

PLANNING COMMITTEE AGENDA

Tuesday, 25 October 2016 at 07:15 PM

**Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Vacancy	Councillor Lady Newton
Councillor K Bowers	Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk by 3pm on the day of the meeting.

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking on a Planning Application/Agenda Item

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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

Health and Safety: Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to demse@braintree.gov.uk

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 11th October 2016 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

PART A

Planning Applications:-

5a	Application No. 15 01498 FUL - Grangewood Centre, 10-12 High Street, KELVEDON	5 - 39
5b	Application No. 15 01500 FUL - 12 High Street, KELVEDON	40 - 49
5c	Application No. 15 01501 FUL - 4, 6 and 8 High Street, KELVEDON	50 - 60
5d	Application No. 15 01502 LBC - 4, 6 and 8 High Street, KELVEDON	61 - 66
5e	Application No. 16 01562 FUL - Crowbridge Farm, Chapel Hill, HALSTEAD	67 - 79

PART B

Minor Planning Applications:-

5f	Application No. 16 01221 FUL - 1 Nunns Close, COGGESHALL	80 - 87
5g	Application No. 16 01222 LBC - 1 Nunns Close, COGGESHALL	88 - 93
5h	Application No. 16 01388 FUL - 2 Lowefields, EARLS COLNE	94 - 99
6	Planning and Enforcement Appeal Decisions - September 2016	100 - 108
7	Urgent Business - Public Session To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	
8	Exclusion of the Public and Press To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	

At the time of compiling this Agenda there were none.

PRIVATE SESSION

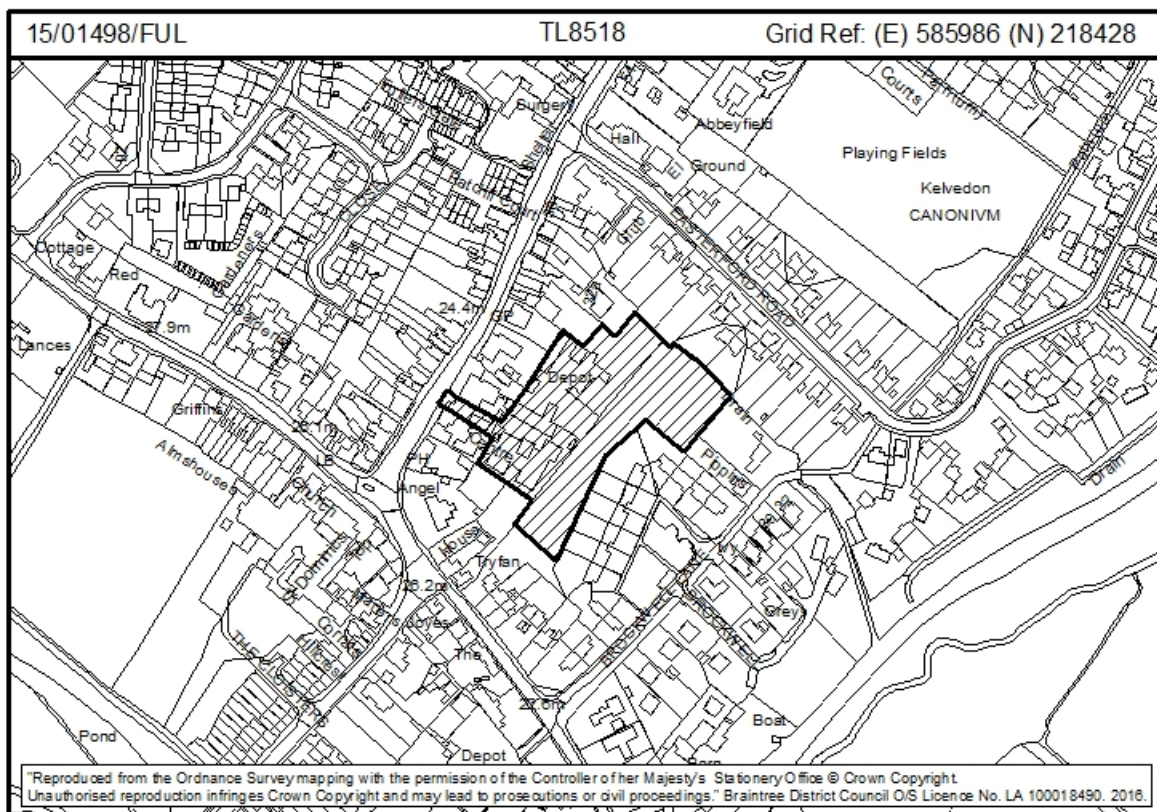
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9	Urgent Business - Private Session To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.	
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PART A

APPLICATION NO: 15/01498/FUL
 DATE: 08.01.16
 VALID:
 APPLICANT: Nexus Land Ltd
 Skyline 120, 270 Avenue West, Great Notley, Essex, CM77 7AA
 AGENT: Phase 2 Planning
 200 Avenue West, Skyline 120, Great Notley, Braintree, Essex, CM77 7AA
 DESCRIPTION: Demolition of existing Grangewood Centre and erection of 25 no. dwellings including minor access road, garages, parking courts and private amenity space
 LOCATION: Grangewood Centre, 10 - 12 High Street, Kelvedon, Essex, CO5 9AG

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to:



SITE HISTORY

94/01264/TPO	Notice of intent to carry out work to trees protected by the Conservation Area - cut down 1 magnolia	Pending Consideration	
05/01847/LBC	Removal of canopy	Granted	27.10.05
05/02299/CON	Demolition of existing disused toilet block and activities centre to the rear	Granted	04.01.06
08/02140/LBC	Installation of terracotta air brick	Granted	09.03.09
15/01499/LBC	Demolition of existing Grangewood Centre and erection of 28 no. dwellings including minor access road, garages, parking courts and private amenity space	Withdrawn	19.08.16

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was

subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
LPP24	Affordable Housing
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas, and Demolition within Conservation Areas
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their Settings
LPP59	Landscape Character and Features
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP67	Run-off Rates
LPP68	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation.

SITE DESCRIPTION

The application relates to a brownfield site in the centre of Kelvedon encompassing the former Grangewood care centre and the former Butler Fuels Depot Site. The site measures 0.93ha and includes land that is adjacent to the rear of properties on the High Street (North), Maldon Road (South West), Brockwell Lane (South) and Easterford Road (North East). The site is located within the village envelope. It is also partly located within the Kelvedon Conservation Area and there are Listed Buildings neighbouring the site along the High Street and Maldon Road.

The 1960's Grangewood building on the site is currently vacant and spans a footprint of approximately 980sq.m in close proximity to the entrance of the site. The Butlers Fuel Site has since been demolished and now mainly comprises hard standing. Both the Grangewood Centre and Butlers Fuel Site had separate vehicular accesses, however as part of the proposal the Butlers Fuel Entrance would be closed up. The site would therefore be accessed from the High Street, in between No.12 and No.8 High Street.

PROPOSAL

The application proposes to demolish the Grangewood Centre and erect 25 new dwelling units. The application originally comprised 28 dwelling units;

however following discussions outlining concerns to the applicant, changes to the proposal have been sought during the application process and there have been several iterations of the proposed development.

The final iteration of the proposed development seeks permission for 25 dwellings (a net reduction of 3). The application proposes 19 market units and 6 affordable units: comprising 4 one bedroom two person flats (affordable), 2 two bedroom four person houses (affordable), 5 two bedroom 4 person houses, 1 three bedroom 6 person house, 1 three bedroom 5 person house, 9 four bedroom 7 person houses, 1 four bedroom 8 person house, and finally 2 five bedroom ten person houses (equating to 25 units).

The development would utilise a single vehicular and pedestrian access from Kelvedon High Street. The hard standing would comprise a shared surface for all parts of the development. The proposed largest dwelling on the site acts as a terminating feature at the end of the access road. The remainder of houses would front onto the proposed internal spine road and consequently back onto existing residential development on surrounding roads including the High Street, Easterford Road, Maldon Road and Brockwell Lane. The proposal includes a small area of open space that would encompass an existing tree subject to a TPO at the site. The proposal also includes associated landscaping for each proposed dwelling.

In addition, each unit would comply with the parking standards relevant for the number of bedrooms; the one bedroom apartments providing one space, the two bedroom+ houses providing 2 or more parking spaces. The proposal also includes 6 visitor spaces to comply with the parking standards; these are proposed to be concentrated around the South Western aspect of the development.

CONSULTATIONS

Essex County Council Sustainable Urban Drainage

The application initially did not include a drainage strategy. As such, the SUDs team initially recommended that the application was refused. A drainage strategy was subsequently submitted, however did not include all aspects required by the SUDs team. This was subsequently addressed through the submission of additional information. In response, the SUD's team have raised no objections to the application, subject to conditions relating to:

- Requirement for detailed surface water drainage scheme for the site
- Requirement for scheme to minimise off-site flooding
- Requirement of a maintenance plan for SUDs features
- Requirement to maintain yearly logs of maintenance

A number of informatives have also been recommended.

Essex County Council Historic Buildings Advisor

The Historic Buildings Advisor (HBA) commented that backland development in Kelvedon should be resisted. However, the Historic Buildings Advisor acknowledged that the site has been previously developed, and noted as that the site does not currently make a positive contribution to the Conservation Area. The Historic Buildings Advisor did not therefore have a principle objection to developing the site, however, outlined that the proposed scheme would need to be as sympathetic as possible to the Conservation Area and historic settlement plan of Kelvedon. The Historic Buildings Advisor however outlined some concerns with the original scheme, including the quantum of development, the proximity to all existing site boundaries and the design of some of the proposed house types.

Following discussions and revisions to the scheme, the Historic Buildings Advisor concluded that there would not be a detrimental impact to the character of the Conservation Area or nearby Listed Buildings. As such the Historic Buildings Advisor withdrew his objection to the scheme and is now in support of the proposed development subject to conditions.

Historic England

No comments received.

Essex County Council Archaeology

Outlines that the site is located in an area with potential for Roman and later activity. A previous evaluation conducted on part of the site showed some evidence of a Roman Road. As such, the Archaeological Officer raised no objection to the application subject to a condition requiring a written scheme of investigation to be submitted for approval prior to the commencement of development.

Essex County Council Highways

No objection subject to compliance with the following:

- Bellmouth entrance should be 6m wide.
- Min 6m radius at bellmouth
- Ramp should be minimum 6m from channel line of the High Street
- Should be 25m from highway to bin store
- Confirm 0.5m clearance to any structure
- Confirm sight lines at junctions and bends
- Assume visitor parking spaces will not be adopted
- No permeable paving
- Developer to decide if street lighting required. High Street junction will require a lighting design.

The submitted Highway Plan and the Design and Access Statement demonstrate that these issues have been taken into account when designing the layout of the site.

Braintree District Council Environmental Health

Objected to the application originally on the basis that there was inadequate information submitted regarding the phase 1 contamination survey to ensure that end users of the development would be adequately protected. Subsequently, a revised phase one survey has been submitted which has addressed these concerns. Subject to conditions requiring an intrusive assessment and a suitable remediation strategy, the Council's Environmental Health Officer raises no objections to the proposal.

Essex County Council Education

No objection to the proposed development. No formal request for a financial contribution towards additional school places.

Braintree District Council Housing Enabling Officer

No objection. Initially requested 10 affordable housing units in accordance with Core Strategy Policy requiring 40% affordable housing. However, taking into account Vacant Building Credit applicable at the site, the Strategic Housing Enabling Officer concluded that the development should provide 6 affordable units comprising 2 x 1 bedroom flats for shared ownership and 2 x 1 bedroom flats and 2 x 2 bedroom four person houses for affordable rent.

Anglian Water

No objection subject to condition regarding drainage strategy.

Kelvedon Parish Council

The Parish Council objected to the initial application for 28 houses for the following summarised reasons:

- Safety of the proposed access and site lines – site already very congested in this area
- Insufficient detail provided with regard to existing/proposed infrastructure
- Social housing should be included in site
- Plots 20,23,24 too close to neighbours
- An archaeological survey should be carried out
- Bore holes should be carried out
- An ecological survey of the site
- The Japanese knotweed to be cleared before development takes place
- Need of S106 agreement

Following the first set of revisions for 24 units, the Parish Council withdrew their objection, but outlined the following points:

- Concerns regarding traffic movement
- Concerns with regard to off-street parking
- Feel imperative the above is taken into account for the development

As of the date of composing this report, no further representations have been received from the Parish regarding the slightly revised scheme for 25 units.

REPRESENTATIONS

The application has been subject to three periods of neighbour consultation; 21 days for the initial 28 unit application including three site notices placed on Easterford Road, the High Street and at the entrance of Brockwell Lane. Then for the first set of revisions 21 days of re-consultation including neighbour notifications and three new notices were erected from the 26th of August 2016. Following the last set of revisions, neighbour notifications were again sent out from the 4th of October and three new notices again erected on this date.

The application received 9 objections and 2 general comments on its first round of consultation from:

2 * general comment

- Brockwell House
- 16 Fullers Close

9 objections

- (Douglas Management)- Kingsthorpe, Colchester
- 2 High Street Kelvedon
- (Campens Garden) 18 High Street Kelvedon
- Pippins, Kelvedon
- 32A High Street Fabia, High Street Kelvedon
- Fabia, High Street Kelvedon
- 2 Canonium Mews, Kelvedon
- Conifers Maldon Road
- Tryfan Maldon Road

The summarised comments are outlined below:

- No detail of the hedge on the boundary with No.31 Brockwell Lane
 - Should be retained as provides significant level of screening & character to Conservation Area
- Kelvedon High Street already very busy- difficulties with access
 - Site is in close proximity to post office and a general store
 - Post office vans often left parked on road
 - Application would have an impact on local road network
 - A bus stop either side of the road by the access

- Local residence already park on high street due to a lack of alternative parking
 - Already accident black spot
 - Danger to pedestrians
- The access close to blind bend – difficult to enter/exit
- Plots 4-11 do not have any secure cycle storage
- Tandem parking will lead to off-road parking
- No archaeological reports submitted with the application – should be included
- Significant risk of contamination at the site where plots 23-24 would be
- Impact on neighbours
 - Plots 23-24 should have obscure glazing on bathroom windows to protect privacy
 - Plot 23 would have a significant impact on light at far end of garden (18 High Street)
 - Plot 20 – loss of light and overshadowing (32A High Street)
 - Not 25m separation
 - Plot 4-7 – loss of light and privacy (Fabia, St marries Square)
 - Access walk between dwellings next to 3ft wall- need adequate boundary treatments
 - Noise impact from garages in close proximity
- Too many units proposed on site
 - Erodes separation between High Street, Easterford Road & Brockwell Lane
 - Out of character with other dwellings in the locality
 - Need for smaller houses in village

Further to the first re-consultation, the following representations have also been included and commented as follows:

1 objection: Tyfan, Maldon Road

- Close proximity of houses to boundary
- Traffic entering and exiting the site
- Good aspect that the cottages at the front of the site will be reused.

2 comments: Kelvedon & Feering Heritage Society & 2 High Street

- Application should be considered with other applications at the front of the site
- Rebuilding of wall from Grangewood site and boundary (no.2)
- Dangerous access – consideration given to alternative exits?
- Bellmouth road access allows for speeding- traffic calming measures should be put in place
- Conditions suggested – remediation of contamination and Japanese knotweed and all parking on site.

Following the second round of consultation, no responses have been received at the time of composing the report.

REPORT

Iterations of Scheme

Initial 28 dwelling unit scheme:

The initial scheme was quite different to the scheme currently under consideration. It comprised 28 dwelling units with a part minor access road part shared surface driveway. It included a multitude of large house types following along all of the boundaries of the site. The affordable apartment block and terraced units were located on the southernmost tip of the site, forming a weak terminating feature and a large parking court. The tree subject to a TPO at the site formed part of the garden of the apartment block. Other dwellings were in a tight arrangement and some hard up to site boundaries. It was therefore considered at the time that the layout needed significant improvement in conjunction with a reduction in the quantum of development.

First revised 24 dwelling unit scheme:

The revised scheme lost 4 units at the site. It also proposed significant changes to house types and layouts. The layout proposed to comprise a shared surface for the entirety of the development. The apartment block and affordable units were re-located further into the site to form stronger terminating features and also minimise the visual impact of parking courts. A larger unit was instead included to form a strong terminating feature when viewed from the High Street into the development. The tree subject to a TPO at the site is to remain as open space and is included with a small area of grass land measuring approximately 350sq.m. 6 visitor parking spaces were also included as part of the development. While the layout was considered to be less cramped, officers still had some concerns in relation to the proposed layout and scale of the house types proposed.

Final revised 25 unit scheme:

The final revised scheme is very similar to the above 24 unit layout. However, it removes the two former house type 9 units (which were L-shaped) and instead replaces them with three smaller dwelling units of better proportions which consequently increases the number of units to 25. Other changes included minor amendments to the elevations of house type 2, 3, 5, 6 and the apartment block. The garage for house type 3 was also detached from the house and moved back further into the site to facilitate a degree of separation. These aspects are discussed further in the report. House Type 10 was also removed.

For the avoidance of doubt, the revised plans for 25 units will form the basis of the assessment within the following sections of this report.

The Proposal & Site Layout

The layout comprises three distinct parts; south western section which includes the site entrance and plots 1-8; the middle section which comprises plots 9-17 and plots 23-25; and the north eastern aspect comprising plots 18-22. Furthermore, the scheme now comprises 10 different dwelling types including the apartments on the site.

Plots 1-3

The south western section includes 4 of these dwelling types. Plots 1-3 comprise the house type 1 design. House type 1 comprises three identical detached dwellings with their only variation the rendering colour. Plots 1-3 are therefore an exact replica of each other with an overall floor area of 79sq.m and a rear amenity space of 82sq.m for plot 1 and 85sq.m for plots 2-3. The units would measure 7.5m in height, 8m in depth and 5.8m in width. The units proposed are two bedroom four person houses. Plots 1-3 are simple in design to reflect and respect the character of the Conservation Area. Plots 1-3 would have two parking space arranged in a tandem layout at the side of the units in order to make the most practical use of space while also mitigating their presence in the street scene.

Plots 4&5

Plots 4 and 5 comprise house type 2 design which consists of a semi-detached pair. The units proposed are four bedroom seven person units. Units would be linked at first floor level with two car ports beneath. Following the re-consultation that occurred (on the 4th of October) this house type has been revised slightly to remove the first floor front gable element to form a more traditional dwelling house type. House type 2 would comprise an overall floor area 123sq.m and comprise a garden amenity space of 146sq.m and 212sq.m for plot 4 and 5 respectively. It would measure 8.3m in height, 7.7m in depth and 7.5m in width. The first floor element above the car port would measure 2.8m and be 6.6m high to ridge (from ground floor).

Plot 6

Plot 6 comprises house type 3 design that consists of a large detached house. It would measure 287sq.m in floor area and include a 44sq.m detached garage. It would comprise a garden amenity space of 395sq.m and includes 2 parking spaces. It would measure 7.5m to the ridge of the gables. The overall depth of the building would be 11.5m and the width of the building would be 13.6m. The unit proposed is a five bedroom ten person house. It has been designed to be a feature unit to form a terminating feature at the end of the access road when looking into the development from the High Street. However, post the initial re-consultation, the 'H' plan of the dwelling had been slightly tweaked to provide better continuity and character within the Conservation Area context. Adjacent to plot 6 is a tree subject to a TPO. This

tree is proposed to be retained as part of the development and incorporated within an area of open space for the development.

Plots 7, 8 & 23

Plots 7, 8 and 23 comprise house type 4, a four bedroom seven person brick built detached dwelling. It would comprise a floor area of 151sq.m with varying garden sizes: plot 7- 233sq.m, plot 8- 111sq.m and plot 23- 123sq.m. The units would measure 7.5m in height, 7m in depth and 10.5m in width. The rear gable outshot would measure 7.3m to ridge and project 3.5m in depth. Plots 7 and 8 specifically form the opposite side of the entrance road to plots 1-3. They are larger dwelling types but would comprise traditional features and proportions that would not be out of character with existing surrounding development. They would both include single garages and two tandem parking spaces.

Plots 9 & 18

The middle part of the development includes 5 dwelling types (including house type 4). House type 6 design is used for plot 9 & 18 which comprises a detached four bedroom eight person house with a brick plinth, rendered walls with a brick soldier course detailing and exposed rafter feet. Plot 9 and 18 would comprise an overall floor space of 125sq.m measuring 7m to ridge height, 9m in depth and 10.5m in width. The proposed rear gable outshot would measure 7.2m in height and 3.5m in length. The rear garden area of plot 9 would be 263sq.m and the rear garden for plot 18 would be 125sq.m. Plot 9 would also comprise two tandem parking spaces and a single detached garage, whereas plot 18 would comprise two parking spaces and two car port spaces.

Plots 10-13

Plots 10-13 comprise house type 7 and form a terrace of 4no. two bedroom four person units. A vehicular access is proposed in the middle of the terrace to a parking court at the rear of the houses. House type 7 is very simple in design with a brick finish. The units would comprise an overall floor space of 79sq.m, and a varying garden amenity space: plot 10-47sq.m, plot 11-52sq.m, plot 12-60sq.m and plot 13-78sq.m. With the exception of plot 10, flats 11, 12 & 13 would be compliant with the Essex Design Guide. This is discussed later in the report. The units would measure 8.6m in height, 8m in depth and 5.7m in width. The parking space for plots 10-12 would be located in the parking court behind the site, while the parking for plot 13 would be located in the other parking court which serves the apartment units.

Plots 14-17

Plots 14-17 comprise the proposed apartment building which includes the four one bedroom two person affordable flats. The apartment building forms another terminating feature on the site. The apartment block would be a two storey building with a hipped roof and a simple elevational treatment. The

north side is where the main access would be to the upstairs flats, this has been altered slightly to provide a stronger gable feature to the elevation. It would comprise a simple rendered finish. The apartment type 1 would comprise 52sq.m floor space, and apartment type 2 would comprise 58sq.m floor space. There would be a communal shared amenity space of over 200sq.m. The building would measure 8.3m in height, 15m in depth and 9.3m in width.

Plots 24-25

Plots 24 and 25 comprise house type 5 design. The main difference between the two plots would be the garage arrangement; plot 24 would have a detached garage while plot 23 would have a shared garage with plot 22. House type 5 would comprise a rendered finish with simple fenestration. It would comprise 114sq.m of floor space, with plot 23 comprising 140sq.m of amenity space and plot 24 comprising 180sq.m of amenity space. It would measure 8m in height, 10m in depth and 6.9m in width. The span width of the building has been broken up by the insertion of a rear gable element as per the latest revisions. House type 5 would be four bedroom seven person units.

Plots 18-22

The final part of the development relates to plots 18-22. Plot 18 is discussed above, as such plots 19-22 comprise the final three house types and form the very end of the cul-de-sac. Plots 22 and 20 would comprise house type 8 design, which consists of a simple render finish with traditional fenestration and proportions at the front. It comprises 92sq.m of floor space and would measure 7.6m in height, 6m in depth and 9m in width. It would therefore comprise a three bedroom six person house. The garden amenity area proposed would be 143sq.m and 110sq.m of private garden space for plot 22 and 20 respectively.

Plots 19-21

Finally, plot 19 & 21 relate to house type 9 which was formerly an 'L' shaped dwelling type. The design initially consisted of a hipped brick with an attached two bay cart lodge with a bedroom above. The design now is more traditional and reflective of other house types in the locality. The units would comprise 116sq.m of floor space and 148sq.m and 170sq.m garden amenity space for plots 19 and 21 respectively. The house type would measure 10m in length by 6.1m at the shortest point and 7.9m at the longest point (including the proposed gable) and the height of the unit would be 7.8m to ridge. House type 9 serves as a four bedroom seven person house.

Principle of Development

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In Paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and

inclusive design for all land and buildings. If a proposal fails to achieve good design, Paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area. Moreover, Paragraph 133 stipulates that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

Policy RLP2 states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. The site falls within the Town Development Boundary and has no specific land-use designation in the adopted Local Plan Review and has not been submitted through the call for sites procedure. The site is located in a predominately residential area of the High Street but has shopping facilities and amenities adjacent and nearby. It has good access to public transport and is therefore considered to be a sustainable location. The proposal would result in the efficient re-use of a brownfield site.

Policies RLP10 and RLP90 seek to protect the existing character of the settlement and the street scene. Policy RLP9 states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

Policy RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness. Guidance set out in the Essex Design Guide indicates that dwellings with two bedrooms should benefit from private gardens measuring a minimum of 50 square metres, and that dwellings of three bedrooms should benefit from private gardens measuring a minimum of 100sq.m

Policy RLP95 states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy RLP100 of the Local Plan states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

Policy CS9 of the recently adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development.

The site in this case is located within development limits. It is also located within Kelvedon Conservation Area and within the setting of nearby Listed Buildings. As such, the principle of development is acceptable subject to the detailed considerations set out below.

Design, Layout, Appearance & Impact upon the Character and Appearance of the Conservation Area and the Setting of Nearby Listed Buildings

The layout of the site has been simplified from the originally submitted scheme. It comprises a formal access road with views from the High Street onto the largest dwelling on the development that acts as a terminating feature. The remainder of views around the site also are met with terminating features; the apartment building in the middle of the site and plot 20 at the end of the site. The layout of the site is therefore linear and much simpler than originally sought. Parking courts are located behind dwellings or at the side of dwellings to minimise their prominence in the street scene. Similarly, parking spaces are not located in front of houses, and are located either at the rear or at the side. This enables a degree of continuity with continuous landscape planning that adds to the overall townscape of the development and visual amenity.

The designs of house types were also significantly altered to achieve a simpler more traditional form of development, both in terms of appearance and finer detailing. For example, plots 1-3 at the entrance of the development represent smaller simple cottage style dwellings that would be typical in a historical context. In addition, other dwellings such as plots 25 & 24 have reduced their span widths by introducing a rear gable feature that would have limited visibility in the street scene. Furthermore, house type 9 originally comprised a large house type that would have been out of keeping within the Conservation Area context. As such, this house type was removed, and replaced with a new designed house type that would be linear and more traditional relating to other proposed dwelling types in the development.

It is considered the development results in a sympathetic re-use of a derelict brownfield site, which as highlighted by the Historic Buildings Consultant does not currently make a positive contribution to the character and appearance of the Conservation Area.

As such, it is considered the revised scheme for 25 units would provide a suitable layout and an appropriate mix of dwelling types to be considered acceptable within the context of the Conservation Area and setting of nearby Listed Buildings. The scheme provides strong terminating features and promotes a strong streetscape by successfully integrating layout, landscaping and open space. As such, due to all of the above, it is considered that the application proposes an acceptable quantum of development on a sensitive

brownfield site that would not have a detrimental impact on the character and appearance of the area.

It is considered that the revised proposal would be sympathetic to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. It would not introduce development that would compete with the existing High Street development and would include traditional house types and forms. The buildings would also be appropriate within the setting of Listed Buildings that front on to the High Street. As such, the Historic Buildings Consultant considers that the scheme would not have a detrimental impact on the setting of designated heritage assets and concludes that the development is therefore acceptable. The Local Planning Authority concurs with this assessment. A number of conditions are recommended in relation to materials and detailing in order to ensure a high quality development is secured.

Amenity Space/Garden Sizes

All of the units except for plot 10 would comply with the 50sq.m or 100sq.m of private amenity space outlined for new development (two bedrooms and three or more bedrooms respectively). Plot 10 would however be very close to the required 50sq.m figure with a proposed garden amenity space of 47sq.m. However, it is considered that the development has some considerable gains in both the layout and form of development. It is therefore considered that the benefits of the scheme far outweigh the potential harm to the future occupiers of plot 10 by virtue of a slightly smaller garden allocation.

Boundary Treatments

Concerns have been raised that no details were submitted to clarify the intention of the hedge on the boundary with No.31 Brockwell Lane. The hedge is however shown on the proposed Site Plan and tree protection plan and as such is understood to be retained as part of the development. In any case, boundary treatments form part of a condition for this application and will be controlled via this mechanism. In addition, condition 8 will require details of all boundary treatments to be submitted for approval.

Impact on Neighbour Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policies RLP3 and RLP90 of the Braintree District Local Plan Review seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

The Essex Design Guide provides guidance for the separation distances between existing and proposed dwellings. It states that new housing should be located 15m from the rear boundary of a site, and any back-to-back distances with existing dwellings should be 25m or more. However, it states that where the backs of houses are at more than 30 degrees to one another,

the separation between the backs of houses can be 15 metres from the nearest corner. It also states that at normal urban densities, some overlooking of rear gardens is inevitable. However, if a new dwelling fails to comply with this criterion, it does not automatically mean that there would be a detrimental impact upon neighbouring amenity and should be taken on a case by case basis. The site is brownfield and is located in a context where it backs onto residential development on all sides. It is therefore important to acknowledge that some overlooking would occur as part of this proposal.

Plots 5, 7, 9, 10-12 and plot 23 all comply with the guidance outlined in the Essex Design Guide with regard to neighbouring separation distances. Plots 1-3, plot 6, 18-21 and 24-25 are all slightly below the stated guidance of 15m from the elevation of the house types. They would however include much larger overall separation distances than the stated guidance of 25m. As such, while the guidance in this case would not be explicitly met, in each of these cases due to the long back-to-back separation distances it is considered these plots would not cause a detrimental impact on the amenity of corresponding neighbouring amenity.

Plots 4 and 5 would be located 7m and 10m respectively away from their rear boundary. Plot 4 would incur a back-to-back distance with neighbouring dwelling 'Tryfan' of approx. 37m. Plot 5 would incur a back-to-back separation distance with neighbouring dwelling 'Trewyn' of approx. 40m. These neighbouring dwellings are however at a slightly different angle to the proposed dwellings. As such, while there may be some degree of overlooking from the lack of separation to the boundary, on balance, it is considered due to the large separation distances and change in angles, that this impact would not be detrimental for neighbouring dwellings 'Tryfan' and 'Trewyn.'

It should be noted that Local Planning Authority is also considering a current application for the erection of a new dwelling behind No's 26-30 High Street. This dwelling would be sited in a similar position to No.32a High Street, but has been designed to maximise the curtilage to the Grade II* Listed Building that fronts the site. Plot 13 is sited 10m away from the rear boundary of the proposed dwelling. Including the proposed dwelling behind No.26-30 (application 15/01593/FUL), the back-to-back separation distance at the site would be approximately 18m away. This would be below the standard outlined in the Essex Design Guide. However, both the proposed dwelling and plot 13 would represent development in a similar setting in an urban context, and as such some degree of overlooking is inevitable. In this case, it is considered on balance that the relationship between plot 13 and the proposed dwelling would be acceptable.

The parking court serving plots 10-12 comprises 6 spaces. It would be sited adjacent to the boundary with No.16, No.18 High Street and the proposed new dwelling (as discussed above behind 26-30 High Street). However, taking into consideration the low intensity of use that would be associated with the parking court, and that it only serves three units, it is considered that it would not have a detrimental impact on No.16, No.18 High Street or the proposed new dwelling in terms of noise or general disturbance.

Plots 14-17 are incorporated into the apartment block on the North East aspect of the site. The apartment block would be sited adjacent to a parking court that serves its units and two parking spaces for plot 13. It would include a back-to-back separation distance with 32A of 25m at the closest point, and would be sited 11m away from the boundary. No.32A is however a modern house erected in a backland context. As such, development on this brownfield site that adjoins this boundary means that a degree of overlooking is inevitable. As such, while there would be a degree of overlooking, it is considered due to the 25m back-to-back separation that this distance on balance would not have a detrimental impact upon the amenity of No.32A.

The other aspect is with regard to the proposed parking court for the apartment building which would be adjacent to the side/rear boundary of 32A. However, as outlined above for the other parking court, taking into consideration the low intensity of use that would be associated with the parking court and its limited nature to four apartments and one house, it is considered that it this would also not have a detrimental impact on No.32A.

The site is sensitive as it backs onto existing residential development on High Street (North), Maldon Road (South West), Brockwell Lane (South) and Easterford Road (North East). The corresponding relationship of each proposed dwelling with the existing dwelling has been carefully assessed in accordance with the guidance outlined within the Essex Design Guide. It is acknowledged that some distances do not comply with this guidance. However, each neighbour relationship was considered on its own merits and was determined not to cause a detrimental impact upon the corresponding neighbouring amenity. As such as outlined above, ,it is considered that there would not be a detrimental impact on any surrounding residential properties as a result of the proposed development by virtue of overshadowing, overbearing and loss of privacy. As such, it is considered the proposal is acceptable in this regard.

Highway Issues

Policy RLP 56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009. For new dwellings with one bedroom one space should be proposed. For two bedrooms or more the standards indicate that a minimum of two parking spaces should be provided. Each space should each measure 5.5 metres in depth by 2.9 metres in width. Garages to count as parking spaces should measure 3m in width by 7m in length.

Parking

Plots 1-5, 7-9, 19-20 and 25 comprise two parking spaces in tandem measuring 5.5m by 2.9m. Plots 7-9,19-20 and 25 also include an additional parking space in the garage which would measure 3.1m in width by 7.3m in

length. Plot 6 and 18 comprise two side-by-side parking spaces that would be compliant with the standard.

Plots 10-13 provide two parking spaces per dwelling side-by-side in a parking court. Plots 14-17 comprise 1 bedroom and as such only provide 1 parking space per unit (in accordance with the parking standard requirement). Plots 21 & 22 each have a single parking space in front of a shared car port that is also proposed to contain one parking space. Plots 23 & 24 have a shared garage that would measure 6m by 7.3m.

As such, the proposed development would comply with the adopted parking standards. Concerns by neighbours were however raised with regard to the tandem parking stating that it would not be utilised properly and lead to increased off-street parking. It is however important to note that tandem parking is recognised and accepted within the Essex Design Guide for new development. As such, it is considered the development meets all relevant criteria for the parking spaces proposed.

Access

The access to the site would be from the High Street. The development proposes to utilise the existing access in between No.10 and No.12 High Street. The access would be brought up to the required standard and form a T-Junction with the Highway Entrance. It would comprise visibility splays of 2.4m by 48m in both directions.

Essex County Council Highways outlined criteria in their response (outlined in consultation section) which the proposed highway plan submitted with the application addresses. This includes the bellmouth entrance being 6m wide and a minimum radius of 6m to the bellmouth. The plan also illustrates that there would be 0.5m clearance from any structure around the route through the site. It was also recommended that no permeable paving is required; as such the development includes a SuDs scheme which is discussed in more detail in the sustainability section below. As such, it is considered this criteria has been met and the Highways Officer consequently had no objection to the application.

Several concerns have been raised by residents regarding the access to the site. This included concerns relating to the difficulty of entering and exiting the site, high levels of existing on-street parking on the High Street that could restrict visibility and the bus stop on either side of the road. It has also been suggested there would be a danger to pedestrians on the High Street by virtue of vehicles entering and exiting the site.

While residents' concerns are noted, the application seeks permission to use and improve an existing vehicular access that would have formerly had some vehicular movements associated with it (as part of the Grangewood Centre). These former vehicular movements have to be taken into account when considering new development on a site. This development proposes 25 new dwelling units that would result in a small intensification upon the previous use

as the Grangewood Centre. However, the existing access will be improved to comply with the standards outlined by Essex County Council Highways including the provision of the required visibility splays.

As such, due to the above, Essex County Council Highways Officer has no objection to the application. As such, it is considered that the proposed access and layout of the development proposed is acceptable

SuDs

Policy RLP69 states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

Government Policy as set out in Para.103 of the NPPF strongly encourages a sustainable drainage system (SuDs) approach to achieve these objectives. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.

The site is located in Flood Zone 1 and is not at risk from other flooding sources such as surface water flows (pluvial), groundwater, tidal and artificial. The proposed surface water drainage strategy is designed to direct flows to the existing ditch at the north-east of the site, in line with the current hydrological regime. It would comprise an aquacell geocellular attenuation tank underneath the parking area of the proposed apartment buildings. There were initially concerns raised by the SuDs officers at Essex County Council regarding this element. However, following updated information and more clarity the SuDs officer had no objection to the application.

Foul sewage from the development will be drained by gravity and discharged to the 9-inch Anglian Water foul sewer to the east of the site. The connection manhole resides in private land; therefore, third party agreement will be required. It is anticipated that Anglian Water will adopt the surface water and foul water drainage within the main spine road; with all upstream and offline SUDS to be maintained by a private management company. Anglian Water had no objection to the proposal subject to an appropriate drainage strategy which has now been submitted.

Landscape and Ecology

Policy RLP80 (Landscape Features and Habitats) states that proposal for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodland, grassland, ponds and rivers. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

Policy RLP84 (Protected Species) stipulates that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment.

The application was supported by an arboricultural impact assessment dated 19.08.2016. As part of this assessment, the trees and hedgerows on the site were inspected and assessed. The findings outline that there were no trees of high amenity value (excluding the tree subject to a TPO at the site), and 8 trees and 2 hedgerows have been assessed to be of moderate quality. 23 trees, 1 hedgerow and 3 grounds have low amenity value. 1 tree and 1 group are poor quality in accordance with BS 5837 (Trees in relation to design, demolition and construction).

As part of the development, 23 trees and six groups of hedging of low to poor amenity value will be removed to facilitate the development. It is considered they are unsuitable for the development as proposed but will be remediated through new planting on the scheme.

A tree protection plan has been submitted to demonstrate that the existing retained trees on the site will be protected during development. This includes measures outlined in the arboricultural impact assessment including appropriate root protection areas and no-dig construction. As such, it is considered there are no objections to the proposed landscaping and ecology at the site. The tree protection plan and arboricultural impact assessment will be included as conditions to the application.

Lighting

Policy RLP 65 (External Lighting) states that proposals for external lighting which require planning permission will only be permitted if the lighting is designed as an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; and there is no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users and there is no unacceptable harm to natural ecosystems.

No details of lighting have been submitted in plan form to supplement the application. These details will however be secured via condition. Notwithstanding the above, the site is located in an existing area that has existing illumination measures in place, and as such is not located in a sensitive location to lighting. As such, subject to an appropriate lighting scheme being secured via condition, it is considered there would not be a detrimental impact on the area by any future proposed lighting on the scheme.

Affordable Housing

Affordable housing as defined by the NPPF includes: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas such as Kelvedon or 30% affordable housing on sites in urban areas such as Witham. This is echoed by emerging Policy LPP24. The application site is situated within the core nucleus of Kelvedon. As such, 40% of 25 dwellings would equate to the requirement of 10 affordable dwellings.

The applicant has however proposed to utilise Vacant Building Credit in order to reduce the affordable housing provision on the site. Vacant Building Credit was initially introduced in Planning Practice Guidance in November 2014. The basic premise is to encourage development on brownfield sites that contain existing buildings. The Planning Practice Guidance states:

“Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”

Vacant Building Credit applies to any buildings that have not been abandoned. The application site in this case includes the existing Grangewood Centre building that is vacant and has not been abandoned. It has a cumulative floor space of 933sq.m. As such, planning practice guidance requires that this amount of floor space should be off-set from the cumulative proposed floor space of the development. This calculation is then utilised to determine the number of units that would be eligible for an affordable housing contribution.

The calculation is as follows:

- Total SqM of scheme = 2653sq.m
- Total SqM of Scheme divided by the 25 units (to calculate average building size) = 106.2
- Size of existing building = 980sq.m

$(2596 - 980) / 106.2 = 15.75$ units.

The calculations therefore illustrate that the Local Planning Authority can only seek 40% affordable housing in relation to 15.75 units, opposed to the 25 units utilising the principles of Vacant Building Credit. As such, 40% of 15.75 equates to 6.3 units, which when rounded would comprise 6 units. As such the applicants in this case only need to provide 6 affordable units opposed to 10 utilising Vacant Building Credit to be compliant with policy.

6 units of the 25 units are therefore proposed to be affordable and would comprise; 4 no. one bedroom, two person apartment and 2 no. two bedroom four person houses. This would equate to the split sought by the Strategic Housing Officer of 70:30 affordable rent (2 apartments & 2 houses) to shared ownership (remaining 2 apartments).

As such, taking into account the principles of Vacant Building Credit, the development would provide 6 affordable units that would be compliant with National Policy. These details would be secured via the accompanying S106 agreement.

Public Open Space

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 and CS11 of the recently adopted Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

The open space calculation is done in accordance with the following figures:

No of bedrooms per dwelling	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Contribution per dwelling	£1,011.74	£1,478.70	£2,023.49	£2,334.79

Open space total as per the current scheme: **£46,462.32**

The scheme that the money will be attributed to will be confirmed in the S106 heads of terms. There are a number of schemes identified for Kelvedon in the Open Spaces Action Plan.

In addition to the above, and as referred to earlier in the report, a small area of open space which incorporates the tree subject to a TPO is proposed within the development. It is proposed that the maintenance of this space along with other areas of the public realm would be maintained by a management company. This would be secured through the Section 106 Agreement.

Contamination

Policy RLP 64 states that an applicant proposing development on or near a site where contamination may exist, should carry out a thorough investigation, so as to establish the nature and extent of the contamination. Results should be submitted to the District Council as part of the planning application.

Development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination so as not to:

- a) Expose the occupiers of the development and neighbouring land uses, including in the case of housing, the users of gardens, to unacceptable risk;
- b) Threaten the structural integrity of any building built, or to be built, on or adjoining the site;
- c) Lead to the contamination of any watercourse, water body or aquifer;
- d) Cause the contamination of adjoining land or allow such contamination to continue;
- e) Have an adverse effect upon natural habitats and ecosystems.

Where possible, contamination should be treated on site. Any permission for development will require that the remedial measures agreed with the authority must be completed as the first stage of the development.

The buildings along High Street are developed by 1875. A fuel depot is built in the central north of the site by 1952, later being decommissioned between 2000 and 2007. The care home, the Grangewood Centre was developed by the late 1960s in the west.

As such, a phase one survey was submitted to support the application. The initial phase one survey did not include the former butlers fuel site and as such the Council's Environmental Health Officer raised objection to the application. As such, a revised and updated phase one survey was submitted.

The report recommends that further intrusive investigation is required to assess shallow soil impacts, particularly local to the former depot. Groundwater quality should be assessed in order to determine whether there has been any appreciable natural attenuation and whether significant risk remains to Controlled Waters. Soil-vapour should be assessed local to the former depot, and downgradient, to assess whether soil-vapour sourced from the former impacts to groundwater and soils is a risk to the proposed development.

The Environmental Health Officer has considered the phase 1 survey and is satisfied that permission can be granted subject to further investigation and remediation works being agreed via condition.

Japanese knotweed is also present at the site. The removal of this knotweed would be required prior to the commencement of development. An informative to this effect has been attached to the application as Japanese Knotweed is covered by separate environmental legislation to planning.

CONCLUSION

The site is located within the town development boundary where the principle of new residential development is acceptable. The site could accommodate the proposed dwellings along with the required garden and parking provision without giving rise to unacceptable impacts upon the character of the area, Conservation Area, setting of Listed Buildings or neighbouring residential amenity. It would provide 6 affordable units in accordance with national policy, protect trees/hedging of high amenity value, include appropriate drainage and sewage strategies and appropriate remediation measures for contamination. It is therefore considered that the proposal accords with national and local planning policy as set out above.

RECOMMENDATION

It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing:** 6 units comprising 2 x 1 bedroom flats for shared ownership, and 2 x 1 bedroom flats and 2 x 2 bedroom 4 person houses for affordable rent.
- **Public Open Space:** Financial contribution of £46,462.32 toward public open space provision to be allocated to identified project(s) contained within the Open Spaces Area Action Plan in consultation with the Parish Council. A management company be appointed for the maintenance of the proposed open space at the site.

The Development Manager be authorised to GRANT permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

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

APPROVED PLANS

Existing Block Plan	Plan Ref: 002.01	
Tree Plan	Plan Ref: 3436TPP	Version: B
Technical Information	Plan Ref: EXISTING UTILITIES PLANS MPO0120	
Garage Details	Plan Ref: 220.02	
Location Plan	Plan Ref: 001	
House Types	Plan Ref: 205.02	
House Types	Plan Ref: 206.02	
House Types	Plan Ref: 207.02	
House Types	Plan Ref: 210.02	
House Types	Plan Ref: 214.02	

House Types	Plan Ref: 215.02	
Drainage Plan	Plan Ref: U315-003	Version: B
Site Plan	Plan Ref: 200.21	
Parking Strategy	Plan Ref: 201.04	
House Types	Plan Ref: 208.3	
House Types	Plan Ref: 209.3	
House Types	Plan Ref: 212.3	
House Types	Plan Ref: 213.3	
House Types	Plan Ref: 216.4	
House Types	Plan Ref: 218.3	
Apartment Plans	Plan Ref: 219.03	
Street elevation	Plan Ref: 202.04	
Street elevation	Plan Ref: 203.04	
Drainage Plan	Plan Ref: STATEMENT U351-02	
Site Survey	Plan Ref: PHASE 1 CONTAMINATION SURVEY	
	Version: 100987/001/DS	

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

Reason

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

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

Reason

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

- 3 No above ground works shall be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 4 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason

The Essex Historic Environment (HER) record shows that the proposed development will affect a site of archaeological interest. The site is located within an area of archaeological potential for Roman and later activity. Previous evaluation on parts of the application site has revealed evidence

for a possible road dating to the Roman Period. There will need to be further investigation in the site on previously inaccessible areas and previously un-surveyed areas.

- 5 No above ground works shall commence until a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed 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 first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the Local Planning Authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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

Reason

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

- 6 No above ground works shall be commenced until a scheme for the provision of nest/roost sites for bats and birds shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter so maintained.

Reason

In the interests of conserving and enhancing biodiversity on the site

- 7 No tree felling shall take place between 1st March and 31st October.

Reason

In order to protect birds and other wildlife during nesting season.

- 8 No above ground works shall be commenced until details of all gates / fences / walls or other means of enclosure shall be submitted to and

approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

Reason

In the interest of visual amenity and to protect the privacy of the occupiers of adjoining residential properties.

- 9 No unbound material shall be used in the surface finish of the driveways within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway

- 10 No above ground works shall be commenced until details of the proposed measures to prevent the discharge of surface water from the development onto the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason

In the interest of highway safety to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway, in accordance with Policy DM1 of the Highway Authority's Development Management Policies.

- 11 The vehicular parking spaces shall have minimum dimensions of 2.9m by 5.5m and shall be made available for use prior to the occupation of the development.

Reason

To ensure adequate car parking provision within the development.

- 12 No above ground works shall be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter retained as such.

Reason

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

- 13 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other

property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

- 14 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority

Reason

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

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

Reason

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

workers, neighbours and other offsite receptors.

- 16 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason

In the interests of the amenity of residents of the locality.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

- 18 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason

In order to minimise nuisance caused by pollution in the interests of residential amenity. Details are required prior to the commencement of development in order to ensure that mitigation measures are in place prior to any works commencing on site.

- 19 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

To prevent mud from being tracked onto the public highway and to protect the amenities of the occupiers of nearby residential properties and the surrounding area. Details are required prior to the commencement of development in order to ensure that mitigation measures are in place prior to any works commencing on site.

- 20 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

In order to minimise nuisance caused by pollution in the interests of residential amenity.

- 21 The development shall adhere to the tree protection plan reference 3436TPP B dated 26th of August 2016. 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.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The trees and hedges that are to be retained should be protected during development to ensure their longevity.

- 22 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All

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

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 23 No works 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 shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limit discharge rates to 2.2l/s for the 1 in 1 year storm event and 8.5l/s for the 1 in 100 year event plus a climate change allowance of 40%.
- Provide sufficient attenuation storage to ensure that no off site flooding is caused as a result of the development for all storm events up to and including the 1 in 100 year event plus a 40% allowance for climate change and a 10% allowance for urban creep over the life time of the development.
- Provide sufficient long term storage to mitigate the increased volume of water that leaving the site. this should discharge at no more than 5l/s
- Provide sufficient treatment for all elements of the development in line with the CIRIA SuDS Guide C753.

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.

- 24 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 has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. 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.

- 25 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a Maintenance Company, details of long term funding arrangements should be provided.

Reason

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

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

Reason

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

- 27 Prior to occupation of any dwelling, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

- 28 No above ground works shall commence until details of the proposed construction, mortar, bond and capping of the boundary treatments, as well as samples of the proposed brick have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be

permanently retained as such.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 29 No above ground works shall commence until additional drawings that show details of proposed new windows, doors, rooflights and chimneys to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

INFORMATION TO APPLICANT

- 1 The applicant should consult with the Environment Agency regarding the removal and management of Japanese Knotweed on the site and follow the 'Knotweed Code of Practice for Developers' published by the Environment Agency. Failure to appropriately dispose of waste material containing Japanese knotweed may lead to prosecution under Section 34 of the Environment Protection Act 1990 and Section 14 of the Wildlife & Countryside Act 1981.
- 2 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 3 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 4 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 5 The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- 6 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any

material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

- 7 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

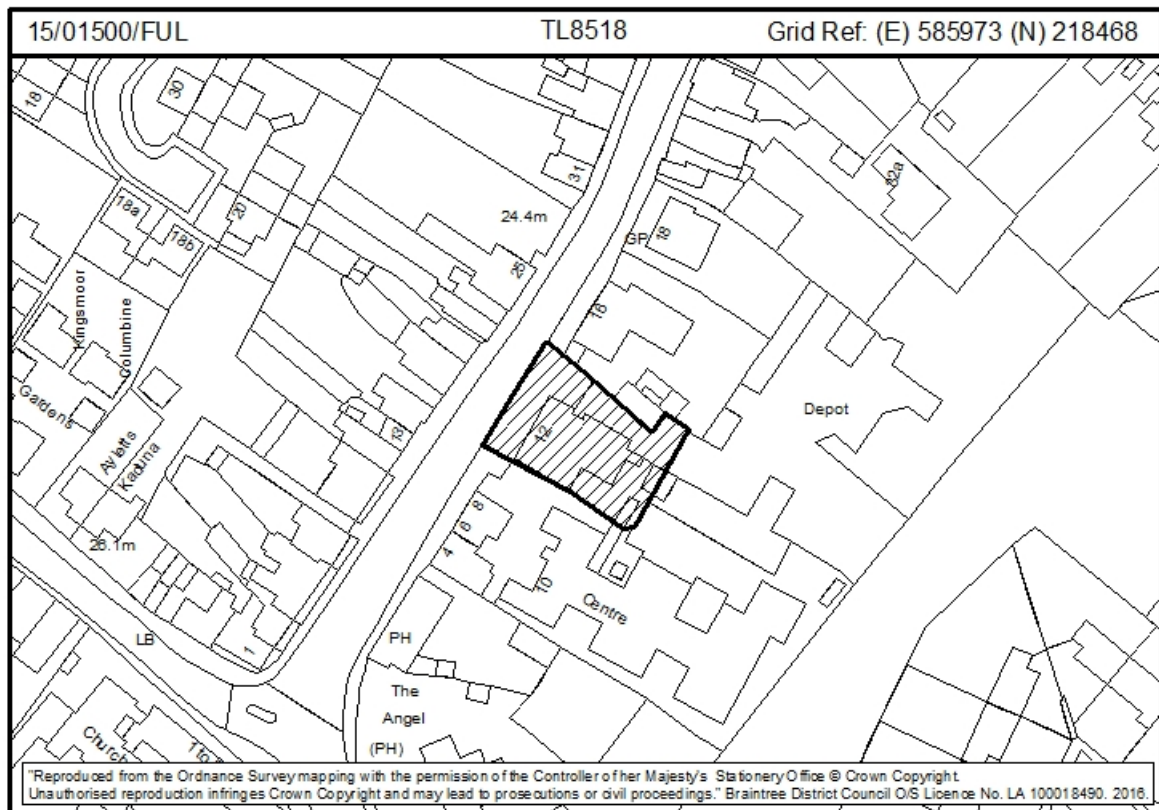
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 15/01500/FUL
 DATE: 08.01.16
 VALID:
 APPLICANT: Nexus Land Ltd
 C/o Agent
 AGENT: Phase 2 Planning
 200 Avenue West, Skyline 120, Great Notley, Braintree,
 Essex, CM77 7AA
 DESCRIPTION: Change of use of existing building to form Use Class A1
 (Shops) / Use Class B1 (Offices)
 LOCATION: 12 High Street, Kelvedon, Essex, CO5 9AG

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to:



SITE HISTORY

84/01182/	Removal of existing office building and replacement with portakabin.	Granted	06.11.84
84/01322/LB	Demolish and remove wooden office building and replace with portakabin	Granted	27.11.84
85/01090/	Replacement of lubricating oil store and installation of 2 no 30' x 9" oil storage tanks.	Granted	08.10.85
90/00919/PFWS	Temporary Office Accommodation - Previous Application Bte/1182/84	Granted	19.07.90
93/00094/FUL	Retention of 2no. new above ground fuel storage tanks, construction of new bunds walls	Granted	21.04.93
94/00253/FUL	Proposed stationing of temporary portakabin	Granted	06.04.94
95/00274/FUL	Erection of protective canopy at loading point	Granted	16.06.95
95/00582/FUL	Renewal of temporary permission for temporary office accommodation - 90/00919/FUL	Granted	20.06.95
97/01109/FUL	Installation of safety barrier for loading road tankers	Granted	18.09.97

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS4 Provision of Employment
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP36 Industrial and Environmental Standards
RLP56 Vehicle Parking
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas
RLP97 Changes of Use in Conservation Areas
RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
SP2 Meeting Housing Needs
SP3 Providing for Employment
LPP7 Retailing and Regeneration
LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries

LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas, and Demolition within Conservation Areas
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their Settings
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application forms one of three interrelated development proposals relating to No.4,6&8 High Street, No.12 High Street and The Grangewood Centre.

SITE DESCRIPTION

The site relates to a Grade II Listed Building on Kelvedon High Street. It is located within the Conservation Area and is in close proximity to other Grade II Listed Buildings. The building originates from the 16th Century with later alterations from the 18th or 19th Century. The former use of the building is understood to have been in connection with the Class C2 use of the Grangewood Centre behind the development. It is currently unoccupied.

PROPOSAL

The application seeks permission for the change of use of the existing building from Class C2 to Use Class A1(Shop) at the ground floor and Use Class B1 (Offices) on the first floor. This application does not propose any internal or external changes to the building. This application therefore solely relates to the proposed change of use.

CONSULTATIONS

Essex County Council Historic Buildings Advisor

No objection to the proposal as there are no internal or external works proposed to the building. Furthermore, a change of use would also secure the building longevity. The Historic Buildings Advisor notes however that any future application for any ancillary paraphernalia would be highly resisted given the current unencumbered architectural character of the building.

Kelvedon Parish Council

No objection to the proposal but recommend that sufficient parking is made available.

Braintree District Council Environmental Services

No objection subject to conditions relating to noise, hours of use, vehicular movements, hours of delivery, waste collection and external lighting. Furthermore, given contaminated land near to the site, there should be confirmation that there is no risk of migrating contaminants posing any risk to sensitive receptors.

Essex County Council Highways Officer

No comments received.

REPRESENTATIONS

Two letters of objection have been received from 16 High Street and 2 High Street outlining the following summarised concerns:

- Building not suitable for a shop- better served as offices due to lack of obvious shop frontage
- Concerns raised by 16 High Street regarding the red line of the site. This has been subsequently addressed in a revised location plan attached with the application.

REPORT

Principle of Development

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In Paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, Paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area. Moreover, Paragraph 133 stipulates that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

The site is located within Braintree Development Boundary therefore in accordance with policy RLP2 and RLP3 of the Braintree District Local Plan Review the principle of development can be established. This is subject to other material planning considerations and compliance with other relevant planning policies. Policy RLP36 states that changes of use will not be permitted if the proposals would have an unacceptable impact on the surrounding area, as a result of various factors such as noise and traffic generation.

The site is currently vacant but is understood to have been in a C2/B1 use in connection with the Grangewood Centre. The site in this case is located within the Kelvedon Development Boundary and on land with shops, offices and residential dwellings in the immediate locality. It is therefore considered that

the principle of the change of use is acceptable, subject to other material considerations outlined below.

Design, Appearance and Layout

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In addition, Policy RLP95 of the Local Plan states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy RLP97 states that the change of use of a building within a Conservation Area will only be permitted if the change of use, and any associated alteration to the appearance or setting of the building preserves or enhances the character and appearance of the area.

Furthermore, Policy RLP100 of the Local Plan states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

The site does not propose any exterior or interior changes as part of this proposal. As such, it is considered there would not be a detrimental impact on the character and appearance of the Listed Building or the Conservation Area.

However, it should be noted that this application does not cover any ancillary paraphernalia associated with the change of use such as signage. This would need to be part of a separate application, although given the currently unencumbered architectural character of the building this will require careful assessment.

Impact on Neighbour Amenity

Policy RLP 90 states that there should be no undue or unacceptable impact upon neighbouring residential amenity.

The site does not propose any exterior or interior changes as part of this proposal. However, conditions have been raised by the Environmental Health Officer in relation to ensure that the first use of the building does not have a detrimental impact upon neighbouring residential properties. As such, conditions have been attached to ensure the amenities of residents are protected. With these conditions in place it is considered there would not be a detrimental impact upon neighbouring amenity.

Highway Issues

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009.

The Parking Standards for the A1 Use Class stipulate that 1 space should be provided per 20sq.m. However, it states that a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.

The Parking Standards for a B1 use class should provide 1 space per 30sq.m. However, it also states a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities.

The parking standards for a C2 use stipulate that as a maximum standard 1 parking space should be provided per full time equivalent of staff, and 1 visitor space per 3 beds. It is not clear how many staff were utilised in connection with the former C2 use of the building and wider site. It is reasonable however to expect that there would have been a high number of staff and vehicles associated with the previous C2 use.

The total footprint of the ground floor of the building would measure approx. 220sq.m which will be utilised for the A1 use. The total footprint of the first floor would be approx. 160sq.m that would be utilised for B1 office use. As such, the units together would be required to provide 17 parking spaces in accordance with the above standards.

As proposed the building would comprise 2 allocated parking spaces adjacent to the building on the northern boundary. If taken in isolation, the proposal would not comply with the above parking standards. However, the site in this case is located within the village centre of Kelvedon in close proximity to other shops and services which do not have off-street parking provision. In addition,

this proposal would secure a long term use for the Listed Building to ensure its longevity.

As such, taking into account both of the above in the determination of the merits of the application, it is considered that it would be unreasonable to refuse the application on the basis of a lack of off street parking. Moreover, no objection has been received from the Highways Officer. As such the proposal is considered to be acceptable.

CONCLUSION

The application seeks to change the use of the building from Use Class C2 to a mix of A1 (Shop) (at ground floor) and B1 (Office) (at first floor). It would not include any external changes or signage. Furthermore, the site would be provided with two parking spaces that would be compliant with the Parking Standards taking into account the former use of the site and village centre location. As such, it is considered there are no detrimental character or highway issues associated with this application.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Block Plan	
Existing Floor Plan	Plan Ref: 386.217.00
Floor Plan	Plan Ref: 386.225.00
Location Plan	Plan Ref: 386.004.01

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

Reason

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

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

Reason

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

- 3 Prior to occupation a scheme detailing the provisions to be made for the control of noise emanating from the site shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and permanently maintained as such.

Reason

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

- 4 There shall be no vehicular movements to, from or within the premises outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

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

- 5 Prior to construction details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

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

- 6 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

- 7 The retail premises shall not be open for business outside the following hours:

Monday to Friday 07:00 hours - 19:00 hours

Saturdays & Sundays 07:00 hours - 19:00 hours

Public and Bank Holidays 07:00 hours - 19:00 hours

Reason

In the interests of the amenity of residents of the locality.

INFORMATION TO APPLICANT

- 1 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

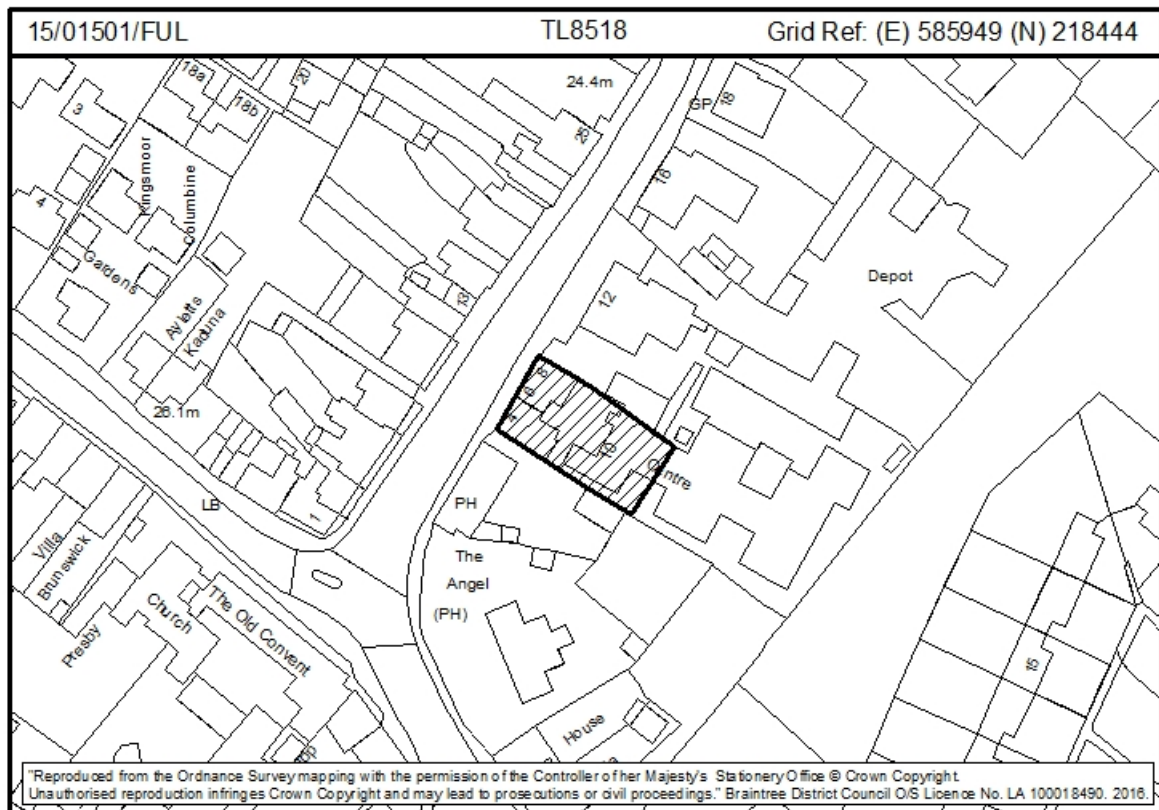
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART A

APPLICATION NO: 15/01501/FUL
 DATE: 08.01.16
 VALID:
 APPLICANT: Nexus Land Ltd
 C/o Agent
 AGENT: Phase 2 Planning
 200 Avenue West, Skyline 120, Great Notley, Braintree,
 Essex, CM77 7AA
 DESCRIPTION: Conversion and change of use of nos. 4, 6 and 8 to form 3
 no. dwellings consisting of 2 x 2 bed and 1 x 1 bed
 LOCATION: 4, 6 & 8 High Street, Kelvedon, Essex, CO5 9AG

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to:



SITE HISTORY

10/01031/OUT	Hybrid application for detailed permission for demolition of the Grangewood Centre and redevelopment of site providing 3no. five bedroom supported independent living units, orangery/community building, management building, 20 no. staff and visitor parking spaces, gardens and 8 no. parking spaces for houses 4, 6, 8 and 12 High Street and outline planning permission for 13no. two storey, two bedroom houses with 26 resident parking spaces.	Withdrawn	25.11.10
10/01032/CON	Hybrid application for detailed permission for demolition of the Grangewood Centre and redevelopment of site providing 3no. five bedroom supported independent living units, orangery/community building, management building, 20 no. staff and visitor parking spaces, gardens and 8 no. parking spaces for houses 4, 6, 8 and 12 High Street and outline planning permission for 13no. two storey, two bedroom houses with 26 resident parking spaces.	Withdrawn	25.11.10
10/01710/OUT	Demolition of The Grangewood Centre and provide and develop 3 no. 4 bed and 1 no. 3 bed semi independent care homes together with proposed management and orangery buildings with 18 no. staff and visitor parking spaces. Existing land to the north	Withdrawn	20.05.11

10/01711/CON	east of the site to be redeveloped into 3 no. 2 storey houses with parking court and 5 no. 2 storey 4 bed houses with attached double garages. Demolition of The Grangewood Centre and provide and develop 3 no. 4 bed and 1 no. 3 bed semi independent care homes together with proposed management and orangery buildings with 18 no. staff and visitor parking spaces. Existing land to the north east of the site to be redeveloped into 3 no. 2 storey houses with parking court and 5 no. 2 storey 4 bed houses with attached double garages.	Withdrawn	20.05.11
15/01502/LBC	Conversion and change of use of nos. 4, 6 and 8 to form 3 no. dwellings consisting of 2 x 2 bed and 1 x 1 bed	Pending Decision	
79/01349/P	Conversion of first floor into flat, including the provision of a kitchen.	Granted	17.09.79
80/00680/P	Erection of covered walkway.	Granted	04.07.80
83/01097/P	Erection of single storey extension.	Granted	17.11.83
95/00948/COU	Proposed change of use from residential accommodation to offices	Granted	09.10.95
96/00068/LBC	Proposed fitting of external fire alarm indicator panel to rear of building	Granted	15.02.96

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries

LPP37 Parking Provision

LPP42 Built and Historic Environment

LPP46 Layout and Design of Development

LPP47 Preservation and Enhancement of Conservation Areas, and Demolition within Conservation Areas

LPP50 Alterations, Extensions and Changes of Use to Heritage Assets and their Settings

LPP61 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Essex Design Guide and Parking Standards.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application forms one of three interrelated development proposals relating to No.4,6 & 8 High Street, No.12 High Street and The Grangewood Centre.

SITE DESCRIPTION

The site relates to a Grade II Listed Building on Kelvedon High Street. It is located within the Conservation Area and is in close proximity to other Grade II Listed Buildings. The building originates from the fifteenth century or sixteenth century and has been altered in the nineteenth century. Its former use was staff accommodation in connection with the Grangewood Centre behind the site.

PROPOSAL

The proposal comprises the change of use of the building from C2 use to a C3 use to comprise three dwelling units with associated landscaping and parking at the rear of the buildings. Each would comprise two bedrooms.

There is evidence that the building has historically been subdivided into three dwelling units, as such minimal internal works are required to facilitate the proposed conversion/change of use. The application would also propose minimal external changes and would be limited to the addition of two small ground floor windows inserted on the rear side aspect of No.6.

CONSULTATIONS

Braintree District Council Engineers

Not aware of any surface water issues affecting the site.

Braintree District Council Environmental Services

No objection subject to contamination report and hours of working.

Essex County Council Historic Buildings Advisor

No objection to the application. The site has formerly been three dwelling units and is already sub-divided internally. As such, minimal works are required and the proposal would reinstate the building into its former use.

Kelvedon Parish Council

No objection subject to any future application being mindful of the significant historical features on the properties.

Kelvedon and Feering Heritage Society

No objection in principle, but make numerous comments relating to the proposed development behind the application site.

REPRESENTATIONS

Two objections have been received from 2 Tees Close (Witham) and 2 High Street (Kelvedon) objecting to the proposal for the following summarised reasons:

- No sheltered or secure cycle storage
- No details regarding an existing 1960's building at the rear of No.4 as to whether it is to be demolished or not
 - Currently forms boundary treatment between No.2 and No.4
 - Request boundary condition to be attached to planning application.

REPORT

Principle of Development

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In Paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, Paragraph 64 stipulates that permission should be refused where the

design fails to improve the character and quality of an area. Moreover, Paragraph 133 stipulates that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

In this location, as set out in Policies RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The application proposes to change the use of the buildings from C2 Sheltered Housing (in connection with the former Grangewood Centre) to three residential dwellings. The site is located within Kelvedon Village Envelope and is surrounded by other residential development. As such, in accordance with Policy RLP3 and RLP90, it is considered the principle of the change of use to residential is acceptable, subject to other detailed considerations outlined below.

Design, Appearance and Layout

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In addition, Policy RLP95 of the Local Plan states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy RLP97 states that the change of use of a building within a Conservation Area will only be permitted if the change of use, and any associated alteration to the appearance or setting of the building preserves or enhances the character and appearance of the area.

Furthermore, Policy RLP100 of the Local Plan states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant

damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

The application proposes to convert/change the use of the building from Use Class C2 to Use Class C3. It proposes a small internal change on the ground and first floor of the building of No.6 to remove part of a partition wall and insert a new partition wall in a slightly different location. There would also be two small ground floor windows inserted on the rear side aspect of No.6.

As such, given the limited physical damages and the minimal changes associated with the application, it is considered that there would not be a detrimental impact upon the setting and fabric of the Listed Building. A residential use would also secure the heritage assets longevity. Furthermore, it is considered the setting of the Listed Buildings will only be improved by the concurrent application 15/01498/FUL for the demolition of the Grangewood Centre at the rear. The Historic Buildings Advisor subsequently has no objections to the proposal. It is therefore considered there would not be a detrimental impact on the character and appearance of the Conservation Area or the Listed Building.

Amenity Space

The other change would be the separation of the curtilage at the rear of the site (which is currently associated with the Grangewood Centre) to form garden amenity areas for each of the units. The amenity would measure 78sq.m for No.4, 75sq.m for No.6, and 78sq.m for No.8. This would comply with the provisions set out in the Essex Design Guide which requires 50sq.m of garden amenity space for a two bedroom dwelling. It would also involve the creation of 6 designated parking spaces at the rear of this garden area, two for each dwelling.

Impact on Neighbour Amenity

Policy RLP90 states that there should be no undue or unacceptable impact upon neighbouring residential amenity.

The application proposes minimal changes and would introduce a residential use in an existing residential/business/retail area. As such, it is considered there would not be a detrimental impact on the amenity of neighbouring properties by virtue of overshadowing, overbearing or loss of privacy.

Concerns have been raised with regard to the proposed boundary treatments at the site following conversion. As such, a condition has been attached requiring details to be submitted for consideration.

Highway Issues

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009 and stipulates that two spaces should be provided for two or more bedroom developments.

In this case 6 parking spaces are proposed at the rear of the site, two for each dwelling. As such it is considered the application would comply with the adopted parking standards.

To access these parking spaces, the site will utilise the existing access between No.8 and No.12 High Street, Kelvedon. This access is part of the larger Grangewood planning application (reference 15/01498/FUL) and as part of that development it is proposed to be upgraded to provide adequate visibility splays to future users. As such, it is considered on this basis there would not be any detrimental highway issues associated with this application.

CONCLUSION

The application seeks to convert/change the use of the application site to form 3 two bedroom residential units. The development would require minimal changes both internally and externally, and would provide adequate parking and amenity for each of the new residential units. The proposal would not have a detrimental impact upon the Listed Building and no objections to the proposal have been raised by the Historic Buildings Consultant. As such, it is considered there would not be a detrimental impact on the character and appearance of the area, impact on neighbouring properties or in terms of relevant highway considerations.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Block Plan

Existing Floor Plan Plan Ref: 368.220.00

Proposed Floor Plan Plan Ref: 386.221.00

Location Plan Plan Ref: 386.003.01

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

To ensure the use of appropriate detailing within the wider Conservation Area.

- 4 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 6 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

INFORMATION TO APPLICANT

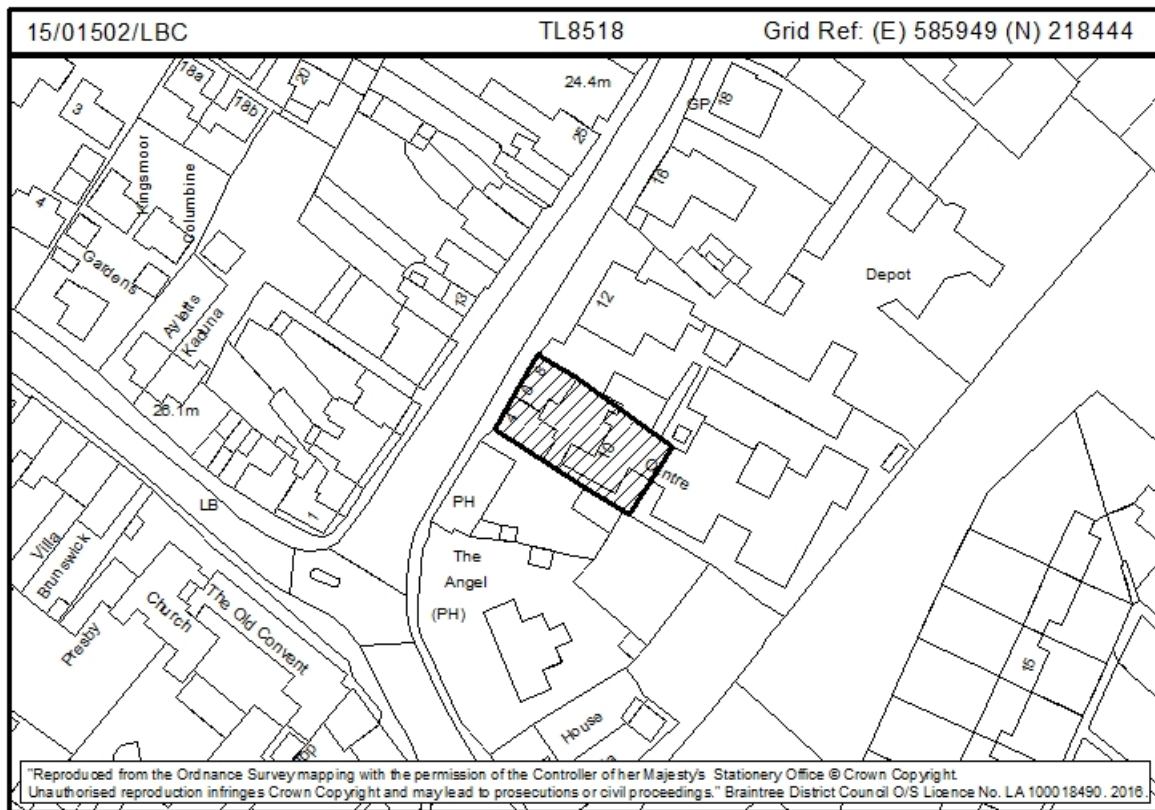
- 1 The applicant should consult with the Environment Agency regarding the removal and management of Japanese Knotweed on the site and follow the 'Knotweed Code of Practice for Developers' published by the Environment Agency. Failure to appropriately dispose of waste material containing Japanese knotweed may lead to prosecution under Section 34 of the Environment Protection Act 1990 and Section 14 of the Wildlife & Countryside Act 1981.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01502/LBC
 DATE: 08.01.16
 VALID:
 APPLICANT: Nexus Land Ltd
 C/o Agent
 AGENT: Phase 2 Planning
 200 Avenue West, Skyline 120, Great Notley, Braintree,
 Essex, CM77 7AA
 DESCRIPTION: Conversion and change of use of nos. 4, 6 and 8 to form 3
 no. dwellings consisting of 2 x 2 bed and 1 x 1 bed
 LOCATION: 4, 6 & 8 High Street, Kelvedon, Essex, CO5 9AG

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to:



SITE HISTORY

10/01031/OUT	Hybrid application for detailed permission for demolition of the Grangewood Centre and redevelopment of site providing 3no. five bedroom supported independent living units, orangery/community building, management building, 20 no. staff and visitor parking spaces, gardens and 8 no. parking spaces for houses 4, 6, 8 and 12 High Street and outline planning permission for 13no. two storey, two bedroom houses with 26 resident parking spaces.	Withdrawn	25.11.10
10/01032/CON	Hybrid application for detailed permission for demolition of the Grangewood Centre and redevelopment of site providing 3no. five bedroom supported independent living units, orangery/community building, management building, 20 no. staff and visitor parking spaces, gardens and 8 no. parking spaces for houses 4, 6, 8 and 12 High Street and outline planning permission for 13no. two storey, two bedroom houses with 26 resident parking spaces.	Withdrawn	25.11.10
10/01710/OUT	Demolition of The Grangewood Centre and provide and develop 3 no. 4 bed and 1 no. 3 bed semi independent care homes together with proposed management and orangery buildings with 18 no. staff and visitor parking spaces. Existing land to the north	Withdrawn	20.05.11

10/01711/CON	east of the site to be redeveloped into 3 no. 2 storey houses with parking court and 5 no. 2 storey 4 bed houses with attached double garages. Demolition of The Grangewood Centre and provide and develop 3 no. 4 bed and 1 no. 3 bed semi independent care homes together with proposed management and orangery buildings with 18 no. staff and visitor parking spaces. Existing land to the north east of the site to be redeveloped into 3 no. 2 storey houses with parking court and 5 no. 2 storey 4 bed houses with attached double garages.	Withdrawn	20.05.11
15/01501/FUL	Conversion and change of use of nos. 4, 6 and 8 to form 3 no. dwellings consisting of 2 x 2 bed and 1 x 1 bed	Pending Decision	
79/01349/P	Conversion of first floor into flat, including the provision of a kitchen.	Granted	17.09.79
80/00680/P	Erection of covered walkway.	Granted	04.07.80
83/01097/P	Erection of single storey extension.	Granted	17.11.83
95/00948/COU	Proposed change of use from residential accommodation to offices	Granted	09.10.95
96/00068/LBC	Proposed fitting of external fire alarm indicator panel to rear of building	Granted	15.02.96

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP100 Alterations and Extensions and Changes of Use to Listed
Buildings and their settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application forms one of three interrelated development proposals relating to No.4,6&8 High Street, No.12 High Street and The Grangewood Centre.

SITE DESCRIPTION

The site relates to a Grade II Listed Building on Kelvedon High Street. It is located within the Conservation Area and is in close proximity to other Grade II Listed Buildings. The building originates from the fifteenth century or sixteenth century and has been altered in the nineteenth century. Its former use was staff accommodation in connection the Grangewood Centre behind the site.

PROPOSAL

The proposal comprises the change of use of the building from C2 use to a C3 use to comprise three dwelling units with associated landscaping and parking at the rear of the buildings. Each would comprise two bedrooms. Please see the previous report for all details and the assessment of the proposals in the context of relevant law, national and local planning policy and other material considerations

CONSULTATIONS

Please see previous report.

REPRESENTATIONS

Please see previous report.

REPORT

Please see previous report.

CONCLUSION

The application seeks to convert/change the use of the application site to form 3 two bedroom residential units. The development would require minimal changes both internally and externally. The proposal would not have a detrimental impact upon the Listed Building and no objections to the proposal have been raised by the Historic Buildings Consultant.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Existing Floor Plan	Plan Ref: 386.220.00
Proposed Floor Plan	Plan Ref: 386.221.00
Location Plan	Plan Ref: 386.003.01

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

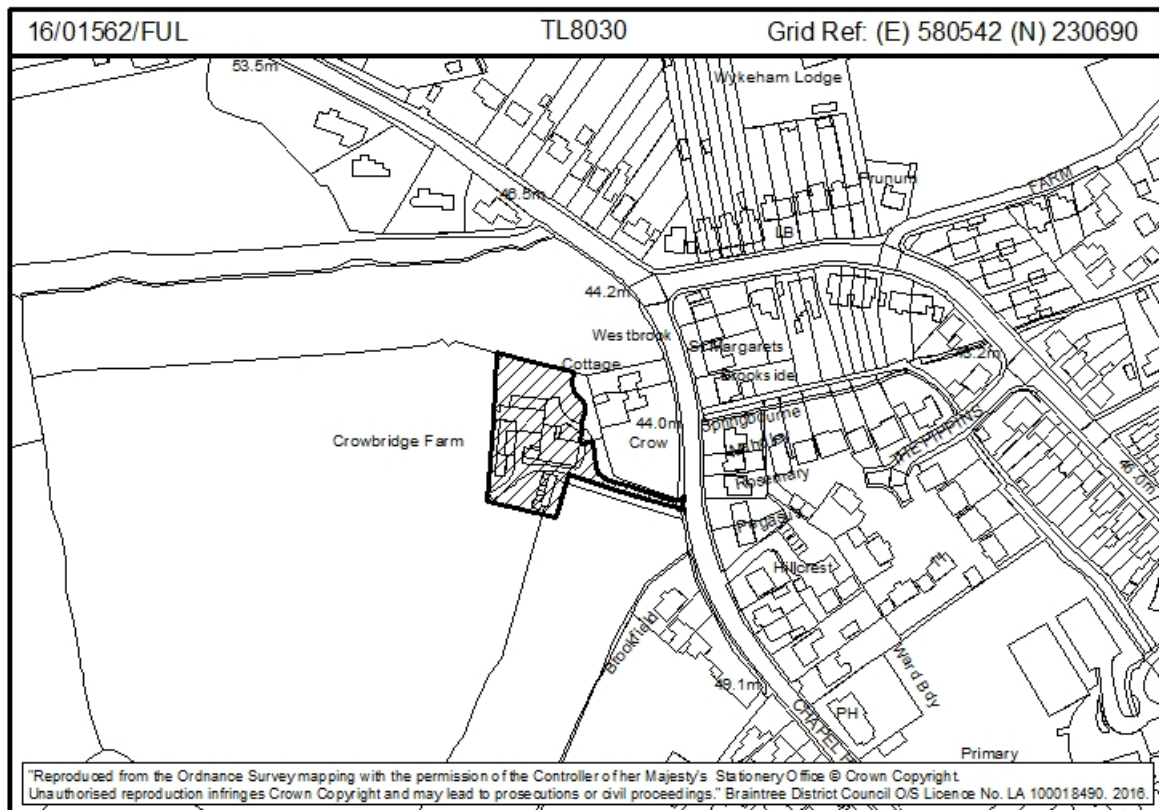
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART A

APPLICATION NO: 16/01562/FUL DATE: 13.09.16
 VALID:
 APPLICANT: F G Frost And Son
 Mr Jerry Jennings, C/o Agent
 AGENT: Stanfords
 Peter Le Grys MA Dip.TP MRTPI, The Livestock Market,
 Wyncolls Road, Colchester, CO4 9HU
 DESCRIPTION: Conversion of barn to 2no. four bedroom dwelling with
 associated demolition of outbuilding and erection of
 garage/carport, boundary treatments and ancillary works.
 LOCATION: Crowbridge Farm, Chapel Hill, Halstead, Essex, CO9 1JS

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext.
 or by e-mail to:



SITE HISTORY

15/00835/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Refused	19.01.16
15/00836/LBC	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Granted	19.01.16

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Draft Local Plan

SP1	Presumption in favour of sustainable development
LPP34	Residential Conversion of Buildings in the Countryside
LPP37	Parking Provision
LPP46	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their settings
LPP53	Archaeological Evaluation, Excavation and Recording
LPP57	Protected Species

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented at Committee, as a member of the Council's staff is the partner of the applicant.

SITE DESCRIPTION

The application site is located to the western side of Chapel Hill within an area designated as countryside, albeit within close proximity to the town boundary. The site comprises an existing Grade II listed timber framed barn connected to a range of single storey red brick built stables. The barn and associated buildings are currently being used for storage of predominantly agricultural paraphernalia.

The site is located behind a pair of semi-detached houses, of which one is shown to be in the control of the applicant. These houses are also Grade II listed and are located within the countryside. The site is served by an existing vehicular access off Chapel Hill.

PROPOSAL

This application seeks the conversion of the barn and other existing buildings to 2 no. four bed houses together with the demolition of an existing outbuilding and erection of a detached cart lodge/store. The buildings will not be extended but several areas of new roofing are proposed to be added together with the insertion of new fenestration into both existing and new openings.

The proposed cart lodge/store is sited abutting the southern boundary and is proposed to serve plot 2. This structure comprises a cart lodge with space for two cars and an enclosed store.

An application to convert the buildings to a residential use was recently refused under application reference 15/00835/FUL. The application now under consideration seeks to overcome this previous refusal.

The site already benefits from a listed building consent for the same development as now proposed (ref: 15/00836/LBC).

CONSULTATIONS

Halstead Parish Council – No objections

Essex County Council Archaeology – The conversion of the buildings will ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character. It is recommended that a condition be placed on any grant of consent which requires a programme of historic building recording to take place in accordance with a written scheme of investigation.

Essex County Council Heritage Consultant – Objects on the basis of fenestration detailing.

Essex County Council Highways – No objections

BDC Engineers – No objections

REPRESENTATIONS

None received to date. At the time of writing this report the public consultation period was still ongoing. Any comments made will be reported to the Committee.

REPORT

Principle of Development

Policy CS5 of the Core Strategy specifies that development outside of town development boundaries and village envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policies RLP38 and RLP101 allow for the conversion of rural buildings/listed agricultural buildings respectively for business and/or community use subject to meeting the criteria set out within the policy. Policy RLP38 allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community use and the application is supported by a statement of the efforts that have been made.

Policy RLP101 permits conversion of listed barns/buildings to employment or community use provided that:

- (a) the detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance and its contribution to the group value and/or landscape in general
- (b) the proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads
- (c) The criteria set out within policy RLP38 are met

Conversion to residential use will only be acceptable where;

- (i) The applicant has made every reasonable attempt to secure suitable employment or community reuse and the application is supported by a statement of the efforts made
- (ii) Residential conversion is a subordinate part of the scheme for business reuse of that group of buildings
- (iii) In either case, the design and traffic issues in (a) and (b) are fully satisfied.

The preamble to policy RLP101 notes that there has been concern that the residential conversion of barns and other listed farm buildings has diminished their intrinsic historic importance. Residential conversions will be considered as a last resort, as a subordinate part of a conversion to business use or

where there is no practical prospect of any other use. The Council will require evidence that all other options have been explored, including evidence of sustained and appropriate marketing of the property.

Section 3 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local plans should support sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. It is considered that RLP38 and RLP101 are consistent with this approach.

Section 6 of the NPPF advises that in order to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The site is within the countryside; however it abuts the Town Development Boundary and thus is well connected to existing development and local amenities beyond.

Section 12 of the NPPF advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The National Planning Practice Guidance (NPPG) advises that if there are a range of viable uses the optimum viable use is the one likely to cause the least harm to the significance of the asset. Clearly, the optimum use may not necessarily be the most profitable one. It might be the original one, but that may no longer be economically viable or even the most compatible with the long term conservation of the heritage asset.

The previous application was refused on the basis that it failed to accord with policies RLP38 and RLP101 of the Local Plan Review as it had not been demonstrated that reasonable efforts have been made to secure a commercial use for the building. In seeking to overcome this reason for refusal, the applicant has placed the site for sale on the open market for the last 6 months at £300,000. The property is currently still for sale. Sales particulars were sent out to potential purchasers on the agent's database. The property was advertised on Rightmove from April 2016 and advertisements were placed in the Halstead Gazette. Throughout the 6 months marketing period the property was viewed via the agent's website some 69,438 times. From these, 5 formal requests to view the property were received and 5 requests for further information were received. Of the 5 viewings 2 were only interested in a residential conversion and 1 wanted more agricultural land than on offer. The 2 remaining viewings were both interested in the use of the property for commercial purposes; however no offers have been made to date. All 5 of those who requested additional information were only interested in a residential conversion.

It is considered that the applicant has satisfactorily demonstrated that reasonable efforts have been made to secure a commercial use for the building. As such the application complies with policies RLP38 and RLP101 in this regard and subject to all other material considerations, a residential use would not be objectionable.

The building is capable of conversion without major extension or complete reconstruction and therefore complies with policy RLP38 in this respect.

Design, Appearance and Layout

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside.

Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

Policy RLP38 of the Local Plan Review states that the conversion of rural buildings are acceptable where they are in keeping with the surroundings and there would be no unacceptable impact on the landscape, protected species or the historic environment.

The proposed residential use is to be accommodated within the existing building without the need for extension. In the main the fenestration is placed in existing openings such to minimise change to the external appearance of the buildings. Some existing outbuildings are to be demolished and replaced with a garage/cart lodge, which is considered acceptable.

The application was previously refused on the basis that the development, in particular the segregation to form garden areas, would domesticate the site to the detriment of the countryside location. The introduction of a residential use, the conversion of the buildings and the division in to separate curtilages will alter the character and appearance of the site, however it is considered that the original character and charm of the buildings and wider site can be retained by way of placing restrictions on boundary treatments and controlling permitted development rights by attaching planning conditions to any grant of consent.

It would be preferable for the garden areas to be bound with hedging and/or post and rail fencing to maintain a rural character.

The impact of the development on the listed building is considered below.

Impact on the Heritage Asset

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Core Strategy and policy RLP100 of the Local Plan Review allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP 100 also requires the uses of appropriate materials and finishes. Policy RLP101 advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The proposed works would retain the original form of the buildings. The increase in fenestration will “domesticate” the appearance of the buildings; however there is a clear strategy for utilising the existing openings to minimise the creation of new ones. Internally the existing room patterns have been used where possible so as to avoid the loss of original walls and to keep the addition of partition/stud walls to a minimum.

The heritage advisor has raised concerns with the fenestration, in particular the resultant domestic appearance that the converted buildings will take. In this case listed building consent has already been approved for the same proposals, and thus it is considered unreasonable to now withhold planning permission on this basis. No objections were raised by Essex County Council Heritage to the previous application. A condition has already been placed on the listed building consent in relation to securing appropriate detailing and finishes and therefore the fenestration can be controlled to some extent.

It is considered that the proposed works are sympathetic and would not give rise to any material harm to the character or appearance of the listed buildings, in compliance with policies RLP100 of the Local Plan Review and CS9 of the Core Strategy. In addition the proposal complies with part (a) of the policy RLP101.

Conditions have been placed on the listed building consent to control materials, finishes and window/door detailing. In addition as recommended by Essex County Council Archaeology team a condition was attached to the listed building consent which requires a programme of historic recording to take place.

It is not considered that the proposal would give rise to any harm to the character or setting of the adjacent listed buildings.

Impact on Neighbour Amenities

Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. The site is relatively well distanced from residential properties, other than the semi-detached pair of houses immediately to the east of the site. The site is currently used primarily for storage, which is a low intensity use; however it historically has been and still could be used as a working farm.

The use of the site for residential purposes would see the increase in current activity at the site with the comings and goings of two families. This is not considered however to be any more harmful upon residential amenity than should the site be used as a working farm. Furthermore all vehicular traffic associated with the dwellings would be contained to the south of the site, away from these neighbouring properties.

A sufficient boundary treatment to the eastern side of plot 2 would ensure that any potential overlooking into the rear garden areas of the adjacent residential

properties would be prevented. This could adequately be controlled by an appropriately worded planning condition.

It is not considered that the proposal gives rise to any material detriment to the amenity of nearby residential properties, complying with policy RLP90 (iii).

Highway Issues

The site is accessed via an existing vehicular access off Chapel Hill and it is proposed to utilise this access to serve the proposed development.

The adopted car parking standard requires dwellings with more than 2no. bedrooms to be served by a minimum of two off street car parking spaces to dimensions of 2.9m x 5.5m. The drawings show off street car parking to be provided for each property to meet the policy requirement.

The Highway Authority have no objections to the proposal subject to conditions being attached to any grant of consent in respect of visibility, the width of the access and the discharge of surface water .

It is noted that car parking is shown to be provided for the pair of semi-detached properties immediately adjacent to the site, which would share the access with the proposed properties. Notwithstanding this, this area is not contained within the red lined boundary and therefore does not form part of this application.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey which advises that the site has the potential to support nesting birds, bats and reptiles and that further surveys were needed to be undertaken between April and September. The planning statement suggests these surveys were to be submitted; however they have not been received by the Local Planning Authority to date.

It would be necessary to condition any grant of approval that the additional surveys were undertaken, submitted to and approved by the Local Planning Authority prior to the commencement of development and also that any mitigation measures recommended were implemented prior to the commencement of development and retained in perpetuity if necessary in order to satisfy policy CS8 of the Core Strategy.

Public Open Space

The previous application was refused on the basis that a contribution towards public open space had not been secured within a Section 106 agreement in conflict with policy RLP138 of the Local Plan Review and Policy CS10 of the Core Strategy.

Notwithstanding this, in light of a recent Court of Appeal decision, guidance as set out within the Planning Practice Guidance in respect of planning obligations has been amended. The Guidance now indicates that Local Planning Authorities should not seek financial contributions on schemes of 10 or less units. A contribution towards public open space is not therefore required.

CONCLUSION

In conclusion, the applicant has demonstrated, by way of marketing the site on the open market for a period of 6 months that a reasonable effort has been made to secure a suitable employment use, without success. As such a residential use is considered acceptable. The buildings are capable of conversion without major extension or complete reconstruction and the resultant appearance is in keeping with the surroundings. The proposal therefore complies with policies RLP38, RLP101 and RLP90 of the Local Plan Review and policies CS5 and CS9 of the Core Strategy.

It is not considered that the proposal gives rise to any harm to the character or setting of the listed building and there is no highway issues associated with the development.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan	
Block Plan	Plan Ref: 1052 SK03
Existing Plans	Plan Ref: 1052/01
Existing Floor Plan	Plan Ref: 1052/02
Frame Survey	Plan Ref: 1052/03
Proposed Floor Plan	Plan Ref: 1052/04A
Proposed Floor Plan	Plan Ref: 1052/05
Proposed Elevations	Plan Ref: 1052/06A
Proposed Elevations	Plan Ref: 1052

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

Reason

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

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

Reason

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

- 3 Prior to first occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4m x 43m in both directions, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times

Reason

To provide adequate inter visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 4 Prior to the first occupation of the development hereby approved, the vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m in to the site from the highway and it shall be provided with an appropriate dropped kerb vehicular crossing for the footway/highway verge.

Reason

To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway in the interests of highway safety.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

Reason

To avoid displacement of loose materials on to the highway in the interests of highway safety.

- 6 Prior to the first occupation of the development hereby approved details shall of any gates, fences, walls or other means of screening or enclosure to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to the first occupation of the development and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any order revoking or re-enacting that Order with or without modification).

Reason

In the interests of the character and appearance of the countryside and the character and setting of the listed buildings.

- 7 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alterations of the dwelling-house or provision of any

building within the curtilage of the dwelling-house permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions or outbuildings in the interests of the amenity afforded to the countryside location and the character and setting of the listed buildings.

- 8 Development shall not be commenced until additional surveys in respect of reptiles, barn owls, bats and badgers have been carried out and details of the methodology, findings, conclusions and mitigation measures (if applicable) have been submitted to and agreed in writing by the local planning authority within one month of the completion of the surveys. The mitigation measures as agreed shall be those implemented on site prior to the commencement of development.

Reason

To protect features of recognised nature conservation importance. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged. This matter must be dealt with prior to commencement as it relates to measures that will need to be in place prior to any construction works taking place.

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

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

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

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

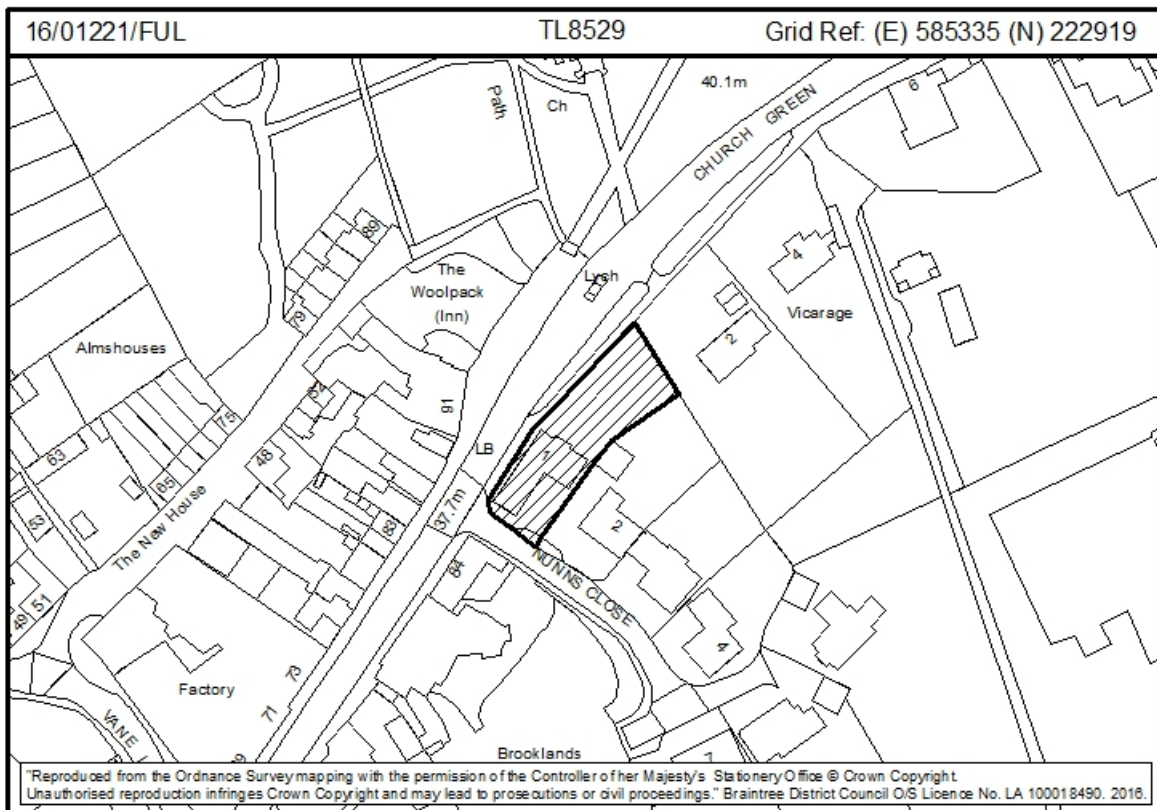
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 The proposed Block Plan shows a new driveway and car parking for the existing properties at Crowbridge Cottages. This is not included within the application site and therefore has not been considered as part of this application. The applicant is advised to contact the Local Planning Authority to ascertain whether these works require planning permission.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01221/FUL DATE: 13.07.16
 VALID:
 APPLICANT: Mr & Mrs Plumridge
 1 Nunns Close, Coggeshall, Essex, CO6 1AN
 AGENT: Knight Gratrix Architects
 Upper Studio, 98 Broadway, Leigh On Sea, SS9 1AB
 DESCRIPTION: Erection of single storey rear extension
 LOCATION: 1 Nunns Close, Coggeshall, Essex, CO6 1AN

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

91/00967/	Erection of 14 no dwellings, garages, new pedestrian and vehicular access.	Refused	15.10.91
91/0968//LBC	Erection of 14 no. no. dwellings, garages, new pedestrian and vehicular access.	Refused	15.10.91
91/1488/	Erection of 10 no. dwellings garages, new pedestrian and vehicular access.	Granted	08.04.92
92/01098/LBC	Partial demolition of wall, construction of piers, replacement of eroded bricks and erection of 5 detached and 2 semi detached houses	Granted with S106 Agreement	30.06.93
93/00653/FUL	Erection of seven dwellings	Granted	09.08.93
16/00607/FUL	Erection of single storey rear extension and installation of two windows in the flank wall	Refused	01.06.16
16/01222/LBC	Proposed works to listed wall	Pending Decision	

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Draft Local Plan

SP5	Place Shaping Principal
LPP29	Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP42	Built and Historic Environment
LPP47	Preservation and Enhancement of Conservation Area, and Demolition within Conservation Areas
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their settings

INTRODUCTION

This application is brought before the Planning Committee due to an objection from the Parish Council, contrary to officer recommendation.

SITE DESCRIPTION

The property is a detached two storey dwelling within the Conservation Area of Coggeshall and within the Coggeshall village envelope. A Grade II Listed wall forms the boundary treatment adjacent to Church Street. The property forms part of a development of 7 dwellings granted planning permission in 1993. The dwellings have been designed to complement the Conservation Area and the Listed Buildings which are within close proximity to the site.

PROPOSAL

The application seeks permission to erect a single storey rear extension to create an extended kitchen and family living space, with a new canopy. The extension, including the canopy is 10.1m in width, 2.5m in height and 4.3m in length. The height of the Listed wall is 2.4m. This is a revised application, following the refusal of a previous application due to concerns raised by the Historic Buildings Consultant regarding the detrimental impact that the proposal would have on the Conservation Area and the setting of the Listed Buildings within Church Street. The erection of the extension would not compromise the amount of amenity space remaining at the property which would be in excess of 100sq.m.

CONSULTATIONS

Historic Building Consultant

The Historic Building Consultant raised an objection to the application. In the consultation response the Historic Building Consultant reiterated comments made in relation to the previous application that the rear elevation of the site is unusually prominent from public viewpoints, and that this application would have more of a potential impact on the character and appearance of the Conservation Area than on other sites. The proposed materials, form and massing would make the extension a visually prominent element in the street scene looking south to the detriment of the character and appearance of the Conservation Area. This visual intrusion would also distract from the current visual prominence of the Woolpack Inn, and would therefore by extension harm its setting and the way in which the building is experienced.

The revised proposals subject to this application and specifically the amendment to the form of the roof, has partially addressed these concerns. The proposal has omitted the pitched gable element, which the Historic Building Consultant acknowledges would reduce the impact of the proposal upon the designated heritage assets. However, the Historic Buildings Consultant does not feel able to support the application due to the extension

being a poor and unsatisfactory inclusion within the street scene. The views looking south-west along Church Street/Church Green make a significant contribution to the setting of the Grade II* Listed Woolpack Inn and as such what is considered to be harmful to this section of Conservation Area and also make a negative contribution to the setting of the Listed Buildings.

Parish Council

The Parish Council supports the points raised in the consultation response from the Historic Building Consultant, and raises an objection to the application.

REPRESENTATIONS

A site notice was displayed at the front of the property and neighbouring properties were notified in writing. Subsequently, a letter of support was received from the resident at 2 Church Green, Coggeshall. The representation states that the proposal is a positive project.

REPORT

Principle of Development

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP100 of the Braintree Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” Policy RLP95 Braintree District Local Plan Review states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings.

In addition, both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23–28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Braintree District Local Plan Review reiterates this, allowing for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

Paragraph 64 of the NPPF makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where “...poor design... ...fails to take the opportunities available for improving the character and quality of an area...”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

In this case there are no objections in principle to an appropriately designed extension in this location, subject to design, impact upon neighbouring residential amenity, and subject to consideration of the impact of the proposal on the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

Design, External Appearance and Impact upon the setting of the Listed Buildings and the character and appearance of the Conservation Area

This revised application has been submitted following a previous application which was refused planning permission (Application Reference 16/00607/FUL). The application was refused on the grounds of the detrimental impact that the proposal would have on the Conservation Area and the setting of the nearby Listed Buildings. The application was also refused on the grounds that insufficient information had been submitted to demonstrate that works to the listed wall, which would be required as a result of the proposed extension, could be carried out without detriment to the listed wall.

The most prominent buildings within the vicinity of the application site are a Grade II* Listed building known as The Woolpack Inn as well as the Church which is Grade II Listed. Concerns have been raised by the Historic Building Consultant in respect of both the previous and current application that the proposed extension would have a detrimental impact upon the setting of both the Public House and the Church and the character and appearance of the Conservation Area.

The design of the extension is modern and contemporary. The previously refused application included a pitched roof on the part of the extension closest

to the listed wall. The pitched roof originally proposed would be higher than the listed wall, and would therefore be visible within the wider street scene and it was concluded that the proposal would have had a detrimental impact upon the setting of the nearby Listed Buildings and the character and appearance of the Conservation Area.

The current revised application has been amended and the area of pitched roof previously proposed has been removed. The roof form of the extension is now proposed as a flat roof with glass rooflights. The proposed extension measures 2.5 metres in height compared to the adjacent listed wall which measures 2.4 metres in height. As such, the extent to which the proposed extension is visible within the wider street scene has been substantially reduced and would not have a prominent appearance within the street scene. As such, while the objections from the Historic Building Consultant are noted, having regard to the height of the extension and the height of the listed wall (which would restrict views of the extension from the street and the nearby listed buildings), it is considered that the proposal would not have a detrimental impact or cause harm to the character and appearance of the Conservation Area of the setting of the nearby listed buildings.

It should be noted that the proposed extension necessitates works to the Grade II Listed wall. These works are subject to a separate application for Listed Building Consent (16/01222/LBC). The application for Listed Building Consent is accompanied by a Method Statement to demonstrate that proposed works can be carried out without detriment to the listed wall. The Historic Building Consultant has been consulted on the submitted Method Statement and considers that adequate information has been provided with regards to the works to the listed wall and as such raises no objection to the proposal on these grounds, subject to the works being carried out in accordance with the method statement and subject to these works being carried out prior to the commencement of development. This requirement is recommended to be secured through Condition 4.

Impact on Neighbour Amenity

One letter of representation has been received in support of the application from the resident of 2 Church Green, who considers that the proposed extension would be a positive project. In this case, it is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

Highway Issues

There is existing parking at the front of the property. The proposed extension would not affect the existing parking arrangements at the property. Therefore, it is considered that there would be no highway implications associated with this application and moreover, sufficient parking provision would be retained at the property.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Proposed Plans
3D Visual Plan

Plan Ref: 011

Version: A

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

Reason

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

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

Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 No above ground works shall be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 No development shall commence until the works to the listed wall as set out within the Method Statement prepared by The Morton Partnership dated 5th September 2016 have been carried out and completed in full to the satisfaction of the Local Planning Authority.

Reason

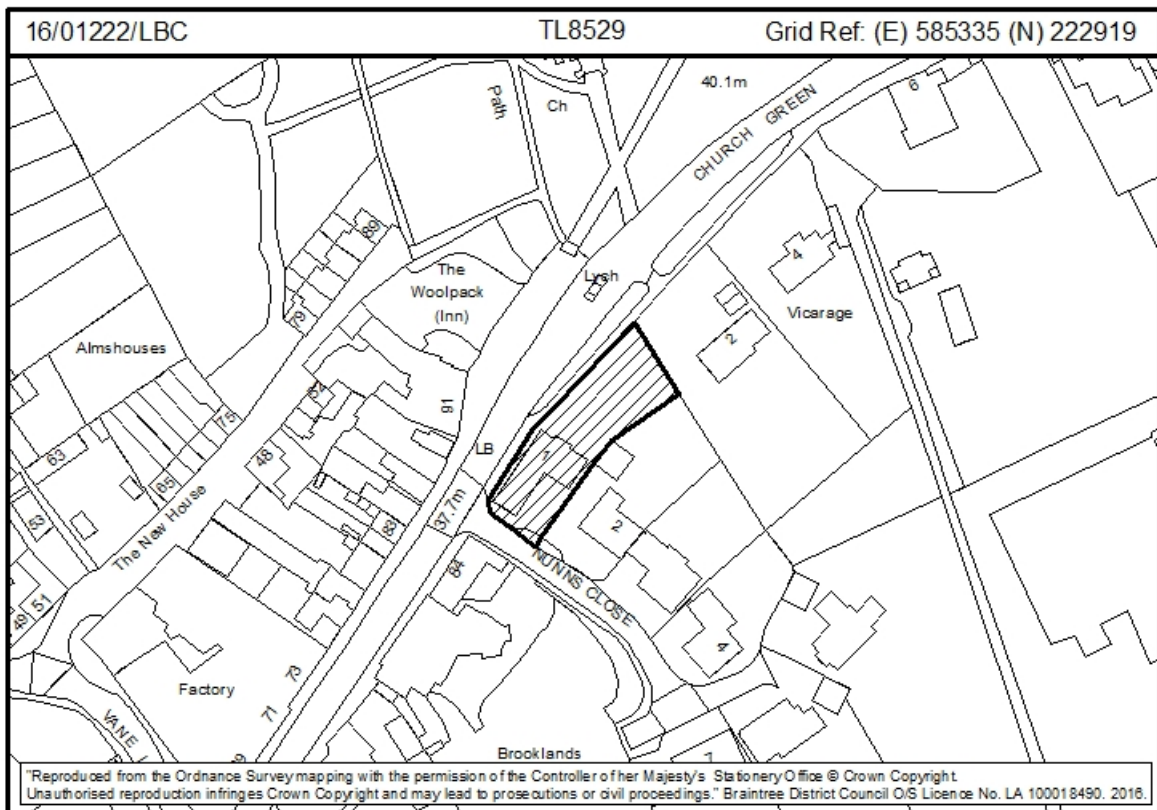
To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 16/01222/LBC DATE 13.07.16
 NO: VALID:
 APPLICANT: Mr & Mrs Plumridge
 1 Nunns Close, Coggeshall, Essex, CO6 1AN
 AGENT: Knight Gratrix Architects
 Upper Studio, 98 Broadway, Leigh On Sea, SS9 1AB
 DESCRIPTION: Proposed works to listed wall
 LOCATION: 1 Nunns Close, Coggeshall, Essex, CO6 1AN

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

91/00967/	Erection of 14 no dwellings, garages, new pedestrian and vehicular access.	Refused	15.10.91
91/0968//LBC	Erection of 14 no. no. dwellings, garages, new pedestrian and vehicular access.	Refused	15.10.91
91/1488/	Erection of 10 no. dwellings garages, new pedestrian and vehicular access.	Granted	08.04.92
92/01098/LBC	Partial demolition of wall, construction of piers, replacement of eroded bricks and erection of 5 detached and 2 semi detached houses	Granted with S106 Agreement	30.06.93
93/00653/FUL	Erection of seven dwellings	Granted	09.08.93
16/00607/FUL	Erection of single storey rear extension and installation of two windows in the flank wall	Refused	01.06.16
16/01221/FUL	Erection of single storey rear extension	Pending Decision	

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP100 Alterations and Extensions and Changes of Use to Listed
Buildings and their settings

Braintree District Draft Local Plan

SP5 Place Shaping Principal
LPP50 Alterations, Extensions and Changes of Use to Heritage Assets
and their settings

INTRODUCTION

This application is brought before the Planning Committee due to an objection from the Parish Council, contrary to officer recommendation.

SITE DESCRIPTION

The property is a detached two storey dwelling within the Conservation Area of Coggeshall and within the Coggeshall village envelope. A Grade II Listed wall forms the boundary treatment adjacent to Church Street. The property forms part of a development of 7 dwellings granted planning permission in 1993. The dwellings have been designed to complement the Conservation Area and the Listed Buildings which are within close proximity to the site.

PROPOSAL

This application seeks listed building consent for works to a listed wall. As outlined within the previous report (Application Reference 16/01221/FUL), the linked application seeks full planning permission for a proposed extension to the above property. Given the proximity of the listed wall to the proposed extension, it is necessary to carry out works to the Grade II Listed boundary wall which fronts onto Church Street in Coggeshall.

As one of the reverse buttresses would be impacted by the proposed extension, the applicant has submitted a Method Statement for the proposed works to the wall. The methodology for the proposed works is as follows:

1. *Excavate trial hole alongside existing buttress to determine foundation depth and alignment in relation to proposed new foundations for extension. Structural engineer to inspect. Subject to the trial hole, it is assumed that the extension foundations will stop either side of the existing buttress foundation with the wall above supported on pc lintels spanning over and thus avoiding disturbing this foundation.*
2. *Allow to provide temporary support to listed wall, either in the form of raking shores from the pavement side, or through a weighted scaffold arrangement from the garden side hooking over the wall.*
3. *Once temporary works in place, allow to carefully cut back brickwork to desired extent plus one half brick to reverse buttress taking care related t the assumed buried tie bars, linking to the pattress plates to the roadside elevation and which should not be cut back immediately.*
4. *Allow to install galvanised steel plate (100mm x 8mm thick) to exposed rough face of brickwork and installed over existing tie bars. Provide washer and nut over tie bar, welded insitu.*
5. *Carefully build up brick face in English bond to match existing and using snapped headers and which will cover steel plate installed at 4 above. Ensure sides toothed in to existing. Any replacement bricks to match existing in colour, size and texture and be set in a matching mortar.*
6. *Once brick and mortar fully cured allow to remove temporary works.*

CONSULTATIONS

Essex County Council Historic Buildings Consultant

The Historic Building Consultant raises no objections to the proposal, subject to the works being carried out according to the specification contained within the Method Statement prior to the commencement of the erection of the extension.

REPRESENTATIONS

None.

REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

As set out above, the linked full planning application for a proposed extension requires works to the listed wall as one of the reverse buttresses would be impacted by the proposed extension. The applicant has submitted a method statement for the proposed works, which has been assessed by the Historic Buildings Consultant. No objections are raised to the proposed works subject to the works being carried out in accordance with the method statement and subject to these works being completed prior to the commencement of development in relation to the proposed extension. Suitable conditions are recommended on this application for listed building consent and the linked application for full planning permission.

Subject to these conditions it is considered that the proposal would not have a detrimental impact or cause harm to the listed building. The proposal is therefore considered to be acceptable.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Method Statement
Proposed Plans
3D Visual Plan

Plan Ref: 011

Version: A

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

- 3 The works hereby permitted shall only be carried out in accordance with the Method Statement prepared by The Morton Partnership dated 5th September 2016.

Reason

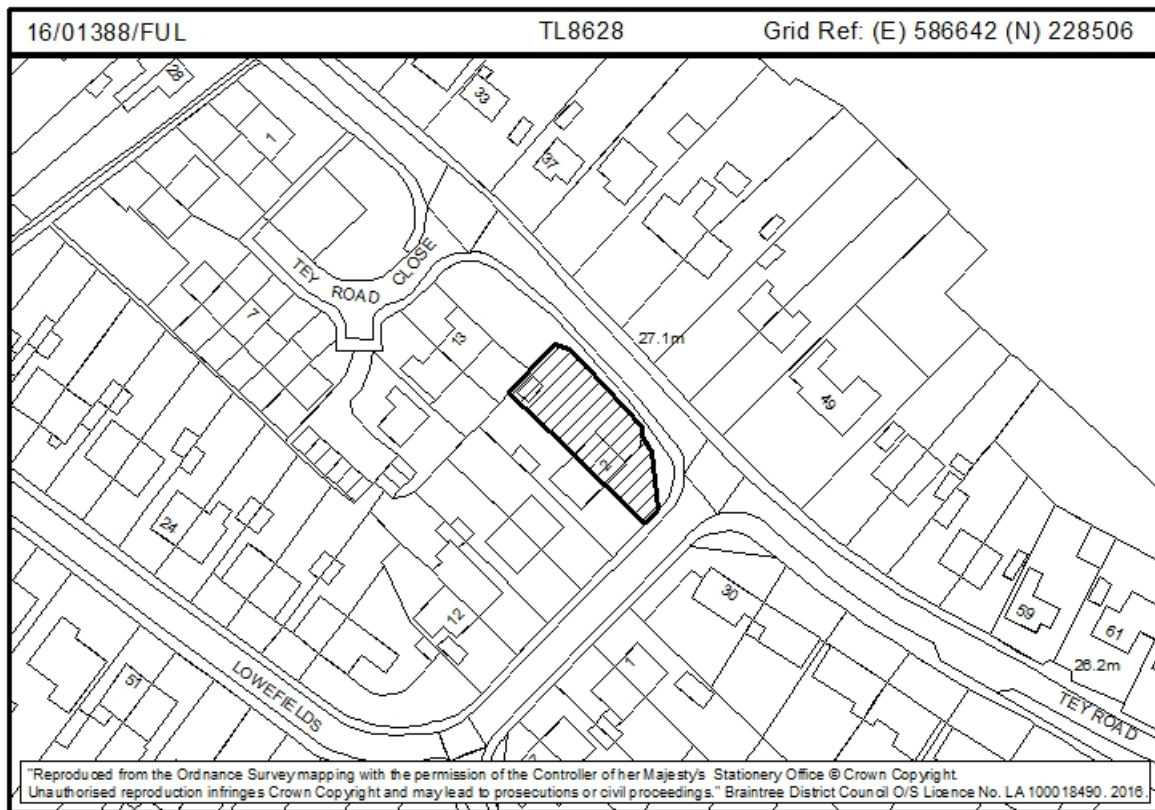
To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 16/01388/FUL DATE 10.08.16
 NO: VALID:
 APPLICANT: Mr Colin Buchanan
 2 Lowefields, Earls Colne, Essex, CO6 2LH
 DESCRIPTION: Erection of side extension and alterations to existing
 bungalow, new pavement crossing and new porch to front
 LOCATION: 2 Lowefields, Earls Colne, Essex, CO6 2LH

For more information about this Application please contact:
 Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557
 or by e-mail to: sandra.green@braintree.gov.uk



SITE HISTORY

88/00340/P	Repositioning Of 6 Foot Fence	Granted	13.04.88
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POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
SP5 Space Shaping Principle
SP6 Spatial Strategy for North Essex
LPP29 Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development

Supplementary Planning Guidance

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement
Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, and the contrary officer recommendation.

SITE DESCRIPTION

The site is located on a residential estate within the Earls Colne development boundary. It is not located within a Conservation Area or subject to any listing. No.2 Lowefields is a two-bedroom, semi-detached bungalow. It occupies a corner plot on the northern side of the junction of Lowefields with Tey Road. There are grass verges to either side of Lowefields adjacent to the junction. The property is intact, with a number of contemporaneous properties in the same style sited in Lowefields, and to the southeast of the site along Tey Road. The bungalow sits above the level of both Lowefields and Tey Road. The front garden is enclosed by a well maintained hedge, and the side and rear amenity areas are enclosed by close board fencing fixed above

concrete gravel boards. There is a rear vehicular access at the northern corner of the site.

PROPOSAL

It is proposed to erect a small porch, with a footprint of approximately a 2.5 square metre to the front elevation; and a single-storey side extension, approximately 5 metres wide x 12.5 metres long with a footprint of approximately 60 square metres. The enlarged dwelling will remain a two bedroom property, albeit the rooms will be larger. One bedroom will be ensuite, with the other having a “Jack-and-Jill” arrangement with the enlarged bathroom. The existing lounge is to be retained and a larger dining/kitchen space will be created by internal layout changes within the existing rear part of the bungalow. In excess of 100 square metres of private rear amenity space would remain. A new vehicular access is to be created to the front of the site.

CONSULTATIONS

ECC Highways – the impact of the proposal is acceptable subject to conditions in respect of the way in which the access is to be constructed and surface treatment.

Earls Colne Parish Council – Objection: the proposed extension, by reason of its size, would have an adverse impact on the scale and character of the dwelling.

REPRESENTATIONS

None.

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity. There is therefore no objection in principle to an appropriately designed extension in this location.

Design, Appearance and Layout

The adopted development plan requires that proposals for new development be in harmony with the character and appearance of the surrounding area. RLP90 seeks a high standard of layout and design in all developments, large and small in the district. There should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the development should be in keeping with the character of the area. There shall also be no

undue or unacceptable impact on the amenity of any nearby residential properties.

The existing bungalow is finished in brick and render with concrete roof tiles. Materials and finishes are proposed to match existing. The proposal as originally submitted included a porch with a dual pitched roof. This was considered to be out of keeping with the property and following discussion with the applicant a revised proposal has been submitted that shows a flat roof porch. The new bathroom window has also been moved from the side to the front elevation to improve the balance of solid to void. The extension respects the long, low, style of the existing bungalow(s) and has been set back at the south eastern corner to better step around the corner of the plot. It is considered that the proposal is in keeping with the host dwelling and the character of the area. In addition, sufficient private amenity space would be retained (in excess of 100 square metres).

Impact on Neighbour Amenity

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

Highway Issues

Off-street parking takes place in the front gardens of many of the neighbouring dwellings and sufficient in-curtilage parking would be retained. It is considered that there are no highways impacts associated with the proposal.

CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Proposed Plans
Section

Plan Ref: 2016:100:02
Plan Ref: 2016:100:03

Version: REV A
Version: REV A

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

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

- 4 The vehicle access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason

To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

- 5 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

INFORMATION TO APPLICANT

- 1 All works 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. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.

TESSA LAMBERT
DEVELOPMENT MANAGER

Monthly Report of Planning and Enforcement Appeal Decisions Received		Agenda No: 6
<p>Portfolio Planning and Housing</p> <p>Corporate Outcome: A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure</p> <p>Report presented by:</p> <p>Report prepared by: Liz Williamson – Planning Technician</p>		
Background Papers:		Public Report
Appeal decisions summary		Key Decision: No
<p>Executive Summary:</p> <p>This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.</p>		
<p>Recommended Decision:</p> <p>That the report be noted.</p>		
<p>Purpose of Decision:</p> <p>To note a report on appeal decisions.</p>		
Corporate Implications		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Planning Technician	
Ext. No:	2506	
E-mail:	lizwi@braintree.gov.uk	

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **September 2016**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	Application No/Location	16/00389/FUL – 103 Church Road, Hatfield Peverel
	Proposal	Construction of new front facing dormer
	Council Decision	Refused under delegated authority
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the proposal on the character and appearance of the host building and the street scene.
	Inspector's Conclusion	The appeal property is a chalet style detached house with low eaves and a steeply pitched roof with a high ridge. The larger part of the roof remains as a single slope from the ridge down the ground floor eaves level. The dormer would be placed within this slope. The outer face would align with the ground floor elevation, but retaining the tile overhang to maintain a visual distinction between the new and the existing. The new dormer would dominate, and largely obscure, the main part of the roof, which gives the building its distinctive chalet form and character. The Inspector considers that the proposed dormer would be a prominent feature in the local street scene. The dormer would appear as an incongruous and over-large feature in the context of nos. 101 & 105 either side, which are of similar original design and have no equivalent additions to the front roof slopes. The Inspector concludes that the proposal would detract materially from the character and appearance of the host building and the street scene and would be in conflict with Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review. Among other things, these policies require extensions to dwellings to be compatible with the original development, and to protect the character of the street scene and the local distinctiveness of the surrounding area. Moreover, the Essex Design Guide (2005) recommends that dormers should normally be a minor incident in the roof plane and should not be located close to roof verges.
2.	Application No/Location	15/01413/FUL – 180 South Street, Braintree
	Proposal	Change of use (B1/B2 to C3) and development of 2 x 2 bed flats (maisonettes) within the footprint of existing building (Site 1) and new single storey block of 3 x 2 bed flats (Site 2).
	Council Decision	Non-Determination

	Appeal Decision	Dismissed
	Main Issue(s)	<ol style="list-style-type: none"> 1. The effect of the proposals of the character and appearance of the area 2. The living conditions of the occupiers of the proposed and neighbouring residential units, having regard to the provision of private outdoor space, outlook, noise and disturbance, and overlooking, and (c) the provision of vehicle parking, access and bin storage, having regard to highway safety.
	Inspector's Conclusion	<p><u>Character and Appearance</u></p> <p>Site 1 comprises 2 two-storey former commercial building of different styles and heights. Site 2 is a vacant plot roughly opposite Site 1. The two sites lie centrally between development that is varied in terms of scale, design and age. On Site 2, the existing unsightly flat roof would become pitched and the external finish rendered to match the other building. In appearance this would be an improvement. The building on Site 2 would appear visually overwhelming by reason of its height and design. The combination of height, lack of visual interest and poorly articulated nature of this block would be domineering and oppressive in the street scene. For this reason, the proposal would represent poor design. In conclusion, Site 2 building would harm the character and appearance of the area for the reasons indicated and would be contrary to Policies RLP10 and RLP90 of the Braintree District Local Plan Review and Policy CS9 of the Core Strategy, which collectively and amongst other matters, require the highest possible standards of design and the height, mass and overall elevation design of the buildings and developments to be in harmony with the appearance of the surrounding area.</p> <p><u>Living Conditions of the future residents of the residential units</u></p> <p>The Essex Design Guide indicates a standard of 25 sqm per flat. In respect of the Flats on Site 2, the area of private outdoor space would meet this standard. For site 1 the level of outdoor space provision would be inadequate to serve units of the size proposed. The two buildings on Site 1 would be designed with no windows to the rear for the ground floor rooms. However, there would be windows to the front allowing light in. The Essex Design Guide indicates "in streets with less than 10 metre spacing between opposing buildings, ground floor habitable rooms should allow for daylight from both the front and the rear." In conclusion, the development would result in poor living conditions for the occupiers of the buildings on Site 1 by reason of the inadequate provision of private outdoor space. Accordingly, the proposal would be contrary to</p>

	<p>Policy RLP90 of the Braintree District Local Plan Review and Policy CS9 of the Core Strategy. There would be two spaces serving each of the proposed units on Site 1 and a total of 4 spaces serving the three flats on Site 2. ECC Parking Standards Design and Good Practice require a minimum of 2 spaces per dwelling. On Site 1, both the parallel spaces and car port spaces serving each unit would not meet the required standards. Overall, there would be good access to sustainable transport options where the parking standards indicate a reduction in the parking standards may be acceptable. Therefore, the Inspector considers that the two spaces for each unit on Site 1 would not be necessary. In conclusion, there would be harm to the safety of highway users arising from the vehicle parking on westernmost unit on Site 1. Accordingly, the proposal would be contrary to Policies RLP3 and RLP10 of the Local Plan Review and Policy CS9 of the Core Strategy.</p> <p><u>Other Matters</u></p> <p>The development would bring a building and vacant land back into productive use for housing. Such a boost to housing supply and the contribution that it would make to the vitality of the town centre would be beneficial. However, there would be significant harm to the character and appearance of the area, inadequate provision of private outdoor space and detriment to highway safety for the reason indicated. Accordingly, the proposal would not be a sustainable development. Reference has been made to previous dismissed appeals for residential development on land to the rear of 180 South Street, and 182 and 184 South Street. The Inspectors raised objections on grounds of character and appearance, and the living condition of the occupiers of the proposed flats. The Inspectors found that much of the physical context remained the valid but the proposal would be different in its design to distinguishing it. In all cases, each proposal must be considered on its individual planning merits. For these reasons, the Inspector attached only limited weight to the previous decisions. Therefore for the reasons given and having regard to all other matters raised, the appeal should be dismissed and planning permission refused.</p> <p><u>Cost application in relation to the above appeal</u></p> <p>Application for costs is refused. The Inspector concludes that the Council has not communicated well with the applicant but it has substantiated its objections at the appeal stage. It has given pre-application advice that has highlighted areas of concern which have given rise to some of its objections. Therefore, the Inspector is not</p>
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		persuaded that the appeal could have been avoided. Whilst some of the Council objections are of a minor nature, it has nevertheless provided sufficient evidence and analysis to support its case. Therefore the Inspector finds that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.
3.	Application No/Location	15/01255/OUT – Land off Greenhills, Ashen Road, Ashen
	Proposal	Re-development of established (permanent) residential caravan site to create 2 no. replacement dwellings
	Council Decision	Refused under delegated authority
	Appeal Decision	Allowed
	Main Issue(s)	1. The effect of the proposal on the character and appearance of the area.
	Inspector's Conclusion	<p>It is not disputed that the appeal site sits outside any town development boundary or village envelope. The rural feel of the area is enhanced by the substantial hedgerow to the south of Ashen Road, thickly scattered with mature trees. A chalet building and a small caravan with a small timber-clad extension sit towards either side of the site, each served by a wide timber gate to the front of the boundary, but by no made access or hard standing. The caravans situated on site are lawful. The current buildings are very modest in scale. They are serviced by a number of other structures including a further small caravan, small sheds and lighting and external fuse boxes, which, while taking up relatively little of the site area, diminish its open feel by creating clutter within the site. While the proposal would introduce a higher level of site coverage and larger buildings, the effects of these on the overall character of the area are capable of being managed through the approval of the layout, landscaping, appearance, and scale of the proposed buildings as reserved matters. There is no evidence to suggest that the proposal would be visually harmful to the appearance of the countryside in the area.</p> <p>The Framework sets out the presumption in favour of sustainable development. Policy RLP2 of the Braintree District Local Plan and Policy CS5 of the Braintree District Local Development Framework Core Strategy in directing new development to sites within development boundaries, both seek to protect the countryside, including its character.</p> <p>The Inspector concluded by stating that the appeal proposal would not have a significantly harmful effect on the character and appearance of the area, it would not therefore compromise the otherwise restrictive approach to development in the countryside as set out in Policy RLP2</p>

		<p>of the Braintree District Local Plan or Policy CS5 of the Core Strategy. It would also accord with the objective of the Framework to recognise the intrinsic character and beauty of the countryside and support thriving communities within it.</p> <p>The caravan and chalet themselves are temporary structures, although evidently well-established on the site, and are not of conventional construction. The proposed replacement buildings would inevitably have a greater height and footprint and a greater impact. While, therefore, the appeal proposal would not in absolute terms meet the requirements of Policy RLP15 of the Braintree District Local Plan Review which controls the replacement of existing dwellings in the countryside, I do not find any significant harm in this. There would be some potential for benefits in terms of an improved appearance of the site. The site is not, set directly between existing dwellings, and since it is capable of accommodating two buildings, the Inspector concluded that it may not be considered a gap site for the purposes of Policy RLP16 of the Local Plan.</p>
4.	Application No/Location	16/00067/FUL – 275 Coggeshall Road, Braintree
	Proposal	Erection of new dwelling
	Council Decision	Refused under delegated authority
	Appeal Decision	Allowed
	Main Issue(s)	1. The effect on the character and appearance of the area, and whether a contribution towards community facilities and infrastructure should be made.
	Inspector's Conclusion	<p>The appeal proposal is for the addition of a small single storey chalet dwelling adjacent to the existing. The new plot created would take up approximately half of the existing plot. The new dwelling would sit next to the host dwelling with a small degree of separation, but set away from the site boundaries on the other three sides with reasonably generous spaces around. The Inspector noted the previously approved new dwelling (ref 14/01587/FUL) similar to the proposal but attached to the host dwelling. Its modest scale and footprint on site were considered acceptable as it maintained the openness of the site and the visual relief it offers from the dense development around Warley Close. The appeal proposal has an equivalent roof height, but differs in having accommodation in a roof storey and larger footprint. Notwithstanding these differences, the Inspector considered that the increase in footprint of the appeal dwelling would be minor, and its siting would retain similarly generous separation from the boundaries of the site, particularly when compared to the houses and gardens in Warley Close.</p>

	<p>The Inspector considered that the differences between the approved scheme and the appeal scheme are marginal, and that it would therefore retain an adequate separation from the exterior boundaries of the appeal site and would thereby retain the sense of openness which characterises the site in its densely developed setting. It is noted that the Local Planning Authority state that it was the attached nature of the approved proposal which minimised any harmful impact, but considered that this was due to the fact that this form of development reduces the protrusion of the combined footprint of the two buildings into open space around them, rather than due to any intrinsic benefits of an attached addition. Therefore, this point does not alter the Inspectors conclusion on this issue.</p> <p>The appeal dwelling is set just behind the front building line of the host dwelling, and would not intrude into views from Coggeshall Road, to create a sense of increased development on the site. It would be of relatively modest height, and the first floor accommodation would be lit by windows and rooflines rather than dormers. This would not, therefore, be particularly obtrusive in glimpses into the site from Warley Close and it would not therefore have a significant effect on the sense of openness of the site when viewed from outside.</p> <p>For the reasons stated above the Inspector considers that the appeal proposal would not have a harmful effect on the character and appearance of the area, and would not therefore conflict with Policy CS9 of the Braintree District Core Strategy which seeks development which respects and responds to the local context. It would not conflict with RLP3 of the Braintree District Local Plan Review 2005 which seeks development which can take place without material detriment to the existing character of the settlement; nor with Policy RLP9 of the Local Plan Review which seeks new residential development which creates a visually satisfactory environment and is in character with the site and relates to its surroundings; and not with Policy RLP90 which seeks development which is in harmony with the character and appearance of the surrounding area.</p> <p><u>Whether a contribution towards community facilities and infrastructure should be made</u></p> <p>The Inspector is bound to give considerable weight to the Written Ministerial Statement and Planning Practice Guidance, which now state that affordable housing and tariff style contributions should not be sought on development of 10 units or less, or in some cases of 5 units or less. Therefore, the Inspector concludes that the proposed development would not conflict with Policies</p>
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		CS10 and CS11 of the Core Strategy or Policy RLP138 of the Braintree District Local Plan Review which seek developer contributions towards the provision of public open space, or with national planning policy in the Written Ministerial Statement and Planning Practice Guidance.
5.	Application No/Location	16/00235/FUL – Land rear of 94 Church Street, Bocking
	Proposal	Proposed change of use of land from car park to Class B8 storage and re-profiling of part of site to reduce existing ground levels
	Council Decision	Refused under delegated authority
	Appeal Decision	Dismissed
	Main Issue(s)	<ol style="list-style-type: none"> 1. The effect of the proposed development on the character and appearance of the area and nearby heritage assets; 2. The effect of the proposed development on the living conditions of neighbouring residential properties, with particular regard to outlook, noise and disturbance; and 3. The effect of the development on highway safety
	Inspector's Conclusion	<p>The appeal site lies adjacent but not within the Conservation Area of Bocking, and is located near the Rose and Crown which is a Grade II Listed Building. The Conservation Area has a mixed character with both commercial and residential buildings present. There are a range of materials present including brick, render, weather boarding and whilst there are varying building designs and ages, consistent building heights and proportions give the area a coherent appearance.</p> <p>The development would introduce a further commercial use into the area which would have a difference character from those currently present. Although the proposed sheds and storage containers would not exceed 2.5 metres in height, in terms of the built form, this style of building would be inconsistent with the more permanent buildings immediately adjoining the site. Additionally, the closest buildings to the site are residential properties and as such the commercial use would be remote from the other commercial uses on Church Road. The proposed development would cause harm to the setting of the Listed Building and to the character and appearance of the Conservation Area, and thereby their significance as heritage assets. It is suggested that there is a need and demand for a facility of the type proposed due to the loss of lock up garages within the town. Whilst there is some evidence that planning permission has been granted for the redevelopment of garage sites within the town, this is not supported by evidence of the total stock of garages or occupancy levels of these. The development would provide some limited benefit in terms of meeting a need for</p>

	<p>secure parking and storage facilities, however, this would not offset the identified harm to the adjacent heritage assets to which I must attach considerable importance and weight.</p> <p>The Inspector stated that the proposed development would cause harm to the character and appearance of the area and nearby heritage assets. It would not meet the requirements of saved policies RLP36; RLP90 and RLP95 of the Braintree District Local Plan Review; and Policy CS9 of the Braintree District Core Strategy, which seeks to ensure that new development is of a high standard of design that respects its context; does not have an unacceptable impact on the surrounding area; does not harm the setting of historic or important buildings; and does not detract from the character, appearance and essential features of Conservation Areas. The proposal would be inconsistent with the requirements of the Framework that new development should achieve a high standard of design and to conserve and enhance the historic environment.</p> <p>The proposed development would cause harm to the living conditions of the occupiers of neighbouring residential properties with particular regard to noise disturbance and outlook. It would be contrary to the relevant requirements of RLP36 and RLP90 of the Braintree District Local Plan which seek to ensure that new development does not adversely affect the living conditions of neighbouring occupiers. It would also be inconsistent with the requirements of the Framework which seeks good standard of amenity for all occupiers.</p> <p>The Inspector concluded that the proposed development would not cause harm to highway safety in the vicinity of the appeal site and that the proposal would not lead to the closure of the public house. However, the proposal would cause harm to the setting of the adjacent listed building and to the character and appearance of the adjacent Conservation Area. This weighs very heavily against the proposal, as does the harm to the living conditions of the occupiers of neighbouring residential properties.</p>
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