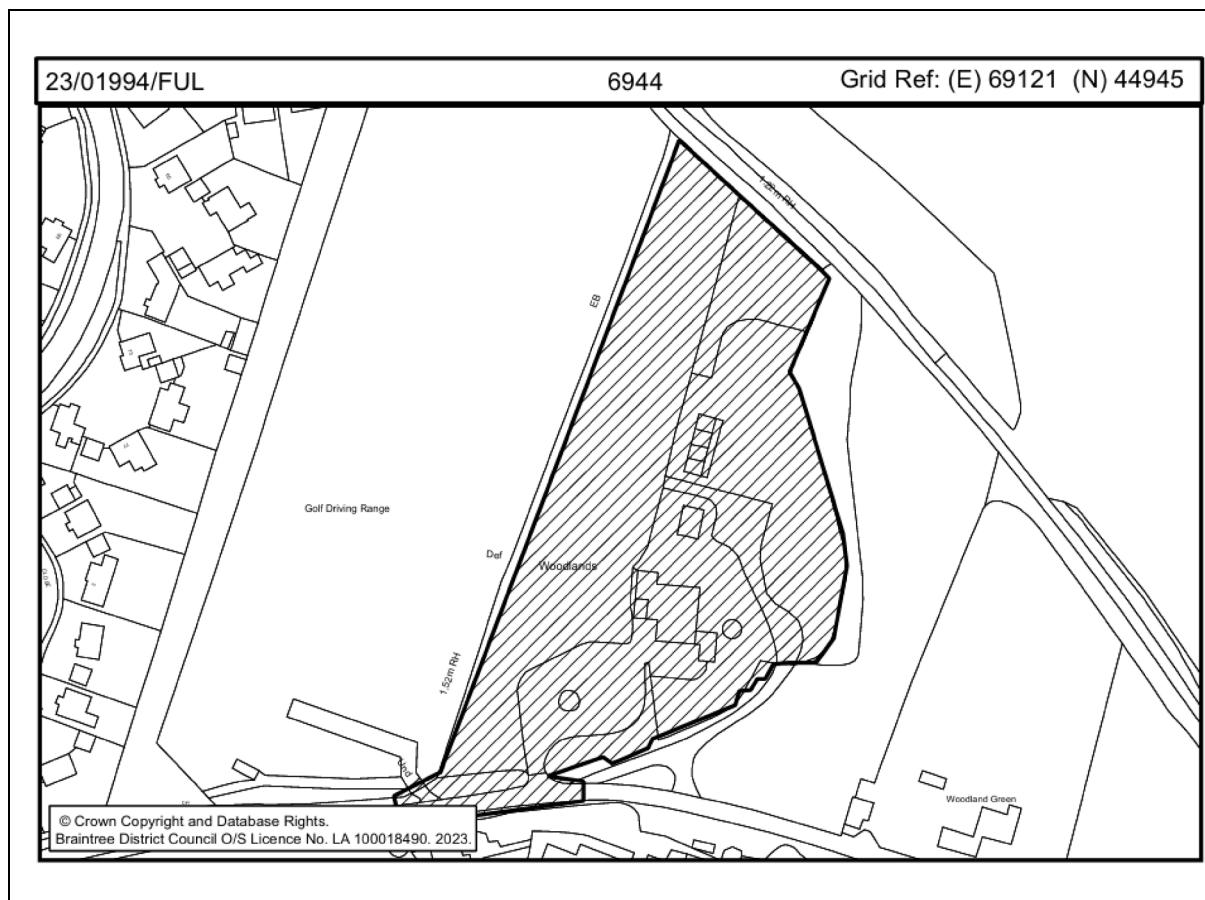


Agenda Item: 5a

Report to: Planning Committee	
Planning Committee Date: 18th February 2025	
For: Decision	
Key Decision: No	Decision Planner Ref No: N/A
Application No:	23/01994/FUL
Description:	Demolition of the existing buildings on site, and the erection of a 64no. bed care home (Use Class C2), together with access, car parking, landscaping and associated works.
Location:	The Woodlands Hotel, Coupals Road, Sturmer
Applicant:	Country Court Care Homes 5 Limited C/o Agent
Agent:	Miss Beth Evans, Freeths LLP, Cumberland Court, 80 Mount Street, Nottingham, NG1 6HH
Date Valid:	4th August 2023
Recommendation:	<p>It is RECOMMENDED that the following decision be made:</p> <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:	<p>The Planning Committee can:</p> <ol style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overtake the Recommendation d) Defer consideration of the Application for a specified reason(s)
Appendices:	Appendix 1: Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2: Policy Considerations
	Appendix 3: Site History
Case Officer:	Susanne Chapman-Ennos For more information about this Application please contact the above Officer on: 01376 312727, or by e-mail: susanne.chapman-ennos@braintree.gov.uk

Application Site Location:



Purpose of the Report:	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
Financial Implications:	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>As outlined above, it is recommended that the decision is subject to a Section 106 Agreement which seeks to mitigate the impact(s) arising from the proposed development. Any financial implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
Legal Implications:	<p>Any legal implications arising out of a Section 106 Agreement will be set out in more detail within the body of this Committee Report.</p> <p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions & Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
Other Implications:	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
Equality and Diversity Implications:	Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

	<p>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</p> <p>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</p> <p>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<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: 23/01994/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 2013-2033 ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. EXECUTIVE SUMMARY

- 1.1 The site is located to the north of Coupals Road in Sturmer, to the northern edge of the Braintree District. It is located outside of the defined development boundary. The site was formerly used as a hotel but has been vacant since 2018.
- 1.2 The Applicant proposes to demolish the existing building and structures on site and to re-develop the site for a new 64-bed care home for dementia patients, with shared spaces, including ancillary offices/meeting rooms, staff facilities and a small café. As part of the proposal, improvements to the adjacent Village Green are also proposed.
- 1.3 The site is located outside any settlement development boundary, in the countryside and is therefore contrary to Policies SP3, LPP1 and LPP33 of the Adopted Local Plan. However, given the authorised use of the site and the fact that the proposal would allow re-development of a previously developed site for a use that generates 20 full-time (or equivalent) employment opportunities, on balance, it is considered that the principle of the proposal can be supported.
- 1.4 The proposal would provide environmental benefits in terms of the re-development of a vacant site, with a building of high-quality design that integrates well into the countryside landscape. It would also result in a Biodiversity Net Gain on the site and improvements to the Village Green and would create 20 full time or equivalent employment opportunities.
- 1.5 There would be adverse impacts arising through the proposed development in relation to a substantial loss of trees. However, there is some confidence that the impacts of the proposal can be effectively mitigated. Furthermore, there would be a low level of less than substantial harm caused to the setting of the nearby Listed Buildings, at Woodlands Cottage.
- 1.6 In this case, it is considered that on balance, the impacts against granting planning permission would be outweighed by the benefits, therefore it is recommended that planning permission is granted for the proposed development.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

3. POLICY CONSIDERATION

- See Appendix 2

4. SITE HISTORY

- See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

5.1 The site is located to the north of Coupals Road in Sturmer, to the northern edge of the Braintree District. It is located outside of the defined development boundary and measures approximately 1.36 hectares.

5.2 The site was formerly used as a hotel but has been vacant for a number of years (since 2018), and is currently fenced off. The site itself gradually slopes upwards from south-west to north-east and contains a number of trees, both along the boundaries and within the site.

5.3 To the immediate north of the site is a Public Right of Way (PRoW) leading to the northwest. There is dense vegetation along the PRoW and arable fields can be found on the other side of the PRoW, which fall within the administrative area of West Suffolk District Council. These fields share the northern site boundary and form part of an outline permission for a strategic housing development of 2500 units, known as Great Wilsey Park (Reference DC/15/2151/OUT) and has been specifically identified as a 17.8ha country park.

5.4 To the west of the site is a driving range/practice area of the Haverhill Golf Club, with the clubhouse and carpark located opposite the road to the south. To the immediate east is Sturmer Village Green, further to the east is the Grade II listed Woodlands Cottage and its outbuildings.

6. PROPOSAL

6.1 The Applicant proposes to demolish the existing building and structures on site and to re-develop the site for a new 64-bed care home for dementia patients. There are 3 bedroom types providing a variety of rooms between 22m² and 48m² (including the en-suite). There is also shared spaces, ancillary offices/meeting rooms and staff facilities, including a small café.

6.2 The proposed building would be predominately three storey in height, with a flat roof, part of which is proposed to be a biodiverse green roof with

photovoltaics, and part of which will form a roof terrace. The entrance block to the new building is sited on the footprint of the redundant hotel building with two blocks behind stepping up the slope of the site. A car parking and drop-off area is proposed to the front of the site.

- 6.3 The proposed materials are natural timber cladding, off shutter exposed concrete with timber texture imprint and timber/composite windows and doors.
- 6.4 The proposal also includes improvements to the adjacent village green in terms of landscaping and planting and future maintenance of that.
- 6.5 The application is accompanied by a suite of plans and the following documents:
 - Arboricultural Impact Assessment (OAS 22-187-AR02 Rev C September 2024)
 - Biodiversity Metric 3.1
 - Biodiversity Net Gain Report (October 2024)
 - Design and Access Statement (Revision D, prepared by WGO Architects, dated 27 June 2023)
 - Development Consultancy Report (prepared by Knight Frank, dated February 2023)
 - Environmental DNA Survey (Ref 11119/MJ, dated 6 July 2023)
 - Heritage Statement (SU0512, prepared by Cotswold Archaeology, dated February 2023)
 - Flood Risk Assessment (prepared by BSP Consulting, dated 6 July 2023)
 - Flood Risk and Drainage Strategy (prepared by BSP Consulting, dated 6 July 2023)
 - Health Impact Checklist (prepared by Freeths, dated March 2024)
 - Landscape and Visual Appraisal (prepared by Freeths, dated June 2023)
 - Planning Need Assessment (prepared by Carterwood, dated February 2023)
 - Planning Statement (prepared by Freeths, dated July 2023)
 - Response to Anglian Water's Objection (prepared by BSP Consulting, dated 18 August 2024)
 - Structural Assessment Report (prepared by Glyme Structures, dated 20 June 2022)
 - Sustainability Statement (Ref C2223459, prepared by HIBEC, dated 16 May 2023)
 - Transport Assessment (prepared by Connect Consultants, dated 20 June 2023)
 - Village Green Landscape Management Plan (prepared by FPCR, dated October 2024)

7. SUMMARY OF CONSULTATION RESPONSES

External Consultees

7.1 Active Travel England

- 7.1.1 In relation to the above planning consultation, Active Travel England (ATE) has no comment to make as it does not meet the statutory thresholds for its consideration.

7.2 Anglian Water

Comments dated 28.08.2023

- 7.2.1 Assets Affected – records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

- 7.2.2 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows.

- 7.2.3 Used Water Network – A full assessment cannot be made due to lack of information, the Applicant has not identified a clear strategy for foul water disposal. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network.

- 7.2.4 Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The Applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

Comments dated 05.12.2023

- 7.2.5 Assets affected – Anglian Water (AW) has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

- 7.2.6 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows.

- 7.2.7 Used Water Network – The sewerage system at present has available capacity for these flows. If the developer wishes to connect to AW sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. AW will then advise them of the most suitable point of connection.
- 7.2.8 Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to full evidence of the surface water hierarchy not being provided and no discharge rates to the public sewerage network. Further assessment is required to establish whether network reinforcement is required. Therefore, it is requested that a condition be applied to the decision notice if permission is granted to secure a surface water management strategy

Comments dated 16.01.2024 reiterated through responses 09.02.2024 and 27.03.2024

- 7.2.9 Assets affected – Anglian Water (AW) has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 7.2.10 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows.
- 7.2.11 Used Water Network – The sewerage system at present has available capacity for these flows. If the developer wishes to connect to AW sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. AW will then advise them of the most suitable point of connection.
- 7.2.12 Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The Drainage Strategy and surface water calculations submitted with the planning application relevant to Anglian Water is unacceptable due to insufficient capacity within the public sewerage network. Further assessment is required to establish whether network reinforcement is required. Therefore, it is requested that a condition be applied to the decision notice if permission is granted to secure a surface water management strategy.

Comments dated 09.09.2024

- 7.2.13 Assets affected – Anglian Water (AW) has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 7.2.14 Wastewater Treatment – The foul drainage from this development is in the catchment of Haverhill Water Recycling Centre that will have available capacity for these flows. When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom, an average flow over the past 5 years is taken in account of changing weather patterns. Where the average exceeds the WRC's permitted allowance, AW also take account of the following Environment Agency enforcement trigger – “has the DWF permit been exceeded in 3 of the last 5 years” – this much include non-compliance from the last annual data return. Based on the above assessment, Haverhill WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.
- 7.2.15 Used Water Network – Based on the submitted Drainage Strategy, the sewerage system at present has available capacity for these flows. If the developer wishes to connect to AW sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. AW will then advise them of the most suitable point of connection.
- 7.2.16 Surface Water Disposal – The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (Part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. After reviewing the Applicant’s response dated 16 August 2024, the proposed discharge at a maximum rate of 2.5l/s is acceptable to Anglian Water and the documents are required to be listed as approved plans/documents if permission is granted.
- 7.3 Essex Fire and Rescue Service
- 7.3.1 Fire service access to the proposed development appears sufficient, meeting the requirements of Section B5 Approved Document “B” Fire Safety Volume 2. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

7.4 Essex Police – Strategic Planning

7.4.1 Various documents and principles have been highlighted outlining the Essex Police's considerations to development and infrastructure change, these include:

- Essex Design Guide – objective for the creation of safe and secure communities and sustainable police estate provision;
- Designing out crime and Secured by Design – to achieve sustainable reductions in crime, to help people live and work in a safer society;
- Zero Emission Fleet and Infrastructure Strategy - Inclusion of charging facilities allocated for emergency services;
- Traffic Management considerations alongside the ethos of the five essential pillars in the Safe System approach;
- The policing priorities and aims listed in the Police and Crime Plan 2021 – 2024; and
- Essex Policy Force Plan - priorities to help focus on helping victims, identifying vulnerability, preventing violence, and being visible on their work and their roles.

7.5 Essex Police – Designing out Crime

7.5.1 Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the access control into the building and from the reception area to the residential areas, the proposed lighting, 'Secure Garden Boundary' treatments and physical security measures. It should be noted that without adequate security fencing any external doors will be vulnerable to unauthorised entry into the building.

7.5.2 We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide, ensuring that risk commensurate security is built into each property and the development as a whole benefitting both the residents staff, visitors and wider community.

7.6 Environment Agency

Comments dated 30.08.2023

7.6.1 Details of the disposal route of the foul sewage identified is required. As this is a major development, the requirement to connect to mains sewage is determined by the distance of the development to utilities, with a feasible distance calculated by residence number x 30m therefore resulting in a feasible connection distance of 1920m. Our records show that there are utilities within an approximate 200m distance from the proposed development. Without confirmation of the mains connection there is an objection to this proposed development.

Comments dated 05.12.2023

- 7.6.2 We have reviewed the drainage strategy that has been submitted and unfortunately the document does not confirm how the foul sewage will be treated. Therefore, an objection is raised to this application.

Comments dated 16.01.2024

- 7.6.3 As there has now been confirmation provided that foul drainage will be provided through a connection to Anglian Water for treatment, there are no objections and no further comments on the application.

7.7 NHS

- 7.7.1 The proposed development is likely to have an impact on the services of two main GP practices within the vicinity of the application site. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 64 residents and subsequently increase demand upon existing constrained services.
- 7.7.2 A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £16,000.00. Payment should be made before the development commences.

BDC Consultee

7.8 BDC Ecology

Comments dated 18.10.2023

- 7.8.1 BDC Ecology are satisfied that there is sufficient ecological information available for determination of 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. The mitigation measures identified in the Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. As a result, it is recommended that the finalised measures should be secured via a Construction Environment Management (CEMP: Biodiversity). Further, a wildlife friendly lighting scheme should be provided for this application as indicated within the Ecological Appraisal, to be secured as a condition of any consent prior to occupation.
- 7.8.2 Clarification is also required of the intended target condition which is listed as both 'Poor' and 'Moderate' in the Biodiversity Net Gain Summary. However, we highlight that the DEFRA Metric calculations indicates there is a Trading Summary issue that has not been satisfied. This is because there

will be a loss of -1.44 biodiversity units of Other Neutral Grassland that has not been adequately compensated with either ‘like for like or ‘higher distinctiveness’ habitat creation, which is necessary to satisfy Rule 3 of the Biodiversity Metric 4.0 User Guide which indicates: ‘Trading down’ must be avoided. Losses of habitat are to be compensated for on a “like for like” or “like for better” basis. Therefore, it cannot be demonstrated that a net gain for biodiversity will be delivered based on the metrics (in line with paragraph 174d of the NPPF [now paragraph 192]) if trading issues are present. Therefore, it is indicated that the LPA cannot accept the scheme where a trading issue is present, unless there is exceptional circumstance that is evidenced and justified by the Applicant’s ecologist.

- 7.8.3 It is also recommended that the biodiversity enhancement measures, as outlined in the Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), should be delivered for this application, to secure net gains for biodiversity. The proposed biodiversity enhancements should be secured as a condition of any consent via a Biodiversity Enhancement Strategy.
- 7.8.4 Finally, it is recommended that a Landscape and Ecological Management Plan should be secured which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric, as well as the implementation and aftercare of any bespoke biodiversity enhancements. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Comments dated 13.02.2024

- 7.8.5 BDC Ecology have reviewed the additional Landscape Management Plan (FPCR, November 2023) from an ecological perspective. However, the Landscape Management Plan has been prepared subject to an Ecological Assessment being carried out and we concur that this should be completed to ensure that the proposed management and enhancement is appropriate, and that consideration is given to existing protected and Priority species and habitats.

Comments dated 30.07.2024

- 7.8.6 The revised Biodiversity metric Calculation Tool demonstrates that a measurable net gain can now be achieved for this development, in line with the principles of mandatory biodiversity net gains.
- 7.8.7 BDC Ecology are satisfied that the Woodlands Village Green Landscape Management Plan (FCPR, March 2024), is broadly within the aims of the post implementation habitat condition requirements, but it would be useful for the document to refer back to the Biodiversity metric Calculation Tool condition aims to demonstrate how this will be achieved for this application, particularly for proposed enhancement of scrub habitat which does not appear to be included.

- 7.8.8 The off-site habitat creation and enhancement will need to be secured via s.106 agreement, with this being agreed by the Applicant and the local authority.
- 7.8.9 It is also noted that the incorrect condition has been entered into the metric which has created a higher net gain result, and we recommend that this is amended.
- 7.8.10 It is also recommended that a finalised Landscape and Ecological Management Plan which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric for the on-site habitats should be secured as a condition of any consent. This should include the specific woodland management practices that are being aimed for and indicate that appropriate timescales should be provided in order to clearly demonstrate that 'Other woodland; broadleaved' can be enhanced to reach 'good condition' within the given timescales.
- 7.8.11 Further, it would be beneficial to have some further clarification on how the proposed 5 x medium trees can achieve a diameter of >30cm in a period of 27 years. This should be based on further information on planting specifications, tree vigour, geography, soil conditions, sunlight, precipitation levels and temperature.

Comments dated 18.09.2024

- 7.8.12 Still recommend that the BNG metric is amended accordingly as this will revise the overall net gain figure. Further, it would be beneficial to have some clarification on how the proposed 5 x medium trees can achieve a diameter of >30cm in a period of 27 years. This should be based on further information on planting specifications, tree vigour, geography, soil conditions, sunlight, precipitation levels and temperature. However, it is acknowledged that further detail of this could be secured as part of planting specifications and / or Landscape Ecological Management Plan. Also clarification is required of the intended target condition which is listed as both 'Poor' and 'Moderate' in the Biodiversity Net Gain Summary.
- 7.8.13 Furthermore, it was previously recommended that the Woodlands Village Green Landscape Management Plan (FCPR, March 2024), should refer back to the Biodiversity metric aims to demonstrate how this will be achieved for this application, particularly for proposed enhancement of scrub habitat which does not appear to be included.

Comments dated 05.11.24

- 7.8.14 The revised Biodiversity Metric demonstrates that a measurable net gain can be achieved for this development, in line with the principles of mandatory biodiversity net gains.

- 7.8.15 No objections raised subject to conditions to secure a Landscape and Ecological Management Plan which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric, as well as the implementation and aftercare of any bespoke biodiversity enhancements.
- 7.8.16 The Landscape Management Plan Woodland Village Green (FPCR, Rev C October 2024) sets out the aims and objectives of the post implementation habitat condition requirements for the off-site measures, the off-site habitat creation and enhancement will need to be secured via a S106 legal agreement agreed by the Applicant and the Local Planning Authority.

7.9 BDC Environmental Health

- 7.9.1 No comments received.

7.10 BDC Landscape Services

Comments dated 24.05.2024

- 7.10.1 39 individual trees and 14 groups of trees are included within the survey schedule. Of the surveyed trees, the proposal requires the loss of 18 individuals and 6 groups, as well as partial loss of a further 3 groups. The loss of individual trees amounts to 46% of the total. The groups include large numbers of trees, so the total loss of canopy cover required is substantial, although not quantified. Removals are generally of low quality, with 3 category b individuals (T4,5,12) to be removed and the remainder classed as category C or lower.
- 7.10.2 The footprint and foundations of the main development are outside of retained trees Root Protection Areas (RPAs). There is significant encroachment from new surfacing, the level of encroachment is not quantified but, in some instances, e.g. T23, appears significantly higher than the 20% maximum espoused by BS5837:2012. There are also examples, such as T18 & G10 where encroachment could easily be avoided with minor design changes.
- 7.10.3 Compensation for tree loss is stated within the report as being detailed within “an extensive landscape plan that will also include general works to existing vegetation and trees so as to bring the site back into a reasonable state of management...” but no such document has been provided. There is a Landscape strategy plan, with indicative detail of new planting, a drawing titled “Car Park Area Detailed Landscape Proposals” showing species and numbers for this area (but lacking detail of planting/aftercare) and there is a landscape management plan for the adjacent village green (outside of the application boundary). None of these documents provide the required detail to show that commensurate replacement tree provision is achievable on site, and likely to successfully establish. New planting should be achieved onsite, within the application red line unless clearly demonstrated as not feasible.

7.10.4 With regard to mitigation for retained trees, it is stated that no dig construction of new surfacing is intended, but there are apparent level changes across site and it is unclear if this is achievable in all instances, this is a significant concern given the concerns with encroachment outlined above. It is stated that retained trees will be protected via Tree Protection Fencing (TPF) but the line of this fencing shown on plans does not appear to allow sufficient working room.

7.10.5 Landscape Services object to the application in its current form – ideally design changes will be explored, and significant further information will need to be provided.

Comments dated 09.10.2024

7.10.6 The cumulative impacts to trees remain significant. There is substantial loss of trees, both individual and within groups, albeit largely of low size and quality.

7.10.7 The impacts to the retained trees appear improved, but there is insufficient information to fully allay concerns.

7.10.8 Details of new planting is substantially increased, and broadly demonstrates that new planting is feasible and likely to offer commensurate value to those removed, but further detail is still outstanding. There also remains a lack of detail to demonstrate that a biodiverse roof is likely to be successful.

7.10.9 The level of information provided is improved, and there can now be some confidence that the impacts of the proposal can be effectively mitigated. Ideally at this stage further detail on level changes and a preliminary Tree Protection Plan would be provided to show that concerns regarding working room and the feasibility of mitigation have been addressed.

7.10.10 However, should the balance be in favour, conditions should be attached to secure:

- Full details of tree protection during construction, including a method statement following guidance set out in BS5837;
- Full details of tree planting including planting methods and aftercare, following guidance set out in BS8545;
- Full details of the proposed biodiverse roof, including construction, substrate and maintenance.

7.11 BDC Waste

7.11.1 No comments received.

ECC Consultee

7.12 ECC Adult Social Care

- 7.12.1 Essex County Council has recently published a Market Shaping Strategy and have a Market Position Statement which sets out in more detail the current provision of residential care across Essex. The Market Shaping Strategy places greater emphasis on supporting people at home and increasing extra care housing for older people. This is based on the choices people are making and technology and health care developments making it easier to provide more care at home. The County Council will be making fewer residential care placements, with the smaller number of adults that do need a care home placement having more complex needs later in life (including complex dementia and nursing care needs).
- 7.12.2 The current care home provision in Braintree is under-used. For a care homes long term viability it needs to be running at around 95% occupancy and the average occupancy in Braintree currently is 88%. So, we do not think there is a need for additional care home provision in the area at present and we have not identified Braintree as a current area for growth in the sector.
- 7.12.3 Adult Social Care has not been approached by the developer and it is unclear whether the care home will be aimed at adults known to social care or at self-funders. We would expect suppliers developing provision to have undertaken their own due diligence on demand and future direction. It is a time of some uncertainty for the care home sector. There have been recent legislative changes in relation to social care rates and charging which are waiting to be enacted. These will further alter the demand for and shape of the care home sector. The County Council will be undertaking further demand projections as the detail of these become clearer through national guidance.

7.13 ECC Archaeology

- 7.13.1 No objection, subject to conditions requiring full archaeological evaluation.
- 7.13.2 The proposed development site lies within an area of recorded Roman and medieval archaeological remains, as recorded on the Suffolk HER. The site lies adjacent to the district boundary in an area that was formerly common land as shown on the Chaman and Andre map of 1777. Aerial Photographic evidence also depicts ring ditches southeast of the site and a scheduled barrow monument lies c.600m to the south. Further evidence of prehistoric activity is recorded in the area.
- 7.13.3 The Tithe map of c1840 depict a building within the development site, part of a hamlet at Woodland Green. The submitted Heritage Statement states that the building roughly aligns with the rear of the current hotel building suggesting that the present building was formed through the addition of

extensions over time. Though the building has been altered and extended over time, there is potential for survival of the historic fabric and fixtures of the original house. The demolition of the building will result in the total loss of the structure and a historic building record should be completed to preserve by record the historic structure.

- 7.13.4 There is potential for the proposed development to impact upon historical and archaeological remains, the archaeological potential of the site will need to be established through evaluation in accordance with paragraph 194 of the NPPF [now paragraph 207].

7.14 ECC Heritage

Comments received 11.09.2023

- 7.14.1 The application site is within the setting of the Grade II listed Woodlands Cottage (List Entry Number: 1122275) and is situated adjacent to the western side of Woodlands Green. The Green is labelled as Woodlands Common on the 1777 Chapman and Andre Map and subsequently as Woodland Green on the 1839 Sturmer Parish Tithe Map. Woodlands Cottage dates to the late 18th to early 19th century and the Green is an important part of its setting.
- 7.14.2 The Woodlands Hotel, which is proposed for demolition may in part have early 19th-century origins, as the Heritage Statement concludes that the present building was formed through the addition of an extension to a building depicted on the 1839/40 Tithe map. The building can be considered to have some historic interest. Should an application for its demolition be approved, a programme of historic building recording as a condition is suggested.
- 7.14.3 There are some concerns regarding the proposed scheme and its impact on the setting of the listed building and on local character and distinctiveness. The elevated position of the Site and the proposed three-storeys of the building would result in it having a prominent visual presence within the listed building's setting. At present, the Green and the surrounding rural character of the area are a positive element in setting of Woodlands Cottage.
- 7.14.4 The size and appearance of the care home would not preserve or enhance the listed building's setting, contrary to Paragraph 206 of the NPPF [now paragraph 219]. The development would diminish the ability to appreciate the significance of the listed building. While the Green plays a more significantly positive part in the setting of the heritage asset than the Site, the development as proposed would still have a detrimental impact. It would therefore result in a low level of less than substantial harm to the significance of the listed building.
- 7.14.5 The design of the proposed care home is at odds with the rustic character of the Green and Woodlands Cottage. The presence of the new building

would not make a positive contribution to local character and distinctiveness contrary to the NPPF.

- 7.14.6 The proposed block plan indicates some planting to the south of the new building. This may help mitigate the visual impact of the scheme to some degree, although it would not remove the resulting harm. Further details of planting and landscaping specifically to mitigate the visual impact of the building are needed.
- 7.14.7 The Green is an important space within the listed building's setting and it enhances the local character, although it has recently become neglected. The enhancement of the green would benefit both the setting of the listed building and the character of the local area. A programme of enhancement and management of the Green would also lessen the impact of the development.
- 7.14.8 In accordance with Paragraph 202 of the NPPF [now paragraph 214], the harm identified should be weighed against the public benefits of the proposal, with the appropriate great weight given to the conservation of the heritage asset (NPPF, Paragraph 199 [now paragraph 212]). Should the assessment of the harm to public benefit be found in favour of the development, conditions to provide for a programme of historic building recording of the Woodlands Hotel buildings and details of screening, landscaping and boundary treatments, would be required.

Comments dated 07.02.2024

- 7.14.9 A new levels strategy and Landscape management Plan has now been submitted. The Landscape Management Plan solely focuses on habitat protection and natural environment enhancements. Neither of the additional submissions have reduced or mitigated the detrimental impact on local character and distinctiveness and the low level of less than substantial harm to the nearby listed building.

Comments dated 08.04.2024

- 7.14.10 A more detailed landscaping plan has been submitted (Dated 20th March), showing trees and hedgerow along the southeastern boundary of the Site, along the edge of the proposed car park. To some degree this will aid in screening the development within the setting of the listed building and there is no objections to the landscaping plan as proposed.
- 7.14.11 The proposed development would result in a low level of less than substantial harm to the nearby listed building, due to the impact on its setting. The visual screen provided by the planting will aid in the mitigation of this harmful impact. Following the establishment and growth of the planting screen, the overall impact would be a very low level of less than substantial harm.

7.14.12 Should the planning application be approved a condition for historic building recording is recommended.

7.15 ECC Highways (Lead Highway Authority)

Comments dated 21.09.2023

7.15.1 Providing the proposal is carried out in accordance with submitted in principle drawing 421 PL 00 100 Rev A, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to secure a Construction Management Plan and the provision of a footway at the site access to the west to join with the permissive path.

Comments dated 27.03.2024

7.15.2 Having reviewed the information submitted, from the perspective of the Highway Authority, we have no comments to make in addition to those made in the previous recommendation.

Comments dated 03.02.2025

7.15.3 Providing the proposal is carried out in accordance with submitted in principle drawing 421 PL 00 100 Rev Q, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to secure a Construction Management Plan and the provision of a footway at the site access to the west to join with the permissive path. Furthermore, if the proposal employees 50 or more employees, there will be a requirement for a Travel Plan.

7.16 ECC Infrastructure Planning

7.16.1 The suggested population increase brought about by the proposed development is expected to create additional usage of Sible Hedingham library. A developer contribution of £4,979.20 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the outreach and mobile library offer that would service this development. This equates to £77.80 per unit, index linked to April 2020.

7.17 ECC Minerals & Wast

7.17.1 No comments to make.

7.18 ECC SUDS

Comments dated 15.09.2023

7.18.1 Raise a holding objection to the granting of planning permission based on the following:

- The HR Wallingford tool is showing a 1 in 1 greenfield run off rate of 2.5 l/s therefore, discharge rates should be limited to this.
- Drainage calculations should be provided which show no internal flooding as a result of the development during all storm events up to and including the 1 in 30-year storm event and no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- There is no drainage plan. A site layout, location of features, outfall location, conveyance, cover levels, invert levels and pipe network should be included.
- Exceedance flows should be considered to ensure potential off-site flooding is managed
- An estimated discharge of the private foul water treatment works is required and details of where this will be discharged.

Comments dated 05.12.2023

- 7.18.2 Raise a holding objection to the granting of planning permission based on the following:
- Further clarification on the runoff rate is required.
 - Clarification of the surcharging that occurs in the 1 in 1 year event is required.
 - An estimated discharge of the private foul water treatment works is required and details of where this will be discharged.

Comments received on 17.01.2024

- 7.18.3 Raise a holding objection to the granting of planning permission based on the following:
- Clarification of the surcharging that occurs in the 1 in 1 year event is required.
 - A more detailed drainage plan is required.

Comments received 08.02.2024

- 7.18.4 Do not object, subject to conditions to secure detailed surface water drainage scheme, a scheme to minimise off site flood risk, and a drainage maintenance plan, including yearly logs.

SCC/WSDC Consultees

- 7.19 Suffolk County Council – Adult and Community Services
- 7.19.1 Suffolk Adult and Community Services (ACS) support this proposal, assuming that as it is so close to the Suffolk/Essex boundary that we would be able to access beds at the home. It is always a good thing to have more care homes to consider as we do struggle to place people. Given the increasingly complex needs in dementia, a nursing dementia home (which this appears to be) would be particularly useful in the Haverhill area.

7.19.2 Placing people with dementia needs can often be a challenge and it's so important to people's wellbeing to be placed close enough to home so family networks can stay connected and visit. It would be useful to understand Essex's view on the need for this type of service.

7.19.3 A concern would be that this site sits on the main road with fast moving traffic, so it would need to have secure grounds.

7.20 Suffolk County Council – Flood & Water

7.20.1 The address is outside of Suffolk County Council, as LLFA jurisdiction.

7.21 Suffolk County Council – Highways

7.21.1 No objection in principle and happy for ECC to continue to lead on highway matters.

7.21.2 It is noted that in pedestrian access terms, the pedestrians approaching from the westerly Haverhill direction would be required to use a non-highway path. The submitted Transport Statement 2.2.8 states that "a short section of permissive path to the west of the site access, as indicated on Figure 2.2". It would be preferable if safe pedestrian access could be achieved without being dependent upon the permissive section as that route is not permanent or publicly maintained.

7.21.3 The Transport Statement provides little additional detail about the permissive path, so it is unclear how suitable the arrangements are for this development which has high potential for pedestrian trip generation. It is also unclear if the permissive route can be used by cycles and other wheeled users.

7.21.4 The objection raised by Haverhill Town Council was noted, which raise a number of important sustainable access concerns. Recommend that those issues are given further consideration to ensure the development achieves the highest standards in terms of promoting sustainable travel.

7.22 West Suffolk District Council – Planning

Comments dated 20.09.2023

7.22.1 This site backs onto the Northeast Haverhill allocation for up to 2500 dwellings, which is one of two strategic greenfield allocations in Haverhill. This allocated site has an outline permission under DC/15/2151/OUT. The extract from the approved land use parameter plan copied below shows the application site highlighted in yellow in relation to the NE Haverhill site and the proposed country park, which is shown by the hatched green area. There is also a proposed extension to an existing public right of way, indicated by the blue dots.



- 7.22.2 It is important that the visual impact of the development from the future country park and the existing and extended public right of way to the north are fully considered and the need for additional landscaping to filter views considered. The interaction with the future country park should also be considered in terms of future connectivity.
- 7.22.3 This area is noted as being particularly sensitive to bats including Barbastelle bats and the adjacent outline permission and associated environmental statement set out measures to ensure that important dark corridors are not adversely affected by lighting. Similar measures should be secured with this application.
- 7.22.4 The Transport Statement advises that the existing pedestrian access to the development is via the footways along Coupals Road and Roman Way (to the west of the development), and a short section of permissive path to the west of the site access and on this basis advises that the site is connected to the pedestrian network with opportunities to make trips by foot. In reality, the access to the site on foot is inadequate, and the application should include appropriate measures to secure and improve the connectivity towards the town for pedestrians.
- 7.22.5 Reference is also made to a local cycle way southwest of the site on the A143 providing direct access to the town centre, but no information is provided as to the adequacy of this route or how you would connect to it from this site. Local bus stops are also cited, and conclusions drawn that the site is accessible by bus. However, this fails to account of the fact that there is no safe pedestrian route from these bus stops to the site.
- 7.22.6 Given the above it is difficult to see how the conclusion can be reached that the site has a good level of accessibility including sustainable modes of transport.

Comments dated 18.04.2024

- 7.22.7 The inadequacy of the footpath route from to the site and the need for this application to include appropriate measures to secure and improve the connectivity towards the town for pedestrians was previously highlighted. The information submitted does not address these concerns.

- 7.22.8 The site plan does not show a suitable pedestrian path and the general arrangement drawing simply makes a reference to an assumed footpath.
- 7.22.9 It is incorrect to describe the site as having a good level of accessibility including sustainable modes of transport. In the absence of any improvements to address the lack of connectivity and safe access for any mode of transport other than private motor vehicle it would appear that the development would fail to accord with the requirements of the NPPF.

Comments dated 04.10.2024

- 7.22.10 The new information does not relate to the concerns previously raised and therefore concerns relating to connectivity and sustainable transport as set out previously remain.

8. PARISH / TOWN COUNCIL

8.1 Sturmer Parish Council

Comments received 06.09.2023

- 8.1.1 The proposals do not define the proposed boundary structure to be included in the development, such as fencing, mature hedge or some other structure to stop people being able to pass from the development site onto VG52 or vice versa. The Council request that this need for a solid boundary protection is documented and clearly identified within the application and approval process.

Comments dated 05.04.2024, reiterated 31.10.2024

- 8.1.2 No objection.

8.2 Haverhill Town Council

Comments dated 05.09.2023

- 8.2.1 Haverhill Town Council objects to the application in its current form. Whilst supportive of the principle of development of a care home and the overall proposed concept, there are a number of material matters which leave us no option than to object.
- 8.2.2 The permissive path that passes through the site has been used for at least 15 years by walkers and must be retained. It is an integral part of the Great Wilsey Park Masterplan for connecting the proposed country park on the Great Wilsey development (under construction now) to East Town Park and walking routes along the Stour valley. It would of course provide the occupants of the care home good access to these important facilities. We are concerned that that there is no mention of this path, its loss would be contrary to policy LPP48 on inclusive environments, LPP50 on protecting

access to open space and the wider countryside and LPP52 promoting sustainable travel, as this permissive path connects to walking routes right through Great Wilsey, which care workers would use to walk to work.

- 8.2.3 Contrary to Policy LPP42, there is no mention of a footway/combined cycleway to connect the site to the footway further down Coupals Road and provide safe access to East Town Park. This is to ensure safe and sustainable travel for workers and residents who may be able to use a scooter if there is a safe footway to use. Without this there is a serious risk that the occupant of the home will effectively be isolated due to the speed of traffic on a road with no footway, and workers will opt to come by car rather than walk or cycle.
- 8.2.4 Previous discussions indicated that a condition of planning approval would be that a publicly accessible restaurant would be part of any proposal brought forward. The Applicant has not indicated if the restaurant within the care home will be open to the public. Such an inclusive offer would be a positive for the residents and fulfil the undertaking made.
- 8.2.5 As a final note, the Landscape and Visual appraisal report submitted by the developers, in Paragraph 3.14 refers to Haverhill Vision 2031 and states that a potential link road will pass to the west of the site, between it and the existing housing edge. (down the driving range). This link road is no longer supported and will not be built.

Comments dated 31.01.2024

- 8.2.6 Members of Haverhill Town Council liked the proposal and were pleased to see that the site would be protected and maintained ensuring a haven for wildlife and a recreational resource.

Comments dated 25.04.2024

- 8.2.7 Haverhill Town Council object to the application on the basis that the Town Council agrees with and reiterates the comments made by West Suffolk Council Planning. There is a need for an appropriate pedestrian footway and cycle way to the development and safe connectivity to the site.

Comments dated 25.09.2024

- 8.2.8 Haverhill Town Council continue to object to this application as the previous objections raised have not been addressed.

9. REPRESENTATIONS

- 9.1 1 objection has been received which raises concern that within the planning documents there is no mention of the footpath through the woods which has been used by the public for over 15 years. It links the permissive path along the bottom of the golf driving range to the Wilsey farm track and is an

integral requirement for the link between the planned new Country Park and East Town Park.

- 9.2 The objection letter goes onto state that if this strategic link is not recognised or maintained it will be detrimental to the public being able to enjoy both parks as a coherent whole. Furthermore, at the Haverhill Vision 2031 Planning Enquiry, which subsequently resulted in an adoption of a Country Park, the use of this footpath link was used as evidence before the Inspector.

10. **PRINCIPLE OF DEVELOPMENT**

National Planning Policy Framework (NPPF)

- 10.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.2 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 39 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.3 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 48 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 61 of the NPPF highlights the importance of ensuring that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need with an appropriate mix of housing types for the local community. Paragraph 78 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies.

- 10.5 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).

5 Year Housing Land Supply

- 10.6 Paragraph 78 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing (plus the relevant buffer) against their local housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Council's Local Plan is up to date in this regard and complies with the NPPF.
- 10.7 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). The Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5 Year Housing Land supply.
- 10.8 The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

The Development Plan

- 10.9 Currently the Council's statutory Development Plan consists of The Braintree District Local Plan 2013 - 2033 and Neighbourhood Development Plans where these have been adopted. No Neighbourhood Development Plan has been Adopted in Sturmer.
- 10.10 The site is located outside of any defined development within the countryside. Policy LPP1 of the Adopted Local Plan states that 'development outside development boundaries will be confined to uses appropriate to the countryside, whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside. The application is therefore contrary to Policy LPP1 of the Adopted Local Plan.

10.11 Policy LPP33 of the Adopted Local Plan defines specialist housing ‘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’. It is considered that this proposal meets this criteria, and can therefore be defined as specialist housing. The Policy goes onto states the following:

“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:

- *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.*
- *Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents, or proposals should provide appropriate mitigation*
- *Parking should be provided in line with the Council’s adopted standards*
- *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, in addition to the criteria a; b; c and d above, all the following criteria are met:

- *The scale, siting and design of proposals is sympathetic to the landscape character and host property*
- *The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings*
- *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.”

10.12 The proposal is therefore contrary to Policy LPP33 as the proposal is for new specialist housing on an unallocated site in the countryside.

10.13 Given the previous use of the site and the existence of the existing building, the site is considered to be Brownfield Land or Previously Developed Land. The NPPF defines this as ‘land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land’. Paragraph 125 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict,

contaminated or unstable land. However, as the site is not within a defined settlement boundary, it is considered that this would not apply.

- 10.14 Notwithstanding the above, Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 10.15 In addition to the above, 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 planning history of this site is a material consideration. From this it is clear that the site has historically been used as a hotel which ceased use in 2018. However, this is considered to be its authorised use. The use of the existing building as a hotel (C1 Use Class) could re-start at any time without the need for planning permission. Whilst a structural report (submitted as part of this application) concludes that it is impractical to reuse any part of the existing building as part of any proposed development, given the authorised use of the existing building and land, it would be difficult to resist the principle of any re-development of the site for a hotel use.
- 10.16 In conclusion, whilst the proposal is contrary to Policies LPP1 and LPP33 of the Adopted Local Plan due to its location outside of any settlement development boundary, on balance it is considered that given the authorised use of the site and the fact that the proposal would allow re-development of a previously developed site for a use that generates 20 full-time (or equivalent) employment opportunities, the proposal can be supported in principle.

11. SITE ASSESSMENT

11.1 Location and Access to Services and Facilities

- 11.1.1 Suffolk County Council Planning and Haverhill Town Council object on the basis that the site does not have a good level of accessibility as the access to the site on foot is inadequate from Haverhill and therefore would not accord with the requirements of the NPPF. The existing formal footpath network from Haverhill, would take pedestrians to approx. 100 metres from the site entrance. Furthermore, there is a permissive footpath (which is outside of the site) which would take pedestrians approx. 30 metres from the site entrance. As part of this application ECC Highways have requested the provision of a footpath from the entrance of the site to link up with the permissive footpath.

- 11.1.2 The permissive footpath, whilst providing an alternative to walking along the road, is not lit and therefore not considered an attractive walking route (especially at night). Officers acknowledge that this is not ideal, however, it is considered that the site is no less sustainable than the authorised hotel use. In fact, it is considered that the care home proposal is likely to lead to less pedestrian movements.
- 11.1.3 In view of the targeted users and facilities available within the proposed care home, it is not expected that the majority of the residents would be travelling on their own and not on a frequent basis for services and facilities. The majority of people accessing the site will be staff and visitors.
- 11.1.4 It is considered that the accessibility of the site is acceptable for the type of development proposed, especially taking into account the authorised use.

11.2 Need

- 11.2.1 Suffolk County Council (Adult and Community Services) support the proposal due to need and Essex County Council (Adult Social Care) have advised that the current care home provision in Braintree is under-used and they do not think there is a need for additional care home provision in the area at present.
- 11.2.2 As part of the application a Planning Needs Assessment was submitted and in response to the comments from ECC Adult Social Care an update to the Planning Needs Assessment was provided. This states that based on an in-depth review of care home demand and capacity within a catchment area of 6 miles and the Braintree District Council local authority area shows a net need for 150no. dedicated dementia beds at minimum market standard level, increasing to 369no. care beds when assessed on the basis of all beds at full market standard. It also includes information on the existing supply of care homes in the District and out of 1,431 CQC registered bedspaces, only 85% are single en-suite bedrooms and 34% have full en-suite wet rooms, which indicates that there is still room for improvement in the quality of supply.
- 11.2.3 The Essex County Council comments are based on Market Shaping Strategy which places a greater emphasis on supporting people at home and increasing extra care housing for older people, which will result in fewer residential care placements being made. It also refers to occupancy rate and states that for a care homes long term viability it needs to be running at around 95% occupancy and the average occupancy for in Braintree is currently 88%.
- 11.2.4 Whilst the comments from Essex County Council are not disputed, it is clear from their consultation response that Suffolk County Council has a need. Given the location of the site, it is well placed to serve that need.

- 11.2.5 Furthermore, from the information submitted it is clear that the Applicant's have undertaken their own due diligence and consider that there is a need for the proposal. Without any need for the proposal, it would be unviable and therefore the proposal would be unlikely to come forward.
- 11.3 Design, Appearance and Impact upon the Character and Appearance of the Area
- 11.3.1 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.
- 11.3.2 Policy LPP52 of the Adopted Local Plan states that the Council will seek a high standard of layout and design in all developments in the District and encourage innovative design where appropriate. Planning permission will be granted where, amongst other things, the following criteria are met: The scale, layout, height and massing of buildings and overall elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline and the building line. Buildings and structures should be of high architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, but not necessarily replicate, the local architectural character. Development proposals will incorporate measures for environmental sustainability throughout the construction, occupation and demolition of the development, in relation to energy conservation, water efficiency, waste separation, climate change, flood resilience and resistant construction and the use of materials with low overall energy requirements.
- 11.3.3 The design of the proposed care home has been evolved following lengthy discussions with Officers through various pre-application requests over the last 6 years. The Council's Urban Design Officer considers that the proposal is a well-considered and high-quality proposal for the following reasons:
- The architectural design features a bespoke building designed in sympathy to the topography and sylvan character of the site.
 - The wood finishes creating a merger of the built form into its setting whilst expressing the contemporary design and structure.
 - The building would sit within a wooded landscape and like the listed building to the east there would be significant containment of views by the verdant landscape and retained, mature trees.
 - The glimpses and views to the proposed care home would also be limited.
 - The views to this building would capture the varying textures and shadings of the wooden finishes. These natural finishes and considered patterns create soft lines and visual interest where the building is seen between trees.

- The landscape design focusses on integrating the proposal as much as possible into its verdant location.
 - The existing car park for the hotel is enhanced by the proposal, adding trees and softer surfacing to mitigate the visual impacts of parking.
- 11.3.4 It is acknowledged that the built form has been increased as compared to the former hotel, however, the Applicant has provided technical documents to provide reasonings for the larger built form. The submission has demonstrated that for a care home with capacity of over 60-bed would be more variable as compared to smaller ones due to economies of scale and efficient use of staff resources.
- 11.3.5 The increase in mass was considered by the Urban Design Officer who comments that 'it must be accepted that the building will have a more significant mass and appearance than the derelict Hotel, but this should be considered an enhancement. The proposed care home will have a positive relationship to its site and surroundings. The design approach of a contemporary form within natural wooden finishes should be considered a highly suitable design for a care home.'
- 11.3.6 Officers consider that the proposal represents good design and would integrate well into this countryside location.
- 11.3.7 It is noted that the site lies within the Dedham Vale and Stour Valley Project Area. National Landscapes were consulted on the application, but no response has been received.
- 11.4 Highway Considerations
- 11.4.1 Policy LPP42 of the Adopted Local Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.
- 11.4.2 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 11.4.3 ECC Highways were consulted and states that providing the proposal is carried out in accordance with submitted in principle drawing 421 PL 00 100 Rev Q, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to secure a Construction Management Plan and the provision of a footway at the site access to the west to join with the permissive path. These conditions are included within the recommended list of conditions within Appendix 1 of this report.

- 11.4.4 The response from ECC Highways makes reference to a Travel Plan; this is only required for proposals with 50 or more employees. This proposal is expected to employ 20 full time employees and is therefore below this threshold.

Parking Provision

- 11.4.5 Policy LPP43 of the Adopted Local Plan states that development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards.
- 11.4.6 According to the adopted Essex Parking Standards (2009), for residential care home proposal, 1 parking space would be required for each of the full-time equivalent (FTE) staff and 1 visitor space is required for every 3 beds. The submission stated that there will be 20 FTE staff working at one time and therefore the maximum parking requirement would be 41 spaces. The proposal would provide a total of 31 parking spaces, including 4 accessible spaces for disabled persons, and a covered loading and unloading facilities to the main entrance. Adequate cycle parking is in accordance with the standards is also provided.
- 11.4.7 Whilst the parking provision is less than the maximum standards, this is because of the constraints on the site, due to the existing trees. However, given the proximity to Haverhill, the overall parking provision is considered acceptable.

11.5 Heritage

- 11.5.1 The application site is within the setting of the Grade II listed Woodlands Cottage (List Entry Number: 1122275) and is situated adjacent to the western side of Woodlands Green. The Green is labelled as Woodlands Common on the 1777 Chapman and Andre Map and subsequently as Woodland Green on the 1839 Sturmer Parish Tithe Map. Woodlands Cottage dates to the late 18th to early 19th century and the Green is an important part of its setting.
- 11.5.2 Paragraph 202 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore, Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 11.5.3 Policy LPP47 of the Adopted Local Plan states that the Council will promote and secure a high standard of design and layout in all new development and the protection and enhancement of the historic environment.
- 11.5.4 The Woodlands Hotel, which is proposed for demolition may in part have early 19th-century origins, as the Heritage Statement concludes that the present building was formed through the addition of an extension to a building depicted on the 1839/40 Tithe map. The building can be considered to have some historic interest. Therefore, within the recommendation a condition to secure a programme of historic building recording is included.
- 11.5.5 The Green is an important space within the listed building's setting, and it enhances the local character, although it has recently become neglected. The enhancement of the green would benefit both the setting of the listed building and the character of the local area.
- 11.5.6 The Historic Buildings Consultant initially raised concerns regarding the proposed scheme and its impact on the setting of the listed building and on local character and distinctiveness. It was considered that the elevated position of the application site and the proposed three-storeys of the building would result in it having a prominent visual presence within the listed building's setting. Furthermore, it was considered that the size and appearance of the care home would not preserve or enhance the listed building's setting, and the design of the proposed care home is at odds with the rustic character of the Green and Woodlands Cottage.
- 11.5.7 Following the above consultation response, additional information regarding landscaping showing trees and hedgerow along the southeastern boundary of the site and along the edge of the proposed car park was submitted. This would to some degree aid in screening the development within the setting of the listed building and there are no objections to the landscaping plan as proposed.
- 11.5.8 Overall, the Historic Buildings Consultant considers that the proposed development would result in a low level of less than substantial harm to the nearby listed building, due to the impact on its setting. The visual screen provided by the planting will aid in the mitigation of this harmful impact. Following the establishment and growth of the planting screen, the overall impact would be a very low level of less than substantial harm.

11.6 Impact on Trees

11.6.1 Policy LPP65 of the Adopted Local Plan sets out, amongst other things:

- That trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal.
- When trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new

development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal.

- 11.6.2 Furthermore, Paragraph 136 of the NPPF states that planning decisions should ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 11.6.3 39 individual trees and 14 groups of trees are included within the survey schedule. Of the surveyed trees, the proposal requires the loss of 18 individuals and 6 groups, as well as partial loss of a further 3 groups. The groups include large numbers of trees, so the total loss of canopy cover required is substantial. The total number of tree stems being removed is 49 which includes individual stems within groups. Removals are generally of low quality, with 3 category B individuals (T4, 5, 12) to be removed and the remainder classed as category C or lower.
- 11.6.4 During the application process a revised Arboricultural Impact Assessment (AIA) was submitted to provide furthermore information. It also shows minor layout changes which reduce encroachment on Root Protection Areas (RPA). Although, the cumulative impacts to trees remain significant. There is substantial loss of trees, both individual and within groups, albeit largely of low size and quality. Impacts to retained trees appear improved, but there is insufficient information to fully allay concerns.
- 11.6.5 However, given the level of information provided there can be some confidence that the impacts of the proposal can be effectively mitigated. Ideally further information on level changes and a preliminary Tree Protection Plan would be provided to show that concerns regarding working room and the feasibility of mitigation have been addressed. However, given that there is some level of confidence that this can be achieved, it is considered, on balance that this can be dealt with by conditions (which are included in the recommendation).
- 11.6.6 Details on new planting includes 53 new trees, 10 fruit trees and 410 whips in the village green and broadly demonstrates that new planting is feasible and likely to offer commensurate value to those removed. Further detail is required, however, this can be secured by Condition 4.

11.7 Ecology and Biodiversity

- 11.7.1 Policy LPP66 of the Adopted Local Plan states that development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in al proposals. The policy also states that previously development land (which this site is) can harbour biodiversity. The reuse of such sites must be undertaken carefully with regard to existing features of biodiversity interest. Development proposals on such sites will be expected to include measures that maintain and enhance important

features and appropriately incorporate them within any development of the site.

- 11.7.2 BDC Ecology are satisfied that there is sufficient ecological information available for determination of 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. Appropriate mitigation measures are identified in the Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), and a condition is recommended to secure these. Conditions are also recommended to secure a Construction Environment Management Plan (CEMP) and a wildlife friendly lighting scheme.
- 11.7.3 Biodiversity Net Gain became mandatory on 12th February 2024 for major applications, as this application was validated on 4th August 2023 it is exempt. However, a Biodiversity Metric has been submitted which demonstrates a measurable net gain can be achieved for this development, in line with the principles of mandatory Biodiversity Net Gains. Therefore, no objections are raised subject to conditions to secure a Landscape and Ecological Management Plan which should set out the detailed management and monitoring plan to achieve the aims and objectives of the Biodiversity Metric, as well as the implementation and aftercare of any bespoke biodiversity enhancements.

11.8 Impact upon Residential Amenity

- 11.8.1 The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policies SP7 and LPP52 of the Adopted Local Plan all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light or overbearing impact.
- 11.8.2 The site is relatively well enclosed with no immediate neighbours. The nearest residential property is Woodland Cottage, which is situated on the opposite side of the village green. It is therefore considered that the proposal would not result in any adverse impact on the amenities of neighbouring residents.

11.9 Archaeology

- 11.9.1 The proposed development site lies within an area of recorded Roman and medieval archaeological remains, as recorded on the Suffolk HER. The site lies adjacent to the district boundary in an area that was formerly common land as shown on the Chaman and Andre map of 1777. Aerial Photographic evidence also depicts ring ditches southeast of the site and a scheduled barrow monument lies c.600m to the south. Further evidence of prehistoric activity is recorded in the area.
- 11.9.2 The Tithe map of c1840 depict a building within the development site, part of a hamlet at Woodland Green. The submitted Heritage Statement states

that the building roughly aligns with the rear of the current hotel building suggesting that the present building was formed through the addition of extensions over time. Though the building has been altered and extended over time, there is potential for survival of the historic fabric and fixtures of the original house. The demolition of the building will result in the total loss of the structure and a historic building record should be completed to preserve by record the historic structure.

- 11.9.3 There is potential for the proposed development to impact upon historical and archaeological remains, the archaeological potential of the site will need to be established through evaluation in accordance with Paragraph 207 of the NPPF.
- 11.9.4 ECC Archaeology raise no objection to the proposals, subject to conditions requiring full archaeological evaluation, which are included within the recommendation.

11.10 Renewable Energy/Resource Efficiency

- 11.10.1 Policy LPP72 of the Adopted Local Plan states that the Local Planning Authority will encourage appropriate energy conservation and efficiency measures in the design of all new development. Such measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.
- 11.10.2 A Sustainability Statement was submitted in support of the proposal. This concludes that the use of renewable energy will not be required to achieve compliance with Building Regulations. However, the scheme proposes 99 photovoltaic panels to be included within the biodiverse green roof.

11.11 Surface Water Drainage

- 11.11.1 Section 14 of the NPPF is concerned with how the Government expects the planning system to consider climate change, flooding and coastal change, and recognises that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change.
- 11.11.2 Policy LPP74 of the Adopted Local Plan seeks to minimise exposure of people and property to the risks of flooding. Policy LPP76 of the Adopted Local Plan refers to SUDS design being an integral part of the layout and should reflect up to date standards.
- 11.11.3 The site is located within Flood Zone 1. The LLFA (Local Lead Flood Authority) raise no objection to the proposal, subject to conditions to secure detailed surface water drainage scheme, a scheme to minimise off site flood risk, and a drainage maintenance plan, including yearly logs, which are included within the recommendation.

11.12 Overhead Power Lines

- 11.12.1 There is an 11kV (high voltage) overhead powerline which runs across the northern part of the site, which is owned and operated by UK Power Networks. UK Power Networks have been consulted on the application, but no response has been received (although this will continue to be chased, and an update provided at the meeting).
- 11.12.2 However, from Officer research, 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. This will ensure the project complies with Regulation 18(3) of the Electricity, Quality & Continuity Regulations 2002 and allows for the proposed works to be discussed, and any protective/diversionary works (if necessary) agreed.
- 11.12.3 The Agent has advised that the Applicant has formally written to UK Power Networks, and they have advised that the guidance in relation to minimum clearance distances is as set out in the Energy Networks Association Technical Specification 43-8 – Overhead Line Clearances Issue 5. This states that the minimum clearance is between 0.3 metres and 3 metres depending on the circumstances. In this case there is a minimum of 11 metres clearance, which is excess of that set out in the guidance. It is therefore considered that the overhead powerline, is not a major constraint on the proposed development and any potential issues could be overcome through discussion between the Applicant and UK Power Networks (which is a regulation requirement, as set out above).

12. PLANNING OBLIGATIONS

- 12.1 Paragraph 58 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.
- NHS Contribution - a financial contribution of £16,000.00 is required to mitigate the impacts of this proposal.
 - Village Green Management - to secure the planting out of the improvements proposed to the Parish Council owned Village Green and its maintenance for at least 35 years.
- 12.2 ECC Infrastructure Planning considered that the increase brought about by the proposed development is expected to create additional usage of Sible Hedingham library and request a financial contribution of £4,979.20 to improve, enhance and extend the facilities and services provided and to expand the outreach and mobile library offer that would service this development. This proposal is for a care home and therefore it is

considered that potential residents are likely to be less mobile (as they require some level of care). Furthermore, if they were to visit a library given the location of the site, it is likely that they would visit Haverhill rather than Sible Hedingham. It is therefore considered that this request does not meet the relevant tests, and it would not be reasonable to request this contribution.

- 12.3 The Adopted Open Space SPD states that institutional uses, including nursing homes and sheltered accommodation, will be required to contribute to informal or formal outdoor recreation space. However, it is still necessary for the request to meet the required test and therefore it is considered that a contribution should only be sought where the development results in an increase in demand for open space facilities which need to be mitigated. Given the nature of the development, it is unlikely that residents will make use of formal outdoor recreation space, such as playgrounds and sport pitches. Informal open space includes village greens and landscaped parks and gardens, which in this case is provided on-site. Furthermore, the proposal involves works to improve the village green, which will be secured by legal agreement. It is therefore considered that the development will not increase demand on existing facilities and that an Open Space Contribution is not required.

13 PLANNING BALANCE

- 13.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.
- 13.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 13.3 Whilst the proposal is contrary to Policies SP3, LPP1 and LPP33 of the Adopted Local Plan due to the sites countryside location (outside any settlement boundary), the proposal is supported by Paragraph 89 of the NPPF and the authorised use of the site is an important material consideration.
- 13.4 The proposed development of the site would result in a mix of public benefits and adverse impacts. These are summarised below.

Summary of Public Benefits

- 13.5 The proposal would provide social benefits through the provision of a C2 Care Home use, meeting an identified need and contributing to the Council’s Housing Land Supply. There would also be environmental benefits in terms of the re-development of a vacant site, with a building of high-quality design that integrates well into the countryside landscape. It

would also result in a biodiversity net gain on the site and improvements to the Village Green. These benefits can be given moderate weight.

- 13.6 The proposal would also be an economic benefit from the proposal as it would create 20 full time or equivalent employment opportunities. This benefit can be given moderate weight.

Summary of Adverse Impacts

- 13.7 There would be adverse impacts arising through the proposed development in relation to a substantial loss of trees, both individual and within groups. However, these trees are largely of a low size and quality and there has been sufficient evidence submitted with the application to give some confidence that the impacts of the proposal can be effectively mitigated. The details of this mitigation can be secured by condition. Limited weight is therefore attributed to this harm.
- 13.8 There would also be a low level of less than substantial harm caused to the setting of the nearby Listed Buildings, at Woodlands Cottage. As set out above though, National Policy requires less than substantial harm to be balanced against public benefits. In this case, Officers consider that the public benefits do outweigh the harm caused. Historic building recording would be undertaken for the buildings to be removed from the site. Therefore, limited weight is attributed to this harm.

14 CONCLUSION

- 14.1 Whilst the proposal is contrary to Policies SP3, LPP1 and LPP33 of the Adopted Local Plan due to the sites countryside location (outside any settlement boundary), and therefore is considered to be contrary to the Development Plan overall, the proposal is supported by Paragraph 89 of the NPPF, and the authorised use of the site and the previously developed nature of the site are important material considerations.
- 14.2 Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case it is considered that the re-development of previously developed land for a C2 (Care Home) use which meets an identified need, having regard to the authorised use of the site, and the high-quality design of the proposal, are material considerations that justifies making a decision in this case which would not be in accordance with the Development Plan.
- 14.3 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that on balance the adverse impacts of granting permission do not outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

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 Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
- NHS Contribution - a financial contribution of £16,000.00 is required to mitigate the impacts of this proposal.
 - Village Green Management - to secure the planting out of the improvements proposed to the Parish Council owned Village Green and its maintenance for at least 35 years.
- 15.2 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.
- 15.3 Alternatively, in the event that a suitable planning obligation is not agreed within six calendar months of the date of the resolution to GRANT planning permission by the Planning Committee, the Planning Development Manager may use his delegated authority to refuse the application.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

APPENDIX 1:

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

Approved Plan(s) & Document(s)

Plan Description	Plan Ref	Plan Version
Proposed Ground Floor Plan	421_PL_00_210	G
Drainage Details	WHCH-BSP-ZZ-XX-D-C-SK240	P06
Levels	WHCH-BSP-ZZ-XX-D-C-SK210	P04
Proposed 1st Floor Plan	421_PL_00_211	F
Proposed 2nd Floor Plan	421_PL_00_212	E
Proposed 3rd Floor Plan	421_PL_00_213	E
Proposed Roof Plan	421_PL_00_214	C
Section	421_PL_00_310	A
Section	421_PL_00_311	A
Proposed Elevations	421_PL_00_320	C
Proposed Elevations	421_PL_00_321	B
Landscape Masterplan	11119_FPCR_XX_XX_DR_L_00 3	10
Proposed Block Plan	421_PL_00_100	Q

Condition(s) & Reason(s)

Condition 1

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

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

Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

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

Condition 3

No demolition, development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation, including historic building recording, has been secured in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To enable full investigation and recording of the historic fabric and features of this site.

Condition 4

No demolition, development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the agreed Written Scheme of Investigation defined in Condition 3 above. A historic buildings report shall be submitted to and approved by the Local Planning Authority and deposited at a digital archive with the Archaeological Data Service (ADS), prior to commencement of development or preliminary groundworks.

Reason: To enable full investigation and recording of the historic fabric and features of this site.

Condition 5

A post excavation assessment shall be submitted to the Local Planning Authority within six months from the date of completion of the archaeological fieldwork, unless otherwise agreed in advance in writing with the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable full investigation and recording of the historic fabric and features of this site.

Condition 6

Prior to commencement, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, in line with Ecological Appraisal (FPCR Environmental and Design Ltd, February 2023), and Great Crested Newt eDNA Survey Letter (FPCR Environmental and Design Ltd, July 2023). The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

Act 2006 (Priority habitats & species).

Condition 7

Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Assystem Energy & Infrastructure Ltd, July 2023), shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 8

Prior to occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority.

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)

Condition 9

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 2.5l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event.
- 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 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- 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.

Condition 10

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: To ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory

storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 11

No development, including site clearance, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall follow the guidance set out in BS5837 and 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, levels, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and 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 only be implemented in accordance with the approved details. 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.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

Condition 12

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets

does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies (2011).

Condition 13

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 on each parcel, 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.

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

Condition 14

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, written specifications including cultivation and other operations associated with plant and grass establishment, planting methods together with a strategy for the watering, aftercare and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme. Details of the proposed biodiverse roof, including construction, substrate, maintenance timetable and responsibilities should also be included. The planting scheme shall follow the guidance set out in BS8545.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the agreed implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out in accordance with the approved implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or

diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

Reason: To enhance the appearance of the development and in the interests of the setting of the Listed Building.

Condition 15

No occupation of the development shall take place until details of a footway at the site access to the west to join with the permissive path has been submitted to and approved by the Local Planning Authority. The footway is to be a minimum of 2m where possible. The agreed footway shall be provided or completed prior to occupation, and shall be maintained as such thereafter.

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 policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Condition 16

Lighting Details

No above ground development shall commence until a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include the following details:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

Reason: To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy

objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

Informative(s)

Informative 1

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The Applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Informative 2

A professional archaeological contractor/historic buildings specialist should undertake any archaeological investigation/historic building recording. An archaeological brief detailing the requirements can be produced from Place Services of Essex County Council. The Applicant is reminded that there will be financial implications of such investigation and recording requirements.

Informative 3

The Applicant should refer to the detailed comments of Anglian Water dated 9 September 2024.

Informative 4

The Applicant should refer to the detailed comments of Essex County Council SuDS dated 8 February 2024.

Informative 5

The Applicant should refer to the detailed comments of Essex Police Strategic Planning Team dated 5 September 2023 and to liaise with the Designing out Crime Officers accordingly.

Positive and Proactive Statement

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

APPENDIX 2:

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Specialist Housing
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP46	Broadband
LPP47	Built and Historic Environment
LPP48	An Inclusive Environment
LPP49	Health and Wellbeing Impact Assessment
LPP50	Provision of Open Space, Sport and Recreation
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings
LPP59	Archaeological Evaluation, Excavation and Recording
LPP61	Local Community Services and Facilities
LPP63	Natural Environment and Green Infrastructure
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP76	Sustainable Urban Drainage Systems
LPP77	External Lighting
LPP78	Infrastructure Delivery and Impact Mitigation

APPENDIX 3:

SITE HISTORY

Application No:	Description:	Decision:	Date:
00/00161/FUL	Provision of access for disabled, installation of disabled toilet, extend bar/dining room and convert bar into residents lounge	Granted	14.03.00
75/76/P	Temporary car park	Withdrawn	21.04.75
75/705/P	Change of use to golf course and ancillary buildings and car parking	Granted	12.08.75
76/239/P	Change of use of existing stables to golf club facilities	Granted	27.04.76
77/273/P	Conversion to licenced club with dining facilities for the adj. public golf course	Granted	10.05.77
79/130/P	Proposed erection of an indoor pool and ten bedroom units all for private use in association with country club	Granted	27.03.79
82/497/P	Proposed snooker room addition	Granted	23.07.82
84/1214/P	Erection of function room	Granted	07.12.84
85/60/P	Erection of extension to cocktail bar	Granted	19.02.85
02/01817/FUL	Erection of extension and alterations	Withdrawn	02.05.03
03/02205/FUL	Proposed extension and alterations works	Granted	23.04.04
04/01699/FUL	Erection of conservatory	Granted	28.09.04
89/00787/P	Erection of extension to hotel	Withdrawn	30.05.89
85/00060/P	Erection of extension to cocktail bar.	Granted	19.02.85
82/00497/P	Proposed snooker room addition.	Granted	23.07.82
84/01214/P	Erection of function room.	Granted	07.12.84
79/00180/P	Construction of an indoor swimming pool and ten self contained bedroom units for private	Granted	04.04.79

	occupation.		
77/00273/P	Conversion of licensed club with dining facilities for 40 persons providing facilities.	Granted	19.05.77
76/00239/P	Change of use of existing stables to Golf club facilities comprising male and female toilets and female changing rooms, waiting area and ticket desk/shop, and septic tank.	Granted	11.05.76
89/00787/P	Erection Of Extension To Hotel	Withdrawn	31.05.89
89/01345/P	Erection Of Extension	Granted	17.04.90
97/01160/FUL	Erection of extension to kitchen and bar, new porch and disabled toilet and ramp	Granted	10.11.97