AGENDA ITEM NUMBER 5

PART A

APPLICATION NO: 13/00695/FUL
DATE VALID: 18.06.13

APPLICANT: Mr T Britton
Kingswood Homes Ltd, Abberton Cottage, Abberton Road, Layer De La Haye, Colchester, Essex, CO2 0LB

AGENT: Mr D Athan
Dino Athan Design, 69 Bradford Street, Braintree, Essex, CM7 9AT

DESCRIPTION: Conversion of existing stable and cart lodge to 2 no. 2 bedroom houses and the erection of 2 no. 1 bedroom and 1 no. 2 bedroom houses

LOCATION: The Kings Head Inn, 52 Bradford Street, Braintree, Essex, CM7 9AT,

For more information about this Application please contact:
Ian Harrison on:- 01376 551414 Ext. 2524
or by e-mail to: ian.harrison@braintree.gov.uk
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<td>Proposed change of use and conversion of public house (Use Class A4) to 3 no. dwellings (Use Class C3) and conversion of outbuilding to 2 no. 1 bedroom dwellings, together with parking and communal amenity space</td>
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<td>Application for approval of details reserved by condition no.4, 6, 9, 11, 12 and 13 of approval 11/01728/FUL and condition no 3, 4, 5, 6, 11 and 12 of 11/01729/LBC</td>
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<td>13/00098/MMA</td>
<td>Application for Minor Material Amendment following planning approval 11/01728/FUL - The installation of a Monodraught Conservation Sunpipe and Conservation Style Smoke Vent on the rear roof slope and dry riser on side elevation</td>
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<td>Application for works in addition to those approved under the terms of Listed Building Consent 11/01729/LBC - The installation of a Monodraught Conservation Sunpipe and Conservation Style Smoke Vent on the rear roof slope and dry riser on side elevation</td>
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13/00419/FUL  Conversion of existing stable and cart lodge building to form 2 no. houses and erection of 3 additional houses  WDN  30.05.13

13/00420/LBC  Conversion of existing stable and cart lodge to 2 no. 2-bedroom houses and extend stable to form 1 no. 1-bedroom house. Erection of 2 no. 2-bedroom houses attached to new 1 bedroom house. Provision of landscaped amenity space and car parking for new dwellings (see 11/01728/FUL & 11/01729/LBC for previous change of use permission for stable and cart lodge to residential). Also re-instate gated access in northern boundary wall facing Philips Chase.  WDN  30.05.13

13/00696/LBC  Conversion of existing stable and cart lodge to 2 no. 2 bedroom houses and the erection of 2 no. 1 bedroom and 1 no. 2 bedroom houses  PDE

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF. In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently published its draft Site Allocations and Development Management Plan and is currently considering the responses to consultation on that document. This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 214, 215 and 216 the NPPF states:
For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

In other cases, and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocation and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

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
RLP56 Vehicle Parking
RLP62 Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP77 Energy Efficiency
RLP81 Trees, Woodland Grasslands and Hedgerows
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
Site Allocations and Development Management Plan - Draft for Consultation

ADM1 - Presumption in Favour of Sustainable Development
ADM2 - Development within Development Boundaries
ADM8 - Housing and Density
ADM45 - Sustainable Access for All
ADM46 - Cycle/Pedestrian Network
ADM47 - Parking Provision
ADM51 - Protection of Biodiversity and Geodiversity
ADM55 - Energy Efficiency
ADM56 - Renewable Energy
ADM58 - Development Likely to Give Rise to Pollution, or the Risk of Pollution
ADM59 - External Lighting
ADM60 - Layout and Design of Development
ADM63 - Preservation and Enhancement of Conservation Areas and Demolition within Conservation Areas
ADM66 - Alterations and Extensions and Changes of Use to Listed Buildings or Structures and their Settings

REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being presented to the planning committee due to the receipt of objections contrary to the recommendation of Officers.

NOTATION

The application site is located within the Town Development Boundary of Braintree and within the Braintree Conservation Area. The site contains a Grade II Listed Building which is described as follows:

“A C17 timber-framed and plastered building refronted in the C18. 2 storeys and attics. 3 window range, double-hung sashes with glazing bars, in flush cased frames. The ground storey has 2 3-light bay windows and a central doorway. Roof tiled, with 2 flat headed dormers with double-hung sashes with glazing bars’.

SITE DESCRIPTION

The site is ‘L’ shaped, measuring approximately 0.13 hectares in area. The site contains a listed building at the Bradford Street frontage which is described above. To the rear of the listed building is a parking area, an outbuilding that was used ancillary to the public house and a garden area. Planning permission has been granted previously for the conversion of the outbuilding to form two flats.

RELEVANT HISTORY

The application site has been the subject of many planning applications.
The most relevant planning application and application for listed building consent are considered to be 11/01728/FUL and 11/01729/LBC which proposed the conversion of the public house and the outbuilding at the rear of the site to a total of five residential units.

Applications 13/00419/FUL and 13/00420/LBC proposed a similar development at the rear of the site to that which is proposed by this application. Those applications were withdrawn.

PROPOSAL

The application proposes the conversion and extension of the outbuilding at the rear of the application site to enable the creation of five dwellings.

The existing building would be converted to form two dwellings, each containing one bedroom. The works of alteration to the existing building to enable the conversion would include:

- The removal of the existing garage doors and replacement with windows and a door.
- The provision of glazing within the existing ground and first floor openings at the frontage of the building and the re-hanging of the timber doors.
- Internal alterations including the provision of staircases, internal partitions,
- The closure of the existing opening at the North elevation.
- The insertion of Conservation Area rooflights on the East facing roofslope.
- The insertion of an obscure glazed, non-opening ground floor window at the rear of the building.

The first part of the extension to the existing building would measure 7.6 metres deep and 4.5 metres wide, with a ridge running from front to back at a height of 6.2 metres. To the North of this would be a 13.8 metre wide, 5.8 metre deep projection, built to a ridge height of 6.5 metres, with ground level set 0.6 metres below the land to the South.

The development would be dependent on the demolition of curtilage listed wall that divides the garden area from the parking area.

The hardstanding area would be extended to incorporate some of the garden land. 13 parking spaces are shown to be provided, 5 to serve the three flats that have been created within the former public house and 8 to serve the units proposed by this application.

CONSULTATIONS

The Historic Building Advisor has raised no major objection to the proposal, but suggested that hardstanding would be preferable to small garden areas at the frontage of the dwellings. Subject to a condition requiring the gardens to
be replaced with hardstanding and other conventional conditions, it is recommended that planning permission should be granted.

The Council’s Drainage Engineer has stated that they are unaware of any surface water drainage issues affecting the site.

The Highway Authority has raised no objection to the proposal subject to the use of a condition requiring parking spaces to measure 2.9 metres by 5.5 metres in line with the Council’s Adopted Parking Standards.

The Council’s Environmental Services Team has raised no objection to the application subject to the imposition of conditions to control the development process.

The Council’s Landscape Services Team has raised no objection to the application subject to the use of a tree protection condition.

REPRESENTATIONS

Three letters of objection have been received which object on the following grounds:

- The proposed dwellings would be too close to the Walnut Tree.
- The proposed dwellings would restrict views of listed buildings and the countryside.
- The proposed dwellings would cause a loss of light and a loss of privacy within neighbouring and nearby gardens.
- The buildings are too large, particularly too tall.
- The proposed development will increase traffic in Phillips Chase.
- The hard surfacing would not allow for surface water drainage.
- Creating an access into Phillips Chase would be impractical.

One general representation has been received asking whether the applicant has a right of way to access the car park from Bradford Street, highlighting that there should be no damage to the Walnut Tree at the site, questioning the ability to obtain access from Phillips Chase given the presence of the tall wall, questioning how delivery materials will be provided, bins collected and vehicular access provided.

REPORT

Principle

The application site is considered to be brownfield land and is located within the Town Development Boundary of Braintree and as such it is considered that the principle of residential development should be supported.

The loss of the former public house has previously been approved by the Local Planning Authority and the conversion has almost been completed. The conversion of the outbuilding has also been approved previously. From this basis, it is considered that the change of use of a building which was formerly
ancillary to the public house, which was considered a community asset, should not be objected to.

**Layout, Scale and Appearance**

As stated above, the application site contains a listed building and ancillary curtilage listed buildings and is located within the Braintree Conservation Area. As such, under the terms of policies RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review 2004 and policy CS9 of the Braintree District Core Strategy, it is considered that the impact of the proposed development on the heritage assets of the site should be a fundamental consideration of the proposed development. Moreover, the more general impact on the street-scene and the character of the area should be a consideration as required by other policies of the Local Plan.

In this instance the Historic Building Advisor of Essex County Council has raised no objection to the proposal on the basis that the plans follow the lines of discussions that were had with the applicant’s agent during the consideration of the recently withdrawn application.

It is known that the Historic Building Advisor has applied weight to the fact that a range of buildings previously existed at the rear of the site, in addition to the existing outbuilding, and therefore the curtilage of the listed building is known to have included large buildings. It is therefore considered that the principle of erecting buildings at the site does not conflict with the historic curtilage of the listed building. In this regard it is noted that the footings of some historic buildings can be seen within the parking area at the application site.

The character of Bradford Street has evolved to make backland development a common feature of the site and an established aspect of the character of the area. From this basis, it is considered that the principle of backland development should not be found objectionable.

It is noted that the proposed development would be positioned very close to the boundary of the site, but this is considered to be sensible in this instance and not dissimilar to other developments that have occurred at the rear of properties within Bradford Street, for example a similar mews style development at the rear of 44 Bradford Street.

The height of the buildings has raised objections from neighbouring residents, but in this instance it is considered that the two storey built form is in-keeping with the height of almost all other buildings within the surrounding area. The extensions would be subordinate in height to the existing building and as such it is considered that the height of the built form is not excessive in this instance.

The proposed development would involve the removal of an existing wall that divides the car parking area of the former public house from its former garden area. The wall appears to be a late addition to the site that is of little or no heritage value and as such its removal is not considered to cause harm to the setting of the listed building. It is certainly the case that the wall is of far less
value to the site than the boundary walls. The proposal would also involve opening an entrance on the Phillips Chase frontage of the site that is considered to be required to enable compliance with Building Regulations (providing emergency access). On visiting the site it is apparent that there is a former opening that has been closed and as such it is considered that the alterations amount to restoring the former appearance of the boundary walls rather than creating a new gap into the heritage asset. It is therefore considered that no objection should be raised to this alteration.

**Impact on Neighbouring Residents**

Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The proposed development would be highly visible from within a number of properties and be at a density that is significantly greater than the density of the existing built form at the site. From this basis, the proposed development will inevitably have some impact on the outlook of neighbouring residential properties, there will be an increased sense of overlooking and there will be additional disturbance caused by the presence and movement of additional people and vehicles.

However, the applicant’s submitted plan correctly identifies that all land immediately adjacent to the proposed building that is not within the applicant’s control is used for car parking. Immediately to the East are two car parking areas, one that serves the office building of Cardinals Court and one that provides a communal parking area for the residential properties of Phillips Chase that are further to the East. To the West of the proposed building is a third car park that serves the flats of Phillips Chase that are adjacent to the site. From this basis, it is considered that the overlooking caused by the proposed first floor windows would not cause a loss of residential amenity on the grounds that the overlooked areas are not habitable and not used as private amenity space.

Objections have been received from a property within Bradford Street and it is acknowledged that the proposed eaves high windows would face that property, which is located on the opposite side of the car park to the West. The separation distance of 36 metres between the proposed windows and the amenity space and 47 metres to the proposed dwelling is considered to prevent an objection being raised by Officers to the application on those grounds, especially given that any overlooking caused would not be materially worse than that which is caused by existing dwellings.

The same objectors have highlighted that the proposed development would affect views from their property and views towards the listed building at the site from dwellings to the East. Noting that the right to a view is not protected by planning legislation, it is considered that this cannot form a reason to object to the application.

The separation distances between the proposed building and other buildings, the orientation of the neighbouring dwellings and the use of the adjacent
building for commercial purposes means that the light within habitable rooms and gardens near to the application site would not be affected to an extent that would justify the refusal of the application on those grounds.

Amenity of Future Occupants

The Essex Design Guide indicates that each two bedroom flat should be served by amenity space of 25 square metres. A similar provision is recommended for 1 bedroom flats and although there is no standard defined for 3 bedroom flats. In this regard it is considered that the retention of 85 square metres of communal amenity space adjacent to the entrance to the flats that have been created within the former public house is acceptable.

The circumstances of the site mean that it is not possible to provide private, conventional amenity space on plot for each of the five dwellings proposed at the rear of the site. Instead the applicant has shown the provision of 320 square metres of shared amenity space and additional front gardens at the front of each dwelling which could provide ‘sitting out’ opportunities. This is not a standard form of approach, but is reflective of the successful approach to the provision of a mews development at the rear of 44 Bradford Street and is considered to be justifiable under the terms of the Urban Places Supplement which allows for communal amenity space in areas of higher density development.

The Historic Building Advisor has objected to the provision of the small garden areas outside each dwelling on the grounds that a less domesticated, hardstanding dominated environment would be more reflective of the existing situation and more in-keeping with the traditions of such mews developments. However, in this instance it is considered that the soft landscaped areas provide visual interest and amenity space that would be of much greater value to the occupants of the development than the harm caused by the contravention of traditional heritage expectations.

Highway Safety and Parking Provision

The Highway Authority has raised no objection to the planning application. In this regard it is noted that the proposal is dependent on the use of an existing access and the intensity of use of the access is not considered to be materially worse than the former use of the site as a public house. The poor visibility splays that serve the access are not considered to be worsened by this proposal and due to the nature of the site and the presence of buildings, it is accepted that there is no potential to improve the visibility splays.

The Council’s Adopted Parking Standards require a minimum of one parking space to be provided to serve one bedroom residential units and two parking spaces for all other residential units. That standard has been complied with, enabling sufficient parking to be provided to serve the dwellings hereby proposed and those approved within the former public house.

The standards also require the provision of one additional space for every four dwellings for visitors. This proposal does not make any such provision,
however, given the location and setting of the development this is considered acceptable.

The Council’s Parking Standards require each parking space to measure 2.9 metres by 5.5 metres, with a smaller standard of 2.5 metres by 5 metres being considered acceptable in exceptional circumstances. The Highway Authority have requested the use of the larger spaces, in line with the Adopted Parking Standards, but the applicant has shown the use of parking spaces that measure 2.5 metre by 5.5 metres.

In this instance it is considered that the use of the smaller parking spaces is necessary to enable the required number of parking spaces to be provided at the site in a manner that also enables adequate turning to be provided. The constrained nature of the site and the presence of a listed building are both considered to be reasonable, if not exceptional, circumstances that justify the use of smaller parking spaces. Moreover it is noted that wider parking spaces could be provided if the Local Planning Authority was willing to see the removal of the garden areas at the frontage of the dwellings, but in this instance it is considered that it would be preferable to retain those garden areas and seek smaller parking spaces.

Planning Obligations

The Council’s Adopted Open Space SPD, which is supported by Policies CS10 and CS11 of the Braintree Core Strategy, requires developers to contribute to the provision and/or enhancement of open space facilities within the vicinity of the site. In this instance the Adopted SPD indicates that the appropriate level of contribution is £5,544.21. This level of contribution should be reduced to £3,825.25 to reflect the fact that the contribution associated with the conversion of the outbuilding at the rear of the site was paid by the applicant when the conversion of the public house commenced and it is not reasonable to seek a contribution twice in respect of those two units.

The Council’s Open Space Action Plan identifies 4 projects within the same ward as the proposed development (Bocking Blackwater) that this contribution could be spent on. This contribution will need to be agreed in the form of a completed Section 106 agreement prior to the determination of the application, otherwise the Local Planning Authority will be obliged to refuse the application on the grounds of the failure to comply with the abovementioned policies in order to provide the required improvements to open space within the vicinity of the site.

Tree Protection, Landscaping and Ecology

The Council’s Landscape Services Team have reviewed the proposals and visited the site to view the trees that exist within the former garden of the public house. No objection has been raised to the proposed development subject to the provision of fencing under the extremities of the crown of the Walnut tree at the site throughout the construction process, which could be required and secured under the terms of a condition.
The landscaping shown on the submitted plan is considered to be acceptable and to contain sufficient detail to not require additional submissions under the terms of a condition. The Historic Buildings Advisor has recommended the provision of less landscaping to provide a more traditional courtyard environment, but in this instance it is considered that the landscaping would be a beneficial feature of the development and should be retained as shown.

**Sustainability**

An objector has highlighted that the use of bound gravel and the existing hardstanding does not enable acceptable permeability of surface water. In this regard it is considered relevant to note that the majority of the hardstanding is existing and impervious and as such the retention, repair and upgrading of that hardstanding will not represent the worsening of the existing situation. The increase of the amount of built form will require additional mitigation under the terms of building regulations and in this instance it is considered that the Local Planning Authority should be satisfied that the proposed development would not worsen the existing situation rather than seek additional enhancements.

It is considered appropriate to attach the Council’s standard sustainability condition to require details to be submitted in relation to sustainable construction and lighting, but not refuse collection as storage areas are marked on the submitted plans.

**Other Issues**

It is considered that there are no other matters that require further detailed consideration at this time.

**CONCLUSION**

It is considered that this proposal will provide a residential development without material harm to the character or appearance of the listed building at the site or the surrounding Conservation Area. It is considered that the proposal would not harm the amenity of neighbouring residents or highway safety.

Therefore, subject to the applicant’s agreement to terms of a legal agreement as set out below, this is considered to be an acceptable form of development on this site.

**RECOMMENDATION**

It is RECOMMENDED that, subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended), within one calendar month from the date of a resolution by Members to grant planning permission to cover the following matters:

- an Open Space contribution in the sum of £3825.25 towards the provision and enhancement of public open space;
The Development Control Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below.

Alternatively, in the event that a suitable planning obligation is not agreed within the aforementioned one month period, the Development Manager may use delegated authority to REFUSE the grant of planning permission on the basis of the failure to make provisions in accordance with the relevant policies and the Open Spaces SPD.

RECOMMENDATIONS

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

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<tr>
<td>Proposed Plans</td>
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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 burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

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

4 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 and shall be adhered to throughout the site clearance and construction process.
To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

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

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

6 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, Bank Holidays and Public Holidays - no work

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

7 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been 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 order to secure the satisfactory development of the site and in the interests of visual amenity.

8 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason
To ensure adequate parking space is provided.

9 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
(a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction

(b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development

(c) measures for the long term energy efficiency of the building(s), and renewable energy resources

(d) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

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

10 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. 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 existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

11 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the
commencement of the development. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of five 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.

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.

2 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
PART A

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Kingswood Homes Ltd, Abberton Cottage, Abberton Road, Layer De La Haye, Colchester, Essex, CO2 0LB
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<td>12/01513/LBC</td>
<td>Repair existing masonry boundary wall</td>
</tr>
<tr>
<td>13/00010/DAC</td>
<td>Application for approval of details reserved by condition no. 4, 6, 9, 11, 12 and 13 of approval 11/01728/FUL and condition no 3, 4, 5, 6, 11 and 12 of 11/01729/LBC</td>
</tr>
<tr>
<td>13/00098/MMA</td>
<td>Application for Minor Material Amendment following planning approval 11/01728/FUL - The installation of a Monodraught Conservation Sunpipe and Conservation Style Smoke Vent on the rear roof slope and dry riser on side elevation</td>
</tr>
<tr>
<td>13/00099/LBC</td>
<td>Application for works in addition to those approved under the terms of Listed Building Consent 11/01729/LBC - The installation of a Monodraught Conservation Sunpipe and Conservation Style Smoke Vent on the rear roof slope and dry riser on side elevation</td>
</tr>
<tr>
<td>13/00419/FUL</td>
<td>Conversion of existing</td>
</tr>
</tbody>
</table>
stable and cart lodge building to form 2 no. houses and erection of 3 additional houses

Conversion of existing stable and cart lodge to 2 no. 2-bedroom houses and extend stable to form 1 no. 1-bedroom house. Erection of 2 no. 2-bedroom houses attached to new 1 bedroom house. Provision of landscaped amenity space and car parking for new dwellings (see 11/01728/FUL & 11/01729/LBC for previous change of use permission for stable and cart lodge to residential). Also re-instate gated access in northern boundary wall facing Philips Chase.

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF. In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently published its draft Site Allocations and Development Management Plan and is currently considering the responses to consultation on that document. This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 214, 215 and 216 the NPPF states:
For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

In other cases, and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocation and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

**National Planning Guidance**

**National Planning Policy Framework**

**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

**Site Allocations and Development Management Plan - Draft for Consultation**

**ADM60 - Layout and Design of Development**
**ADM63 - Preservation and Enhancement of Conservation Areas and Demolition within Conservation Areas**
**ADM66 - Alterations and Extensions and Changes of Use to Listed Buildings or Structures and their Settings**

**REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE**

The application is being presented to the planning committee due to the receipt of objections contrary to the recommendation of Officers.
NOTATION

The site contains a Grade II Listed Building which is described as follows:

“A C17 timber-framed and plastered building refronted in the C18. 2 storeys and attics. 3 window range, double-hung sashes with glazing bars, in flush cased frames. The ground storey has 2 3-light bay windows and a central doorway. Roof tiled, with 2 flat headed dormers with double-hung sashes with glazing bars’.

SITE DESCRIPTION

The site is ‘L’ shaped, measuring approximately 0.13 hectares in area. The site contains a listed building at the Bradford Street frontage which is described above. To the rear of the listed building is a parking area, an outbuilding that was used ancillary to the public house and a garden area. Planning permission has been granted previously for the conversion of the outbuilding to form two flats.

RELEVANT HISTORY

The application site has been the subject of many planning applications.

The most relevant planning application and application for listed building consent are considered to be 11/01728/FUL and 11/01729/LBC which proposed the conversion of the public house and the outbuilding at the rear of the site to a total of five residential units.

Applications 13/00419/FUL and 13/00420/LBC proposed a similar development at the rear of the site to that which is proposed by this application. Those applications were withdrawn.

PROPOSAL

The application seeks Listed Building Consent for the conversion and extension of the curtilage listed outbuilding at the rear of the application site to enable the creation of five dwellings.

The existing building would be converted to form two dwellings, each containing one bedroom. The works of alteration to the existing building to enable the conversion would include:

1. The removal of the existing garage doors and replacement with windows and a door.
2. The provision of glazing within the existing ground and first floor openings at the frontage of the building and the re-hanging of the timber doors.
3. Internal alterations including the provision of staircases, internal partitions,
4. The closure of the existing opening at the North elevation.
5. The insertion of Conservation Area rooflights on the East facing rooftops.
6. The insertion of an obscure glazed, non-opening ground floor window at the rear of the building.

The first part of the extension to the existing building would measure 7.6 metres deep and 4.5 metres wide, with a ridge running from front to back at a height of 6.2 metres. To the North of this would be a 13.8 metre wide, 5.8 metre deep projection, built to a ridge height of 6.5 metres, with ground level set 0.6 metres below the land to the South.

The development would be dependent on the demolition of curtilage listed wall that divides the garden area from the parking area.

The hardstanding area would be extended to incorporate some of the garden land. 13 parking spaces are shown to be provided, 5 to serve the three flats that have been created within the former public house and 8 to serve the units proposed by this application, but these works are not considered to require Listed Building Consent.

CONSULTATIONS

The Historic Building Advisor has raised no major objection to the proposal, but suggested that hardstanding would be preferable to small garden areas at the frontage of the dwellings. Subject to a condition requiring the gardens to be replaced with hardstanding and other conventional conditions, it is recommended that planning permission should be granted.

REPRESENTATIONS

Three letters of objection have been received which object on the following grounds:

- The proposed dwellings would be too close to the Walnut Tree.
- The proposed dwellings would restrict views of listed buildings and the countryside.
- The proposed dwellings would cause a loss of light and a loss of privacy within neighbouring and nearby gardens.
- The buildings are too large, particularly too tall.
- The proposed development will increase traffic in Phillips Chase.
- The hard surfacing would not allow for surface water drainage.
- Creating an access into Phillips Chase would be impractical.

One general representation has been received asking whether the applicant has a right of way to access the car park from Bradford Street, highlighting that there should be no damage to the Walnut Tree at the site, questioning the ability to obtain access from Phillips Chase given the presence of the tall wall, questioning how delivery materials will be provided, bins collected and vehicular access provided.
REPORT

Principle

The Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that “in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” Accordingly, the impact on the character, appearance, fabric and setting of the Listed Building is the only factor of relevance to the determination of an application for Listed Building Consent. No other matters are considered to be of relevance as those issues are dealt with under the terms of planning or other legislation.

Impact on Heritage Assets

As stated above, the application site contains a listed building and ancillary curtilage listed buildings and is located within the Braintree Conservation Area. As such, under the terms of policies RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review 2004 and policy CS9 of the Braintree District Core Strategy, it is considered that the impact of the proposed development on the heritage assets of the site should be a fundamental consideration of the proposed development.

In this instance the Historic Building Advisor of Essex County Council has raised no objection to the proposal on the basis that the plans follow the lines of discussions that were had with the applicant’s agent during the consideration of the recently withdrawn application.

It is known that the Historic Building Advisor has applied weight to the fact that a range of buildings previously existed at the rear of the site, in addition to the existing outbuilding, and therefore the curtilage of the listed building is known to have included large buildings. It is therefore considered that the principle of erecting buildings at the site does not conflict with the historic curtilage of the listed building. In this regard it is noted that the footings of some historic buildings can be seen within the parking area at the application site.

The proposed development would involve the removal of an existing wall that divides the car parking area of the former public house from its former garden area. The wall appears to be a late addition to the site that is of little or no heritage value and as such its removal is not considered to cause harm to the setting of the listed building. It is certainly the case that the wall is of far less value to the site than the boundary walls. The proposal would also involve opening an entrance on the Phillips Chase frontage of the site that is considered to be required to enable compliance with Building Regulations (providing emergency access). On visiting the site it is apparent that there is a former opening that has been closed and as such it is considered that the alterations amount to restoring the former appearance of the boundary walls rather than creating a new gap into the heritage asset. It is therefore considered that no objection should be raised to this alteration.
From this basis, as no objection has been raised by the Historic Building Advisor, it is considered that the application for Listed Building Consent should be supported.

Other Issues

As stated above, it is considered that the issues that can be considered are limited by the Planning (Listed Buildings and Conservation Areas) Act 1990 and therefore no other matters should be assessed under the terms of this application.

CONCLUSION

It is considered that this proposal will provide a residential development without material harm to the character, appearance or setting of the listed building at the site. It is therefore recommended that the Listed Building Consent is granted.

RECOMMENDATIONS

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

<table>
<thead>
<tr>
<th>Plan Type</th>
<th>Plan Ref</th>
<th>Version</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping</td>
<td>123.KHEAD_BARNS-PL11</td>
<td>A</td>
</tr>
<tr>
<td>Existing Plans</td>
<td>123.KHEAD_BARNS-PL02</td>
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</tr>
<tr>
<td>Location Plan</td>
<td>123.KHEAD_BARNS-PL04</td>
<td></td>
</tr>
<tr>
<td>Proposed Plans</td>
<td>123.KHEAD_BARNS-PL10</td>
<td></td>
</tr>
</tbody>
</table>

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

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

3 Development shall not 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.
Reason
To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

4 Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills 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 maintained as such.

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

APPLICATION NO: 13/00492/FUL  DATE: 03.05.13

APPLICANT: Friends Of The Flitch Way
            Mr Peter Lane, 12B Brunwin Road, Rayne, Braintree, Essex, CM77 6BU

AGENT: Bryan Reeve Associates - Rayne
        Oakville, Dunmow Road, Blake End, Rayne, CM7 6SF

DESCRIPTION: The siting of a railway carriage on rails in Rayne Station for use as a general education display area and museum

LOCATION: Rayne Station Centre, Station Road, Rayne, Essex, CM77 6RX

For more information about this Application please contact:
or by e-mail to:
SITE HISTORY

11/01336/FUL The siting of a railway carriage on rails in Rayne Station for use as a general education display area and museum

PER 11.11.11

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF. In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently published its draft Site Allocations and Development Management Plan and is currently considering the responses to consultation on that document. This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 214, 215 and 216 the NPPF states:

For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

In other cases, and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocation and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance
INTRODUCTION

This application is brought before the Planning Committee because more than five representations have been received that express a contrary opinion to the officer’s recommendation, raising material planning considerations. In total, 17 letters of objection have been received.

NOTATION

The site is located within the Rayne village envelope and partly within an area designated as Informal Recreation in the Local Plan Review.

SITE DESCRIPTION

The application site comprises a former railway station, which is now used as a visitor centre and café associated with the Flitch Way – a footpath and cycleway that runs along the former railway line from Bishop’s Stortford to Braintree. While parts of the Flitch Way are formal Public Rights of Way, the affected section is not. A scout headquarters sits on neighbouring land to the north, while residential properties line the opposite side of New Road to the south.
PROPOSAL

The proposal comprises the installation of a railway carriage on the former railway line and adjacent to the platform. The Flitch Way would be diverted around the carriage.

RELEVANT HISTORY

Planning permission was granted under application ref. 11/01336/FUL for a near-identical proposal. The main difference is the size of the carriage – the old permission relates to a carriage measuring approximately 16 x 2.7 metres, while the current application proposes a carriage measuring approximately 20 x 2.7 metres. The only other difference is that the carriage would be installed upon concrete sleepers rather than timber sleepers.

CONSULTATIONS

Rayne Parish Council – Supports the application.
BDC Environmental Services – Raises no objection.
BDC Landscaping – Raises no objection subject to tree protection.
ECC Public Rights of Way – Raises no objection.

REPRESENTATIONS

A site notice was displayed at the entrance to Rayne Station off Station Road, and another on a lamp post on New Road. Letters were sent to neighbours.

7 letters of support have been received, within which it is stated that the carriage would provide community benefits e.g. meetings, education, museum, volunteering opportunities.

17 letters of objection have been received, raising a number of concerns relating to such aspects as appearance, neighbouring amenity, highway impacts and impacts upon biodiversity. These concerns are considered in the following assessment.

REPORT

Principle of Development

Policy RLP145 states that, the Council will encourage the provision of additional tourist attractions. The proposal is therefore supported on this basis, subject to detailed considerations.

Design and Appearance

The railway carriage would be located on the site of the original railway line, adjacent to the platform. It is considered that a railway carriage would appear appropriate in this context, so it would comply with the design criteria in policies CS9 and RLP90. The proposed carriage is of a similar style to the
carriage approved under application ref. 11/01336/FUL, which was deemed acceptable. While BDC Planning Policy has recommended that the angle of the footpath is amended, this has not been pursued because it would be unreasonable considering that the same footpath layout was approved under application ref. 11/01336/FUL.

Representations have been received that raise concerns over design and appearance. These concerns are listed below, together with an officer opinion:

- **The carriage may not be maintained if Friends of the Flitch Way (the applicant) ceases to exist**
  This is not a material consideration. The planning system cannot control the ownership of a building.

- **The age of the carriage is inconsistent with that of Rayne Station**
  While it is noted that the station may have ceased operating before the proposed carriage was built, it is considered that this comment goes beyond what can reasonably be considered. A railway carriage would appear generally appropriate in the context of a former railway station.

**Impact upon Neighbouring Amenity**

No impacts upon neighbouring amenity are considered likely, so the proposal would comply with the requirement in Policy RLP90 that such impacts should be avoided. Nevertheless, representations have been received that raise concerns over amenity. These concerns are listed below, together with an officer opinion:

**Disturbance to neighbours**
Environmental Services was consulted and no concern was raised over the impact of installation upon neighbours. The proposal would not involve significant construction work.

**Noise from visitors**
The only likely noise would be from traffic movements and talking amongst visitors and staff. Due to the small scale nature of the proposal and the distance to neighbours, these activities are unlikely to cause any significant harm to residential amenity.

**Overlooking**
The carriage would be single storey and positioned approximately 35 metres from the nearest habitable room window. It is therefore considered that a view into any habitable room would be difficult, such that no harmful impact would be caused.

**Highway Considerations**

The site is served by an existing access off Station Road and a car park that can accommodate approximately 20 cars. In the case of application ref. 11/01336/FUL, this provision was found to be acceptable so it would be
unreasonable to take a different view for the present application which is not materially different in relation to the requirement for car parking.

In addition to car parking facilities, the position of the site on the Flitch Way offers visitors the opportunity to walk or cycle. There is a reasonable likelihood that these sustainable travel choices would be used by visitors.

Representations have been received that raise concerns over highway considerations. These concerns are listed below, together with an officer opinion:

- **Insufficient parking provision, leading to highway safety problems and pollution from slow-moving vehicles**
  
  Sufficient parking spaces would be provided, as explained above.

- **Traffic impacts from other local activities should be taken into account**
  
  It is considered that the proposal would be unlikely to cause a significant increase in traffic using the surrounding roads, and it would be unreasonable to seek infrastructure improvements in connection with such a small proposal. Any improvements to the highway would be the responsibility of Essex County Council as Highway Authority.

**Impact upon Biodiversity**

The application includes the removal and replacement of a 2.5m tall tree and pruning of two other trees to facilitate installation of the carriage. This would not affect the overall appearance of the site, although it is necessary to require by condition the approval of details in respect of tree protection. None of the affected trees are subject to a Tree Preservation Order.

Representations have been received that raise concerns over the removal of trees. However, as explained above, the proposed removal and replacement of one tree would not affect the overall appearance of the site and the other trees will be retained and protected during construction.

**Crime Prevention**

While no impacts upon crime prevention are considered likely, representations have been received that raise concerns over such impacts. These concerns are listed below, together with an officer opinion:

- **The carriage would be susceptible to vandalism**
  
  It is noted from the representations that vandalism has occurred at the site in the past. The role of planning control in preventing crime is to assess whether a proposal would present significant problems. In this case, it is considered that the carriage would be easily monitored during the working day and that it would be visible from public viewpoints on the path itself and from the opposite side of the road. For these reasons, there is no reason to suggest that the proposal would present a significant opportunity for vandalism.
What security arrangements would be made?
Securing the site is a matter for the property owner. As explained above, no concerns are raised in terms of crime prevention.

Other Issues

Representations have been received that raise concerns over issues not covered above. These concerns are listed below, together with an officer opinion:

Fencing would need to be removed to facilitate installation
The proposal does not include the removal of fencing so it would be unreasonable to assume that this would occur.

Installation would include groundworks
The need to carry out groundworks would not in itself be cause for concern – it merely being a stage of the construction process, the impacts of which have been considered.

Roads would need to be closed to facilitate installation
Whether roads need to be closed to allow installation is beyond the scope of planning control.

Cost implications – maintenance, trackbeds, restoration if falls out of use, parking and noise issues from necessary fundraising events
The alleged costs associated with the carriage are not material planning considerations, and nor are the hypothetical consequences.

How would the carriage relate to the café?
It is clear from the information provided that the carriage would be used as a general education display area and museum. It would therefore not be an extension of the existing café activities.

Alternative, more appropriate solutions are available
If a proposal is found to be acceptable, as is the case here, permission should be granted. It is not possible to refuse permission because a preferable solution may exist.

CONCLUSION

The proposal has been found to be acceptable, with no material considerations that weigh against it. It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-
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 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. 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 existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.