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Our Ref: 88113936/1/BE/MB

Submitted via email: carol.wallis@braintree.gov.uk

Dear Carol,

DEMOLITION OF THE EXISTING BUILDINGS ON SITE AND THE ERECTION OF A 64NO. BED CARE HOME (USE CLASS C2) AT THE FORMER WOODLANDS HOTEL, COUPALS ROAD, HAVERHILL (LPA REF. 23/01994/FUL)

On behalf of Country Court Care Homes 5 Limited (“the Applicant”), we write in relation to the above planning application which is currently under consideration in order to address the various consultation comments which have been received to date.

This Supporting Covering Letter is accompanied by the following:

- 421_PL_00_100_REV_G Proposed Site Plan;
- 421_PL_00_200_REV_Q Proposed Holistic Site Plan;
- 11119-FPCR-XX-XX-DR-L-0003-P09-Landscape Strategy;
- 11119-FPCR-XX-XX-DR-L-0004-P02-Detailed Landscape Plan;
- Letter and Updated Needs Assessment (Carterwood, 5 March 2024)
- Biodiversity Net Gain Assessment and Metric (FPCR, March 2024);
- Landscape Management Plan (FPCR, March 2024); and
- Health Impact Assessment (Freeths LLP, March 2024).

Response to Consultation Comments

As you are aware, a number of consultation responses have been received from statutory consultees which raise a number of comments from a technical perspective. In addition, you have also raised a number of comments. Each is addressed in turn below:

Need

The consultation response received from Essex County Council Adult Social Care states that there is no need for additional care home provision in the area, and Braintree has not been identified as an area for growth in the sector.

A Planning Needs Assessment, prepared by Carterwood, was submitted with the planning application. This provided an in-depth review of care home demand and capacity within a localised catchment area, that being a circa 6-mile market catchment and the Braintree District Council local authority area. The assessment identified a strong need case for the development, and a substantial increase in need as the population of Braintree and the market catchment area ages. The Adult Social Care consultation response does not appear to have taken this document into consideration when formulating the consultation response, as it has not provided any commentary on the findings.

Nevertheless, Carterwood has reviewed the consultation comments, and provided a response letter, which also includes an update to the Planning Needs Assessment. This is enclosed with this submission. As you will see, the response notes that in the Braintree local authority area, there is a net need for an additional 150no. dedicated dementia beds at minimum market standard level (at 2026), increasing to 369no. care beds when assessed on the basis of all beds at full market standard, similar to the proposed care home, which is considered a more relevant measure.

In terms of existing supply of care home beds in the District, out of a total of 1,431 CQC registered bedspaces, only 85% are single en-suite bedrooms, and 34% have full en-suite wetrooms. While in both cases these figures are a little in excess of the average for Great Britain, (78% and 32%, respectively), there is still room for significant improvement in the quality of supply. This is further evidenced by the details for the Braintree Care Home market, as only 69% of care homes in the District are CQC rated 'good' or 'outstanding'. While these ratings apply to more than just the quality of accommodation and also consider the operation of each home, it does show that 31% of existing care homes 'require improvement'.

The COVID-19 pandemic has highlighted the need for 'fit for purpose' care home accommodation suitable for those with dementia and complex care needs. On the basis of the projected shortfalls in bedspaces, and the difficulties in re-configuring existing care homes to provide full market standard bedrooms, there is a clear need for a number of new care homes to meet anticipated need for the increase in older people and to replace existing stock which no longer meets with market expectations. As such, it is clear that there is an existing unmet need for dedicated dementia care home beds and more specifically, an existing and increasing net need for high-quality care accommodation best suited for those with complex nursing and dementia care needs, and this is a need which this proposed development will specifically meet.

Car Parking Layout and Provision

You have advised that the proposed car parking spaces should be provided to Essex County Council's maximum sizes, which is 5.5m x 2.9m for standard parking spaces, and 6.5m x 3.9m for disabled parking spaces. As such, the proposed layout has been reviewed and updated in order to accommodate these maximum sizes, while also retaining the same number of car parking spaces as originally proposed (i.e. 35no. spaces, 4no. of which are disabled spaces). To confirm the

planning drawings and landscaping drawings listed above have been updated to reflect this amendment.

As set out in the Transport Assessment submitted with the planning application, the car parking standards relevant to the proposed development are contained in Section 4 of Essex County Council's 'Parking Standards – Design and Good Practice' document (adopted in 2009). For residential care homes, the maximum (our emphasis) standard is 1no. space per full time equivalent staff and 1no. visitor space per 3no. beds. The care home will have 64no. beds and operate with 20no. staff working at one time, and therefore the proposed provision of 35no. spaces is within the maximum standards (which would be 41no. spaces).

Footpath Connections

Haverhill Town Council has previously highlighted that there is an existing footpath which runs through the site, from north to south, and therefore requests that it is retained (as they advise it has been used for in excess of 15 years). Similar comments have also been raised by local residents. This footpath provides a connection to the proposed Country Park to the north of the site.

As noted in our email dated 19 December 2023, we do not intend to impede this route, and therefore the planning drawings have been updated to show a route from north to south through the site. Part of this route will intercept a proposed new footpath as part of this development, and will therefore offer an enhancement of the route in this respect. At present, the route is very overgrown, and it is understood residents have taken it upon themselves to cut branches/brambles back. To confirm, the route is outside of the secure boundary which will be created for residents (as discussed further below).

Also, to confirm, we intend to provide a new footpath which connects to the existing permissive footpath to the west of the development site (i.e. the existing footpath which runs to the south of the driving range), so that pedestrians do not have to walk along the road in order to connect to this footpath.

Boundary Treatments

As noted above, a secure boundary will be created for residents, and is denoted on the plans. This will ensure the security and privacy of the future users of the proposed development. Full details of the proposed boundary treatments can be secured by way of an appropriately worded planning condition.

Overhead Power Line

There is an overhead powerline which runs across the northern part of the site. This is not owned or operated by National Grid. It is owned and operated by UK Power Networks and is a 11kV (high voltage) cable route. You have requested confirmation that the proposed development will not encroach into the minimum clearance zone required between this and the proposed building.

UK Power Networks advises that it is a legal requirement to notify them in advance when building a temporary or permanent structure within close proximity of their power lines (via a GS6 application). This will ensure the project complies with Regulation 18(3) of the Electricity, Quality & Continuity

Regulations 2002 (ESQCR). The proposed works can then be discussed, and the extent of any protective / diversionary works (if necessary) agreed prior to the commencement of development. The Applicant has formally written to UK Power Networks, and they have advised that the guidance in relation to minimum clearance distances is contained in the Energy Networks Association Technical Specification 43-8 – Overhead Line Clearances (Issue 5, 2019).

We have reviewed this Technical Specification and provide an extract below of the minimum clearance distances required between overhead lines (less than 33kV, as is the case here) and objects, such as buildings.

Location	Minimum clearance (m) ≤33 kV
Vertical clearance to any surface or structure that is accessible without access equipment (see Figure 5).	3.0
Horizontal distance to any surface of a building or structure which is accessible without access equipment (see Figure 5).	1.0
Clearance to parts of a building or structure not accessible without access equipment (see Figure 5). See NOTE 1.	0.5
Clearance to free-standing apparatus such as street lighting columns, traffic signs, telecommunications provider poles or columns (see Figure 5).	0.3
NOTE 1: This clearance is to prevent mechanical abrasion of the conductor. When connecting an LV effectively insulated conductor to a building it is only necessary to ensure that the attachment route avoids risk of abrasion.	

The proposed building is c.11 metres from the overhead power line and therefore is sufficiently distanced from the line.

Nevertheless, we remain of the view that this is a matter which can be appropriately dealt with and controlled outside of the planning process – if required, an informative could however be included on any decision notice which clarifies that the Applicant needs to notify UK Power Networks of the proposed works prior to commencing the development, and agree the extent of any protective / diversionary works required (it is not considered that diversionary works will be required). Given the distance between the overhead line and the proposed building, and the fact UK Power Networks allows protective/diversionary works where required, it is clear that the power line would not impact on the ability to build out the proposed development should planning permission be granted.

Anglian Water

BSP Consulting, the Applicant's flood risk and drainage consultant, is liaising separately with Anglian Water in respect of the comments made on the proposed surface water drainage strategy. At present they have not indicated that they will withdraw their objection. We consider this unreasonable and set out the following:

- Infiltration drainage does not work on this site as the geology is not capable of accepting surface water infiltration,
- As a result of this, in wet weather surface water will exit the south of the site onto Coupals Road,
- The fall of the topography on Coupals Road from the site entrance to the Anglian Water sewer is a fall in excess of 5m over 150m (1in30),

- As a result of this the surface water currently exiting the site unattenuated will enter the Anglian Water surface water sewers via highway gullies at present,
- The proposed routing of the off-site sewers follows the existing natural topography of the land to the same point where existing runoff enters the sewers,
- The proposal is to limit the off-site surface water discharge to greenfield runoff rates which is a betterment on the current uncontrolled overland land flow routing,

As such accepting a greenfield rate discharge of surface water to the offsite sewers will offer a controlled betterment over the existing unattenuated overland flow in all rainfall events up to and including the peak 1 in 100 year rainstorm event including climate change. It is noted that the Lead Local Flood Authority or Environment Agency do not object to the proposed development. We strongly maintain that our drainage strategy is appropriate. Should the LPA have any remaining concerns, we would welcome the opportunity to discuss this.

Landscape Management Plan

Haverhill Town Council has requested that the previously submitted Landscape Management Plan, prepared by FPCR, is updated to remove reference to the name 'Haverhill Village Green' and instead refer to it as the 'Woodlands Village Green'. This has been actioned and an updated Landscape Management Plan enclosed with this submission.

Biodiversity Net Gain

The Council's Ecology and Natural Environment Officer has raised a number of queries with respect to the submitted Biodiversity Net Gain ("BNG") Assessment prepared by FPCR. The BNG Assessment has therefore been updated in order to address these comments, and a clarification letter prepared by FPCR, is also enclosed in order to respond directly to each point raised.

In respect of the trading rules specifically, it is accepted that as previously submitted, while a measurable BNG could be demonstrated, the trading rules were not satisfied.

Local Plan Policies LPP63 (Natural Environment and Green Infrastructure) and LPP66 (Protection, Enhancement, Management and Monitoring of Biodiversity) require an enhancement in biodiversity, but do not specify a percentage target for BNG, require the use of the BNG Metric or make any provision for a requirement for the BNG Metric trading rules to be satisfied.

This is reflective of the National Planning Policy Framework (NPPF, 2023), particularly paragraph 180(d) in terms of support for conserving or enhancing biodiversity, whilst taking opportunities to improve biodiversity in and around developments, integrating this as part of the design, especially where measurable net gains are secured for biodiversity, and enhancing public access to nature where appropriate. To be 'measurable', gains may be qualitative or quantitative. Again, the NPPF does not specify a percentage target for BNG or require the use of a BNG Metric, nor does it make any provision for a requirement for any BNG Metric trading rules to be satisfied.

Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), major development proposals will be required to deliver 10% BNG from February 2024. Mandatory BNG will however only apply to new applications for planning permission

for major development made after this date. As the application was submitted in July 2023 and there is no adopted planning policy dealing with Mandatory BNG, Mandatory BNG cannot be applied here.

Nevertheless, the BNG Assessment has been updated such that the trading rules are now met. This has been facilitated through the inclusion of the adjacent Village Green land as off-site compensation, as this is proposed to be maintained for the lifetime of the development, in accordance with the previously submitted Landscape Management Plan. An on-site BNG of 14% (habitats) and 18% (hedgerows) is achieved, while also ensuring that the trading rules are satisfied. This off-site BNG compensation can be secured via a Section 106 Agreement. As such, the proposed development is acceptable in terms of BNG.

Heritage

As you are aware, Essex County Council's Heritage Advisor's initial consultation response considered that the proposed development would result in a low level of less than substantial harm to the Grade II listed building (Woodlands Cottage). The response however recognised that this harm could be mitigated (but not removed) by an effective screen of planting and appropriate landscaping and boundary treatments. It was also stated that the enhancement and management of the adjacent Village Green area would benefit both the setting of the listed building and the character of the local area.

Further to this response, a Landscape Management Plan in respect of the proposed maintenance of the adjacent Village Green (as agreed with Sturmer Parish Council as landowner), and also a detailed planting plan for the eastern portion of the proposed development site were submitted to the Council for consideration. In the Heritage Advisor's latest consultation response, it is stated that these submitted documents do not alter their previous conclusions.

It remains our firm view that the proposed re-development of the site will not cause any harm to the significance of the Grade II listed Woodlands Cottage. The submitted Landscape Management Plan offers an enhancement to the setting of the Cottage, through the proper maintenance of the Village Green, which is currently in a poor state. This management of the Village Green will take place for the lifetime of the proposed development. The Heritage Advisor previously stated that the enhancement and management of the Village Green would benefit both the setting of the listed building and the character of the local area, but has seemingly now changed position with respect to this.

While it remains our view that the proposed development will not cause any harm to the significance of the Grade II listed Woodlands Cottage, and indeed the proposed maintenance of the Village Green offers an enhancement to its setting, it is clear that there are a number of public benefits of the proposed development which would outweigh any alleged 'low level of less than substantial harm', in accordance with paragraph 208 of the NPPF. These are discussed in the planning benefits section of this letter below.

Health Impact Assessment

The Council's Planning Policy Officer has advised that the Council's Guidance on Health and Wellbeing Impact Assessments (HIA) for Development Management Proposals should be

incorporated into the submitted HIA. As such, this has been actioned and an updated HIA enclosed with this submission.

S106 Heads of Terms

The Applicant proposes to enter into a Legal Agreement in relation to the proposed development. The Heads of Terms for the legal agreement will need to be agreed by separate negotiation in accordance with the tests set out at paragraph 57 of the NPPF and the regulations governing planning obligations i.e. Planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

It is expected that the following will be covered:

- Securing the Landscape Management Plan in respect of the maintenance of the Village Green;
- Securing the off-site BNG provision (i.e. through the maintenance of the Village Green land); and
- Health care contribution of £16,000 (as requested by the NHS).

Planning Balance and Conclusion

As set out in detail in the Planning Statement submitted with the application, the Council cannot demonstrate a five year supply of housing, and so in accordance with paragraph 11(d) of the NPPF, the tilted balance applies. The proposed development has a number of economic, social and environmental benefits, and there are no adverse impacts of the proposed development which would significantly and demonstrably outweigh these benefits. The benefits can be summarised as follows:

- **Economic:** The introduction of Class C2 units will ensure an optimum, viable use of this vacant previously developed land, creating temporary construction jobs and additional permanent roles once the development is complete i.e. in areas such as management, care, grounds maintenance, leisure, domestic services; and direct construction-related jobs.
- **Social:** The proposed development is a high quality and well-designed purpose built care home scheme to deliver 64no. beds, and will therefore result in a strong residential sense of place and community. The proposed development will also make an important contribution towards housing need and supply in the Braintree area through the provision of a further 64no. beds, to meet an identified local housing need. Care homes can consequently encourage and free-up existing family-sized homes for younger families to meet local needs. In addition, the proposed development will support significant improvements in residents' health and well-being. Care homes are an important part of overall healthcare provision, particularly for those with advanced care needs. As such there are other significant social benefits arising from the development of a care home, including significant savings to the NHS as a result of removing bed blocking within hospitals, reduced falls at home, improved wellbeing and a reduction in loneliness.

- **Environmental:** The proposed development will make an effective and efficient use of a previously developed, and vacant site. The existing building is long term derelict and realistically the site will only be remedied by investment through development. The scheme will significantly enhance the visual appearance of the site. It will be built to the necessary sustainable standards via an energy efficient design and fabric first approach to ensure a long-term responsible approach to building management, use of natural resources, carbon emissions and waste management.

Overall, it is clear that the proposed development has a number of benefits which should be afforded significant weight in the decision-making process. As is demonstrated above and through the planning application submission, there are no adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. As such, the development is sustainable development for the purposes of paragraph 11 of the NPPF.

It is important to note that the proposed development of this site has been the subject of extensive pre-application discussions with the Council. The feedback received has informed the final design development of the proposals. For clarity, there have been five previous pre-application submissions (refs. 19/60149/PREAPP, 19/60220/PREAPP, 20/60301/PREAPP, 22/60089/PREAPP, and most recently, 22/60254/PREAPP).

Each submission built on the feedback received, with the final pre-application submission reaching a point where the Council confirmed it was satisfied that the Applicant has developed a scheme in terms of layout, design and appearance which could be supported by Officers if a planning application was submitted.

We trust the above adequately addresses the comments raised by the various statutory consultees and the Council. Should you require any additional information, please do not hesitate to contact me or my colleague, Mark Bassett.

Yours sincerely,

This letter is approved but unsigned as it is sent electronically.

Beth Evans

Senior Associate

Please respond by e-mail where possible