

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 28 April 2015

Time: 19:15

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

Membership:

Councillor J E Abbott
Councillor P R Barlow
Councillor E Bishop
Councillor R J Bolton
Councillor L B Bowers-Flint
Councillor C A Cadman
Councillor T J W Foster
Councillor P Horner

Councillor S C Kirby
Councillor D Mann
Councillor Lady Newton
Councillor J O'Reilly-Cicconi
Councillor R Ramage
Councillor W D Scattergood
(Chairman)
Councillor G A Spray

Members are requested to attend this meeting, to transact the following business:-

PUBLIC SESSION

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 14th April 2015 (copy to follow).

4 Public Question Time

(See paragraph below)

5 Planning Applications

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

PART A

Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5a | Application No. 15 00068 FUL - Land adjacent to 72 Mill Lane, CRESSING | 4 - 10 |
| 5b | Application No. 15 00183 FUL - The Willows, Bridge Street, GREAT BARDFIELD | 11 - 18 |
| 5c | Application No. 14 01526 FUL - Former Depot rear of 16-20 High Street, KELVEDON | 19 - 32 |
| 5d | Application No. 14 01517 FUL - Land at King and Co, Beazley End, WETHERSFIELD | 33 - 46 |

PART B

Minor Planning Application:-

- | | | |
|-----------|--|----------------|
| 5e | Application No. 15 00229 FUL - 68 Temple Lane, SILVER END | 47 - 51 |
|-----------|--|----------------|

6 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

8 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

E WISBEY
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk

Public Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting

Comment

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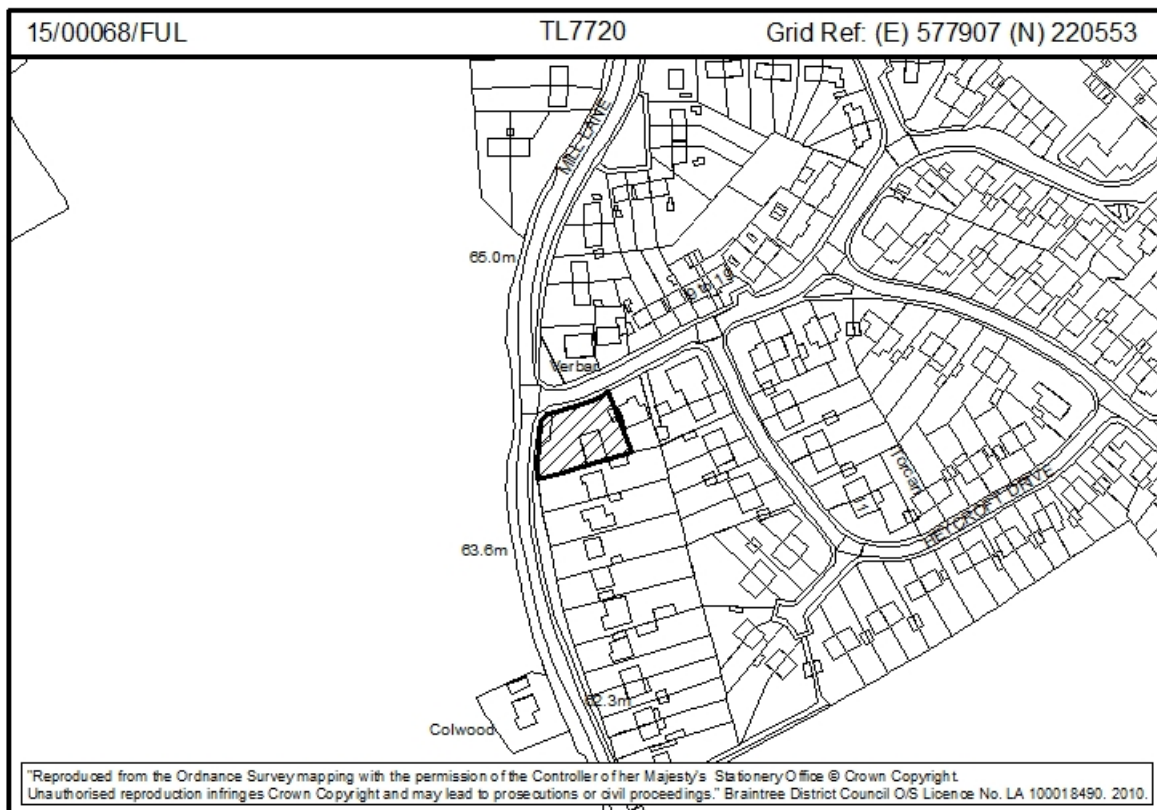
Contact Details:

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 15/00068/FUL DATE: 27.01.15
VALID:
APPLICANT: Mr D Savio
10B Horn Lane, Woodfrond Green, Essex
AGENT: Mr R Caryl
R D Caryl Consultants Ltd, 19 Appletree Walk, Braintree,
Essex, CM7 1EE
DESCRIPTION: Erection of 1 no. four bedroom dwelling
LOCATION: Land Adjacent, 72 Mill Lane, Cressing, Essex

For more information about this Application please contact:
Mrs N Banks on:- 01376 551414 Ext. 2545
or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

None

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Supplementary Planning Guidance

The Essex Design Guide 2005 and Urban Places Supplement
ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to objections received from neighbouring residents, which is contrary to the officer recommendation.

SITE DESCRIPTION

No. 72 Mill Lane, Cressing is a detached bungalow, set in a large corner plot, measuring approximately 875sqm in area. There is a garage building in the south-east corner of the plot which will be retained. It is set at the end of a row of similar properties, constructed around the 1960s. The building line is staggered following the natural curve of the road. There are residential dwellings to the rear and to the north, on the opposite corner in Jeffreys Road, and to the south. There is a laurel hedge at the front boundary and wooden fence to the rear. The dwelling does not appear to have been altered or extended since its construction, however, the bungalows to the south have been altered in various ways, including front gable projections and roof extensions. There also appears to have been some sub-division of plots within the locality including adjacent to the east of the site and on the opposite

corner of Jeffreys Road. It is set within the Village Envelope looking towards open countryside.

PROPOSAL

This proposal is for the erection of a detached four bedroom chalet bungalow, which will be set slightly forward of the existing dwelling, within a plot of approximately 400sqm. Revised plans have been submitted at the request of officers following concerns regarding impact on the street scene and potential over-development. It will measure approximately 6.1m in height to the ridge. It is designed in a simple rectangular form with a projecting gable front and rear. It features one small gable dormer in the north elevation facing towards Jeffreys Road, and a similar dormer in the front. The accommodation is set out over two floors. One parking space is shown at the front of the dwelling, with a second space to the rear, off Jeffreys Road. Amenity space of 100sqm is also proposed. Parking spaces for at least two vehicles will be retained for the existing house and rear amenity space in the region of 100sqm. The materials proposed are similar colour bricks to No. 72, with concrete interlocking tiles, aluminium windows and timber doors. The boundary treatment proposed will involve the removal and replanting of the front hedge, a 2m brick wall between the new and proposed dwelling and a timber fence to the road side and rear.

CONSULTATIONS

BDC Engineers comment that they are unaware of any surface water issues affecting the area.

REPRESENTATIONS

Three representations have been received, which object to the proposal, summarised as follows:

- Over-development;
- Over-shadowing;
- Highway safety;
- The dwelling is two-storey within a row of bungalows;
- It sits forward of the present building line;
- Demolition of the garage;
- Parking issues.

REPORT

The site is within the Cressing Village Envelope. New residential development is acceptable in principle in accordance with Policy RLP2 of the Braintree District Local Plan Review, subject to other relevant policy criteria.

Policy RLP3 of the Braintree District Local Plan Review requires that residential development is only acceptable if it satisfies amenity, design, environmental and highway criteria and where it can take place without

material detriment to the existing character of the settlement. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities. Policy CS9 of the LDF Core Strategy and Policy RLP90 of the Local Plan Review seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. Policy RLP9 requires that the design and layout of new developments shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development. Recommendations set out in the Essex Design Guide state that dwellings with three bedrooms or more should benefit from a minimum of 100sqm of private garden space.

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted parking standards (2009). For dwellings with two bedrooms or more a minimum of two parking spaces should be provided. Each parking space should measure 5.5 metres in depth by 2.9 metres in width.

The dwelling is 6.1m in height and will have rooms in the roof as do other dwellings in this part of the road. Sufficient off-street vehicle parking spaces (two for each dwelling) will also be provided. In relation to the relevant criteria which set out to achieve a good level of amenity for existing residents and that of the potential residents, it is considered that the proposal conforms with the relevant standards. Whilst the concerns expressed are noted, it is considered that the design, height, bulk and layout of the new dwelling and its relationship to existing properties and plot boundaries is reflective of the pattern of the development in the area and is such that unacceptable overlooking or overshadowing will not occur. In relation to highway safety and parking issues, an additional dwelling in this locality is unlikely to have an impact on the road network and as adequate parking is provided in accordance with Standards, it is concluded that the proposal is acceptable.

CONCLUSION

The proposal complies with the aims of the National Planning Policy Framework and the Council's adopted policies. The design of the scheme has been revised to ensure that it can take place without detriment to existing neighbouring amenity or the character of the street scene, therefore approval is recommended subject to the conditions set out below.

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

Location Plan

Proposed Floor Plan	Plan Ref: 14-216-101	Version: C
Elevations	Plan Ref: 14-216-102	Version: B
Proposed Block Plan	Plan Ref: 14-216-103	Version: A
Block Plan	Plan Ref: 14-216-100	Version: B

- 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

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

- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended) (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house/provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C, D, E, of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 4 Development shall not be commenced until a schedule 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 that the development does not prejudice the appearance of the locality.

- 5 Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

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

Reason

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

- 6 The driveway shall be constructed using permeable block paving on a porous base and maintained as such.

Reason

To reduce the risks of flooding.

- 7 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.

- 8 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.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 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
- 3 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

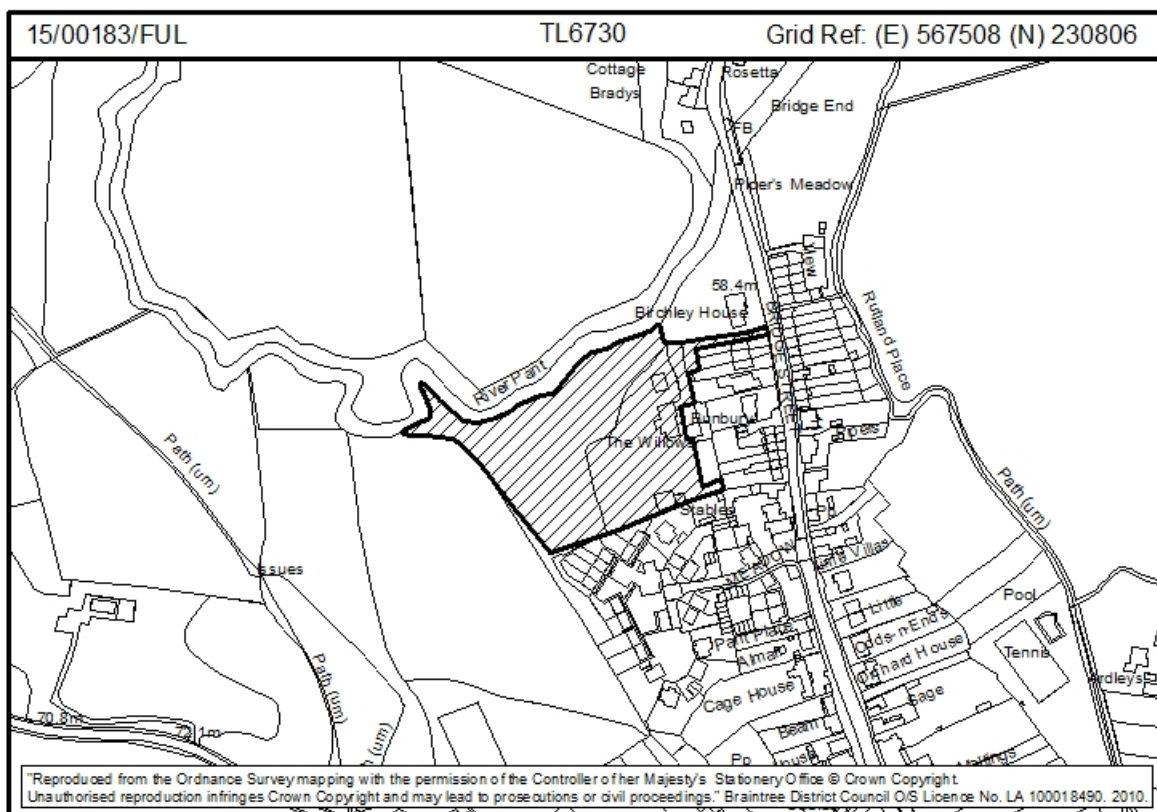
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 15/00183/FUL DATE: 18.02.15
 VALID:
 APPLICANT: Mrs L Cowley
 The Willows, Bridge Street, Great Bardfield, Essex, CM7 4SZ,
 AGENT: Marcus Harwood
 Marcus Harwood Architect, 10 Micawber Way, Chelmsford, Essex, CM1 4UG
 DESCRIPTION: Conversion of existing garage storage and hobby room into a house to be used by an elderly person
 LOCATION: The Willows, Bridge Street, Great Bardfield, Essex, CM7 4SZ

For more information about this Application please contact:
 Matthew Wood on:- 01376 551414 Ext. 2522
 or by e-mail to: matthew.wood@braintree.gov.uk



SITE HISTORY

86/00100/P	Change of use of redundant outbuildings to light cabinet making and joinery workshop.	Granted	18.03.86
77/01319/P	Consent for use of caravan for residential purposes for a temporary period. Land to the rear of Kalon Cottage.	Granted	30.01.78
76/00816/P	Proposed private garage.	Granted	06.09.76
76/01116/P	Private stables for housing domestic pets, at land rear of Kalon Cottage.	Granted	22.11.76
76/01332/P	Proposed siting of caravan for temporary period, land at rear of Kalon Cottage.	Granted	04.01.77
95/00165/FUL	Conversion of existing outbuildings to form house and new garage	Granted with S106 Agreement	18.12.96
96/01392/FUL	Amendments to garage - retrospective application	Granted	20.01.97
04/02437/FUL	Erection of one and a half storey addition to dwelling	Granted	25.02.05

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP65	External Lighting
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP90	Layout and Design of Development

Other Material Considerations

BDC Site Allocations and Development Management Plan

Essex Design Guide

Adopted Parking Standards: Design and Good Practice

INTRODUCTION

This application is brought before the Planning Committee as objections have been raised contrary to the officer's recommendation.

SITE DESCRIPTION

The site is located off Bridge Street, Great Bardfield, within the village development envelope as designated in the Braintree District Local Plan Review 2005.

The site is situated to the rear of those residential properties which face Bridge Street, accessed via an existing private drive. The site currently includes a large residential plot with detached dwelling and detached single storey triple bay garage to the side (including additional floor space in its roof area) located approximately 7m to the north. The site has adequate driveway space to the front and a large garden area to the rear.

The site is adjacent to the Great Bardfield Conservation Area with access to it gained from the Conservation Area. The northern boundary of the site is within a flood zone 3 area as the River Pant runs to the north of the site, however no part of the proposal falls into this flood risk zone.

PROPOSAL

This planning application seeks approval for the conversion of the existing garage into an independent dwelling for an elderly person. The application refers to the existing garage as also being used for storage and as a hobbies room.

CONSULTATIONS

Council's Historic Buildings and Conservation Consultant – No objection.

Great Bardfield Parish Council – No objection, however concern raised in relation to possible parking issues and requested that the views of neighbours are taken into account.

REPRESENTATIONS

A site notice was displayed in close proximity to the site in a publically accessible location and the twenty one properties nearest the site were

directly notified of this planning application. Two letters of representation have been received covering the following matters:

- No alternative parking areas are proposed;
- Without parking facilities vehicles may park on already congested Bridge Street;
- Nearby properties already have insufficient parking facilities; and
- How would Council control use to that for an elderly person only.

REPORT

Principle of Development

The application site is situated within the Great Bardfield village development envelope boundary. Therefore the principle of such residential development is accepted by way of policies RLP 2 and RLP 3 subject to compliance with detailed design criteria as discussed later within this report.

Design, Appearance and Layout/Impact on Conservation Area

The proposed development consists of the conversion of an existing garage into a one bedroom independent dwelling with associated external alterations including the insertion of new windows and doors as appropriate. The building footprint and size/scale would not be altered/extended as part of this proposal.

The proposal would create accommodation over two floors with the existing roof space being converted into living accommodation. Externally a new first floor side elevation bedroom window and patio doors would be added along with new roof lights and windows to the front and rear and a new front door. An existing balcony would be removed from the rear elevation of the garage outbuilding.

Given the location of the garage outbuilding, set back into the site, its distance from the nearest residential plots to the east and the positioning of new windows and doors it is considered that the design and appearance of the proposal would be acceptable. A new first floor bedroom window would be added to the side (north) elevation of the building but as this view would not overlook neighbouring property it is not considered reasonable to require the window to be non-opening and obscure glazed.

As highlighted previously within this report the site is adjacent to the Great Bardfield Conservation Area. However, given the nature and scale of that proposed it is considered unlikely that such a proposal would have an adverse impact on the character and appearance of the Conservation Area. Further, the Council's Historic Buildings and Conservation Consultant has raised no objection to this proposal.

The proposal would share the existing large rear garden associated with the existing dwelling. Taking into account this significant existing garden space it is considered that both the existing and proposed dwellings would be provided

with adequate garden space as required by the Essex Design Guide. No boundary treatment to subdivide the plot has been proposed by the applicant as the intention is to keep the site open. No concern is raised in this regard and boundary treatment could be added in the future if required by the owner/occupier to increase levels of garden privacy on the site should it be desired.

Two new off-street car parking spaces are proposed to the rear of the subject building which would be an extension of the existing gravel driveway. Should planning permission be granted a condition would be attached ensuring that these new spaces would be constructed and maintained in a porous material to minimise surface run-off to the adjacent flood risk area and River Pant.

Given the nature of this proposal and location of the site within a residential area it is considered that the design and appearance of the proposal would be acceptable and would not have an adverse impact on the character and appearance of the Great Bardfield Conservation Area. As a result it is further considered that the proposal conforms to policies RLP 3, RLP 17, RLP 90 and RLP 95.

Impact on Neighbouring Residential Amenity

The site is located on the edge of a predominately residential area with some properties backing onto the site from the east. The existing dwelling on the site is located in close proximity to the south. However, given the existing layout and proposed development it is considered unlikely that the proposal would have an adverse impact on the existing dwelling. The existing dwelling itself does include a first floor dormer window which would look out towards the subject building. However, given the design of the proposal and positioning of the existing dormer window it is considered unlikely that this would result in a loss of amenity for any future occupant of the proposal. The subject garage outbuilding is located adjacent to the main entrance to the site and distanced from the nearest properties to the east by the site's existing gravel driveway. Given this level of separation and existing boundary treatments it is considered unlikely that the proposal would have an adverse impact on residential amenity by way of overlooking, overshadowing and/or visual intrusion/loss of privacy.

Parking

Two letters of representation have been received raising concerns in relation to car parking in the area and Great Bardfield Parish Council has also raised this issue in its response. The proposal includes two new off street car parking spaces to the rear of the subject building which would conform to the Council's Adopted Parking Standards. Given the size of the subject plot it is also considered that significant space is available within the site and on existing gravel driveway areas to accommodate future parking requirements for both the existing dwelling and this proposal. This consideration includes for the loss of the existing 3 bay garage proposed to be converted. Therefore it is

considered that this proposal would not have any adverse impact on existing parking provision nearby.

Flood Risk

The northern boundary of the site is within a flood zone level 3 area (high risk). However, no part of the proposal would be located in this flood zone and it is considered unlikely that the proposal would have any adverse impact on this flood zone. Should planning permission be granted a condition would be attached ensuring that any new hard-standing on the site is made of a porous material and maintained as such to minimise any likely surface run-off water.

Nature of Use

One letter of representation raises concern over how the Local Planning Authority (LPA) would control the use of the proposal to that of an elderly person only as proposed. It is considered that such a restriction would be unreasonable and unenforceable and so this proposal has been considered on its own merits as a separate one bedroom dwelling unit. Should planning permission be granted a condition would be attached restricting permitted development rights to ensure the proposal could not be increased in size without the approval of the LPA.

Right of Access

It is noted that a neighbour has a right of access over the applicant's front driveway. It is not considered that this proposal would be likely to restrict such existing accesses on and around the site.

CONCLUSION

The site is located in a residential area within the Great Bardfield village development envelope boundary whereby the principle for new residential development is generally considered acceptable. Given the nature, design, size and scale of that proposed it is considered unlikely that the proposal would have an adverse impact on the local area including in relation to amenity and car parking standards. For these reasons the proposed development is considered acceptable in planning terms subject to appropriate conditions as highlighted previously within this report.

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

Location Plan
Existing Floor Plan Plan Ref: 001

Existing Floor Plan	Plan Ref: 002
Existing Elevations	Plan Ref: 003
Existing Elevations	Plan Ref: 004
Existing Sections	Plan Ref: 005
Proposed Floor Plan	Plan Ref: 006
Proposed Floor Plan	Plan Ref: 007
Proposed Elevations	Plan Ref: 008
Proposed Elevations	Plan Ref: 009
Proposed Sections	Plan Ref: 010
Proposed Block Plan	Plan Ref: 011

- 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

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

- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement or alteration of the dwelling-house as permitted by Classes A, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions in the interests of residential and visual amenity.

- 4 All areas of new hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainable development.

- 5 The new parking spaces shown on the proposed block plan drawing number: 011 shall each measure a minimum of 5.5m x 2.9m.

Reason

In the interests of sustainable development.

- 6 No development shall take place until details confirming the new residential plot's boundaries and access arrangements to the 2 no. new car parking spaces located to the rear of the new dwelling as shown on approved drawing number: 011 have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

Reason

In the interests of proper planning and sustainable forms of development.

INFORMATION TO APPLICANT

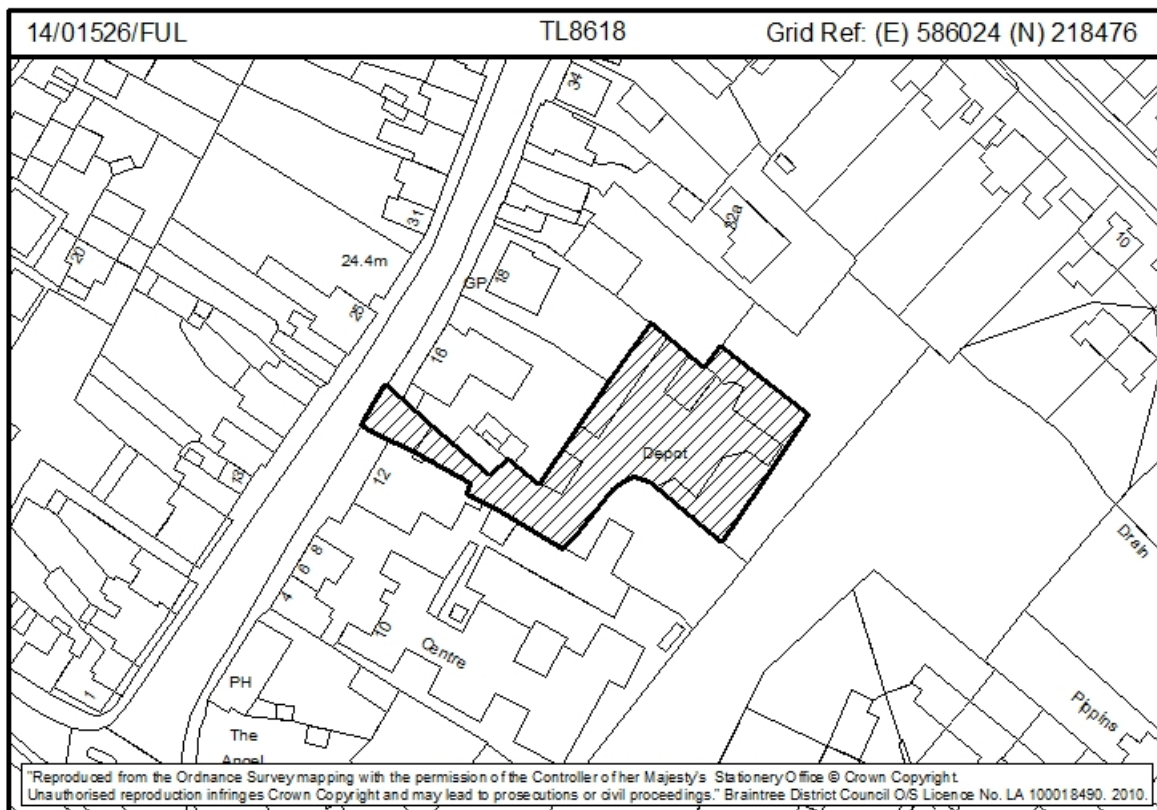
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 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
- 3 Your attention is drawn to Condition no. 3 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 4 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk, at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

TESSA LAMBERT - DEVELOPMENT MANAGER

PART A

APPLICATION 14/01526/FUL DATE 27.11.14
 NO: VALID:
 APPLICANT: One Property Group (UK) Ltd
 C/o Agent
 AGENT: Mr D Poole
 Phase 2 Planning And Development, Majesty House, 200
 Avenue West, Skyline 120, Great Notley, Braintree, Essex,
 CM77 7AA
 DESCRIPTION: Erection of 4 no. dwellings (1 x 3 bed & 3 x 4 bed) together
 with associated parking, garden, access and turning space
 LOCATION: Former Depot Rear Of, 16 - 20 High Street, Kelvedon,
 Essex

For more information about this Application please contact:
 Mrs N Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

None

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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
RLP64	Contaminated Land
RLP65	External Lighting
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
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

Supplementary Planning Guidance

The Essex Design Guide 2005 and Urban Places Supplement
ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to objections received from the Parish Council and neighbouring residents.

SITE DESCRIPTION

The application site is within the Kelvedon Village Envelope and Conservation Area. It was formerly a gas depot and later a builders' yard accessed off the High Street in between No. 12 (Grangewood) and No. 16 High Street, both of which are Grade II listed buildings. The access leads to an open hard surfaced yard which is broadly rectangular in shape. There is a slight change of levels towards the northern part of the site. It is bounded by the former Grangewood care home site to the southwest which also wraps around the south-eastern boundary. There are further residential properties along the High Street. To the northeast the site adjoins an area of open grassland. Beyond this is a back-land dwelling, No.32a High Street, and beyond this are the properties fronting onto Easterford Road. The site mostly comprises concrete hard standing, however, there are some scrub trees and other vegetation around the periphery of the site as well as trees on land outside the boundary. A small flat roofed building is positioned approximately 13m along the access track. There is also a 2m+ boundary wall to the rear boundaries of Nos. 16 and 18 High Street.

PROPOSAL

This application is for the erection of 4 No. dwellings comprising one 3-bed and three 4-bed units, together with associated parking, gardens, access and turning space. Revised plans have been submitted to address some minor concerns regarding design and layout. The existing access is to be improved to allow the passing of vehicles where this abuts the highway by way of a 6 metre wide passing space and also within the site where it turns through 90 degrees into the developable area where an 8m x 8m turning space is to be provided. The dwellings are set out in the form of a subsidiary mews court. They are designed in a traditional form reminiscent of the 'Arts and Crafts' movement, featuring relatively steep roof pitches, projecting gables, gable dormers and over-hanging porches. The palette of materials which includes clay tiles, timber and brick are proposed to complement the 'Arts and Crafts' design and the historic location.

Plot 1 is a 1.5 storey dwelling with attached cart lodge positioned with its rear elevation facing towards the High Street. It is set in 1.8m from the boundary and will have no windows in the elevation facing towards No. 16 High Street, however, 2 roof lights are indicated in the rear roof slope. A back-to-back distance of approximately 22m will be retained between the existing and the new property. Amenity space of 136sqm will be provided to the side of the dwelling. Plot 2 is a detached 4-bed dwelling, set at a 90 degree angle to Plot 1. Two parking spaces are proposed to the right-hand side of the dwelling and 106sqm of amenity space. Plots 3 and 4 comprise a pair of linked dwellings with under-croft parking, together with 2 spaces to the front of plot 4. Plot 3 will have 125sqm of amenity space with Plot 4 having 131sqm. In terms of boundary treatments in addition to the existing 2m+ wall, close boarded fencing is shown.

The proposal is accompanied by a Heritage Statement, Aborigicultural Impact Assessment, Tree Survey Plan, Tree Protection Plan, Ecological Appraisal, Design and Access Statement, Highway Access Report, Planning Statement, and Planning for Sustainable Design and Construction Checklist.

The application is also accompanied by a Quantitative Risk Assessment, Groundwater Monitoring Reports, and Remedial Options Appraisal Report which were all commissioned to assess the potential risk to human health as a result of the previous uses of the site. These reports outline the likely risks and suggest appropriate remediation. Based on the observed contaminant distribution and the results of the ranking process, a remediation strategy has been determined to manage risks associated with contaminants identified on-site that have potential to migrate off-site. These include the removal of an underground storage tank and excavation of locally impacted soil, Japanese Knotweed eradication and 'Light Nonaqueous Phase Liquids' removal.

The Tree Protection Plan and Aborigicultural Impact Assessment indicate that 13 small trees have been marked for removal within the site to facilitate the development. These are all category C which are either of low quality and value with at least 10 years remaining life expectancy, or young trees with a stem diameter below 150 mm, therefore the loss of amenity to the Conservation Area area will be minimal. Tree Protection measures are also proposed for the trees adjacent to the site.

CONSULTATIONS

ECC Highways consider that the proposal is acceptable subject to a number of conditions.

ECC Historic Buildings Adviser supports the application and is happy that previous concerns have been addressed.

ECC Archaeology recommends a 'full' condition if planning permission is granted.

BDC Environmental Health has not responded at the time of writing the report. Any issues will be reported to Members at the meeting.

BDC Landscapes Officer has not responded at the time of writing the report. Any issues will be reported to Members at the meeting.

BDC Engineers comment that they are unaware of any surface water issues affecting the site.

REPRESENTATIONS

Kelvedon Parish Council objects to the proposal on the grounds that it will result in over-development of the site, impact on highway safety due to the poor access, detrimental impact on the Conservation Area, potential pollution, including the Japanese Knotweed. If permission is granted, a vehicle movement plan should be required. Any S106 monies should be spent within the Parish. The occupier of No. 16 High Street objects to the siting of Plot 1 and potential overlooking from the roof dormers, the siting of the refuse collection point, potential contamination and Japanese Knotweed. The occupier of No. 18 High Street comments that whilst they have no objection in

principle, they are concerned regarding highway safety and the Japanese Knotweed. The Kelvedon and Feering Preservation Society support the scheme provided that it adheres to the revised designs. Potential contamination and archaeology is also an issue.

REPORT

The site is on previously developed land and is within the Village Envelope and Conservation Area. The National Planning Policy Framework encourages a positive approach towards new development, however, this should not be at the expense of good design or other important factors. Part 7 places considerable emphasis on the need for good design. It advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions and to provide a good standard of amenity for all. Part 12 emphasises the desirability of new development making a positive contribution to local character and distinctiveness.

Policy RLP3 of the Braintree District Local Plan Review requires that residential development is only acceptable if it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities. Policy CS9 of the LDF Core Strategy and Policy RLP90 of the Local Plan Review seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. Policy RLP9 requires that the design and layout of new developments shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development. Policy RLP95 states that the Council will preserve and encourage the enhancement of the character and appearance of designated conservation areas. Policy RLP80 of the Local Plan Review requires that proposals for new development will be required to provide an assessment of their impact on wildlife and distinctive landscape features. Policy RLP81 of the Local Plan Review states that the Local Planning Authority will encourage landowners to retain and maintain existing trees.

There is no objection in principle to the new development in this location, subject to the above policy criteria. There are no objections to the development on highway safety grounds. The Historic Buildings Advisor has been involved in the design process and is happy that the development will not result in harm to the Conservation Area.

Policy RLP56 of the Local Plan Review states that off-road vehicle parking should be provided in accordance with the Council's adopted Vehicle Parking

Standards 2009. For dwellings with two bedrooms or more a minimum of two parking spaces should be provided. Each parking space should measure 5.5 metres in depth by 2.9 metres in width. The proposal complies with these Standards. Recommendations set out in the Essex Design Guide (EDG) state that dwellings with three bedrooms or more should benefit from a minimum of 100sqm private garden space. All four dwellings comply with the criteria. Whilst this is a back-land site, due to compliance with these standards and the orientation of the dwellings in relation to the existing settlement, it is concluded that the proposal will not result in over-development.

Plot 1 has been moved forward from the boundary to address the concerns of the occupier of No. 15 High Street. The EDG suggests that an acceptable degree of privacy to rear facing living rooms or sitting out areas should be maintained either via an intervening above eye-level fence or other barrier and a rear separation distance of at least 25m, or, the opposite house is designed so that windows face in other directions. In this case, there are no windows on the elevation facing this property and there is a 2m+ high brick wall at the boundary. Whilst there are roof lights in the rear roof slope, it is considered that these will not result in direct overlooking as the dwelling is 1.5 storeys in height and that the back-to-back separation distance of 22m and intervening wall is acceptable. The Historic Buildings Consultant has also not expressed any concerns regarding potential impact on the listed building. The issue raised regarding bin storage is noted, and a condition is suggested below requiring further details.

Plots 2-4 are at sufficient distance from neighbouring residential premises on the High Street and Easterford Road to ensure that unacceptable overlooking will not occur. In terms of achieving standards to achieve a good level of amenity for existing residents and that of the proposed residents, it is considered that the proposal satisfies the relevant policy criteria and adopted standards set out above.

A Tree Protection Plan has also been submitted and a condition is suggested to ensure that the trees on neighbouring premises are safeguarded.

The resultant scheme is well designed, respecting the context and setting of the existing development in terms of the height and scale of the buildings, the variety of design details and the pallet of materials. As such it will respect the surrounding development and is therefore acceptable in terms of its design and layout.

The concerns expressed regarding the access both during and post-construction are noted, and whilst these issues are not material planning considerations in the determination of this application, conditions are suggested during the construction phase. The Parish Council's comment regarding S106 monies is noted, however, following changes to Government Guidance, the site is below the threshold of 10 dwellings at which the Council can request contributions towards Public Open Space.

CONCLUSION

The proposal complies with the aims of the National Planning Policy Framework and the Council's adopted policies. The design of the scheme has been informed by discussions with the Historic Buildings/Conservation Adviser. Subject to any remediation required in relation to contamination at the site, it is concluded that the development is acceptable and approval is recommended, subject to the conditions set out below.

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

Location Plan	Plan Ref: 129.001	
Tree Plan	Plan Ref: DFCP 3258TPP	
Tree Plan	Plan Ref: DFCP 3258TPP	Version: A
Proposed Plans	Plan Ref: 129.204.01	
Proposed Site Plan	Plan Ref: 129.200.06	
Section	Plan Ref: 129.201.06	
Parking Layout	Plan Ref: 129.205.04	
Proposed Plans	Plan Ref: 129.202.03	
Proposed Plans	Plan Ref: 129.203.03	

- 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

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

- 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 importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 Development shall not be commenced until details of all meter cupboards to be positioned on the dwellings have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

- 5 No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C, D, and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 7 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (The Tree Protection Plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority and put in place on site. These measures shall be carried out as described and approved.

Reason

To ensure the longevity and protection of the retained protected trees adjacent the site.

- 8 The protection of the retained trees shall be carried out in accordance with the approved Tree Protection Plan and Arboricultural Method Statement referred to above and shall be achieved as follows:

a) no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in

accordance with the approved Tree Protection Plan which shall have been previously approved by the local planning authority in writing;

b) if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the authority;

c) the fencing shall be maintained in position to the satisfaction of the authority, until all equipment, machinery and surplus materials have been moved from the site;

d) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without the prior written consent of the authority; and

e) no equipment, machinery or structure shall be attached to or supported by a retained tree.

Reason

To ensure the longevity and protection of the retained protected trees adjacent the site.

- 9 No alterations or variations to the approved works or Tree Protection Plan shall be made without prior written consent of the local planning authority.

Reason

To ensure the longevity and protection of the retained protected trees adjacent the site.

- 10 Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

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

damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

- 11 Prior to the first use of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason

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

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

Reason

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

- 13 Prior to commencement/occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason

To prevent hazards caused by flowing water or ice on the highway.

- 14 The access shall be 5.5m wide for the first 6m as measured from the highway boundary of the site.

Reason

To prevent queuing on the High Street whilst a vehicle is waiting to exit the site.

- 15 Any gates to be provided at the access shall be inward opening only and shall be set back a minimum of 6m from the nearest edge of the carriageway.

Reason

To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interests of highway

safety.

- 16 Details of the provision of suitable access arrangements to the application site in connection with the demolition/construction operations, to include wheel washing facilities, turning and off-loading facilities for delivery/construction vehicles within the limits of the site, together with an adequate parking area for those employed in developing the site shall be submitted to and agreed in writing with the local planning authority.

Reason

In the interests of highway safety.

- 17 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

- 18 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason

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

- 19 In the event that contamination is found at any time when carrying out the

approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

Reason

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

- 20 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.

- 21 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.

- 22 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.

- 23 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 the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
- (e) 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 minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to Condition 6 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

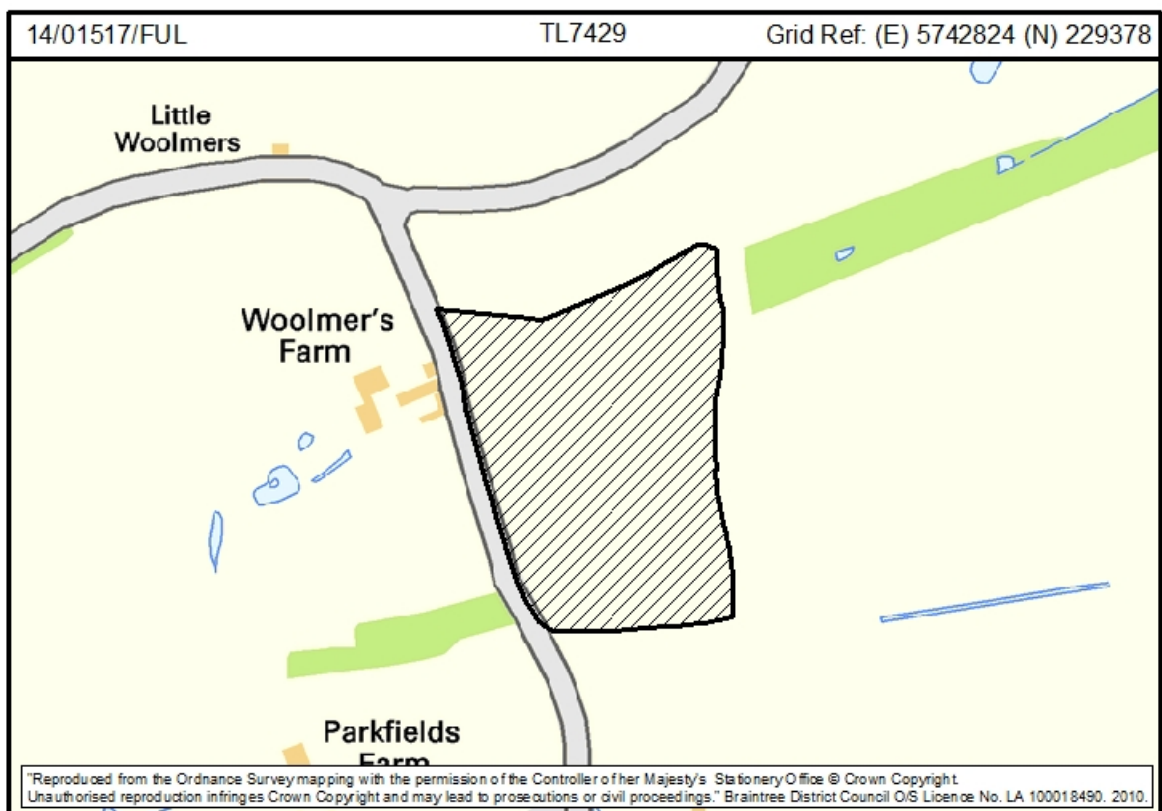
- 3 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 4 All work within or affecting the highway is to be laid out and constructed by prior agreement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1A - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 14/01517/FUL DATE: 27.11.14
 VALID:
 APPLICANT: Mr J P King
 Woodstock, Pods Lane, Rayne, Braintree, Essex, CM77 6WF
 AGENT: Whirledge And Nott
 Mr G French, Mill House, Mill Lane, Layer De La Haye, Colchester, Essex, CO2 0JZ
 DESCRIPTION: Erection of rural workers dwelling
 LOCATION: Land At King And Co, Beazley End, Wethersfield, Essex

For more information about this Application please contact:
 Miss Nina Pegler on:- 01376 551414 Ext. 2513
 or by e-mail to: nina.pegler@braintree.gov.uk



SITE HISTORY

12/01609/AGR	Application for prior notification of agricultural development - General purpose building and irrigation tank	Refused	28.12.12
13/00077/FUL	Erection of general purpose agricultural building and hardstanding yard	Granted	19.03.13
14/00341/FUL	Erection of dwelling to house a rural worker associated with tree nursery	Withdrawn	20.05.14
14/01087/FUL	Erection of polytunnel for mist propagation	Withdrawn	19.09.14

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP12	Permanent Agricultural Dwellings
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Planning Practice Guidance

Supplementary Planning Guidance

ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION

This application is brought before the Planning Committee as letters of representation have been received from local residents which are contrary to Officer's recommendation.

NOTATION

The site is located in the countryside.

SITE DESCRIPTION

The site is located in the countryside to the north of Beazley End and measures approximately 3.6ha. The site has been in horticultural use since the applicants purchased the site in 2011. The site is bounded by trees and vegetation to all sides and there is a vehicular entrance to the south western corner. A general purpose building which is used in connection with the use is located close to the southern boundary of the site. This was granted planning permission in 2013 (Planning application 13/00077/FUL refers). A byway runs along the southern boundary of the site and a bridleway runs along the eastern boundary of the site.

The applicant also owns a tree nursery at Rayne (which has been established since 1978) and both sites therefore form part of the holding. Information within the application indicates that the holding extends to 12.545 acres of which there are 8.935 acres at Beazley End and 3.61 acres at Rayne. The sites are in horticultural use which falls within definition of agriculture as set out in the Town and Country Planning Act 1990.

The site at Beazley End was purchased in 2011 as the site at Rayne is intensively utilised and there is no further space for the expansion of the business. The site has been planted with a range of trees and shrubs for growing on. The existing building was erected in 2013/14. The height of the building is such to enable the handling of the tallest of the trees when they are being root trimmed and potted on into larger containers and pots. A bore hole has been sunk at the site together with a header tank which provides a source of water.

PROPOSAL

This application seeks full planning permission for the erection of a permanent rural worker's dwelling at the site in Beazley End.

The proposed three bedroom dwelling would be located to the eastern side of the existing agricultural building and the existing hard standing would be extended. The main bulk of the building would measure approximately 17 metres by 6 metres and 7.3 metres in height. It would include a small single storey element on the northern side to provide a utility and boot room and a subordinate outshot on the southern side to provide an entrance hall, wc and office.

The external materials would comprise painted weatherboarding over a brick plinth with clay pantiles covering the roof.

CONSULTATIONS

Parish Council – Object on highway safety grounds. The proposal will generate additional traffic on a dangerous intersection. The access would be on a very dangerous bend near the byway entrance.

Environmental Services – No response at the time of writing.

BDC Engineers – Unaware of any surface water issues affecting the site.

Highways – Object. The proposal would lead to the intensification of a substandard access by reason of inadequate visibility splays.

Landscape Services – A Landscaping Plan is required showing details of the proposed screening of the dwelling from the adjacent bridleway. There are opportunities to increase the site for wildlife value.

Public Rights of Way – No response at the time of writing.

Rural Consultant engaged by Braintree District Council – The proposal fails the functional and financial tests. The siting of the dwelling would provide little or no security to the site and is not well related to the existing building. The proposal fails to satisfy the criteria in the NPPF and Policy RLP12 of the Local Plan Review.

REPRESENTATIONS

A site notice was displayed and properties nearby were notified by letter.

Four letters of objection have been received raising the following points:

- Concern regarding safety of the access. The entrance is less than 100 metres from a blind junction and located on a blind bend and will lead to more traffic on an inadequately maintained road.
- The access requires crossing a byway.
- The road is not suitable for the type of traffic associated with the business.
- The application is to move the business from Rayne.
- The site will turn into an industrialised site.
- There is no need for the dwelling, there are properties for sale a short distance from the site.
- It is stated that on-site presence is required for the misting operation. Surely this is negated by the withdrawal of the application for the polytunnel where the misting is to take place.
- Security is an issue that everyone in the neighbourhood has to contend with and shouldn't be a reason to allow a new dwelling.

Two letters of support have been received making the following comments:

- King & Co are an excellent local employer and have invested heavily in the site;
- It is good for a family to move into the community who are employed in the hamlet;
- The applicant employs local workers and does a lot for the local community;
- Due to lack of local policing someone is needed on the site at all times for security.

REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration, states that applications should be considered in the context of a presumption in favour of sustainable development. Paragraph 55 states that local planning authorities should avoid isolated new dwellings in the countryside unless there are special circumstances. One of the special circumstances listed is the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy CS5 of the Braintree District Core Strategy 2011 states that development will be strictly controlled in the countryside in the interests of protecting landscape character and the amenity of the countryside.

Policy RLP12 of the Braintree District Local Plan Review 2005 states that new dwellings will not be permitted in the countryside, unless they are needed for agricultural workers. Such dwellings should satisfy the following criteria:

- (a) There is a clearly established existing functional need;
- (b) The need relates to a full-time worker;
- (c) The unit and agricultural activity have been established for three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
- (d) The functional need could not be fulfilled by another dwelling on the unit; or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned;
- (e) Other normal planning requirements, for example on siting and access, are satisfied. If it is demonstrated that a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary

accommodation, satisfying the criteria (a), (b), (d) and (e) above and criteria (f) and (g) below.

(f) There is clear evidence of a firm intention and ability to develop the enterprise concerned;

(g) There is clear evidence that the proposed enterprise has been planned on a sound financial basis.

Annex A of Planning Policy Statement 7 (PPS7) also set out tests for agricultural workers dwellings. This, along with other Planning Policy Statements and Guidance was withdrawn when the NPPF came into force. The NPPF does not set out a criteria based assessment, however it has been accepted by Planning Inspectors that Annex A of PPS7 can be used as a material consideration when determining such applications. The tests set out in Annex A still provide a useful basis for assessing whether there is an essential need for a worker to live on a rural business site. It is however the case that the criteria set out in the Council's extant Policy RLP12 reflect the criteria set out in Annex A.

The Council has sought the advice of a Rural Planning Consultant in respect of the submission and the tests set out in the criteria above.

(a) Functional Need & (f) Firm Intention

The site is in use as a tree nursery and is operated as a satellite site to the applicant's nursery at Rayne.

The proposal would result in a second dwelling on the holding (taking the two sites together as the overall holding). There is an existing dwelling, which is subject to an agricultural tie, at the existing site in Rayne. However the applicant considers that it relates to a separate element of the business in terms of need and that the first dwelling does not contribute to the functional requirements of the application site.

The application indicates that the site is being developed for three specific operations: the growing on of root balled trees, the growing on of bare rooted hedging plants and the production of containerised trees. It is stated that the containerised enterprise has yet to be developed owing to the lack of residential facilities. It is not disputed that there is a firm intention for the development of the site, as set out in the submitted Business Plan, and the applicant is clearly experienced in this type of business.

Information within the application indicates that the functional need for a permanent on-site presence (a new dwelling) is related to plant management which needs to be undertaken outside of normal working hours. In particular, checking the irrigation systems, pest control and regular monitoring of the mist propagation unit. Another reason stated is for security.

Information within the application indicates that an on-site presence is required day and night as constant monitoring of the stock is required as it is exposed to the risk of changes in the climate and failure of automated systems. A list of husbandry tasks are included within the application, however, Officers consider that many of these such as potting and planting of trees, pruning and weeding, applying fertilisers, harvesting, packing and transporting trees can take place during day time hours and do not require a permanent on-site presence. The applicant places greater emphasis on the misting and irrigation systems, pest control and security as a means to justify the application.

Various young trees are currently being grown on the site. It is understood that the applicant now wishes to develop the containerised part of the site. It is stated that the irrigation for this aspect of the business is partly by drip irrigation and partly by hand, the latter often being carried out in the early morning or later in the evening during spring, summer and early autumn periods. It is also stated that water irrigators are prone to blocking up or the nozzles coming off the irrigators in individual tubs. Therefore regular checking of the irrigation system is necessary, often outside of normal working hours. It is also stated that pest control requires attention out of hours. The most serious of these is vine weevil. This is a nocturnal insect and therefore the principle method of control is to spray the plants at night. This is generally done twice weekly between March and December.

It is noted that the containerised aspect of the business is not yet in operation. Notwithstanding this, the Council's Rural Consultant advises that the management of the trees can be undertaken by workers attending the site during normal working hours. If there is a need for work to be undertaken outside of working hours (for example, spraying for vine weevil, which is undertaken after dark, or watering), it is reasonable to expect that this would be part of a normal management regime, and would not require a person to live on site. As with many businesses, there are often operations which need to be undertaken outside of normal working hours and terms of employment for staff can reflect this.

Furthermore, the site is both rabbit and deer fenced and it is not considered that vermin control contributes to the essential/functional needs of the site.

Part of the business is associated with mist propagation for the production of rooted cuttings. The seedlings will then be containerised and grown on to standard trees. This is currently undertaken at the Rayne site. Information within the application indicates that this will be established at the Beazley End site once the containerised nursery has established further. It is also indicated that the unit would only operate for 2 months of the year (July & August). It is acknowledged that the propagation relies on maintenance of a constant heat, water and misting. However, this can be controlled by automated systems which can be programmed. These have alarms to alert the operator if the systems have failed. The submitted Planning Statement indicates "It is accepted that with the alarm systems and reliable heating appliances, failures of the system are infrequent. However, this does not

mean that they never fail and from time to time they do". It is stated that the systems can require emergency attention such as linking to a generator in the event of a power cut or any loss of water supply.

The mist propagation unit is in operation at the Rayne site. It does not exist at Beazley End and therefore there is not currently a functional requirement for the management of the unit at the site. Furthermore, there appears to be no reason why the unit could not remain at the Rayne site. It could remain there where it can be monitored by the occupant of the existing dwelling on the site. Any introduction of a mist propagation unit on the application site is a choice for the applicant to make, although it is clearly operating successfully at the existing site. The moving of the unit, or setting up of a second unit at Beazley End is not considered essential and should not be used as a means to justify a new dwelling at the site.

This application is for a permanent rural workers dwelling. Therefore Policy RLP 12 (Permanent Agricultural Dwellings) is relevant. Criterion (a) of Policy RLP 12 refers to an "established existing functional need". Paragraph 55 of the NPPF requires there to be an essential need. They do not refer to a possible future need. In this case the site has been planted with blocks of trees and shrubs for growing on. However, as set out in the submission, the containerised enterprise and mist propagation unit have not been developed. Therefore, when interpreting the policy against which the application should be assessed, these elements do not contribute to the established existing need. In this case the applicant is seeking a permanent dwelling based upon the proposed intentions for the business. The operations which form part of the basis for the justification for the dwelling, notably with regard to the mist propagation for seedlings and production of containerised trees have not been established at the site. The LPA has no guarantee that these will be developed and to allow a permanent dwelling on the basis of the growing of root balled trees and bare rooted hedging (as existing) cannot be justified in terms of national and local planning policies and guidance.

Furthermore, there is an existing dwelling associated with the holding at the Rayne site which was approved in 1987 and is subject to an agricultural tie. This is less than 5 miles from the satellite site at Beazley End. The management of watering and propagation could be on automated systems and monitored by alarms which would alert the occupant of the dwelling to any failure of the system. The existing rural workers dwelling on the holding is within a relatively short travel distance of the site and could be accessed fairly quickly in the case of an alert.

Both the containerised part of the business and the mist propagation are also likely to require new structures. Information within the application refers to a polytunnel which will be used for the misting of saplings for the containerised tree nursery. There is currently no polytunnel at the site. It is likely that planning permission will be required for any new structures.

The applicant also considers that security of the site against trespass, damage, theft and vandalism is a contributing factor towards it being essential

for a full time worker to reside at the site. This is a point which has generally been dismissed by Inspectors at appeals. The issue of security for a horticultural enterprise is not listed as an issue which can be considered as contributing to an essential or functional need. It is therefore considered that little weight should be given to this matter.

(b) Full Time Worker

A range of husbandry tasks are set out in the Planning Statement. These include potting and planting of trees, pruning and weeding, irrigating stock, loading, unloading and transporting stock, harvesting, spraying and propagation.

The business currently has 12 full time employees, including two who live at the existing dwelling at the site in Rayne. The Council's Rural Consultant advises that although the worker who would occupy the proposed dwelling would be a full-time worker, they would not necessarily be full time at the application site. It is not considered that the application site at present generates sufficient work for a full-time person.

(c) & (g) Financial Soundness

It is widely accepted, as formerly set out in Annex A of PPS7, that new permanent accommodation cannot be justified unless the enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain.

A Business Plan and budget projections accompany the application. The Council's Rural Consultant has considered these and was also provided with details of the last three years unaudited accounts. However the Consultant has not taken the projected budgets into account as the guidance is clear in that the business should be established and be capable of sustaining the cost of the proposed permanent dwelling. The financial test according to existing policy criteria relates to actual trading profits over the last 3 years and current viability.

Criterion (c) of Policy RLP 12 requires the unit and agricultural activity to have been established for three years, been profitable for at least one of them, and be currently financially sound and have a clear prospect of remaining so.

The advice of the Council's Rural Consultant is based on a copy of the unaudited accounts, not the projections set out in the application. The accounts showed an operating profit was achieved year ending 31/3/12 and 31/3/14. (A loss was reported year ending 31/3/13). However, the Council's Consultant has also taken account of the Director's salaries which are also shown in the accounts. The deduction of these results in a net loss in 2012 and a net profit of less than £1000 in 2014.

As an example, the Consultant advises that the cost of a repayment mortgage over 20 years @ 7% has an annual cost of £94.50 per £1,000 borrowed per

annum. It is estimated that a new permanent dwelling would cost at least £150,000 dependent on size and design etc. (The application indicates that the build cost for the proposed dwelling is £215,000). The Consultant therefore concludes that the business is unable to sustain the cost of the proposed permanent dwelling as the cost of the proposal would render the enterprise financially unviable. The proposal is therefore unsustainable in the long-term and fails the financial test in RLP12, the former guidance in Annex A to PPS7, and the sustainability element of the NPPF.

It is not disputed that there is potential for the element of the business at the Beazley End site to grow and become more profitable in the future and that this is the intention of the applicant. However, the Council must consider whether the existing business is financially viable enough to fund the construction of a permanent dwelling.

(d) The Availability of Other Dwellings

Officers have concluded that there is not a functional need for a new dwelling at this site.

There are no other dwellings at the site. There is however an existing dwelling on the holding, at the other site in Rayne. This is less than 5 miles from the site. As set out above, it is considered that this is within a reasonable travel distance of the site if attendance at the site was required at short notice for example in the case of the failure of an automated system.

There are dwellings for sale within three miles of the site. However, as concerns have been raised about the financial viability of the proposal, it is reasonable to conclude that these would not be available for purchase. At the time of writing this report there was a dwelling which was being advertised for rent within the village.

(e) Other Planning Requirements

Annex A of PPS 7 states that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding. It is considered reasonable that this guidance is appropriate when determining this application as it relates to the criteria concerning functional need within RLP12.

Policy CS8 of the Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change. Policy CS9 seeks the highest possible standards of design and layout in all new development.

Policy RLP 90 states the scale, density, height and massing of buildings should reflect or enhance local distinctiveness, be of a high standard of

design and materials and be sensitive to the need to conserve local features of architectural, historic and landscape importance. 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.

The proposal is for a three bedroom dwelling with living accommodation over two floors. It would also include a large office, large kitchen/diner and two of the bedrooms would benefit from en-suite bathrooms. Whilst the mass of the dwelling would be broken up with subordinate elements, it would nonetheless represent a sizeable family home. Notwithstanding the objection to the principle of the proposal, it is considered that the scale is excessive taking account of the suggested needs of the business and the size of the site. The dwelling would represent an unjustified intrusion in the countryside. Furthermore, a dwelling of the proposed size would cost more to construct than a more modest dwelling. Given that Officers have concern regarding the financial viability of the proposal, it would seem that the proposed dwelling would add significant costs to the business.

Concern has been raised by the Council's Consultant regarding the siting of the proposed dwelling. Whilst Officer's do not raise such a concern about the general location of the proposed dwelling, it is considered that if, as the applicant suggests, the purpose of the dwelling is to provide better security for the site, the dwelling would have to be better positioned slightly further to the north with more windows which serve habitable rooms facing towards the site access. However, this is a matter which could be overcome and not one in itself which would justify withholding permission.

The site benefits from an existing access which serves the existing site which is in horticultural use and has a historic agricultural use. The proposal would intensify the use of the site and an objection to the use of the existing access to serve the proposed dwelling has been raised by the Highway Authority. The Highway Authority considers that the existing access is substandard as inadequate visibility splays exist. Whilst it is acknowledged that the access can be used in connection with the existing use of the site, the introduction of further development and intensification of the site raises cause for concern. It is not considered appropriate to grant planning permission for a residential use on the site where the existing access is inadequate. The applicant considers that this issue could be resolved by a planning condition. However, the Council should ensure that the requirements of the condition could be complied with. The Highway Authority has set out the requirements in terms of visibility splays. The applicant has not provided any evidence to demonstrate that these could be achieved within land that is within his control. Furthermore, Officers are concerned that in order to achieve the required visibility splays a substantial amount of existing boundary hedging would need to be removed which would raise concerns about its impact upon the rural character of the site and the area.

It is considered that there is sufficient space within the site to achieve the level of parking and garden provision required by the Council's policy and that a

dwelling in this location would not have an unacceptable impact upon neighbouring amenity.

Other detailed matters boundary enclosures around the curtilage of the dwelling, external lighting, sustainable construction methods etc could be dealt with by way of condition if the application was considered acceptable in principle.

CONCLUSION

The application site is located within the countryside where residential development would not be acceptable unless it has been demonstrated that the dwelling is justified on grounds of agricultural/rural need. For the reasons stated above, it is considered that it has not been demonstrated that there is a functional need for a dwelling at the site, that there is a need for a full time worker at the site and that the unit and activity are financially sound. Furthermore, it is considered that the scale of the proposed dwelling is disproportionate to the purported need and that the proposal would give rise to a concern regarding highway safety as a result of the intensification of the use of a substandard access.

It is therefore considered that the exception to the conventional restriction on development in the countryside is not applicable and the application should be refused.

RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 The site is located in the countryside where Policy CS5 of the Braintree District Core Strategy requires that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Paragraph 55 of the National Planning Policy Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy RLP12 of the Braintree District Local Plan Review states that new dwellings will not be permitted in the countryside, unless they are needed for agricultural workers. Such dwellings should satisfy the following criteria:

- a) There is a clearly established existing functional need;

- b) The need relates to a full-time worker;
- c) The unit and agricultural activity have been established for three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
- d) The functional need could not be fulfilled by another dwelling on the unit; or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned;
- e) Other normal planning requirements, for example on siting and access, are satisfied;

Policy CS8 of the Council's Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change. Policy RLP 90 of the Local Plan Review seeks to ensure that the scale, layout, height, mass and overall elevational design of buildings and developments are in harmony with the character and appearance of the surrounding area.

- 2 In this case it is not considered that the existing business operations at the site or within the applicant's wider holding demonstrate either a functional need for a full time worker to be permanently resident at the site or a level of profitability sufficient to sustain a permanent dwelling of the scale proposed. In these circumstances, the proposed dwelling would represent a significant and unjustified intrusion into the countryside, contrary to the policies referred to above and to the detriment of the open rural character of the countryside.

- 3 Policy RLP 10 of the Braintree District Local Plan Review states that the density and massing of residential development will be related to, inter alia, the adequacy of the access and adjacent road system to cope with the traffic likely to be generated. Policy RLP 90 also states that designs and layouts shall promote a safe and secure environment.

In this case the proposal would lead to the intensification of use of a substandard access, by reason of inadequate visibility splays, causing a danger and obstruction to other road users, contrary to the above policies and Policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

SUBMITTED PLANS

Site Plan Location Plan	Plan Ref: 01
Existing Block Plan	Plan Ref: 02
Proposed Block Plan	Plan Ref: 03
Proposed Floor Plan	Plan Ref: 04
Proposed Elevations	Plan Ref: 05
Proposed Elevations	Plan Ref: 06
Proposed Sections	Plan Ref: 07

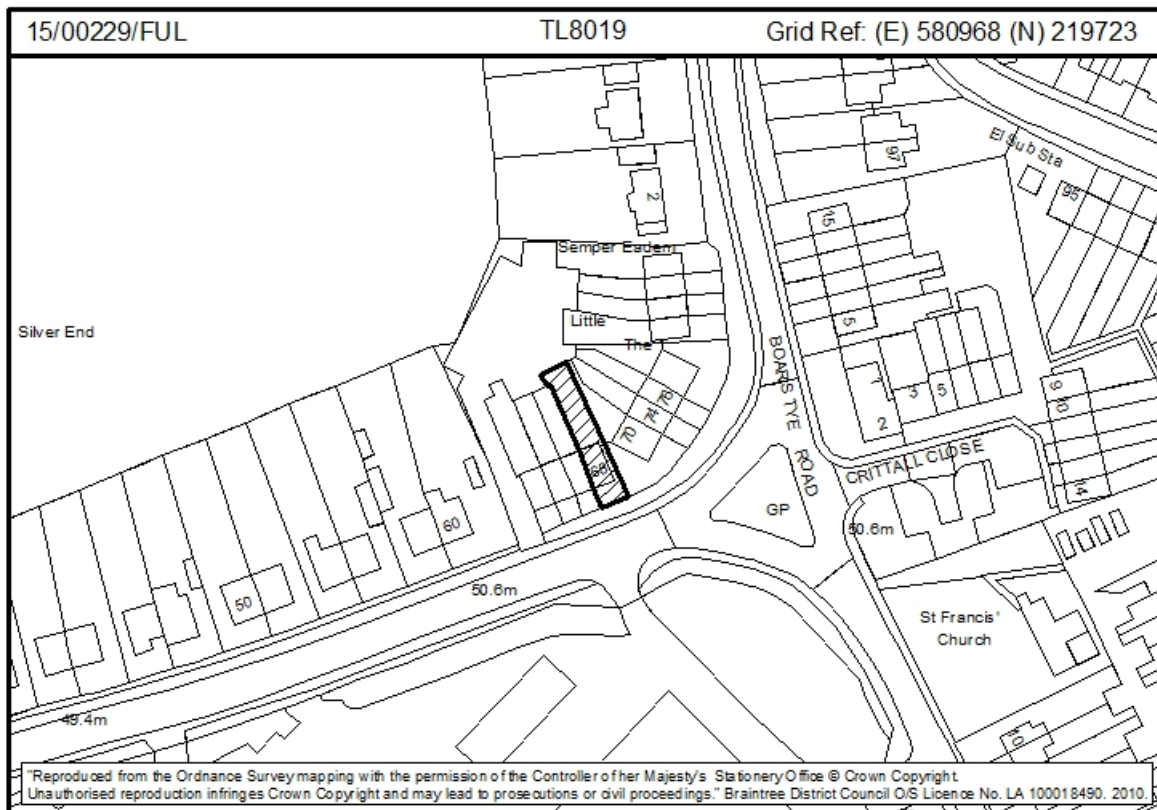
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION NO: 15/00229/FUL DATE: 26.02.15
VALID:
APPLICANT: Mrs S Tuson
68 Temple Lane, Silver End, Essex, CM8 3RP,
AGENT: Mr S Walls
7 Brook Hill, Little Waltham, Chelmsford, Essex, CM3 3LN
DESCRIPTION: Installation of 3 no. replacement windows
LOCATION: 68 Temple Lane, Silver End, Essex, CM8 3RP,

For more information about this Application please contact:
Mr Sam Trafford on:- 01376 551414 Ext. 2520
or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

88/02121/P	Demolition Of Existing Buildings And Erection Of 6 No. 2 Bed, 8 No. 1 Bed Flats And 4 No. 2 Bed Maisonettes	Withdrawn	30.11.88
88/02122/P	Demolition Of Existing Buildings And Erection Of 6 No. 2 Bed, 8 No. 1 Bed Flats And 4 No. 2 Bed Maisonettes	Withdrawn	30.11.88
88/02142/P	Erection Of Sheltered Housing Accommodation (22 Flats Inc. Wardens Flat)	Granted with S106 Agreement	27.05.89
90/00141/PFWS	Erection Of 17 Two Bed Flats (At 3 Storeys)	Refused	03.04.90
90/00142/PFWS	Erection Of 12 Two Bed Flats, 4 Three Bed Flats And 2 Three Bed Houses	Refused	03.04.90
90/01881/PFWS	Proposed Renewal Of Temporary Permission To Use For Light Industrial And Storage	Granted	12.02.91
91/01436/PFWS	Demolition Of Buildings Erection Of 36 No. Residential Flats	Granted	04.02.92
91/01437/PFWS	Demolition Of Buildings Erection Of 36 No. Residential Flats	Granted	04.02.92
91/01438/PFWS	Demolition Of Building And Erection Of 22 No. Residential Flats	Granted	04.02.92
91/01439/PFWS	Demolition Of Building And Erection Of 22 No. Residential Flats	Granted	04.02.92
96/00358/FUL	Erection of residential development comprising 26 No. 2 and 3 Bed houses and 10 No. maisonettes including associated ground works	Granted	09.07.96
14/00242/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Fell to ground level 1 Plum and 1 Apple tree	Granted	03.10.14

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

Other Material Considerations

BDC Site Allocations and Development Management Plan
Essex Design Guide 2005
Essex County Council Development Management Policies

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought to Planning Committee as Silver End Parish Council have objected to the application.

SITE DESCRIPTION

68 Temple Lane is a two storey end of terrace dwelling-house located within the Article 4 designated Conservation Area of Silver End.

PROPOSAL

The application proposes to replace 3 windows with aluminium steel lookalike windows, from the 'Duration' range. 2 of the windows to be changed would be on the front elevation, and 1 on the side.

CONSULTATIONS

Conservation Consultant – Recommends Approval
Parish Council – Objection based on inappropriate window material

REPRESENTATIONS

No letters of representation were received.

REPORT

Principle of Development

Policies RLP90 and RLP95 requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and for all new development to either preserve or enhance the character of the conservation area and its setting

The property lies within the Silver End Conservation Area, which is subject to an Article 4 direction which removes householder permitted development rights. This means that the replacement of windows, which would normally constitute 'permitted development' under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), requires consent in this instance.

The Silver End Conservation Guide (1999) gives details of appropriate window designs and materials within this area.

Design and Appearance

It is proposed to replace existing steel windows with aluminium ones, which is now an established practice in Silver End. However, replacements must provide the best usual match possible in order to ensure the character of the building is maintained.

Originally the application proposed windows with trickle vents installed. Whilst trickle vents are useful for ventilation purposes, they are not always necessary and look out of place in Silver End, where their use is avoided. The Conservation Consultant in his response stated he would support the application if the trickle vents were removed from the proposal. The agent subsequently confirmed that trickle vents would not be used in this instance, and it is therefore considered that the application is acceptable.

RECOMMENDATION

It is recommended that the application is approved.

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

Location Plan
Photograph
Window details

- 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.

TESSA LAMBERT
DEVELOPMENT MANAGER