

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 21/02449/FUL

Date 3rd August 2021

Received:

APPLICANT:

Mr R Catchpole
Stow Healthcare Group
C/o Agent

AGENT:

Mr Melville Dunbar
Mill House
Kings Acre
Coggeshall
CO6 1NY

DESCRIPTION :

Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 20 bungalows and layout associated car parking, drainage and landscaping

LOCATION :

Halstead Hall Braintree Road Greenstead Green Essex CO9 1SL

APPROVED PLAN(S):

Location Plan	Plan Ref: 1544-LOC 01
Floor Plan	Plan Ref: 1544-P028
Floor Plan	Plan Ref: 1544-P029
Elevations	Plan Ref: 1544-P030
Access Details	Plan Ref: 48842/P/004 A
Tree Plan	Plan Ref: AIA prepared by EnviroArb-Solutions Ltd
	Version:
	7.8.2021
Fencing Layout/Details	Plan Ref: 1544 P103
Floor Plan	Plan Ref: 1544 P104
Floor Plan	Plan Ref: 1544 P106
Elevations	Plan Ref: 1544 P107
Elevations	Plan Ref: 1544 P108
Floor Plan	Plan Ref: 1544 P109
Elevations	Plan Ref: 1544 P110
Elevations	Plan Ref: 1544 P111
Floor Plan	Plan Ref: 1544 P112
Floor Plan	Plan Ref: 1544 P113
Floor Plan	Plan Ref: 1544 P114
Floor Plan	Plan Ref: 1544 P115
Floor Plan	Plan Ref: 1544 P116
Floor Plan	Plan Ref: 1544 P117
Floor Plan	Plan Ref: 1544 P118
Floor Plan	Plan Ref: 1544 P119
Floor Plan	Plan Ref: 1544 P120
Elevations	Plan Ref: 1544 P121
Elevations	Plan Ref: 1544 P122
Garage Details	Plan Ref: 1544 P123
Garage Details	Plan Ref: 1544 P124

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Site Plan	Plan Ref: 1544-P101	Version: A
Other	Plan Ref: Priority Habitats 028/22	Version:
Other	Plan Ref: Ecological Assessment 082/21	Version:
Landscape Masterplan	Plan Ref: 1544-P102	Version: B

DECISION:

The Braintree District Council as local planning authority has considered your application and gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the **Section 106 Agreement** and the following conditions and reasons:

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

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

Reason

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

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

Reason

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

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

- Verification of the suitability of infiltration of surface water for the development.

This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 1:1 Greenfield runoff rates (we do not accept QBar) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

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- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

Reason

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

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

Reason

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

- 6 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

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These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

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PART B- Conditions relating to Green Lodge only

- 11 Prior to the commencement of any works in relation to Green Lodge, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall contain:
- a) A photographic condition survey of the roads, footways and verges leading to the site,
 - b) Details of construction access and associated traffic management to the site,
 - c) Arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway,
 - d) Arrangements for the parking of contractor's vehicles,
 - e) Arrangements for wheel cleaning,
 - f) Arrangement for the storage of materials,
 - g) Arrangements for the control of dust, mud and emission from construction,
 - h) Arrangements for the storage and removal of excavation material,
 - i) Noise mitigation measures during construction and demolition, and
 - j) Hours of construction.

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

Reason

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

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

Reason

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

PART C- Condition relating to the Residential Development (20 dwellings) only

- 13 Prior to the commencement of any works in relation to the 20 dwellings, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall contain:
- a) A photographic condition survey of the roads, footways and verges leading to the site,
 - b) Details of construction access and associated traffic management to the site,
 - c) Arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway,
 - d) Arrangements for the parking of contractor's vehicles,
 - e) Arrangements for wheel cleaning,
 - f) Arrangement for the storage of materials,
 - g) Arrangements for the control of dust, mud and emission from construction,
 - h) Arrangements for the storage and removal of excavation material,
 - i) Noise mitigation measures during construction and demolition, and
 - j) Hours of construction.

For the duration of the development, works shall be carried out in accordance with

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the approved Construction Management Plan

Reason

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

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

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

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

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

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

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

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

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

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Reason

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

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

Reason

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

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

Reason

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

- 18 Prior to any works which will impact the breeding/resting place of bats, shall not in any circumstances, commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

- 19 No occupation of the development shall take place until the following have been provided or completed:
- a) The site access onto Russells Road shall be provided as shown in principle on
 - b) submitted drawing 48842/P/001 with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
 - c) The visibility splays at the junction of Russells Road and the A131 Bournebridge Hill and the visibility splays at the existing accesses from the site to A131 Bournebridge Hill shall be provided as shown in principle on submitted drawing 48842/P/004/A. Such vehicular visibility splays shall be provided before the junction/access is first used by vehicular traffic from the development and retained free of any obstruction at all times.
 - d) A Residential Travel Information Pack for each dwelling, for sustainable

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transport, approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason

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

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

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

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

Reason

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

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

Reason

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

- 22 Prior to the occupation of the development hereby approved a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures, shall be submitted to and approved in writing by the local planning authority.
The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason

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

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

The content of the LEMP shall include the following:

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

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

Reason

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

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

Reason

To protect the amenities and privacy of adjoining occupiers.

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

Reason

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

- 26 The garages for plots 1, 7, 8, 9, 10, 14, 15, 17 and 18 shall be kept available for the parking of motor vehicles at all times. The garages shall be used solely for parking for the benefit of the occupants of the dwelling of which it forms part, and their

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visitors, and for no other purpose.

Reason

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

- 27 No above ground development shall commence unless and until a lighting design scheme to protect biodiversity for the whole site has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are sensitive for bats, including those areas where lighting could cause disturbance along important bat foraging routes; 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 any 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 approved scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

- 28 Prior to the any above ground work a strategy detailing the location and specification of Electric Vehicle Charging Points to be provided shall be submitted and which, as a minimum, shall ensure each new dwelling includes provision for one charging point. Prior to its occupation each dwelling shall be provided with the electric vehicle charging point in accordance with the approved details and shall thereafter be retained in the approved form.

Reason

To ensure that the new development makes adequate provision for electric vehicle charging in the interests of creating a sustainable development.

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy 2011

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

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Braintree District Local Plan Review 2005

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

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

Braintree District Draft Section 2 Local Plan (2017)

LPP1 Development Boundaries
LPP33 Affordable Housing
LPP35 Specialist Housing
LPP37 Housing Type and Density
LPP44 Sustainable Transport
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP53 Provision for Open Space, Sport and Recreation
LPP55 Layout and Design of Development
LPP63 Archaeological Evaluation, Excavation and Recording
LPP68 Protected Species, Priority Spaces and Priority Habitat
LPP69 Tree Protection
LPP70 Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71 Landscape Character and Features
LPP79 Surface Water Management Plan
LPP80 Sustainable Urban Drainage Systems
LPP82 Infrastructure Delivery and Impact Mitigation

Other Material Considerations

Essex Design Guide
Essex Parking Standards

In forwarding the decision for this application, I have to draw your attention to the following:-

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- 1 **GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE**
To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:
 - a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
 - b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
 - c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

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

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

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

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.

Dated: 09.06.2022

Signed: 

Christopher Paggi
Planning Development Manager
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within **6 months** of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone no. 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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