

DR/26/17

committee DEVELOPMENT & REGULATION

date 23 June 2017

COUNTY COUNCIL DEVELOPMENT

Proposal: **The change of use of Evegate and 3 Thistley Green Road from Use Class C3 (Dwelling houses) to Use Class C2 (Residential Institutions) to provide 8no. 1 bedroom flats for adults with learning difficulties. The construction of single storey extensions to both Evegate and 3 Thistley Green Road to provide communal areas. The conversion of the garage to 3 Thistley Green Road to provide ancillary staff offices. The demolition of the existing coach house for adults with learning difficulties. New access drive (with closure of existing drive to Evegate) and parking to serve development. New boundary fences at Evegate & 3 Thistley Green Road**

Location: **Evegate & 3 Thistley Green Road, Braintree CM7 9SE**

Ref: **CC/BTE/54/16**

Applicant: **Essex County Council**

Report by Acting Head of County Planning

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The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND

There is a very short planning history for Evegate and 3 Thistley Green Road with relevant planning permissions granted by Braintree District Council.

Evegate

15/00262/DAC – Application for approval of details reserved by condition nos. 5, 14 & 15 of approved application 13/00278/FUL – Permitted

14/01055/FUL – Demolition of stable block and erection of dwelling – Permitted with Section 106

13/00278/FUL – Erection of a two storey extension to the rear of the existing dwelling and conversion into four apartments. Conversion of the former stable block into a two bed fully accessible disabled use cottage with a secure bike & bin store. Realignment of driveway and relocation of highway access – Permitted with S106

3 Thistley Green Road

15/00175/FUL – Cellular soakaway – Permitted

14/0140/FUL – Retention and reduction in size of drainage pond – Permitted

13/00058/NMA – Application for a non-material amendment following grant of planning permission no. 12/00352/FUL – Repositioning and resizing some doors and windows to new house, introducing internal door & 2 WCs to garage – Permitted

13/00206/DAC – Application for approval of details reserved by Condition 16 of planning approval 12/00352/FUL – Permitted

12/00195/DAC – application for approval of details reserved by condition nos. 4, 6, 8, 12, 14, 18 & 19 of approval 12/00352/FUL – Permitted

12/00352/FUL – Erection of dwelling – Permitted with S106

2. SITE

Evegate and 3 Thistley Green Road are situated within the Town Development Boundary as defined in the adopted Braintree District Local Plan Review 2005. However, the garden which serves Evegate falls outside of the development boundary.

The combined site area is stated as 0.6ha. Evegate is a traditional detached house set in mature landscaped grounds, with a coach house to the rear. It is currently accessed via a private driveway off of Thistley Green Road, close to the junction with Broad Road (B1053).

3 Thistley Green Road is a modern detached house with triple garage with a room above, which has been constructed within the curtilage of Evegate.

Current vehicular access to 3 Thistley Green Road is via an adjacent driveway, accessed via Thistley Green Road. The driveway also provides a legal right of access for a residential property (Moongate) to the north of Evegate.

There are residential properties to the north east, east and south east of the site in Thistley Green Road. Further residential properties are on the opposite side of Thistley Green Road. Two further properties in Broad Road are located to the north west of the site.

The front boundary to the application site is formed from hedging which helps screen the properties from view. Along the western boundary is a chain link fence. A wall forms a majority of the northern boundary. The existing eastern boundary is formed by a fence and low wall.

3. PROPOSAL

It is proposed to change the use of both Evegate and 3 Thistley Green Road from use Class C3 (Dwelling houses) to Use Class C2 (Residential Institutions) to provide 8no. 1 bedroom flats for adults with learning difficulties.

A single storey extension would be constructed to both properties to provide communal areas for residents.

The existing garage to 3 Thistley Green Road would be converted to provide ancillary staff offices.

The existing Coach House to Evegate would be demolished and a new single storey building constructed to provide an additional 2no. 1 bedroom bungalows for adults with learning difficulties.

A new access drive to replace the existing would be provided together with 15 car parking spaces for staff and visitors.

New boundary fencing of varying heights (1.2 m to 2.1m high) would be provided to both Evegate and 3 Thistley Green Road.

4. POLICIES

The following policies of the [Braintree Local Plan Review](#) adopted July 2005 (BLPR) and [Pre-Submission Site Allocations and Development Management Plan](#) as amended by further changes September 2014 (ADMP) provide the development plan framework for this application. The following policies are of relevance to this application:

Braintree Local Plan Review

Policy RLP2 – Town Development Boundaries & Village Envelopes

Policy RLP17 – Extensions and Alterations to Dwellings in Towns & Villages

Policy RLP20 – Residential Institutions in Towns & Villages
Policy RLP56 – Vehicle Parking
Policy RLP90 – Layout and Design of Development
Policy RLP92 – Accessibility

Pre-Submission Site Allocations and Development Management Plan as amended by further changes September 2014

Policy ADM2 – Development within Development Boundaries
Policy ADM5 – Specialist Housing
Policy ADM9 – Residential Alterations, Extensions and Outbuildings within Development Boundaries
Policy ADM47 – Parking Provision
Policy ADM60 – Layout and Design of Development

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

At the Full Council Meeting on 30 June 2014 Councillors took the decision not to submit the Site Allocations and Development Management (ADMP) to the Planning Inspectorate for examination, but to instead begin work immediately on a New Local Plan.

At its Full Council meeting on 15 September 2014 Councillors agreed that the ADMP as amended by Further Changes be adopted for use within development management decision making. The Council's view is that the document should be given appropriate weight in all matters under consideration and that these are material considerations for the Council.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Braintree Local Plan Review adopted July 2005 and the Pre-Submission Site Allocations and Development Management Plan as amended by further changes September 2014 is considered further in the report.

5. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – No objection

HIGHWAY AUTHORITY – No objection subject to a condition requiring the removal of the existing site access and the provision of a new access off Thistley Green Road prior to occupation of the development

COUNTY COUNCIL'S NOISE CONSULTANT – Any comments received will be reported

PLACE SERVICES (Ecology) – No objection subject to conditions

PLACE SERVICES (Trees) – No objection

PLACE SERVICES (Urban Design) - No objection

PLACE SERVICES (Landscape) – No objection

LOCAL MEMBER – BRAINTREE – Bocking – Any comments received will be reported.

6. REPRESENTATIONS

24 properties were directly notified of the application. 15 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Only 15 car parking spaces provided on site, 2 of which will be for disabled parking. Inadequate for changeover period when there will be 20 staff.	See appraisal
Allowing for changeover and various visitors of the opinion that at least 30 spaces will be required.	See appraisal
Parking on Thistley Green Road extremely difficult as it is a narrow road	Noted. See appraisal
Already existing parking problems	Noted. See appraisal
Understand residents will have very severe problems and with those problems will come significant noise. Noise should not be distressing for residents and appropriate mitigation should be put in place.	Noted. See appraisal
How will ECC guarantee my safety?	A professional assessment will be

	undertaken to determine the needs and suitability of residents
Submitted noise information totally inadequate	Noted. See appraisal
Concerned about loss of privacy	Noted
Have been assured staff will not park on Thistley Green Road	Noted
No amenities at all in close proximity to the site. At best only an hourly bus service	See appraisal
Can tall trees and shrubs be planted in front of fencing to help with appearance and to cushion some of the noise?	See appraisal
It is necessary to have double gates as they will be locked and only used for deliveries?	See appraisal
If the road is blocked by parked cars emergency vehicles won't be able to access	Noted. This is not a planning issue
Proposal has to be right in land use terms. Not relevant to take account of the fact that there may or may not be a need for such accommodation.	Noted. See appraisal
Should be demonstrated proposal will not have an adverse impact on local residents	See appraisal
More than sufficient room on the site to provide additional car parking spaces	See appraisal
Will current drains be able to cope with proposed development?	This is not a material planning consideration
No convinced proposed fencing will be sufficient to keep residents from my land	Noted
When wall is removed there is chain link fencing that forms a boundary of about 2m with my land. Will this be sufficient?	Noted
Concerned about extra traffic that will be	Noted

generated

Local amenities only accessible by field footpaths, unusable in winter See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development & Need
- B. Policy Considerations
- C. Design & Layout
- D. Impact on Trees, Landscape & Ecology
- E. Impact on Residential Amenity
- F. Traffic & Highways

A PRINCIPLE OF DEVELOPMENT & NEED

BLPR Policy RLP2 (Town Development Boundaries and Village Envelopes) states inter alia that *“new development will be confined to the areas within Town Development Boundaries and Village Envelopes.”*

BLPR Policy RLP20 (Residential Institution in Towns and Villages) states inter alia that *“within predominantly residential areas in towns and villages, permission will be given for the development of residential care homes.”*

Policy ADM2 (Development within Development Boundaries) states inter alia that *“within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character and historic interest of the settlement and its character.”*

ADM Policy ADM5 (Specialist Housing) states inter alia that *“specialist housing is defined as accommodation which has been specifically designed and built to meet the needs of the elderly, young or vulnerable adults and may include some elements of care and support for everyone who lives there. Proposals for specialist housing will be permitted within development boundaries subject to certain criteria”.*

The amenity, design, environmental and highway criteria will be considered further in the report.

A representation has raised the point that the proposal has to be right in land use terms and stated that it is not relevant to take account of the fact that there may or may not be a need for such accommodation.

Both Evegate and 3 Thistley Green Road are situated within the Town Development Boundary as defined in the adopted Braintree District Local Plan Review 2005. Braintree District Council granted planning permission in 2013 for conversion of Evegate into 4 flats together with a 2 storey extension and it is therefore considered that the proposed change of use would be acceptable in

principle and in accordance with Policy RLP2, RLP20, Policy ADM2 and Policy ADM5.

There is an acute shortage of specialist accommodation for people with learning difficulties, which impacts severely on people with learning difficulties that need to live in a supported environment.

The proposed change of use of Evegate and 3 Thistley Green Road into self-contained flats with ancillary staff facilities would provide much need specialist accommodation for adults with learning difficulties and it is considered that the need for the proposal has been demonstrated.

Braintree District Council has stated that planning permission has previously been granted for the extension and subdivision of Evegate and an outbuilding to the rear into five self-contained flats. Therefore the principle of flats has already been established. Evegate benefits from substantial garden space and off-road parking. It is therefore not considered that the use of the extended and converted dwelling for people with special needs would be objectionable.

No.3 Thistley Green Road is a recently constructed dwelling which has yet to be occupied. It therefore has permission for residential occupation and there is no objection in principle to the proposal.

B POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

The social role involves supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

NPPF Paragraph 69 states inter alia that *"the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities."*

The conversion of Evegate and 3 Thistley Green Road into self-contained flats for adults with learning difficulties would help meet an urgent need for this type of accommodation and is considered to be in compliance with the provisions of the NPPF.

C DESIGN & LAYOUT

BLPR Policy RLP90 and Policy ADM60 – (Layout and Design of Development) state inter alia that *"The Council seeks a high standard of layout and design in all developments."* It goes on to say that *"the scale, density, height and massing of buildings should reflect or enhance local distinctiveness; designs shall recognise*

and reflect local distinctiveness and the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality.”

ADM Policy ADM2 (Development within Development Boundaries) states inter alia that *“proposal for development should seek to protect and enhance the character of the existing street scene.”*

BLPR Policy RLP17 (Extensions and Alterations to Dwellings in Towns and Villages) and Policy ADM9 (Residential Alterations, Extensions, Outbuildings within Development Boundaries) state inter alia that *“residential extensions within development boundaries will be permitted provided there should be no over development of the plot; the siting, bulk, form and materials of the extension should be compatible with the original dwelling and there should be no material adverse impact on the identity of the street scene, scale and character of the area.”*

The existing footprint of the buildings would remain broadly the same, apart from modest rear extensions to Evegate (12.3m x 3.3m x 2.8m) and 3 Thistley Green Road (12.3m x 3.2m x 2.9m) to provide communal areas for residents.

The proposed extensions would be constructed in brick to match existing.

It is intended that the properties would continue to appear as dwelling houses from the street. 3 Thistley Green Road would be re-orientated, with the existing front door being moved from the south west elevation to the north west elevation (facing into the site).

The ground floor flats would all benefit from their own private doors to the outside areas. However it is intended that these doors would be used as secondary doors and residents would be encouraged to use the main entrances to help reduce potential impact on neighbouring properties.

The existing Coach House to Evegate would be demolished and rebuilt to provide 2no. one bed bungalows for adults with learning difficulties.

The garage at 3 Thistley Green Road is a 2 storey building. The ground floor would be used for storage whilst the first floor would be converted to staff office and ancillary accommodation.

Braintree District Council has stated that the proposed extension to the rear of 3 Thistley Green Road would be partly located in the same position as a previously approved conservatory. The extension would be single storey and would be acceptable.

The extensions to both dwellings would be single storey with flat roofs. Neither would be visible from the street scene, nor would they be harmful to the character of the dwellings.

Place Services (Urban Design) has no objection to the proposal.

Apart from 2 small extensions the external appearance of both properties would remain much the same as existing as the proposal is for a change of use. It is considered this would be in accordance with Policy RLP90, Policy ADM60, Policy ADM2, Policy RLP17 and Policy ADM9.

The ground floor flats for both Evegate and 3 Thistley Green Road would be fully wheelchair accessible although the accommodation is aimed at those specifically with learning difficulties. The replacement Coach House would also be fully wheelchair accessible. It is considered that this would be in accordance with BLPR Policy RLP92 (Accessibility) which states that changes of use to buildings will only be permitted if the design and layout of their access for the public is fully accessible to people whose mobility is impaired.

Residents would have access to the garden space of both properties which is considered to be in accordance with Policy ADM5 (Specialist Housing) which requires that an appropriate level of private amenity space is available to meet the needs of residents.

Braintree District Council considers that adequate amenity space would be provided for the occupants of both buildings.

D IMPACT ON TREES, LANDSCAPE & ECOLOGY

Trees

An Arboricultural Impact Assessment was submitted as part of the application.

It is proposed to remove the following Category U trees and groups of trees which are considered to be in poor condition/structural fault.

T2 – Field Maple – Poor condition – twin stem half hidden in bank

T8 – Walnut – Poor – Dead wood throughout

T10 – Cherry - Dead

T16 – Cedar – Poor – Significant previous storm damage

G1 – Acacia x2, Box elder x2, conifer – Poor

G2 – Cherry, Cottoneaster, Holly and shrubs – Poor – 1x heavily decayed limb. Necrotic, flaking bark

G4 – Cherry Plum – Poor – trunk growing laterally

G15 – Cherry – Poor – Decay in trunk. Minor dead wood

Crown lift work is proposed for the following trees to prevent harm to the trees whilst the existing driveway is removed and whilst the new driveway is installed. These trees are considered important and it is considered that they could be retained successfully providing appropriate protective measures are specified and implemented in line with the Construction Method Statement.

T1 – Oak – Cat. B1

T3 – Beech – Cat. B1

T9 – Norway Maple – Cat. B1

Place Services (Arboriculture) has no objection to the removal of the trees listed above or to the proposed works to trees.

Landscape

BLPR Policy RLP20 (Residential Institutions in Towns and Villages) states inter alia that *“within predominantly residential areas in towns and villages, permission will be granted for the development of residential care homes provided that boundary treatments provide privacy and a high standard of visual amenity both for residents and neighbouring properties.”*

New soft landscaping would be provided by way of trees and shrubs once the new driveway is in place and the existing pedestrian entrance to 3 Thistley Green Road is removed. New soft landscaping would also be provided around the new car parking areas to help reduce this visual impact.

New 2.1m high close boarded fencing would be provided between Evegate and Moongate once the dilapidated wall separating the 2 properties has been removed.

A 1.8m high close boarded fence would be erected along the eastern boundary of the site to ensure that vehicles related to Evegate and 3 Thistley Green Road use the main entrance off of Thistley Green Road. It is considered this would help reduce potential disturbance to neighbouring properties.

The existing stepped pedestrian entrance to 3 Thistley Green Road would be removed and a 1.8m high close boarded fence erected. A close boarded fence would be erected on top of the wall along the south eastern boundary of 3 Thistley Green Road giving a height of 1.8m. A close boarded timber vehicle and pedestrian gate with internal locking facility would be included within this fence line to provide access to the garage building for storage and emergency access.

A 1.2m high paladin fence would be erected along the southern and western boundaries. There is a transformer station adjacent to the western boundary and a 1.8m high paladin fence would be erected.

1.2m high paladin gates would be erected at the entrance of the driveway.

Place Services (Landscape) has no objection to the proposal.

It is considered that the provision of fencing around the site boundaries of Evegate and 3 Thistley Green Road would help prevent any overlooking of the neighbouring residential properties in accordance with Policy RLP20.

Ecology

A bat survey has been submitted as part of the application.

Evidence provided by the survey indicates the presence of a non-maternity summer roost of Brown Long-eared bats either within the loft space of the house or beneath roof riles.

Brown Long-eared bats are a common and widespread species, both nationally and local. Although all bat roosts are equally protected under relevant legislation, non-maternity, non-hibernation roosts of this species are of relatively low conservation significance.

The presence of a bat roost in Evegate and the fact that the roost is likely to be affected by the proposed refurbishment of the building mean that it would be necessary to obtain a European Protected Species Licence from Natural England in order to allow the development to proceed.

A licence application would be prepared for submission to Natural England and would include appropriate measures intended to avoid, minimise or where neither is possible, compensate for the impacts of the proposed development upon bats and their roosts.

The mitigation measures set out in the Interim Report include the following:

- The bat roost in the house would remain as existing, as would its bat access points. The loft space would be retained for the use of bats.
- Any additional bat roosts located in the house during further surveys would also be retained as existing, along with their access points.
- Prior to any work to the roof of the house, the consultant bat ecologist will temporarily exclude bats from their roosts by standard methods. This will involve the blocking of roosts access points after evening emergence, followed by unblocking the following evening, with this process repeated over three nights
- Replacement roosting opportunities would be provided at this site for bats to use during any period of temporary exclusion. This will take the form of roost boxes installed on trees at the site by the consultant bat ecologist. Four bat boxes are considered sufficient in this instance. They would be retained at the site once the work is complete.
- If a new roof lining is to be fitted in the house, bituminous roofing felt would be used. Breathable roofing membranes would not be used due to the risk to bats associated with these materials and the deterioration of such membranes cause by contact with roosting bats.
- In the event that bats are discovered during the work, work in that vicinity should be halted and the consultant bat ecologist should be informed immediately. The bats should be left in position unless they are in danger or injured, in which case they should be carefully moved into a box with a lid and kept out of harm's way until the bat ecologist arrives at the site. Any handling of bats should be done wearing thick gloves.

Further evening and pre-dawn surveys would be carried out during the summer of 2017 to inform the licence application and appropriate mitigation measures. In the event that a maternity roost is found during further surveys (e.g. within the eaves of the house), the licence method statement would require work to avoid the maternity period.

The survey concludes that it is considered that the future of any bat roosts present within the house is assured by the requirement for a Natural England licence and

the attendant requirement for the retention of any bat roosts within the building.

Place Services (Ecology) has no objection to the proposals subject to 2 conditions. The first requiring further supplementary ecological surveys for bats in order that sufficient information is gathered to support an European Protected Species Licence (EPSL) and the second preventing works to Evedgate until the County Council has either been provided with a copy of the EPSL or a written statement has been issued stating it is not considered that the specified activity/development would require a licence.

It is considered that the mitigation measures proposed within the Interim Report would be adequate to avoid offences under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010 (as amended); that a mitigation licence would be required and that it is considered there are no reasons to indicate that Natural England is likely to refuse an application for a licence.

E IMPACT ON RESIDENTIAL AMENITY

Location

Several representations have been received questioning the suitability of the location with regards to shops, health facilities and other services and the lack of public transport links.

BLPR Policy RLP20 (Residential Institutions in Towns and Villages) states inter alia that *“within predominantly residential areas in towns and villages, permission will be granted for the development of residential care homes providing that there are shops, health facilities and regular public transport services, in close proximity to the site.”*

Policy ADM5 (Specialist Housing) states inter alia that *“everyday services that users would expect to access, such as shops should be available on-site or should be located close by and be able to be accessed by a range of transport modes.”* It further states that *“health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents.”*

Braintree town centre is approximately a 25-30 minute walk from Thistley Green Road, via Broad Road, Convent Hill, Bradford Street and The Causeway. An hourly bus service runs into Braintree Monday to Saturday from 0730hrs until 1820hrs. Similarly an hourly bus service runs to Halstead Monday to Saturday from 0755hrs until 1934hrs. The bus stops are located on Broad Road, less than a 5 minute walk from Thistley Green Road.

It is considered this would be in accordance with Policy RLP20 and Policy ADM5.

BLPR Policy RLP90 (Layout and Design of Development) and ADM Policy ADM60 (Layout and Design of Development) state inter alia that *“there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.”*

Noise

Concerns have been raised by local residents regarding the severity of the learning difficulties of the residents of Evegate and 3 Thistley Green Road and the potential for noise and the resulting distress to residents the noise may cause.

It is acknowledged that the residents Evegate and 3 Thistley Green Road may be prone to making loud and unexpected noises depending on their level of learning difficulties. It is further acknowledged that this may have the potential to cause disturbance to neighbouring properties.

An Acoustic Consultancy Report was submitted as part of the application. Approved Document E of Building Regulations covers sound insulation requirements in dwelling houses, flats, rooms for residential use and schools.

High quality sound insulation materials would be used for the floors, stairs and walls of both buildings to help reduce the potential for noise disturbance to neighbouring properties.

Windows to both properties would be lockable by staff and it is proposed to install mechanical ventilation systems to the properties. Again it is considered that this would help reduce any potential noise impact on neighbouring properties in accordance with Policy RLP90 and Policy ADM60.

Braintree District Council does not consider that the proposal would have an adverse impact upon neighbouring amenity. The site is adequately separated from the adjacent property by an access drive. The submitted plans indicate that additional planting would be provided along the site boundary.

Before being provided with accommodation at Evegate and Thistley Green Road each resident would be subject to a professional assessment of their needs and suitability for the accommodation. Each resident would also be provided with 1-2-1 staff supervision during the day and depending on the needs of individual residents extending over the night-time period as well.

The nearest residential properties would be approximately 20 metres from Evegate and 3 Thistley Green Road. Established boundary vegetation to majority of the site helps screen it from view from Thistley Green Road and neighbouring residential properties. The addition of new close boarded fencing would help screen the remainder of the site from view and help reduce noise disturbance to neighbouring properties.

F TRAFFIC & HIGHWAYS

Access

The existing driveway to Evegate is accessed via Thistley Green Road. However it is located very close to the junction with Broad Road (B1053) (approximately 5 metres).

Access to 3 Thistley Green Road is via a separate driveway to the east. This also provides a legal right of access to Moongate (the residential property to the north

of Evegate).

The existing driveway to Evegate would be closed, removed and re-instated to soft landscaping. A new driveway, providing access to both Evegate and 3 Thistley Green Road would be provided. This would be approximately 20m from the junction with Broad Road.

A fence would be erected along the eastern boundary of 3 Thistley Green Road to prevent general access to this property and help reduce disturbance to neighbouring properties.

Parking

Policy ADM5 (Specialist Housing), Policy ADM47 (Parking Provision) and Policy RLP56 (Vehicle Parking) state inter alia that *"Parking should be provided in line with the Council's adopted standards."*

The Essex County Council Parking Standards Design and Good Practice September 2009 states that the maximum number of car parking spaces for a residential care home (Use Class C2) is 1 space per full time equivalent staff + 1 visitor space per 3 beds.

On this basis a total of 10 car parking spaces would be required to accommodate the full time staff with an additional 3 car parking spaces for visitors.

It is proposed to provide 15 formal car parking spaces on the site, which includes 2 disabled parking spaces which is considered to be in accordance with Policy ADM5, Policy ADM47 and Policy RLP56.

Objections have been raised by local residents over the lack of parking spaces provided on the site for staff and the resulting problems that could be caused by staff parking on Thistley Green Road.

A service provider has not yet been identified yet and it would be for the selected care provider to devise their own shift patterns and changeover arrangements for staff. This would also be determined by the assessed needs of the residents.

However it is expected that there would be 3 core shift changes:

- About 7am when night staff go off shift and morning staff arrive
- About 2pm when morning staff hand over to evening staff; and
- About 10pm when night staff come on shift.

Some staff may work 12 hour shifts and some staff would come on shift as and when required to meet the individual need of each residents (e.g. 9am to 4pm if there was a key activity during the day that a resident required support with) and other staff may just cover peak periods (e.g. 7am -10am and 5pm – 9pm).

The changeovers when core shift changes occurred are likely to be relatively consistent, however staffing patterns would also be determined by the individual needs of each resident so there would also be some staggering.

The shift changeover would typically last for 30 minutes.

The applicant has estimated that initially there would be 10 staff on duty at night and there would be a shift changeover. There would be a sleep-in facility for one member of staff so at least one member of staff may have worked the previous evening and stayed on for the sleep in or sleep in and stay on for the morning.

A site manager would be on site during the core office hours (Monday to Friday 9am- 5pm).

It is considered that there is sufficient space for informal parking by staff during the short changeover periods.

There aren't any parking restrictions on Thistley Green Road, preventing staff from there. However staff would be requested to ensure that they park on site during their shifts and shift changeovers to avoid exacerbating existing parking problems on Thistley Green Road. Nonetheless, it is not considered appropriate to impose a condition specifically requiring staff to park on site as such a condition would not meet the 6 tests set out in Paragraph 206 of the NPPF.

8. CONCLUSION

Having regard to the acute shortage of specialist accommodation for adults with learning difficulties, which impacts severely on people with learning difficulties that need to live in a supported environment it is considered that planning permission should be granted for the change of use of Evegate and 3 Thistley Green Road from Use Class C3 (Residential Dwellinghouses) to Use Class C2 (Residential Institutions).

Evegate and 3 Thistley Green Road are located within existing development boundaries which is considered to be in accordance with Policy RLP2 (Town Development Boundaries and Village Envelopes), Policy ADM5 (Specialist Housing) and Policy ADM2 (Development within Development Boundaries).

Apart from the 2 small extensions there would not be any significant changes to the existing external appearance of either property. Further it is not considered that the proposed change of use would result in a significant adverse impact on the natural environment or the residential amenity of the nearest residential properties.

Subject to the conditions listed below, the development as proposed is considered to be acceptable in accordance with the National Planning Policy Framework and policies RLP2, RLP17, RLP20, RLP56, RLP90 and RLP92 of the Braintree Local Plan Review July 2005 and policies ADM2, ADM5, ADM9, ADM47 and ADM60 of the Pre-Submission Site Allocations and Development Management Plan as amended by further changes September 2014.

9. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following

conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the planning application reference CC/BTE/54/16 dated 11 November 2016 and validated on 16 November 2016 together with:
 - Design and Access Statement incorporating a Planning Statement dated November 2016
 - Essex Biodiversity Validation Checklist dated 11 November 2016
 - Bat Survey: Interim Report prepared by Essex Ecology Services Limited (EECOS) dated June 2017
 - Arboricultural Impact Assessment prepared by Hallwood Associates dated 31 October 2016
 - Letter from Lee Cunningham Partnership dated 12 December 2016 re: Braintree Vulnerable Housing, Acoustics
 - Acoustic Consultancy Report prepared by Lee Cunningham Partnership (Ref: 79450/3/1/12) dated 16 May 2017
 - Transport Statement prepared by Cottee Transport Planning dated October 2016 and Drawings:
 - LO636 – Site Plan – 4 December 2015
 - 7775540-BC-0023 006 – Existing Site General Arrangement Plan – 17.11.2015
 - 0075540-BC-0023 001 – Basement Existing Floor Plan – 14.01.16
 - 0075540-BC-0023 002 – Existing Ground and First Floor Plans – 17.11.2015
 - 0075540-BC-0023 003 – The Stables Block Existing Ground Floor Plan – 17.11.2015
 - 0075540-BC-0023 004A – Existing Ground and First Floor Plans – 17.11.15
 - 0075540-BC-0023 005 – Garage Block Existing Ground and First Floor Plans – 17.11.15
 - 0075540-BC-0023 013 – Evegate Existing Elevations – 01/06/16
 - 0075540-BC-0023 014 – 3 Thistley Green Road Existing Elevations – 02/06/16
 - 0075540-BC-0023 015 – Evegate Coach House Existing Elevations – 03/06/16
 - 0075540-BC-0023 016 – 3 Thistley Green Road Garage and Games Room Existing Elevations – 03/06/16
 - 0075540-BC-0023 031 – Existing Below Ground Drainage Plans – 16.06.2016
 - 0075540-BC-0023 P-012 – Proposed Site General Arrangement Plan – 09.03.16
 - PSEVE/200 Rev B – Proposed Site Layout – 30.10.2016
 - PSEVE/300 Rev B – Proposed Soft Landscaping Plan – 30.10.2016
 - 0075540-BC-0023 029A – Proposed Boundary Site Treatment –

17.10.16

- 0075540-BC-0023 007 – Basement Proposed General Arrangement Plan – 14.01.16
- 0075540-BC-0023 P-009 – Evegate Coach House Flats 1 and 2 Proposed Ground Floor Plan – 17.11.15
- 0075540-BC-0023 P-008 – Evegate Flats 3, 4, 5 & 6 Proposed Ground and First Floor General Arrangement Plans – 14.01.2016
- 0075540-BC-0023 P-023 – Proposed Elevations – 28/06/16
- 0075540-BC-0023 P-021 – Proposed Elevations Evegate Planning – 16/06/16
- 0075540-BC-0023 P-010 – 3 Thistley Green Road Flats 7, 8,9 & 10 Proposed Ground and First Floor General Arrangement Plans – 17.11.2015
- 0075540-BC-0023 P-011 – 3 Thistley Green Road Flat 11 & Main Office Accommodation Proposed Ground and First Floor Plans – 17.11.2015
- 0075540-BC-0023 022C – Proposed Elevations Thistley Green – 16/06/16
- 0075540-BC-0023 P-024 – Proposed Elevation for Flat 11 & Site Office – 16/06/16

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

3. The development hereby permitted shall be implemented in accordance with Section 5 of the Bat Survey: Interim Report prepared by EECOS dated June 2017. The supplementary surveys shall be of an appropriate type for the species group and survey methods shall follow national good practice guidelines. Mitigation measures recommended in the Interim Report shall be updated where appropriate.
4. No development or works to Evegate shall commence until either:
 - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation Habitats and Species Regulations 201 authorising the specified activity/development to go aheadOr
 - b. A statement in writing from the relevant licensing body to the effect that it does not consider that any specified activity/development will require a licence

has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

5. No beneficial occupation of Evegate or 3 Thistley Green Road shall take place until the existing site access has been removed and the new site access (as shown on Drawing Number PSEVE/200 Rev B Proposed Site Layout dated 19.10.16) has been installed. The development shall be implemented in accordance with the approved details.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) Order 2015

LOCAL MEMBER NOTIFICATION

BRAINTREE – Bocking