a need for 7.3 visitor spaces, equating to a total maximum of 15 spaces required.
- 11.7.7 It is acknowledged that there is a shortfall of parking on site. However, as noted above, the site is well served by public transport (both by bus and train) which would enable both staff and visitors to access the site by means other than the private vehicle. Secure cycle parking is also provided should any staff be able to cycle to work. A further key consideration is that there is also a public pay and display car parking on the High Street at a distance of 200 metres. Given these matters the level of parking is considered acceptable.
- 11.7.8 Concerns from local residents regarding other vehicles accessing the site are noted (such as ambulances, service and delivery vehicles etc). Given the scale of development it is not considered that the frequency of such vehicles would be high, and there is provision on the site for turning.
- 11.8 Habitat Regulations Assessment (HRA / RAMS)
- 11.8.1 In terms of the wider ecological context, the application site sits within the Zone of Influence of the following:
- § Blackwater Estuary Special Protection Area and Ramsar site;
 - § Dengie Special Protection Area and Ramsar site;
 - § Essex Estuaries Special Area of Conservation.
- 11.8.2 The Supplementary Planning Document (SPD) 'Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy' details when the Council will need 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.

- 11.8.3 It details that for a use that falls within C2 Residential institutions, which includes care homes, these shall be considered on a case-by-case basis according to the type of residential care envisaged. In this case the care home would provide for residential care with 24 hour personal and nursing care with a care team on site providing a variety of residential, nursing, specialist dementia and respite care. As such it is not considered that the specific type of accommodation would result in new residents visiting the coast. As such no contribution is sought from the additional 12 bedrooms being created at the site.

11.9 Flooding and drainage

- 11.9.1 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.
- 11.9.2 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.
- 11.9.3 The proposal site lies in Flood Zone 1 (an area of low flood risk) and further is not at risk of flooding from any source including fluvial, tidal, a breach of any nearby reservoir, groundwater or pluvial/surface water. A Flood Risk Assessment (FRA) has been submitted, which demonstrates that it is proposed to drain the site in a sustainable manner complying with the requirements of the NPPF. The Local Lead Flood Authority have reviewed the application and raise no objections subject to a detailed surface water drainage scheme to be agreed, together with maintenance plan and log.
- 11.9.4 In addition, Anglian Water states that the foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre that will have available capacity for these flows and 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.

12. PLANNING OBLIGATIONS

- 12.1.1 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.

- 12.1.2 Policy SP6 of the Adopted Local 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.

12.2 Healthcare

- 12.2.1 Officers have identified that a planning obligation in relation to healthcare is required to mitigate the impacts of the development and a S106 agreement is being drafted which covers this matter. Although the carehome will have an on-site nurse who will be able to cater for the day-to-day health needs of the residents (and thus should not add significant additional pressure to local surgeries as result), the development could increase demand upon existing services.

- 12.2.2 In response to their consultation on the application NHS England state that the existing nearest GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 28 new residents and subsequently increase demand upon existing services. An assessment is set out in terms of the primary care floorspace needed to support this additional population and the costs of doing so. For the additional floorspace indicated in the scheme, a financial contribution of £4,400 is sought.

13. PLANNING BALANCE AND CONCLUSION

- 13.1.1 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 13.1.2 As the Council cannot currently demonstrate a 5 Year Housing Land Supply, the 'titled balance' pursuant to Paragraph 11d) of the NPPF is engaged. As a consequence, the most important Development Plan policies relevant to the provision of housing are currently out-of-date due to a lack of 5 Year Housing Land Supply. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies. In this regard it is considered that Policy LPP1 of the Adopted Local Plan, which seeks to restrict development outside defined development boundaries to uses appropriate to the countryside, can only be afforded moderate weight. Similarly, it is considered that Policy SP3, which sets out the spatial strategy for North Essex, can only be afforded less than significant, but more than moderate weight.
- 13.1.3 In this case, it is not considered that pursuant to Paragraph 11d) (i) that the application of policies in the Framework provide a clear reason for refusing the proposed development. This is because there are no adverse impacts in regard to habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; nor areas at risk of flooding or coastal change.
- 13.1.4 As such, pursuant to Paragraph 11d) (ii) it is necessary to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in this Framework taken as a whole. Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.
- 13.1.5 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:

Parking provision

- 13.2.2 There is a shortfall of parking on site (the maximum standard equates to 15 spaces, whereas 9 are proposed). However, the site is well served by public transport (both by bus and train) which would enable both staff and visitors to access the site by means other than the private vehicle. Secure cycle parking is also provided should any staff be able to cycle to work. A further key consideration is that there is also a public pay and display car parking on the High Street at a distance of 200 metres. Given these matters only limited harm is attributed to this matter.

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:

Accordance with the Development Plan

- 13.3.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the application site is located within a defined development boundary where the principle of development is acceptable. The proposal therefore accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development.

Delivery of Market Housing

- 13.3.3 The development would deliver 12no. additional units of accommodation, which would contribute, in part, to the Council's 5 Year Housing Land Supply position. However, only moderate weight is assigned to this given the scale of development and the proposed C2 Use Class.

Location and Access to Services and Facilities

- 13.3.4 The site is considered to be in a sustainable location within a key service village which offers a range of shops, services and facilities. In addition,

there is convenient access to public transport including bus and train provision. Substantial weight is assigned to this.

Economic and Social Benefits

- 13.3.5 The development would accrue social benefits with the provision of the additional carehome units, and economic benefits with during the construction and thereafter with the spending powers of staff and visitors (and to a small degree occupiers). However, given the scale of development only moderate weight is assigned to this.

13.4 CONCLUSION

- 13.4.1 Taking into account the above, it is considered that the proposal complies with the Development Plan when taken as a whole.

13.5 PLANNING BALANCE

- 13.5.1 When considering the planning balance and having regard to the adverse impact and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is 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:

§ Financial contribution of £4,400 towards Healthcare.

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)

Plan Description	Plan Ref	Plan Version
Location Plan	9065 / 01	A
Proposed Block Plan	9065 / 20	A
Proposed Site Plan	9065 / 21	A
Proposed Floor Plan	9065 / 30	A
Roof Plan	9065 / 31	A
Proposed Elevations	9065 / 40	A
Street elevation	9065 / 41	A
Other	9065 / 42	A
Parking Strategy	9065 / 50	A

Condition(s) & Reason(s)

Condition 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).

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plans listed above.

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

Condition 3

No above ground development shall commence until samples of the roofing material and a schedule of the wall materials to be used on the external finishes of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

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

Condition 4

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 (including samples) of the enclosures. The enclosures as approved shall be provided prior to the first occupation of the development and shall thereafter be

permanently retained as such.

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

Condition 5

Prior to installation, additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason: To enhance the appearance of the development and ensure it does not prejudice the appearance of the locality, including the Conservation Area.

Condition 6

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the Local Planning Authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). 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 properly provide for archaeological remains.

Condition 7

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 evidence of all three infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration 2 testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. It should be shown that the infiltration testing was conducted where the infiltration features are proposed.
- Evidence of detailed ground investigations for ground contamination and ground water levels. Ground water should be monitored during the winter months to ensure that the highest annual average ground level is found. All infiltration features should have a minimum of 1m distance between the base of the feature and the highest annual ground water level.
- Evidence that the soakaway is suitably placed. It should be 5m from any building foundation and 6m from any adoptable road. In addition it should be ensured that the soakaway can be accessed and maintained without having to disturb the permeable paving.
- Final modelling and calculations for all areas of the drainage system.
- Evidence that waterbutts are used as much as possible
- 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.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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.

Condition 8

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.

Condition 9

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.

Condition 10

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Southern Ecological Solutions Ltd, July 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To conserve 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).

Condition 11

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).

Condition 12

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 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 conserve 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).

Condition 13

Prior to the commencement of any works, an amended Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should further detail the signage measures proposed to assist with construction traffic leaving the B1024 at the junction with The Chase and to alert pedestrians to the construction activities. The development shall thereafter be carried out in accordance with the approved Plan.

Reason: In the interests of highway safety and convenience; to ensure that on-street parking of vehicles in the adjoining streets does not occur; and to ensure that loose materials and spoil are not brought out onto the highway, and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Condition 14

Prior to the commencement of any development on site, the Tree Protection Plan (Ref. SHA1068 TPP) as shown within the Arboricultural Impact Assessment shall be in place.

Reason: To protect and retain trees on site, in the interests of visual amenity.

Condition 15

Prior to the commencement of any development, a revised arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The document should include a timetable of supervision reports by the project arboricultural consultant for submission after each inspection to provide evidence of compliance with the approved specification.

Reason: To protect and retain trees on site, in the interests of visual amenity.

Condition 16

Prior to the first occupation of the development hereby approved, a scheme of hard and soft 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;
- Details of any external seating, artwork or hard landscape features;
- Colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

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.

Informative(s)

Informative 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).

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP31	Affordable Housing
LPP33	Specialist Housing
LPP35	Housing Mix, Density and Accessibility
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP53	Conservation Areas
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

Kelvedon Neighbourhood Plan 2017-2033

HO1	New Housing and Associated Infrastructure
HO4	Mix of Housing Types
HO5	Affordable Housing
HO6	Minimum Garden Sizes
DE1	Design of New Development

DE2	High Quality Building and Design
DE3	Well Designed Energy Efficient Buildings and Places
MA3	Transport and Access
MA4	Parking Provision
HSC1	Healthcare Facilities
NE8	Flood Prevention
DC1	Developer Contributions

APPENDIX 3:

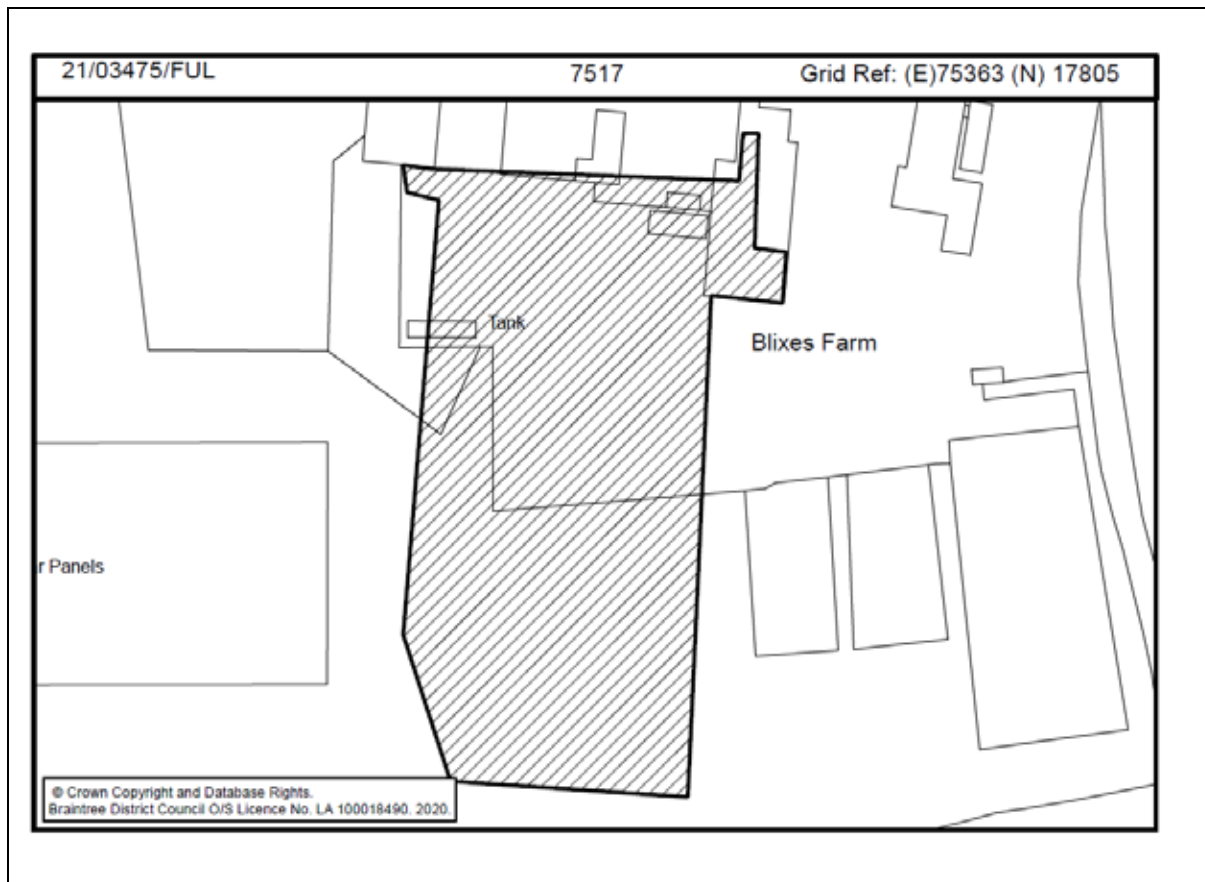
SITE HISTORY

Application No:	Description:	Decision:	Date:
01/01381/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Pollard 4 lime	Granted	24.09.01
78/00686/	Erection of old peoples home for eight residents and one warden	Granted	31.07.78
78/01301/	Erection of old peoples home for 10 residents with housekeepers flat	Granted	29.11.78
87/01148/	Enlargement of housekeepers flat	Granted	12.08.87
89/00146/P	Proposed New Bathrooms	Granted	10.03.89
93/01341/FUL	Erection of 2 No toilet extensions	Granted	22.11.93
95/00547/FUL	Proposed internal alterations and modification of associated windows	Granted	19.06.95
95/00900/TPO	Notice of intent to carry out work to trees protected by the Conservation Area - various works to trees along boundary fence	Granted	20.09.95
99/00864/TPO	Notice of intent to carry out works to trees protected by The Conservation Area - Pollard 13 lime trees	Granted	06.07.99
07/01736/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Area - lop conifers	Granted	24.09.07
10/00238/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Re-pollard Lime trees and prune back lower branches from 1 Plum tree	Granted	26.10.10
14/00211/TPOCON	Notice of intent to carry	Granted	04.09.14

	out works to trees in a Conservation Area - Prune trees surrounding the property by approx. 6ft and no more than 7ft and cut back the bushes in front of the trees		
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Report to: Planning Committee		
Planning Committee Date: 1st November 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/03475/FUL	
Description:	Proposed abattoir extension and associated works.	
Location:	Blixes Farm Ranks Green Road Fairstead	
Applicant:	Mr Paul Humphreys, C Humphreys And Sons Ltd, Blixes Farm, Ranks Green Road, Fairstead, CM3 2BH	
Agent:	Mr Stewart Rowe, The Planning And Design Bureau Ltd, 45 Hart Road, Thundersley, Benfleet, SS7 3PB	
Date Valid:	26th November 2021	
Recommendation:	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.	
Options:	The Planning Committee can: a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s)	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Fiona Hunter For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2521, or by e-mail: fiona.hunter@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>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>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications	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>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those 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>
<p>Background Papers:</p>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> § Application Form § All Plans and Supporting Documentation § All Consultation Responses and Representations <p>The application submission can be viewed online via the Council’s Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/03475/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> § National Planning Policy Framework (NPPF) § Braintree District Local Plan 2013 - 2033 § Neighbourhood Plan (if applicable) § Supplementary Planning Documents (SPD’s) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council’s website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application seeks permission for the erection of an extension to existing abattoir facilities, forming an additional 1,190sq.m of floor space, along with associated loading arrangements.
- 1.2 The application site is located to the east of Ranks Green, within the countryside. The application site has been subject to a previous application for an extension, which has not been carried out.
- 1.3 The proposed use of the site has been well established, and the proposed extension of existing facilities is considered acceptable. The layout, scale and design of the proposed development would be in keeping with the existing farmstead setting and the wider countryside setting.
- 1.4 There have been no identified harms when considering the merits of the application.
- 1.5 Taking these factors into account, the application is recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is a current abattoir with associated farm shop, located to the east of Rank's Green. The site has been subject to two recent planning permission approvals, for expanded facilities comprising of an extended farmshop, and additional abattoir and chilled storage areas. The proposed farmshop extension has been carried out, however the extended abattoir has not been commenced. This application has been submitted as an alternative to the previously approved abattoir extension due to changes in requirements for the layout.

6. PROPOSAL

- 6.1 The application proposes the part demolition of existing buildings for the abattoir, and the construction of a steel framed extension to the rear of the building. The proposed extension would provide 1,400sq.m of floor space, which would see an increase of 1,190sq.m on the existing building. The proposal would also allow for HGV loading docks to the rear.

- 6.2 The application is supported by relevant documents which include:

§ A full set of drawings
§ Planning Statement
§ Design and Access Statement
§ Traffic Management Plan

7. SUMMARY OF CONSULTATION RESPONSES

7.1 BDC Ecology

- 7.1.1 No objection due to scope and scale of proposed works.

7.2 ECC Highways

- 7.2.1 The impact of the proposal is acceptable from a highway and transportation perspective, given the proposed extension is to be used in connection with the existing use of the site.

7.3 ECC Historic Buildings Consultant

- 7.3.1 No objection to the proposed extension or associated works, as the section of the site affected by the proposal is heavily screened and distinct from the listed buildings.

7.4 ECC SUDS

- 7.4.1 No objection subject to conditions regarding the submission of a detailed surface water drainage scheme, and a maintenance plan.

8. PARISH / TOWN COUNCIL

8.1 Terling and Fairstead Parish Council

- 8.1.1 Supportive of the application, however raised a number of issues regarding traffic management, external lighting, landscaping and noise. Following the submission of revised details and information, an additional comment was provided stating that many of the earlier observations had been addressed and that they continue to be supportive of the application.

9. REPRESENTATIONS

- 9.1 A site notice was displayed to the front of the application site and neighbour notification letters were sent to properties adjacent to the site.
- 9.2 No letters of representation have been received.

10. PRINCIPLE OF DEVELOPMENT

- 10.1 The National Planning Policy Framework (NPPF) in paragraph 84 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 10.2 The NPPF in Paragraph 85 also states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing

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

- 10.3 The site is not identified as being within a development boundary in the Adopted Local Plan and as such is on land designated as 'countryside' where there is a presumption against new development. Policy LPP1 sets out that outside development boundaries, development will be strictly controlled to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside.
- 10.4 Policy LPP7 of the Adopted Local Plan states proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, will be considered acceptable subject criteria regarding highway, neighbouring amenity and design impacts.
- 10.5 Furthermore, turning aside from the Development Plan, Paragraph 81 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Additionally, it asserts that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.6 Taking into account all of the above, it is considered the principle of the proposals are acceptable subject to other material considerations set out below.

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 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'.
- 11.1.2 Paragraph 130 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish a strong sense of place, using the

arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

- 11.1.3 The above principles have more recently been elaborated upon within the National Design Guide (NDG) with a shift in emphasis towards the promotion of beauty. Paragraph 1 of the NDG explains that well-designed places influence the quality of our experiences as occupants or users but also as passers-by and visitors. Paragraph 4 of the NDG establishes that the longstanding, fundamental principles of good design are that it is; fit for purpose; durable; and brings delight.
- 11.1.4 Policies SP6, LPP47 and LPP52 of the Adopted Local Plan all 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, layouts and landscaping to reflect or enhance the area's local distinctiveness.
- 11.1.5 The proposal sees the demolition of part of the existing buildings to the south of the bulk of the buildings, and the construction of a singular steel portal framed extension to house a plant room, various processing rooms, chilled storage areas and a despatch area with HGV loading docks.
- 11.1.6 The proposed extension would form an L-shape, being wider at the junction with the existing building. This section would measure 30 metres in width, for a depth of 33.2 metres, with the further section measuring 22 metres in width for a depth of 26.7 metres. The proposed extension would have a maximum height of 7 metres to the eaves and 8.3 metres to the pitch. The material palette proposed includes the use of white composite panels to the lower half, with dark grey wall cladding to the upper half. The proposed roof would be clad in a lighter grey.
- 11.1.7 The appearance of the proposed extension would be typical of a commercial style unit, and would be in keeping with the existing farmstead and recently constructed farmshop extension. The proposed extension would be functional in design, meeting the needs of the abattoir, as evidenced by the justification provided by the Applicant.
- 11.1.8 In terms of site layout, the proposal would see the formalisation of the existing access arrangements to the application site. The proposal would see the formation of an area of hardstanding to the south of the extension for HGV parking and turning, and the formalisation of car parking for visitors. The provision of a security fence is also proposed to prevent public access to production areas.
- 11.1.9 As with previous applications at the site, the area of gravel to the south of the main building currently houses a multitude of containers and freezers which would be removed as part of this proposal, which would be a positive contribution to the visual impact of the development.

- 11.1.10 Whilst the proposal would be substantial addition to the application site, when considering the existing use of the site and the justification provided by the Applicant to illustrate the need for the proposal, it is considered that the proposal would be in accordance with the abovementioned policies.

11.2 Heritage

- 11.2.1 Policy LPP57 of the Adopted Local Plan states that the Council will seek to preserve and enhance immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land.
- 11.2.2 The proposal is to the south of two Grade II Listed Buildings forming part of the Blixes Farm farmstead. The Historic Buildings Consultant has provided comment on the application, offering no objection to the proposals due to the location of the extension with a separation from the listed buildings. The proposed siting of the extensions is appropriate to the location, protecting the setting of the identified heritage assets.

11.3 Highway Considerations

- 11.3.1 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. The NPPF goes on to state 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.
- 11.3.2 Policy LPP52 of the Adopted Local Plan require that new developments should not have a detrimental impact on the safety of highways and their users. Policy LPP43 of the Adopted Local Plan requires that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.
- 11.3.3 The application utilises existing access arrangements from Ranks Green Road. As with previous applications at the site, the proposal sees a new traffic management plan for the wider site, seeing the separation of HGV traffic and visitor parking for the farmshop.
- 11.3.4 ECC Highways have been consulted as part of the proposals, and have raised no objections to the proposals, due to the existing operations at the site and the extent of the proposed facilities. It is not considered that the proposals would lead to significant increase in vehicle movements.
- 11.3.5 Turning to the matter of parking, Policy LPP43 of the Adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards.

- 11.3.6 As part of the proposed traffic management plan, the proposal would see the creation of a formal HGV parking and turning area to the south of the proposed loading dock. The existing visitor parking would also be formalised as part of the proposals, with the addition of 8 vehicle parking spaces to the east of the extension.
- 11.3.7 It is considered that the proposals would provide an improvement on both the existing access and parking arrangements for the site, in accordance with the above policies.
- 11.4 Impact upon Neighbouring Residential Amenity
- 11.4.1 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design. Policy LPP52 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standards of amenity for all existing and future occupiers of land or buildings.
- 11.4.2 Policy LPP7 of the Adopted Local Plan states that proposals for small scale commercial development will be considered acceptable subject to there being no unacceptable impact on residential amenity.
- 11.4.3 Whilst the proposal would see the creation of additional floor space to the abattoir, the application is seeking improvements to existing operations at an established abattoir business. The proposed extension has been located to the south of the site, away from residential properties. Therefore it is considered that the proposals would not have a detrimental impact on neighbouring amenity by way of overlooking, overshadowing, loss of privacy or visual intrusion. A previous application at the site for a similar scaled proposal was subject to comments from the Environmental Health Officer who raised no objections to the application, however recommended conditions restricting the maximum noise of the refrigeration units, along with a condition restricting operating hours. As previously, it is considered that a condition restricting noise of the refrigeration units can be reasonably imposed, however a condition restricting operating hours would be unreasonable. The application site is an established unit with an existing operation, and there is no evidence to suggest that the use causes disturbance. It is considered that it would not be appropriate to condition operating hours of the site as a whole as part of this extension application.
- 11.5 Flooding and Drainage Strategy
- 11.5.1 The application site is located with Flood Zone 1 where the risk of flooding is low.
- 11.5.2 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would be inappropriate. It goes on to cite that when

considering the SUDS used, regard should be given to the advice received from the lead local flood authority (LLFA).

- 11.5.3 Policies LPP74, LPP75 and LPP76 of the Adopted Local Plan reflect the above objective of the NPPF and require new major developments to incorporate SUDS as appropriate to the nature of the site.
- 11.5.4 A Flood Risk Assessment and drainage strategy was submitted as part of the application, which received no comments from the Environment Agency. Due to the nature of the site and location within Flood Zone 1, it is considered that the proposals would be acceptable.
- 11.5.5 Essex County Council SUDS team, as Lead Local Flood Authority, provided comment on the application, raising no objection to the proposal subject to conditions regarding the submission of a surface water drainage scheme and maintenance plan.

11.6 Ecology

- 11.6.1 Policy LPP64 of the Adopted Local Plan seeks to ensure that the developer undertakes an ecological survey and demonstrate adequate mitigation is in place to ensure no harm to protected species or priority species.
- 11.6.2 Whilst the proposal does not see the submission of ecological information, the Council's Ecological Officer has provided comments on the application and states that given the scale and scope of the proposed works and the lack of suitable habitat to support protected or priority species, there is no objection to the proposals on ecological grounds.

11.7 Lighting

- 11.7.1 Policy LPP52 of the Adopted Local Plan refers to lighting stating, 'they will need to be in context with the local area and comply with national policy and avoid or minimise glare, spill and light pollution on local amenity, intrinsically dark landscapes and nature conservation'.
- 11.7.2 Policy LPP77 of the Adopted Local Plan refers to external lighting and seeks to ensure that proposals for external lighting within development proposals will be permitted where, 'there is no harm to biodiversity; natural ecosystems; intrinsically dark landscapes and / or heritage assets'.
- 11.7.3 As stated within the planning statement for the application, no additional lighting is proposed as part of the proposals. A condition is therefore recommended to be imposed preventing the installation of lighting without permission.

12. PLANNING OBLIGATIONS

- 12.1 Policy SP6 of the Adopted Local Plan states that development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. This includes the provision of green open space and safe places for active play and good growing.
- 12.2 The Council's Open Space SPD sets out further details on how these standards will be applied. The SPD states that the threshold at which developments should make a financial contribution towards the provision of new or improved Open Space is 1,000sq.m. The financial contribution is calculated to make a proportionate contribution towards the provision of offsite public open space (amenity greenspace and outdoor sports).
- 12.3 The Applicant has agreed the following contribution which is consistent with the Council's Open Space SPD:
- £6,825 (index linked) towards the provision of new, or improvements to existing areas, of amenity greenspace and / or outdoor sports identified in the Council's Open Spaces Action Plan in the Terling area or other projects identified in the Open Spaces Action Plan.

13. PLANNING BALANCE AND CONCLUSION

- 13.1 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.
- 13.2 In assessing the planning balance, the adverse impacts of the proposed development, against the public benefits of the proposal needs to be considered.

Summary of Harms

- 13.3 No harms have been identified with regards to the proposed development.

Summary of Benefits

- 13.4 In terms of benefits, the proposed application would see the expansion of an existing local business, which would see a social and economic benefit through the supporting of a local business specifically related to the rural area, contributing to the economy of the District and providing local employment opportunities.
- 13.5 It is considered that the benefits of the proposal would outweigh the harms. Against this context, it is 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:

§ £6,825 (index linked) towards the provision of new, or improvements to existing areas, of amenity greenspace and / or outdoor sports identified in the Council's Open Spaces Action Plan in the Terling area or other projects identified in the Open Spaces Action Plan.

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)

Plan Description	Plan Ref	Plan Version
Location / Block Plan	20-L15-PL001C	N/A
Proposed Floor Plan	20-L15-PL004C	N/A
Proposed Site Plan	20-L15-PL006A	N/A
Proposed Floor Plan	20-L15-PL007A	N/A
Proposed Elevations	20-L15-PL102C	N/A
Proposed Sections	20-L15-PL202	N/A
Traffic Management Plan	20/L15-PL005B	N/A

Condition(s) & Reason(s)

Condition 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.

Condition 2

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

Reason: To ensure that the development does not prejudice the appearance of the surrounding rural area.

Condition 3

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

Reason: To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

Condition 4

Prior to the installation of new refrigeration/freezer equipment, a scheme shall be submitted to the local authority for the control of related equipment noise from the site and for that purpose must show that the cumulative noise level from the equipment on site can achieve 10dB below the background noise level (LA90) at the noise sensitive premises.

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

Condition 5

After two months of the first use of the extension hereby permitted, any existing external freezers and containers on the site used in connection with meat preparation and storage shall be removed from the site in perpetuity.

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

Condition 6

No external lighting other than the lighting details shown on the approved plan(s) and/or documents shall be installed.

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

Condition 7

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 1.35l/s 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, OR, if impracticable.
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff (including roof 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.
- A written report summarising the final strategy and highlighting any minor changes to the 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.

Condition 8

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.

Condition 9

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.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP7	Rural Enterprise
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP64	Protected Sites
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
01/01743/AGR	Erection of general purpose agricultural building	Permission not Required	12.11.01
77/660/	Additional bedroom and lounge extension	Granted	06.07.77
93/00030/FUL	Proposed abattoir	Granted	23.03.93
93/01579/COU	Conversion of existing storage building for use as a retail butchers shop	Granted	28.02.94
94/00458/FUL	Proposed conversion of existing outbuilding for use as a retail butchers shop	Granted	26.05.94
94/00914/FUL	Erection of extension and refurbishment of existing abattoir buildings and office extension	Granted	30.09.94
94/01229/FUL	Resiting proposed new butchers shop previously approved under 94/00458/FUL	Granted	22.11.94
98/00218/FUL	Installation of incinerator	Granted	01.04.98
98/00998/FUL	Erection of office within existing barn	Granted	28.08.98
06/01341/AGR	Erection of cattle building	Permission Required	29.08.06
06/02174/FUL	Erection of cattle building	Granted	18.12.06
08/02173/FUL	Erection of two storey extension	Refused	11.02.09
09/00001/LBC	Erection of two storey extension	Refused	11.02.09
09/00820/FUL	Reed bed and filtration system	Granted	06.08.09
09/01557/FUL	Erection of extension to existing farm shop	Granted	19.01.10
09/01602/FUL	Erection of two storey extension	Granted	26.01.10
09/01603/LBC	Erection of two storey extension	Granted	26.01.10
10/00160/DAC	Application for approval of details reserved by condition no. 3 & 4 of approval 09/01603/LBC	Granted	20.09.10

10/01296/LBC	Replacement of boiler flue with new flue to east side elevation.	Granted	01.11.10
11/00221/FUL	Erection of extension to existing farm shop	Granted	18.04.11
14/00794/FUL	Erection of a 250kw ground mounted solar photovoltaic array	Granted	12.09.14
15/01146/ECC	Consultation on Essex County Council application ESS/33/15/BTE - Installation of a sealed rectangular plastic coated polyester fabric bladder tank complete with vent pipes and drum type activated filters, measuring 29.20m long x 25.66m wide x 2.80m deep of which 1.1m would be above ground level to facilitate the storage of abattoir wash water	No Objections Raised	12.10.15
16/00464/FUL	Demolish boning room and wholesale shop, relocate freezers and erect replacement boning room and wholesale shop	Granted	27.05.16
18/00572/OUT	Demolition of cold stores, freezers storage containers and meat preparation area. Erection of extension to Farm Shop comprising replacement cold stores, freezer, meat preparation room, dry storage and loading/unloading area	Granted	20.12.18
19/02198/FUL	Demolition of Cold Stores, Freezers Storage Containers and Meat Preparation Area. Extension to Farm Shop Comprising Replacement Cold Stores, Freezer, Meat Preparation Room, Dry Storage and Loading/Unloading Area.	Granted	07.02.20
20/00890/FUL	Proposed abattoir	Granted	19.10.20

	extension and associated works.		
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