



Phase 2

Planning & Heritage Statement

Change of use to a single dwelling house

The Old Bank, 63 High Street, Kelvedon, Essex, CO5 9AE

On Behalf of

Julia Mackay Properties

April 2023

Our Ref: C23012

Phase 2 PLANNING & DEVELOPMENT LIMITED

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Quality Assurance

Site Name: The Old Bank, 63 High Street, Kelvedon, Essex, CO5 9AE

Client Name: Julia Mackay Properties

Type of Report: Planning Statement

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1. Introduction

1.1 This Planning Statement has been prepared by Phase 2 Planning and Development Ltd on behalf of Julia Mackay Properties, hereafter referred to as the applicant, in support of a full planning application to change the use of the existing building to a single dwelling.

1.2 The description of development is as follows:

“Change of use of the existing building to a single dwelling with associated works.”

Purpose and Structure of this Report

1.3 The purpose of this report is to draw together the main planning issues in the consideration of this proposal.

Planning Application Documents

1.4 The plans forming part of this application submission have been prepared by EK Architects and include a site location plan, existing and proposed block plan, existing and proposed floor plans and elevations. A Design and Access Statement is not required in this case as the proposal relates to a change of use. However, the relevant issues are included within this Planning Statement.

2. Site and Surroundings

- 2.1 The area of land subject to this planning application relates to 336 square metres of land that is situated on the northern side of High Street to the northwest of the junction of High Steet with Easterford Road. The extent of the application site is as shown by the land edged red on the Site Location Plan submitted in support of this application. The site was formerly used as a bank and was left vacant for many years. The application site is located within the development boundary, is an unlisted building within the Kelvedon Conversation Area and has Grade II listed buildings on either side.
- 2.2 The site itself consists of a single, two storey building which we understand was originally constructed as a town house and then converted to a bank. It has subsequently been used as offices with Kelvedon Parish Council occupying part of the ground floor and a kitchen studio with two separate offices on the upper floor. Notice has been served by the tenants on the owners and the building will be vacant at the end of the lease periods.
- 2.3 The front elevation of the building comprises gault bricks laid in Flemish bond and terminating with a pier to either end of the elevation. This elevation is symmetrical, with a pair of bay windows to the ground floor and vertical sliding sash windows to the first floor. The building has previously been refurbished following the grant of planning permission for a change of use in 2017. An amenity area of 123 square metres exists at the property. There is no on-site parking and pedestrian access is available through the main front entrance via steps or a ramp and there is also a side access.

3. Planning History

3.1 The following planning applications are displayed on the Council's web site and are considered relevant to this case:

17/00667/FUL - Change of use to allow a flexible use between Class A1, A2 or B1 office use for the building with a first-floor rear extension and associated external works. Application Permitted.

20/00163/FUL - Erection of a single-storey rear extension. Application Permitted March 2020.

4. The Proposed Development

- 4.1 This planning application seeks full planning permission for a change of use of the building to a single five-bedroom dwelling house. The building is currently being used by four companies, two on the ground floor and two on the first floor. The leases expire at the end of November 2023 and the owner has been advised that the various companies are actively looking to find alternative premises and will not be renewing the leases at this time. The building will therefore shortly be vacant and the owner wishes to seek an effective use for this site that is located at the heart of the village.
- 4.2 The application proposes to convert the building with the ground floor comprising a study, living room, separate sitting room with an open plan kitchen and dining room, utility room with a ground floor bedroom with ensuite to the rear of the building that would provide level access for occupiers. The first floor would comprise four bedrooms, two would be provided with an en-suite and a family bathroom would serve the remaining two bedrooms.
- 4.3 The proposals would involve the removal of existing internal partitions and the reconfiguration of this space at ground and first floor level. All rooms are designed to meet the National Technical Housing Standards. There would be no external changes to the appearance of the building. A garden area of 123 square metres would be provided to the side and rear of the building.
- 4.4 There is no onsite parking for the current office uses and none would be provided for the dwellinghouse. Pedestrian access would remain as existing.

5. Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 Whilst the National Planning Policy Framework (NPPF) and the National Planning Guidance (NPPG) do not form part of the development plan they are significant material considerations in the determination of this planning application. The following section is broken down into National and Local Policy and identifies the main relevant policies that relate to the proposed development.

National Planning Policy Framework

- 5.3 The National Planning Policy Framework (NPPF) was originally published in March 2012 and the currently extant version was published in July 2021. The overriding thrust of the NPPF remains the presumption in favour of sustainable development, through the promotion of economic growth, social progress and environmental enhancement.
- 5.4 The framework supports growth and innovation whilst achieving improved development standards and environmental protection and requires that these gains should be sought jointly. The following sections are considered relevant to this application:
- Section 2. Achieving sustainable development
 - Section 4. Decision-making
 - Section 5. Delivering a sufficient supply of homes
 - Section 8. Promoting healthy and safe communities
 - Section 9. Promoting sustainable transport
 - Section 11. Making effective use of land
 - Section 12. Achieving well-designed places
 - Section 15. Conserving and enhancing the natural environment
 - Section 16. Conserving and enhancing the historic environment

Section 2 - Achieving Sustainable Development

- 5.5 As stated at paragraph 10, the Framework seeks to ensure that "*... sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)*". The key paragraphs will be referred to below.
- 5.6 Paragraph 11 relates to decision making with a presumption in favour of sustainable development which is a core theme throughout the NPPF. It is set out at Paragraph 12 and is required to be incorporated in plan making and pursued in decision making. The NPPF is clear

that there are economic, social and environmental dimensions to sustainable forms of development.

5.7 For decision-taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; ..."

Determining Planning Applications

5.8 Paragraph 12 states the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Section 4 - Decision-making

5.9 Paragraph 38 requires local planning authorities to approach decisions on proposed development in a positive and creative way and pre-application discussions are encouraged. Paragraphs 55 to 57 refer to the use of planning conditions and obligations.

Section 8 - Promoting healthy and safe communities

5.10 This includes creating safe and accessible environments where crime and disorder and the fear of crime do not underpin the quality of life or community cohesion.

Section 9 - Promoting sustainable transport

5.11 This Section considers the potential impact that a development proposal may have on the transport network and opportunities that may be available to improve the situation including promoting walking, cycling and the use of public transport. Paragraph 110 seeks to ensure appropriate opportunities have been taken to secure sustainable modes of transport, safe and suitable access is achieved for all users. Paragraph 111 continues that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

5.12 Paragraph 112 c is also of relevance and states:

"c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards."

Section 11 - Making effective use of land

- 5.13 This section requires an effective use of land for all uses with local planning authorities taking a positive approach to applications. Paragraph 120 d) states:

"d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸;"

- 5.14 Paragraph 124 states:

"d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change;"

Section 12 - Achieving well-designed places

- 5.15 Paragraphs 126 to 132 seek to ensure good quality design and require development to function well over its lifetime, be visually attractive with a considered layout, be sympathetic to local character, establish a strong sense of place and optimise the development potential of a site. Good design is however seen to go beyond simple aesthetics. Policies and decisions should ensure there is a positive relationship maintained between people and place and through the integration of the development in the natural, built and historic environments.

Section 14 - Meeting the challenge of climate change, flooding and coastal change

- 5.16 This section seeks to support the transition to a low carbon future taking full account of flood risk and coastal change. Paragraph 154 refers to the vulnerability of a development and paragraph 155 seeks to increase the use and supply of renewable and low carbon energy and heat.
- 5.17 Paragraph 159 seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraphs 167 to 169 refer to determining planning applications and that development should not be allowed to increase flood risk elsewhere and sustainable drainage systems should be incorporated into the design.

Section 15 - Conserving and enhancing the natural environment

- 5.18 This Section focuses on recognising the importance of the environment and the biodiversity of a site. The NPPF sets out that permission for major developments should be refused where they would have an unacceptable effect on designated sites and landscapes on a local, national and international scale.
- 5.19 Impacts on biodiversity and geodiversity should be minimised as far as possible, with opportunities to incorporate biodiversity into development and landscaping schemes being encouraged at all times.

Section 16 - Conserving and enhancing the historic environment

- 5.20 This section refers to historic assets as being an irreplaceable resource and should be conserved in a manner appropriate to their significance. For proposals that have the potential to affect the significance of a heritage asset, paragraph 194 requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to the significance of the heritage assets affected.
- 5.21 Paragraphs 199 to 203 consider the potential impacts of development on heritage assets.

The Development Plan

- 5.22 The site lies within the jurisdiction of Braintree District Council. The Local Plan comprises two parts, Section 1 refers to the Braintree District Local Plan 2013-2033: North Essex Authorities' Shared Strategic Section 1 Plan and was adopted February 2021. Section 2 was adopted in July 2022 and refers to the more detailed planning policies for Braintree itself and is split into three main themes: A Prosperous District, Creating Better Places and the Natural Environment.
- 5.23 As shown by the policies map (extract below) the site is located within the development boundary, the local centre and the Kelvedon Conservation Area.



- 5.24 The following policies are considered relevant to this application:

Section 1 - Strategic Policies

- 5.25 Policy SP 1 echoes the NPPF covering the presumption in favour of sustainable development.
- 5.26 Policy SP 3 sets out the Spatial Strategy for North Essex recognising that existing settlements will be the principal focus for growth.
- 5.27 Policy SP 6 covers Infrastructure & Connectivity and requires development to be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. It covers transport and travel, social infrastructure, digital connectivity and water and wastewater.
- 5.28 Policy SP7 which requires all new development to meet high standards of urban and architectural design, meeting a list of place shaping principles.

Section 2 - Detailed Planning Policies

- 5.29 Policy LPP 1 relates to Development Boundaries and states that development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement.
- 5.30 Policy LPP2, Location of Employment Land, refers to sites or buildings in current or recent use for employment and should be retained where they offer a viable or sustainable location for such uses.
- 5.31 Policy LPP 42 covers Sustainable Transport and states that "Sustainable modes of transport should be *facilitated through new developments to promote accessibility and integration into the wider community and existing networks.*" It continues "*Priority should be given to cycle and pedestrian movements and access to public transport.*"
- 5.32 Policy LPP43 relates to Parking Provision and confirms that development will be required to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards.
- 5.33 The requirement for a high standard of accessible and inclusive design is set out within Policy LPP48.
- 5.34 Policy LPP 52 relates to Layout and Design of Development and sets a number of criteria for planning permission to be granted. The criteria include matters such as scale and massing, architectural quality, neighbouring amenities, standards of design, environmental sustainability, safety, landscaping and biodiversity, lighting, transport, highways, accessibility, permeability, connectivity and foul water treatment and disposal.

- 5.35 Policy 53, Conservation Areas, seeks the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. Development will be permitted if three criteria are met that relate to enhancing the character, appearance and essential feature of the Conservation Area or its setting, key feature of the existing building are retained, and materials are appropriate.
- 5.36 Policy LPP 63 covers Natural Environment and Green Infrastructure and requires proposals to take available measures to ensure the protection and enhancement of the natural environment, habitats, biodiversity and geodiversity.
- 5.37 Tree Protection is covered under Policy LPP 65 which states that the Council will consider the protection of established healthy trees which offer significant amenity value.
- 5.38 Policy LPP 66 states that development proposals should provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts.
- 5.39 Policy LPP 71 covers Climate Change and states that applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the impacts of climate change have been incorporated into their schemes, other than for very minor development.
- 5.40 LPP 72 covers Resource Efficiency, Energy Generation and Energy Efficiency and states:
- "The Local Planning Authority will encourage appropriate energy conservation and efficiency measures in the design of all new development. Such measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption...."*
- 5.41 Flooding Risk and Surface Water Drainage is covered under Policy LPP 74, Surface Water Management Plans under LLP 75 and Sustainable Urban Drainage Systems under LPP 76.

Other Relevant Guidance

[Essex County Council Parking Standards \(Design and Good Practice\)](#)

- 5.42 This document was prepared in 2009 and has been adopted by Braintree District Council as Supplementary Planning Guidance.

[Kelvedon Neighbourhood Plan 2017 -2033, \(KNP\)](#)

- 5.43 The following key sections of the KNP are relevant:
- Section 7 - Housing policies
 - Section 8 – Design

- Section 9 – Moving Around Policies
- Section 12 Historic Environment

6. Consideration of the Main Issues

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework and the associated planning guidance.
- 6.2. This section assesses the key issues that are considered relevant to the determination of the application as follows:
- Principle of the Development
 - Design and heritage
 - Transport impact
 - Flood risk

Principle of the Development

- 6.3. The application site is situated within the main settlement boundary of the village which is identified as one of the local centres within the adopted Local Plan. There are a range of facilities within the village that meet the daily needs of the community along with employment opportunities. The site itself is in a highly sustainable location and within easy walking distance of the main village centre. The application relates to a change of use from office accommodation to a single residential dwelling and is considered acceptable in principle.
- 6.4. The site is not within an employment area and due to the limited available floor area, the building could be converted to a dwelling under the terms of Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended subject to the building being vacant for 3 months prior to the application. The current leases terminate at the end of November 2023. The owner has been advised that the existing tenants do not intend to renew and rather than leave the building empty for a period of 3 months prior to submitting an application under Class MA for the conversion, a full application has been submitted to the Council now for consideration. This has the benefit of the building not remaining empty for several months after the tenants have left. In addition, following the recent Covid pandemic the office environment has changed significantly with more employees working from home and less requirement for small office accommodation of this nature and within Kelvedon itself.
- 6.5. We understand the building was originally designed as a dwelling and the area comprises a variety of uses including commercial and residential properties in the immediate area. The internal living environment would meet the National Housing Space Standards and externally, a garden area of approximately 123 square metres would be provided. This exceeds the recommendations within the Essex Design Guide of 100 square metres for a dwelling of this size.

- 6.6. In addition, the District is in need of additional housing and currently does not have a 5-year supply of land. Paragraph 11 of the NPPF is therefore engaged where planning permission should be granted unless “ *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*” As demonstrated in the following paragraphs, there is no significant impact that would outweigh the benefits of the proposal when taken as a whole in particular having regard to the fact that in a matter of months, the proposal would fall within the realms of permitted development.
- 6.7. The proposed change of use is therefore considered acceptable.

Design and Heritage

- 6.8. The site is situated in the Kelvedon Conservation Area that is considered a designated heritage asset. The application would not involve any changes to the external appearance of the building and in this context, there would be no adverse impact on the setting of the conservation area. At present the building is split into four small offices, two on the first and two on the ground floor and the application proposed to revert the use back to a single dwelling. The proposed use is considered to be less intense with a single family occupying the property rather than 4 separate businesses. The comings and goings would therefore be less and there would be no deliveries that currently occur to support the commercial uses. Overall, the proposal is therefore considered to have positive benefits to the character and appearance of the conservation area when the overall nature of the changes of use are considered. The proposal is therefore considered to comply with Policy LPP52, 53 and 63 of the adopted Local Plan and the relevant policies within the KNP. The assessment is also in accordance with paragraph 194 of the NPPF, where the level of detail is proportionate to the importance of the asset and the proposed development.

Transport Impact

- 6.9. There is currently no onsite parking at the property, and this would remain the position. This is not uncommon for properties of this age and there is on-street parking and other parking facilities are available in the immediate area. Furthermore, the building comprises approximately 267 square metres of floor area and if the current Essex County Council parking standards were considered, a total of 8 parking spaces would be required to serve the commercial activities at the site. In relation to the residential use, only 3 parking spaces would be required. This represents a significant reduction in overall parking requirements. There would be no changes for pedestrian access to the property. Cycle storage would be available in the rear garden that is accessed through the side gate. The proposal is therefore considered to comply with Policy 42 and LPP43 of the adopted Local Plan and the relevant policies within the KNP.

Flood risk

- 6.10. The application site is situated within Flood Zone 1 and the principle of the change of use of this building is therefore acceptable. There will be no change to the existing foul or surface water drainage arrangements as part of this application.

7. Conclusion

- 7.1 The application site lies within the existing settlement boundary and within the main village centre and the principle of converting the existing building to a residential dwelling is therefore considered acceptable. There would be no changes to the external appearance of the building and the internal and external living standards would be met. The proposal would lead to a less intensive use of the site that would benefit the overall character and appearance of the conservation area as a whole and could and will be carried out shortly under permitted development rights if necessary.
- 7.2 The Council is therefore requested to grant planning permission for the proposed development.



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