

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 07 January 2014

Time: 19:15

Venue: Council Chamber, 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 (Chairman)
Councillor P Horner

Councillor S C Kirby
Councillor D Mann
Councillor Lady Newton
Councillor J O'Reilly-Cicconi
Councillor R Ramage
Councillor L Shepherd
Councillor G A Spray

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

Page

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 Last Meeting

To approve as a correct record the minutes of the meeting of the Planning Committee held on 17th December 2013 (copy to follow).

- 4 Public Question Time**
(See paragraph below).
- 5 Item 5 TPO 13 2013 Report** **5 - 20**
- 6 Item 6 TPO 14 2013 Report** **21 - 32**
- 7 Planning Applications**
To consider the following planning applications. and to agree whether any of the more minor applications listed under Part B should be determined 'en bloc' without debate.
- PART A - PLANNING APPLICATIONS:-**
There are none.
- PART B - MINOR PLANNING APPLICATIONS:-**
- 7a Application No 13 01192 MMA - The Bungalow, Bulmer Street, BULMER** **33 - 42**
- 7b Application No 13 01297 MMA - The Milking Barn, West Street, COGGESHALL** **43 - 50**
- 7c Application No 13 01154 FUL - Mill House, Church Road, GREENSTEAD GREEN** **51 - 60**
- 8 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.

9 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 the agenda there were none.

PRIVATE SESSION

10 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.

A PEACE
Member Services Manager

Contact Details

If you require any further information please contact Alison Webb on 01376 552525 or e-mail alison.webb@braintree.gov.uk

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 Council's Member Services Section on 01376 552525 or email chloe.glock@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:

TO CONSIDER AN OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER No. 13/2013 18 Kempe Road, Finchingfield	Agenda No: 5
Corporate Priority: The environment is clean and green Report presented by: Richard Parmee – Tree & Landscape Officer Report prepared by: Richard Parmee – Tree & Landscape Officer	
Background Papers (appended): Tree Preservation Order No. 13/2013 Letter of objection from residents of 18 Kempe Road, Finchingfield dated 26 th July 2013 Letter of objection from the resident of 17 Kempe Road, Finchingfield dated 2 nd August 2013 Letter dated 20 th September 2013 to residents of 18 Kempe Road, Finchingfield addressing objections Letter dated 20 th September 2013 to resident of 17 Kempe Road addressing objections Copy of TEMPO assessment	Public: Yes
Options: 1) To confirm the provisional Tree Preservation Order in the interests of amenity. 2) Not to confirm the provisional Tree Preservation Order and allow the owner and neighbours to prune/fell the tree as they see fit.	Key Decision: No
Executive Summary: This report is to consider the objections raised by the owner and neighbour of 18 Kempe Road, Finchingfield to the making of Tree Preservation Order No. 13/2013. In July 2013, for amenity and tree protection reasons, a provisional Tree Preservation Order was placed on the walnut tree within the rear garden of 18 Kempe Road, Finchingfield. This followed a telephone enquiry from a contractor asked to fell it, as to whether there was any statutory protection on this tree. A subsequent site visit included an amenity assessment of the tree, identifying that it had sufficient amenity value to justify the Tree Preservation Order.	
Decision: It is recommended that Tree Preservation Order No. 13/2013 relating to 18 Kempe Road, Finchingfield is confirmed.	

Purpose of Decision:

To consider objections to the making of a Tree Preservation Order.

Any Corporate implications in relation to the following should be explained in detail

Financial:	None
Legal:	None
Equalities/Diversity	None
Customer Impact:	None
Environment and Climate Change:	If the Order is not confirmed there is a risk that the visual amenity of the area will be diminished and the tree's ability to contribute to climate change adaptation will be reduced/lost.
Consultation/Community Engagement:	None
Risks:	Compensation rights could arise if the Council subsequently refuses an application for tree work consent and the tree or a part of it then fails, or causes damage.
Officer Contact:	Richard Parmee
Designation:	Tree & Landscape Officer
Ext. No.	2205
E-mail:	ricpa@braintree.gov.uk

Background

In July 2013, the Landscape Services Team received a telephone call from an enquirer asking if the walnut tree in the rear garden of 18 Kempe Road, Finchingfield was subject to any statutory protection as the owner wished to fell it. In response to this call a site visit and amenity assessment took place to determine if the tree merited protection by a Tree Preservation Order.

As a result of the assessment the Tree Preservation Order was served on 22nd July 2013. Objections to the making of the Tree Preservation Order were received from both the owner and the neighbour. A site meeting was held to discuss the objections, although it was not possible to satisfy these to have the objections withdrawn.

Comments

The tree is a large mature walnut in apparent good health and structurally of good form. Its canopy is large and clearly visible from both Kempe Road and Vicarage Road, despite being located behind the house. There is a beech tree of similar size and proximity to a building located in the front garden of 19 Kempe Road, also subject to a separate Tree Preservation Order.

The site visit with the objectors provided the opportunity to view the tree more closely. A few branches overhang the roof of the owners' house, but there is nothing to indicate that there is an elevated risk of any failing and causing damage. Again the tree appears to be in good health and structural condition.

The objector at 17 Kempe Road was mainly concerned about the impact of the tree on recently installed solar panels on her roof. It was claimed that these were not performing properly and that shade cast by the tree was responsible. The tree does not stand in front of these panels and would only obstruct direct sunlight for short periods in the afternoon. The panels have uninterrupted access to indirect light at all times and would be designed to perform under cloudy conditions when direct sunlight was not available.

The owners' objections were more numerous, but in summary:

- The tree leans towards the house and overhangs it – if it or any part fell it would cause significant damage or worse;
- The proximity of the tree to the house may cause structural damage and limits the potential for future extension;
- The cost of maintaining the tree was high;
- Work to reduce the tree would cause it to become more dangerous
- The tree attracts birds, squirrels and rats, and;
- The tree, in conjunction with the beech to the front, means that little natural light reaches the house, making it dark inside.

Details of the objections and the Officer's subsequent response can be found in the appended correspondence. The objectors were asked to confirm in writing their desire to withdraw the objections, if they so wished. As no such confirmation has been received, the matter is now presented to the Planning Committee for determination.

The Order has been served to retain the character of the local area, and to protect a large tree offering a long-term contribution to both visual amenity and the local environment.

**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Town and Country Planning Act 1990

TPO 13/2013/TPO

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:- 18 Kempe Road,
Finchingfield

Citation

1. This Order may be cited as TPO 13/2013/TPO

Interpretation

2. (1) In this Order "the authority" means the Braintree District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

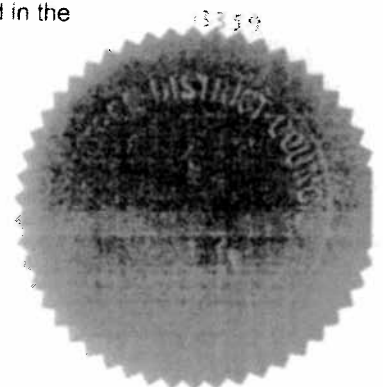
4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22nd day of July 2013

"The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:

.....
Authorised Signatory

✓



SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Walnut	Rear garden of 18 Kempe Road

Trees specified by reference to an area
(within a dotted black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Groups of trees
(within a broken black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Woodlands
(within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	



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Planning Department

Date: JULY 2013

Ref: 116-4-838

Drawn: DF

Scale: 1:1250
TL 6832

TREE PRESERVATION ORDER 13/2013

18 KEMPE ROAD
FINCHINGFIELD

This is the map referred to in the
**Braintree District Council Tree
 Preservation Order No. 13/2013**

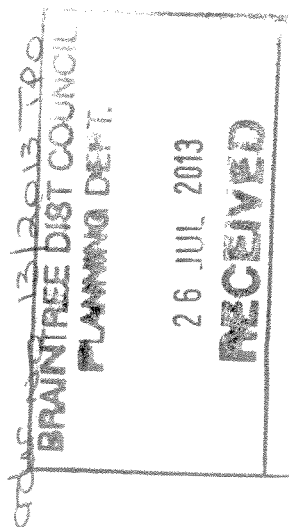
Braintree
 District Council

Authorised Signatory

18 Kempe Road
Finchingham
Baintree
Essex

CM7 4LE

Re Tree preservation



Dear Sir / Madam,

We are writing to
subject to the above preservation
order being placed on the walnut
tree in our back garden

This tree is about 19 feet from
the back of the house and
approximately 80/90 feet high
with a very wide leaf span.

The tree leans towards the
houses and in some of the winds
we are experiencing the tree tank

swamp (especially when in full leaf)
we have experienced branches
breaking from the tree in recent
years.

If one of the larger branches falls
towards the house there is a
possibility of damage not only
to our house but no 17 or to
the central heating oil tanks for
no + no 19

Being so close to the house we
could have possible damage in
the future from the root system
We constantly suffer from pigeon
droppings and the walnuts
attract squirrels mice + RATS.

Due to the fact that there
is an enormous Beech Tree
(which has a preservation order)

and is 22 feet from the front of the house plus this walnut tree at the back we have a considerable lack of natural light throughout the inside of the house therefore have to rely on more artificial lighting than normal (eg electricity)

This will also stop any possible plans we might have in the future of putting an extension onto the rear of the property.

We request a visit please so that you can inspect the tree properly and also explain what amenity value the tree has.

Yours faithfully

D L + J A P O N T

17 Kempe Road
Finchingfield
Braintree
Essex
CM7 4LE

Braintree District Council
Sustainable Development
Causeway house
Braintree
Essex



2/08/13

Dear Sir / Madam

In regard to your letter, dated 22/07/13 of a tree preservation order - No. 13/2013/TPO we would like to pass our comments on.

Our family have lived in Finchingfield for over 90 years and we have lived at No.17 for 45 years, so we have seen how the landscape has changed in that time.

Kempe Road has had a number of trees removed in those years whether it has been to prevent the roots of trees damaging the house foundations, making room for residents for off road parking or to allow natural sunlight in. The latter is the one that we are writing about.

The tree itself, prevents natural light in at the back of the house through out the year. In the autumnal months, when the winds are strong, branches have been known to fall in our garden and as yet not caused too much damage.

On these windy days the tree does move to quite an alarming angle and our concern is that if a large branch, were to fall, it would cause considerable damage. Not only to our neighbours house but to our house adjoining it.

Greenfield's have recently, this year, installed solar panels into our roof. If a branch were to fall it would cause a costly bill to replace them.

The tree also shades these panels and in the winter months, when the sun is lower, it will make them less efficient.

Please can you take these comments into consideration in your decision.

Yours faithfully

Our ref:
Your ref:
Ask for: Richard Parmee
Dial: 01376 551414
Ext: 2205
Date: 20th September 2013

District Development
Causeway House Braintree
Essex CM7 9HB
Tel: 01376 552525
Fax 01376 557787
www.braintree.gov.uk

Mr D L & Mrs J A Punt
18 Kempe Road
Finchingfield
Braintree
Essex
CM7 4LE

Dear Mr & Mrs Punt,

Re: Tree Preservation Order 1`3/2013/TPO

I met with you on Friday 13th September, to discuss your objections to the serving of the temporary TPO on the walnut tree in your rear garden. At that meeting you raised a number of concerns. I have summarised these below, along with my response:

- **The stability of the tree, stating the lower trunk moves alarmingly in high wind and this has increased in recent years** – I examined the base of the tree and could see nothing to indicate that the tree was unstable: there was no indication that the roots were lifting in the ground;
- **The tree casts shade and drops debris over the garden and house, making it difficult to use the garden and requiring lights to be on in the house all day** – whilst the tree does shade an area close to the rear of the house, large parts of the garden are not in shade, receiving direct sunlight and being free from falling debris. Some work to lift the lower crown would be supported, with this allowing more direct sunlight to reach the rear windows, retaining the upper crown which is that part visible to the public;
- **The tree poses a threat to your property, causing concern for your personal safety** – the tree is in apparent good health and free from any major faults. There is a minor amount of dead wood in the canopy but nothing unusual for any healthy tree. You are free to have this removed at any time. A section of the tree overhangs the rear of your house but work to reduce this is entirely feasible and would be supported, so reducing the risk of branches falling onto your house. The probability of such damage is low, as is the likelihood of the entire tree falling over, so long as the tree is in good condition, so such fears are out of proportion to the risk posed;
- **The tree leans and is therefore unstable** – it does have a slight lean but not sufficient to cause concern. The tree will grow according to the conditions, strengthening itself where required in response to the stresses acting on it. The tree will put on sufficient growth to compensate for the lean and only if the health of the tree declines would this be a concern;
- **The tree prevents the installation of a new oil tank and extension to the house** – there is considerable flexibility in the location of any new oil tank and

the tree should not pose a constraint. Delivery tankers carry hoses of sufficient length to reach most of your rear garden and the length of the supply line from the tank should also not pose a constraint. You mentioned that the soil is generally sandy in this area, so the risk of subsidence from the tree is far lower than on shrinkable clay. This reduces the constraints posed by the tree on any proposed extension, particularly if it does not greatly exceed that already present, as suggested. The footing construction would need to be designed to minimise root damage, but it is not unfeasible to construct an extension of the nature discussed with the tree remaining;

- **The cost of maintaining the tree is unaffordable** – initially you were proposing to fell the tree, incurring a considerable one-off cost. Limited work to reduce the tree's crown would cost considerably less and, if carried out correctly, should not need to take place frequently. You mentioned that in the period you have lived at this property (more than 25 years) you have not had to pay for any substantial work to the tree. Although now much larger, as the tree is healthy and in good condition it would be reasonable to assume that its future work requirements would not be that great;
- **Work to reduce the tree would place the tree under stress, making it more dangerous** – whilst incorrectly carried out work can place strain on trees and lead to a more dangerous tree through allowing decay to enter, any work would require the Council's permission and a condition of this is that it is carried out in accordance with the British Standard for tree work BS3998: 2010. This clearly sets out how and where to prune trees to minimise the impact on the tree. Correctly carried out such work would not be detrimental to the tree and should reduce, not increase risk.

It was clear at the time of our meeting that my responses did not satisfy your concerns and that you wished to maintain your objections to the TPO. I therefore will present the matter of confirmation at a Planning Committee meeting within the next 3 months. You will be invited to attend and have the opportunity to present your case to elected members. They will then vote on whether the TPO will be confirmed.

I shall contact you again in due course to set a date for which Planning Committee meeting this will be presented at.

Yours sincerely,

Richard Parmee
Tree & Landscape Officer
Email: ricpa@braintree.gov.uk

Our ref:
Your ref:
Ask for: Richard Parmee
Dial: 01376 551414
Ext: 2205
Date: 20th September 2013

District Development
Causeway House Braintree
Essex CM7 9HB
Tel: 01376 552525
Fax 01376 557787
www.braintree.gov.uk

The Occupier
17 Kempe Road
Finchingfield
Braintree
Essex
CM7 4LE

Dear Sir/ Madam,

Re: TPO 13/2013 18 Kempe Road, Finchingfield

I met with you and your neighbours at no. 18 to discuss your objections to the above TPO.

We discussed matters such as the tree's stability, the likelihood of branches falling onto the house and possible subsidence, all of which are considered unlikely, given the condition of the tree and the soil in the vicinity. Work to manage the condition and size of the tree is possible to reduce such risks still further, although permission for such work would need to be obtained from the Council before it could go ahead.

Specific to your property was the impact the tree was having on the effectiveness of the solar panels on your roof. You mention that they do not appear to be working properly and attribute this to the shade cast by the tree.

The tree does not stand directly in front of the solar panels: the crown does not overhang the panels and in the direction the panels face there is uninterrupted view of the sky. Some shade may be cast later in the day as the sun moves to the west, but at that point it would not be shining perpendicular to the panels.

Solar panels generally do not rely on direct sunlight and are designed to operate on ambient light, able to function during cloudy conditions. As the tree poses no obstruction to such light I cannot agree that the tree affects the performance of these panels.

In addition, there is no legal requirement for trees to be removed to prevent shading of solar panels and the sitting of such should pay due regard to the local conditions i.e. any obstruction or potential obstruction to light.

It is clear from your neighbours that they will continue to maintain their objection to the TPO and the matter will be presented to Planning Committee in the next three months. You will be invited to attend and have the opportunity to present your case to elected members, after which they will vote on whether to confirm the TPO. I shall contact you again soon to advise you of the likely date for this.

Yours faithfully,

Richard Parmee
Tree & Landscape Officer
Email: ricpa@braintree.gov.uk

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15/7/13 Surveyor: Richard Parnes

Tree details
TPO Ref (if applicable):
Owner (if known):
Tree/Group No:
Location: Rear of 18 Kerpe Road, Finchfield
Species: Walnut

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- 5) Good
- 3) Fair
- 1) Poor
- 0) Dead/dying/dangerous*

- Highly suitable
- Suitable
- Unlikely to be suitable
- Unsuitable

Score & Notes

5

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+
- 4) 40-100
- 2) 20-40
- 1) 10-20
- 0) <10*

- Highly suitable
- Very suitable
- Suitable
- Just suitable
- Unsuitable

Score & Notes

4

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes

3 - crown visible from nearby roads

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

Score & Notes

1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

3 - telephone engineering on protection as intention to fell

Part 3: Decision guide

- Any 0
- 1-6
- 7-11
- 12-15
- 16+

- Do not apply TPO
- TPO indefensible
- Does not merit TPO
- TPO defensible
- Definitely merits TPO

Add Scores for Total:

16

Decision:

TPO

TO CONSIDER AN OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER No. 14/2013 Sundern, Tidings Hill, Halstead		Agenda No: 6
Corporate Priority: The environment is clean and green Report presented by: Richard Parmee – Tree & Landscape Officer Report prepared by: Richard Parmee – Tree & Landscape Officer		
Background Papers (appended): Tree Preservation Order No. 14/2013 Letter of objection from Jeremy Wicks dated 22 nd August 2013 Letter dated 2 nd September 2013 to objector addressing objection Copy of TEMPO assessment		Public: Yes
Options: 1) To confirm the provisional Tree Preservation Order in the interests of amenity. 2) Not to confirm the provisional Tree Preservation Order and allow the owner and neighbours to prune/fell the tree as they see fit.		Key Decision: No
Executive Summary: This report is to consider the objection raised to the making of Tree Preservation Order No. 14/2013. In July 2013, for amenity and tree protection reasons, a provisional Tree Preservation Order was placed on the oak tree within the rear garden of Sundern, Tidings Hill, Halstead. This followed a site visit with the developer of 33 Ozier Field, Halstead to discuss the extent of reduction appropriate to this tree where it overhangs the developer's property. A subsequent site visit included an amenity assessment of the tree, identifying that it had sufficient amenity value to justify the Tree Preservation Order.		
Decision: It is recommended that Tree Preservation Order No. 14/2013 relating to Sundern, Tidings Hill, Halstead is confirmed.		

Purpose of Decision:

To consider an objection to the making of a Tree Preservation Order.

Any Corporate implications in relation to the following should be explained in detail

Financial:	None
Legal:	None
Equalities/Diversity	None
Customer Impact:	None
Environment and Climate Change:	If the Order is not confirmed there is a risk that the visual amenity of the area will be diminished and the tree's ability to contribute to climate change adaptation will be reduced/lost
Consultation/Community Engagement:	None
Risks:	Compensation rights could arise if the Council subsequently refuses an application for tree work consent and the tree or a part of it then fails, or causes damage.
Officer Contact:	Richard Parmee
Designation:	Tree & Landscape Officer
Ext. No.	2205
E-mail:	ricpa@braintree.gov.uk

Background

In late Spring 2013 the developer of Ozier Field, Halstead contacted the Landscape Services Team to discuss the reduction of the crown of an oak tree that stands in the rear garden of Sundern, Tidings Hill, Halstead. The crown of this tree extends over and dominates the rear garden of 33 Ozier Field and the developer was concerned that this made the property difficult to market. The developer was obliged to seek consent from the Council for any work to this tree as a condition of a planning permission.

A site meeting took place where the extent of a crown reduction was agreed. At this meeting the future implications for the tree following occupancy of the property were discussed and the developer was advised that the Council would consider serving a Tree Preservation Order to provide a degree of control over any further work.

In July 2013, following a site visit to assess the amenity value of the tree, a provisional Tree Preservation Order was served. A subsequent objection was received from the developer. A response to the objection was issued by the Council, but this did not lead to the withdrawal of the objection. The matter of determination is therefore presented to the Planning Committee.

Comments

The tree is a large mature oak in apparent good health and structurally of good form. Its canopy is large and clearly visible from Ozier Field. A public footpath passes directly under the tree, so visibility is extensive.

The tree stands on the rear boundary of Sundern, with the public footpath separating the rear gardens of both Sundern and 33 Ozier Field. Its crown is wide-spreading and extends a considerable distance over the rear garden of 33 Ozier Field to the extent that, if not reduced, it would significantly affect the occupants' ability to enjoy the garden. It is for this reason that work was previously agreed to reduce the crown, so reducing the impact of the tree on the garden.

However, it is expected that future occupants may wish to reduce the crown further. Such work would not be preventable, with the need to obtain consent from the Council only resulting from the planning permission. Once the development is complete there would be nothing to prevent the removal of any part of the crown that extends over the rear boundary. Such work would result in the loss of almost half the crown. It is to prevent this situation that the Tree Preservation Order was served. The Council would not seek to prevent any further reduction, but would wish to see that it was not carried out to the maximum extent possible in the absence of a Tree Preservation Order and not all in one operation, which could result in stressing the tree leading to its decline.

The developer's objection and the Council's response are set out in the appended documents, but in summary are:

- The tree has questionable amenity value – the Council's use of TEMPO, a system used widely to assess the amenity value of trees, found the tree merited protection;
- The Council has already agreed to future reduction – whilst it was accepted that future reduction would be required, in the absence of the Tree Preservation Order there would be no control over this;
- The tree dominates the rear garden – the relationship between the tree and house was considered at the time planning permission was granted. It was considered acceptable at that time and permitted reduction would improve the relationship;
- The owners of properties affected by the tree can only legally cut it back to their boundaries, thus limiting the extent of reduction possible – such reduction would be detrimental both to the tree's appearance and health.

The Order has been served to retain the character of the local area, and to protect a large tree offering a long-term contribution to both visual amenity and the local environment.

**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

**Town and Country Planning Act 1990
TPO 14/2013/TPO**

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:- Sundern, Tidings Hill, Halstead

Citation

1. This Order may be cited as TPO 14/2013/TPO

Interpretation

2. (1) In this Order "the authority" means the Braintree District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

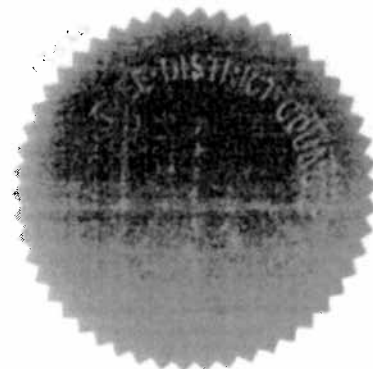
Dated this 24th day of July 2013

"The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:

.....
Authorised Signatory

✓

.....



SCHEDULE

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Oak	South-east corner of Sundern, adjacent to public footpath

Trees specified by reference to an area
(within a dotted black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Groups of trees
(within a broken black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Woodlands
(within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	



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Planning Department

Date: JULY 2013

Ref: 116-4-837

Drawn: DF

Scale: 1:1000
TL 8129

TREE PRESERVATION ORDER 14/2013

SUNDERN
TIDINGS HILL
HALSTEAD

This is the map referred to in the
Braintree District Council Tree
Preservation Order No. 14/2013

22 August 2013

14/2013/TPO

**TANNER &
WICKS**

Tessa Lambert
Sustainable Development
Braintree District Council
Causeway House
Braintree
Essex
CM7 9HB

House Builders

Sunnyfields Cottage
Sunnyfields Road
Braintree
Essex
CM7 5PC

Developers

Telephone
Facsimile

Contractors

01376 326967
01376 329198

www.tannerandwicks.co.uk



Dear Ms Lambert,

**Town and Country planning Act 1990
Town and Country Planning (Tree Preservation)(England) Regulations 2012.
Braintree District Council – Tree Preservation Order no. 14/2013/TPO
Sundern, Tidings Hill, Halstead.**

We object to the tree preservation order for the following reason:

We are the owners of 33 Ozier Field Halstead. The tree referred to overhangs the rear garden of that property.

- 1) We question the description of the tree as having "significant amenity value". It is not particularly prominent from any public viewpoint apart from the public footpath, which only has a few users each day.
- 2) The landscaping department of Braintree District Council have already agreed that the tree can be further reduced over a number of seasons and the imposition of a Tree Preservation Order will only make this task more onerous for the eventual owners of 33 Ozier Field.
- 3) Although it is acknowledged that there is no "right to light" the garden of 33 Ozier Field is completely dominated by the tree, to the extent that the lawn is mostly bare earth and the guttering needs clearing of leaves daily during autumn.
- 4) It is only the occupier of 33 and 35 Ozier Field who are likely to want to see the tree trimmed back, and as neither of these properties own the tree they are already limited by law as to the amount of trimming they can instigate.

Yours faithfully,

Jeremy Wicks
Managing Director
For and on behalf of Tanner & Wicks Limited.



Registered house builder

Tanner & Wicks Limited
Registered Office as above
Registered in England No. 2006740
Directors: J & P Wicks
NHS Registered Builder Number: 15586
and Registration Number: 084 2477 01

Our ref:
Your ref:
Ask for: Richard Parmee
Dial: 01376 551414
Ext: 2205
Date: 2nd September 2013

District Development
Causeway House Braintree
Essex CM7 9HB
Tel: 01376 552525
Fax 01376 557787
www.braintree.gov.uk

Mr Jeremy Wicks
Tanner & Wicks
Sunnyfields Cottage
Sunnyfields Road
Braintree
Essex
CM7 5PG

Dear Mr Wicks,

Re: Tree Preservation Order no. 14/2013/TPO Sundern, Tidings Hill, Halstead

Thank you for your letter dated 22nd August 2013. I have responded to your objections below:

1. The tree was assessed using an evaluation method known as TEMPO. This is widely used within the industry. Whilst the tree may not have high prominence from any one view point, the crown is visible over roof tops from a range of viewpoints and is an integral element in the character of the public footpath that runs adjacent to it. The legislation requires that a tree has amenity value, which essentially means the public can see it and it contributes towards the quality of the local landscape. It does not place any threshold on the numbers able to view it. We regard that this tree meets the criteria and warrants protection by TPO;
2. During the site visit to discuss work to reduce the tree I mentioned that further reduction would be expected, but such work has not been agreed formally. In the absence of the TPO it would be possible for the tree to be reduced further to the boundary or beyond at any time. Such extensive reduction would both be visually damaging, and potentially damaging to the tree's health and stability. Therefore the TPO provides the Council with a degree of control over the timing, frequency and extent of any future work. It does not make the process of managing this tree much more onerous: all that is required is for an application to be submitted for consent, which is usually determined within eight weeks. There is no fee for this and emergency exemptions are provided;
3. The need to gradually reduce this tree to alleviate the concerns raised was discussed during the site visit. However, the impact of this tree on the garden was a consideration at the time planning permission was granted. In effect it has been already decided that building the house close to the tree is acceptable, despite the shade and debris likely. It is the decision of anyone wishing to buy the property whether they consider this acceptable;

4. The law allows for a property owner to cut back any overhanging branches from neighbouring trees to the property boundary. Such action would be highly damaging for a tree of this size and importance, hence the serving of the TPO. The limits on pruning provided by the law in the absence of the TPO are considered insufficient to provide the tree with adequate protection.

At the time of the site visit to discuss work to this tree I mentioned that I would consider serving a TPO to provide control over future work, concerned that otherwise any new owner may cut the tree back to the boundary as soon as they moved in.

As the site developer you are subject to the planning conditions imposed, which include retention of trees. Once the development is completed the new owner is not subject to these conditions and would be free to carry out whatever work they wished. The purpose of the TPO is to provide continued protection for the foreseeable future.

I am willing to meet you on site to discuss this matter further if required. Otherwise I ask you to consider my response above. If these points satisfactorily address your objections I ask that you confirm in writing the withdrawal of your objections by 30th September 2013. If no such withdrawal is received by that date I shall pass the matter of determination to the next available Planning Committee Meeting, to which you will be invited to attend.

Yours sincerely,

Richard Parmee
Tree & Landscape Officer
Email: ricpa@braintree.gov.uk

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 22/7/13	Surveyor: Richard Parnes
Tree details TPO Ref (if applicable): Owner (if known):	
Tree/Group No: Location:	Species: Oak Sunden, Tidings Hall, Halstead

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

5

*Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

5

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

4 - footpath
vis by tree

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes
1 |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | |
|-------------------------------|--|
| 5) Immediate threat to tree | Score & Notes
3 - occupancy of 33 gives 10 likely
to lead to reduction of cars |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

18

Decision:

TPO

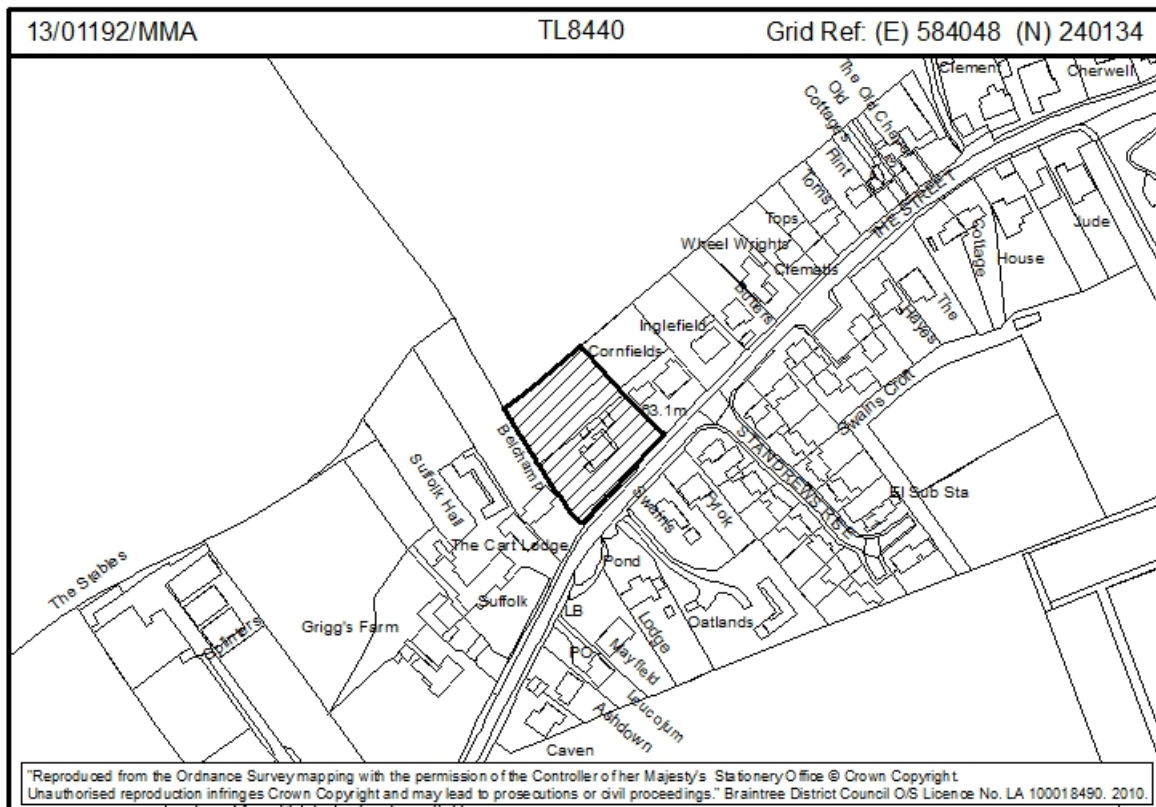
PART B

APPLICATION 13/01192/MMA DATE 18.10.13
 NO: VALID:
 APPLICANT: Mr And Mrs John O'Reilly-Cicconi
 The Old Vicarage , Sudbury Road, Bulmer, Suffolk, CO10
 7LT
 AGENT: Tricker Blackie Associates Ltd
 Mr Richard Tricker, 51 Station Road, Sudbury, Suffolk, CO10
 2SP
 DESCRIPTION: Variation of Condition 2 of planning permission
 12/01074/FUL - to amend the design of the dwelling
 approved for Plot 2.
 LOCATION: The Bungalow, Bulmer Street, Bulmer, Essex, CO10 7EW

For more information about this Application please contact:

Ian Harrison on:- 01376 551414 Ext. 2524

or by e-mail to: ian.harrison@braintree.gov.uk



SITE HISTORY

12/01074/FUL	Demolition of existing bungalow and garage and erection of three detached houses and garages.	PER106	20.12.12
13/01137/FUL	Application for removal or variation of condition no. 2 and 3 of planning application 12/01074/FUL - to amend plans and change elevational design of the building.	PDE	

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

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

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

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and

attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP138	Provision of Open Space in New Housing Developments

Site Allocations and Development Management Plan - Draft for Consultation

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

INTRODUCTION

This application is brought before the Planning Committee due to one of the joint applicants being a Councillor and a Member of the Planning Committee.

SITE DESCRIPTION

The application site is located on the north-western side of The Street, Bulmer. This part of The Street comprises mid-late twentieth century infill. With the exception of Belchamp Brook House immediately adjacent to the site the houses are either single or 1.5 storeys high and typically stand within quite large plots, set back from the frontage.

Planning permission was granted under the terms of application 12/01074/FUL for the demolition of the existing dwelling at the application site and the erection of three dwellings.

At the time of writing, the original dwelling “The Bungalow” remains which is a 1930’s pre-fabricated bungalow that sits centrally within the site. Redevelopment of the site has commenced with the construction of the dwelling on ‘Plot 1’ as well as apparently having completed the erection of the garage building to the rear which will be shared by plots 1 and 2.

RELEVANT HISTORY

As set out above, the erection of three dwellings at the application site was approved under the terms of application 12/01074/FUL.

PROPOSAL

This application seeks minor material amendments to the approved development, solely in relation to the dwelling that was approved on Plot 2 - the central plot on the site. The proposed amendments to the approved plans are as follow:

- The lowering of the ridge height of the side ‘wing’ from 7.6 metres to 7.2 metres and the lowering of the eaves height from 4 metres to 3.6 metres. The eaves detail and the relationship with the ‘eaves high’ dormer windows has been slightly adjusted accordingly, on both the front and rear elevation.
- The addition of a porch on the front elevation with a floor area of 3 square metres and a lean-to roof built to a maximum height of 3.1 metres.
- The removal of a window above the front door.
- The relocation and redesign of the dwelling’s chimney. The chimney would be positioned on the North East side elevation, with a maximum height of 8.6 metres.
- The insertion of a ground floor window on the North East side elevation.
- The addition of a lean-to extension on the East elevation with a footprint of 4.7 square metres and a maximum height of 3.2 metres.
- The replacement of a first floor window with a Juliet balcony on the rear elevation.

- The replacement of a separate ground floor door and window on the rear elevation with a combined central opening with central doors and windows on each side.
- The use of a slacker pitch on the 'garden room' roof to enable it to reach a maximum height beneath the eaves height of the side wing.
- The reconfiguration of the windows and doors of the 'garden room'.
- The insertion of a rooflight on the South West elevation of the rear wing.
- The use of photo-voltaic slates on both sides of the rear wing instead of plain clay tiles.
- The division of the driveway between plots 1 and 2 with a timber picket fence.

CONSULTATIONS

The Council's Landscape Services Team have raised no objection to the proposal.

The Highway Authority (Essex County Council) has raised no objection to the application subject to the proposed gates being positioned 6 metres from the carriageway.

The Historic Building Advisor of Essex County Council made a number of comments in relation to the original submissions and the applicant has amended the proposals to incorporate the criticisms that were made. The Historic Building Advisor is satisfied that the amended proposals have either addressed the concerns entirely, or where the proposal has not fully embraced their recommendations the resulting harm would not justify the refusal of the application on heritage grounds.

Bulmer Parish Council have supported the application. They have however requested the use of the condition that has been recommended by the Highway Authority. They also expressed concern about the use of aluminium windows and requested the use of brick or flint walls or picket fences in accordance with their Village Design Statement.

REPRESENTATIONS

None received.

REPORT

The Principle of Development

Although not a statutory definition, the Government document Greater Flexibility for Planning Permissions states that a minor material amendment can be viewed as an amendment "whose scale and nature results in a development which is not substantially different from the one which has been approved."

The proposed development would cause a material alteration to the appearance of the development by introducing a number of changes in comparison to the previously approved proposals and, as such, it is considered that the alteration exceeds the scope of a non-material amendment. However, in the context of the wider development it is considered that the alterations are quite minor and therefore

can be viewed as a minor material amendment rather than requiring the submission of a conventional planning application. From this basis it is considered that a minor material amendment (MMA) application is proportionate to the nature of the amendment that is proposed. A MMA application is publicised in the same way as a full planning application which provides neighbouring residents and consultees the opportunity to comment on the application.

There is no reason to object to the principle of the proposed development as the residential development of this site, within the Village Envelope of Bulmer, has already been approved.

Layout, Scale and Appearance

Policy RLP3 states that the Local Planning Authority will seek to protect the character of the existing street scene, the setting of attractive buildings and historic interest of the locality, the landscape value of existing tree cover and generally to ensure that new development does not detract from the character of the settlement. The Local Planning Authority will also seek to ensure that in the development of infill plots, the scale, design and intensity of any new building is in harmony with existing surrounding development, respects neighbouring amenities and that inappropriate backland development is prevented.

This is supported by policies RLP10 and RLP90 which state that the Council will only accept high quality development that harmonises with its surroundings in terms of character, appearance and density. Policy CS9 also supports this stance.

Moreover, as the site is within the Bulmer Conservation Area, Policy RLP95 of the Braintree District Local Plan Review 2005 and the Planning (Listed Building and Conservation Areas) Act 1990 combine to require the Local Planning Authority to require development to preserve or enhance the character or appearance of the Conservation Area.

The proposed amendments have been the subject of discussion with the Historic Building Advisor of Essex County Council and as a result, the number and nature of the proposed amendments has been modified to ensure that the proposal reflects the character and appearance of the Conservation Area. From this basis, noting that the amendments are now considered to be acceptable by the Councils specialist advisor, it is considered that the application should be supported by the Local Planning Authority. This is especially appropriate in the context that this is only an application for amendments and the majority of the visual implications of the proposed development have already been supported under the terms of the original permission.

The concerns of Bulmer Parish Council are noted and in this regard it is considered that the amended plans have addressed the concerns about the use of windows as the applicant no longer intends to use powder coated aluminium windows and will instead use painted timber as originally approved. Similarly, the proposal to divide the drive between plots 1 and 2 has been revised to show the use of timber picket fencing rather than metal fencing as had originally been shown. It is considered appropriate to impose a condition to require the details of the fencing and the gates

to be submitted and agreed, prior to their installation at the site. It is therefore considered that the concerns of the Parish Council have been addressed.

Impact on Neighbouring Residents

The nature of the proposed amendments would mean that the only neighbouring residents that could be affected by the proposals are those that will occupy the other dwellings that were approved under the terms of application 12/01074/FUL. The additional lean-to projections and the additional windows will not cause a loss of light or privacy within the neighbouring properties to an extent that would harm the amenities of the future occupants.

Highway Arrangements and Parking Provision

The proposed development would have the effect of dividing the previously shared driveway that runs between the dwellings on plots 1 and 2. This would not materially restrict the usability of the driveway and would not reduce the ability to park or manoeuvre within the site. It is therefore considered that no objection should be raised to the proposed amendments on highway safety or parking grounds.

The Highway Authority has requested that the proposed gates are positioned 6 metres from the edge of the carriageway. The submitted plans show the gates would be positioned 4.5 metres into the site and it is believed that the footpath measures at least 1.5 metres wide and therefore compliance with the proposed condition should be achievable. It is therefore appropriate to impose the condition to avoid doubt.

Planning Obligations

The original planning application was subject to a Section 106 agreement to secure open space and affordable housing contributions. The Council's legal agreements often include appropriate clauses to enable subsequent 'amendment' applications to be submitted without requiring a different legal agreement to be completed. In this instance, the legal agreement did not include such clauses and it was therefore necessary for the landowner to enter a variation agreement to the original Section 106 agreement. This was also the case for application 13/01137/FUL which proposes alterations to the dwelling on plot 3 and this matter has been handled under the same variation agreement on the grounds that both plots currently remain within the ownership of the developer.

The required legal agreement to secure the necessary variation and ensure that the previously agreed planning obligations are secured has been completed.

Other Matters

It is considered relevant to note that a number of the proposed amendments are being undertaken in the interests of energy efficiency or energy generation as the applicant is aiming to achieve a higher standard of sustainable construction, approaching Hufhaus standard.

It is considered that there are no other matters relevant to the determination of this application.

CONCLUSION

The application proposes Minor Material Amendments to the development that was approved under the terms of application 12/01074/FUL. Officers consider that the proposed alterations would not harmfully alter the impact of the development on the character or appearance of the site or the surrounding area and would not cause sufficient harm to the amenity neighbouring residents to justify the refusal of the application on those grounds. Therefore, this is considered to be an acceptable form of development at the application site.

RECOMMENDATION

It is therefore RECOMMENDED that approval is granted for the development, subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following matters:

- The variation of the legal agreement that was completed in respect of application 12/01074/FUL to reflect the fact that the development on plot 2 may be undertaken in accordance with application 13/01192/MMA

The Development Control Manager be authorised to GRANT planning permission under delegated powers subject to the terms set out above and the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed within one calendar month of the resolution to approve the application by the Planning Committee, the Development Manager may use her delegated authority to refuse the application.

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

Roof Plan	Plan Ref: 007	Version: 06
Street elevation	Plan Ref: 004	Version: 09
Proposed Plans	Plan Ref: 002	Version: 07
Location Plan		
Block Plan		

- 1 The planning permission hereby granted relates solely to the amendment of the dwelling on plot 2 as shown on the plans hereby approved.

In this respect only, the proposed development shall only be undertaken in accordance with the plans hereby approved unless otherwise agreed in writing

by the Local Planning Authority. The proposed development shall be undertaken in accordance with all other conditions imposed under the terms of application 12/01074/FUL and the associated, varied legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

Reason

In order to clarify the scope of this permission as a variation to an extant planning permission and in the interests of proper planning.

- 2 Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 6 metres from the nearside edge of the carriageway unless otherwise agreed in writing by the Local Planning Authority.

Reason

To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed.

- 3 Prior to the installation of the gates that are hereby approved, details of the height, design and materials of the gate shall be submitted to and approved in writing by the Local Planning Authority.

The driveway between plot 1 and plot 2, shall only be divided by a 1.8 metre tall red brick wall or timber picket fencing not exceeding a height of 1 metre, unless otherwise agreed in writing by the Local Planning Authority. Prior to its installation/erection details of the design, height and colour of the timber picket fence/brick wall shall be submitted to, and approved in writing by, the Local Planning Authority.

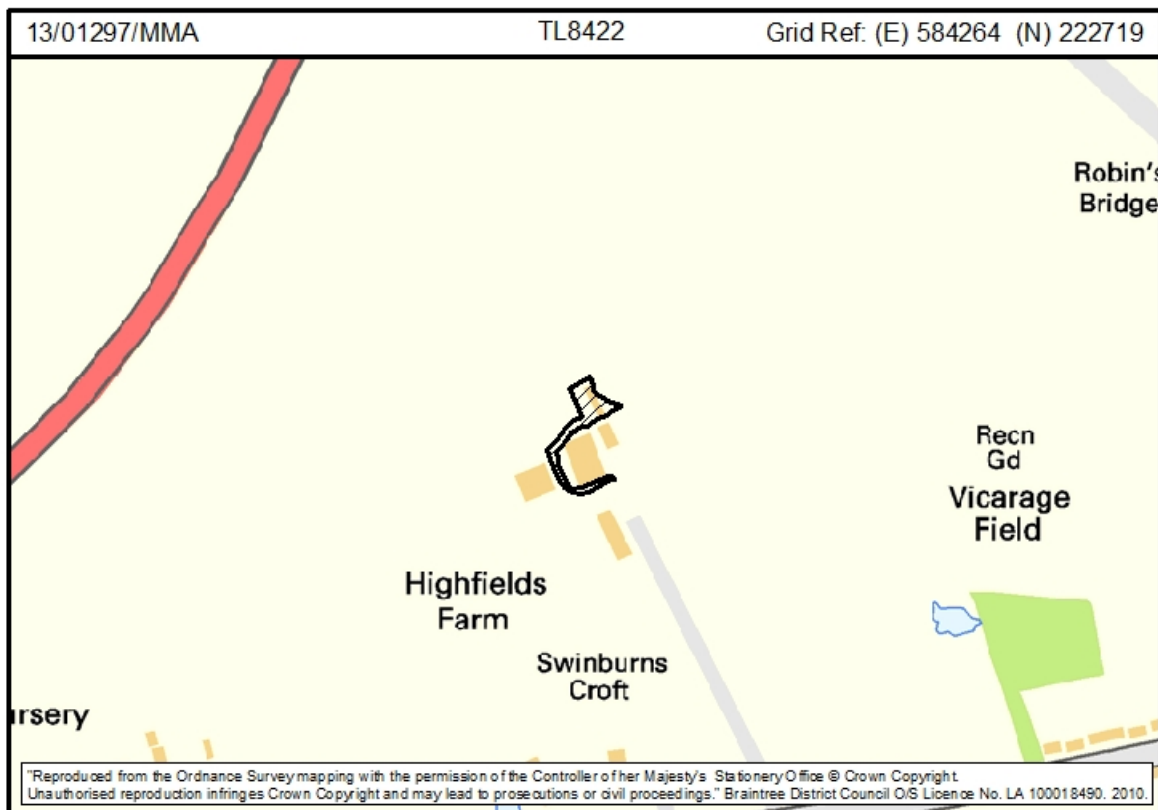
Reason

To clarify the terms of the permission, for the avoidance of doubt, and to protect the character and appearance of the street scene and the Bulmer Conservation Area.

PART B

APPLICATION NO: 13/01297/MMA DATE: 18.11.13
 VALID:
 APPLICANT: Mr Myeo
 Brambles, Colne Road, Great Tey, Colchester, Essex, CO6 1AL
 AGENT: Mark Perkins Partnership
 Mr Mark Perkins, Hamilton House, Mersea Road, Langenhoe, Colchester, Essex, CO5 7LF
 DESCRIPTION: Application for removal or variation of condition no. 2 of planning application 10/01054/FUL
 LOCATION: The Milking Barn, West Street, Coggeshall, Essex,

For more information about this Application please contact:
 Mr Chris Tivey on:- 01376 551414 Ext. 2539
 or by e-mail to: chris.tivey@braintree.gov.uk



SITE HISTORY

12/00042/REF	Change of use, alterations and extension to listed former agricultural building to form a dwellinghouse	DISMIS	18.04.13
02/01052/COU	Proposed conversion of Grade II listed barn into residential/work at home unit and conversion of two storey metal framed barn into B1/B8 usage	WDN	18.10.02
02/01053/LBC	Proposed conversion of Grade II listed barn into residential/work at home unit and conversion of two storey metal framed barn into B1/B8 usage	WDN	18.10.02
03/00045/FUL	Conversion of timber framed single storey farm buildings to offices	PER	04.05.04
03/00046/LBC	Conversion of timber framed single storey farm buildings to offices	PER	04.05.04
05/01974/FUL	Erection of farm buildings to replace derelict buildings which are to be demolished	REF	23.11.05
06/00802/FUL	Erection of farm buildings to replace derelict buildings which are to be demolished	REF	13.06.06
07/01632/FUL	Conversion and extension of farm milking barn to residential use	REF	26.09.07
07/01633/LBC	Conversion and extension of farm milking barn to residential use	PER	26.09.07
10/01055/LBC	Conversion and alterations to former farm milking barn to residential use	PER	19.10.10
12/00172/FUL	Change of use, alterations and extension to listed former agricultural building to form a dwellinghouse	WDN	27.03.12
12/00173/LBC	Change of use, alterations and extension to listed former agricultural building to form a dwellinghouse	WDN	27.03.12
12/00625/FUL	Change of use, alterations and extension to listed former agricultural building	REFDIS	25.07.12

12/00626/LBC	to form a dwellinghouse Change of use, alterations and extension to listed former agricultural building to form a dwellinghouse	PER	25.07.12
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POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

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

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

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

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP38 Conversion of Rural Buildings
RLP90 Layout and Design of Development
RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and
 their settings
RLP101 Listed Agricultural Buildings

INTRODUCTION

This application is being presented to Committee due to the receipt of a letter of objection from a local resident.

SITE DESCRIPTION

The application site is located on the periphery of the Highfields Farm yard, within the open countryside to the west of Coggeshall. The main part of the site measures approximately 20 metres by 30 metres and contains a disused agricultural building.

The site would be accessed via a driveway which loops through the centre of the farm yard, connecting into an existing track which provides vehicular access to West Street, Coggeshall. This track is not within the application site boundary, but is shown to be within the control of the applicant, in accordance with the previous proposal, and pursuant to 10/01054/FUL.

The existing barn is not listed, but has been treated as being curtilage listed throughout its recent planning history, due to an association with the grade II listed Highfields Farm.

PROPOSAL

This application proposes the variation of condition no. 2 of planning application 10/01054/FUL, which states *“The works hereby permitted shall be carried out in accordance with the approved plans listed above.”*

10/01054/FUL proposed the conversion of the building to residential use, which would be facilitated by numerous small-scale alterations to the barn. The alterations included the insertion of doors and windows, the repair of the existing ‘extensions’ and the sensitive repair of the existing building.

Revised plans have been submitted and the proposal is to amend the approved scheme in a number of ways, including:

- The insertion of 2no. heritage rooflights to each roof slope of the main range of the building
- The insertion of 1no. heritage rooflight to the north western (rear) elevation of the single storey kitchen element
- Changes to the fenestration to all elevations
- The inclusion of 2no. pairs of double timber doors/shutters and the installation of a stove flue to the rear elevation
- Alterations to the rear elevation of the proposed replacement (bathroom) extension to the north eastern end of the building
- Alterations to the internal arrangement of the building, including rendering the ground floor as more open plan than approved.

There is a related application for Listed Building Consent (13/01307/LBC) but that application does not require determination by Planning Committee. Any decision that has been made on that application will be reported to Members of the Planning Committee.

CONSULTATIONS

The Senior Historic Buildings Advisor of Essex County Council raises no objection to the proposed amendments. On commenting upon the listed building consent application he stated that the open plan arrangement on the ground floor would be a positive improvement.

The Council's Drainage Officer states that they have no record of any surface water issues affecting this site.

The Council's Environmental Health department have no adverse comments to make in respect of the application.

REPRESENTATIONS

One letter of objection has been received from a neighbouring resident, who objects on the basis of size and the access to the proposed dwelling.

REPORT

The Principle of Development

The principle of the conversion of the redundant agricultural building into a dwelling has already been deemed acceptable, by virtue of the previous grant of planning permission.

Therefore the key issue is whether the proposed minor material amendments would be acceptable, both in terms of the effect that they would have upon the character or appearance of the curtilage listed structure, and its rural setting.

Impact on Historic Buildings and the Countryside

Policy RLP100 of the Braintree District Local Plan Review (Local Plan) states that works to listed buildings will only be considered acceptable where they do not harm their character, appearance, fabric or setting. This is supported by Policy CS9 of the Braintree District Council Local Development Framework Core Strategy which, amongst other things, seeks to promote the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the local environment.

Whilst the amendments to the scheme do materially alter the appearance of the subject building, they would be minor in their overall effect. The external alterations would not be harmful to the building's character and would preserve its historic interest, in addition to the setting of Highfields Farm.

With respect to the impact on the countryside, it is considered that as the adapted building would be no larger or more intrusive than the existing building, the impact upon the character of the countryside would not be materially different to that which was previously approved.

Highway Safety and Parking

There would be no material increase in traffic associated with the amended proposal and therefore as previously, the nature and form of the site's access is considered to be acceptable.

Local Plan Policy RLP56 and the Council's Adopted Parking Standards combine to require the provision of a minimum of 2 parking spaces at the site. The submitted plans include ample space for the parking and turning of vehicles at the property and it is therefore considered that the proposal is compliant with policy.

CONCLUSION

The proposed minor material amendments to the building would be acceptable, both in terms of the effect that they would have upon the character or appearance of the curtilage listed structure, and its rural setting.

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

Proposed Elevations	Plan Ref: 986/04
Proposed Floor Plan	Plan Ref: 986/05
Site Plan	Plan Ref: 986/06

1 The planning permission hereby granted relates solely to the following:

- The insertion of 2no. heritage rooflights to each roof slope of the main range of the building
- The insertion of 1no. heritage rooflight to the north western (rear) elevation of the single storey kitchen element
- Changes to the fenestration to all elevations
- The inclusion of 2no. pairs of double timber doors/shutters and the installation of a stove flue to the rear elevation
- Alterations to the rear elevation of the proposed replacement (bathroom) extension to the north eastern end of the building
- Alterations to the internal arrangement of the building, including rendering the ground floor as more open plan than approved.

No other alterations are hereby approved. In this respect only, the proposed development shall only be undertaken in accordance with the plans hereby approved unless otherwise agreed in writing by the Local Planning Authority. The proposed development shall be undertaken in accordance with all other conditions imposed under the terms of application 10/01054/FUL and the associated legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

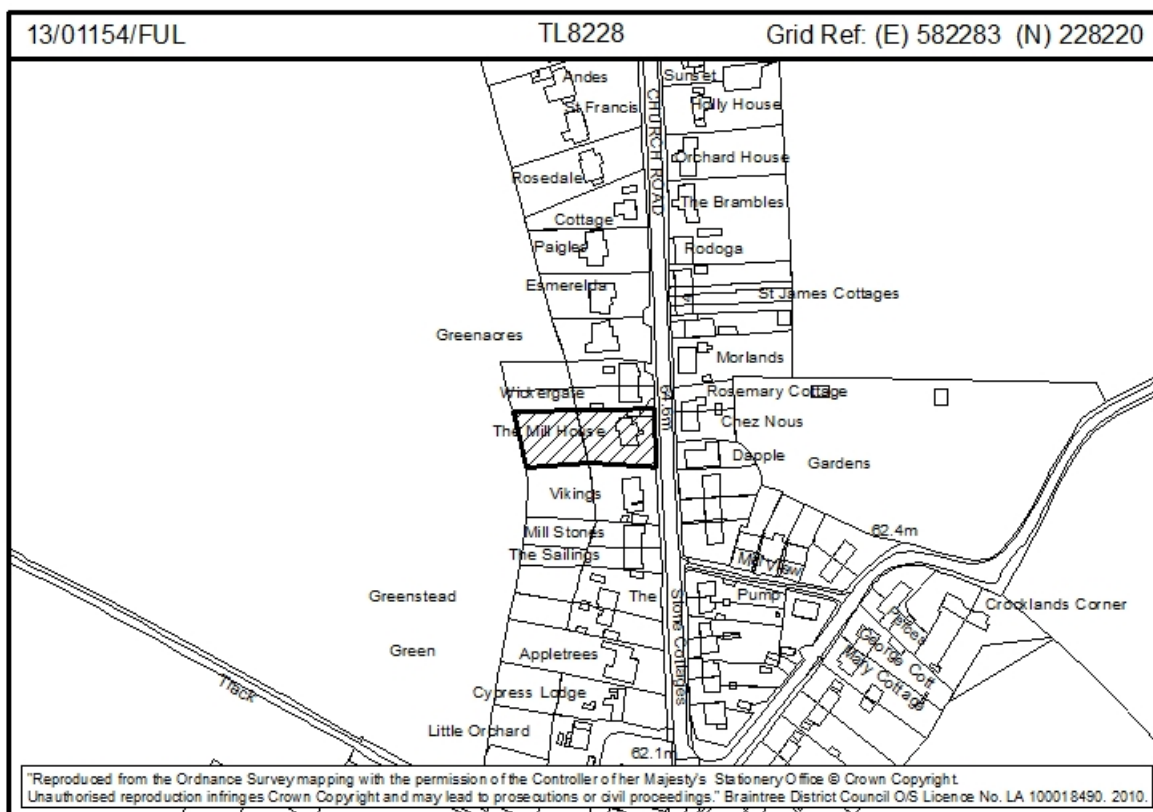
Reason

In order to clarify the terms of this permission as a variation to an existing permission and in the interests of proper planning.

PART B

APPLICATION NO: 13/01154/FUL DATE: 09.10.13
 VALID:
 APPLICANT: Mr Ashley Foakes
 Mill House, Church Road, Greenstead Green, Essex, CO9 1QP,
 AGENT: ENDesign
 Mr Richard Lambert, 10 Domitian Close, Colchester, Essex, CO4 5GY
 DESCRIPTION: Erection of 1 bedroom, single storey detached annexe, replace existing double garage with 2 storey side extension, replacement of existing conservatory with new orangery (garden room) and new porch.
 LOCATION: Mill House, Church Road, Greenstead Green, Essex, CO9 1QP

For more information about this Application please contact:
 James Salmon on:- 01376 551414 Ext. 2543
 or by e-mail to: james.salmon@braintree.gov.uk



SITE HISTORY

99/01762/COU	Change of use of land from agricultural to domestic garden	PER	31.01.00
13/00906/FUL	Erection of 1 bedroom, single storey detached annexe, replace existing double garage with 2 storey side extension, replacement of existing conservatory with new orangery (garden room) and new porch.	WDN	23.09.13

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

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

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

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and

attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

Site Allocations and Development Management Plan - Draft for Consultation

ADM1	Presumption in Favour of Sustainable Development
ADM2	Development within Development Boundaries
ADM9	Residential Alterations, Extensions and Outbuildings within Development Boundaries
ADM47	Parking Provision
ADM55	Energy Efficiency
ADM60	Layout and Design of Development

Supplementary Planning Guidance

Parking Standards: Design and Good Practice

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to objections from the Parish Council and four representations from members of the public.

SITE DESCRIPTION

The application site is located on Church Road in Greenstead Green within the Village Envelope. The road consists of both semi and detached dwellings in a linear pattern on both sides of the road. The site contains a detached brick built two storey dwelling with slate roof and an attached flat roof double garage. It is a three bedroom dwelling with a double piled roof (front to back). The boundary to the south

contains some mature planting and this area is predominantly grass. The property has a large rear garden and backs on to fields.

PROPOSAL

The application will see the erection of a two storey side extension along with a single storey rear extension and a single storey detached annexe building to the side. The side extension will measure approximately 4.3 metres x 6.9 metres and 5.7 metres in height. The rear conservatory will measure 4.1 metres x 8.4 metres. The proposed annexe building sits to the side of the main dwelling 2 metres from the neighbouring boundary. The proposed building measures 4.5 metres x 9.5 metres and would be set back 2 metres behind the front wall of the main dwelling. The ridge height of the annexe is 4.4 metres. A new porch is also proposed to replace the existing porch on the front elevation of the house.

CONSULTATIONS

ECC Highways – Recommend two conditions concerning means to prevent surface water running into the highway and to prohibit the use of unbound material adjacent to the highway.

Landscape Services – The Tree Report submitted is considered acceptable and no objection is raised to the development on the grounds of tree removal or damage. It is recommended that adherence to the contents of the Tree Report is made a condition of approval.

The Ecological Survey showed nothing of importance on this site. The Council's Landscape Officer accepts the report's findings but recommends adherence to the methodology set out to minimise the risk to great crested newts through the use of a planning condition.

REPRESENTATIONS

5 objection letters have been received objecting to the development (Two letters from one household were received). The primary concerns relate to overdevelopment, impact upon neighbouring residential amenity, landscape impacts, parking & highway safety, potential impacts on ecology, protected species and trees and the principle of creating annexe accommodation.

REPORT

Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking paragraph 14 informs us that this means approving development proposals that accord with the development plan without delay.

The application site is located within the Greenstead Green Development Boundary, as designated in the Braintree District Local Plan Review. Policy RLP 3 of the Local Plan Review states the principle of residential development is acceptable within

village envelopes where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

The application seeks to create extensions to the existing house and an annexe building within the grounds of Mill House. As an annexe, the building will be used in connection with the main dwelling and the Council's adopted Parking Standards states that such accommodation does not require its own car parking area.

There are no details in the application about who will occupy the annexe. However, whilst there is a policy requirement to justify this within the countryside there is no equivalent policy requirement within development boundaries, although the general principle that the annexe should be occupied for purposes ancillary or incidental to the main dwelling will apply.

Notwithstanding this, it is considered wholly reasonable to limit occupation of the annexe so that it is only used to provide accommodation that is ancillary to the main house; and to not allow it to be let or otherwise independently occupied by third parties. This is also secured through a Unilateral Undertaking which the applicant has agreed to enter into.

Design and Appearance

CS9 of the Core Strategy states that the council will promote and secure the highest possible standards of design and layout in all new development. RLP 17 of the Local Plan states that there should be no overdevelopment of the plot and that the siting, bulk, form and materials should be compatible with the original dwelling.

In this instance the proposals apply for the erection of a new annexe and extensions to the dwelling.

- Annexe

The proposed annexe measures 9.5 metres in length and 4.5 metres in width and sits adjacent to the existing dwelling. There is a sizable garden area to the rear which serves the exiting dwelling and as a result, there are no overdevelopment concerns in this instance. The annexe would sit adjacent to the main house. It would have a gable frontage and have the appearance of an outbuilding ancillary to the main two storey dwelling. It is positioned 2 metres from the main house thereby ensuring that it is well related in terms of its position.

It is single storey and of an appropriate height for annexe accommodation measuring 4.4 metres to the ridge. Although it is fairly long at 9.5 metres, this will not be particularly noticeable from anywhere other than within the application site. The materials - feather edge weatherboarding, slate and timber windows - are considered to be appropriate in this location.

Overall in terms of design and appearance the annexe building is considered to be acceptable in this instance.

- Extensions

As well as annexe accommodation the application also proposes the erection of a side extension, rear extension and a porch.

The proposed rear extension is single storey and will not be visible from the public realm. It takes the appearance of an orangery with a large softwood painted roof lantern. Glazing on the rear elevation sits on a dwarf wall, the overall appearance is again considered acceptable in this context.

The existing porch is proposed to be replaced with a similar steeper pitched, open porch structure. This alteration is considered to be an enhancement in appearance.

The side extension will see the removal of an existing flat roof double garage. The built form will subsequently be moved off of the boundary by 1.6 metres, but it will be significantly taller. The proposal will unbalance the property to some degree, as would any side extension, however in this instance the extension does benefit from a degree of articulation, making the addition appear more subordinate than that previously proposed on the earlier withdrawn application.

In conclusion the side extension is considered to be a subordinate extension. It leaves a sufficient gap to the neighbouring boundary to ensure that there will be no 'terracing effect' upon the street scene.

It is therefore considered that the extensions proposed comply with RLP 17 of the Local Plan Review.

Impact on Neighbouring Residential Amenity

Concerns have been raised by the neighbouring residents that the development would give rise to additional noise, particularly from the parking spaces in front of the annexe adjacent to the neighbouring fence and potential fumes from the proposed flue. However the hardstanding area for vehicles would not give rise to unacceptable impacts and nor would the proposed flue, which would need to comply with the relevant building regulations.

Comments have been raised by the objectors concerning the use of the annexe. It would not be reasonable to limit the occupation to elderly relatives only, due to the fact that any existing outbuilding to a dwellinghouse can usually be used for ancillary purposes once erected without recourse to the planning process.

It is however reasonable to ensure the side window to the annexe facing 'Vikings' and serving the bathroom is obscure glazed to an acceptable level to safeguard neighbouring amenity.

Highway Considerations

Policy RLP 56 states that parking should be provided in accordance with the Council's adopted parking standards. The Council adopted its current parking standards in September 2009.

As this proposal is for an annexe it does not give rise to additional parking requirements and there are no issues with respect to highway safety. Alterations to the parking layout at the property are shown on the proposed plans however this in itself would not require express planning consent. Notwithstanding this, no objections have been received to the alterations of the parking layout from ECC Highways.

Landscapes & Ecology

RLP 80 of the Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges

Neighbouring residents raised concerns regarding the possibility of Protected Species on or nearby the site which could be affected by the proposals. Photos were also sent in of Great Crested Newts from the neighbouring resident. The Council subsequently requested a Phase 1 Habitat Survey from the applicant. This was submitted during the application and has been assessed by the Council's Landscape Officer who confirms that, provided the development is carried out in accordance with the methodology, the risk to protected species is minimal.

A Tree Survey has also been submitted, this confirms that there will also be minimal impacts upon the trees which are affected by the proposals again subject to the recommendations of the report being adhered to.

Conclusion

The proposals will see significant extensions to Mill House as well as the demolition of the existing side double garage. None of the extensions will have an unacceptable impact upon neighbouring amenity or propose unacceptable design which is out of keeping with the host dwelling or create overdevelopment of the plot. Impacts upon trees and habitats will be minimal and parking is provided in accordance with the adopted guidance.

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

Existing Plans

Plan Ref: GRG1013/01

Proposed Plans	Plan Ref: GRG1013/02	Version: C
Proposed Plans	Plan Ref: GRG1013/03	Version: C
Proposed Plans	Plan Ref: GRG1013/04	Version: C
Site Plan	Plan Ref: GRG1013/05	Version: C
Topographical Survey	Plan Ref: 12366SE-01	

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule unless otherwise agreed in writing by the local planning authority.

Reason

To conform with the pattern of the existing development in the locality.

- 4 The window on the south facing elevation of the annexe building serving the bathroom shall be glazed with obscure glass, to be consistent with level 3, 4 or 5 of the Pilkington Glass standards and shall be non-opening below 1.7 metres measures from the internal floor level and shall be so maintained at all times.

Reason

In order to safeguard the privacy of adjoining occupiers.

- 5 The development shall be carried out in accordance with the recommendations set out in the approved Arboricultural Report and Tree Condition Survey carried out by Ruskings Group Consultancy dated October 2013 and the Ecological Assessment carried out by Skilled Ecology Consultancy Ltd dated December 2013.

Reason

To ensure that the proposed development would not harm any legally protected species or existing landscaping.

- 6 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Mill House. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

TESSA LAMBERT
DEVELOPMENT MANAGER

