

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 22 December 2015**

**Time: 19:15**

**Venue: Council Chamber, Causeway House, Braintree, CM7 9HB**

## **Membership:**

Councillor J Abbott

Councillor R Bolton

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor R Ramage

Councillor Mrs W Scattergood (Chairman)

Councillor Mrs G 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 the Previous Meetings**

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 24th November 2015 and 8th December 2015 (copies to follow).

### **4 Public Question Time**

(See paragraph below)

## **5 Planning Applications**

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

### **PART A**

Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 15 01260 FUL - Land at Street Farm, The Street, ASHEN</b>    | <b>4 - 22</b>  |
| <br>      |   |                |
| <b>5b</b> | <b>Application No. 15 00914 FUL - Highview, Church Street, GREAT MAPLESTEAD</b> | <b>23 - 37</b> |

### **PART B**

Minor Planning Application:-

- |           |  |                |
|-----------|--|----------------|
| <b>5c</b> | <b>Application No. 15 01368 FUL - The Hollies, Church Road, GREENSTEAD GREEN</b> | <b>38 - 41</b> |
| <br>      |  |                |
| <b>6</b>  | <b>Planning and Enforcement Appeal Decisions - November 2015</b>                 | <b>42 - 46</b> |

## **7 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.

## **8 Exclusion of the Public and Press**

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

*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

## **9 Urgent Business - Private Session**

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

E WISBEY  
Governance and Member Manager

**Contact Details**

If you require any further information please contact the Governance and Members team on 01376 552525 or e-mail [demse@braintree.gov.uk](mailto:demse@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 Governance and Members team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) at least 2 working days prior to the meeting.

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

**Health and Safety**

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

**Mobile Phones**

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

**Comments**

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

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment .....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

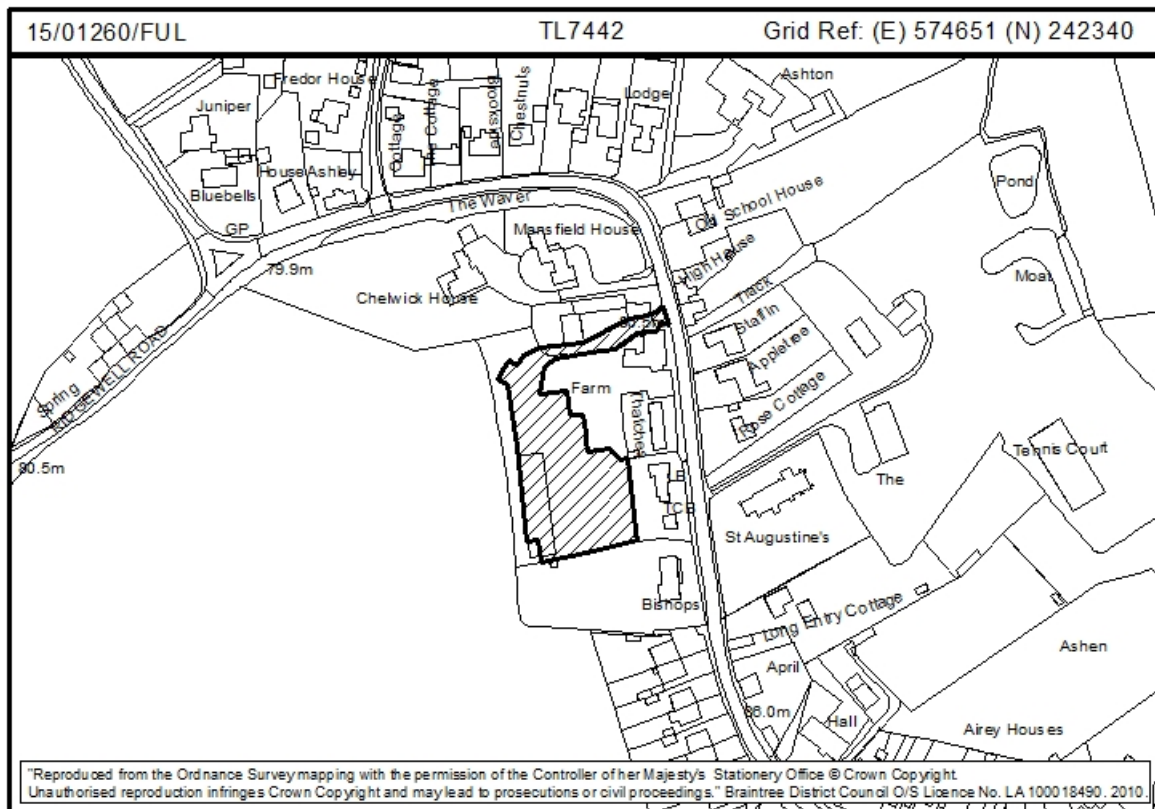
Contact Details: .....

AGENDA ITEM NUMBER 5a

PART A

APPLICATION 15/01260/FUL DATE 07.10.15  
NO: VALID:  
APPLICANT: Mr Nigel and Mrs Susan McCrea  
Street Farm, The Street, Ashen, Sudbury, Suffolk, CO10  
8JN  
AGENT: PMunson Planning  
Mr Paul Munson, 18 Abercorn Way, Witham, Essex, CM8  
2UF  
DESCRIPTION: Erection of two detached dwellings  
LOCATION: Land at Street Farm, The Street, Ashen, Essex

For more information about this Application please contact:  
Mathew Wilde on:- 01376 551414 Ext.  
or by e-mail to:



## SITE HISTORY

15/00888/FUL	Erection of two detached dwellings	Withdrawn	02.09.15
--------------	------------------------------------	-----------	----------

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS2	Affordable Housing
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
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

## INTRODUCTION

This application is being reported to the Planning Committee due to an objection from the Parish Council and the number of objections received from local residents, which are contrary to the officer recommendation.

## SITE DESCRIPTION

The site is located to the north west of Ashen, to the west of the dwellings known as 'Street Farm', 'Thatches' and 'Hawthorns' which front on to The Street. It measures approximately 0.285 hectares and an existing overhead power line which runs through the middle of the site towards Ashen centre. The majority of the site abuts the designated Conservation Area, although the

northernmost part of the site falls within the Conservation Area. The site comprises a large area of hard standing adjacent to the West boundary which is understood to formerly serve a chicken shed. The West boundary comprises a row of trees and hedging and is adjacent to arable land. A Public Right of Way also runs from 'The Street' through to the arable land that would not directly interact with the site, but would enable some wider views.

## **PROPOSAL**

The proposal comprises the erection of 2 four bedroomed dwellings. Plot 1 is proposed to be a traditional two storey building that would reflect the Essex Vernacular. It is proposed to partially step plot one into the ground to lower its overall 8.1m ridge height. It measures approximately 113sq.m in footprint. Plot 2 is proposed to be a one and a half storey dwelling that would also reflect the Essex vernacular. It would measure 7.4m to ridge height. It would measure approximately 148sq.m in footprint

The proposal is to create an access road to both dwellings that would run to, and then along, the West boundary of the site. The boundary treatment at the West is to be retained as part of the development. The proposal would however require the removal of a group of closely spaced pine trees situated on the North West corner of the site. It is understood that the power line is to be moved underground as part of the proposal.

## **CONSULTATIONS**

### **Essex County Council Archaeological Officer**

The Essex Historic Environment Record shows that the development proposals lie within the historic settlement at Ashen whose origins can be tracked back to the 13th century and with a landscape with surviving medieval features such as moated enclosures (HER 6981) and probable medieval manorial sites (HER 28316). The site lies to the rear of two 15th century listed buildings and within part of the historic curtilage of Street Farm whose origins are likely to predate 1777 as it is depicted on the Chapman and Andre maps. As such, the Archaeological Officer suggests a written scheme of investigation will be required to determine if the site is of archaeological interest.

### **Essex County Council Highways Officer**

No objections to the proposal subject to conditions relating to unbound materials and surface water drainage.

### **Braintree District Council Engineers**

Based on the information supplied and records helped by this Authority, this department is unaware of any surface water issues affecting the site.

### **Braintree District Council Housing Research & Development**

Policy CS2 of adopted Core Strategy seeks a target of 40% affordable housing on schemes of 5 or more units or schemes with a site area of 0.16 hectare or more. The above proposal to construct 2 new residential dwellings is on a site that measures 0.28 hectare. Having regard to the High Court judgement dated 31 July 2015 that has quashed planning guidance which restricted affordable housing contributions on small sites, policy CS2 should be applied to this application and provision for affordable housing should be sought.

After considering the details of the proposal, it is our view this scheme would not be suitable for on-site provision. A more appropriate approach in this case is to seek a commuted payment in lieu of affordable housing.

The District has a high level of need for affordable homes and in efforts to address this key priority, the Council has provided grant funding as subsidy to enable delivery of additional affordable homes. Working in partnership with housing associations, it has proved necessary to provide subsidy of £25,000 per unit as a minimum to bring new homes forward. Using this amount as a basis for determining a commuted payment in respect of the subject case, it is felt there are grounds for recommending a payment of £20,000 be sought, calculated in the following manner:

$(2 \text{ units} \times 40\% = 0.8 \times £25,000 = £20,000)$

This money would be held in an account and used specifically to provide funding of grant subsidy to registered housing providers for the provision of new affordable homes at other locations in the Braintree District.

### **Essex County Council Historic Buildings Advisor**

The dwellings have been designed taking account of traditional building forms and typical features of the Essex vernacular, and in such a way as to keep their height as low as possible. The Historic Buildings Advisor therefore has no objection to the proposal subject to conditions relating; to window details, external materials, roof lights and material finishes.

### **Braintree District Council Landscape Officer**

No response received.

### **Parish Council**

Ashen Parish Council object to the application for the reasons summarised below:

- Not acceptable in principle
  - Outside village envelope as associated with Local Plan Review 2005
  - The interim policy statement is unlawful and should not form a material planning consideration

- It is no longer an emerging plan so weight cannot be attributed to it
- The application has not been positively prepared
- Set a precedent for further development
- Inconsistent with NPPF policies for sustainability
  - No basic amenities in Ashen
    - Only two bus services per week
  - No employment in the area
- Significant impact on the setting of adjacent grade II listed buildings
  - No public benefit associated with the development
- Existing sewage treatment works in the area are inadequate
  - Addition will exacerbate the system further
- Contrary to emerging Parish Plan and Village Design Statement

## REPRESENTATIONS

Adjoining properties were notified of the application in writing and a site notice was displayed at the front of the site. In response, 15 representations have been received from:

- 66 Ridgewell Road
- 4 The Street
- Staffin House, The Street
- Thatches, The Street
- Bishops Hall, The Street
- Hawthorns, The Street
- High House, The Street
- Tooleys, The Street
- 1 Ashen Close
- Applebee House, The Street
- Logways Cottage, The Street
- Winton Dene, The Street
- Flat 24, 53 Britton Street
- Chelwick House, The Street
- Waver Lodge, The Street

The issues raised within the letters of objection are summarised below:

- Not in accordance with national or local policy
  - Site allocations plan had not gone through independent review stage
  - Interim statement had no public consultation- not supported by planning law
  - Application 15/00980/OUT refused in village – 17 dwellings
- Village Envelope clearly defined by Local Plan Review
  - No justification given to move the boundary at LDF sub-committee

- Back-land development
  - Encroaching on Agricultural land
  - Village of medieval linear framework
  - Should be subject to further consultation under new local plan
- Village going through parish plan and village design statement process
  - To predetermine this proposal before these documents are issued would 'circumvent villagers wishes'
- Not sustainable location
  - Not a regular bus service
  - No benefit to village
    - Not affordable housing
  - Other more suitable areas available for housing
- Set precedent
- Additional drainage demands
  - No main drainage in north aspect of village
  - Create more pollution
  - Surface water runoff will affect adjacent properties – only a dry ditch no watercourse within 20m
- Sewage disposal go into already overloaded system
- Intensification of access
  - Blind- dangerous
  - Increased vehicle pollution
- Damage to surrounding areas by construction vehicles
- No benefit to outweigh harm to listed building & conservation area
  - Size scale and siting damaging to setting of listed buildings
  - No public benefit
- Concrete base relates to serve historic prefabricated agricultural building on site but has no visibility in wider area
- Loss of wider views
  - Land 2m higher than the street
- Potential archaeological remains at site
- Power cables need to go underground
- Land is 2m higher than listed dwellings facing road frontage
  - Will have prominence from the street
  - Contrived and complicated design
- Refuse collection problem
- Impact on ecology

## REPORT

### History

An application was previously submitted for two dwellings at the site under application reference 15/00888/FUL. Following discussions this application was withdrawn on the basis of design issues. Following a meeting on site a new application and revised scheme has been submitted for consideration.

### Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

The pre submission plan for Ashen contained within the Pre Submission Site Allocations and Development Management Plan Document (ADMP) (February 2014) identifies the application site as being located within the development boundary for Ashen. This represents a change from the Braintree District Local Plan Review (July 2005) which identifies the application site as being situated outside of the Great Maplestead Village Envelopment and therefore within the countryside where there is a general presumption against new development.

The Council's Interim Planning Policy Statement states: *"The Council believes that the site allocations and policies contained within the Pre Submission ADMP are based on robust and credible evidence and have undergone a significant amount of public consultation and Member engagement. The Council therefore consider these are acceptable in principle. The Council accordingly adopts the land allocations and development management policies detailed within the ADMP for use within development management decision-making. The Council is of the view that these robust and clear statements should be given appropriate weight in all matters under consideration and that these are material considerations for the Council. The Council actively encourages the development of sites and allocations in accordance with these principles and will seek to support those who conform to the requirements of the NPPF and other statutory development plans. The Council recognises that the emerging local plan will gain weight as it is developed, however this statement provide a clear indication of the Council's position in the interim period."*

Policy ADM2 of the ADMP states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character and historic interest of the settlement and its setting.

As identified above, the pre submission plan for Ashen identifies the application site as being located within the revised development boundary. As

such, and in accordance with the Council's Interim Planning Policy Statement, it is therefore considered that the principle of development is acceptable in this location, given the weight to be attached to the ADMP as against maintaining the position as detailed in the Local Plan Review.

### **Design, Appearance, Layout, Conservation Area & Listed Buildings**

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development. Policy RLP3, Policy RLP9 and Policy RLP90 of the BDLPR also refer to the design and layout of new developments and seek to protect the existing character of the settlement and the street scene. Policy RLP3 refers to the development of infill plots and seeks to ensure that the scale, design and intensity of such development is in harmony with existing surrounding development and respects neighbouring amenities. This policy also sets out that inappropriate backland development will not be supported. Policy RLP9 states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings.

Policy RLP10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

Policy RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with three or more bedrooms should be provided with a private rear garden of 100sq.m or more.

The National Planning Policy Framework (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The site is located just outside of the Ashen Conservation Area and this designation means that Policy RLP95 of the Local Plan Review is also relevant to the determination of any planning application for the site. The policy states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Development will only be permitted where the proposal 'does not detract from the character, appearance and essential features of the Conservation Area' and is considered to 'be situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings'.

Policy RLP100 of the Local Plan states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

The wider character of the area comprises a mixture of two storey, one and a half storey dwellings and bungalows often in a linear form fronting The Street. The dwellings are of various ages and designs. 'Thatches' for example is a grade II listed thatched cottage, while across the other side of the street are two large modern dwellings. The site itself is detached from 'The Street.' It is proposed to utilise the existing access at grade II\* listed building "Street Farm."

The proposed dwellings are therefore to be located on land west of 'Thatches' and 'Hawthorns' that is currently in the ownership of "Street Farm." Plot 1 is proposed to be a traditional two storey building that would reflect the Essex Vernacular. It is proposed to partially step plot one into the ground to lower its overall 8.1m ridge height. It measures approximately 113sq.m in footprint and 224sq.m in overall floor area. Plot 2 is proposed to be a one and a half storey dwelling that would also reflect the Essex vernacular. It would measure 7.4m to ridge height. It would measure approximately 148sq.m in footprint and propose a floor area of approximately 218sq.m. These dwellings would be a minimum of 25m away from the boundary with grade II listed 'Thatches.'

The proposal is to create an access road to both dwellings that would run to, and then along, the West boundary of the site. The front of the proposed dwellings would therefore face westwards onto the open land. Plot 1 is closest to the West boundary, a separation distance of approximately 8m to the vegetation. Plot 2 would be located further back, over 12.5m away from the western boundary vegetation at its closest point. Both proposed dwellings would have a private amenity space of over 400sq.m. The dwellings due to their height will have some visibility from the arable land to the west. However, due to the path and orientation of the Public Right of Way (PROW), the site would only have any direct visibility approximately 120m away. As such, the dwellings would have limited visibility from the PROW and would also largely be mitigated by the existing vegetation screen.

'Street Farm' would retain a large area of garden to the west that would adjoin plot 1. The private drive serving both proposed dwellings will be mitigated by a landscaping scheme that will be secured via condition.

Due to the above, it is therefore considered that the two proposed dwellings would be of a size and scale that would be suitable for the plot, and would be of a design that would be reflective of the traditional Essex Vernacular. The

layout would be satisfactory as to minimise the impact of the proposed dwellings as far as possible in the wider landscape on the conservation area and listed buildings. The Historic Buildings Advisor also has no objection to the proposal, as such; it is considered the proposal would comply with the National and Local policies outlined above, and would not result in detrimental harm to near-by listed buildings, subject to appropriate detailing that will be secured via condition.

### **Impact on Neighbour Amenity**

RLP90 stipulates that proposals for new development should not have a detrimental impact on neighbouring amenity.

The main consideration with regard to neighbouring amenity would be in relation to 'Thatches' and 'Hawthorns.' The site is at a slightly higher level than that of 'Thatches' and 'Hawthorns' but not of a significant note that would invalidate the back-to-back guidance issued in the Essex Design Guide.

Plot 1 would be directly behind 'Thatches' in a back-to-back relationship. The distance from the very rear of plot 1 would be 25m to the existing fence boundary with 'Thatches,' and a further 14m to the cottage itself. As such, in accordance with guidance issued in the Essex Design Guide, the back-to-back distance would be acceptable and as such not result in a detrimental impact on the amenity of 'Thatches.'

Plot 2 would be closer to the boundary with 'Hawthorns', at 19m from the rear of plot two to the existing fence boundary, and a further 31m separation distance to the dwelling itself. The two first floor rear dormer windows would also not have an East facing rear window, mitigating the potential for any overlooking. It is therefore considered that plot 2 as proposed would also not have a detrimental impact on the amenity of 'Hawthorns.'

### **Highway Issues**

Policy RLP56 (Vehicle Parking) states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards. The current parking standards require two parking spaces for each dwelling which has two bedrooms or more. Parking spaces are required to be 5.5m in length and 2.9m in width. In order for garage spaces to be counted as a parking space, the internal space within a garage must have minimum dimensions of 7m in length and 3m in width.

Each proposed dwelling would comprise a parking area with two spaces at a minimum of 5.5m by 2.9m that would comply with the standard. The proposal also comprises a double garage for both dwellings which would also comply with the standard. It is therefore considered the site would provide adequate parking.

The proposal is to utilise the existing access that currently serves Street Farm. The access is proposed to be slightly widened to reflect the additional

vehicular movements that would occur at the site. It has been raised that the access is 'blind' and as such has limited visibility, as such it is argued that the intensification of its use of the access would be dangerous. However, the Highways Officer has no objection to the planning application, and two additional dwellings would not represent a significant intensification of use of the access. As such, in this instance it would be unreasonable to refuse the application on this basis.

Concerns have also been raised that the extra vehicular movements would lead to increased pollution levels in the area. However, for a residential use, the vehicle movements are unlikely to be significant in comparison to a commercial use. As such, the residential policy does not raise vehicular pollution as a material consideration. It would therefore be unreasonable to refuse the application on this basis.

### **Landscape and Ecology**

Policy RLP80 (Landscape Features and Habitats) states that proposal 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, woodland, grassland, ponds and rivers. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Therefore any subsequent scheme should seek to preserve the natural features of the site and incorporate it effectively within the site design.

The site is generally open consisting of little by way of vegetation. The proposal would however require the removal of a group of closely spaced pine trees of low amenity value situated on the North West corner of the site. It would also require the removal of a small conifer hedge adjacent to the group of pine trees. Finally, it is proposed to remove the existing hedging on the boundary of the site with 'Hawthorns.' The majority of the other vegetation to be retained would be located within the ownership of Street Farm. The hedge on the western boundary would also be retained. It is therefore considered that the proposal would not cause detriment to distinctive landscape features or habitats in the area. The trees that are to be retained, mainly at the East of the site, will also be protected. This will however be secured via condition.

Concerns had been raised with regard to an impact on ecology. The site is not identified as an ecologically sensitive site. However, if any protected species are found during the course of the development their protection would fall under separate legislation to planning. As such, in this instance it would be unreasonable to refuse the application on this basis.

### **Archaeology**

Given the history of the site as highlighted by the archaeological advisor, a written scheme of archaeological investigation should take place prior to the

commencement of development. As such, a suitable condition is recommended.

### **Public Open Space**

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 and CS11 of the recently adopted Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

In accordance with the above, the scheme would generate an open space contribution of £4,598.40. This would be attributed to a local scheme identified in the Open Spaces Action Plan and would be confirmed in due course. The open space contribution has been agreed by the applicant and would be secured through a Section 106 Agreement.

### **Affordable Housing**

Policy CS2 of adopted Core Strategy seeks a target of 40% affordable housing on schemes of 5 or more units or schemes with a site area of 0.16 hectare or more. The above proposal to construct 2 new residential dwellings is on a site that measures 0.28 hectare. Having regard to the High Court judgement dated 31 July 2015 that has quashed planning guidance which restricted affordable housing contributions on small sites, Policy CS2 is applicable in this case and as such it is considered that an affordable housing contribution is required.

The Council's Housing Research & Development Officer has requested a financial contribution of £20,000 towards off-site affordable housing provision. This is considered to be appropriate in this case and has been accepted by the application. The contribution would be secured through a Section 106 Agreement.

### **Other Matters**

#### **Refuse storage and location**

Concerns have been raised that refuse storage and collection would lead to an unattractive pile of refuse ready for collection at the entrance to the Street Farm. However, the application submission demonstrates that the private

drive proposed would be able to accommodate a refuse lorry to pick up the refuse generated by the two additional properties. The size 3 turning head provided at the top of the site would also be adequate for a refuse vehicle to turn. Furthermore, it has been confirmed by our Operations Team that they would access the private drive if allowed, or alternatively, they can also walk and collect rubbish up to 30m away from the highway. As such, this would alleviate concerns and as such not constitute a reasonable reason for refusal in this instance.

### **Drainage & Sewage**

Concerns have been raised by neighbours with regard to drainage and foul sewage. The site lies outside of a designated flood zone.

Concerns have been raised by 'Chelwick House' that due to a lack of SUDs or any form of soak-away, that the excess water would flood the property and other low lying properties near-by. However, as part of the development, Building Control would require a soakaway to be built at the site to safeguard against excessive surface water run-off. As such, it is considered that the increased surface run-off resulting from the development would be adequately managed and would subsequently mitigate surface water run-off issues.

The proposal is to connect both dwellings to the main sewer. In planning terms, the development is not of a scale which would justify any additional sewage infrastructure. The capacity of the sewer would be an issue for Anglian water/building control and would not therefore be a material planning consideration in this instance that would justify refusal of the application.

### **Damage due to construction vehicles**

Concerns have been raised with access for heavy goods vehicles, and subsequent damages to the road, verges and gardens. During construction the access will likely cause some disturbance or inconvenience to the existing residents, however, because this would be for a temporary period, it would not form a valid reason for refusal in this instance. Any damages to the road, verges or gardens would be a civil / highway matter that would be the responsibility of the applicants to address.

### **CONCLUSION**

In accordance with the interim statement, the principle of erecting two additional dwellings at this site can be established. The design, scale and location of all buildings would not be overly intrusive in the wider character of the area, and they would be sited so as to mitigate the impact on any neighbouring properties. The proposal would not be of a scale that would warrant any detrimental highway concerns and the landscape aspect would also be acceptable in accordance with the arboriculture statement. As such, it is considered there are no material reasons why this application should not be approved.

## RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan

Site Plan	Plan Ref: 1427.P001	Version: A
Landscape Parameters Plan	Plan Ref: 1427.P002	Version: A
Proposed Floor Plan	Plan Ref: 1427.P003	Version: A
Proposed Floor Plan	Plan Ref: 1427.P004	Version: A
Proposed Sections	Plan Ref: 1427.P005	Version: A
Proposed Elevations	Plan Ref: 1427.P006	Version: A
Proposed Elevations	Plan Ref: 1427.P007	Version: A
Proposed Floor Plan	Plan Ref: 1427.P008	
Proposed Floor Plan	Plan Ref: 1427.P009	
Proposed Sections	Plan Ref: 1427.P010	
Proposed Elevations	Plan Ref: 1427.P011	Version: A
Proposed Elevations	Plan Ref: 1427.P012	Version: A
Proposed Elevations	Plan Ref: 1427.P013	Version: A
Proposed Elevations	Plan Ref: 1427.P014	Version: A
Garage Details	Plan Ref: 1427.P015	
Street elevation	Plan Ref: P016	
Site Survey	Plan Ref: 1427.P017	
Section	Plan Ref: P018	
Specification	Plan Ref: MATERIALS SHEET	

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

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

Reason

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

- 3 No works constructing the buildings shall commence until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure that the development does not prejudice the appearance of the

locality.

The details are required prior to the commencement of any works in order to ensure that the external materials and finishes do not harm the character of the surrounding area or the setting of adjacent listed buildings.

- 4 Prior to their installation details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

Reason

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

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

Reason

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

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

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy 1.1 of the County Councils Highways and Transportation Development Control Policies as originally contained in Appendix FG of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.

- 7 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sunday, Public and Bank Holidays - no work

Reason

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

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

Reason

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

- 9 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. It should also include details for the management of the hedge at the front of the site. The hedge thereafter shall be retained and maintained in accordance with the agreed details.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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

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

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

Reason

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

- 10 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

#### Reason

In the interests of highway safety.

Prior to commencement justification: During construction, the creation of dust and the displacement of mud is commonplace. As such, prior to the commencement of development, it is important that a scheme is in place to mitigate the dust and mud created at the site, to prevent it being transferred onto the highway and also in the interests of residential amenity.

- 11 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

#### Reason

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

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

#### Reason

The site may be of archaeological interest.

Prior to commencement justification: The Essex Historic Environment Record shows that the development proposals lie within the historic settlement at Ashen whose origins can be tracked back to the 13th century and with a landscape with surviving medieval features such as moated enclosures (HER 6981) and probable medieval manorial sites (HER 28316). The site lies to the rear of two 15th century listed buildings and within part of the historic curtilage of Street Farm whose origins are likely to predate 1777 as it is depicted on the Chapman and Andre maps. As such, a written scheme of investigation will be required to determine if the site is of archaeological interest

- 13 The vehicular parking spaces shall have minimum dimensions of 2.9 metres by 5.5 metres.

#### Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 14 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction

of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

Prior to commencement justification: The trees and hedges that are to be retained should be protected during development to ensure their longevity. Without the trees/hedges at the site the proposed dwellings would have higher visibility from the West arable field which is something that should be avoided in visual and amenity interests.

- 15 Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing having regard to the listed building and conservation area is adjoining the site.

Prior to commencement justification: The details are required prior to the commencement of any works in order to ensure that the external materials and finishes are appropriate within the context of adjacent listed buildings and the Ashen Conservation Area.

- 16 All new brickwork shall be constructed to give the appearance of Flemish Bond.

Reason

To ensure the use of appropriate detailing having regard to the listed building and conservation area is adjoining the site.

- 17 In rendered areas the new windows shall have pentice boards and not a bellmouth drip detail.

Reason

To ensure the use of appropriate detailing having regard to the listed building and conservation area is adjoining the site.

- 18 The roof lights shall be of low profile conservation type, the specification to be approved the Local Planning Authority prior to their instillation.

Reason

To ensure the use of appropriate detailing having regard to the listed building and conservation area is adjoining the site.

- 19 The access road hereby approved shall be constructed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason

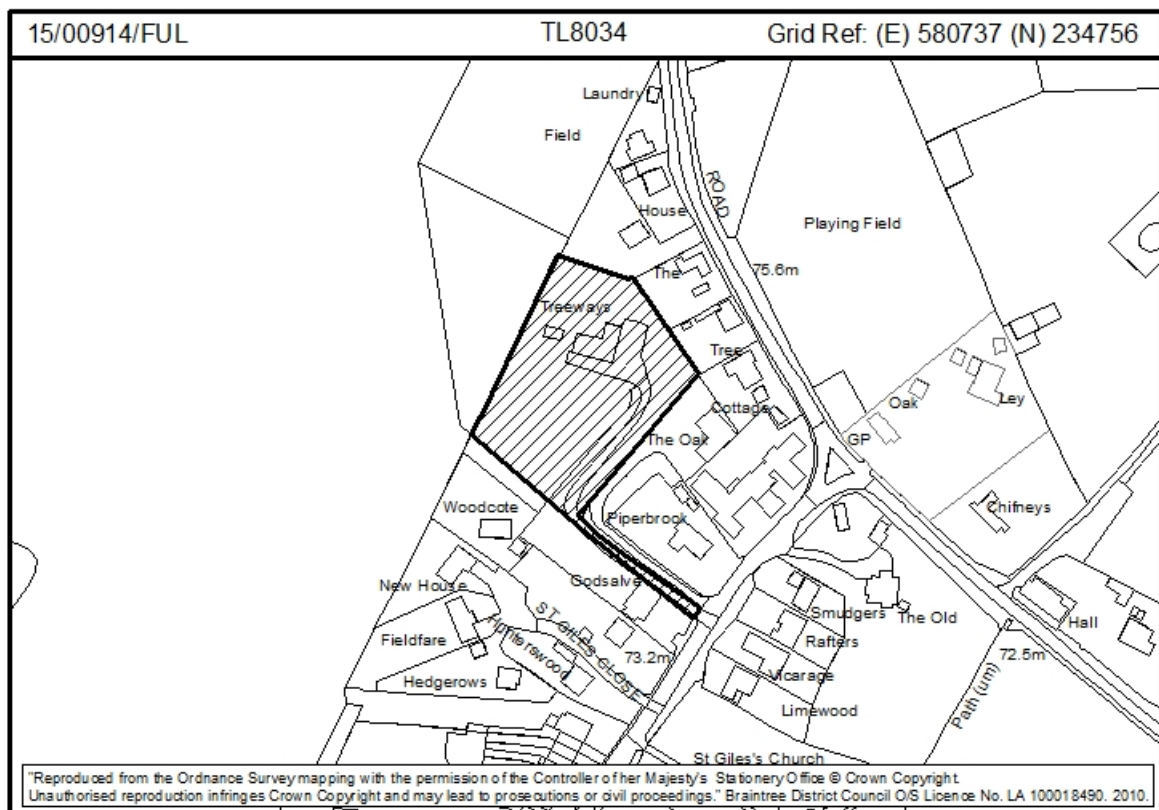
To ensure that the construction enables the access road to accommodate service vehicles, including refuse collection vehicles.

TESSA LAMBERT  
DEVELOPMENT MANAGER

## PART A

APPLICATION NO:	15/00914/FUL	DATE VALID:	15.07.15
APPLICANT:	Mrs P Hennessey Library Cottage, Monks Lodge Road, Great Maplestead, Halstead, Essex, CO9 2RL		
AGENT:	Mr M Jackson Mark Jackson Planning, Gateway House, 19 Great Notley Avenue, Great Notley Garden Village, Essex, CM77 7UW		
DESCRIPTION:	Replacement dwelling for High View and erection of 2 no. dwellings		
LOCATION:	Highview, Church Street, Great Maplestead, Essex, CO9 2RG		

For more information about this Application please contact:  
Mathew Wilde on:- 01376 551414 Ext.  
or by e-mail to:



## SITE HISTORY

06/01627/FUL	Demolition of existing single storey extension and construction of two storey/single storey extension	Granted	29.09.06
07/02502/FUL	Demolition of existing single storey extension and construction of single storey extensions to north and west of the property	Granted	09.01.08
13/00067/FUL	Change of use of land for the temporary siting of a caravan for a period of 24 months	Withdrawn	13.03.13

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

### Other Planning Guidance

Site Allocations and Development Management Plan  
Essex Design Guide  
Essex Parking Standards/Urban Space Supplement  
Great Maplestead Village Design Statement

## INTRODUCTION

This application is being reported to the Planning Committee for determination due to the objection received from Great Maplestead Parish Council, which is contrary to Officer recommendation.

## SITE DESCRIPTION

The site comprises a fire damaged dwelling that is located at the rear of a cluster of dwellings on Monks Lodge Road and Church Street. The site has an existing access from Church Street, which runs adjacent to dwellings 'Piperbrook' and 'Godsalve'. It is behind the Grade II Listed School. The site adjoins arable land to the West. The site has a multitude of trees and vegetation, on the East/North East and West/South West of the site.

## PROPOSAL

The application seeks permission to demolish the existing dwelling at the site, erect a replacement dwelling, and erect a further two additional dwellings with associated garages. The replacement dwelling would comprise four bedrooms and measure 283sq.m in footprint and would be sited in a similar position to the existing dwelling on the North part of the site. The garage associated with the replacement dwelling is proposed to be sited on the north east boundary of the site. The two additional 4 bedroom dwellings would be sited in a linear form southwards from the replacement dwelling measuring 151sq.m and 147sq.m in footprint respectively. They would share a double garage which would be situated in between both dwellings.

Fifteen trees are proposed to be removed on the southern part of the site to facilitate the proposed development. The trees on the south east boundary are to be retained as would the existing protected Lime tree (subject to a Tree Preservation Order) at the far north of the site. Seven additional trees are proposed to be planted, three on the boundary separating the replacement dwelling and the two additional dwellings. Three additional trees are also proposed on the southernmost boundary with 'Woodcote.' The final one is proposed in close proximity to the proposed replacement dwelling.

All dwellings would utilise the existing access onto Church Road, and retain the existing hard standing which connects the existing dwelling to the access.

## CONSULTATIONS

### Braintree District Council Environmental Services

No objection, but recommend conditions relating to hours of work, dust and mud control management scheme, no burning or piling.

Essex County Council Highways Officer

No objection, but recommend conditions relating to unbound materials, and means of surface water drainage at the site.

Braintree District Council Engineers

No objection – not aware of any surface water issues affecting the site.

Essex County Council Archaeological Officer

The Essex Historic Environment Record shows that the proposed development is in an area of archaeological interest. The site lies adjacent to an area where Roman burials and later medieval settlement evidence was uncovered below the church and adjoin vicarage. Medieval settlement evidence and burial were revealed north of the church. The site lies adjacent to the school where prehistoric flints as well as Saxon pottery were found during excavation. As such, the archaeological officer requests a condition requiring a written scheme of investigation to determine if the site is of archaeological interest prior to the commencement of development.

Braintree District Council Landscape Services

No objection - considers that the trees proposed to be removed are not of significant value, but recommends a condition relating to a tree protection plan to ensure all trees to be retained are adequately protected during development.

Great Maplestead Parish Council

Objects to the planning application on the following grounds:

- Two thirds of the development outside of development boundary
- Contrary to village history
- Negative impact on neighbouring properties
- Backland development
- Drainage and waste disposal issues

REPRESENTATIONS

Adjoining properties were notified of the application in writing and a site notice was displayed at the front of the vehicular entrance to the site. In response, letters of objection have been received from:

- The New House, 2 St Giles Close
- Linden Grove, Monks Lodge Road
- Godsalve, Church Street
- Piperbrook Church Street

- Hunters Wood, Church Street
- 2 Tees Close, Witham

The issues raised within the letters of objection are summarised below:

- Planning permission for 'Treeways' (now Highview) issued in 1971
  - Boundary was amended to just this dwelling to avoid backland development
- Proposed two units would be backland development
  - Development boundary should not be moved without approval from the Planning Inspectorate
  - Contrary to National and Local Policy
  - Not sustainable location
- Drainage concerns –
  - soak away runs into corner of property (Woodcote)
  - no mains drainage
- Concerns some buildings would have commercial use
- Additional traffic unacceptable and dangerous
  - Blind spot from access
- Extra light pollution
- Contrary to Village Design Statement
- Overrides covenants restricting development on the site

Two representations, which neither supported nor objected to the application, have been received from: Monks Lodge Cottage, Gestingthorpe Road and Woodcote, St Giles Close which raised the following issues:

- Concerns with construction vehicles using highly used single track roads
- Construction vehicles causing additional concerns with safety and convenience

## REPORT

### Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

The pre submission plan for Great Maplestead contained within the Pre Submission Site Allocations and Development Management Plan Document (ADMP) (February 2014) identifies the application site as being located within the development boundary for Great Maplestead. This represents a change from the Braintree District Local Plan Review (July 2005) which identifies the application site as being situated outside of the Great Maplestead Village Envelopment and therefore within the countryside where there is a general presumption against new development.

The Council's Interim Planning Policy Statement in respect of the ADMP states: *"The Council believes that the site allocations and policies contained within the Pre Submission ADMP are based on robust and credible evidence and have undergone a significant amount of public consultation and Member engagement. The Council therefore consider these are acceptable in principle. The Council accordingly adopts the land allocations and development management policies detailed within the ADMP for use within development management decision-making. The Council is of the view that these robust and clear statements should be given appropriate weight in all matters under consideration and that these are material considerations for the Council. The Council actively encourages the development of sites and allocations in accordance with these principles and will seek to support those who conform to the requirements of the NPPF and other statutory development plans. The Council recognises that the emerging local plan will gain weight as it is developed, however this statement provide a clear indication of the Council's position in the interim period."*

Policy ADM2 of the ADMP states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character and historic interest of the settlement and its setting.

As identified above, the pre submission plan for Great Maplestead identifies the application site as being located within the revised development boundary. As such, and in accordance with the Council's Interim Planning Policy Statement, it is therefore considered that the principle of development is acceptable in this location, given the weight to be attached to the ADMP as against maintaining the position as detailed in the Local Plan Review.

Great Maplestead Parish Council referenced the Village Design Statement within their objection which states that the village envelope should be retained within its current boundary (as identified within the Braintree District Local Plan Review, July 2005). While it is accepted that the Village Design Statement is a material planning consideration in this case, it pre-dates the ADMP and Interim Policy Statement and it is concluded therefore that it should be given less weight in the consideration of development boundaries.

#### Design, Appearance and Layout

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development. Policies RLP3, RLP9 and RLP90 of the BDLPR also refer to the design and layout of new developments and seek to protect the existing character of the settlement and the street scene. Policy RLP3 refers to the development of infill plots and seeks to ensure that the scale, design and intensity of such development is in harmony with existing surrounding development and respects neighbouring amenities. This policy also sets out that inappropriate backland development will not be supported. Policy RLP9

states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings.

Policy RLP10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

Policy RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with three or more bedrooms should be provided with a private rear garden of 100 sq.m or more.

The character of the surrounding area comprises a mixture of two storey and single storey dwellings of differing appearances and styles. The site itself is critically set back from any road frontage and as such would not have any notable physical relationship with the street scene. The site would however have some visibility from the wider countryside on the West aspect of the site.

The proposal is to replace the existing large two storey dwelling and erect a similar sized two storey dwelling. The existing dwelling measures approximately 353 sq.m in footprint, some of which is single storey. It also had permission for a two storey addition which wasn't implemented but would have substantially increased the size of the building.

The design of the proposed replacement dwelling would be similar from the front aspect, but would be more linear in appearance. Its proportions would be fairly classical, however the appearance and fenestration of the building would be more of a contemporary design.

The replacement dwelling has a lower overall footprint than the existing dwelling of 283sq.m. It is to comprise 4 bedrooms with a total floor area (first and second) of 521 sq.m. The proposal is to retain the relative position of the replacement dwelling, and introduce additional screening to the South. This is to facilitate a degree of separation between the replacement dwelling and the two proposed dwellings. The proposal is also to introduce a garage at the East boundary for the sole use of 'Highview.' The garden area would be in excess of 100 sq.m.

The two additional dwellings are to be of similar proportions but comprise a simpler and more contemporary design. Plot 2 would measure 151 sq.m in footprint and have an overall floor area of 302 sq.m. Plot 1 would measure 147sq.m in footprint and have an overall floor area of 296sq.m. The two dwellings are to share a garage building which will separate the two dwellings.

These buildings would also be of a substantial size, but would sit comfortably on the plot that they relate to and integrate well together.

The layout of all three dwellings would follow a linear form and make best use of the land that is available. In conjunction with the above, it is therefore considered that due to the design, scale and siting of the replacement dwelling and the two additional dwellings there would not be a detrimental impact to the wider character of the area.

### Heritage

The proposed dwellings are located behind the Grade II listed school which fronts onto Church Street. The Historic Buildings Advisor considers that due to the location of the site, and the separation distance between the school and the proposed dwellings, that there would not be an impact on the setting of the school.

### Impact on Neighbour Amenity

RLP90 stipulates that proposals for new development should not have a detrimental impact on neighbouring amenity.

Due to the location of the site and siting and scale of the proposed dwellings, the proposal would not have a detrimental impact on neighbouring properties 'Piperbrook,' 'Godsalve,' 'The Oak' and 'Library Cottage.' The main points of consideration therefore would be the impact of plot 1 on adjacent property 'Woodcote,' and the impact of Highview on adjacent properties 'Linden Grove' and 'April Cottage.'

Plot 1 due to its siting proposes a separation distance of 14m back to side (at the closest point) and would also largely retain the existing dense tree screen that forms the boundary between 'Woodcote' and the site itself. On the South Elevation of plot 1, all windows are proposed to be obscurely glazed to mitigate any overlooking potential on 'Woodcote.' As such, it is considered that plot 1 would not cause a detrimental impact on the amenity of 'Woodcote'.

The replacement dwelling 'Highview' initially proposed a large balcony area on the Southern West elevation that would serve the main living room. Following concerns with regard to the future impact on amenity of plot 2, an obscure glazing balustrade has been proposed to mitigate any prospect of overlooking. A smaller balcony was also proposed on the North West elevation to serve bedroom 1. However, in the interests of protecting the amenity of neighbouring property 'Linden Grove,' this balcony was removed in favour of a juliet balcony.

The separation distances between the closest point on the replacement dwelling and 'Linden Grove' would be 23m (to the two storey element) and 25m to April cottages. Therefore due to the size, scale and location of the replacement dwelling and the separation distances between 'Linden Grove' and 'April Cottages,' it is considered that there would not be a detrimental impact on these dwellings as a result of the proposal.

## Highway Considerations and Parking

Policy RLP56 (Vehicle Parking) states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards. The current parking standards require two parking spaces for each dwelling which has two bedrooms or more. Parking spaces are required to be 5.5m in length and 2.9m in width. In order for garage spaces to be counted as a parking space, the internal space within a garage must have minimum dimensions of 7m in length and 3m in width.

The proposed replacement and additional dwellings would have ample space providing at least two spaces in accordance with the standards specified above. As such, it is considered that the proposal is satisfactory in this regard.

The site proposes to utilise the existing vehicular access to the site from Church Road. Neighbours have raised concerns that the access has a blind spot and as such the intensification of the use of the access would give rise to highway safety issues. Essex County Highways have been consulted on the application and raise no objection to the proposal on highway safety grounds, subject to conditions in relation to no unbound material, surface water run-off, parking space sizes and a dust and mud control scheme. As such, the proposed development is considered acceptable in highway safety terms.

## Landscape and Ecology

Policy RLP80 (Landscape Features and Habitats) 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, woodland, grassland, ponds and rivers. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Therefore any subsequent scheme should seek to preserve the natural features of the site and incorporate it effectively within the site design. It is therefore suggested that an arboricultural report would be required in any submission.

The Councils records show the presence of two trees at the site that are the subject of Tree Preservation Orders, although it is noted that one tree is at the entrance to the site and is shared by 'Piperbook'. The application proposes to retain the protected tree at the far North of the site, and also introduce additional planted screening on the South and West elevations. An arboricultural report has been submitted with the application demonstrating that 15 low or moderate value trees will be removed in accordance with the proposals. These trees are generally located in clusters on the East/North East aspect and West/South West aspect. There would however be 7 new trees that would be planted to remediate the loss. A tree protection method statement has also been submitted with the application. Significant trees will be retained as part of the proposal and as such it is considered there will not be a detrimental impact on the wider landscaping features at the site.

### Public Open Space

The application was submitted prior to the High Court decision (relating to the reasonableness of planning obligations relating to smaller residential development) on July 31<sup>st</sup> 2015. As such, there is no requirement for open space provision or an open space contribution as a result of the proposed development.

### Other Matters

#### Drainage

Concerns have been raised by neighbours with regard to drainage and foul sewage. The site lies within Flood Zone 1 and as such development is acceptable providing it creates no additional flood risk. In addition, the Braintree District Council Engineers have advised that they are not aware of any surface water issues affecting the site. In this case it is therefore considered that the information provided is satisfactory to determine that there would not be a flood risk associated with the development.

It is proposed that sewage would be disposed of by a package treatment plant, which is considered to be satisfactory given the scale of the development.

#### Lighting

Concerns have been raised in regard to light pollution that would result from the development. However, given the small scale nature of the development, and the siting of the proposed dwellings, it is considered that the proposal would not give rise to a detrimental amount of light pollution. It is acknowledged that light pollution should be minimised as far as possible but it would be unreasonable to one refuse the application on this basis, and to impose a condition stipulating that no external lighting can be installed in this instance.

#### Commercial Use of Building

Concerns raised by 'Godsalve' have been raised that the proposed replacement dwelling is of a size and scale that could be associated with a small care home. The planning application submission in this instance seeks permission for a replacement dwelling and two additional dwellings on the application site. In response to the letter of objection the agent clarified the proposal. The clarification provided is accepted by the Local Planning Authority. Planning permission would be required to use the existing/proposed dwellings as a care home and this will need to be considered on its merits if such a proposal was received by the Local Planning Authority.

#### Covenant

The resident of 'Woodcote' raised concerns within their representation that there is a restrictive covenant in existence at the site which prevents any further development. While these comments are noted, this is not a material planning consideration which can be taken into account in this case. Instead, it is a civil/legal matter.

## CONCLUSION

In accordance with the interim policy statement, which sets a clear direction to the consideration of sites that were allocated through the Site Allocations and Development Management Plan, the principle of development on the application site is considered to be acceptable. The design, scale and location of all buildings would be acceptable in the wider context of the character of the area, and would be sited well so as to mitigate the impact on any neighbouring properties. The proposal would not be of a scale that would warrant any highway concerns and the landscape aspect would also be acceptable in accordance with the arboriculture statement. Accordingly the application is recommended for approval.

## RECOMMENDATION

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 Floor Plan	Plan Ref: 1102B	
Existing Plans	Plan Ref: 1104	
Site Plan	Plan Ref: 1106A	
Roof Plan	Plan Ref: 1107C	
Demolition Plan	Plan Ref: 1109	
Floor Plan	Plan Ref: 1110A	
General Plans & Elevations	Plan Ref: 1303D	
General Plans & Elevations	Plan Ref: 1304C	
Elevations	Plan Ref: 1305A	Version: Plot 2
Garage Details	Plan Ref: 1307	
Specification	Plan Ref: Arboricultural Report	
Tree Plan	Plan Ref: DFCP 3449TPP	

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

### Reason

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

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

Reason

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

- 3 No works constructing the buildings shall commence shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure that the development does not prejudice the appearance of the locality.

Prior to commencement justification: The details are required prior to the commencement of any works in order to ensure that the external materials and finishes do not harm the appearance and character of the surrounding area.

- 4 Prior to their installation details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

Reason

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

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

Reason

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

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

Reason

Prior to commencement justification: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Highway Authority's Development Management Policies.

- 7 No site clearance, demolition or construction work shall take place on the

site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sunday, Public and Bank Holidays - no work

Reason

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

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

Reason

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

- 9 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. It should also include details for the management of the hedge at the front of the site. The hedge thereafter shall be retained and maintained in accordance with the agreed details.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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

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

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

Reason

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

- 10 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

Reason

In the interests of highway safety.

Prior to commencement justification: During construction, the creation of dust and the displacement of mud is commonplace. As such, prior to the commencement of development, it is important that a scheme is in place to mitigate the dust and mud created at the site, to prevent it being transferred onto the highway and also in the interests of residential amenity.

- 11 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

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

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

Reason

The site may be of archaeological interest.

Prior to commencement justification: The Essex Historic Environment Record shows that the proposed development is in an area of archaeological interest. The site lies adjacent to an area where Roman burials and later medieval settlement evidence was uncovered below the church and adjoin vicarage. Medieval settlement evidence and burial were revealed north of the church. The site lies adjacent to the school where prehistoric flints as well as Saxon pottery were found during excavation. As such, a written scheme of investigation will be required to determine if the site is of archaeological interest.

- 13 The vehicular parking spaces shall have minimum dimensions of 2.9 metres by 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 14 The details of the means of protecting all of the existing trees, shrubs and hedges on the site as specified as set out in Method Statement "DFCP 3449TPP" from damage during the carrying out of the development shall be adhered to throughout the development. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

**Reason**

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

Prior to commencement justification: The trees and hedges that are to be retained should be protected during development to ensure their longevity. Without the trees/hedges at the site it would have higher visibility from the West field which is something that should be avoided in visual and amenity interests.

TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

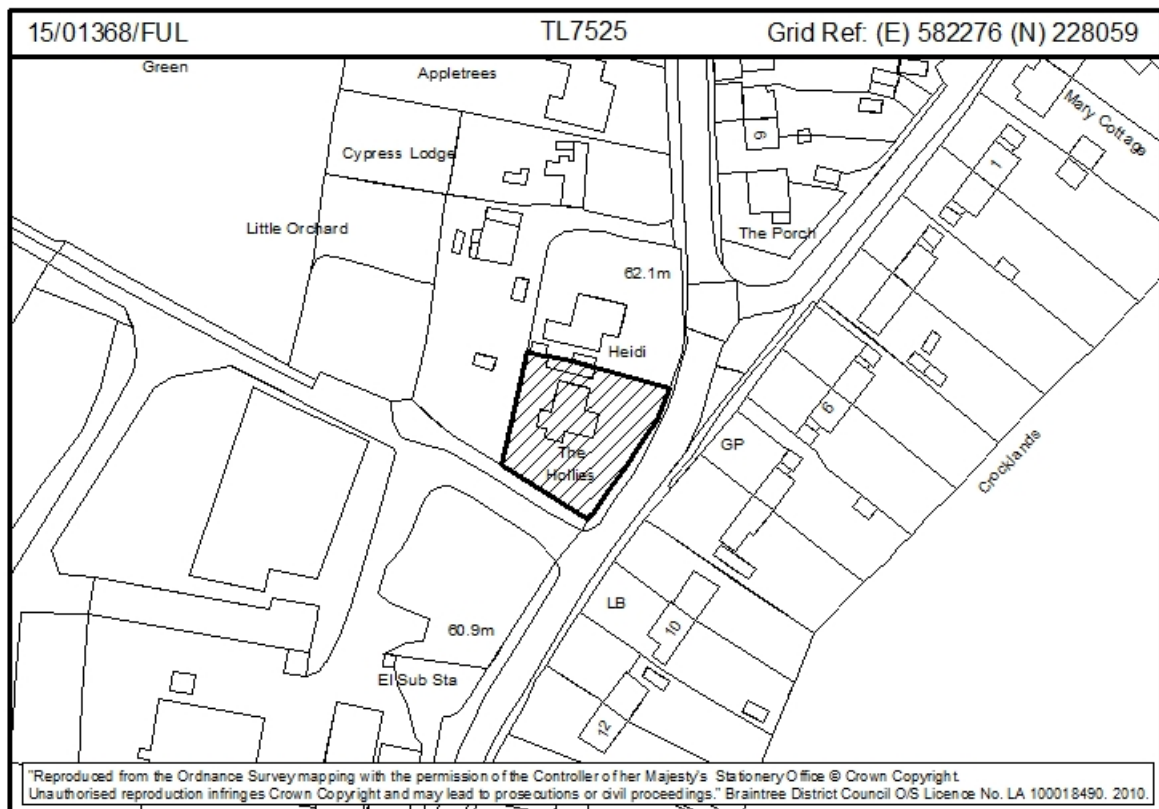
PART B

APPLICATION 15/01368/FUL DATE 03.11.15  
NO: VALID:  
APPLICANT: Mr K Rogers and Mrs A Monk  
The Hollies, Church Road, Greenstead Green, Essex, CO9  
1QP  
AGENT: Whymark & Moulton Ltd  
14 Cornard Road, Sudbury, Suffolk, CO10 2XA  
DESCRIPTION: Erection of single storey side extension  
LOCATION: The Hollies, Church Road, Greenstead Green, Essex, CO9  
1QP

For more information about this Application please contact:

Lee Smith-Evans on:- 01376 551414 Ext.

or by e-mail to: [lee.smith-evans@braintree.gov.uk](mailto:lee.smith-evans@braintree.gov.uk)



## SITE HISTORY

88/01562/P	Erection Of Single Storey Rear Extension	Granted	25.08.88
96/00046/FUL	Erection of conservatory	Granted	22.02.96

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development

## INTRODUCTION

This application is brought before the Planning Committee because the applicant is an employee of the Council.

## SITE DESCRIPTION

The Hollies is a bungalow in the centre of the village. The property is to the north of the track that runs along the Greenstead Hall Farmstead, with open farmland to the west behind the property. To the north is another bungalow with Church Street and the frontage of the property to the east.

## PROPOSAL

The proposed extension is to the south elevation and comprises of two en-suite bathrooms and a small extension to a bedroom. The rooms are provided under a single roof which forms a subordinate wing off the southern, side elevation of the house. It is proposed that the extension is finished in matching materials to the host dwelling

## CONSULTATION

The Parish Council has not commented on this application.

## REPRESENTATIONS

There have been no representations made regarding the proposals.

## REPORT

### The Principle of Development

The application site is located within the village envelope of Greenstead Green. Therefore, applying weight to policies RLP2 and RLP3 of the Braintree District Local Plan Review 2005, it is considered that there should be no objection to the principle of residential development at this site, subject to the considerations set out in the following sections.

### Layout, Scale and Appearance

The extension to the side of the side of the bungalow is subordinate in height and articulated back from the front elevation and building line of the dwelling. The roof is lower than the main roof and together, these elements provide a subordinate appearance. Whilst there is a large amount of new roof to provide the gabled wing the extension projects only 1.8m from the host, as such the design does not cause harm in the street scene and does not unbalance the visual composition of the bungalow.

### Impact on Neighbouring Residents

There are no impacts on neighbouring amenities due to the siting and size of the extension.

### Highway Arrangements and Parking Provision

The extension will not create highway related issues.

## CONCLUSION

This is a small and sympathetically designed extension that has a satisfactory appearance and causes no harm to neighbours' amenities.

## RECOMMENDATION

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

General Plans & Elevations      Plan Ref: 15/135-01

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

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

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

<b>Monthly Report on Planning and Enforcement Appeal Decisions Received – November 2015</b>		<b>Agenda No: 6</b>
<b>Corporate Priority:</b>		
<b>Report presented by:</b>		
<b>Report prepared by:</b> Liz Williamson Validation Officer/Appeals Co-ordinator		
<b>Background Papers:</b>		<b>Public Report</b>
Appeal decisions summary		
<b>Options:</b>		<b>Key Decision: No</b>
Information only		
<b>Executive Summary:</b>		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
<b>Decision:</b>		
That the report be noted.		
<b>Purpose of Decision:</b>		
To note a report on appeal decisions.		
<b>Corporate Implications]</b>		
<b>Financial:</b>	N/A	
<b>Legal:</b>	N/A	
<b>Safeguarding:</b>	N/A	
<b>Equalities/Diversity</b>	N/A	
<b>Customer Impact:</b>	N/A	
<b>Environment and Climate Change:</b>	N/A	
<b>Consultation/Community Engagement:</b>	N/A	
<b>Risks:</b>	N/A	
<b>Officer Contact:</b>		
Liz Williamson		
<b>Designation:</b>		
Validation Officer/Appeals Co-ordinator		
<b>Ext. No.</b>		
2506		
<b>E-mail:</b>		
lizwi@braintree.gov.uk		

## PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **November 2015**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only in respect of specific cases where the planning decision has been overturned.**

1.	<b>Application No/Location</b>	15/00495/FUL - 41 Queen Street Coggeshall
	<b>Proposal</b>	Erection of single storey sun room and extension to dining room
	<b>Council Decision</b>	Refused under delegated authority – 12.06.15, RLP3, 17, 90 & CS9
	<b>Appeal Decision</b>	Allowed
	<b>Main Issue(s)</b>	1. The effect the proposed development on the living conditions of the occupants of a nearby dwelling, with particular regard to overlooking
	<b>Inspector's Conclusion</b>	<p>The appeal property is located at the end of the short cul-de-sac and is behind properties facing onto Queens Street, outside of the Coggeshall Conservation Area.</p> <p>The Inspector began her report by explaining that the proposal is for a single storey rear extension that would extend to the rear of the property and part of it would also extend about 1.5 metres beyond the existing western (side) elevation of the dwelling. There are existing windows in the western elevation of the appeal property and the proposed extension would also incorporate windows that face the boundary with no.41a.</p> <p>The boundary between no. 41 and 41a is demarcated by a low close boarded fence about 1.2 metres in height and within the land of no 41a there is some planting which partly obscures the house and rear garden of no. 41a when viewed from no. 41. The Inspector continued by saying that from her observations during her site visit the existing fencing and vegetation within the adjacent plots provides screening that obstructs much of the views of the neighbouring properties and that she did not feel that the effect on privacy on no.41a would be unreasonable and justify the dismissal of the appeal.</p> <p>The Inspector concludes by saying that having carefully considered all the matters raised, she is happy that the proposal would comply with Policies of the Braintree Local Plan Review, which amongst other things, require residential</p>

		development to satisfy amenity criteria. Therefore the appeal is allowed.
--	--	---

2.	<b>Application No/Location</b>	15/00624/FUL – 37 Cross Road Witham
	<b>Proposal</b>	Erection of a single storey extension providing a one bedroom flat, meeting room, quiet room, study and disabled toilet
	<b>Council Decision</b>	Refused under delegated authority - 23.06.15 - RLP2, 19, 20 & 90
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The character and appearance of the area</li> <li>2. The living conditions of the occupiers of the host property with respect to the provision of amenity space, and of the occupiers of neighbouring properties with respect to outlook.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The Inspector began by saying that the area is predominantly residential with the exception of a care home at the rear of the appeal site and the convenience store adjacent to the site. The majority of the dwellings have sizeable rear gardens, and some of the properties have modest rear extension and outbuildings. The sizeable rear gardens and the adjacent playing field give the area, when view from the rear part of the appeal site, an open undeveloped character.</p> <p>The proposal would be for a very large extension, which in part replaces an existing single storey extension, utilising a significant proportion of the rear garden of the property having a footprint similar in size to the main building. The development would dominate the rear garden and would contrast with the undeveloped character of the immediate area. Furthermore, there are no other comparable rear extensions at any other properties in the area.</p> <p>The rear garden is mainly covered in hardstanding, with only a small grassed area at the back of the property rear of the existing office. The proposal would take up more of this rear garden, but would not project any further back than this office. The amount of garden space would be reduced as a result of the proposal, but a reasonable amount. Therefore the proposal would have no significant impact on the provision of garden for residents and their living conditions would not be affected.</p> <p>The Inspector did not consider that the residents of neighbouring properties would be adversely affected by the proposal, as there is a 2 metre high fence between the appeal site and no. 35 which would largely screen the development from the ground floor of this property.</p> <p>For these reasons and taking account of all other considerations, the Inspector concludes that the appeal should be dismissed.</p>

3.	<b>Application No/Location</b>	14/01531/FUL – The Bungalow, Bovingtons Farm, Maldon Road, Hatfield Peverel
	<b>Proposal</b>	Change of use of land for the stationing of containers for storage purposes and the storage of building materials, machinery and equipment
	<b>Council Decision</b>	Refused under delegated authority – 13.02.15 - RLP27, 36, 40, 62, 80 & 90 and CS5, 8 and 9
	<b>Appeal Decision</b>	Appeal Allowed
	<b>Main Issue(s)</b>	1. The effect of the development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of Bovingtons Farmhouse and The Bungalow
	<b>Inspector's Conclusion</b>	<p>The Inspector began his report by describing the site and the surrounding area. Immediately to the east of the appeal site there are agricultural buildings and, to the west, is The Bungalow which is a residential property within its own curtilage. To the south of the site beyond the access road is the rear garden of Bovingtons Farmhouse which is in separate ownership. The creation of a more extensive hard standing and the introduction of the containers have changed the characteristics of the appeal site in the context of the land to the north. This site is however located within an active farm enterprise.</p> <p>The Inspector acknowledges that the site could be utilised to store agricultural equipment and earth associated with the agricultural enterprise and the fall back position is therefore a material consideration in this regard. Both parties acknowledge that the fencing erected on the site constitutes permitted development and that there are no views of the site from the B1019 and little or no views from public footpaths. Furthermore, the visual impact of the storage facility could be mitigated by new landscaping which could be secured by the imposition of a condition. Additionally, the height of the external storage could also be controlled by a condition.</p> <p>The Inspector re-iterated that the appeal site is located in close proximity to two dwellings. The change of use will inevitably result in an increase of vehicular traffic along the access road. This could therefore create additional noise and dust generation, fumes and potentially odours. The appellant has indicated that there will be no more than four movements a day, which the Inspector states could be controlled by a condition. Likewise, conditions relating to the size of vehicles associated with the development and restricting the number of containers could also be imposed.</p> <p>The bungalow has a window in the side elevation which faces towards the appeal site, there would be some detriment to the outlook of the occupiers as a consequence of the proposed development, however, there are already agricultural buildings adjacent to the east boundary of the appeal site which currently form part of the outlook for the occupiers and these are in</p>

		<p>reasonably close proximity. Furthermore, the visual impact associated with the proposed change of use could be mitigated by appropriate landscaping.</p> <p>The appeal site is visible from Bovingtons Farmhouse. Again, the implementation of a landscaping scheme would however mitigate the visual impact of the proposed development.</p> <p>It is common ground between the parties that the site known as Bovingtons Farm has been divided into separate units and at least one of the units has a commercial use so commercial development is not without precedent in this location. It is also noted by the Inspector that the development would represent rural diversification and that the business makes an economic contribution to the area.</p> <p>The Inspector concludes that the change of use of land will not unacceptably harm the character and appearance of the surrounding areas; that the change of use will not be so detrimental to the living conditions of the neighbouring residential occupiers so as to result in an unacceptable level of harm. Therefore, having regard to all of the considerations and particularly the findings in the main issues, the appeal is allowed.</p>
--	--	--