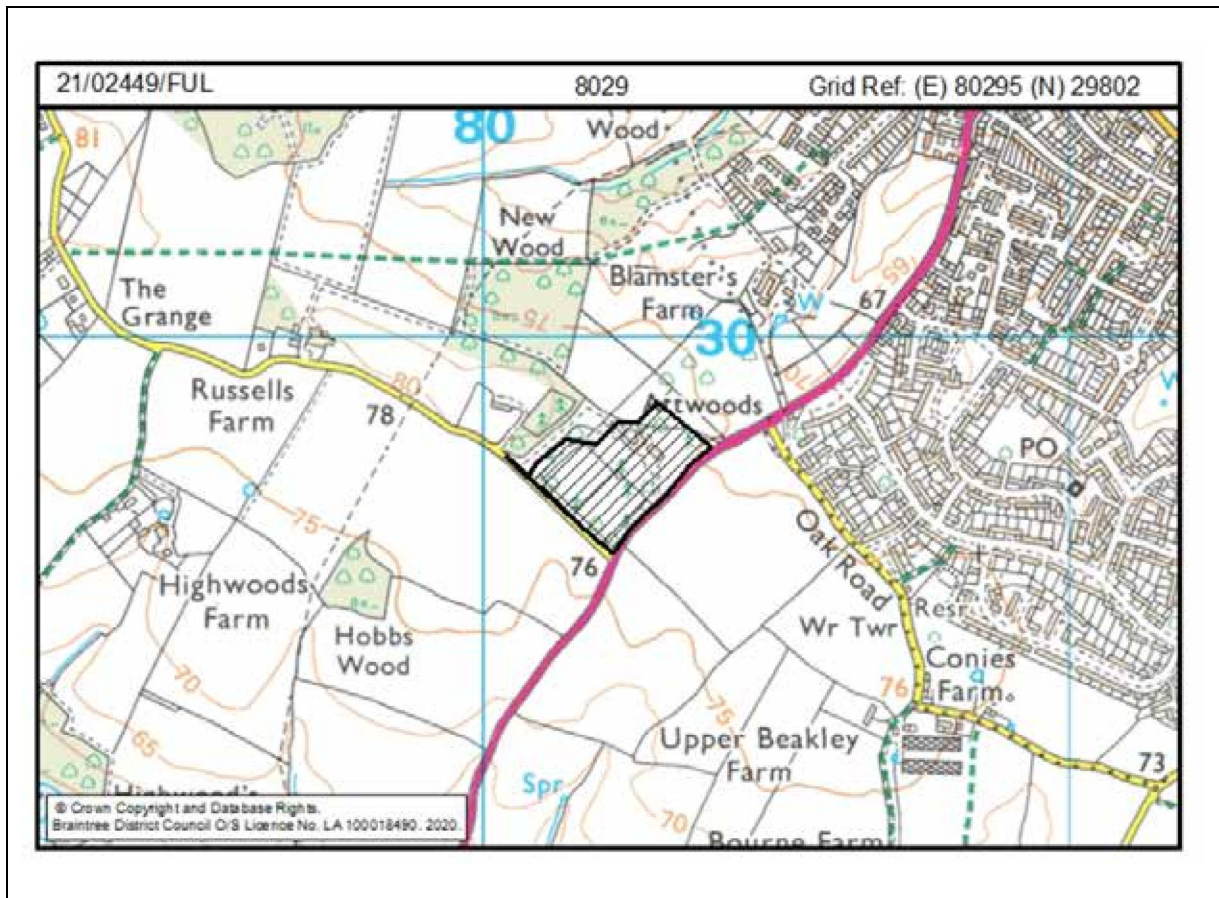


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| Report to: Planning Committee | |
| Planning Committee Date: 19th April 2022 | |
| For: Decision | |
| Key Decision: No | Decision Planner Ref No: N/A |
| Application No: | 21/02449/FUL |
| Description: | Demolish outbuildings, extend and refurbish 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 |
| Applicant: | Mr R Catchpole, Stow Healthcare Group |
| Agent: | Melville Dunbar Associates |
| Date Valid: | 17th August 2021 |
| Recommendation: | It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> ▪ Application GRANTED subject to the completion of a Section 106 Agreement to cover the Heads of Terms outlined within the Recommendation section of this Committee Report, and subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report. |
| Options: | The Planning Committee can: <ul style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s) |
| Appendices: | Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s) |
| | Appendix 2: Policy Considerations |
| | Appendix 3: Site History |
| | Appendix 4: Appeal Decision (18/01481/FUL) |
| Case Officer: | Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: melanie.corbishley@braintree.gov.uk |

Application Site Location:



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

| | |
|----------------------------------|--|
| | <p>who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p> |
| <p>Background Papers:</p> | <p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/02449/FUL.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan Review (2005) ▪ Braintree District Core Strategy (2011) ▪ Braintree District Shared Strategic Section 1 Local Plan (2021) ▪ Braintree District Publication Draft Section 2 Local Plan (2017) ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p> |

1. EXECUTIVE SUMMARY

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

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

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATIONS

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The application site consists of 3.85 hectares of land which forms part of the curtilage of the existing care home now known as Halstead Hall, located on the south-western fringe of Halstead, outside the town development boundary. To the north of the existing care home is a building known as Green Lodge, which is currently vacant and in a poor state of repair.

5.2 The site is bordered by the A131 to the east and Russells Lane to the south. The wider site is surrounded by open countryside and farmland to the north, south, and west, and to the east is new housing development.

5.3 The site is physically separated from the town of Halstead and is located outside the Town Development Boundary.

5.4 Opposite the application site to the southern side of Oak Road is a newly constructed housing development.

6. PROPOSAL

6.1 The application seeks planning permission for the conversion and extension of a redundant building to create a 25no. bed specialist dementia unit and the erection of 20no. bungalows and houses.

6.2 The application relates to the refurbishment and extension of the existing redundant building known as Green Lodge to be used as a 25no. bed dementia unit, along with bin and cycle stores. The ground floor would contain 11no. en-suite bedrooms, a lounge, dining room, kitchen, staff facilities, assisted bathroom and office/reception. On the first floor there would be 14no. en-suite bedrooms, an assisted bathroom, office/meeting room and large activity room. Two lifts are shown to create stair free access between the floors. The proposed extensions would create a courtyard garden in the centre of the building, with an outdoor seating area, overlooked by the proposed lounge.

- 6.3 The Applicant states that a recent extension permitted to the existing care home, at Halstead Hall, would result in facilities that would be shared between the new facility and the existing one. No works are proposed to Halstead Hall and the care home would continue to operate.
- 6.4 To the south west of the existing buildings on the site (Halstead Hall Care Home and Green Lodge) is a new parking arrangement that would serve both establishments. The parking spaces are shown to be arranged in two circular patterns, linked by a section of road. These spaces would be accessed from the A131 by the existing main entrance. An existing secondary vehicular access to the east of Halstead Hall will be retained and would be continued to be used as a service route and access to 30no. staff car parking spaces.
- 6.5 The application also includes the erection of 20no. bungalows and houses (including 6 units affordable housing units) located on land to the west of Halstead Hall, which would have vehicular access from Russells Lane. The dwellings are a mix of semi-detached pairs and detached units.
- 6.6 During the life of the application the number of units have reduced from 30 to 20 and are no longer being relied upon to fund the creation of the specialist dementia unit. The dwellings are also no longer age restricted to those occupiers 55 years or over.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Anglian Water

Comments submitted following first consultation:

- 7.1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an informative be included within your Notice should permission be granted.
- 7.1.2 The foul drainage from this development is in the catchment of Braintree Water Recycling Centre that will have available capacity for these flows.
- 7.1.3 This response has been based on the following submitted documents: Drainage Plan. Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the Applicant to ensure any infrastructure improvements are delivered in line with the development. The Drainage Plan shows foul flows connecting to a sewer under the A131, there are no public foul sewers in this location, we require a strategy showing the connection point to the public foul sewer. We therefore request a condition requiring an on-site drainage strategy.

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

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

Comments following second consultation:

7.1.6 No additional comments.

7.2 Care England

Comments submitted following first consultation:

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

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

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

7.2.4 The whole of the UK, including Essex, is underserved in terms of the provision of specialist dementia care and demographic change means that there will be a significant increase need in the coming years.

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

Comments following second consultation:

7.2.6 No further comments made.

7.3 Council for the Protection of Rural England

7.3.1 No comments received.

7.4 Environment Agency

7.4.1 No comments received.

7.5 Essex Police

Comments submitted following first consultation:

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

7.5.2 Whilst there are no apparent concerns with the layout, to comment further we would require the finer detail such as the proposed lighting, and physical security measures.

7.5.3 With a development aimed at vulnerable members of society it is important that security is seriously taken into consideration. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving Secured by Design awards. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

Comments following second consultation:

7.5.4 No additional comments.

7.6 Natural England

Comments submitted following first consultation:

7.6.1 It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

7.6.2 In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including, Braintree District Council working together to mitigate the effects arising from new residential development. Once adopted, the

RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

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

Comments following second consultation:

- 7.6.4 Above advice repeated.

7.7 NHS

Comments submitted following first consultation:

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

Comments following second consultation:

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

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

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

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

7.8 ECC Archaeology

Comments submitted following first consultation:

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

7.8.2 The proposed development site encompasses the now derelict Green Lodge which lies within the curtilage of Halstead Hall, formerly Attwoods. The Tithe map of c.1838 depicts a small rectangular building in this location adjacent to Attwoods which, by the 1st edition OS map is replaced by the current buildings. The supporting documents describe Green Lodge as 19th century and suggest they were built in 1875, a monogram of the High Sheriff of Essex on the building dates to 1877. The buildings include a mews, coach house and stables set into the former parkland setting of Attwoods. The buildings were built to a high standard in cream gault clay brick with decorative detailing. The interiors housed a number of entertainment rooms including a ballroom as well as more functional

spaces. The lodge was clearly built to reflect the high status of its host building, Attwoods at the turn of the 19th century and is considered a non-designated heritage asset. Other derelict buildings within the grounds include a bungalow, stables and barns and remains of structures relating to the historic walled garden and later use of the site as a therapeutic centre.

7.8.3 A Level 2 historic building record should be completed for the Lodge prior to the restoration and a low level record should be completed on any buildings or structures within the grounds that are proposed for demolition or that will be impacted upon by the proposed development.

7.8.4 Conditions are suggested regarding archaeological evaluation and building recording.

Comments following second consultation:

7.8.5 No additional comments.

7.9 ECC Education

Comments submitted following first consultation:

7.9.1 No contribution requested.

Comments following second consultation:

7.9.2 Financial contribution sought for the following:

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

7.10 Essex Fire and Rescue

Comments submitted following first consultation:

7.10.1 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

7.10.2 Access is considered satisfactory subject to the following:

- Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 18 tonnes.

7.10.3 More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.10.4 Following a review of these documents I can advise that due to what would be considered an excessive distance to the nearest existing statutory fire hydrants, shown on the enclosed plan, it is considered necessary that

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

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

Comments following second consultation:

- 7.10.6 Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. Access is considered satisfactory subject to the following:
- Access routes and hard standings should be capable of sustaining a minimum carrying capacity of 18 tonnes.
- 7.10.7 More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.11 ECC Highways

Comments submitted following first consultation:

- 7.11.1 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 7.11.2 The site layout as submitted would not be considered for adoption by the highway authority.
- 7.11.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to the submission of a construction management plan, visibility splays onto Russells Road, and A131 and residential travel information packs.

Comments following second consultation:

- 7.11.4 No additional comments.

7.12 ECC Independent Living

Comments submitted following first consultation:

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

Comments following second consultation:

- 7.12.5 No further comments received.

7.13 ECC Suds

Comments submitted following first consultation:

- 7.13.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

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

Comments following second consultation:

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

7.14 BDC Ecology

Comments submitted following first consultation:

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

Comments following second consultation:

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

7.15 BDC Environmental Health

Comments submitted following first consultation:

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

Traffic Noise Mitigation

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

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

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

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

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

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

Comments following second consultation:

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

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

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

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

7.16 BDC Housing, Research and Development

Comments submitted following first consultation:

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

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

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

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

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

Comments following second consultation:

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

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

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

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

7.17 BDC Land Drainage

7.17.1 No comments received.

7.18 BDC Landscape Services

Comments submitted following first consultation:

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

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

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

Comments following second consultation:

7.18.4 No further comments received.

7.19 BDC Waste Services

Comments submitted following first consultation:

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

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

Comments following second consultation:

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

8. PARISH / TOWN COUNCIL

8.1 Halstead Rural and Greenstead Green Parish Council

Comments submitted following first consultation:

- 8.1.1 No objection.

Comments following second consultation:

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

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

8.2 Halstead Town Council

Comments made after second consultation, requested by HTC:

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

9. REPRESENTATIONS

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

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

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

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

10. Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.4 With regards the accessibility, the Inspector concluded that despite the lack of a pavement for 76m, there was a wide, flat grass verge that would give pedestrians the opportunity to avoid vehicular conflict. Furthermore as this part of the A131 is relatively straight with good visibility that would allow residents to cross the road reasonably safely. Combined with the St Andrews Park development and local nearby bus services the Inspector concluded that the proposal would not significantly undermine the aims of CS Policy CS7 insofar as this policy seeks to reduce the need to travel and reduce the impact of a development upon climate change.

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

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

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

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

10.7 The Inspector concluded:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.14 The Inspector found that the proposal would not result in material harm to the wider landscape character of the area. The absence of harm weighs neither for nor against the proposal.

10.15 In terms of harm, the Inspector concluded that:

In terms of harm, the proposal would have a materially harmful adverse impact on the character and appearance of the area and the living conditions of future occupiers of the dwellings. In addition, it would also result in harm to protected species and fail to make adequate provision for affordable housing. Overall, this would conflict with the social and environmental objectives of sustainable development and in my view, the benefits of the proposed scheme are significantly and demonstrably outweighed by the combination of the adverse impacts.

The scheme therefore does not constitute sustainable development. It follows that the conflict with the development plan is not outweighed by the other material considerations.

10.16 A copy of this appeal decision is appended to this Committee Report, within Appendix 4.

11. PRINCIPLE OF DEVELOPMENT

11.1 National Planning Policy Framework (NPPF)

11.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

11.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

11.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

- 11.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 74 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.
- 11.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).
- 11.2 5 Year Housing Land Supply
- 11.2.1 The Council publishes a 5 year housing land trajectory as of 31st March each year. The most recent position therefore is that of 31st March 2021. Within the published trajectory, the forecast supply amounted to a 5.34 year supply of housing based on a 5% buffer.
- 11.2.2 At its Full Council meeting on 22nd February 2021, Braintree District Council approved the adoption of the Shared Strategic Section 1 Local Plan. On its adoption, the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013-2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.
- 11.2.3 The latest Housing Delivery Test (HDT) results were published in January 2022. The new results (which include an allowance for the impact of the current pandemic) confirm that Braintree District achieved 125% supply against target and the usual 5% buffer is maintained. This applies from the day of publication of the results.
- 11.2.4 The Council's Housing Land Supply position has recently been contested as part of an appeal at Land off Brain Valley Avenue, Black Notley (Appeal Reference: APP/Z1510/W/21/3281232). Within the appeal decision dated 20th January 2022, the Inspector concluded at Paragraph 54 that the housing supply 2021-2026 would be in excess of the 5,352 requirement; and that therefore the Council can demonstrate an up-to-date housing land supply and the titled balance pursuant to Paragraph 11d) of the NPPF is not engaged.
- 11.2.5 Accordingly, given all the evidence before it, including the housing requirement from the Shared Strategic Section 1 Local Plan and the use of

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

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

11.3 The Development Plan

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

12. SITE ASSESSMENT

12.1 Location and Access to Services and Facilities

- 12.1.1 Where concerning the promotion of sustainable transport, the NPPF in Paragraph 105 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to

reduce congestion and emissions, and improve air quality and public health.

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

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

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

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

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

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

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

12.2 Principle of Creating the Dementia Unit

12.2.1 The Applicant makes reference to the Greater Essex (Southend, Essex and Thurrock) Dementia Strategy (2015-2020). The Strategy identifies 9 priorities aimed at improving support to ensure it is the best available and thus enable people to live in the community with dementia for as long as possible. The Applicant states that in 2015 it was estimated that there are 19,000 people in Greater Essex with dementia but predicted to rise to 25,000 by 2025.

12.2.2 The Applicant quotes that one of the priorities relates to 'Living well in long term care' and that the strategy notes "in 2014 the CQC found that the quality of care for people with dementia varied greatly. A key issue was that some hospitals and care homes did not comprehensively identify all of a person's care needs and there was variable or poor staff understanding and knowledge of dementia care".

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

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

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

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

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

Specialist housing is defined as accommodation, which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults, and may include some elements of care and support for everyone who lives there.

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

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

Minor extensions to, or the expansion of existing specialist housing in the countryside, may be acceptable if all the following criteria are met;

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

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

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

12.3 Viability of the Proposal and Enabling Development

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

12.4 Design, Appearance and Layout

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

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

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

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

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

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

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

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

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

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

12.4.7 The Inspector concluded with the following sentence:

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

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

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

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

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

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

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

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

12.4.18 Notwithstanding this, Officers are aware that the issue of road noise was not raised by the Environmental Health team in the consideration of the Bloor Homes development on the opposite side of the A131. Furthermore the proposed dwellings are located a greater distance away from the A131 than those built on the land opposite.

12.4.19 Two conditions are suggested by the Environmental Health Officer which seek to protect the new occupants from unwanted and excessive noise from the nearby road. However given the above, Officers consider that it would be unreasonable to impose these conditions and conclude that the future living conditions for the occupiers would be acceptable.

12.5 Works to Green Lodge

12.5.1 The proposed extensions to Green Lodge are substantial, creating a large portion of the proposed specialist accommodation.

12.5.2 The extensions have the same eaves height as the host building and includes the small gabled roofs over each first floor window that currently exists on the elevations of Green Lodge. The proposed extensions would square off the building and would create an internal courtyard to be used as a garden for residents.

12.5.3 It is considered that the design and appearance of the proposed extensions to Green Lodge are acceptable in isolation, as they replicate the style and character of the existing building and therefore accord with guidance from the NPPF, Policy RLP90 of the Adopted Local Plan, Policy SP7 of the Section 1 Plan, and Policy LPP50 of the Section 2 Plan.

12.6 Trees

12.6.1 Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other matters, protecting sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan.

12.6.2 Policy RLP81 of the Adopted Local Plan and Policy LPP69 of the Section 2 Plan both set out that the Council will protect established trees of local amenity value.

12.6.3 The site is located within a rural landscape setting. There are some trees of modest to high amenity value on site, most of which are 'B' and 'C' category trees. The dominant individual tree species on this site is English Oak, primarily within perimeter tree belts around the boundaries and groups of trees within the grounds. There are specimen trees located close to the original manor house, including Wellingtonia, Cypress and Monkey Puzzle trees. A Horse Chestnut lined overgrown and overrun avenue remains from a historic entrance. Most of the trees on site are not managed, with many trees dead/dying and most in need of some basic crown pruning maintenance works.

- 12.6.4 The trees on the site surround each boundary in groups, containing occasional mature trees of modest to high amenity value, with younger pioneer trees located within the site. A mature and unmanaged tree avenue feature is located along the north western boundary of the site. The north eastern boundary primarily consists of screen planting for the area at Green Lodge and the main manor house, most of which is of lower quality and landscape value. The proposed development area is within an existing paddock field south of the main hall, and therefore the main issues were and remain the entrance to the site from Russell's Road and the location of the bungalows adjacent to the boundary tree groups.
- 12.6.5 The application has been supported by an Arboricultural Impact Assessment prepared by EnviroArb- Solutions Ltd dated 7th August 2021. The report has been assessed by the Council's Landscape Team who welcome the revisions to allow for greater retention of trees on the site and has meant the requirement for removals to only low value and easily mitigated trees.
- 12.6.6 Concerns were raised by the Landscape Team with regards four trees located to the northern side of the existing care home. The trees lie in close proximity of an existing access route into the site. An earlier application from last year (Application Reference 21/00014/FUL) granted planning permission for the creation of a staff car parking area at the end of the existing driveway. This application was approved on 23.3.2021. Given that the driveway is already in place and that further works have been approved in close proximity, it would not be reasonable for permission with be withheld on these grounds.
- 12.6.7 Officers are content that sufficient information has been submitted with regards the existing trees within the site and that due to changes to the layout, only a small number of low grade specimens are having to be removed to facilitate the enable development. A number of suitably worded conditions will be imposed requiring the submission of an Arboricultural Method Statement and a Woodland Management Plan.

12.7 Ecology

- 12.7.1 Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Section 2 Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

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

- 12.7.6 As the Local Planning Authority has a biodiversity duty to conserve and enhance priority habitat the Council's Ecologist also recommend that appropriate planting to compensate for the removal of trees, and the proposed ongoing management of the existing priority habitats (UK Priority Habitat as listed on s.41 of the NERC Act 2006 -Deciduous Woodland and Traditional Orchard) as suggested in the Priority Habitats -Further Information report (Eco-Planning UK Ltd, February 2022) should also be detailed within a Landscape and Ecological Management Plan and secured by condition.
- 12.7.7 In addition, the Council's Ecologist highlights that the site contains proposed residential development which is situated within the 22km Zone of Influence (ZOI) for the Blackwater SPA/Ramsar site and the Essex Estuaries SAC. Therefore, Natural England's standard advice should be followed to ensure compliance with the Habitats Regulations. As a result, the Local Planning Authority is advised that a financial contribution should be secured in line with the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS), which will need to be secured by a legal agreement or S111 payment.
- 12.7.8 Impacts will be minimised such that the proposal is acceptable subject to the imposition of a number of conditions based on BS42020:2013. These conditions should cover the following matters, compliance with mitigation measures, the submission of the EPS license for bats, submission of a biodiversity enhancement plan and the submission of the landscape and ecological management plan.
- 12.7.9 Officers are content that the application provides sufficient information to allow the Local Planning Authority to discharge its responsibilities as it provides certainty for the Local Planning Authority of the likely impacts on designated sites, protected and priority species & habitats. The proposals therefore comply with the policies set out above and the NPPF.

12.8 Impact on Neighbour Amenity

- 12.8.1 A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Similar criteria is replicated in Policy LPP55 of the Section 2 Plan.
- 12.8.2 The site is considered a sufficient distance away from neighbouring occupiers to ensure that an acceptable relationship would be preserved between the new and existing development.

12.9 Surface Water Drainage

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

12.10 Highway Issues

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

12.11 Habitat Regulations Assessment (HRA / RAMS)

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

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

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

13 PLANNING OBLIGATIONS

- 13.1.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation.

- 13.1.2 **Affordable Housing** – 30% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. All Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3.

- 13.1.3 **Healthcare** – Financial contribution of £20,000 is sought to go towards the recruitment of additional clinical staff to increase capacity of the Elizabeth Courtauld Surgery.

- 13.1.4 **Open Space** – Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

- 13.1.5 The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for open space.

- 13.1.6 A financial contribution of £30,898.18 would be sought for Open Space projects listed in the Council's Open Spaces Action Plan for Halstead Trinity Ward. There is also a requirement to secure the on-going maintenance of amenity spaces provided on site.

- 13.1.7 **HRA** – The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. A financial contribution towards offsite visitor

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

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

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

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

14. PLANNING BALANCE AND CONCLUSION

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

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

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

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

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

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

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

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

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

14.2 Summary of Adverse Impacts

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

Conflict with the Development Plan

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

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

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

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

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

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

Conflict with the Section 2 Plan

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

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

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

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

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

14.3 Summary of Public Benefits

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

Delivery of Market and Affordance Housing

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

Economic and Social Benefits

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

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

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

14.4 Planning Balance

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

15. RECOMMENDATION

- 15.1 It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Terms:
- Affordable Housing - 30% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. All Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3.
 - Financial contribution of £33,898.18 towards Open Space projects listed in the Council's Open Spaces Action Plan for Halstead Trinity Ward. Outdoor Sport.
 - On-site open space management plan.

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

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

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

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

Condition(s) & Reason(s)

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

1.

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

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

2.

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

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

3.

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

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

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

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

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

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

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

- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. The scheme shall subsequently be implemented prior to occupation.

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

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

4.

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

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

5.

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

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

6.

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

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

7.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

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

8.

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

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

9.

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

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

10.

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

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

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

Part B - Conditions relating to Green Lodge only

11.

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

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

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

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

12.

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

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

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

13.

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

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

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

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

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

14

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

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

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

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

15.

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

supervision of the site.

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

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

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

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

16.

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

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

17.

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

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

18.

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

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

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

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

19.

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

a) The site access onto Russells Road shall be provided as shown in principle on submitted drawing 48842/P/001 with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

b) The visibility splays at the junction of Russells Road and the A131 Bournebridge Hill and the visibility splays at the existing accesses from the site to A131 Bournebridge Hill shall be provided as shown in principle on submitted drawing 48842/P/004/A. Such vehicular visibility splays shall be provided before the junction/access is first used by vehicular traffic from the development and retained free of any obstruction at all times.

c) A Residential Travel Information Pack for each dwelling, for sustainable transport, approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator)

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

20.

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

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

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

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

21.

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

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

22.

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

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

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

23.

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

The content of the LEMP shall include the following:

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

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

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

24.

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

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

25.

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

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

26.

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

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

Informative(s)

1.

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

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

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

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

2.

NESTING BIRDS

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

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

3.

INFORMATIVE FOR PROTECTED SPECIES

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

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Local Plan Review 2005

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

Braintree District Shared Strategic Section 1 Local Plan (2021)

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

Braintree District Draft Section 2 Local Plan (2017)

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

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

Other Material Considerations

Essex Design Guide
Essex Parking Standards

Statement on Draft Local Plan

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

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

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

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

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

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

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

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

APPENDIX 3:

SITE HISTORY

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

| | | | |
|--------------|--|---------|----------|
| 05/01446/FUL | Proposed staircase enclosure, minor roof re-alignments, window and internal alterations | Granted | 13.09.05 |
| 07/00110/TPO | Notice of intent to carry out works to trees protected by Tree Preservation Order No. 1/66 A1 - Fell 1 Beech tree | Granted | 19.02.07 |
| 07/00628/TPO | Notice of intent to carry out works to trees protected by Tree Preservation Order No: 1/66 - A1 - Prune back lowest branch of a Desdar Cedar | Granted | 23.04.07 |
| 18/01367/FUL | Single storey rear extension to provide ancillary spaces to service nursing home. Construct brick entrance piers to both main and staff entrances to the site. | Granted | 24.09.18 |
| 18/01481/FUL | Demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 30 bungalows and layout associated car parking, drainage and landscaping. | | 13.09.19 |
| 21/00014/FUL | Re surfacing and marking out public and staff car parking spaces and provision of bin store. | Granted | 23.03.21 |

APPENDIX 4:

APPEAL DECISION

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

Application Reference: 18/01481/FUL

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



Appeal Decision

Hearing Held on 14 January 2020

Site visit made on 14 January 2020

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

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

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

Halstead Hall, Mount Hill, Halstead CO9 1SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Catchpole of Stow Healthcare Group against Braintree District Council.
 - The application Ref: 18/01481/FUL, is dated 10 August 2018.
 - The development proposed is described as 'demolish outbuildings, extend and refurbish existing redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 30 bungalows and layout associated car parking, drainage and landscaping'.
-

Decision

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

Application for costs

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

Procedural Matters

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

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

Main Issues

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

Reasons

Settlement strategy

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

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

Accessibility of services and facilities

13. The Council deem the services and facilities within Halstead to be sufficient to meet the day to day needs of future residents. However, it is the Council's case that the location of the appeal site beyond the settlement boundary results in the site being physically divorced from those services and facilities. Thus, there would be an undue reliance on the use of private motor vehicles.
14. The route to Halstead would be along the A131, which I observed at the time of my site visit, received a frequent flow of traffic. I appreciate that my visit provided only a snapshot of highway conditions, however, I have seen nothing to suggest that these conditions were not typical of everyday traffic flows. The majority of the route from the appeal site to the centre of Halstead, approximately 1.5 kilometres, taking the appellant's measurements, which have not been disputed by the Council, consists of footways together with street lighting.
15. However, the initial part of this route is devoid of any footway for approximately 76 metres, taking the council's measurements, which have not been disputed by the appellant. Notwithstanding this, the availability of a wide grass verge on the opposite side of the road would provide a reasonably flat and safe route where there would be an opportunity for pedestrians to avoid vehicular conflict. In addition, the A131 is a relatively straight single carriageway road with good visibility in both directions providing opportunity for future occupants to cross the road reasonably safely.
16. Moreover, the Council have recently approved a housing development of approximately 292 dwellings at St Andrew's Park, located roughly opposite the appeal site on Mount Hill. The distance incurred in accessing Halstead's services and facilities is roughly the same from the approved scheme as it would be from the appeal site. To my mind, the nature of the route and the distance involved would not be likely to discourage all journeys on foot and by bicycle.

17. In addition, I am advised that the nearby bus stop receives a bus service that operates an hourly service towards Braintree and Halstead, commencing at roughly 8am until 6pm on Mondays to Saturdays. A more frequent service is available a little further away at White Horse Avenue. Given the frequency of the services and the relatively close proximity of the bus stops, which are well defined, I find that some journeys by bus would be an option. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Albeit future residents would be likely to depend on a private motor vehicle to reach some essential day to day services and facilities in Halstead and nearby larger settlements, there would at least be some choice to use accessible modes of transport to access local services and facilities.
18. Accordingly, I conclude that the proposal would not significantly undermine the aims of CS Policy CS7 insofar as this policy seeks to reduce the need to travel and reduce the impact of a development upon climate change.

Character and appearance

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

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

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

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

Living conditions

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

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

Protected species

39. Circular 06/2005 states that the presence of a protected species is a material consideration when a proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to state that it 'is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposal, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'
40. The planning application was accompanied by a bat survey (BS) that indicated the presence of an active bat roost within Green Lodge. Accordingly, in accordance with Bat Conservation Trust's (BCT) guidelines¹ the appellant's ecologists recommended that a number of dawn and dusk emergence and re-entry surveys should be undertaken. The Council's concerns also relate to the requirement of a preliminary assessment of the roost potential within the trees proposed to be removed as part of this proposal. At the hearing, the appellant's ecologist submitted that none of the aforementioned surveys had been undertaken.
41. I am mindful that the results of the dawn and dusk emergence and re-entry surveys would have determined whether a European Protected Species Licence would be required for this scheme, and, that given the effluxion of time, this licence would have likely expired. However, the information gained from the additional survey is required to clearly explain the likely impacts to protected species arising from the proposed development and how these would affect biodiversity within the vicinity. Furthermore, given the absence of information, there is no clear assessment of any mitigation measures that would be required to address the specific effects, nor how these would be secured nor their likely effectiveness.
42. I note it is the appellant's desire to retain the main roof structure to Green Lodge and enhance the bat roost. Whilst a worsening condition of dereliction may reduce the potential of the building being used as a roosting place for bats, there is no clear evidence before me that this has occurred.
43. The Council's concerns also relate to the absence of a tree roost survey. Whilst the appeal scheme has been designed to mostly avoid the loss of trees, some trees would inevitably be removed. Whilst these have been assessed as moderate or low amenity value, there is no evidence before me to substantiate that they would not provide a roost for bats.
44. I have given consideration to an appropriately worded condition to require further surveys. However, taking the precautionary principle enshrined in the Habitats Regulations 2017, I consider that given the potential for protected

¹ Bat Survey Guidelines for Professional Ecologists: Good Practice Guidelines (3rd edn)

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

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

Affordable housing, enabling development and viability

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

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

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

Supply of land for housing

55. The Council's view of the housing land supply position for the 5-year period 2018-2023, is set out in the Position Statement published in August 2019 (Position Statement). The requirement figure of 4,598 dwellings, is agreed between the parties. Against this figure, the Position Statement shows a maximum supply of 4,737 units, a surplus of 139 units. In terms of years' supply, this equates to 5.15 years.
56. The requirement within the Framework is for a supply of sites that are deliverable. The meaning of 'deliverable' in this context is set out in the Glossary to the Framework, and further clarified in the Planning Practice Guidance (the PPG). Following the changes to the Framework in July 2018, sites for more than minor development, which do not have detailed planning permission, can only be considered deliverable where there is clear evidence that housing completions will be achieved within the 5-year period.
57. I note that the Council's Position Statement was revised following a number of appeal decisions² in which the Inspector concluded the supply position was

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

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

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

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

Planning Obligation

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

Planning Balance

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

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

76. The Council state that it has not been adequately demonstrated that there is a need for this type of specialist accommodation within the district. However, no specific policy has been brought to my attention which requires the need to be evidenced. Moreover, the appellant has drawn my attention to an appeal decision at Whyke Lodge³ which concerned the provision of specialist dementia care. I note the Inspector's findings in that particular appeal determined that demand for appropriate accommodation and care was a material consideration of significant weight.
77. In the appeal case, I have been provided with letters of support from the County Council and Care England. Whilst the appellant makes reference to the Greater Essex (Southend, Essex and Thurrock) Dementia Strategy (2015-2020), there is no detailed analysis before me concerning the demand for, and any lack of dementia care bedspaces locally. Notwithstanding this, I note the comments of Care England that, in general, there is an inadequate provision of specialist dementia care and that due to demographic change this is likely to result in a significant increased need in the coming years. As such, I find that the provision of a 25-bedroom specialist dementia care unit weighs significantly in favour of the proposal.
78. I have found that the proposal would not result in material harm to the wider landscape character of the area. The absence of harm weighs neither for nor against the proposal.
79. However, in terms of harm, the proposal would have a materially harmful adverse impact on the character and appearance of the area and the living conditions of future occupiers of the dwellings. In addition, it would also result in harm to protected species and fail to make adequate provision for affordable housing. Overall, this would conflict with the social and environmental objectives of sustainable development and in my view, the benefits of the proposed scheme are significantly and demonstrably outweighed by the combination of the adverse impacts.
80. The scheme therefore does not constitute sustainable development. It follows that the conflict with the development plan is not outweighed by the other material considerations.

Other Matters

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

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

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

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

Overall Conclusion

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

E Brownless

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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

FOR THE LOCAL PLANNING AUTHORITY:

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

DOCUMENTS

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

PLANS

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