

# PLANNING COMMITTEE AGENDA

Tuesday 29th 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](http://www.braintree.gov.uk)*

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

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

---

**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](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

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

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](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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](mailto:governance@braintree.gov.uk) by no later than 9.00am on the day of the meeting. In the event that a registered speaker is unable to connect to the virtual meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PUBLIC SESSION**

**Page**

- 1 Apologies for Absence**
- 2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meetings**

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 1st November 2022 and 15th November 2022 (copies to follow).
- 4 Public Question Time**

(See paragraph above)
- 5 Planning Applications**

To consider the following planning applications
- 5a App. No. 21 02241 FUL – St Dominics Residential Home, London Road, KELVEDON** **6-47**
- 5b App. No. 21 03121 FUL – Deer Park View, land rear of Braintree Road, GREAT BARDFIELD** **48-91**
- 5c App. No. 22 00722 HH – 23 Oates Cottages, Sudbury Road, GESTINGTHORPE** **92-104**
- 5d App. No. 22 02084 FUL – Neighbourhood Centre, Towerlands, Panfield Road, BRAINTREE** **105-146**
- 6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

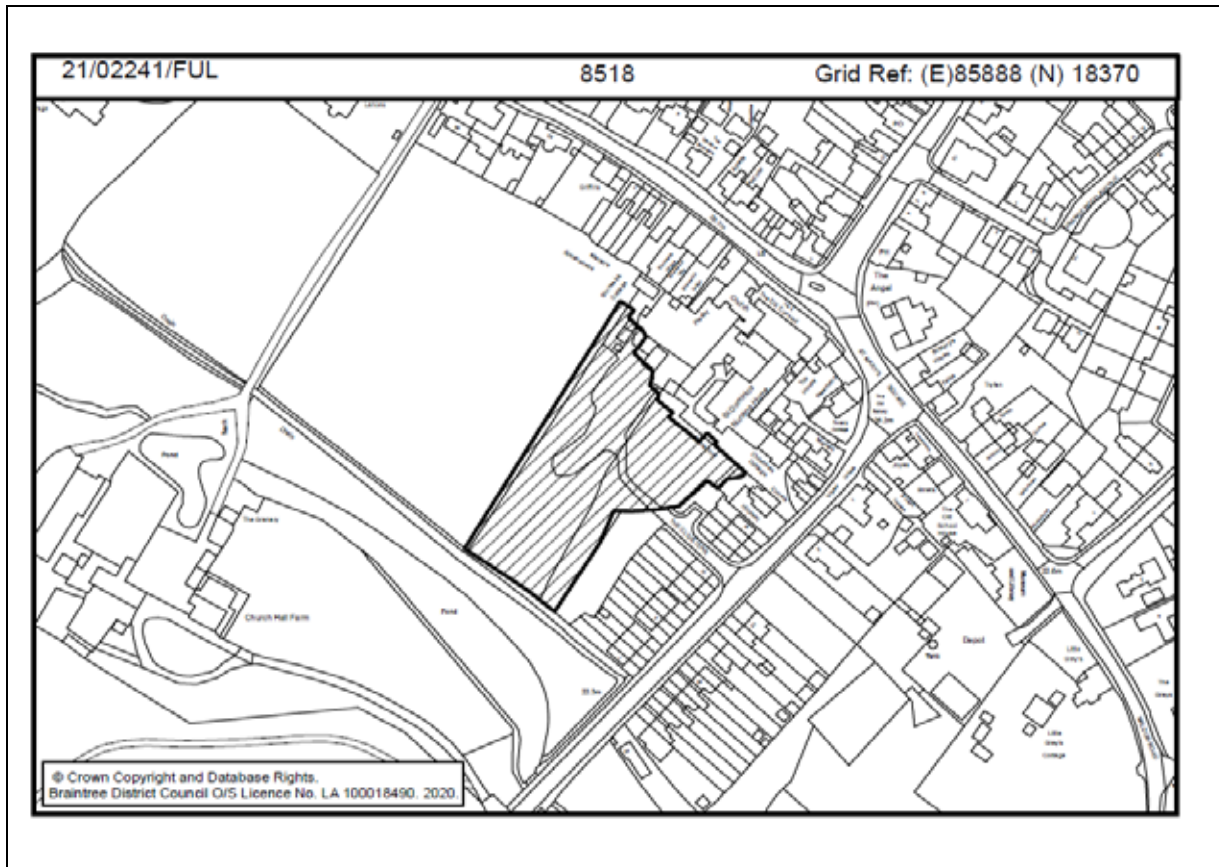
**Page**

**8 Urgent Business - Private Session**

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

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 29th November 2022	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
Application No:	21/02241/FUL
Description:	Erection of two-storey 21 bed care home together with 7 x 2 bed close care bungalows, together with visitor parking spaces, amenity areas and access road
Location:	St Dominics Residential Home London Road Kelvedon
Applicant:	St. Dominics Care Services Ltd., St. Dominics Residential Home, London Road, Kelvedon, CO5 9AP
Agent:	Michael Smith, JCN Design & Planning, 2 Exchange Court, London Road, Feering, Colchester, CO5 9FB
Date Valid:	28th July 2021
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overtturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
<b>Case Officer:</b>	Lisa Page For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2516, or by e-mail: <a href="mailto:lisa.page@braintree.gov.uk">lisa.page@braintree.gov.uk</a>

**Application Site Location:**



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



<p><b>Equality and Diversity Implications</b></p>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p> <p>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><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 21/02241/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</li> <li>§ Neighbourhood Plan (if applicable)</li> </ul> </li> </ul>

	<p style="text-align: center;">§ Supplementary Planning Documents (SPD's) (if applicable)</p> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk">www.gov.uk</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>
--	---

## 1. EXECUTIVE SUMMARY

- 1.1 The application seeks full permission to erect a twenty-one bed care home, together with 7 detached close care bungalows, plus resident and visitor parking spaces, amenity areas and access road.
- 1.2 The site for the proposed carehome is located within the defined Village Envelope for Kelvedon and is a 'residential housing allocation' site as set out within the Adopted Local Plan. The principle of this aspect of the application is therefore acceptable. The site for the 7no. proposed close care bungalows is outside of the defined Village Envelope for Kelvedon and thus lies within a countryside location. This aspect of the application is therefore contrary to Policy LPP1 of the Adopted Local Plan, which seeks to confine development to the areas within development boundaries, and thus is unacceptable in principle.
- 1.3 Kelvedon offers a good range of services and facilities to meet day to day needs of the development. In addition, the site is located close to bus stops which serve a variety of destinations and is in walking distance to the Rail Station which lies at approximately 0.8 miles distance and provides access to regular rail services. 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, visitors, and residents could readily access this provision.
- 1.4 The layout of the development relates well to the built form within the locality. The two-storey scale of the carehome and the single storey bungalows, and simple form and design of the buildings would sit comfortably within their context. Subject to a condition to require a lighter buff material for some of the bungalows, the material choice across the site is appropriate.
- 1.5 In heritage terms, the development would not give rise to harm to the setting of the Conservation Area nor listed buildings.
- 1.6 The carehome would provide for acceptable amenity for future occupiers in terms of internal and external amenity. In addition, all the bungalows would be provided with acceptable external amenity space and internally would meet with Nationally Described Space Standards. However, some concern is raised in terms of future amenity for occupiers of Unit 7. This property will have both of the bedrooms facing out onto the access road and parking areas for staff. Occupiers would be impacted by general noise and disturbance from the coming and goings of employees, especially as staff change rotas. In addition, 2no. visitor parking spaces are located to the side of the unit, adjacent to the front door and flank bedroom window, which would exacerbate the harm. This matter weighs against the proposal.
- 1.7 Turning to landscape considerations, the impacts are restricted to impacts upon existing features on the site itself. The application requires the removal of 7 individual trees, 6 groups, and 1 hedgerow. The majority of these are located within the allocation site area identified within the

Adopted Local Plan, such that there has always been an understanding that these features would likely be removed to facilitate development. None of the trees to be removed are protected, but rather consist of the removal of mixed vegetation cover of self-sown trees and ornamental planting in the existing garden ground, including lawson and leylandii hedging. Whilst this loss is regrettable, the loss of amenity is largely within the confines of the site, and together with retained hedgerows and enhanced provision of planting set out within the revised landscaping scheme, the loss can be justified.

- 1.8 Matters in relation to highway capacity and safety are considered acceptable. The Highway Authority have raised no objections. In regard to parking provision, whilst parking for the bungalows is in accordance with adopted parking standards, there is considered to be a shortfall of 10 spaces for the existing and proposed carehome. However, the site is well served by public transport, both by bus and train, which would enable staff and visitors to access the site by means other than the private vehicle. In addition, there is a public pay and display car parking on the High Street at a distance of 550 metres. The application is also submitted with a Travel Plan which seeks to encourage staff to travel in more sustainable ways. Given these matters the level of parking is considered acceptable.
- 1.9 Matters in regard to ecology would be acceptable subject to a number of conditions. Other matters in regard to flooding / drainage are also acceptable subject to the imposition of conditions.
- 1.10 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 lies to the south / south-west of Kelvedon, close to the High Street. The site is located behind London Road and consists of an existing and operational care home (39 bedroomed), with associated parking and gardens.

5.2 The existing carehome forms the eastern boundary of the application site (beyond which lies mainly residential dwellings); to the south lies residential dwellings, their curtilages and rear parking areas; to the west is an area of woodland; whilst to the north is agricultural land / paddock land.

5.3 The site lies outside of the Conservation Area but within close proximity to it.

6. PROPOSAL

6.1 The application seeks full permission to create a new twenty-one bed care home, together with 7 detached close care bungalows, plus resident and visitor parking spaces, amenity areas and access road.

6.2 The application details that the close care bungalows will be subject to a minimum age restriction of 65 years. The residents of the close care bungalows will have 24-hour access to a dedicated member of staff via a Nurse Call system connected to the main home and general access to all the staff and facilities within the care home for meals, medical and general care.

6.3 Access is proposed via The Cloisters, from London Road. The revised parking layout will provide for 12no. parking spaces for staff, 6no. visitor spaces, while the close care bungalows will each have 2 parking spaces. The 12no. existing parking spaces as existing to the front of the existing care home remain unaffected.

## 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 documents supplied are acceptable.

### 7.2 Highways England

7.2.1 Offer no objection.

### 7.3 NHS

7.3.1 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 £8,700 is requested to be secured.

### 7.4 Police

7.4.1 Comment that designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

- 7.5      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 Environmental Health
- 7.6.1    Comment that any permission should include conditions for a preliminary contaminated land report, unexpected contamination, hour of working, piling and burning on site.
- 7.7      BDC Landscape Services
- 7.7.1    No objections subject to conditions. Comment that the loss of amenity by removal of trees is largely within the confines of the site and the retained hedge line supported by the new landscape proposals as they establish will provide some screening for the new elevations.
- 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    Raise no objections subject to a condition for a construction management plan.
- 7.10     ECC Historic Building Consultant
- 7.10.1   Comment that the proposed siting, design, and scale of the new buildings will not be harmful to the surrounding heritage assets as the site is relatively enclosed on its eastern edge with limited intervisibility between the Conservation Area, listed buildings within the Conservation Area, and the site. Recommend a number of conditions be imposed on any permission relating to materials and architectural detailing (new windows, doors, eaves, verges and cills).
- 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. Comment that suitable planting will need to be used with an appropriate management scheme.

## 9. REPRESENTATIONS

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

9.1.2 1 objection letters has been received from a local resident raising the following comments:

- Concern with the level of consultation / publicity undertaken;
- No need for a larger care home in the village (residents and staff are not local to the village);
- Footpaths in the area are unsuitable for wheelchair users or mobility scooters;
- Access to the site is limited and not suitable for vehicles required for the construction;
- Will put strain on, on-street parking in London Road (and creates safety concerns in crossing London Road and exiting from The Cloisters);
- No additional parking spaces included for staff and visitors of the care home;
- The size and design of the building is not in keeping with the surrounding area;
- The proposed care home is sited too close to residential homes - will be intrusive and result in overlooking / loss of privacy;
- Will result in loss of outlook from neighbours properties;
- Increased noise from staff (from kitchens, laundry rooms, and general coming and goings);
- The Biodiversity Survey and report does not address the diverse range of wildlife in the local area. The photos in the visual assessment are a poor representation of how the site appeared before the removal of vegetation;

## 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 Kelvedon Neighbourhood Plan (July 2022).
- 10.3.2 The site for the proposed carehome is located within the defined Village Envelope for Kelvedon (as set out within the Adopted Local Plan) and is also an allocated 'residential housing allocation' site within the Adopted Local Plan (reference KELV 332 - The use being stated as C2 Use Class Specialist Housing). The principle of this aspect of the application is therefore acceptable.
- 10.3.3 The care home element of the application 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 village or town 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 The site for the 7no. proposed close care bungalows is outside of the defined Village Envelope for Kelvedon and thus lies within a countryside location. This aspect of the application is therefore contrary to Policy LPP1 of the Adopted Local Plan, which seeks to confine development to the areas within development boundaries, and thus is unacceptable in principle.

## 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 many 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 100 metres to the library, 230 metres to the post office, 500 metres to the co-op and pharmacy, with other shops, restaurants and similar at a similar distance.
- 11.1.4 Furthermore, in terms of sustainable transport, the site is located around 230 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 0.8 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 Layout, Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.2.1 The siting and layout of the proposed carehome relates well to the existing care home on the site. They would front onto one another with a shared internal courtyard area which creates a pleasing amenity area and active internal street scene.
- 11.2.2 The scale of the carehome building would be two-storey in height, and this responds appropriately to the surrounding context of built development and will have an acceptable relationship with its neighbours. In design terms, the detailing and appearance of the building is traditional and simple in its form. The introduction of a pitch roof feature to the first floor windows assists in breaking the eaves and adding interest to the building.
- 11.2.3 In terms of materials, the carehome building would be constructed in brick and feature brick banding to further add interest to its facades. The roofing material is slate. These would be traditional and characteristic of the local style.
- 11.2.4 In regard to the detached units these are single storey in height, which assists in reducing the landscape impact. They are simple in form and contain a similar design pitched roof feature and gable to tie them into the wider site design. The proposed roofing materials are a mix of slate, and red or brown tile which is considered appropriate to the locality. There is equally no objection to the proposed red brick proposed. However, there is concern with the proposed buff brick which is considered out of keeping with the character of the Conservation Area. A condition is therefore imposed to require samples of the brickwork which requires that a lighter colour brick be used.
- 11.2.5 In terms of amenity for future occupiers of the carehome, the bedrooms would exceed standards, and have acceptable outlook. In addition, the communal rooms (the dining room and residents lounge) overlook the landscaped areas. Overall, this aspect of the proposed development is considered to result in high quality amenity for future occupiers.
- 11.2.6 In terms of the amenity provided within the bungalows, these are provided with accommodation that meets with the Nationally Described Space Standards (NDSS), and garden sizes that meet with the Essex Design Guide (EDG). Whilst units 1-6 would benefit from acceptable outlook, light provision and similar, there are some concerns with the future amenity of occupiers within Unit 7. This property will have both of the bedrooms facing out onto the access road and parking areas for staff. Occupiers would inevitably be impacted by general noise and disturbance from the coming and goings of employees, especially as staff change rotas (which may be at more unsociable times). In addition, 2no. visitor parking spaces

are located to the side of unit 7, adjacent to the front door and flank bedroom window, which would exacerbate the harmful impact to their amenity. Although this matter only relates to one dwelling and future occupiers would be aware of the situation, it is a matter that does weight against the proposal to a moderate degree.

### 11.3 Housing Tenure and Mix

11.3.1 The application seeks the 7no. detached bungalows as close care bungalows and details that future occupiers will have 24-hour access to a dedicated member of staff via a Nurse Call system connected to the main carehome and general access to all the staff and facilities within the care home for meals, medical and general care. The application details that occupation of these bungalows will be subject to a minimum age restriction of 65 years.

11.3.2 Officers have considered whether it would be reasonable and necessary to impose a condition or legal agreement on any permission to restrict the age of occupation of these units, and in this instance conclude that it would not meet the relevant tests for when these can be imposed. As such, the application considerations are on the basis that these 7no. units could operate as market dwellings.

11.3.3 Turning to the consideration of affordable housing, the National Planning Policy Framework stipulates that sites with an area of more than 0.50 hectare are considered major development which consequently triggers affordable housing obligations. Furthermore, Adopted Local Plan Policy LPP31 requires 40% affordable housing provision with an area of more than 0.5 hectare (in this location).

11.3.4 The site has an area of 0.62 hectare there is a requirement for an affordable housing contribution. For the 7 unit bungalow element of this scheme this therefore equates to a requirement of 2.8 affordable homes. The Council has high levels of housing need and although on-site provision is usually always our preferred approach, in this case a commuted payment in lieu of affordable housing would be more appropriate. It is therefore recommended that a payment of £281,750 ( $7 \times 40\% = 2.8 \times £100,625$ ) be secured within the Legal Agreement. This payment calculation is based on subsidy per unit to enable a partner housing association to provide affordable rented housing elsewhere in the district.

### 11.4 Heritage

11.4.1 There are no designated heritage assets which will be directly impacted by the proposals, however the site is located close to the Kelvedon Conservation Area's boundary, at its south western edge. In addition, within the Conservation Area there are a high number of listed buildings, including St Mary's Church (Grade I); The Old Vicarage (Grade II); a group of three buildings on St Mary's Square: Top House, Newman's and Rosary Cottage (all Grade II) which back onto the existing care home. To the west of the

site is Church Hall Farm. The farmhouse is part of a historic farm complex, within which there are three other associated and individually listed buildings, including a barn and cottage.

- 11.4.2 The proposed siting, design, and scale of the new buildings will not be harmful to the surrounding heritage assets. The site is relatively enclosed on its eastern edge, meaning there is limited intervisibility between the Conservation Area and the site. Furthermore, the new care home buildings should read as an extension to existing built form in the village and will not diminish the setting of the Conservation Area.
- 11.4.3 As detailed above, there is some concern that the proposed buff bricks indicated for the bungalows would not be in keeping with the character of the Conservation Area as this is not a strong feature of the Conservation Area or locality. A condition is therefore imposed to require samples of the brickwork which requires that a lighter colour brick be used.
- 11.4.4 In regard to listed buildings, particularly those in St Mary's Square, it is not considered that the setting of these buildings will be negatively affected as the existing care home will block views of the new development, and there is no discernible visual or historic link between the site and the listed buildings. Whilst the new structures may be visible from Church Hall Farm, the distance between the two and lack of connection between the site and the farmhouse, means there is no concern that the setting of these heritage assets (within the Church Hall Farm complex) will be harmed.
- 11.4.5 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.

## 11.5 Archaeology

- 11.5.1 Further in regard to heritage, is the consideration of archaeology. The proposed development lies at the edge of the historic settlement at Kelvedon. Excavations within the town have revealed Middle Iron Age and Late Iron Age settlement as well as a small Roman town and possible fort. The medieval town of Kelvedon partly overlies the Roman predecessor, the location of both being dictated by the Roman road and the river-crossing. The original focus of the settlement is thought to be around the church at the western end of the town. It is considered that the Saxon and medieval village centre lay between the church, Church Hall Farm and the present High Street. Saxon features have been recovered along Church Street, though disturbed by early C17 occupation. The application site lies in close proximity to the Saxon features and Roman cemetery and within the core of the medieval town, and also lies upon river terrace deposits which overlie lake deposits with high Palaeolithic potential. A condition to secure such archaeological evaluation is therefore imposed.

## 11.6 Ecology and Landscape

- 11.6.1 The application has been submitted with an Ecological Assessment (Preliminary Ecological Appraisal, March 2020) and a Great Crested Newt Report (James & sons Environmental Sciences Ltd), 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.
- 11.6.2 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 Lighting Strategy is implemented to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area.
- 11.6.3 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.
- 11.6.4 In regard to landscape impacts, the application has been submitted with a Landscape Visual Appraisal (LVA). The LVA determines that the site sits within an area of low visibility in the wider context and is therefore less susceptible to change. The assessment finds that the effect of the proposal in the short-term will be 'Minor Adverse', but that the embedded mitigation means the impact will be temporary and localised. Although the scheme will be perceptible, it is set against the context of existing development and is already well screened and the overall rural character of the valley will not be affected. Views of the site from London Road when approaching the village from the A12 are largely screened by the existing roadside vegetation and the scheme will not be visible, whilst from the north, the site is screened by the existing development. As such, the impact of the proposed scheme on views from public areas is considered to be negligible. Officers have reviewed the LVA and concur with its conclusions.
- 11.6.5 The impact of the development to existing trees and landscaping at the site itself is addressed within the submitted Arboricultural Impact Assessment (AIA). The AIA identifies 7 individual trees for removal, 6 groups, and 1 hedgerow, as follows:

T11	Oak	Category C2
T12pa	Hazel	Category B2

T13	Apple	Category B2
T15	Walnut	Category B2
T16	Pear	Category C1
T22	Holly	Category B2
T23	Prunus	Category B2
H9	Hawthorn / Blackthorn	Category C2
G10	Field Maple	Category B2
G14	Lawson / Leylandii	Category B2
G21	Prunus	Category C2
G24	Prunus spp and apple	Category B2
G25	Willow / Blackthorn	Category C2
G27	(Section of) Mixed deciduous	Category B2

11.6.6 The majority of the landscape features to be removed are located within the allocation site area identified within the Adopted Local Plan. There has therefore, always been an understanding that these features would be removed to facilitate development. None of the trees to be removed are protected, but rather consist of the removal of mixed vegetation cover of self-sown trees and ornamental planting in the existing garden ground, including lawson and leylandii hedging. As noted above, most of the ground cover will need to be removed to facilitate the development.

11.6.7 Whilst removal of trees and hedging features is regrettable, the loss of amenity is largely within the confines of the site. Importantly, the boundary hedge (H1), sited along the north / north-western boundary consisting of mostly hawthorn and blackthorn will be retained (reduced back to form). This feature, together with the proposed enhanced provision of planting set out within the revised landscaping scheme will provide some screening to the development.

#### 11.7 Impact upon Neighbouring Residential Amenity

11.7.1 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.

11.7.2 The area of the proposed bungalows is bordered by the rear parking and gardens of dwellings to the south, which front onto London Road. Given the single storey scale of the development; existing intervening landscaping and parking areas; and distances involved, there would be no unacceptable overlooking to neighbouring properties, nor harm in terms of loss of light or outlook.

11.7.3 The carehome would adjoin the rear gardens, parking and access areas associated with dwellings fronting London Road (No.s 13-16, Hillcrest and Easterford). The building line of the carehome is staggered to this



elevation, and would be between 22 and 30 metres away from the rear of these properties. Given this distance, the scale of the building and the roof from, there would be no unacceptable impact to neighbours amenity from outlook or loss of light. A number of 1<sup>st</sup> floor windows are proposed to the southern elevation of the carehome (2no. to landing windows, 1no. kitchen window and 1no. stairwell). Due to the distances involved, oblique angle of and existing landscaping involved, there would be no unacceptable overlooking.

- 11.7.4 In terms of the impact to neighbours during construction, a condition is to be imposed to require the submission of a Construction Management Plan (CMP). The CMP includes the need for a dust and mud strategy to 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 addition, a condition is imposed to restrict the use of piling unless a scheme for associated noise and vibration has been agreed. Lastly, the CMP will also control a number of matters including the storage of plant and materials used in constructing the development; wheel washing; details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance; and contact details for Site Manager and details of publication of such details to local residents.
- 11.7.5 In terms of impacts to neighbours once occupied, given the nature of the use itself, this will not generate undue noise. The siting of the kitchen and ancillary 'back of house' uses are also not considered to impact upon neighbours. There is no change to the existing vehicular access from London Road (which remains between 'Corrals' and 'Easterford', with the access being from London Road, and via The Cloisters). Given the scale of development there is not considered to be harm from vehicle movements. Staff parking is sited such that there will be no impact from comings and goings and general noise disturbance.

## 11.8 Highway Considerations

- 11.8.1 The site currently benefits from two access points from London Road. The existing access between 'Corrals' and 'Easterford' which provides access to the front of the carehome and existing carparking provision will remain unaltered. The other access, via The Cloisters, which provides access to a further existing parking area, will be utilised for the changes to access and parking arrangements for the site.
- 11.8.2 The application has been submitted with a Transport Statement, which details that in regard to visibility slays onto London Road, the access provides visibility of 2.4 x 43 metres in both directions and thus meets with standards. The Highway Authority are content that the visibility demonstrated is acceptable and would create no objections in terms of highway safety. Furthermore, the access into the site via The Cloisters provides adequate width of road to accommodate the associated traffic movements. Adequate turning provision is provided within the site.

- 11.8.3 In terms of parking requirements, an assessment needs to be made of the impact on changes to the current parking provision for the existing carehome in addition to a need to meet the needs of the proposed care home and bungalows. In this respect, the current carehome provides 39 bedrooms and employees the equivalent of 6 full time staff. The application seeks an additional 21 bed care home, with 7 bungalows, and 12 full time equivalent staff members.
- 11.8.4 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 carehome element of the proposed development will generate a need for 12 spaces and an additional 7 visitor spaces. The existing carehome generates a need for 6 spaces and 13 visitor spaces. Therefore, the total maximum parking spaces required across the site for the carehomes is 38 spaces.
- 11.8.5 The application provides 28 parking places for the carehome element (as 2 of the visitor spaces shown adjacent to the bungalows would realistically only be used by visitors of the bungalows). This is a shortfall of 10 spaces from the maximum provision. To address this, the application has been submitted with a Travel Plan which seeks to encourage staff at the site, both at the existing carehome (which currently does not have a Travel Plan associated with its use) and the proposed, to reduce their reliance on the use of the private car. A condition is imposed to ensure that the Travel Plan is adhered to, which includes set timescales for evaluation and review of the document.
- 11.8.6 A further response to the shortfall of parking, relates to the location of the site. 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. A condition is also imposed to require the provision of cycle parking to encourage staff 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 550 metres. Given these matters the level of parking is considered acceptable.
- 11.8.7 The concerns from a local resident during the construction period are noted. As set out above, a condition is to be imposed requiring the submission of a Construction Management Plan (CMP) which will address impacts and management of vehicles during construction. This can include routing / access (including signage) and use of banksmen where appropriate.
- 11.9 Habitat Regulations Assessment (HRA / RAMS)
- 11.9.1 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.

- 11.9.2 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.
- 11.9.3 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 on site. 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 carehome element.
- 11.9.4 However, and as discussed above within the housing tenure and mix section, the 7 dwellings proposed within the application are being considered on the basis that these 7no. units could operate as market dwellings. Even they were occupied as per the intentions of the application, which is for over 65's, such occupiers will likely to be more mobile and could visit these coastal locations, and the fact that these dwellings are each provided with 2 parking spaces, as per the parking standards required by C3 residential, also suggest this conclusion.
- 11.9.5 It is therefore necessary for the Council to complete an Appropriate Assessment under the Habitat Regulations to establish whether mitigation measures can be secured to prevent the development causing a likely significant adverse effect upon the integrity of these sites.
- 11.9.6 An Appropriate Assessment (Habitat Regulation Assessment Record) has been completed in accordance with Natural England's standard guidance. Subject to the proposed mitigation measures set out in the Council's Habitat Regulations Assessment being secured these mitigation measures would rule out the proposed development causing an adverse effect on the integrity of the above European Designated Sites.
- 11.9.7 The proposed mitigation measures would consist of the securing of a financial contribution of £137.31 per dwelling erected towards offsite visitor management measures at the above protected sites.
- 11.9.8 This financial contribution would be secured by way of a Section 106 Legal Agreement

## 11.10 Flooding and drainage

- 11.10.1 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.
- 11.10.2 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.
- 11.10.3 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 details that surface water drainage would be achieved mostly using soakaways. The soakaways have been designed to accommodate and infiltrate the runoff expected in the 1 in 100 year plus 40% allowance for climate change storm event, plus 10% added to the impermeable area to allow for urban creep. The soakaways designs are based on cellular storage crates in order to provide the largest possible flood volume.
- 11.10.4 However, given the proposed layout, topography and soil conditions, soakaways and infiltration for all elements of the development is not feasible. The south-west boundary of the site, which is at the lowest ground level, has a high water table, and therefore, for Plots 1, 2 and 3 and the driveway and road surrounding these properties, an attenuation tank will be installed, and pumped into the adjacent Anglian Water surface water sewer. (Anglian Water's permission is required for this connection). 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.
- 11.10.5 Anglian Water states that the proposed surface water disposal is acceptable. In regard to the foul drainage they confirm that it is within the catchment of Coggeshall Water Recycling Centre which currently does not have capacity to treat the flows the development site. However, Anglian Water are obligated to accept the foul flows and would take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted. In regard to used water network comment that the sewerage system at present has available capacity for these flows.

## 12. PLANNING OBLIGATIONS

- 12.1 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 Section 106 Agreement is being drafted which covers this matter. Although the carehome will have an on-site nurses 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.

- 12.2.1 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 42 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 £8,700 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 important 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.
- 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 given to these factors are set out below:

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

- 13.2.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 13.2.3 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.
- 13.2.4 The site for the 7no. proposed close care bungalows is outside of the defined Village Envelope for Kelvedon and thus lies within a countryside location. This aspect of the application is therefore contrary to Policy LPP1 of the Adopted Local Plan, which seeks to confine development to the areas within development boundaries, and thus is unacceptable in principle. Moderate harm is assigned to this.

### **Harm to amenity of future occupiers (Unit 7)**

- 13.2.5 Unit 7 will have both of the bedrooms facing out onto the access road and parking areas for staff. Occupiers would be impacted by general noise and disturbance from the coming and goings of employees, especially as staff change rotas. In addition, 2no. visitor parking spaces are located to the side of the unit, adjacent to the front door and flank bedroom window, which would exacerbate the harm. Moderate harm is assigned to this.

### **Loss of existing soft landscaping**

- 13.2.6 The application requires the removal of 7 individual trees, 6 groups, and 1 hedgerow. The majority of these are located within the allocation site area identified within the Adopted Local Plan, such that there has always been an understanding that these features would likely be removed to facilitate development. None of the trees to be removed are protected, but rather consist of the removal of mixed vegetation cover of self-sown trees and ornamental planting in the existing garden ground, including lawson and leylandii hedging. Whilst this loss is regrettable, the loss of amenity is largely within the confines of the site, and together with retained hedgerows and enhanced provision of planting set out within the revised landscaping scheme, the loss can be justified. Limited harm is attributed to this.

### 13.3 Summary of Public Benefits

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

#### **Compliance with the Development Plan**

- 13.3.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 13.3.3 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.
- 13.3.4 In this case, the site of the proposed carehome is located within the defined development boundary for Kelvedon and is a ‘residential housing allocation’ site as set out within the Adopted Local Plan. 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 and Affordable Housing**

- 13.3.5 The development will deliver a total of 28 units of accommodation towards the Councils 5yhl position. dwellings. Moderate weight is assigned to this.

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

- 13.3.6 Officers are of the view that in respect of access to services and facilities, the site is considered to be in a sustainable location. In addition, there is convenient access to public transport provision. Substantial weight is assigned to this.

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

- 13.3.7 The development will 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). Moderate weight is assigned to this.

### 13.4 CONCLUSION

- 13.4.1 Taking into account the above, although the carehome aspect is considered to comply with the Development Plan, when assessing the application in its entirety, given that the 7no. close care bungalows fall outside of the Development Plan (and therefore lie within a countryside



location), it is considered that the proposal is contrary to the Development Plan as a whole.

- 13.4.2 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, as indicated above, an important material consideration in this case is that 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. In this regard, 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. The Planning Balance is concluded below.

### 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:

- NHS (£8,700)
- Affordable Housing Contribution (£281,750)
- RAMS / HRA (£961.17)

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

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

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

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	OC160-PL-01	G
Concept Plan	OC160-PL-02	S
Parking Strategy	OC160-PL-04	F
Proposed Floor Plan	OC160-HT-01	G
Proposed Elevations	OC160-HT-02	F
Proposed Elevations and Floor Plans	OC160-OP2-HT-03	A
Proposed Elevations and Floor Plans	OC160-OP2-HT-04	A
Proposed Elevations and Floor Plans	OC160-OP2-HT-05	A
Proposed Elevations and Floor Plans	OC160-OP2-HT-06	A
Proposed Elevations and Floor Plans	OC160-OP2-HT-07	00
Landscaping	JCN/1672/21	D

#### 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 development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and levels of adjoining buildings and their gardens;
- Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of ground levels and therefore any buildings within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. To ensure that the development does

not prejudice the appearance of the locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

#### Condition 4

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological and geoarchaeological 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 evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.
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 investigation and remains

#### Condition 5

1. No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:
  - A survey of the extent, scale and nature of contamination;
  - An assessment of the potential risks to:
    - a) Human health;
    - b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
    - c) Adjoining land;
    - d) Groundwater and surface waters;
    - e) Ecological systems; and

f) Archaeological sites and ancient monuments.

2. If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority.

3. The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason: In the interest of health and amenity.

Condition 6

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

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

Condition 7

No above ground development shall commence until details of the location and design of refuse bins, recycling materials storage areas and bin collection points have been submitted to and approved in writing by the Local Planning Authority. The

details shall include the timescales for provision. The development shall only be implemented in accordance with the approved details and thereafter retained.

Reason: To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

#### Condition 8

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

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

#### Condition 9

No above ground works shall commence until samples of the materials to be used on the external finishes, including details of the brick bond, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development results in a high-quality development that will assimilate into the locality and relate appropriately to the setting of the Conservation Area.

#### Condition 10

No above ground construction of any buildings shall commence until 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 have been submitted to and approved in writing by the local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development results in a high-quality development that will assimilate into the locality and relate appropriately to the setting of the Conservation Area.

#### Condition 11

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Preliminary Ecological Appraisal, March 2020) and the Great Crested Newt Report (James & sons Environmental Sciences Ltd) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve 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 12

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 prior to occupation 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 13

Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the Local Planning Authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed on the site.

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 14

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.

We would expect to see further testing undertaken in winter to reflect the most conservative management. This should be based on detailed 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. Designing for infiltration should also take into consideration ground water levels.

- § Where infiltration is not viable the scheme should be limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- § 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.
- § Final modelling and calculations for all areas of the drainage system.
- § The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- § Detailed engineering drawings of each component of the drainage scheme.
- § A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- § 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 15

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

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed

#### Condition 16

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 17

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 18

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

Reason: In the interests of neighbouring amenity.

#### Condition 19

Prior to the implementation of the landscaping scheme hereby approved, a strategy for the watering and maintenance of the landscaping shall be submitted to and approved in writing by the Local Planning Authority. Once approved the watering and maintenance of the landscaping scheme shall be carried out in accordance with the approved details.

The scheme of landscaping indicated upon the approved plan(s) / documents, shall be implemented 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 five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that the approved landscaping scheme is implemented and that appropriate measures are put in place to ensure that new trees are suitably irrigated until they become established and in order to enhance the appearance of the development and in the interests of amenity and privacy.

#### Condition 20

No development shall commence on site, until the Tree Protection Plan (Ref. 2344-02 Appendix 1 of the Arboricultural Impact Assessment) has been fully implemented.



Reason: In the interests of amenity of the site.

#### Condition 21

The parking provision as set out on the approved plans shall be retained for such use at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

#### Condition 22

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

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

#### Condition 23

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

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

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

Reason: In the interests of highway safety, visual amenity and neighbouring amenity.

#### Condition 24

Prior to the first occupation of the development, the Travel Plan shall be implemented and the use shall thereafter only be operated in accordance with the approved Travel

Plan.

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

#### Condition 25

Prior to the first occupation of the development hereby approved, details of secure cycle storage for staff, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision shall be implemented and retained in accordance with the approved details.

Reason: To ensure appropriate bicycle parking is provided in the interests of sustainability

#### 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).

##### Informative 2

In regard to Condition 9 you are advised that the brick sample for the bungalows, should include a lighter colour brick than indicated within the application submission. This is to ensure that the development remains in keeping with the character and appearance of the Conservation Area.

##### Informative 3

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5)

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact the Development Services Team

on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirement.

## 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
HSC1	Healthcare Facilities
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
NE8	Flood Prevention
DC1	Developer Contributions

APPENDIX 3:

SITE HISTORY

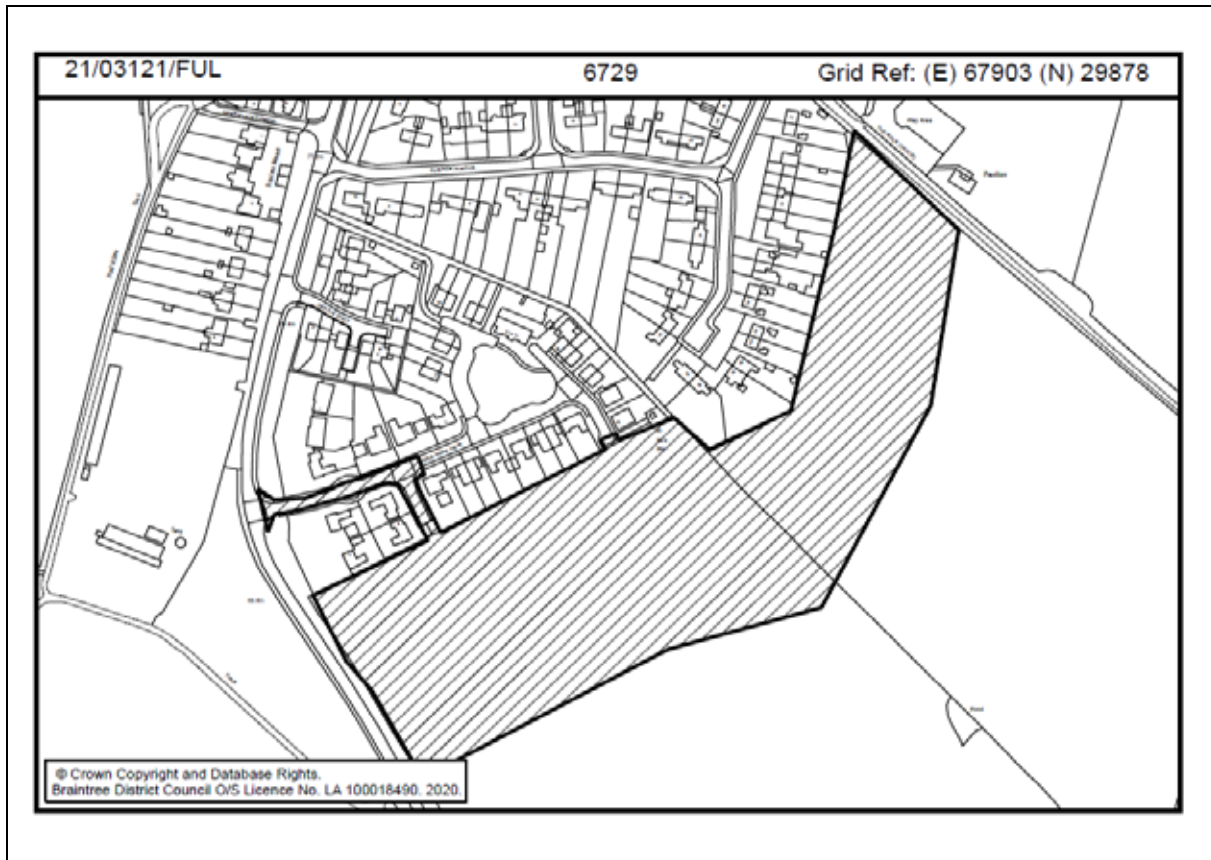
<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
08/00034/REF	Erection of 21 no. bed EMI unit in association with existing care home	Appeal Dismissed	04.12.08
02/00510/FUL	Erection of extension to provide new bedrooms, conservatory and smoking room	Granted	13.05.02
02/01316/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Reduce, selectively prune and balance 2 horse chestnuts and 1 lime tree	Granted	15.07.02
75/00768/P	Extension	Granted	06.11.75
90/01167/PFWS	Display Of Non Illuminated Letting Board For Development Purposes	Refused	08.10.90
91/00144/PFWS	Insertion Of Two Bay Windows To N W Elevation	Granted	07.03.91
91/00493/E	Proposed Development		
92/00148/E	Site History		
95/00312/COU	Proposed conversion of three houses and erection of three double garages	Granted	15.05.95
95/01182/FUL	Proposed extensions and alterations to form four bedrooms	Granted	06.12.95
06/00813/FUL	Erection of extension for 12 no. bedrooms and ancillary accommodation	Refused	13.06.06
06/02159/FUL	Erection of extension for 11 no. additional bedrooms and ancillary accommodation	Granted	06.02.07
07/00600/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Order	Granted	19.04.07
07/00654/FUL	Erection of extension to boiler house	Granted	17.05.07
07/01333/FUL	Erection of new entrance	Granted	20.08.07

	porch and internal alterations		
08/00095/FUL	Erection of 21 no. bed EMI unit in association with existing care home	Refused then dismissed on appeal	11.03.08
10/00125/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Pollard 2 Horse Chestnut trees	Granted	16.07.10
13/00388/FUL	Erection of extension	Granted	05.06.13
17/00143/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Selectively reduce 2 Horse Chestnut trees by 1.5 metres lateral growth	Granted	07.07.17
19/00295/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - T1 & T2 Horse Chestnuts - Selectively reduce by 1.5-2m, back to previous reduction points, T3 Lime - Crown raise to 4m	Granted	24.12.19
20/00707/FUL	Erection of a two-storey 21 bed care home, 13 x 1 bed close-care bungalows and a two-storey 12 x 1 bed close-care apartment block, together with associated resident and visitor parking spaces, amenity areas and access road.	Withdrawn	05.07.21

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 29th November 2022	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	21/03121/FUL
<b>Description:</b>	Erection of 56 dwellings with associated works, including access; internal road network and associated highway works; hard and soft landscaping; formal and informal open space; vehicular, cyclist and pedestrian infrastructure; utilities and drainage infrastructure; car and cycle parking; and refuse storage.
<b>Location:</b>	Land Rear Of Deer Park View, Braintree Road, Great Bardfield
<b>Applicant:</b>	Croudace Homes Limited, C/o Lanpro Services Limited, The Aquarium, 101 Lower Anchor Street, Chelmsford , CM2 0AU
<b>Agent:</b>	Mr Tom Pike, Lanpro Services Limited, The Aquarium, 101 Lower Anchor Street, Chelmsford, CM2 0AU
<b>Date Valid:</b>	14th October 2021
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overtturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> Reason(s) for Refusal Submitted Plan(s) / Document(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
	<b>Appendix 4:</b> Appeal Decision
<b>Case Officer:</b>	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: <a href="mailto:melanie.corbishley@braintree.gov.uk">melanie.corbishley@braintree.gov.uk</a>



**Application Site Location:**



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 21/03121/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application site is approximately 3.53 hectares in size and is located to the south of the village of Great Bardfield. The site lies outside of the village boundary and within the countryside. To the north of application site is a housing development (Deer Park View) which was granted planning permission, on appeal, in October 2016 and has been built in the subsequent years.
- 1.2 This application is seeking full planning permission for the erection of 56 dwellings. The proposals include access, internal road network and associated highway works, hard and soft landscaping, formal and informal open space, vehicular, cyclist and pedestrian infrastructure, utilities and drainage infrastructure, car and cycle parking, and refuse storage.
- 1.3 The proposals by reason of their design and layout would result in several properties having sub-standard garden sizes and inappropriately close relationships with existing properties to the north. The internal layout does not deliver tree lined streets, and that the proposed car parking across much of the site would be far too prominent. Furthermore, the clustering of the affordable units into one corner of the site is unacceptable and would not result in a suitably mixed development. The site cannot accommodate the number of dwellings proposed to an acceptable design and layout, resulting in an overtly suburban development that fails to reflect the character of nearby existing housing and would create an explicitly new urban edge to the village of Great Bardfield.
- 1.4 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would 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 refused for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site is approximately 3.53 hectares in size and is located to the south of the village of Great Bardfield. The site lies outside of the village boundary and within the countryside.

5.2 To the north of application site is a housing development (Deer Park View) which was granted planning permission on appeal in October 2016 and has been built in the subsequent years.

5.3 The eastern portion of the application site abuts the rear gardens belonging to properties in Bendlowes Road.

5.4 Braintree Road borders the site to the west and open agricultural land lies to the south and west of the application site.

5.5 To the east of the site is a public right of way (PROW 83\_16). To the west of the site are two public rights of way (PROW 83\_12 and PROW 83\_23).

6. PROPOSAL

6.1 This application seeks full planning permission for the erection of 56 dwellings. The proposals include access, internal road network and associated highway works, hard and soft landscaping, formal and informal open space, vehicular, cyclist and pedestrian infrastructure, utilities and drainage infrastructure, car and cycle parking, and refuse storage.

6.2 Vehicular access to the whole site would be from Deer Park View. The layout of the site is broadly split in to two parcels. The land to the rear of Bendlowes Road is laid out in a much lower density than the larger parcel to the rear of Deer Park View. The higher density parcel is arranged around two blocks with a row of houses backing onto existing properties in Deer Park View. The parcel backing onto Bendlowes Road contains 8 dwellings and the larger parcel contains 48 dwellings.

- 6.3 The proposed dwelling mix includes 34 open market dwellings, comprising 9no. two bedroom properties, 10no. three bedroom properties, 11no. four bedroom properties and 4no. five bedroom properties.
- 6.4 The dwelling mix also includes 22 affordable dwellings comprising 4no. one bedroom apartments, 14no. two bedroom dwellings and 4no. three bedroom dwellings.
- 6.5 The proposals include an area of public open space and public landscaped space. The layout delivers 122 car parking spaces, 14 of which would be allocated as visitor parking.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 7.1.2 The foul drainage from this development is in the catchment of Wethersfield Water Recycling Centre that will have available capacity for these flows.
- 7.1.3 Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. Anglian Water will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Whilst the strategy is acceptable in principle. Anglian Water require a drawing showing the proposed discharge point of the rising main from the pumping station. Anglian Water therefore request a condition requiring an on-site drainage strategy.
- 7.1.4 A number of informatives are requested.

### 7.2 Environment Agency

- 7.2.1 No comments received.

### 7.3 Essex Police

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

only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

7.4 NHS

7.4.1 The ICB requests that a contribution of £27,700 is secured through a planning obligation in the form of a S106 agreement linked to any grant of planning permission. The contribution would be used towards the reconfiguration, extension, or relocation of clinical space and or the recruitment or training of clinical practitioners to help boost ‘close to home’ and ‘out-of-hospital’ services for the benefit of patients in the vicinity of the application site.

7.5 National Highways

7.5.1 This site is some distance from the strategic road network, given this and the fact that is to construct 56 residential units, the effect on the Strategic Road Network is unlikely to be severe as traffic will be diluted by the time it reaches any junctions of the A120.

7.6 BDC Ecology

7.6.1 No objection subject to securing ecological mitigation and enhancement measures.

7.7 BDC Environmental Health

7.7.1 No objection, conditions regarding contamination, hours of construction piling, use of pneumatic tools and dust control.

7.8 BDC Housing Research and Development

7.8.1 This application seeks detailed approval for a scheme of 56 residential dwellings including 22 affordable homes. The Housing Officer confirms the affordable element meets the requirements of Affordable Housing Policy

7.8.2 The affordable unit mix and tenure mix in the table below which has been confirmed by the applicant as agreed, is considered appropriate to match evidence of housing need.

	No.	Affordable Rent	Shared Ownership
1 bed 2 person maisonettes	4	4	0
2 bed 4 person houses	14	8	6
3 bed 5 person houses	4	3	1
	22	15	7

- 7.8.3 It is noted the Planning Statement indicates the affordable homes are proposed to be compliant with Building Regulations Part M Cat 2 and compatible with NDSS.
- 7.9 BDC Land Drainage
- 7.9.1 No comments received.
- 7.10 BDC Landscape
- 7.10.1 A number of public rights of way (PRoW) are located within the vicinity of the proposed development including Bridleway 83\_17 and Footpath 83\_12 & 83\_23 which provide links with the village and the local countryside to the south east and south west. The quality of the setting and experience for those using these routes will be partly determined by the quality of the new landscaping on the perimeter of the site. The depth and quality of the planting and the value/importance of a substantial evergreen element are material considerations; they will help to determine how intrusive the visual mass of the development is perceived to be within the context of its location on the edge of settlement.
- 7.10.2 The landscape strategy masterplan ref. 7232/nsp3c suggests that the fundamentals of this approach have been taken on board; however this is very much an illustrative document and I would prefer to see a stronger element and commitment to planting in depth indicated along this boundary; the suggested planting palette for the trees along the boundaries should exclude silver birch which not a tree for heavy clay soils. There is an acknowledgement to the revised National Planning Policy Framework with medium size street trees shown at intervals along the primary route; to flourish and provide long term amenity to the street-scene these trees need to be within the public realm and managed by the management company. Greater use of land modelling and mounding along the south eastern boundary would give the landscaping a helping hand in the effectiveness of early years screening as the planting establishes.
- 7.10.3 The details of these comments need to be reflected within the approved landscape scheme by condition. An arboricultural impact assessment and tree protection plan are also required by condition to ensure the existing boundary features are protected during construction.
- 7.11 BDC Waste Services
- 7.11.1 The distance between where houses leave their waste on collection day, and where the collection vehicle can safely stop must not exceed 20 metres (drag distance). This distance must not exceed 15 metres for 4 wheeled bins that serve flat blocks. The ground for the flat block bins, to where the collection vehicle can stop must be level, free of shingle, and have drop kerbs where there is a kerbed pavement. Where there are shared driveways, these must either become adopted highway, or built to a standard equivalent to adopted highway and maintained as such, and a



written indemnity provided stating that Braintree District Council, will not be liable for any damages caused as a result of using the shared driveways, to carry out collections.

## 7.12 ECC Archaeology

- 7.12.1 The proposed development lies within an area where little archaeological investigation has taken place and therefore there is limited information recorded on the HER to inform on the potential for archaeological remains within the proposed development site. The Braintree Historic Environment Characterisation (HEC) Report indicates that the proposed site lies within an area of multi period occupation, and a number of Roman farm/villa complexes of relatively high status are recorded within the same HEC zone.
- 7.12.2 The land is bordered on the northern boundary by 'The Walk' which is depicted on historic mapping connecting Bluegate Hall and Parkgate to the 12th century parish Church and Hall at Great Bardfield. This track is visible on the Chapman and Andre map of 1777 linking the historic properties and has likely existed since medieval times. South of the Church lies Great Bardfield Hall which is a manorial site, the house is a Grade II listed building dating from medieval times and the surviving late medieval barn to the south of the house is a Grade II\* listed building.
- 7.12.3 The location of the proposed site, on a plateau above the valley and just to the south of the village core, is an attractive one for settlement from prehistory through to the early Anglo-Saxon period.
- 7.12.4 The proposed development site has the potential to include heritage assets with archaeological interest and, in accordance with paragraph 194 of the NPPF, a field evaluation will be required in order to determine the significance of any heritage assets affected. In the first instance, if the soils are suitable, this could be through geophysical survey which would inform on the requirement for further intrusive archaeological investigation such as trial trenching.
- 7.12.5 A number of planning conditions are recommended.

## 7.13 ECC Education

- 7.13.1 Financial contribution sought for primary education (£269,380.80), secondary education (£247,260), secondary education transport (£52,364), and libraries (£4,045.60).

## 7.14 ECC Highways

- 7.14.1 No objection, subject to some minor layout alterations.

7.15 ECC Historic Buildings Consultant

7.15.1 No objection.

7.16 ECC Suds

7.16.1 No objection, conditions suggested.

8. PARISH / TOWN COUNCIL

8.1 Great Bardfield Parish Council

8.1.1 Great Bardfield Parish Council considers that the proposal should be refused for the reasons summarised below:

- The site is outside any development boundary and is not in accordance with any exception policy. It is, therefore, contrary to National Planning Policy and BDC's Emerging Local Plan.
- Braintree District Council are able to demonstrate a 5-Year housing land supply without the need to consider such unallocated sites.
- It is clear that this proposal would be harmful to the village and would have significant negative impacts. We cannot identify any sustainable economic, social or environmental benefit to the parish. The finely balanced social and cultural cohesion of the village is likely to be undermined.
- The rural nature and historic character of the village is seriously threatened by this proposal.
- The current infrastructure cannot accommodate this development.

9. REPRESENTATIONS

9.1 72 representations received making the following comments:

- Objection to additional traffic and pollution along Deer Park View, access should be from Braintree Road.
- New hedgerow has not been planted at the back of the appeal site.
- Concern about flooding from site affecting existing housing.
- Lack of infrastructure such as school and doctors' places.
- Disruption to the village.
- Access from Deer Park View is not safe.
- Construction traffic should not come through Deer Park View.
- Detrimental impact on wildlife.
- Loss of green belt.
- Brownfield land should be used instead.
- Disproportionate increase in housing stock for Great Bardfield.
- Limited access to public transport.
- Combined development would be over 100 dwellings.
- There are errors in the application.
- Extra traffic congestion in the village.

- Loss of privacy, light and outlook to properties in Deer View Park.
- Unwarranted extension to the village.
- The site lies outside the defined village of Great Bardfield.
- BDC can demonstrate a 5YLS and don't need to approve unallocated sites.
- The development would not fit into the character of this historic village.
- Properties are unlikely to be affordable for local people.
- Unacceptable landscape impact.
- A woodland should be planted instead.
- Negative impact on historic character of the village.
- Concern about siting of the affordable homes and the impact on existing residents.
- Sewerage and drainage issues.
- Existing low water pressure and reduced level of electricity will be affected.
- Loss of countryside view.
- Loss of high-quality farmland.
- Insufficient access for emergency vehicles.
- Travel plan relates to Hemel Hempstead.

## 9.2 Great Bardfield Historical Society

- Proposals would conflict with the Conservation Area Character Appraisal and Management Plan.
- The development could become an outpost of the central village.
- The proposals would harm the wider setting of Great Bardfield.
- The development would be a significant and unwarranted intrusion into the countryside, inappropriate in the rural setting and out of character with the predominantly linear pattern of the village.

## 9.3 Great Bardfield School Governing Body

- The development is contrary to the Adopted Local Plan and the Emerging Local Plan Part 2.
- The Council is able to demonstrate a 5YLS which means the 'titled balance' does not apply.
- The application contains a number of inaccuracies.
- The current primary school cannot be relied upon to serve the new development without investment and improvement.
- The Board request the right to comments further of any s106 matters.
- The application should be determined in accordance with the Development Plan.
- Planning permission should be refused as being contrary to the development plan (LPP1) and there are no material considerations to indicate otherwise.

## 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 the 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 situation is likely to change.
- 10.2.5 Nevertheless, as the Council cannot demonstrate the required 5 Year Housing Land Supply, the 'tilted balance' pursuant to 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 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 - 2033.
- 10.3.2 The application site is located outside of a designated development boundary and as such is located on land identified as 'countryside' in the Adopted Local Plan.
- 10.3.3 Paragraph 3.8 of the Adopted Local Plan states that 'in order to protect the intrinsic beauty of the countryside, development here is normally restricted to that which support countryside uses'. Policy LPP1 of the Adopted Local Plan states, 'Development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside'.
- 10.3.4 The application site is not proposed for allocation for development in the Adopted Local Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 of the Adopted Local Plan which states that

outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 Paragraph 124 of the NPPF states that decisions should ensure that developments that generate significant traffic movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 11.1.2 Policy SP1 of the Adopted Local Plan states the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF.
- 11.1.3 Policy SP3 of the Adopted Local Plan relates to the spatial strategy for North Essex. It states that existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan Period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and where relevant, across the wider strategic area.
- 11.1.4 It goes onto state that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to converse their setting. Re-use of previously developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principle, particularly to ensure that development locations are acceptable by a choice of means of travels.
- 11.1.5 The Adopted Local Plan sets out that the broad spatial strategy for the Braintree District should concentrate development on the town of Braintree, Witham and the A12/Great Eastern Mainline corridor and Halstead.
- 11.1.6 Policy LPP42 of the Adopted Local Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks. Paragraph 105 of the NPPF states, '*The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health*'.
- 11.1.7 Policy SP7 of the Adopted Local Plan seeks to create, 'well connected places that prioritise the needs of pedestrians, cyclists and public transport services above the use of the private car'.

11.1.8 Great Bardfield is identified as a 'Second Tier' village in the Adopted Local Plan. Paragraph 3.7 of the Adopted Local Plan states that 'Second Tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a Second Tier village, subject to the specific constraints and opportunities of that village'.

11.1.9 When the earlier application for the site north of the current application site was considered by Officers in 2016, they concluded that the site was not located in a sustainable location with regards access to facilities and services. However, the Planning Inspector concluded the following:

*'9. Great Bardfield is designated in the CS as an 'other village.' These settlements are at the bottom tier of the settlement hierarchy, with a limited range of services. The CS allocates 300 dwellings to be accommodated within 51 Other Villages over the plan period. The parties have stated that the proposal would result in an increase in the population of Great Bardfield of between about 8% and 12%. This would not overwhelm the existing settlement and as the policies for the supply of housing in the CS are out of date its strategy for the location of housing is not, in itself, a compelling factor. Although the quantum of development to be provided within these smaller settlements over the plan period is expected to be relatively small, there is nothing before me to suggest that local infrastructure and services would not cope adequately with the additional demands arising from future residents of the development.*

*10. The Council determined not to take forward the appeal site as an allocation in the emerging local plan following a call for sites exercise, but that assessment was based on a larger site of which the appeal site formed part. The Council has also pointed to progress made with the development of large sites in the District, but nonetheless there remains a shortfall in housing supply that the proposal would make a contribution to.*

*11. I acknowledge that there are relatively limited employment opportunities within Great Bardfield, and the Inspector in a recent appeal at Bardfield Centre accepted the loss of some of the employment floorspace due to a lack of demand. However, the Planning Practice Guidance (PPG) on Rural Housing observes that all settlements can play a role in delivering sustainable development in rural areas and that rural housing is essential to ensure viable use of local facilities. An increase in the population of the village may generate demand for further goods and services.*

*12. Taking all of the above into account, I conclude that the proposal would be appropriately located.*

*13. The centre of Great Bardfield is less than a kilometre away and includes local shops and facilities and includes two pubs, a village hall and primary school, a small supermarket and a small number of local shops. There is also a post office and shops a few hundred metres south of the*

*appeal site on Bardfield Road, albeit there is no segregated footway along this route. However, there would be quite good access to a range of services and facilities nearby which could meet some daily needs of future residents.*

*14. There is no primary health care facility or secondary school within the village, although this is not uncommon within rural areas where such facilities tend to be sited in larger centres, and there is an hourly bus service during weekday peak hours to higher order centres such as Finchingfield and Braintree, about 3 and 5 miles away respectively. There is also a school bus service to Newport Secondary School. This would provide reasonable access by public transport within the context of a rural district. The frequency of services would be reduced during evenings and weekends, and thus a significant proportion of journeys to and from the site are likely to be made by private motor vehicle. However, Paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, and thus a higher proportion of journeys by car may be expected within such locations. Overall, I conclude that future residents would have reasonable access to services and facilities.*

- 11.1.10 Given the above, Officers consider that it would be difficult to defend a reason for refusal regarding the sustainability of the site, however in terms of the Adopted Local Plan the site was submitted to the Council for consideration as part of the call for sites process (Ref GRBA255) but was not taken forward for consideration for allocation for residential development.
- 11.2 Design and Layout
- 11.2.1 Paragraph 126 the NPPF highlights that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.
- 11.2.2 Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 11.2.3 Policy SP7 of the Adopted Local Plan states that all new development must meet high standards of urban and architectural design and provides a number of place making principles.
- 11.2.4 In addition to this, Policy LPP52 of the Adopted Local Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.



- 11.2.5 The density differs across the site, with the first and larger section revolving around two larger housing blocks, accessed from Deer Park View. The less dense portion of the site lies to the north east where the housing is arranged along one side of a single spine road. This portion of the site is accessed from the eastern corner of the more dense, larger portion of the site. All vehicular movements to all properties would be from Deer Park View, between numbers 6-10 Deer Park View.
- 11.2.6 The application site lies directly to the south of existing residential development in Deer Park View and Bendlowes Road. The Deer Park View development was allowed on appeal in October 2016.
- 11.2.7 Bendlowes Road development contains semi-detached bungalows and houses, which are all set back from the road with generous front and back gardens. This leads to a development with a spacious and open character. The properties have a simple and rhythmic architectural style.
- 11.2.8 Part of the Deer Park View development fronts onto Braintree Road, however the 5 properties are set back a significant distance from the main road. The gaps between the houses and the road includes a large swath of landscaping and two sections of private drives. This results in an open and spacious entrance to the development. Once you move along the main spine road of the development, it opens out onto a large, grassed area. This open space results in a development that does not feel urban and is considered to have an appropriate density level and layout for an edge of village location. The site has a density of 26 dwellings per hectare.
- 11.2.9 Officers consider that the proposed development within this application is far more urban and generic than the existing and previously approved development and not in keeping with this part of Great Bardfield nor appropriate for this sensitive edge of village location. The proposed layout of the larger portion of the site has a density 28 dwellings per hectare. Plots 47 and 48 and the associated access drive and driveway parking spaces are located much closer to Braintree Road than those in Deer Park View, given a much lesser landscape buffer and would therefore appear much more obvious in the existing streetscene, failing to continue the building line established by the existing development.
- 11.2.10 Throughout the whole site, the layout is dominated by prominent car parking spaces, which sit forward of the front building lines of the dwellings proposed. The proposed layout is unacceptable and not an appropriate design approach the Council would welcome on any development site, as this results in a streetscene that is unacceptably dominated by vehicles.
- 11.2.11 The NPPF states at Paragraph 130 that new streets should be tree lined and that opportunities should be taken to incorporate trees elsewhere in Developments. The proposed street tree planting is considered to be poor and incomplete as it features sporadic planting that would not create an avenue of trees. The streets with development on both sides require a regular avenue of trees and sufficient spacing to allow for full growth. The

proposals do not provide this and therefore conflict with Paragraph 130 of the NPPF.

- 11.2.12 A further concern is that the layout of the dwellings are not considered to be tenure blind as all of the affordable units are clustered together in one part of the site, rather than pepper potted throughout. Section 8 of the NPPF relates to promoting healthy and safe communities and specifically Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social inclusion, including opportunities for meetings between people who might not otherwise come into contact with each other. Officers consider that the proposals do not accord with this guidance.
- 11.2.13 1.8m high brick walls are proposed to enclose some private gardens where the boundary is visible from the street, and timber fencing between private gardens. Some private gardens where the boundary is visible in the streetscene are to be enclosed by timber fencing and this is considered unacceptable and would lessen the quality of the public spaces created. A 1.8m high brick wall is proposed around the private garden of plot 55, which is acceptable in one sense, but is considered to be an unfortunate and overtly urban feature at the end of the road serving plots 49-56.
- 11.2.14 The Essex Design Guide states that where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved. Plots 2-6 back onto the existing housing in Deer Park View but have gardens with a depth of less than 12m. Plots 50 and 51 which back onto properties in Bendlowes Road and only have gardens with a depth of 10m between the rear of the dwelling and plot 56 is located within 8.5m of the rear boundary of 55 Bendlowes Road. These distances are not acceptable and would result in unneighbourly development, harmful to the amenity currently enjoyed by the neighbouring occupiers.
- 11.2.15 The Essex Design Guide indicates that dwellings with one bedroom should be provided with a private garden space of 25sq.m, two bedrooms should be provided with a private rear garden of 50sq.m or more, and three-bedroom dwellings should be provided with 100sq.m or more. 11 out of the 56 plots have sub-standard sized gardens, and out of the 11, eight of the sub-standard gardens are allocated to affordable units. This under provision is considered unacceptable as the under sized garden would result in a poor level of private outside space for the new occupiers. All properties regardless of their tenure need to be provided with sufficient private amenity space.
- 11.2.16 Policy LPP43 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the

Essex County Council Vehicle Parking Standards 2009. Each property is provided with the necessary amount of car parking spaces either within garages or surface spaces and the required number of additional visitor spaces are also provided, however, and as described above, there are concerns over some of the specific provision within the proposed layout. 14 visitor parking spaces are provided, however Officers consider that some of them are poorly laid out within the site, in visually inappropriate locations which contributes to a poor layout overall.

- 11.2.17 The Council's Waste Team have assessed the proposals and have provided guidance on the maximum distances that their operatives will drag the bins. For individual houses, the maximum drag distance is 20m and there is one instance within the site that the drag distance from plot 56 is approximately 40m. This is unacceptable.
- 11.2.18 The matter of indemnity has arisen with regards to potential future claims for damages to private sections of road. Members are advised that the decision on the amount of road that is adopted lies with ECC and is beyond the control of BDC.
- 11.2.19 To overcome this, specific wording has been included within recent legal agreements to ensure that both the private and adopted roads are built to the standards commensurate with that required by the Local Highway Authority and that access for the Council to pass and repass over these roads can be permitted at all times. The Council are now securing this obligation routinely and would have been included in any legal agreement should Officer's be supporting the proposals.
- 11.2.20 Overall the scheme is considered overtly suburban in its appearance and fails to reflect the rural nature of the site and its surroundings on the southern side of Great Bardfield. Officers conclude that the site is not able to accommodate the number of dwellings proposed and the layout as proposed does not present a good standard of design which would meet with the requirements of the abovementioned policies. This weighs against the proposal in the overall planning balance.

### 11.3 Landscape and Visual Impact

- 11.3.1 The NPPF states in Paragraph 174, that planning policies and decisions should contribute to and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside.
- 11.3.2 Policy LPP67 of the Adopted Local Plan states that proposals for new development should be informed by and be sympathetic to the character of the landscape as identified in the Landscape Character Assessments. Development should not be detrimental to the distinctive landscape features of an area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development which would not successfully integrate into the local landscape will not be permitted.

11.3.3 The application has been supported by a landscape and visual impact assessment (LVIA). The LVIA makes the following conclusions:

*‘6.2 In reviewing effects upon the landscape character, it is considered that whilst some harm is acknowledged to the immediate landscape character of the site itself, the harm is restricted to the site only and reduces within the immediate setting and furthermore in the wider setting. It is clear that the established vegetation structure and mature treescape which exists within the locality provides positive landscape features, which also help to integrate the existing built form and settlement edge of Great Bardfield within the wider landscape. This ensures that the proposals within the Site are not readily perceived and as a result would not have a significant impact upon the wider landscape character. Furthermore, it is clear that the site itself is influenced far more greatly by the existing settlement edge to the immediate north-west, than the wider rural landscape setting of the character area.*

*6.3 It is acknowledged that given the greenfield nature of the Site, there would initially be a high degree of change within the Site. The proposals seek to create a more sympathetic organic transition between the settlement extent and immediate and local rural landscape and seek to create a more defined and robust green edge when compared to the existing harsh edge. Over a period time, as the proposed planting matures to the Site boundaries and within the open space, it is considered that the development would be further integrated within the immediate landscape, resulting in a reduced, medium degree of change. Given the Site’s sensitivity, which is considered to be of medium / low, this results in a Moderate – Moderate / Minor Adverse significance of effect, at most, within a landscape that has the ability to accommodate change.*

*6.4 As identified by the visual assessment, views of the site are localised as a result of the either or a combination of the landform, existing mature vegetation structure and settlement that characterises the immediate and local setting of the site. It is considered that the proposals can be integrated within this context and would not give rise to significant long term adverse effects upon the localised or wider visual environment. It is acknowledged that the proposals would change the visual environment within the context of the site. However, the proposals have been carefully developed to incorporate areas of landscaped public open space that wraps around the site and includes substantial areas of structural landscape planting. As the planting matures it would create a robust verdant setting / edge to the proposed development and soften the perceived built edge within the immediate visual environment. The proposals will create a more defined and robust green edge to the settlement when compared to the existing harsh edge which will enable a more appropriate transition to the wider landscape setting. The type of development proposed is not unusual in this landscape context, with residential built form present to the north west, characterising the localised setting. The proposals would not be prominent over medium or long distances and would not harm the public’s enjoyment of the countryside from the local or wider PRow network. It is considered*

*that the proposals would give rise to some effects on the closest Viewpoints but can be integrated without significant long term adverse effects to the receiving visual environment, residential amenities or the night-time visual environment.*

*6.5 It is considered that the proposals comply with the aims and objectives of the NPPF, adopted and saved policies & emerging local plan policies, and published landscape character assessment. The site is already characterised by the existing settlement edge with no internal features of note. A number of design solutions have been included which ensures the high quality design of the built elements befits the localised character. The proposed development complies with all development management policies and therefore impacts / effect are mitigated as far as considered reasonable by policy.*

*6.6 It is considered that the site and receiving environment have the capacity to accommodate the proposals. The proposals would not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location and is supportable from a landscape and visual perspective.'*

- 11.3.4 Officers engaged an Independent Landscape Consultant (ILC) to assess the document and their conclusions are set out in the following paragraph within section 6 of their report:

*'The LVIA submitted with the application is generally robust and offers sound conclusions on the potential effects on landscape and visual receptors. I have raised minor questions about the methodology used to assess landscape value and the omission of a viewpoint to assess the visual effects on residents along Bendlowes Road. It is also my opinion that the LVIA does not highlight the changes to existing field pattern that will be brought about by the scheme. However, despite these minor reservations, I broadly agree with the LVIA's conclusions on predicted effects.'*

- 11.3.5 The ILC concludes that there are not sufficient landscape grounds to refuse planning permission on this matter alone but does recommend the use of robust planning conditions to secure the landscape proposals illustrated in the landscape strategy plan.

### 11.3 Heritage

- 11.3.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering a grant of planning permission that affects a listed building special regard shall be given to the desirability of preserving its setting.
- 11.3.2 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more

important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 11.3.3 Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) The nature of the heritage asset prevents all reasonable uses of the site; and
  - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) The harm or loss is outweighed by the benefit of bringing the site back into use.
- 11.3.4 Policies LPP47 and LPP57 of the Adopted Local Plan seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy LPP53 of the Adopted Local Plan encourages the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings.
- 11.3.5 There are no designated heritage assets within the site. The Great Bardfield Conservation Area, which encapsulates the historic core of the village and a high number of listed buildings, is to the north west of the site, separated by intervening modern development. A complex of listed buildings at Bluegate Hall are north east of the site, separated by agricultural fields. Bluegate Hall Farmhouse is Grade II listed and there are three listed barns and a listed wall within the wider Bluegate Hall site.
- 11.3.6 Great Bardfield developed around the crossing points of three routes, leading to Braintree, Dunmow and Finchingfield. Development was historically located on these principal routes in a ribbon formation, however expansion of the village in the twentieth century has resulted in the creation of modern housing estates and cul-de-sacs to the rear of the main thoroughfares. The proposed development would expand an existing area of modern housing in the southern section of the village, the setting of which is very rural.
- 11.3.7 No heritage statement has been submitted to support this application, however due to the distance between the application site and the heritage assets outlined above, The Council's Historic Buildings Consultant is satisfied that the proposed development would not result in harm to their setting and therefore has no objection to the application.

- 11.3.8 Officers are satisfied that there would be no conflict with the heritage policies of the Adopted Local Plan and the NPPF.
- 11.4 Ecology
- 11.4.1 Policy LPP64 of the Adopted Local Plan seeks to ensure that developer undertakes an ecological survey and demonstrate adequate mitigation plan is in place to ensure no harm to protected species or priority species.
- 11.4.2 Policy LPP66 of the Adopted Local Plan states, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for then planning permission should be refused.
- 11.4.3 The Council's Ecologist has reviewed the Ecological Appraisal (Aspect Ecology, September 2021), the Biodiversity Net Gains Assessment (Aspect Ecology, September 2021), and Biodiversity Metric) submitted by the applicant, relating to the likely impacts of development on designated sites, protected & priority species/habitats. The Ecologist has also reviewed the further information email from Aspect Ecology dated 6th January 2022.
- 11.4.4 The Council's Ecologist is satisfied that sufficient ecological information is available for determination. This provides certainty for the LPA of the likely impacts on designated sites, Protected and Priority Species & Habitats and, with appropriate mitigation measures secured, the development can be made acceptable. Therefore, the mitigation measures identified in the Ecological Appraisal (Aspect Ecology, September 2021) should be outlined within a Construction Environmental Management Plan (CEMP – Biodiversity) to be secured as a condition of any consent .This is necessary to conserve protected and priority species, particularly foraging and commuting bats, nesting birds, reptiles and mammals that may forage and commute across the site.
- 11.4.5 The Council's Ecologist generally approves of the proposed landscape design for this application and support the conclusions of the submitted Defra Biodiversity Metric 3.0 - Calculation Tool (September 2021). This demonstrates that 5% habitat unit and 51.62% hedgerow unit measurable biodiversity net gains will be able to be achieved for this scheme, as outlined under Paragraph 174d & 180d of the National Planning Policy Framework 2021. The submitted Biodiversity Net Gain Assessment should inform the conservation aims and objectives and management requirements of a Landscape and Ecological Management Plan, to be secured by condition of any consent.
- 11.4.6 The Council's Ecologist also supports the proposed reasonable biodiversity enhancements outlined within the Ecological Appraisal (Aspect Ecology, September 2021). The reasonable biodiversity enhancement measures should be included within a separate Biodiversity Enhancement Strategy to be secured by Condition. This will enable LPA to demonstrate its

compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

11.4.7 The Council's ecologist suggests a number of planning conditions to be imposed, including the submission of construction environmental management plan, a wildlife sensitive lighting design scheme, a landscape and ecological management plan and a biodiversity enhancement strategy.

11.4.8 Officers are satisfied that the proposals comply with Policies LPP64 and LPP66 of the Adopted Local Plan and the NPPF.

#### 11.5 Highway Considerations

11.5.1 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential residual cumulative impacts on the road network would be severe.

11.5.2 With the National Planning Policy Framework in mind, particularly Paragraph 111, the Highway Authority has reviewed the planning application and supporting Transport Assessment against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

11.5.3 Most of the representations received raised highway safety as a matter of concern, however ECC Highways have raised no objection to the proposals, subject to some minor amendments to the internal layout proposed. A number of planning conditions are recommended by ECC Highways if planning permission was granted. These relate to the submission of a construction traffic management plan, a cycleway/footway connection to the PROW and the provision of residential travel packs for each new dwelling.

11.5.4 The proposals comply with Policy LPP43 of the Adopted Local Plan and the Essex Parking Standards 2009.

#### 11.6 Flooding and Drainage

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

11.6.2 Policy LPP74 of the Adopted Local Plan seeks to minimise exposure of people and property to the risks of flooding by following the national guidance. Policy LPP76 of the Adopted Local Plan refers to SUDS design being an integral part of the layout and should reflect up to date standards.



- 11.6.3 The application is supported by a Flood Risk Assessment and Drainage Strategy (prepared by Ardent Consulting Engineers dated October 2021).
- 11.6.4 A number of the representations received had concerns about flooding from the site however the Lead Local Flood Authority (LLFA) have been consulted and raise no objection to the proposals.

11.7 Habitat Regulations Assessment (HRA / RAMS)

- 11.7.1 The application site is located outside of a Zone of Influence and therefore no HRA mitigation is required in this case.

12. PLANNING OBLIGATIONS

- 12.1 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) Regulation. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 12.2 Policy LPP78 of the Adopted Local Plan states that permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.
- 12.3 Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure provider. Such measures may include (not exclusively);
- Financial contributions towards new or expanded facilities and the maintenance thereof
  - On-site construction of new provision
  - Off-site capacity improvement works and/or
  - The provision of land
- 12.4 Developers and land owners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.
- 12.5 The following are identified those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant

permission and the applicant has agreed to enter into a Section 106 legal agreement in respect of these matters:

#### Affordable Housing

- 12.6 Policy LPP31 of the Adopted Local Plan states that for developments of this size affordable housing will be provided onsite with a target of 40% affordable housing provision on sites in rural areas. In accordance with Policy LPP31 of the Adopted Local Plan, the proposal for 56 dwellings would require 40% to be provided as affordable housing which would equate to 22 dwellings to be secured by Section 106 legal agreement.

#### NHS

- 12.7 A financial contribution of £27,700 is sought towards the reconfiguration, extension, or relocation of clinical space and or the recruitment or training of clinical practitioners to help boost 'close to home' and 'out-of-hospital' services for the benefit of patients in the vicinity of the application site.

#### Education

- 12.8 Financial contribution sought for primary education (£269,380.80), secondary education (£247,260), secondary education transport (£52,364) and library (£4,045.60).

#### Open Space

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

#### Refuse Vehicle Access

- 12.10 To ensure that both the private and adopted roads are built to the standards commensurate with that required by the Local Highway Authority and that access for the Council to pass and repass over these roads can be permitted at all times.
- 12.11 Subject to the above matters being incorporated into a Section 106 legal agreement to ensure their provision, the development would be made acceptable in these respects. No such agreement is in place at the present time and therefore the development fails to satisfactorily mitigate the impacts of the development on local infrastructure and is contrary to Policies LPP31, LPP50 and LPP78 of the Adopted Local Plan.

### 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.
- 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 given to these factors are set out below:

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

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

13.2.3 The proposed development would conflict with Policy LPP1 of the Adopted Local Plan as it proposes development outside of defined development boundaries and within the countryside. However, while the proposal is contrary to Policy LPP1 of the Adopted Local Plan, as the Council is currently unable to demonstrate a 5 Year Housing Land Supply, only moderate weight can be afforded to this conflict.

### **Layout, Design and Harm to the Character and Appearance of the Area**

13.2.4 The proposals by reason of their design and layout would result in several properties having sub-standard garden sizes and inappropriately close relationships with existing properties to the north. The internal layout does not deliver tree lined streets, and that the proposed car parking across much of the site would be far too prominent. Furthermore, the clustering of the affordable units into one corner of the site is unacceptable and would not result in a suitably mixed development. The application would result in

an overtly suburban development, that fails to reflect the character of nearby existing housing and would create an explicitly new urban edge to the village of Great Bardfield. The proposals would constitute poor design and layout and an overdevelopment of the site. Significant weight is afforded to this.

### 13.3 Summary of Public Benefits

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

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

13.3.2 The development would deliver 34 market dwellings and 22 affordable dwellings. Significant weight is assigned to this benefit, given the Council's current 5-year housing land supply position.

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

13.3.3 Given the Appeal Decision for the adjacent site, Officers are of the view that in respect of access to services and facilities, the site is considered to be in a sustainable location. Moderate weight is afforded to this factor.

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

13.3.4 The development will accrue social benefits with the provision of dwellings and economic benefits during the construction and thereafter with the spending powers of future occupiers. However, given the scale of the development only moderate weight is assigned to this.

### 13.4 Conclusion

13.4.1 Taking into account the above, while the proposal complies with some Development Plan policies which weigh in favour of the proposal, it is considered that the proposal conflicts with the Development Plan as a whole. 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, as indicated above, an important material consideration in this case is that 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. In this regard, 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. Notwithstanding this, Officers consider that there are no material considerations, including the Council's 5 Year Housing Land Supply position, that indicate that a decision should be made

other than in accordance with the Development Plan. The Planning Balance is concluded below.

13.5 Planning Balance

13.5.1 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission would 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 refused for the proposed development.

14. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

#### Submitted Plan(s) / Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	2453-00-001	N/A
Existing Site Plan	2453-00-002	N/A
Existing Sections	2453-00-05	N/A
House Types	2453-10-010	N/A
House Types	2453-10-011	N/A
House Types	2453-10-012	N/A
House Types	2453-10-013	N/A
House Types	2453-10-014	N/A
House Types	2453-10-015	N/A
House Types	2453-10-016	N/A
House Types	2453-10-017	N/A
House Types	2453-10-018	N/A
House Types	2453-10-020	N/A
House Types	2453-10-021	N/A
House Types	2453-10-022	N/A
House Types	2453-10-023	N/A
House Types	2453-10-024	N/A
Proposed Plans	2453-10-025	N/A
Proposed Plans	2453-10-026	N/A
Proposed Plans	2453-10-027	N/A
House Types	2453-10-019	A
Site Plan	2453-003	D
Street elevation	2453-20-030	A
Street elevation	2453-20-031	A
Landscape Masterplan	7232/ASP3/LSP	E

#### Reason(s) for Refusal

##### Reason 1

The site is located in the countryside, outside of the defined village envelope as identified in the Adopted Local Plan. The proposals by reason of their design and layout would result in several properties having sub-standard garden sizes and inappropriately close relationships with existing properties to the north. The internal layout does not deliver tree lined streets, and the proposed car parking across much of the site would be overly prominent. Furthermore, the clustering of the affordable units into one corner of the site is unacceptable and would not result in a suitably mixed and tenure blind development. The site cannot satisfactorily accommodate the number of dwellings proposed to an acceptable design and layout, and as a consequence the proposed development would result in an overtly suburban scheme that fails to reflect the character of nearby existing housing and would create an explicitly new urban edge to the village of Great Bardfield. The proposed

development is therefore considered to be contrary to Policies SP7, LPP1 and LPP52 of the Braintree District Local Plan 2013 - 2033, the Essex Design Guide, and the National Planning Policy Framework.

#### Reason 2

The proposed development would trigger the requirement for:

- The delivery of 40% affordable housing on site;
- The provision, maintenance and delivery of onsite informal and amenity open space and an outdoor equipped play area. A financial contribution for outdoor sport and allotments. Ongoing maintenance of any public open space provided on site.
- Financial contribution towards the reconfiguration, extension, or relocation of clinical space and or the recruitment or training of clinical practitioners to help boost 'close to home' and 'out-of-hospital' services for the benefit of patients in the vicinity of the application site.
- Education contribution
- Refuse Vehicle Access

These requirements would need to be secured through a Section 106 Agreement. At the time of issuing this decision a Section 106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies LPP31, LPP50 and LPP78 of the Braintree District Local Plan 2013 - 2033, and the Open Space Supplementary Planning Document (SPD).

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and discussing these with the applicant either at the pre-application stage or during the life of the application. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.



## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP31	Affordable Housing
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP53	Conservation Areas
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

N/A

---

# Appeal Decision

Site visit made on 1 August 2016

**by Claire Victory BA (Hons) BPI MRTPI**

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

**Decision date: 25 October 2016**

---

**Appeal Ref: APP/Z1510/W/16/3148072**

**Land off Braintree Road, Great Bardfield, Essex CM7 4BJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr and Mrs Reed against Braintree District Council.
  - The application Ref 15/01354/OUT, is dated 29 October 2015.
  - The development proposed is the erection of up to 37 dwellings.
- 

## Decision

1. The application is allowed and planning permission is granted for the erection of up to 37 dwellings at land off Braintree Road, Great Bardfield, Essex CM7 4BJ in accordance with the terms of the application Ref 15/01354/OUT, dated 29 October 2015, and subject to the conditions in the following schedule.

## Application for costs

2. An application for costs was made by Mr and Mrs Reed against Braintree District Council. This application is the subject of a separate Decision.

## Preliminary Matters

3. The application was made in outline, with all matters reserved for subsequent approval except means of access. A masterplan was submitted for illustrative purposes and I have determined the appeal on that basis.
4. An executed planning obligation, dated 29 June 2016 was submitted whereby the appellant has agreed to provide affordable housing and infrastructure contributions. I deal with this in more detail below.

## Background and Main Issues

5. While the Council did not determine this application it indicated that it would have refused planning permission. Having regard to the evidence before me including the Council's submission, I consider the main issues to be:
    - Whether the proposal would be appropriately located, having regard to national and local planning policy;
    - Whether future residents would have reasonable access to services and facilities; and
    - Whether there would be a significant loss of the best and most versatile agricultural land.
-

## Reasons

6. The site comprises approximately two hectares of agricultural land at the south eastern edge of Great Bardfield. It wraps around a recent housing development at Castle Shot. The northern boundary of the site abuts the rear gardens of residential properties on Alienar Avenue and to the south and east are agricultural fields. There is an existing access from the north western corner of the site via Braintree Road.
7. The site lies outside, but directly adjacent to the settlement boundary of Great Bardfield. Saved Policy RLP2 of the Braintree District Local Plan (LP) (2005) seeks to restrict development outside settlement boundaries. Core Strategy (CS) (2011) CS Policy CS 5 seeks to strictly control development outside town development boundaries, village envelopes and industrial development limits to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. The proposal would be contrary to both of these policies.
8. The appellant contends that the Council has only about 3 years housing land supply whereas the Council considers it has over 3.5 years supply. Nonetheless, since the appeal was submitted, the parties now agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. As such its policies relevant to the supply of housing cannot be considered as up to date, as set out in paragraph 49 of the Framework (the Framework). Consequently, according to paragraph 14, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

### *Location of development*

9. Great Bardfield is designated in the CS as an 'other village.' These settlements are at the bottom tier of the settlement hierarchy, with a limited range of services. The CS allocates 300 dwellings to be accommodated within 51 Other Villages over the plan period. The parties have stated that the proposal would result in an increase in the population of Great Bardfield of between about 8% and 12%. This would not overwhelm the existing settlement and as the policies for the supply of housing in the CS are out of date its strategy for the location of housing is not, in itself, a compelling factor. Although the quantum of development to be provided within these smaller settlements over the plan period is expected to be relatively small, there is nothing before me to suggest that local infrastructure and services would not cope adequately with the additional demands arising from future residents of the development.
10. The Council determined not to take forward the appeal site as an allocation in the emerging local plan following a call for sites exercise, but that assessment was based on a larger site of which the appeal site formed part. The Council has also pointed to progress made with the development of large sites in the District, but nonetheless there remains a shortfall in housing supply that the proposal would make a contribution to.
11. I acknowledge that there are relatively limited employment opportunities within Great Bardfield, and the Inspector in a recent appeal at Bardfield Centre<sup>1</sup>

---

<sup>1</sup> APP/Z1510/W/15/3141307

accepted the loss of some of the employment floorspace due to a lack of demand. However, the Planning Practice Guidance (PPG) on *Rural Housing* observes that all settlements can play a role in delivering sustainable development in rural areas and that rural housing is essential to ensure viable use of local facilities. An increase in the population of the village may generate demand for further goods and services.

12. Taking all of the above into account, I conclude that the proposal would be appropriately located.

#### *Access to services and facilities*

13. The centre of Great Bardfield is less than a kilometre away and includes local shops and facilities and includes two pubs, a village hall and primary school, a small supermarket and a small number of local shops. There is also a post office and shops a few hundred metres south of the appeal site on Bardfield Road, albeit there is no segregated footway along this route. However, there would be quite good access to a range of services and facilities nearby which could meet some daily needs of future residents.
14. There is no primary health care facility or secondary school within the village, although this is not uncommon within rural areas where such facilities tend to be sited in larger centres, and there is an hourly bus service during weekday peak hours to higher order centres such as Finchingfield and Braintree, about 3 and 5 miles away respectively. There is also a school bus service to Newport Secondary School. This would provide reasonable access by public transport within the context of a rural district. The frequency of services would be reduced during evenings and weekends, and thus a significant proportion of journeys to and from the site are likely to be made by private motor vehicle. However, Paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, and thus a higher proportion of journeys by car may be expected within such locations. Overall I conclude that future residents would have reasonable access to services and facilities.

#### *Supply of agricultural land*

15. Paragraph 112 of the Framework states that local planning authorities should take into account the economic and other benefits of the best and most versatile land. There would be some harm arising from the loss of grade 2 agricultural land, and the Council has pointed out that there are other sites available for development with lower quality grade 3 agricultural land to the north of Great Bardfield. However, the District is well supplied with good quality agricultural land and in this context the proposal would not involve significant development of agricultural land. I therefore conclude that the proposal would not have a major adverse impact on the available resource of farming land in the area. Consequently the proposal would cause limited harm in this respect.

#### **Other Considerations**

16. The proposed houses would be near to, and viewed as part of, the existing residential properties nearby. In addition, the development would be well screened by existing mature trees and hedges on the approach to Great Bardfield along Braintree Road. Although there is no natural boundary to the

- south and east, further planting could provide a sufficient transition to the open countryside, and a detailed scheme of landscaping could be secured by condition.
17. A preliminary ecology appraisal has indicated potential for roosting bats within an Oak Tree on the western boundary of the site. The PPG confirms that an ecological survey is necessary in advance of a planning application if the type and location are such that the impact on biodiversity may be significant. As the Oak Tree is on the periphery of the site and would be retained within the proposed development, I am satisfied that a scheme could be devised to avoid harm to protected species, with protection or mitigation measures secured by condition.
  18. The Council requires planning contributions for affordable housing and infrastructure, in accordance with CS policy CS2. The submitted unilateral undertaking would provide for 14 affordable housing units, with a tenure mix that would meet the Council's policy requirements.
  19. Contributions would also be secured towards a new playground and pavilion building at Playing Field, Bendlowes Road, and replacement of temporary accommodation at Great Bardfield Primary School, at a rate in accordance with the Council's Open Space Supplementary Planning Document (2016), and an estimated child yield for flats and houses. The development would generate demand for these local facilities which future occupiers would expect to use.
  20. The undertaking would also provide funding for pupils to travel to secondary school in Great Dunmow, but there is no evidence that this contribution would not be pooled with that of other schemes, and thus I cannot be certain that it would not conflict with regulation 123 (3) of the Community Infrastructure Levy (CIL) Regulations 2010. Accordingly, I am unable to take it into account in determining this appeal.
  21. I am therefore satisfied that with the exception of secondary school transport, the contributions sought would be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind, and would meet the tests in the Community Infrastructure Levy Regulations 2010 and the Framework.
  22. Concerns have been expressed regarding the potential impact on heritage assets including the Bluegate, a former gatekeeper's lodge. However the lodge is some distance from the appeal site and the new housing would be viewed against the backdrop of adjacent residential development. I also note that the Council's conservation officer did not consider the setting would be affected. I am therefore satisfied that the special interest of the listed building would be preserved.
  23. Furthermore, appropriate boundary treatments around the appeal site can be required by condition to avoid any undue overlooking of adjacent properties, including adjacent to the proposed pedestrian and cycle access.

### **Balancing and Conclusion**

24. The proposal would be contrary to LP policy RLP2 and CS Policy CS5 and with the development plan as a whole. Planning permission should not therefore be granted unless material considerations indicate otherwise.

25. I have found that there is likely to be some reliance on the private car to access services and facilities outside of peak times when bus services are not as frequent. I have also found that there would be limited harm arising from the loss of best and most versatile agricultural land. Furthermore, economic opportunities within the village itself are relatively limited. In combination, these adverse impacts carry moderate weight.
26. Set against this harm are the social and economic benefits of addressing the under supply of housing in the District. I attach significant weight to the provision of up to 37 units, 40% of which would be affordable. There would also be a modest benefit to the local economy during the construction phase and in the longer term new residents would help to support shops and services in the village through an increase in local household spending. A further consequence would be the financial contributions toward primary education and sport and leisure facilities within the village.
27. Overall the adverse impacts identified above do not significantly and demonstrably outweigh the social and economic benefits. Consequently the proposal would represent sustainable development as defined in the Framework, and material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan.
28. I therefore conclude that the appeal should succeed.

### **Conditions**

29. I have found that the development would be acceptable subject to certain conditions, with regard to the Planning Practice Guidance. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act, to include details of existing and proposed ground levels. I have also specified the approved plans for certainty.
30. In addition to the conditions I have already referred to, I shall impose conditions requiring a highways visibility splay to be created and maintained, provision of adequate car parking, and the delivery of a footway from the access to the existing footway along Braintree Road at the junction with Castle Shot, both in the interests of highway safety. However, there is no need to repeat the Council's parking standards, as suggested.
31. A construction method statement, limits on construction hours, details of refuse storage, boundary treatments and an external lighting scheme are required to safeguard the amenities of neighbouring occupiers. A condition is also required to address any contamination found on site during development that was not previously identified to safeguard the living conditions of future residents. Details of the surface water drainage arrangements are required in accordance with the submitted Flood Risk Assessment, to minimise the risk of flooding within the site and to minimise surface water run-off rates beyond the site.

32. Finally, I shall require a condition for further surveys to be undertaken in order to assess the potential for bats roosting within the site, to safeguard protected species, and to avoid clearance of trees, shrubs and hedges during the bird nesting period to ensure nesting birds are not disturbed.

*Claire Victory*

INSPECTOR



## **Schedule of Conditions**

- 1) Details of the scale, appearance and layout of the buildings and the landscaping of the site (hereinafter referred to as the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. An application for the approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this planning permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 37 dwellings, parking, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans.
- 3) Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) in relation to existing ground levels.
- 4) Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice (2009) and retained as such thereafter.
- 5) Prior to the first occupation of the development the access shall be implemented as shown on drawing F14177/01 REVB. Visibility splays shall be provided as shown on the approved drawing and shall be permanently maintained thereafter. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
- 6) Prior to the first occupation of the development the proposed footway as shown on approved drawing F14177/01 REVB located on the eastern side of Braintree Road and running from the proposed access point to the site in a northerly direction to link up with the existing footway on the eastern side of Braintree Road which currently terminates at Castle Shot shall be constructed.
- 7) No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The statement shall provide for: safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved CMS shall be adhered to throughout the construction period for the development.

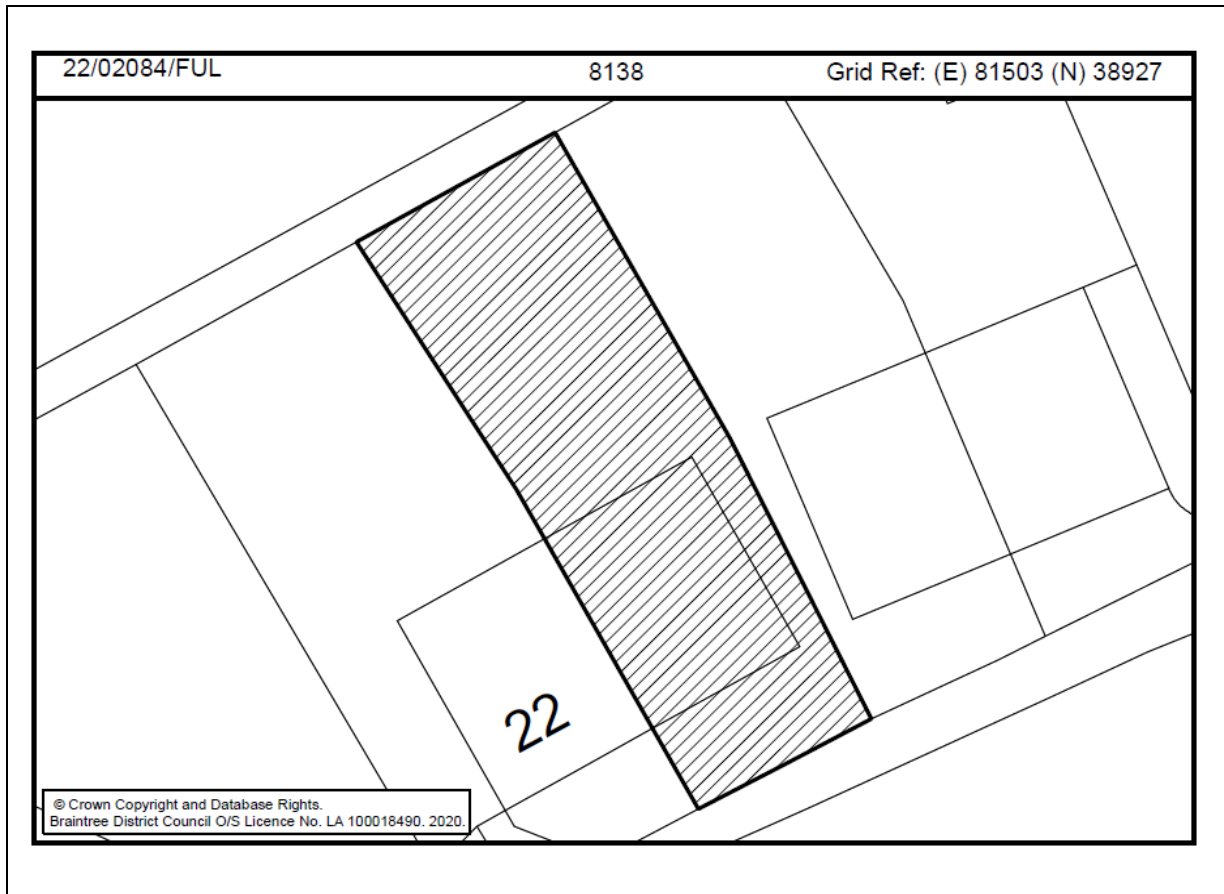
- 8) No vehicular movements relating to the construction of the development to, from or within the site, or site clearance, demolition or construction work shall take place outside the following times: Monday to Friday 0800 hours to 1800 hours; Saturday 0800 hours to 1300 hours. There shall be no site clearance, demolition or construction work and no vehicular movements on Sundays, Public and Bank Holidays during the construction of the development.
- 9) The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of flooding within the site and off-site flooding caused by surface water run-off from the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved outline details in the Flood Risk Assessment (FRA) submitted in support of the application, ref RAB: 1109B version 4, RAB consultants, 2 December 2015. In particular the detailed drainage scheme shall provide the following: a drainage scheme layout showing SuDs features, reflecting the FRA drainage modelling results to show 1 in 1, 1 in 30 and 1 in 100 year plus climate change critical design events; sizing of SuDs features based on impermeable areas of the positive draining areas; considering the cumulative impact of multiple SuDs features; demonstrating consideration of SuDs hierarchy options; provision of the appropriate number of treatments stages from the different areas of development; and provision of a layout of the exceedance flow routes and how this will be managed away from any residential buildings.
- 10) No development shall commence until a Maintenance Plan indicating who is responsible for different elements of the surface water drainage system and maintenance activities/frequencies has been submitted to and approved in writing by the local planning authority. 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 request by the local planning authority.
- 11) Prior to first occupation of the development hereby approved details of all gates, fences, walls or other means of enclosure within the relevant phase of development shall be submitted to and approved in writing by the local planning authority. The details shall include the position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development and shall be permanently retained as such thereafter.
- 12) No above ground works shall commence until details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and retained as such thereafter.
- 13) Details of any proposed external lighting to the site shall be submitted to and approved in writing by the local planning authority prior to installation. The details shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be

installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

- 14) Should contamination be found during development that was not previously identified or not considered in the Phase 1 contamination report (May 2015) submitted with the application, that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed by a competent person and a remediation scheme shall be submitted to and agreed in writing with the local planning authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.
- 15) No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March to August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.
- 16) No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place until a bat survey has been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any bat roosts on the site, then no development shall take place within those areas identified as being used for roosting until details of mitigation measures, including the provision of alternative roost sites for bats has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and maintained as such thereafter.

<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 29th November 2022	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/00722/HH
<b>Description:</b>	Retrospective proposal for a garden shed.
<b>Location:</b>	23 Oates Cottages, Sudbury Road, Gestingthorpe
<b>Applicant:</b>	Mr Mark Draper, 23 Oates Cottages, Sudbury Road, Gestingthorpe, Essex, CO9 3BG
<b>Date Valid:</b>	6th April 2022
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
<b>Case Officer:</b>	Sam Trafford For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2520, or by e-mail: <a href="mailto:sam.trafford@braintree.gov.uk">sam.trafford@braintree.gov.uk</a>

**Application Site Location:**



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

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/00722/HH.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

1. EXECUTIVE SUMMARY

- 1.1 The application site is outside of but immediately adjacent to the designated settlement boundary of Gestingthorpe. The dwelling forms one of a small development of 6 dwellings approved planning permission in 2007. Permitted development rights were removed for the erection of new outbuildings.
- 1.2 At the application site, a domestic outbuilding has been erected without the benefit of planning permission. This application seeks householder planning permission for its retention.
- 1.3 Officers consider that the retention of the building in its present form is acceptable in terms of its design and appearance and it does not give rise to unreasonable impacts upon the amenities of the neighbouring properties.
- 1.4 Officers recommend that the application is approved.



2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation, as the application is deemed to be 'significant' by the Planning Development Manager.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site consists of a semi-detached dwelling, located outside of but immediately adjacent to the designated development boundary of Gestingthorpe. The dwelling forms one of a small residential development of 6 dwellings approved in 2007.

5.2 When the development was approved planning permission, permitted development rights were removed for the erection of outbuildings.

5.3 In 2022, an outbuilding was erected in the garden of No. 23 Oates Cottages, without the benefit of planning permission.

5.4 The outbuilding which has been erected measures 3 metres in height at its maximum point and 6.89 metres in length. It has been finished in a black weatherboarding with a felt roof. To the west facing elevation there is an entrance door, a patio door, and a single window. To the north and south facing elevations, there are single windows.

6. PROPOSAL

6.1 The application seeks householder planning permission for the retention of the outbuilding constructed.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Consultee

7.1.1 N/A

8. PARISH / TOWN COUNCIL

8.1 Gestingthorpe Parish Council

8.1.1 No Objection, however, recommend that the height of the outbuilding is reduced; question the quality of the plans; and also question whether building regulations is required.

9. REPRESENTATIONS

9.1 Neighbours were notified by letter, and a site notice was displayed to the front of the site. At the time of writing the report, a total of 6no. representations had been received, from 4no. addresses. They raise objection, on the following grounds:

- § The outbuilding is too high;
- § Impacts of loss of light/overshadowing;
- § No provision for water drainage from outbuilding;
- § Proximity of the outbuilding to the neighbour's boundary;
- § The direction of the windows from the outbuilding causes overlooking;
- § The outbuilding is visible from Nether Hill.

10. PRINCIPLE OF DEVELOPMENT

10.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013 – 2033.

10.2 The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan.

10.3 Policy LPP1 of the Adopted Local Plan states that Development outside of development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.

10.4 Notwithstanding the above policy of rural constraint, Policy LPP36 of the Adopted Local Plan allows for residential outbuildings to existing residential dwellings, subject to criteria which is discussed below.

10.5 The application is considered acceptable in principle.

11. SITE ASSESSMENT

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

11.1.1 Policy LPP36 of the Adopted Local Plan allows for residential alterations, extensions and outbuildings, provided they meet all the following criteria:

- a. *There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The Council will have regard to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings;*
- b. *The property design, siting, bulk, form and materials of the alteration, extension or outbuilding should be compatible with the original dwelling and character of the area;*
- c. *Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position*
- d. *There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing of light or an overbearing impact*
- e. *There should be no unacceptable impact on the identity of the street scene and/or the appearance of the countryside*
- f. *There should be no unacceptable adverse impact on any heritage asset or their setting*
- g. *In the countryside, new outbuildings should be well related to the existing development on the site and within the curtilage of the dwelling*
- h. *Annexes shall not be self-contained and shall share a physical and functional relationship with the host dwelling.*

11.1.2 Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

11.1.3 Policies LPP52 of the Adopted Local Plan seeks a high standard of design and layout in all developments.

11.1.4 The outbuilding is constructed and finished in black timber weatherboarding, with white uPVC doors and windows. The building is dual pitched, with a maximum height of 3 metres to the ridge, 2.5 metres to the eaves to the front of the building, and 1.32 metres to the eaves at the rear of the building, which abuts the shared boundary. The building measures 6.89 metres in its length, and 3.35 metres in depth.

11.1.5 The outbuilding is considered a reasonable addition to the garden of a residential property and its design and appearance appropriate for its use. The external finishes do not correspond to the main dwelling, however that is not uncommon for domestic outbuildings and does not give rise to any

detrimental harm to the character of the plot. Furthermore, the outbuilding is obscured from view from Sudbury Road.

- 11.1.6 One of the representations received notes that the outbuilding can be viewed to some degree from some viewpoints on Nether Hill. Those views towards the site are long distance and already include the residential dwellings at Oates Cottages, where it is not unusual for there to be domestic outbuildings and paraphernalia. The appearance and finish of the outbuilding is typical of a residential outbuilding, and the application is considered acceptable in this respect.
- 11.1.7 The proposed outbuilding would consume some of the garden space. The existing external amenity space measures approximately 93 square metres. The proposed outbuilding would reduce this to approximately 70 square metres. This exceeds the 50 square metres recommended by the Essex Design Guide for a two bedroomed dwelling. The remaining garden provides sufficient outdoor amenity space such the amenities of the occupiers would not be adversely affected.
- 11.1.8 Officers consider that the outbuilding is an acceptable form of development in regard to its design and appearance.

## 11.2 Impact upon Neighbouring Residential Amenity

- 11.2.1 The National Planning Policy Framework sets out that decisions should seek to ensure a high-quality amenity for all current and future occupiers of dwelling-houses. Policy LPP52 of the Adopted Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. The National Planning Policy Framework also seeks a high-quality amenity for existing and future occupiers of neighbouring dwellings.
- 11.2.2 The outbuilding is inevitably visible from the rear garden of No. 24 Oates Cottages, and it is positioned close the boundary. However, its lowered eaves on the rear elevation, which are set at the level of the shared boundary fencing, together with the design of the roof, which sees it slope generously away from the boundary, would reduce its impact on the neighbouring property. The outbuilding, although positioned close to the boundary, is not considered to be overbearing nor overly prominent, such the amenities of the occupiers of the neighbouring property would be unreasonably harmed. Furthermore, it is unlikely that the outbuilding would give rise to overshadowing, such the garden of the neighbouring property would be unduly compromised.
- 11.2.3 The windows to the side elevation of the outbuilding would face into the garden of the host property. Whilst these windows may be visible to the neighbouring property and therefore cause some perceived overlooking, it

is Officers view that given the boundary treatment, these windows do not give rise to an unreasonable level of overlooking such the amenities of the neighbouring property would be adversely harmed.

- 11.2.4 Officers consider that no unacceptable impacts would result to neighbouring residential properties such to justify withholding planning permission.

## 12. CONCLUSION

- 12.1 Officers consider that the retention of the outbuilding as constructed satisfies relevant policies from the Adopted Local Plan and the National planning Policy, such planning permission should be granted.

## 13. RECOMMENDATION

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Location Plan	N/A	N/A
Elevations	N/A	N/A
Elevations	N/A	N/A
Elevations	N/A	N/A
Elevations	N/A	N/A
Site Plan	N/A	N/A
Proposed Elevations	N/A	N/A
Block Plan	N/A	N/A

Condition(s) & Reason(s)

Condition 1

The development is hereby permitted in accordance with the approved plans/documents listed above.

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP36	Residential Alterations, Extensions and Outbuildings
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development

APPENDIX 3:

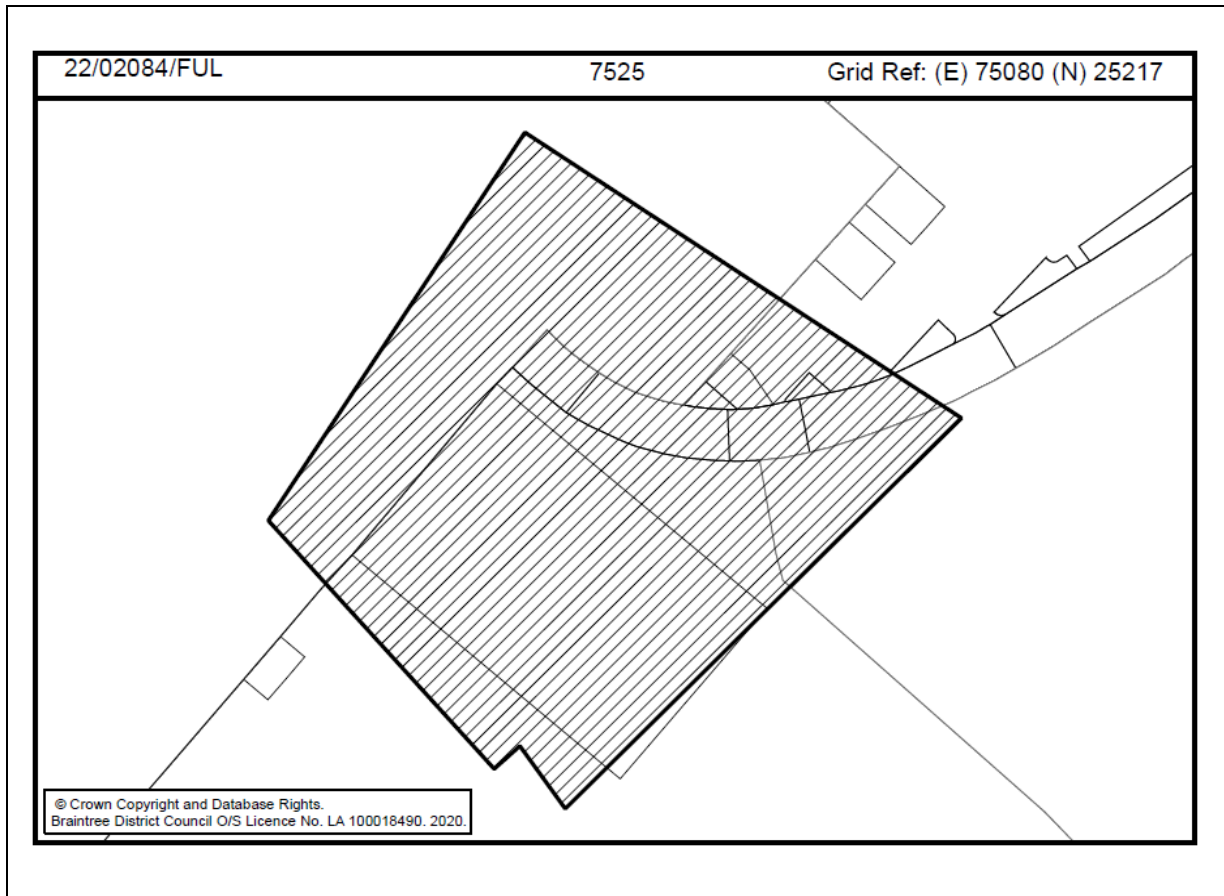
SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
07/01660/FUL	Erection of 6 no. dwellings, consisting of 4 no. semi-detached 2 bed units, 2 no. semi-detached 3 bed units, 14 parking spaces	Granted with S106 Agreement	16.10.07
08/01518/FUL	Relocation of plots 3, 4, 5 and 6 following planning approval 07/01660/FUL	Granted	15.09.08



<b>Report to:</b> Planning Committee	
<b>Planning Committee Date:</b> 29th November 2022	
<b>For:</b> Decision	
<b>Key Decision:</b> No	<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/02084/FUL
<b>Description:</b>	Creation of a mixed-use building at the neighbourhood centre, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre.
<b>Location:</b>	Neighbourhood Centre, Towerlands, Panfield Road
<b>Applicant:</b>	Dandara Eastern, Majesty House, Avenue West, Skyline 120, Braintree, CM77 7AA
<b>Agent:</b>	Michael Smith, JCN Design & Planning, 2 Exchange Court, London Road, Feering, Colchester, CO5 9FB
<b>Date Valid:</b>	16th August 2022
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made: § Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, amendments to the s106 Agreement attached to the outline planning permission for the wider Towerlands site (also set out in the recommendations section of this report) and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.
<b>Options:</b>	The Planning Committee can: a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)
<b>Appendices:</b>	<b>Appendix 1:</b> Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b> Policy Considerations
	<b>Appendix 3:</b> Site History
<b>Case Officer:</b>	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: <a href="mailto:melanie.corbishley@braintree.gov.uk">melanie.corbishley@braintree.gov.uk</a>

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>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 and amendments to the Section 106 Agreement attached to the outline planning permission for the wider Towerlands site. Any financial implications arising out of a Section 106 Agreement/amendments to the wider Section 106 Agreement are set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>Any legal implications arising out of a Section 106 Agreement/amendments to the wider s106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.

<p><b>Equality and Diversity Implications</b></p>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<p><b>Background Papers:</b></p>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council’s Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/02084/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD’s) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p>

	<p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>
--	--

## 1. EXECUTIVE SUMMARY

- 1.1 Outline planning permission (Application Reference 19/00786/OUT) was granted in April 2021 for the residential-led development of the Towerlands site for up to 575 dwellings with a neighbourhood centre and education site. Neighbourhood Centre uses were to include retail and community.
- 1.2 This application is seeking full planning permission for a mixed-use building at the neighbourhood centre location, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre.
- 1.3 As the Applicant proposes to introduce office uses on the two upper floors with retail and community uses retained at ground floor level, the proposal cannot come forward as a Reserved Matters application pursuant to the outline planning permission. Therefore a full planning application has been submitted to address this which would be integrated with the existing outline and reserved matters permissions for the site. In all other respects the proposal remains unchanged from the previously granted outline planning permission.
- 1.4 The current application is therefore seeking full planning permission for a mixed-use building at the neighbourhood centre, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre.
- 1.5 The neighbourhood centre proposals have been the subject of a long and detailed pre-application process and the Applicant's team has worked constructively with Officers to ensure that the final proposal put before Members for consideration is of a high quality and represents an appropriate scheme.
- 1.6 There are no objections raised by any technical consultees.
- 1.7 Overall, subject to the conditions included at Appendix 1 and to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the payment of a Travel Plan Monitoring Fee and subject to the amendments to the existing Section 106 Agreement for the Towerlands development set out under Section 12 below, it is recommended that the full planning application is granted.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the 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 wider development site is now located within the Town Development Boundary of Braintree. Previously the site operated as an Equestrian facility, a conference centre, and a golf course.

5.2 Part of the site is already being developed for housing, as per the recent outline planning permission and subsequent reserved matters approvals.

5.3 The wider site is bounded to the north by the B1053 (Deanery Hill). Panfield Lane is located to the east and abuts part of the site's boundary with the remaining southern and western boundaries abutting agricultural land and/or woodland. A stream runs through the south-western corner of the site where a small pond is also located.

5.4 The current application site forms a 0.4 hectare parcel of land within the larger development site.

5.5 Phase 0 (Application Reference 21/03608/REM) and Phase 1 (Application Reference 21/03231/REM) reserved matters have been approved for the site with both being implemented and Phase 2 (Application Reference 22/01469/REM) is currently being considered. The current application which is the subject of this report relates to the provision of the neighbourhood centre and associated development only and integrates seamlessly with the existing reserved matters approvals.

6. PROPOSAL

6.1 This application is seeking full planning permission for a mixed-use building at the neighbourhood centre location, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre.

6.2 The redevelopment of the overall site is being delivered pursuant to the outline planning permission (Application Reference 19/00786/OUT), which

includes provision of up to 250sq.m of local retail (formerly Use Class A1, now Class E) and up to 250sq.m of community facilities (formerly Use Class D1 and now Use Class F2). However, the outline planning permission does not include office use, meaning that a separate planning permission is required to introduce an additional land use into the wider scheme.

- 6.3 This separate planning permission would operate as a 'drop in' permission, meaning that it would drop into the wider site's planning permission, replacing that part of the outline planning permission. The existing permission would then remain in force across the rest of the site with the two permissions integrating fully. The currently proposed scheme would also deliver relevant planning obligations that have already been secured by the Section 106 Agreement attached to the overall outline scheme.
- 6.4 The new Section 106 Agreement would also contain a covenant that the Neighbourhood Centre as described and permitted under the outline planning permission would only be provided in accordance with the new full planning permission and not as part of any reserved matters approval under the outline planning permission. This would ensure that only one Neighbourhood Centre is provided on the Towerlands Development.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Anglian Water

- 7.1.1 Assets - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.
- 7.1.2 Wastewater Treatment - The foul drainage from this development is in the catchment of Bocking Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 7.1.3 Used Water Network - This response has been based on the following submitted documents: Engineering Layout Drawing. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 7.1.4 Surface Water Disposal- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage



hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

7.1.5 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

## 7.2 Environment Agency

7.2.1 No comments received.

## 7.3 Essex Fire and Rescue

7.3.1 No comments received.

## 7.4 Essex Police

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

7.4.2 Whilst there are no apparent concerns with the layout however the below is noted on page 31 of the Design and Access Statement: 5) Landscape buffer creates the setting for the building and helps manage views of parked cars from the adjoining properties. 7) Medium height landscaping to block corners and allow for specimen tree or tree grouping within hard landscaping frontage. 10) Landscape buffer three metres deep to car park sides, including hedges with interspersed tree planting. 11) Landscape link connects parking area with the semi-public plaza on the street frontage. Care will need to be taken with the planting species intended and their maintenance and management to ensure that such planting is not to the detriment of the natural surveillance needed to reduce the risk of crime and ASB especially if outdoor seating is planned. It should be noted that by adopting spiky and/or dense planting in suitable locations unwanted 'desire lines' may be reduced. To comment further Essex Police would require the finer detail such as the proposed lighting, and physical security measures.

7.4.3 Essex Police would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Commercial award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each

property and the development as a whole. Taking into consideration the mixed use within the proposed development a SBD Commercial application would compliment potential SBD Homes awards within neighbouring properties/developments.

7.5 Essex Wildlife Trust

7.5.1 No comments received.

7.6 Health and Safety Executive

7.6.1 No comments received.

7.7 Historic England

7.7.1 Historic England provides advice when their engagement can add most value. In this case Historic England are not offering advice. This should not be interpreted as comment on the merits of the application. Historic England suggest that BDC seek the views of a specialist conservation and archaeological advisers.

7.8 NHS

7.8.1 No comments received.

7.9 National Grid

7.9.1 No comments received.

7.10 National Highways

7.10.1 No objection.

7.11 Natural England

7.11.1 No comments received.

7.12 Ramblers Association

7.12.1 No comments received.

7.13 Sport England

7.13.1 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG)), therefore Sport England has not provided a detailed response in this case.

- 7.14 BDC Ecology
- 7.14.1 No objection subject to securing ecological enhancement measures.
- 7.15 BDC Economic Development
- 7.15.1 No comments received.
- 7.16 BDC Environmental Health
- 7.16.1 No objection, conditions suggested.
- 7.17 BDC Housing Research and Development
- 7.17.1 No comments received.
- 7.18 BDC Landscape Services
- 7.18.1 No comments received.
- 7.19 BDC Waste Services
- 7.19.1 No objection.
- 7.20 ECC Archaeology
- 7.20.1 The proposed development site lies adjacent to an area which has had an archaeological evaluation completed, no significant archaeological remains were found in the nearby trenches and there is considered a low probability for significant archaeological remains to survive within the development area. There are no recommendations for archaeological investigation for the above development.
- 7.21 ECC Education
- 7.21.1 No comments received.
- 7.22 ECC Highways
- 7.22.1 Having reviewed the submitted information, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the submission of a construction traffic management plan, the provision of the pedestrian and vehicular access arrangements and travel plan.
- 7.23 ECC Historic Buildings Consultant
- 7.23.1 No objection to the creation of a mixed use building as proposed and do not find that the scheme would have a detrimental impact on the nearby designated and non-designated heritage assets.

7.24 ECC Suds

7.24.1 No objection, conditions suggested.

8. PARISH / TOWN COUNCIL

8.1 N/A.

9. REPRESENTATIONS

9.1 One representation received making the following comments:

§ Concerns regarding extra traffic along Church Road Bocking. Suggest that strict speed limits are installed prior to permission being granted.

10. PRINCIPLE OF DEVELOPMENT

10.1 The principle of the creation of the neighbourhood centre within the site has been established under the original outline planning permission (Application Reference 19/00786/OUT) which was issued on 9th April 2021. This included the detailed site access points.

11. SITE ASSESSMENT

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

11.1.1 Paragraph 126 the NPPF highlights that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable developments, creates better places in which to live and work and helps make development acceptable to communities.

11.1.2 Paragraph 130 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

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

11.1.4 In addition to this, Policy LPP52 of the Adopted Local Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

11.1.5 The Outline Planning permission for the Towerlands site is accompanied by a Design Code which breaks the site up into character areas. The current

application site spans two of the character areas identified in the Design Code consisting of the The Avenue and The Lanes.

- 11.1.6 On a number occasions in the Design Code, reference is made to a residential use within the neighbourhood centre, and therefore a non-material amendment is required to align the Design Code with current proposals.
- 11.1.7 The Design Code requires The Avenue to be have a wide tree lined street at its heart and a consistent built frontage made up of dwellings of a similar typology and size. Building heights are up to 3 storeys. All are red brick with grey (reconstituted slate) and red roof tiles, sash style windows and stone cills. The neighbourhood centre building is located in this character area.
- 11.1.8 The Lanes is situated in the heart of the development and is more intimate in its character with higher density housing up to 3 storeys in height and consisting primarily of terraced and semi-detached dwellings. Materials consist of red and buff multi bricks; grey and red roof tiles, casement style windows and feature render and timber areas. The car parking area and recycling centre is located in this character area.
- 11.1.9 The Design Code sets out criteria for the block layout for the neighbourhood centre and for the appearance of the building. During the life of the current application, the appearance of the neighbourhood centre has been altered along with the car parking arrangement to the rear. Officers are content that the building now has a design that would sit comfortably within context of The Avenue character area. The properties opposite the building have been approved as part of reserved matters and many of the design elements of these houses have been replicated in the neighbourhood centre.
- 11.1.10 The building has three stories. The ground floor would comprise retail space and community use, and the first and second floors would be used for office purposes. The main entrances for the ground floor uses are located to the front of the building, whilst secondary accesses are provided to the rear. The plans show that the office uses have two access points in the rear elevation. Bin store access is also shown in the rear elevation.
- 11.1.11 The building has a traditional appearance with gable features and sash windows. The ground floor is defined by the use of render, whilst the upper floors are mostly red brick. The front elevation of the building includes traditional shop fronts for both the retail and community uses.
- 11.1.12 Overall, the design quality is high, as is the standard of materials used and the design features employed.

## 11.2 Landscaping

- 11.2.1 The applicant proposes a hard and soft landscaping scheme across the neighbourhood centre site which has been reviewed by the Council's Urban

Design Consultant and is considered to be acceptable following a number of minor revisions.

11.2.2 The landscape details include tree planting across the site both in the car parking area to the rear of the site and at either end of the proposed building. Lower shrub planting is proposed along the front and sides of the site. The building would be surrounded by a textured paving in a mix of grey colours, which defines the various areas around the building. Sufficient space is shown at the end of each end of the building to accommodate street furniture.

### 11.3 Ecology

11.3.1 The Ecological impact of developing the site was assessed in full at the Outline Planning application stage, however further consideration is required at this stage. An Ecological Enhancement Strategy for the whole site is required by way of planning condition attached to the outline permission.

11.3.2 The Council's Ecologist has reviewed the submitted documents for this application, including the Preliminary Ecological Appraisal (Bioscan UK Ltd, July 2022), relating to the likely impacts of the development on designated sites, protected and Priority species / habitats. In addition, they reassessed the submitted documents provided by WSP Ltd for the wider outlined application (19/00786/OUT). This includes the Preliminary Ecological Appraisal (April 2019); Shadow Habitat Regulations Assessment (April 2019); Great Crested Newt Survey Report (July 2019); Reptile Survey Report (August 2019); Barn Owl Survey Report (August 2019); Bat Survey Report (October 2019); Water Vole and Otter Survey Report (October 2019); and Grassland Survey Report (October 2019).

11.3.4 The Council's Ecologist is satisfied that there is sufficient ecological information for determination of this application and considers that the proposals are unlikely to result in any adverse impacts on designated sites, protected and Priority species / habitats.

11.3.5 Furthermore, the Council's Ecologist also supports the submitted Detailed Landscape Proposals (James Blake Associates Ltd, August 2022) and the Landscape and Ecological Management Plan and Maintenance Plan (James Blake Associates Ltd, August 2022). However, it is noted that the bird nest boxes have been proposed within the Landscape and Ecological Management Plan and Maintenance Plan, but these do not appear to be outlined within the submitted documents. As a result, to secure biodiversity net gains for this development, as outlined under Paragraph 174d of the NPPF, Officers recommend that a Biodiversity Enhancement Layout should be secured as a condition of any consent. Alternatively, the locations of the bird nest boxes could be outlined in an updated version of the Detailed Landscape Proposals (James Blake Associates Ltd, August 2022). This will enable LPA to demonstrate its compliance with its statutory duties,

including its biodiversity duty under s40 Natural Environment and Rural Communities Act 2006.

- 11.3.6 A condition is therefore required regarding the submission of a biodiversity enhancement plan.

#### 11.4 Highway Considerations

- 11.4.1 The impact of the development of the Towerlands site on the highway network and the acceptability of the access points were assessed at the outline planning stage and remain unchanged by this full application. The change of use from residential to office space in the Neighbourhood Centre upper floors has not resulted in any concerns being raised by the Highway Authority.

- 11.4.2 To the rear of the neighbourhood centre a car parking area is shown. The car park is divided into two, one to serve the retail and community uses and a separate car parking to serve the office use. Both areas have separate accesses on either side of the site. No objection has been raised by ECC Highways to the creation of the vehicular access points.

- 11.4.2 Policy LPP43 from the Adopted Local Plan states that development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards. The Essex Car Parking Standards 2009 sets maximum parking standards for new developments in the District. Two figures are provided for retail uses - one space per 20sq.m for a non-food use and one space per 14sq.m for a food use. For a community use (non-residential intuitions) one space per 25sq.m is required.

- 11.4.3 For office uses, two figures are provided. One space per 20sq.m for financial and professional services and one space per 30sq.m for any other type of office use.

- 11.4.4 Based on the floor areas proposed, a maximum number of 23 parking spaces are required for the ground floor uses. 26 spaces are indicated on the block plan, which is above the maximum number required by the Parking Standards, however as this parking area also serves one of the new recycling centres for the new development, the number of spaces proposed are considered acceptable.

- 11.4.5 The upper floor office space should be served by between 28 and 42 car parking spaces. The block plan shows that 32 spaces are to be provided, which is considered acceptable.

#### 11.5 Impact upon Neighbouring Residential Amenity

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

- 11.5.2 Officers are content that the proposed neighbourhood centre would not prejudice the neighbouring residential properties by reason of light, outlook or privacy.
- 11.5.3 Should at any point in the future the uses change in the building, there may be a requirement for extract fans. A suitably worded condition will be imposed requiring the details of any extract fans prior to their installation, in order for Officers to ensure that there is no material impact on the nearby residential neighbours.

## 11.6 Flooding and Drainage Strategy

- 11.6.1 Flood risk and drainage were considered at the outline planning stage and a detailed set of related conditions are attached to the outline planning permission in relation to this.
- 11.6.2 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.
- 11.6.3 Policy LPP74 of the Adopted Local Plan seeks to minimise exposure of people and property to the risks of flooding by following the national guidance. Policy LPP76 of the Adopted Local Plan refers to SUDS design being an integral part of the layout and should reflect up to date standards.
- 11.6.4 The Lead Local Flood Authority (LLFA) have been consulted and raise no objection to the proposals but suggest a number of planning conditions.

## 12. PLANNING OBLIGATIONS

- 12.1 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) Regulation. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.
- 12.2 Policy LPP78 of the Adopted Local Plan states that permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity as is required will prove sustainable over time both in physical and financial terms.
- 12.3 Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the



Council and the appropriate infrastructure provider. Such measures may include (not exclusively);

- Financial contributions towards new or expanded facilities and the maintenance thereof
- On-site construction of new provision
- Off-site capacity improvement works and/or
- The provision of land

12.4 Developers and land owners must work positively with the Council, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with their published policies and guidance.

12.5 The following has been identified as a matter that the District Council would seek to secure through a planning obligation and the applicant has agreed to enter into a Section 106 legal agreement in respect of these matters:

- Travel plan monitoring fee (employment use)

12.6 In addition, and as set out earlier in this report, the whole Towerlands site is subject to an outline planning permission. This permission was the subject of a Section 106 Agreement which covered a number of matters. Due to the submission of a 'full application' for the provision of the neighbourhood centre, a number of the schedules contained within the wider Section 106 Agreement would require updating or deleting. These are summarised as follows.

#### **Schedule 4**

12.7 Officers propose that the wording within Schedule 4 'Community Provision' would be altered so that this would apply to the development approved by the currently proposed full planning application (22/02084/FUL) only to avoid unnecessary duplication, given that the current proposal includes the proposed community floorspace proposal for the Towerlands site. The provisions of Schedule 4 allowing the Council time to find an end user to take the community space, and in the event of no end user receiving a financial contribution towards enhancing existing community space would remain but would relate to the community space being provided under the new full planning permission.

#### **Schedule 8**

12.8 Schedule 8 of the existing legal agreement relates to the provision of the 'Neighbourhood Centre' and in particular what it should contain, when it should be provided and the marketing strategy required. It had been envisaged that a serviced site for a neighbourhood centre would have been provided on site at a later stage in the development of the Towerlands site, once significantly more of the whole site had been delivered. However, the

submission of the full application changes this as it is proposed that a neighbourhood centre will now be constructed as opposed to just a serviced piece of land. The new Schedule 8 would set out what can be included in the neighbourhood centre and still requires the submission of a marketing strategy and evidence in relation to the retail unit to ensure that every effort was made to secure the required uses for this floorspace as per the original outline planning permission Section 106 requirements.

### **Schedule 9**

- 12.9 Schedule 9 of the legal agreement relates to the provision of two recycling centres within the whole site. As one of the recycling centres is to be provided as part of the full application, Officers envisage that the wording of this schedule would be amended to ensure that the second recycling centre is provided elsewhere within the wider site.

### **Implementation Restriction**

- 12.10 Finally, a restriction would also be imposed to prevent both the existing outline planning permission and the proposed full planning permission from simultaneously being implemented on the same land area (the neighbourhood centre area). The Developer would only be able to implement one or other planning permission which in reality would be the full planning permission. Overall the existing outline planning permission and the proposed full planning permission would fit seamlessly together and that the planning obligations originally secured for the Towerlands development would remain in place but amended as set out above.

## **13. CONCLUSION**

- 13.1 The principle of developing this site is established under the existing outline planning permission (Application Reference 19/00786/OUT) which has been partially implemented following the approval of a number of Reserved Matters. The applicant seeks full planning permission for a mixed-use building at the neighbourhood centre, comprising retail and community uses on the ground floor and office use on the two upper floors, plus an associated car park, hard and soft landscaping, and a recycling centre. The only difference between the previously approved outline planning permission and the current proposal is the change of use of the upper floors of the neighbourhood centre to office use rather than residential.
- 13.2 There are no objections from the relevant technical statutory consultees and Officers consider that the proposed appearance, landscaping, layout, and scale of the development is acceptable in planning terms.
- 13.3 Overall it is considered that the proposals submitted under the full application are acceptable and constitute a well-designed and carefully considered proposal. Accordingly, it is recommended that the application be approved.

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 and subject to the amendments to the existing Section 106 Agreement for the Towerlands development set out under Section 12 above:

§ Travel plan monitoring fee (employment use)

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

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

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

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

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Other	8541-BH-1022 P1	N/A
Other	8541-BH-508-002 P1	N/A
Other	JBA 21 187 DT5	N/A
Proposed Floor Plan	DN 001 NC 02 REV D	N/A
Proposed Elevations and Floor Plans	DN 001 NC-03 REV G	N/A
Landscape Masterplan	JBA 21/187-50 rev A	N/A
Other	JBA 21 -187 51 A	N/A
Other	JBA 21 -187 52 rev A	N/A
Planning Layout	DN001-NC-01	D
Proposed Elevations and Floor Plans	DN 001 PH1-SS-01 REV 00	sub-station
Location Plan	DN001-LP-NC-01 REV 00	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 (as amended).

##### Condition 2

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

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

##### Condition 3

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) the floor space shall only be used for the purposes set out in the description of this permission.

Reason: In order that the local planning authority may exercise control over the use of the building.

#### Condition 4

Construction of any building shall not be commenced above ground works level until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples.

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

#### Condition 5

No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels and the adjacent residential dwellings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that the development does not prejudice the appearance of the locality. The details are required prior to commencement of development to ensure that the site is constructed to the correct levels from the outset.

#### Condition 6

The scheme of landscaping indicated upon the approved plans shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason: To enhance the appearance of the development.

#### Condition 7

Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: To enhance the appearance of the development.

#### Condition 8

There shall be no outdoor storage or display of equipment, plant, goods or materials within the site whatsoever.

Reason: In the interests of visual amenity.

#### Condition 9

Prior to commencement of the development a construction traffic management plan, to include but which shall not be limited to details of vehicle/wheel cleaning facilities

within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason: To protect highway efficiency of movement and safety. The Plan is required prior to commencement of development to ensure that safeguarding measures are in place from the outset.

#### Condition 10

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

- a) The pedestrian and vehicle access arrangements as shown in principle on the planning application drawings.
- b) If there are 50 or more employees, a travel plan in accordance with Essex County Council guidance.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

#### Condition 11

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

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

#### Condition 12

Prior to their installation, an advertisement signage strategy shall be submitted to and approved in writing by the local planning authority. The approved advertisements shall be installed in accordance with the approved strategy.

Reason: In the interests of visual amenity.

#### Condition 13

No works except demolition shall take place until a detailed surface water drainage scheme for the site, in accordance with the approved Flood Risk Assessment and Drainage Strategy for the wider development has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, location and sizing of any drainage features and integration into the wider site drainage layout.
- 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 14

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

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### Condition 15

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 16

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 17

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance 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 18

Prior to above ground development details of internal routing of an extract system to serve the ground floor commercial units shall be submitted to and approved in writing by the local planning authority. Once approved, the extract systems shall be installed in accordance with these details.

Reason: In the interests of amenity.

#### Condition 19

Should contamination be found that was not previously identified during any stage of the application it shall be made safe and reported immediately to the local planning authority. The site shall be assessed in accordance with the Government's 'Land contamination risk management (LCRM) guidance' and in association with the Essex Contaminated Land Consortiums Land.

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

#### Condition 20

Prior to the commencement of development hereby permitted a dust and mud control management scheme should be agreed with the local planning authority which specifies the provisions to be made for the control of dust from construction/vehicle activities on the site. The works shall be carried out in accordance with these details approved.



Reason: In the interests of amenity. The Scheme is required prior to commencement of development to ensure that mitigation measures are in place from the outset.

Condition 21

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

Reason: In the interests of amenity.

Condition 22

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

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

Condition 23

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

Monday to Friday 8am to 6pm  
Saturdays 8am to 1pm  
Sundays- No work  
Bank Holidays- No work

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

Condition 24

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

Monday to Friday 8am and 6pm  
Saturdays 8am and 1pm  
Sundays and bank Holiday- no construction vehicular movements

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

Condition 25

Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the

Landscape and Ecological Management Plan and Maintenance Plan (James Blake Associates Ltd, August 2022), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features 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 NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 26

Prior to above ground construction of the neighbourhood centre a strategy for broadband provision to the neighborhood centre shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that an acceptable level of broadband provision is made to the neighbourhood centre.

#### Condition 27

Prior to the first use of the neighbourhood centre building, a lighting design scheme to protect biodiversity for that phase of the development 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 where lighting is likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the 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 28

Prior to the installation of any plant at the neighbourhood centre the applicant must submit a noise level assessment in accordance with BS4142:2014 for approval by the Local Planning Authority. The proposed plant shall only be installed in accordance with the approved details and retained as such thereafter.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

#### Condition 29

The rating level of noise emitted from any plant installed at the Neighbourhood Centre shall not exceed the background level (determined by measuring LA90 for any 15 minute period when the premises is not operating, but which should be similar as possible to conditions that prevail during the operation of the premises) by more than 5dB(A) measured as LAeq (15 minutes). The noise levels shall be determined at any noise sensitive dwelling, in accordance with measurement procedures laid down in BS 4142 : 2014.

Reason: To protect the amenities of the occupiers of the residential properties hereby permitted.

#### Condition 30

Prior to commencement of development details shall be submitted to and approved in writing by the Local Planning Authority to show the locations and specification of any bus stops within the proposal site and any required on site bus turn round and/or layover facilities (temporary and/or permanent).

No use of the development shall take place until the agreed details have been provided. The details are required prior to the commencement of development to ensure that the site layout accommodates any bus stops from the outset.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking. The details are required prior to the commencement of development to ensure that the development will make appropriate bus facility provision in this regard.

#### Condition 31

No use of the neighbourhood centre building shall take place until the following has been provided and completed:

a) A priority junction off Panfield Lane to provide access to the Towerlands development site as shown in principle on planning application drawing number 70048176-WSP-TP-DWG-002 Rev. P12 produced by WSP and approved under outline planning application 19/00786/OUT.

Reason: To protect highway efficiency of movement and safety

#### Condition 32

No use of the neighbourhood centre shall take place until the permanent closure and removal of any existing vehicular accesses to the Towerlands site has taken place, with the exception of any of these existing access points which are detailed as being used as construction accesses in accordance with details contained within the approved Construction Management Plan(s) for the development. These construction access points shall be permanently closed and removed following the completion of their use for construction access purposes and the timescales for such closure and removal shall be detailed in the approved construction management plan(s).

Reason: To protect highway efficiency of movement and safety.

### Informative(s)

#### Informative 1

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively.

The link can be found below. <https://www.essex.gov.uk/protectingenvironment>

Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures

Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk))

### 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
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP9	Retailing and Regeneration
LPP19	Strategic Growth Location - Former Towerlands Park Site
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP49	Health Impact Assessment
LPP50	Provision for Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP61	Local Community Services and Facilities
LPP63	Natural Environment and Green Infrastructure
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
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

APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
02/00207/T56	Erection of 15m lattice tower and equipment housing	Granted	25.03.02
04/00336/COU	Conversion of redundant buildings to two dwellings	Refused	02.08.04
04/00337/FUL	Construction of new manege	Granted	28.07.04
04/00348/OUT	Erection of new golf clubhouse	Refused	28.07.04
04/01702/FUL	Removal of condition 2 of Planning Permission P/BTE/0998/82 to allow premises to be used outside the currently permitted hours of 9.00 - 22.00 hours	Granted	19.10.04
04/01801/FUL	Extension to existing practice ring to main area of equestrian centre	Granted	13.10.04
84/01040/P	Alterations and extensions to changing rooms.	Granted	11.09.84
84/00226/P	Erection of extension to stable block.	Granted	05.04.84
82/00998/P	Proposed erection of building for indoor green bowling rink.	Granted	07.12.82
81/01177/P	Proposed building to house standby generator.	Granted	16.10.81
80/01483/P	Proposed retention of existing equestrian centre, with the removal of condition 8, relating to its use.	Granted	02.12.80
79/01052/P	Extension to main equestrian centre to provide additional seating.	Granted	15.08.79
79/01519/P	Extension to sports building.	Refused	24.01.80
79/00657/P	Erection of sports building.		24.07.79
77/01419/P	Extension of approved main equestrian centre building by the addition of one bay (20ft) to the	Granted	12.01.78

	practice ring.		
77/00110/P	Proposed hay barn.	Granted	29.03.77
77/01119/P	Construction of an oxygest sewage disposal plant.	Granted	25.11.77
77/00058/P	Erection of a horses swimming pool building in connection with the Equestrian Centre.	Granted	15.02.77
76/01165/P	Equestrian centre and horse breeding establishment including managers house.	Granted	07.12.76
75/00558/P	Erection of managers house.	Refused	23.09.75
83/01349/P	Change of use of land from use in connection with equestrian activities to golf course and use in connection with equestrian centre.	Granted	06.02.84
89/01328/P	Erection Of Extension To Provide Golf Professional Shop, Workshop, Store & Office	Granted	01.08.89
90/00366/E	Proposed Signs		
91/00331/E	9100331e		
95/01225/FUL	Construction of access for emergency vehicles	Granted	10.01.96
97/00259/FUL	Proposed access for emergency vehicles - amendment to Planning Approval 95/01225/FUL	Granted	11.06.97
98/01416/FUL	Proposed internal alterations to form first floor gymnasium and new external fire escape	Granted	17.11.98
05/00484/FUL	Erection of extension to sports centre to provide swimming pool	Withdrawn	06.05.05
06/00788/COU	Change of use of land from agricultural to equestrian use and/or golf	Granted	25.07.06
07/00268/FUL	Erection of extension to sports centre to provide swimming pool and foyer extension	Granted	10.05.07
07/00643/FUL	Erection of 60-bed two storey hotel	Refused	02.07.07

08/01426/FUL	Variation of condition 4 of planning application 06/00788/COU to provide for the felling of 12 no. trees and partially remove boundary hedge/scrub	Refused	08.09.08
08/00108/DAC	Application for approval of details reserved by condition 2 of approval 06/00788/COU - Change of use of land from agricultural to equestrian use and/or golf	Granted	15.12.08
14/01033/HDG	Notice of intent to carry out works to a hedge - Remove 6 metres of hedge	Withdrawn	28.08.14
15/00007/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Outline application for the site clearance and development of up to 1,150 homes, up to 5,000sq.m of B1 employment, and up to 3000sq.m of other commercial uses including a local centre with retail	Screening/Scoping Opinion Adopted	30.06.15
17/00006/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed residential-led, mixed-use development comprising: 1. Demolition of existing buildings and structures; 2. Construction of 600 new dwellings including affordable homes; 3. Primary school or contributions towards new	Screening/Scoping Opinion Adopted	08.08.17



	<p>primary school provision in the locality;</p> <p>4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land;</p> <p>5. Local retail facilities;</p> <p>6. Public open space and formal and informal recreation including landscaping to the rural edge;</p> <p>7. Main access from Deanery Hill/Panfield Lane</p> <p>8. Potential additional vehicular access from the Growth Location to the south of the site;</p> <p>9. Associated engineering, drainage, access and other ancillary works.</p>		
18/00004/SCR	<p>Town &amp; Country Planning Act 1990 (as amended), Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request</p> <p>- 1. Demolition of existing buildings and structures;</p> <p>2. Construction of 700 new dwellings including affordable homes; 3. Contributions towards new primary school provision in the locality; 4. Stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of land; 5. Local retail facilities; 6. Public open space and formal and informal recreation including landscaping to the rural edge; 7. Main access from Deanery Hill/Panfield Lane 8. Potential additional vehicular access from the Growth Location to the south of</p>	Screening/Scoping Opinion Adopted	10.09.18

	the site; 9. Associated engineering, drainage, access and other ancillary works.		
19/00786/OUT	Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.	Granted with S106 Agreement	09.04.21
21/01900/DAC	Application for approval of details as reserved by condition 3 of approved application 19/00786/OUT	Granted	19.10.21
21/02625/DAC	Application for approval of details as reserved by condition 17 of approved application 19/00786/OUT	Granted	19.10.21
21/03199/DAC	Application for approval of details as reserved by condition 3 of approved	Granted	13.07.22

	application 19/00786/OUT		
21/03210/ADV	Display of non illuminated - 1 x V-Stack Sign, 5 x Flags, 1 x Totem Sign	Granted	21.12.21
21/03231/REM	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 168 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities	Granted	13.04.22

	including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)		
21/03438/DAC	Application for approval of details as reserved by conditions 14 and 22 of approved application (in relation to demolition stage of development only) 19/00786/OUT	Granted	14.09.22
21/03439/DAC	Application for approval of details as reserved by condition 27 of approved application 19/00786/OUT	Granted	13.07.22
21/03500/DAC	Application for approval of details as reserved by condition 16 of approved application 19/00786/OUT	Granted	25.04.22
21/03608/REM	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for the ecological mitigation area at the northern end of the site (Phase 0) pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including	Granted	23.03.22

	woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)		
21/70007/PPA	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for Phase 1, comprising 167 no. two, three, four and five bedroom houses plus associated parking and landscaping, together with public open space, a play area, sustainable drainage infrastructure and the first section of the spine road from the Panfield Lane entrance, pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area	Pending Consideration	

	to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)		
21/03714/DAC	Application for approval of details as reserved by conditions 14 & 22 of approved application 19/00786/OUT	Granted	14.09.22
22/70001/PPA	Application for approval of Reserved Matters for appearance, landscaping, layout and scale for the ecological mitigation area at the northern end of the site (Phase 0) pursuant to outline planning permission 19/00786/OUT (Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-		09.06.22

	west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling.)		
22/00322/NMA	Non-Material Amendment to permission 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities	Granted	14.09.22

	including gas, electricity, water, sewerage, telecommunications (and diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling. Amendment would allow:-Update to the text of condition 15 to specifically exclude the ecological mitigation area (Phase 0) from the restriction on the commencement of development.		
22/00534/NMA	Non-Material Amendment to permission 19/00786/OUT granted 09.04.2021 for: Outline planning application for up to 575 homes together with a 0.13ha site for early years and childcare nursery (D1), Up to 250sqm of local retail (A1) and up to 250sqm of community facilities (D1), green infrastructure including formal/informal open space and amenity space, provision of ecological mitigation area to north-west of developable area, landscaping including woodland and hedgerow planting, new vehicular accesses from the B1053 and Panfield Lane, closure of existing access from Deanery Hill (south), footway and cycleway network, supporting infrastructure (utilities including gas, electricity, water, sewerage, telecommunications (and	Granted	24.03.22



	diversions as necessary), diversion of public right of way, sustainable drainage systems, any necessary demolition and ground remodelling. Amendment would allow for: Change in parameter plan to reflect the form of development approved for the Parkland Edge - South Character Area.		
22/70004/PPA	Creation of a mixed-use building, comprising community and retail uses on the ground floor (as approved by the outline planning permission) and two floors of offices, plus car park and recycling centre.		
22/00895/DAC	Application for approval of details as reserved by condition 18 of approved application 19/00786/OUT	Granted	13.07.22
22/00899/DAC	Application for approval of details as reserved by condition 19 and 21 of approved application 19/00786/OUT	Pending Consideration	
22/00901/DAC	Application for approval of details as reserved by condition 20,24,25, and 26 of approved application 19/00786/OUT	Pending Consideration	
22/00904/DAC	Application for approval of details as reserved by condition 29 of approved application 19/00786/OUT	Pending Consideration	
22/00907/DAC	Application for approval of details as reserved by condition 34 of approved application 19/00786/OUT	Pending Consideration	
22/00914/DAC	Application for approval of details as reserved by condition 35 of approved application 19/00786/OUT	Pending Consideration	
22/00915/DAC	Application for approval of details as reserved by	Pending Consideration	

	condition 41 of approved application 19/00786/OUT		
22/01142/DAC	Application for approval of details as reserved by condition 36 of approved application 19/00786/FUL	Pending Consideration	
22/01469/REM	Application for the Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 167 No. one, two, three, four and five bedroom houses and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance.	Pending Consideration	
22/01704/DAC	Application for approval of details as reserved by condition 2 of approved application 21/03231/REM	Pending Consideration	
22/70006/PPA	Application for the Approval of Reserved Matters (in respect of Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 19/00786/OUT granted 09.04.2021 for: Erection of 167 No. one, two, three, four and five bedroom houses and apartments plus associated parking and landscaping, together with the second section of the spine road from the Deanery Hill entrance.	Pending Consideration	
22/01900/DAC	Application for approval of details as reserved by condition 6 of approved application 21/03231/REM	Pending Consideration	