

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 03 March 2015**

**Time: 19:15**

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

## **Membership:**

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

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

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

## **PUBLIC SESSION**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 17th February 2015 (copy to follow).

### **4 Public Question Time**

(See paragraph below)

## **5 Planning Applications**

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

### **PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 14 01587 FUL - 275 Coggeshall Road, BRAINTREE</b>	<b>5 - 18</b>
<b>5b</b>	<b>Application No. 14 01624 FUL - Land adjacent to 15 Highfield Close, BRAINTREE</b>	<b>19 - 32</b>
<b>5c</b>	<b>Application No. 14 01574 OUT - Land adjacent to 24 White Horse Avenue, HALSTEAD</b>	<b>33 - 39</b>
<b>5d</b>	<b>Application No. 14 01556 FUL - Land at 29-43 Thorne Road, KELVEDON</b>	<b>40 - 54</b>
<b>5e</b>	<b>Application No. 14 01557 FUL - Land at South East, Church Road, KELVEDON</b>	<b>55 - 68</b>

### **PART B**

Minor Planning Applications:-

<b>5f</b>	<b>Application No. 14 01398 FUL - Broadoakes, Colne Road, BURES HAMLET</b>	<b>69 - 74</b>
<b>5g</b>	<b>Application No. 14 01544 FUL - Coggeshall Town Football Club, West Street, COGGESHALL</b>	<b>75 - 85</b>
<b>5h</b>	<b>Application No. 14 01474 FUL - 8 Church Street, COLNE ENGAINE</b>	<b>86 - 93</b>

<b>6</b>	<b>Planning and Enforcement Appeal Decisions - January 2015</b>	<b>94 - 98</b>
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## **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.

(Continued overleaf)

E WISBEY  
Governance and Member Manager

**Contact Details**

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

**Public Question Time**

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

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or email [demse@braintree.gov.uk](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.....

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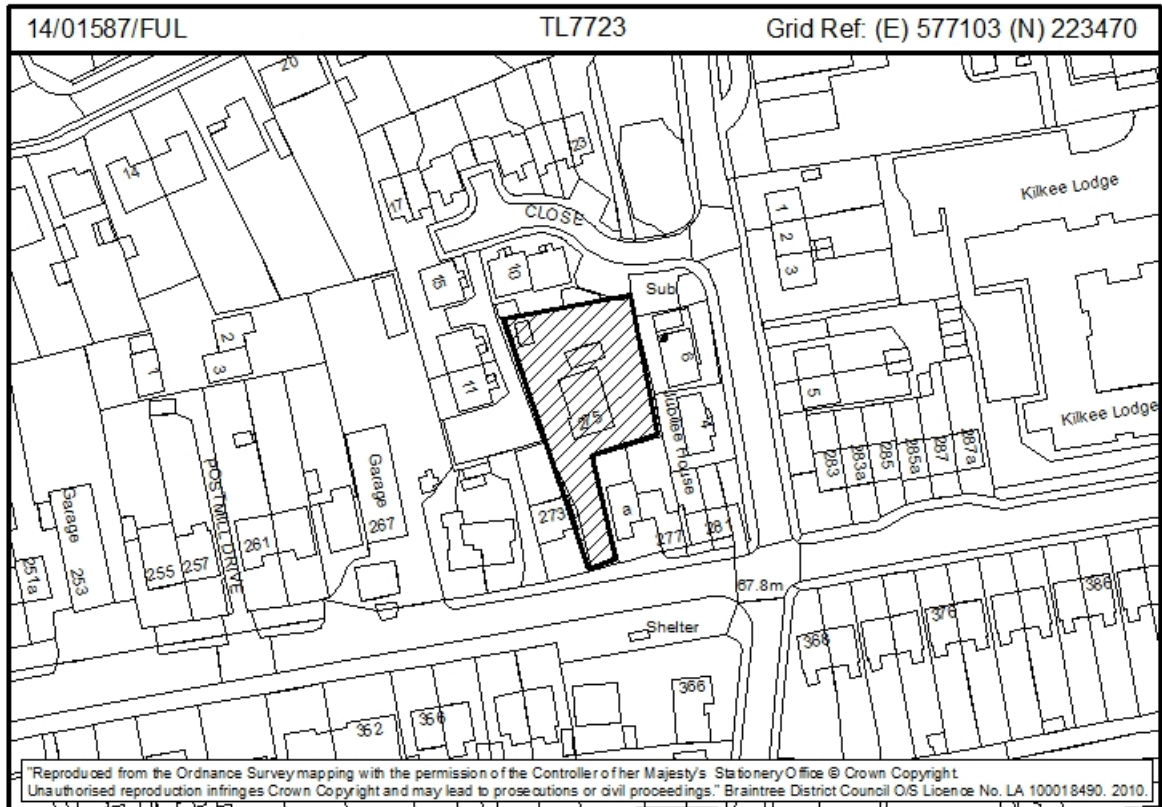
Contact Details: .....

AGENDA ITEM NUMBER 5a

PART A

APPLICATION 14/01587/FUL DATE 16.12.14  
NO: VALID:  
APPLICANT: Mr R Jewitt  
275 Coggeshall Road, Braintree, Essex, CM7 9EF,  
DESCRIPTION: Erection of a side extension to form a separate dwelling  
LOCATION: 275 Coggeshall Road, Braintree, Essex, CM7 9EF

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



## SITE HISTORY

04/02590/FUL	Erection of 4 bedroom dwelling	Withdrawn	06.01.05
05/00128/FUL	Erection of new dwelling	Refused	22.03.05
05/01066/FUL	Erection of new dwelling	Refused	26.07.05
07/02189/FUL	Proposed erection of two bedroomed detached dwelling	Refused	18.12.07
08/00925/FUL	Erection of side extension to form granny annexe	Granted	02.07.08
09/00353/FUL	Erection of a single storey one bedroom dwelling	Refused	12.05.09
10/01187/FUL	Erection of a single dwelling	Refused then dismissed on appeal	18.11.10

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1          Housing Provision and Delivery  
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  
RLP8          House Types  
RLP56          Vehicle Parking  
RLP65          External Lighting  
RLP70          Water Efficiency  
RLP71          Water Supply, Sewerage & Drainage  
RLP74          Provision of Space for Recycling  
RLP76          Renewable Energy  
RLP77          Energy Efficiency  
RLP90          Layout and Design of Development

### Other Material Considerations

BDC Site Allocations and Development Management Plan  
Essex Design Guide  
Council's Adopted Parking Standards: Design and Good Practice (2009)

## INTRODUCTION

This application is brought before the Planning Committee as one objection has been received contrary to the officer's recommendation.

## SITE DESCRIPTION

The site is an existing residential plot located to the north of Coggeshall Road, within the Braintree town development boundary as designated in the Braintree District Local Plan Review 2005.

The site currently includes a two storey detached house with detached shed outbuilding and associated off-street parking and garden amenity space

## PROPOSAL

This planning application seeks approval for the erection of a new single storey two bedroom dwelling attached to the north elevation of the existing dwelling.

## CONSULTATIONS

Council's Environmental Health Officer (EHO) – No objection subject to conditions covering/controlling hours of construction, piling activities, and the burning of waste materials.

Council's Landscape Officer – No objection subject to tree protection plan and landscaping scheme to be agreed.

Highway Authority – No objection.

Council's Surface Water Drainage Advisor – No objection.

## REPRESENTATIONS

A site notice was displayed in close proximity to the site in a publically accessible location and the sixteen properties nearest the site were directly notified of the planning application. One letter of representation has been received highlighting the following concerns:

- Foul sewage/drainage demands;
- Proposed garden area overshadowed;
- Loss of privacy/security in relation to no. 275 Coggeshall Road;
- Vehicular access in close proximity to front of no. 275;
- Lack of off-street parking;
- Annexe is ancillary and different to a new dwelling; and
- Construction impact.

## REPORT

### Principle of Development

The application site is situated within the Braintree town development boundary, therefore the principle of new residential development is generally accepted by way of policies RLP 2 and RLP 3. Therefore it is considered that a principle exists for such a proposal subject to its conformity with the specific criteria required by policies RLP 3 and RLP 90.

### Design, Appearance and Layout

The proposed development consists of the erection of a new single storey pitched roof two bedroom dwelling attached to the north of the existing dwelling at no. 275 Coggeshall Road. Appropriate boundary treatment is proposed to subdivide the existing plot.

Relevant planning history on the site is also a material consideration. Planning application ref: 10/01187/FUL sought a new detached house to the north of the existing house at no. 275 Coggeshall Road in 2010. This application was refused by the Local Planning Authority (LPA) and subsequently dismissed on appeal on the grounds that the proposal would adversely impact on the open character of the existing site resulting in an inappropriate form of backland development, the proposal would have an adverse impact on the living conditions of neighbours at no. 275 from overshadowing of side (north) elevation windows, and that a required open space contribution had not been completed/agreed.

Planning application ref: 08/00925/FUL granted in July 2008 for the erection of a side extension to the existing property at no. 275 to form a granny annexe is also relevant to this case. The annexe proposal has an almost identical footprint and design to the new attached dwelling currently proposed.

Following this approval a subsequent application for a one bed dwelling consistent with the design and footprint of the annexe was submitted and refused in May 2009 on the grounds of inappropriate backland development. This proposal is similar to that currently being considered, however the more recent appeal decision (ref: 10/01187/FUL) did not rule out all new dwelling development on this plot, just that of a detached nature which was submitted at the time.

With reference to the recent appeal decision on the site and significant changes to the planning system brought about by the introduction of the NPPF in March 2012 this proposal is now considered to be acceptable in its design and appearance. The proposal is also now considered acceptable in its nature being attached to the existing dwelling which would be more appropriate than the previous scheme refused on appeal (ref: 10/01187/FUL) by minimising any adverse/harmful impact on the character of the subject plot and not protruding as deep into the site. It is further considered that such a proposal would retain an appropriate level of valuable openness within the



immediate area. Although such a proposal would represent backland development, given its nature, size, scale and design, such a form of development is now considered appropriate and acceptable.

Given that the proposal would be attached to the north (side) elevation of the existing property at no. 275 it is considered that such a proposal would not give rise to an adverse impact on neighbouring amenity including overshadowing of this elevation as the proposal would be attached. Given the design and positioning of windows attached to the existing dwelling it is considered that such alteration/blocking up of the north elevation would not give rise to an adverse impact on the living conditions of the occupiers of no. 275.

In terms of the relevant standards required to be met by new dwellings within the district it is considered that this proposal would be compliant. Both the proposal and existing dwelling at no. 275 would be provided with appropriate provisions of rear garden amenity space which is considered acceptable with reference to the Council's Adopted Essex Design Guide. The proposal and no. 275 would both each include two off street car parking spaces complying with the Council's Adopted Parking Standards.

A Sustainable Design and Construction Checklist has not been submitted as part of this planning application.

Given the size of the subject and existing context it is considered appropriate to remove householder permitted development rights in relation to the new dwelling to ensure that any proposed extension/alteration requires the agreement of the LPA in order to minimise any future impacts of new development on the site.

#### Impact on Neighbouring Residential Amenity

The site is set back from the frontage of Coggeshall Road and is located in a residential area. Given this arrangement the site is bound on all sides by residential dwellings. However, given the nature, size and scale of this proposal and existing screening afforded to the site boundary treatments and vegetation it is considered unlikely that such a proposal would have an adverse impact on neighbouring residential amenity by way of overlooking, overshadowing, loss of privacy, or visual intrusion, including to that of the existing dwelling on the site at no. 275 Coggeshall Road.

A letter of representation has been received partly relating to the fact that the vehicular access to the proposal would pass close to the existing front entrance of the adjacent property at no. 275. However, given the nature and scale of this proposal it is considered unlikely that such an issue would give rise to an adverse impact on neighbouring residential amenity. It is also noted that this issue was included as part of one of the reasons for refusal relating to application ref: 10/01187/FUL, however the appeal Inspector dismissed this issue as part of his consideration.

The representation also raises concerns in relation to the impact of the construction of the proposal on neighbouring amenity. The Council's EHO has raised no objection to this proposal subject to conditions restricting construction hours, burning of waste materials and piling activities. Should planning permission be granted these conditions would be attached.

A third point raised by this representation is in relation to the overshadowing of the rear garden serving the proposal. However, given the size of this proposed plot and subject dwelling and its proximity to neighbouring land it is considered unlikely that such an overshadowing impact would be severe to the extent that such outdoor space could not reasonably be classified as useable garden amenity space.

### Landscaping

Some semi-mature vegetation is located around the perimeter of the subject plot which is considered to play an important role in its character. The Council's Landscape Officer has raised no objection to this proposal subject to a tree protection plan and full landscaping scheme for the site being agreed. If planning permission is granted for this proposal conditions would be attached requiring this.

### Planning Obligations

It is noted that one of the previous reasons for refusal which was dismissed at appeal (ref: 10/01187/FUL) related to the fact that a required open space contribution had not been agreed. However, given recent Government guidance it is now considered that such an obligation is no longer applicable to applications such as this.

### Other Issues

#### Sewage/Drainage

A letter of representation has been received partly relating to concerns over the proposal's impact on existing foul water drainage infrastructure serving the site and immediate area. The applicant has indicated that the proposal would be attached to the mains sewer serving the site. Given the nature and scale of that proposed it is considered unlikely that this proposal would have an adverse impact on such provision. Such matters would also be considered in further detail at the Building Regulations stage further ensuring that no adverse impact would result.

### CONCLUSION

The proposed development would protect the character of the existing site and street scene and would be in harmony with existing surrounding development resulting in an appropriate form of backland development thereby complying with policies RLP 3 and RLP 90. The proposal is also considered acceptable in all other respects including garden amenity space

and off street parking provisions. Reference has been made relevant planning history on the site, particularly application ref: 10/01187/FUL and it is considered that this proposal has overcome the previous reasons for refusal as upheld at appeal.

### RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

Location Plan	Plan Ref: PLANNING001
Proposed Plans	Plan Ref: PLANNING002
Proposed Elevations	Plan Ref: PLANNING003
Site Plan	Plan Ref: PLANNING004

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

#### Reason

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

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

#### Reason

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

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

#### Reason

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

- 4 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-

- (a) Water efficiency, resource efficiency, energy efficiency and recycling measures, during construction
- (b) Measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development

- (c) Measures for the long term energy efficiency of the building(s), and renewable energy resources
- (d) Details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
- (e) Details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

**Reason**

In the interest of promoting sustainable forms of development.

- 5 No site clearance, demolition or construction work in connection with the development hereby permitted shall take place on the site, including the starting of machinery and delivery of materials, outside of the following hours:

08:00 to 18:00 hours Monday to Friday;  
08:00 to 13:00 hours Saturday; and  
No work Sundays and Bank/Public Holidays.

**Reason**

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

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

**Reason**

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

- 7 No piling shall be undertaken on the site in connection with the construction of the development hereby permitted until a system of piling and resultant noise and vibration levels has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

**Reason**

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

- 8 Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority.

Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All 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.

- 9 No development shall take place 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 enhance the appearance of the development and in the interests of amenity and privacy.

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

Reason

To protect the amenities and privacy of adjoining occupiers.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 3 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

- 4 Your attention is drawn to Condition no. 10 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

TESSA LAMBERT  
DEVELOPMENT MANAGER



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# Appeal Decision

Site visit made on 28 March 2011

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 April 2011**

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**Appeal Ref: APP/Z1510/A/11/2144523**

**275 Coggeshall Road, Braintree, Essex CM7 9EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Jewitt against the decision of Braintree District Council.
  - The application Ref 10/01187/FUL, dated 20 August 2010, was refused by notice dated 18 November 2010.
  - The development is the proposed erection of a single dwelling.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are:
  - The effects the character of the area and provisions of PPS3
  - The effects on the living conditions of neighbours
  - The need for contributions for the provision of open space.

## Reasons

*The effects the character of the area and provisions of PPS3*

3. The existing detached house at No 275 sits well back from Coggeshall Road, behind properties fronting the road. The site is bounded on 3 sides by houses of relatively recent construction on Warley Close. Both main parties accurately describe the site as 'backland' and I observed a number of examples of backland development nearby, including houses on Warley Close and noting the site at No 259 Coggeshall Road.
4. The appeal relates to part of the garden area of No 275, which is closely bounded by those houses on Warley Close and the appeal site would be separated from the flank wall of No 275 by 1m and an additional 1m to the flank wall of the proposed single storey dwelling.
5. The immediate area within which the site sits can be described as tight-knit, some houses having very small gardens and being sited close to the boundary of other houses. The existing garden area of No 275 offers some welcome relief to the visual congestion, adding valuable openness to the immediate area.



6. I acknowledge that there are some examples of backland development within the area. In deciding whether such development provides justification for the appeal scheme it is of relevance to consider the recent change in Government policy. This involved the revision of Planning Policy Statement 3 '*Housing*' (PPS3) to remove the national indicative density and delete gardens from the classification of "previously developed land". Although there was never a presumption that such land would necessarily be suitable for housing, the emphasis was on directing development to sustainable sites in urban areas in preference to building on greenfield land.
7. This change in emphasis is relevant to this appeal. Gardens are seen as a valuable asset in their own right and I have explained how this one contributes to the character of the area. The appeal proposal would be unacceptably harmful to the character of the area by the loss of much of the openness of the site. It would therefore conflict with Policies RLP 3, RLP 9 and RLP 90 of the Braintree District Local Plan Review (LP) and PPS3.
8. In reaching this conclusion I have taken account of the planning permission which was granted by the Council for an extension to the existing house in the form of an annexe. Although there are some similarities, the current proposal is for a separate dwelling, would be detached from the existing house and would extend deeper into the site: factors, no doubt, which led the appellant to state that the 2 cases are "not totally comparable". I also consider that there are sufficient differences in principle and detail to distinguish the schemes.

*The effects on the living conditions of neighbours*

9. The proposed gabled flank wall of the dwelling would be sited 2m from the gabled flank of the existing house. The existing house has a bedroom window in the flank elevation which is the sole source of natural light and outlook to that bedroom. The proposed flank wall would be positioned directly adjacent to the existing window and, although lower than the existing house, it would be sufficiently high to block a considerable amount of light and to significantly obstruct outlook from the bedroom. The appellant refers to the planning permission for the annexe and the fact that its construction would block the bedroom window in the flank wall of the existing house. This may have meant that revisions to the existing house would have been necessary but none are shown on the plans and details made available to me. In any event, this does not alter the unacceptable effect that the appeal scheme would have on the living conditions of the residents of the existing house at No 275. Therefore the proposal is contrary to the aims of Policies RLP 3 and RLP 90 of the LP.
10. The proposed dwelling would contain 1 bedroom and is shown with a vehicle turning and parking area. This would mean that cars associated with the proposed development would gain access from Coggeshall Road between Nos 273 and 277a by the existing access for No 275, and would pass in front of No 275. Whilst there may be the potential for additional disturbance arising from vehicles associated with the proposal, it would be small and insufficient to have any unacceptable effects on the living conditions of these houses, or those other neighbouring properties on Warley Close.

*The need for contributions for the provision of open space*

11. Policies RLP 138 and RLP 163 of the LP and the Council's Open Space Supplementary Planning Document (SPD) sets out the Council's requirement for contributions towards the provisions and improvement of open space for

proposals for new dwellings. The appellant seems to accept this requirement but has not provided a completed Unilateral Undertaking.

12. In the light of the LP policies and the evidence and approach set out in the SPD, I am satisfied that the requirement set out by the Council fairly and reasonably relates to the scale and nature of the proposed development. Accordingly, such a contribution would comply with the guidance in Circular 05/2005 and with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL). Therefore, the absence of any undertaking to satisfy this requirement is unacceptable.

### **Conclusion**

13. I have taken account of all other matters raised in the representation but find nothing to lead me to a different conclusion on the main issues. Therefore, the appeal is dismissed.

*S T Wood*

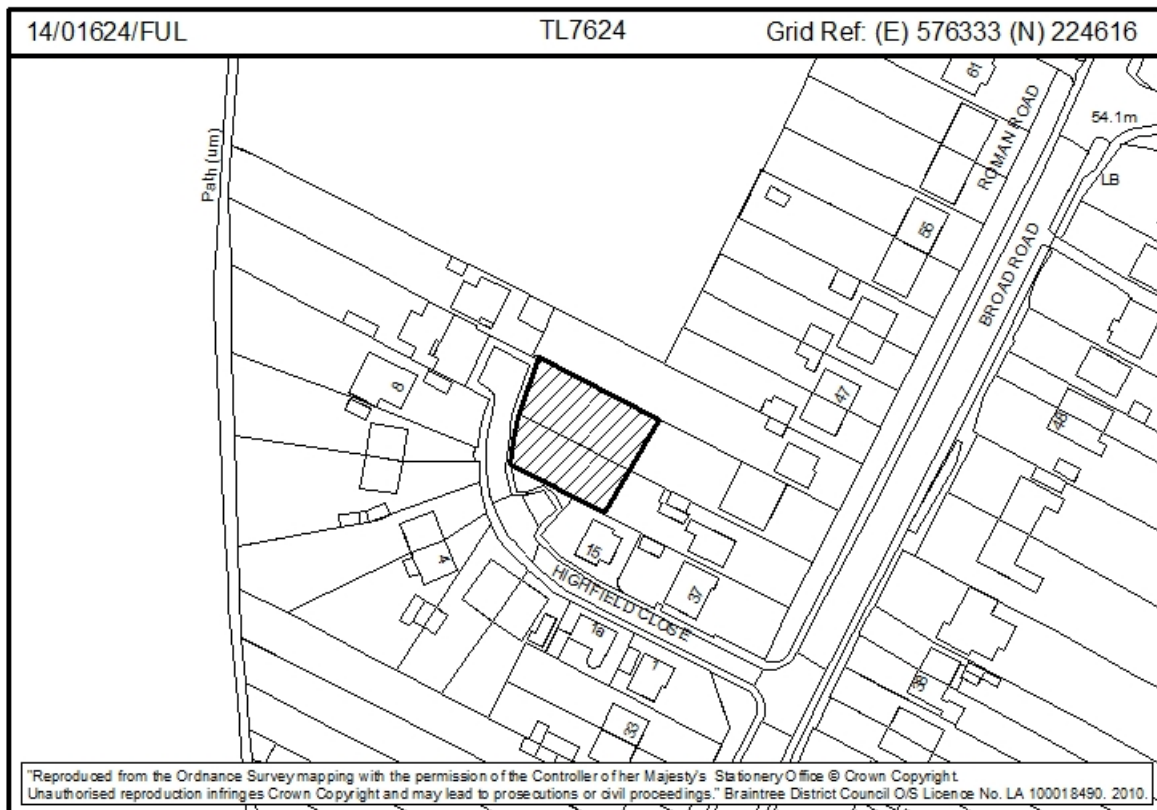
INSPECTOR

AGENDA ITEM NUMBER 5b

PART A

APPLICATION 14/01624/FUL DATE 22.12.14  
NO: VALID:  
APPLICANT: Mr And Mrs Allen  
39 Broad Road, Braintree, Essex, CM7 9RU  
AGENT: Bowergrange  
17A Friars Lane, Braintree, Essex, CM7 9BL  
DESCRIPTION: Erection of two dwellings  
LOCATION: Land Adjacent, 15 Highfield Close, Braintree, Essex

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



## SITE HISTORY

06/00561/FUL	Erection of two storey dwelling with associated parking and landscaping	Refused	10.05.06
07/02119/FUL	Erection of detached dwelling and garage	Granted	31.01.08
13/00503/FUL	Erection of two dwellings	Withdrawn	14.06.13
13/00755/FUL	Erection of two dwellings	Withdrawn	14.08.13
13/01002/FUL	Erection of two dwellings	Withdrawn	05.12.14
14/00106/MMA	Application for a minor material amendment relating to approved application 13/01002/FUL (alteration to approved entrance to plot 1) - Erection of two dwellings	Application Returned	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

## Supplementary Planning Guidance

ECC Parking Standards – Design and Good Practice, September 2009  
Essex Design Guide 2005

### INTRODUCTION

This application is brought before the Planning Committee due to the receipt of 26 letters of objection.

### NOTATION

The site falls within the Town Development Boundary.

### SITE DESCRIPTION

The application site is located at the rear of the existing dwellings of 39 and 41 Broad Road, to the East of the turning head of Highfield Close, within the Town Development Boundary of Braintree.

The site measures approximately 33 metres deep and 22.5 metres wide and is comprised of the rear gardens of the two abovementioned properties, hosting vegetation including large conifer trees at the West boundary and domestic outbuildings.

### PROPOSAL

The application proposes the clearance of most of the landscaping and vegetation at the site and the erection of two dwellings which would be accessed from Highfield Close.

The two storey dwelling on Plot 1 (rear of 41 Broad Road) would measure 7.5 metres deep and 10 metres wide, with an eaves height of 4.9 metres and a ridge height 7.9 metres, with a two storey front projection measuring 0.7 metres deep. The dwelling would be positioned 10 metres from the Highfield Close frontage of the site and over 25 metres from the rear of the existing dwelling of 41 Broad Road. 2 parking spaces would be provided in front of the dwelling. The dwelling would be served by a rear garden measuring approximately 195 square metres.

The two storey dwelling on Plot 2 (rear of 39 Broad Road) would measure 7.5 metres deep and 9.5 metres wide with two storey front and rear projections, an eaves height of 5 metres and a ridge height of 7.4 metres. The dwelling would be positioned a minimum of 7 metres from the Highfield Close frontage. The dwelling would feature a 2.5 metre deep two storey rear projection, a 0.7 metres deep two storey front projection, an integral garage and be served by a rear garden measuring approximately 140 square metres.

The dwellings would be served by a shared access and each would have two parking spaces.

### RELEVANT HISTORY

Application 06/00561/FUL proposed a single dwelling. That application was refused on the grounds that the proposed would have appeared cramped at the site and caused overlooking of neighbouring properties. The application comprised a different site as it included the north half of the application site and land to the north of that. It was for a large, detached dwelling with detached garage which would have faced in a southerly direction. It was therefore materially different to the current proposal.

Applications 13/00503/FUL and 13/00755/FUL both proposed similar developments to that which is proposed by this application. Both applications were withdrawn.

Members may recall that an application the almost the same as the current one was presented to the Planning Committee in October 2013 (13/01002/FUL refers). Members resolved to grant planning permission subject to the completion of a S106 Agreement to secure a financial contribution towards public open space. It is understood that there were some issues with the completion of the legal agreement and the applicant chose to withdraw the application.

Members may be aware that recent changes to the National Planning Practice Guidance introduced by the Government mean that financial contributions should not be sought from developments of 10 dwellings or less. Therefore a S106 Agreement will not be required in respect of the current application.

### CONSULTATIONS

The Highway Authority has raised no objection to the application subject to the imposition of conditions.

The Council's Landscape Services Team has raised no objection to the application. In relation to the previous applications, the Landscape Services Team stated that the trees that are to be lost to enable the development are conifers that are not worthy of protection.

The Council's Drainage Engineer has not responded at the time of writing but has previously advised that they are unaware of any surface water drainage issues affecting the site.

The Council's Environmental Services Team has raised no objection to the application but recommended the imposition of conditions to limit the impact of the development process on the amenities of neighbouring residents.

## REPRESENTATIONS

26 letters of objection to the proposed development had been received at the time of writing the report. These object on the following grounds:

- The amendments do not overcome the objections previously raised.
- The development, combined with the narrowness of Highfield Close and the demand for on-street parking, would cause additional highway safety and parking concerns and prevent access by larger vehicles of all types.
- The development would cause unacceptable overlooking.
- The development would cause the loss of trees which is a habitat for wildlife and add to the character of the area.
- The reasons for the refusal of application 06/00561/FUL are equally valid.
- The presence of trees should have been noted on the application form
- The submitted plans and documents contain inaccuracies and/or inconsistencies with regard to trees, garages and levels.
- The change from two accesses to one access is contrary to what the Highway Authority previously encouraged and may result in cars having to back out on to the road.
- There would be less landscaping to the front of the houses.
- Excavation could cause damage to neighbouring fences.
- The development would reduce light serving adjacent gardens, which is used for vegetable growing. It would block out sunlight and views.
- The distance between the existing and proposed dwellings would be minimal.
- A sloping drive could lead to a flooding problem on the road.
- The development process will disturb residential amenity during and post construction.
- The overdevelopment of the site would be cramped and out of character with the surrounding area, and fail to provide adequate private amenity space.
- Consider that submitting repeat applications is tantamount to bullying.
- Consider that Officers have acted unfairly by providing comments to the applicant in relation to previous applications.

The Convent Lane and Broad Road Action Group have objected on grounds that are included above.

## REPORT

### The Principle of Development

The application site is located within the Town Development Boundary of Braintree. 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.

The NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” and that there should be an aim “to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.” It is considered that this proposal complies with the intentions of those parts of the NPPF.

As set out above, Members resolved to grant planning permission for the previous application at this site which was almost identical to the current application. The main differences are that a dressing room and en-suite have been replaced by a bedroom on Plot 2 (the size of the dwelling has not changed) and the dwellings would be served by a single point of access rather than a separate access from the highway to each dwelling. The report below therefore repeats many of the considerations which were set out when the previous application was presented to the Committee.

#### Layout, Scale and Appearance

Policy RLP3 states, inter alia, that the Council shall seek to protect the character of the existing street scene, the landscape value of existing tree cover and generally ensure that new development does not materially detract from the character of the settlement. Furthermore, policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings. These policies are supported by policies RLP10, RLP90 and CS9.

The Essex Design Guide requires dwellings with three bedrooms or more to be provided with gardens of a minimum size of 100 square metres.

The site currently contains garden land and vegetation. The surrounding area contains generally two storey residential development. It is considered inevitable that the proposed development would have a significant impact on the character of the site and would introduce development into an undeveloped area that would not be deemed to be previously developed land.

Development on such parcels of land is not uncommon, as proven by the development that was approved on the adjacent land to the South of the application site and although it is development at the rear of the existing Broad Road dwellings, as the site has a frontage onto Highfield Close it is considered that it is not an unreasonable form of backland development.

The proposed development would be built to abut the Southern boundary of the site and whilst there is no policy to define a minimum separation distance, in this instance it is considered that the introduction of built form in such close proximity to the boundary would make the built form appear cramped at the site. However, in this regard it is considered relevant to note that a few dwellings have been extended up to the boundary of their plots and as such it



would be unreasonable to argue that such dense development of plots would be out-of-keeping with the surrounding area.

The proposed dwellings would be taller than the surrounding dwellings. In this regard it is noted that the approved plans for the dwelling at the rear of 37 Broad Road (15 Highfield Close) was approved with a ridge height of 6.8 metres and the dwelling approved at 1a Highfield Close was shown to have a ridge height of approximately 7.3 metres. On this basis it is considered that the height of the proposed dwellings (7.4 and 7.9 metres tall) would be taller than the existing dwellings of Highfield Close and this height difference would be emphasised by the changing ground levels of the area.

The height of the buildings was a concern in relation to the previous applications that were submitted and it was also a concern that there was an inaccuracy between the sectional drawing and the elevations. The plans have been corrected. Whilst it remains the case that the dwellings would be taller than the surrounding dwellings, it is considered that the increase in height would not be harmful to the overall character of the area which does not feature consistent building heights.

The design of the proposed dwellings represents broadly standard house types that would not be harmful to the character of the area. From this basis, and in the context of the mixed character of the surrounding area, their design is considered acceptable.

The dwellings would be provided with private rear gardens which would exceed the minimum size set out in the Essex Design Guide.

As set out above, an application on part of this site was refused in 2006, however this was materially different to the currently proposal. Each application should be considered on its merits and in accordance with adopted planning policies and guidance which are relevant at the time of application.

Officers acknowledge the comments raised in the letters of representation with regard to the discrepancies between information stated on the planning application form and the Design and Access Statement, and the submitted plans. Officers are satisfied that the plans are sufficiently clear to understand the proposal. The site is large enough to accommodate the proposed dwellings along with adequate parking and amenity space, in accordance with the Council's adopted standards. If planning permission is granted a condition will be imposed stating that the development must be carried out in accordance with the approved plans.

#### Impact on Neighbouring Residents

Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The proposed development would be highly visible from within a number of properties and will inevitably have some impact on the outlook of neighbouring

residential properties. There will be an increased sense of enclosure and there will be additional disturbance caused by the presence and movement of additional people and vehicles.

Notwithstanding this, it is considered relevant to note that in most cases the development is compliant with the standards contained within the Essex Design Guide which suggests that minimum separation distances of 25 metres should be provided between back-to-back properties and 15 metres between dwellings positioned at an obscured angle.

The positioning of dwellings and their orientation has been designed in such a manner to ensure that most dwellings would not be directly overlooked to an extent that would justify the refusal of the application on those grounds. Moreover, it is considered that the height of the dwellings and their positioning would ensure that any impacts on sunlight and daylight within neighbouring dwellings and their gardens would not be harmful to an extent that would justify the refusal of the application.

Therefore, whilst it is inevitable that the occupants of the neighbouring dwellings will have a materially different outlook and environment in comparison to the existing situation, it is considered overall that the harm to residential amenity would not justify the refusal of the planning application.

In the case of the first application submitted in 2013 concern was raised about the relationship between the proposed dwelling and the dwelling known as 15 Highfield Close. Although off-set and therefore not having a back to back relationship, it was considered that proposed windows would cause a loss of privacy within habitable rooms and private amenity space at that dwelling. It was also considered that the proposed dwelling would have a harmful impact on the outlook from within the neighbouring dwelling, by being in such close proximity to the boundary and being of two storey form at a raised ground level. It was considered that the proposed dwelling would cause an increased sense of enclosure that would detract from the outlook that would currently contribute to residential amenity.

The applicant has attempted to address this concern by amending the proposal so that the first floor windows that would be adjacent to the neighbouring dwelling would be obscured glazed. The design of the roof and height of the dwelling has also been reduced over the course of the previous applications in order to reduce the massing of the building. At the time the previous application was considered Officers were satisfied that the impact on overlooking had been adequately addressed.

It is acknowledged that there will be some disruption during the construction process. Conditions are proposed which seek to minimise such impacts.

### Highway Arrangements and Parking Provision

The Highway Authority has raised no objection to the application and as such it is considered that it would be unreasonable to argue that the development would pose a threat to highway safety. The increased number of residential units at the site would be likely to cause an increase in the amount of vehicle movements, but not to an extent that would make the existing highway network circumstances materially worse.

Whilst the proposal has been amended since the previous application to show once access to serve both dwellings (rather than an access to each), the Highway Authority has no raised an objection to this. Having regard to the location of the site at the end of a cul-de-sac, it is not considered that this arrangement would have an unacceptable impact upon highway safety.

The Council's Adopted Parking Standards require two parking spaces to be provided for all residential units that are proposed at this site. That standard has been complied with throughout the development. Plot 1 would benefit from two off-road parking spaces to the front of the dwelling and Plot 2 would benefit from a garage with parking space in front. All spaces comply with the minimum parking space dimension standards of 2.9 metres by 5.5 metres for external spaces and 3 metres by 7 metres for garage spaces. The use of the conditions suggested by the Highway regarding the size of the parking spaces and garage are therefore not considered to be necessary.

Conditions are proposed to control surface water run-off and require hard surfacing to be of a porous material in order to prevent an increased risk of flooding.

It is acknowledged that there are difficulties for large vehicles using Highfield Close as demonstrated by the photos that have been submitted by objectors. Those difficulties currently exist and would clearly not be improved by the proposed development. However, as there is sufficient parking proposed within the curtilage of the proposed dwellings to comply with the Council's Adopted Parking Standards, it is considered that it is not necessarily the case that the proposed development will cause an increased amount of on-street parking and it is certainly the case that the Local Planning Authority has no evidence or policy base to justify such a claim. The provision of two additional dwellings would mean that there is a potential increase in the number of large vehicles that wish to reach the end of Highfield Close, but the likelihood that this will not be possible for emergency vehicles or refuse collection vehicles would not increase as a result of the proposed development. Therefore, in the absence of an objection from the Highway Authority it is considered that it would be unreasonable to object to the application on those grounds.

### Landscaping

The Council's Landscape Services Team has commented on the application as it would require the removal of trees, contrary to the content of the

application form. No objection has been raised by the Landscape Team as it is considered that the existing conifer trees that are to be lost would not be worthy of protection and their removal could occur regardless of this application for planning permission. Although the existing trees are of visual amenity value, it is considered that there would be insufficient scope to refuse the application on the grounds of their removal. A condition is recommended to ensure that any site clearance takes place outside the nesting season. A scheme of landscaping can also be ensured by condition.

### OTHER MATTERS

A representation raised the issue that the application form refers to “Rear of 39-41 Broad Road” while the location is given as “Land adjacent 15 Highfield Close” The Council has described the application site as the latter in order to accurately reflect the position of the access to the site, accepting that this may not be consistent with previous applications.

### CONCLUSION

In conclusion, these proposals will provide a residential development without material harm to the character or appearance of the surrounding area, the amenity of neighbouring residents or highway safety.

Therefore, on balance this is considered to be an acceptable form of development on this site that would contribute to the supply of housing within an existing urban area.

### RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:

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

### APPROVED PLANS

Proposed Plans	Plan Ref: 217-01	Version: Plot 1
Proposed Elevations	Plan Ref: 217-02	Version: A Plot 1
Proposed Floor Plan	Plan Ref: 217-03	Version: A Plot 2
Proposed Elevations	Plan Ref: 217-04	Version: B Plot 2
Proposed Site Plan	Plan Ref: 217-05	Version: E
Location Plan	Plan Ref: 217-06	
Section	Plan Ref: 217-07	Version: A

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

### Reason

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

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

Reason

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

- 3 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.

Reason

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

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

Reason

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

- 5 The garage serving Plot 2 shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

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

All 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.

- 7 Any site clearance works, including the stripping or cutting of grassland and removal of trees and shrubs shall be undertaken outside of the nesting season (the months of March to August inclusive), unless otherwise specified within an approved ecological report.

Reason

To ensure that nesting birds are not disturbed during development.

- 8 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been 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

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 9 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.

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

Reason

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

reduce the risk of flooding.

- 11 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
- (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction
  - (b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development
  - (c) measures for the long term energy efficiency of the building(s), and renewable energy resources
  - (d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
  - (e) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

**Reason**

In the interest of promoting sustainable forms of development.

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

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

**Reason**

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

- 13 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.

- 14 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.

- 15 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

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

- 16 Prior to first occupation of the development, the access shall be provided with a 2.4 metre parallel band visibility splay across the whole of the sites frontage (land edged in red), as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 17 Development shall not be commenced until detailed plans showing cross sections of the site indicating existing and proposed ground levels, both inside and immediately adjoining the site and the slab levels of the dwelling(s) has been submitted to and approved in writing by the local planning approval.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy.

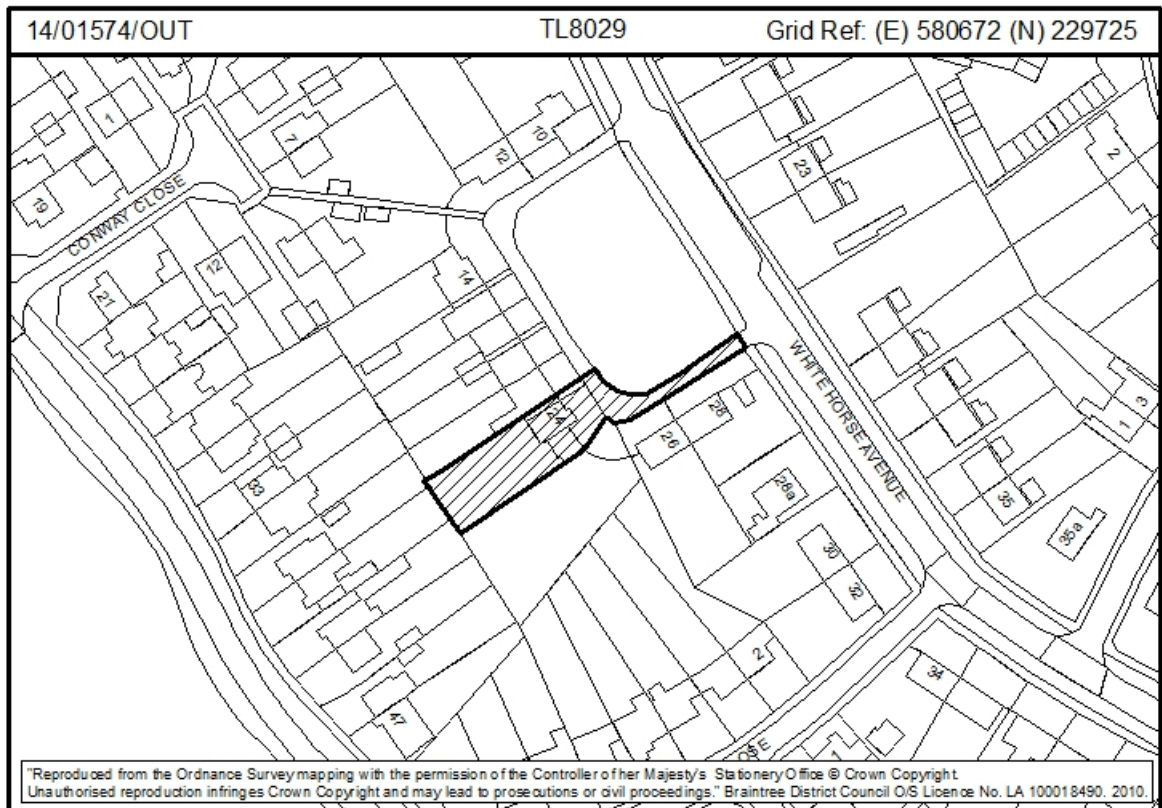
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 14/01574/OUT DATE: 08.12.14  
 VALID:  
 APPLICANT: Annie Walmsley (Deceased)  
 24 White Horse Avenue, Halstead, Essex, ,  
 AGENT: Mr N Chapman  
 Nigel Chapman Associates, Kings House, Colchester Road,  
 Halstead, Essex, CO9 2ET  
 DESCRIPTION: Erection of 3 bedroom attached dwelling  
 LOCATION: Land Adjacent, 24 White Horse Avenue, Halstead, Essex

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



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP74	Provision of Space for Recycling
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

## INTRODUCTION

This application is brought before the Planning Committee due to an objection from Halstead Town Council, contrary to the recommendation of officers.

## SITE DESCRIPTION

The application relates to land adjacent of 24 White Horse Avenue which is at the end of a row of terraces. The site is located on a separate shared driveway accessed from White Horse Avenue in Halstead which also serves approximately 10 other dwellings in a square. The site also adjoins land which appears to be in the ownership of Halstead Town Council.

## PROPOSAL

The application seeks outline planning consent for the erection of a dwelling. All matters are reserved and as such, consideration can be given only to the principle of the matters development.

The dwelling would be attached to 24 White Horse Avenue and as such form an extension to the existing terrace block. The indicative plans show the provision of 4 parking spaces on the land which is within the applicant's control, thus two spaces remain for 24 White Horse Avenue and two spaces are created for the proposed dwelling.

## CONSULTATIONS

Essex County Council Highways Officer

No objection subject to parking provision at two spaces measuring 5.5m by 2.9m.

Braintree District Council Engineers

Not aware of any surface water issues affecting the site.

Braintree District Council Environmental Health

No objections but recommends conditions relating to the construction phase of development.

Braintree District Council Landscapes Officer

No objection to the potential removal of the large conifer tree on the site.

Halstead Town Council

Object to the proposal:

- Not in keeping with the aesthetics of surrounding properties
- Do not want to set precedent

## REPRESENTATIONS

A site notice was displayed at the front of the site and relevant neighbours notified. No objections were received.

## REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states

that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application site is located within the Halstead Development Boundary. Therefore, applying weight to policies RLP2 and RLP3 of the Braintree District Local Plan Review 2005 it is considered that the broad principle of residential development can be found acceptable. It can therefore be concluded that the development will not set a precedent because the broad principle of development within the development boundary is already established.

The application site is within flood zone 1 and is not adjacent to listed buildings or located within a conservation area. Notwithstanding this designation it is considered that there are no planning policy constraints to the principle of residential development at the site, provided that the detail of the development is acceptable.

As the application is in outline, with all matters of detail reserved for consideration at a later stage, it is considered that the focus of the Local Planning Authority has to be in relation to the broad principle of residential development at the site. However, it is considered appropriate to give initial consideration to the following detailed matters as the Local Planning Authority would not be acting reasonably by approving an outline planning application if it is clear that the proposed development of the site would fail other policy considerations.

#### Design, Appearance and Layout

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

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

The area surrounding the site has a formal, planned arrangement that would be altered by any new development. However, as demonstrated on the indicative plans, the proposed dwelling would be attached to the end of the existing terrace block to form a new end of terrace unit. Planning policies require development to harmonise with its surroundings; as such a unit of a similar nature to that which already exists on the site would satisfy this, subject to scale and layout. However, these matters can be addressed at the

time of a reserved matters application and therefore this application can not be refused on those grounds.

The site proposed does not offer any significant amenity value, as it is largely enclosed for private use of number 24 White Horse Avenue as garden. Therefore, given the established and urban nature of the site, it is considered that there are not any potential significant landscape issues which could justify refusal of the application.

#### Impact on Neighbour Amenity

Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The lines of terraces on the application site are perpendicular to the other smaller semi-detached pair numbers 26 and 28 White Horse Avenue. The proposed dwelling would extend the existing line of terraces. Due to separation distances, site relationships and the scale of development, it is considered that neighbouring amenity will not be detrimentally affected by the proposal.

The occupation of the site would lead to the intensified use of the access which may cause some disturbance or inconvenience to the existing residents of the square on White Horse Avenue, but it is considered that this would not result in harm to residential amenity in a manner that would justify the refusal of the application.

#### Highway Issues

The Council's Adopted Parking Standards require two parking spaces to be provided for the residential unit proposed at this site. The submitted plans show that this standard has been complied with throughout the development. As requested by the Highway Authority, it will be possible to impose a condition to require all spaces to comply with the minimum parking space dimension standards of 2.9 metres by 5.5 metres for external spaces and 3 metres by 7 metres for garage spaces. As submitted the plans illustrate that there is enough space to meet this requirement.

#### Landscape and Ecology

The landscape officer posed no objection to the removal of the large conifer tree on the site. Therefore at this outline stage it is considered there are no landscape issues which would justify refusal of the application. A landscaping plan will be required to be submitted upon the reserved matters application to finalise matters of layout.

#### CONCLUSION

In conclusion these proposals will provide a residential development within a designated Town Development Boundary. Whilst there are some concerns

about the scale and layout of development as shown in indicative details, it is considered that these matters should be considered under the terms of a reserved matters application. It is considered there are no other issues at this stage which would justify refusal of the application.

### RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

Location Plan	Plan Ref: 14/801/LOCATION
Block Plan	Plan Ref: 14/801/1
Block Plan	Plan Ref: 14/801/2

1 Approval of the details of the:-

- (a) scale, appearance and layout of the building(s);
- (b) access thereto; and the
- (c) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision-notice.

The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.

#### Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 The details submitted for the consideration of the reserved matters of layout, landscaping and access shall include provision for the parking of 2 cars for the proposed dwelling. Each open parking space shall have minimum dimensions of 2.9 metres by 5.5 metres and any garage parking spaces shall measure 3 metres by 7 metres.

#### Reason

To ensure adequate parking space is provided.

- 3 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.

- 4 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.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

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

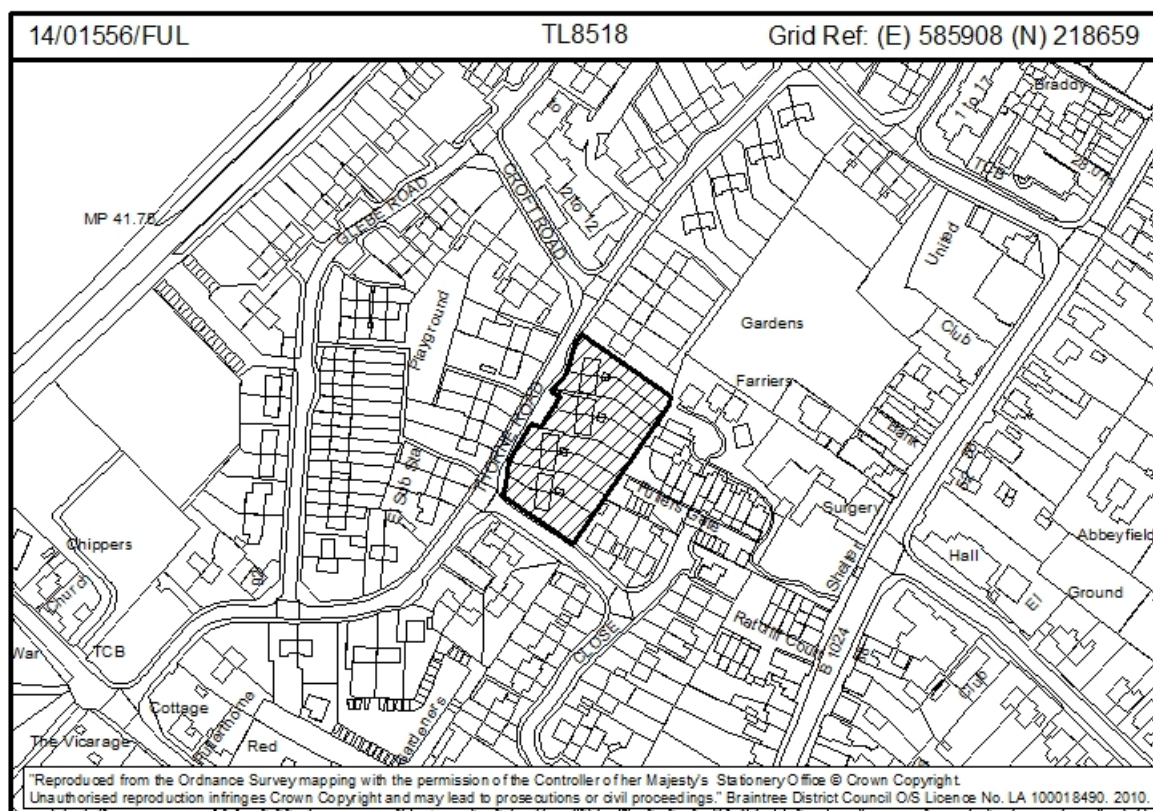
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION 14/01556/FUL DATE 05.12.14  
 NO: VALID:  
 APPLICANT: Greenfields Community Housing  
 Greenfield House, Charter Way, Braintree, Essex, CM77  
 8FG  
 AGENT: Mrs J Wilkie  
 Rees Pryer Architects LLP, The Studio, Drinkstone  
 DESCRIPTION: Demolition of 8 no. bungalows and erection of 4 no. flats  
 and 9 no. houses with new access road and vehicular  
 parking  
 LOCATION: Land At, 29 - 43 Thorne Road, Kelvedon, Essex

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





## SITE HISTORY

None relevant

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
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
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility

## REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being presented to the Planning Committee due to the receipt of objections contrary to the recommendation of Officers.

## BACKGROUND

The application is made by Greenfields Community Housing who have identified the site along with 5no. other sites in Kelvedon for redevelopment, as part of an analysis of the land and existing housing within their ownership.

This forms part of the Greenfields Asset Management Strategy and a 'Mini Master Plan', as described by the applicant. Planning applications have been submitted on 3no of the other 4no sites, these include: 31 - 45 Church Road (14/01559/FUL), land adjacent 5 Dowches Drive (14/01437/FUL – Approved 12/01/2015), 14 - 18 Thorne Road (evens) and 1 to 15 Croft Road (odds) opposite the site (14/01558/FUL); and land at 20 - 42 Church Road (evens) (14/01557/FUL).

Ultimately, Greenfields states that they would look to develop all six sites as part of a phased implementation of their mini master plan to create an overall regeneration of the area. Each of the sites, however, are totally independent and are not reliant on any other schemes gaining planning permission.

## SITE DESCRIPTION

The application site is situated within a residential estate comprising of predominantly former Local Authority housing. It is situated to the east of the junction of Thorne Road with Fullers Close. Residential properties about the south eastern boundary of the site: 1 Fullers Close, a semi-detached two storey property; and a retirement complex at Fullers Gate. Just beyond and sharing the site's north eastern boundary is 27 Thorne Road, a two-storey gable fronted end terrace property. The properties at Fullers Gate are one and a half storey residential units with mansard style roof forms. Opposite the site are two-storey building forms in the form of flats at 14 - 20 Thorne Road (evens) and houses at 22 - 28 Thorne Road (evens).

The site currently houses four pairs of semi-detached prefabricated bungalows known as 'Unity Structures'. 'Unity Structures' comprise prefabricated concrete and metal systems which were built after the Second World War to fulfil the immediate needs of the population at that time. Such structures were typically built as temporary accommodation (often for no more than 10 years) and, therefore, it is considered that they have well exceeded their expected life span. The structures cannot be adapted to meet or come close to the standards required of modern homes today.

Whilst residential in character, the site is surrounded by a variety of different building forms and styles, including those from the Victorian era, the 1950s and 1980/90s. The site is 0.3 hectares in area and there is an approximate 1.3m fall in levels from the south west to the north east across the site.

## PROPOSAL

The application proposes the demolition of the 8no. Unity bungalows and, in their place, the erection of 4no. two bedroom flats and 9no. houses (comprising 2no. three bedroom and 7no. two bedroom units). These would all be accommodated within two-storey building forms and comprise semi-detached and terraced blocks.

The proposed layout looks to make the most of the significant frontage and the turn from Thorne Road into Fullers Close, thereby creating a focal point at the junction of the two roads and a strong building line reflecting the adjoining street pattern. A new access to a rear parking court is to be provided along the north eastern boundary of the site, located to coincide with lines of existing services.

The existing hedge to the frontage is to be retained and enhanced whilst an existing conifer tree, half way along the Thorne Road boundary, is to be removed. Existing conifers within the site are to be removed and eight new trees proposed as part of the development.

The character of the proposed dwellings is traditional to its context and the materials proposed relate to this, i.e. red facing brickwork, red concrete plain tiles and white uPVC windows and fascias. In addition to aiming to reach Level 3 of the Code for Sustainable Homes, the dwellings have also been designed to meet the 16 Lifetime Homes criteria.

The applicant's philosophy behind the design of the scheme is to create a sustainable development (reaching at least level 3 of the Code for Sustainable Homes) which respects its context and provides a pleasant place to live.

Since the original submission was made, a minor amendment to allow the red line application site to be aligned with that shown on the submitted layout has been submitted. On the latter plan a minimum 500mm wide planting strip and a 2m high sound barrier fence are now shown to the rear of the proposed parking area adjacent to the gardens of 13 -19 Fullers Close. The plan also shows a lower 1.2m section of fence to be provided along the boundary shared with 1 Fullers Close, from the public footway to the rear elevation of the dwelling proposed at plot 13.

## CONSULTATIONS

Housing Research and Development – fully supportive of the proposals which are part of a wider plan to regenerate Greenfields older housing stock in Kelvedon. The proposed development will contribute to meeting a need for this type of affordable accommodation and the mix of units has been determined by close working with them.

Essex County Council (Highway Authority) – no objections raised to the proposals subject to the imposition of conditions (please see below).

Environmental Protection – no adverse comments to make subject to the imposition of conditions.

Essex County Council (Archaeology) – the Essex Historic Environment (HER) Record shows that the proposed development will affect a site of archaeological interest. Therefore, a full Archaeological condition is recommended to be imposed.

Kelvedon Parish Council – application supported, subject to conditions detailed below.

## REPRESENTATIONS

Ten letters of representation have been received, eight objecting to the scheme and two making comments.

One of the comment letters state that in view of the number of dwellings and their permanency that they should have traditional facing materials i.e. plain clay roof tiles, soft red Essex brick and timber windows, with generous tree and shrub landscaping schemes.

The second letter of comment raises issues that are also covered within the letters of objection, with concerns raised over an increase in noise levels emanating from the proposed rear parking court; and overlooking from first floor windows of the proposed new units. Other comments are concerned with maintaining the existing fence height of 4 feet along the south eastern boundary shared with 1 Fullers Close, where adjacent to the flank of that dwelling. This is to enable larger items to be moved via the side of that property, which a new fence of 1.8m would prevent. The occupant of 1 Fullers Close also states that they do not object to new affordable housing being built, but they feel that due consideration should be given to neighbourly concerns and agreement reached to alleviate these, some assurance as to minimal inconvenience to neighbours during the building phase is also sought.

The eight letters of objection cover the following:

- The proposal will give rise to ‘garden grabbing’.
- The new road and vehicle parking will be directly to the back of properties within Fullers Gate, resulting in noise pollution and eroding ‘green breathing space’.
- Disturbance would be caused by lighting of the parking area and from the lights of vehicles entering and exiting the car park.
- Potential for both surface water and foul water flooding with existing drainage systems being inadequate.
- Assurances sought that if approved, that full consultation takes place with Anglian Water and the developers to prevent surface water and foul water flooding.
- Low level illumination of the car park area should be put in place.

- Consideration of neighbouring properties when planting trees should be made to avoid overhanging and overshadowing.

## REPORT

### Principle of Development

The site is situated within the Village Envelope of Kelvedon wherein Policy RLP3 of the Braintree District Local Plan Review states that there is no objection in principle to new residential development within such locations, subject to proposals satisfying amenity, design, environmental and highway criteria, and where it can take place without detriment to the existing character of the settlement.

The site is considered to be previously developed, for which there is a presumption in favour of sustainable development, as set out within the National Planning Policy Framework (NPPF). The NPPF also states that there shall be an aim to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities.

This proposal would replace existing sub-standard housing stock with development that would exceed current Building Regulations, and therefore, subject to an assessment of all material planning considerations below, as a matter of principle, the redevelopment of this site can be supported.

### Design

Policy RLP3 states, *inter alia*, that the Council shall seek to protect the character of the existing street scene, the landscape value of existing tree cover and generally ensure that new development does not materially detract from the character of the settlement. Furthermore, Policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings. These policies are supported by Local Plan Policies RLP10, RLP90 and Policy CS9 of the Core Strategy.

Whilst not in themselves visually offensive, the existing buildings on the site are of a rather functional design yet are set out in a relatively spacious manner with quite deep rear gardens running at an angle towards the site's rear (south eastern) boundary.

The proposed development would be laid out in a more formal manner, as can be denoted from the submitted site plan. However, taking into account the quite wide variety of dwelling types within the locality, it is considered that the proposed development would be sympathetic to its context. Proposed facing materials, building spans, roof pitches and fenestration are all typical of those that can be found across the County.

As catalogued within the submitted Arboricultural Implications Assessment and Preliminary Method Statement, a number of existing trees are proposed

to be removed, although new tree planting is also proposed throughout the development. Further, some sections of the frontage hedge would have to be removed in order to provide frontage parking as described above, although the applicant has attempted to retain as much of this as possible.

At a density of 43 dwellings per hectare, it is considered that the proposal makes appropriate use of a previously developed site within the Village Envelope for Kelvedon. From this basis it is considered that the proposal would have an acceptable impact upon the character and appearance of the area.

### Living Conditions

In addition to seeking to ensure that new development does not materially detract from the character of settlements, Policy RLP3 seeks to ensure that in the development of infill plots, any new building respects neighbouring amenities, and that inappropriate backland development is prevented. Furthermore, Policy RLP90 in seeking a high standard of layout and design in all developments also requires that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The existing situation is such that the dwellings at 29 to 43 Thorne Road are single storey in nature and in themselves do not give rise to a material level of overlooking of neighbouring properties. The current situation is that the two storey properties within Fullers Gate, which are in close proximity to the site's south eastern boundary, look directly into the rear gardens of the donor properties.

Notwithstanding this, the rear gardens are of an established nature and it is apparent that the development, in particular through the provision of a quite substantial parking area to the rear portion of the site, would affect the outlook from these neighbouring properties. In order to attempt to ameliorate third party concerns the applicant has revised the site layout so as to include a narrow buffer strip between the parking court and the shared boundary. In addition, it is also now proposed to erect a 2m high acoustic fence where adjacent to 13 to 19 Fullers Close.

It is acknowledged that the movement of motor vehicles within this area, particularly during night time hours, would still introduce some noise and general disturbance into an area where currently there is very little. However, this proposal has been assessed by the Council's Environmental Protection team, who raise no objection to the proposal, subject to the imposition of conditions concerning the control of construction hours, and the provision of details of any piling to be carried out, a dust and mud management scheme, and a contaminated land risk assessment (reference to Radon in particular).

With regard to building to building distances and direct overlooking, the closest the proposed development would come to existing dwellings would be approximately 30m, between the proposed dwelling at Plot 3 and 13 Fullers Close. This distance exceeds the 25m back to back standard, as set out

within the Essex Design Guide for Residential and Mixed Use Areas (EDG). Further, the distance between the first floor rear windows of Plots 6 and 8 to the side boundary of the rear garden to 1 Fullers Close would also be approximately 30m, which far exceeds the minimum 15m advocated by the EDG in such situations. Consequently, it is considered that the proposal would not give rise to a material level of overlooking of neighbouring properties and, therefore, the privacy of existing residents surrounding the development site would be protected.

The comments from the occupant of 1 Fullers Close with regard to the height of the fence along the site's south eastern boundary, where it runs adjacent to the flank wall of their property have been noted, and have been taken into account in the minor revision to the site plan.

It is considered that the conditions as discussed above would fulfil the tests as set out within the Planning Practice Guidance and from this basis it is considered that the proposal would not materially harm the living conditions of existing local residents.

Finally, with respect to the living conditions of the future occupants of the proposed development, it is proposed that the dwellings be built to not only to Level 3 of the Code for Sustainable Homes, but also meet the 16 Lifetime Homes Criteria, rendering the proposal both sustainable and accessible. All dwellings would be provided with rear gardens that exceed the Council's amenity space standards and would be provided with dedicated storage for bicycles, waste and recyclable materials storage, which is supported by Policies RLP22, 69, 70, 71, 74, 77, 90 and 92.

### Highway Safety

The Local Highway Authority has raised no objection to the application and as such it is considered that it would be unreasonable to argue that the development would pose a threat to highway safety. The increased number of residential units at the site would likely cause an increase in the amount of vehicle movements serving the site, but not to an extent that would make the existing highway network inadequate or give rise to harm to other road users. The proposal meets the Council's adopted parking standards in terms of the number of spaces to be provided, but conditions are recommended to be imposed which cover matters of pedestrian visibility splays, surface treatment, surface water control, construction vehicle wheel washing and parking space sizes.

### Landscaping and Ecology

The proposed development would include development of established rear gardens which contain a number of trees and other shrubs that would be lost as a result of the proposal. It is noted however, that most of these are assessed to be of a moderate or low quality, further, the majority of the existing roadside hedgerow would be retained. In support of the application, an Ecological Site Appraisal and Code for Sustainable Homes Ecology



Assessment has been submitted, along with an Arboricultural Implications Assessment and Preliminary Method Statement. It is recommended that an appropriate landscaping condition be imposed upon the grant of planning permission to protect existing vegetation (as proposed) and to enhance the soft landscaping of the scheme.

### Drainage

A number of the representations that have been received have raised concerns about the potential for surface water and foul water drainage to be adequately managed at the application site. The applicant has submitted a drainage strategy which deals with both surface and foul water.

With respect to surface water, it is proposed that roof run-off will be attenuated and discharged to the public sewer, but that it would be limited to a rate of 4 l/sec for all storms, up to and including the 1 in 100 year event. The access road and parking areas would be constructed using permeable block paving which would act as a partial infiltration system, allowing limited infiltration into the high level sub-soil, with a restricted discharge overflow to the public sewer. The discharge would be limited to a rate of 1.4 l/sec, for all storms up to and including the 1 in 100 year event. Incidentally, the site is in an area of low risk from tidal and fluvial flooding.

Concerning foul drainage, as set out within the submitted draining strategy, under Part H1 of the Building Regulations, a public sewer is the preferred option for all foul drainage. It is stated that the existing properties connect to shared drains that flow towards 27 Thorne Road and that these will be public sewers by virtue of the private sewer transfer 2011 legislation. The location of these drains conflicts with the development proposals and, therefore, it is proposed that they be diverted. Foul drainage for the proposed dwellings would therefore connect to the existing public sewer adjacent to 27 Thorne Road, but, in any case, would be subject to the approval of Anglian Water under Section 106 of the Water Industry Act.

From this basis Officers are satisfied that the proposed development would not cause increased surface water or foul water flooding and the adequacy of existing infrastructure would be assessed as part of the application of Building Regulations.

### Other Matters

No details of lighting installations have been included within the submitted plans. Notwithstanding the fact that the Code for Sustainable Homes assessment would require lighting to be of a low energy type, as a development of this scale would likely require some level of external lighting, it is recommended that a condition be imposed to require the agreement of such details.

The Parish Council have commented that they would expect Section 106 monies for this development to be spent within the parish. However, due to



recent changes at national level the Council cannot request such a contribution where there is a net gain of less than eleven dwellings. In addition, they have requested the ability to nominate tenants. The powers for this lie with the District Council under agreed protocol, and not with individual parishes.

## CONCLUSION

The site is located within the Kelvedon Village Envelope and it is considered the scale, layout and appearance of the proposed development is acceptable. The proposal would not have a detrimental impact on highway safety or the amenity of neighbouring residents to an extent that would justify the refusal of the application. The proposal presents an opportunity to provide modern affordable, sustainable and accessible housing which is supported both by the Development Plan and the National Planning Policy Framework.

## RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: 14 1389 LOC	Version: B
Site Plan	Plan Ref: 14 1389 01	Version: E
Block Plan	Plan Ref: 14 1389 02	Version: C
Elevations	Plan Ref: 14 1389 03	Version: B
Elevations	Plan Ref: 14 1389 04	Version: B

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

### Reason

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

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

### Reason

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

- 3 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.

### Reason

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

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

Reason

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

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

All 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.

- 6 No development shall commence until details of a scheme for the provision of nest/roost sites for bats and birds has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so maintained.

Reason

In the interests of conserving biodiversity.

- 7 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been 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

In order to secure the satisfactory development of the site and in order to protect the privacy of the occupiers of adjoining dwellings.

- 8 Prior to the first occupation of the development hereby permitted, a 1.5 metre x 1.5 metre pedestrian visibility sight splay, as measured from the highway boundary, shall be provided on both sides of the vehicular accesses on Thorne Road and Fullers Close. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason

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

- 9 No unbound material shall be used in the surface finish of the driveways 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.

- 10 The vehicle access onto Thorne Road shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 6 metres and retained at that width for 6 metres within the site.

Reason

To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

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

Reason

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

- 12 The vehicular parking spaces shall have minimum dimensions of 2.9m by 5.5m.

Reason

To ensure adequate space for parking off the highway.

- 13 Prior to the commencement of development, details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be implemented in accordance with the agreed details.

Reason

To ensure appropriate bicycle parking is provided.

- 14 All new dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved and a copy of the Certificate has been submitted to the Local Planning Authority.

Reason

In the interest of promoting sustainable forms of development.

- 15 Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 16 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

In the interest of promoting sustainable forms of development and to minimise light pollution to the night sky.

17 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Reason

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

18 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

In the interests of the amenity of residents of the locality.

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

Monday to Friday 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sundays and Bank Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

- 20 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 order to minimise nuisance caused by pollution in the interests of residential amenity.

INFORMATION TO APPLICANT

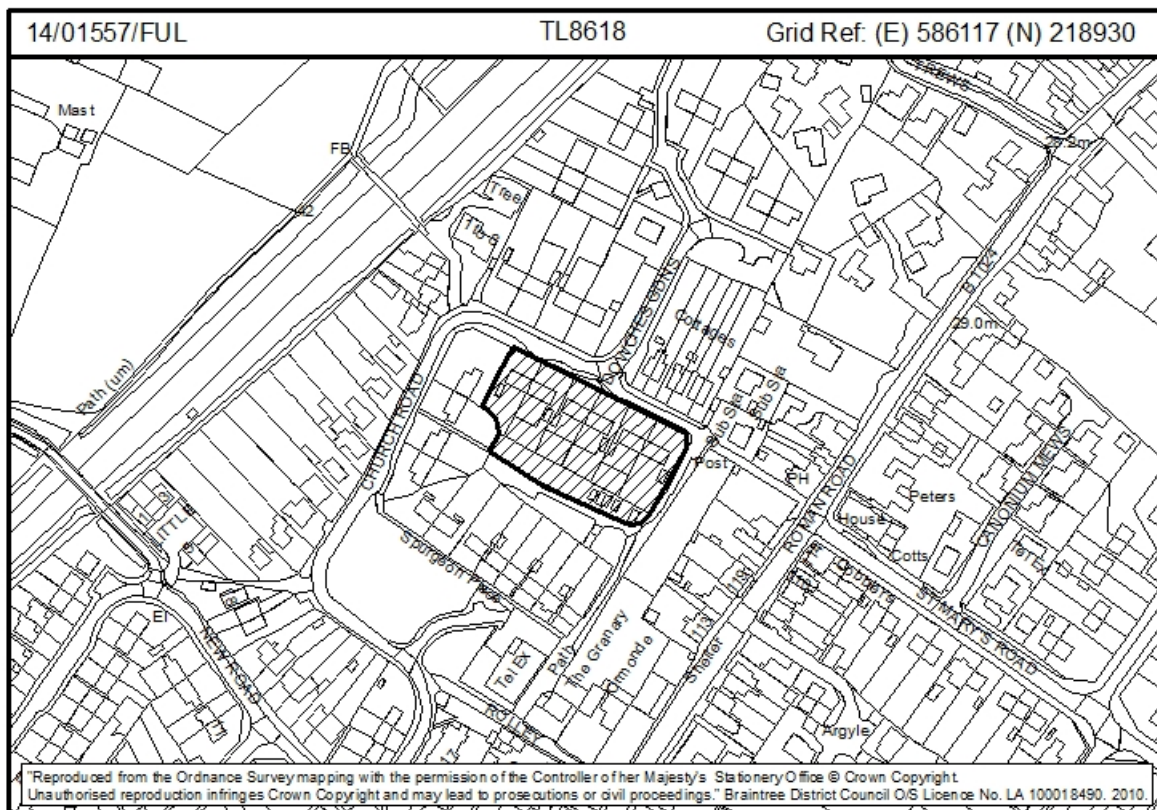
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION 14/01557/FUL DATE 05.12.14  
 NO: VALID:  
 APPLICANT: Greenfields Community Housing Ltd  
 Greenfields House, Charter Way, Braintree, Essex, CM77 8FG  
 AGENT: Jane Wilkie  
 Rees Pryer Architects LLP, The Studio, Drinkstone Office Park, Kempson Way, Bury St Edmunds, Suffolk, IP32 7AR  
 DESCRIPTION: Demolition of 12 no. flats (existing nos. 20-42 Church Road) and erection of 18 no. houses with new access road and vehicular parking  
 LOCATION: Land At South East, Church Road, Kelvedon, Essex

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





## SITE HISTORY

01/01099/BDC	Proposed additional 20 parking bays	Granted	23.10.01
90/00194/PFWS	Erection Of Ground Floor Extension (20 Church Road)	Granted	14.03.90

## POLICY CONSIDERATIONS

### National Planning Guidance

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

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RLP84	Protected Species
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## REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being presented to the planning committee due to the receipt of objections contrary to the recommendation of Officers.



## BACKGROUND

The application is made by Greenfields Community Housing who have identified the site along with 5no. other sites in Kelvedon for redevelopment, as part of an analysis of the land and existing housing within their ownership.

This forms part of the Greenfields Asset Management Strategy and a 'Mini Master Plan', as described by the applicant. Planning applications have been submitted on 3no of the other 4no sites, these include: 31 - 45 Church Road (odds), opposite and to the north of the site (the subject of planning application 14/01559/FUL), land adjacent 5 Dowches Drive (14/01437/FUL – Approved 12/01/2015), 14 - 18 Thorne Road (evens) and 1 to 15 Croft Road (odds) (14/01558/FUL); and land at 29 - 43 Thorne Road (odds) (14/01556/FUL).

Ultimately, Greenfields states that they would look to develop all six sites as part of a phased implementation of their mini master plan to create an overall regeneration of the area. Each of the sites, however, are totally independent and are not reliant on any other schemes gaining planning permission.

## SITE DESCRIPTION

The application site is situated within the residential estate of Church Road, Kelvedon comprising of predominantly former Local Authority housing. It is situated on land which currently accommodates flats, 20 - 42 Church Road (evens), and which are located within 3no pairs of semi-detached blocks of two storey buildings.

The existing 12no. flats that are currently situated on the site are known as 'Unity Structures' which comprise prefabricated concrete and metal systems which were built after the Second World War to fulfil the immediate needs of the population at that time. Such structures were typically built as temporary accommodation (often for no more than 10 years) and, therefore, it is considered that they have well exceeded their expected life span. The structures cannot be adapted to meet or come close to the standards required of modern homes today.

An underused parking area is situated to the rear (south west) of these properties, with the site backing on to 1 - 8 Spurgeon Place, to the south west and 12 - 18 Church Road (evens) to the north west.

Whilst residential in character, the site is surrounded by a variety of different building forms and styles, including those from the Victorian era, the 1950s and 1980/90s. The site is 0.45 hectares in area and there is an approximate 1.5m fall in levels from the north west to the south east across the site.

Since the original submission was made, a minor amendment has been made to the site plan to identify the displaced parking to be provided for within the site, including the proposed users of the designated spaces, in accordance with the submitted displacement strategy. The plan also identifies the

gate/access positions from the neighbouring properties, so as to maintain rear garden access for existing surrounding residents.

## PROPOSAL

Planning permission is sought for the demolition of the 12no. existing flats and the erection of 18 houses with a new access road and vehicular parking. The accommodation to be provided would comprise 3no. three bedroom five person houses (proposed Plots 8, 9 and 10) with all of the other 15no. units being 2 bedroom four person houses.

With the exception of the 3no. three bedroom houses with accommodation to be provided within the loft space (thereby creating a two-and-a-half storey building form), all of the other units would be restricted with accommodation solely at ground and first floor level.

The development will comprise both semi-detached and terraced blocks, with a total of 6no. dwellings being proposed within the location of the existing parking area to the rear (plots 13 through to 18). The Church Road units at plots 3 - 8 would have frontage on-plot parking, with the rest of the dwellings being served by newly laid out parking spaces within the rear portion of the site. This will also enable existing residents to retain their rear access, and the 4no existing parking spaces to be displaced by the proposal would be accommodated within the site.

The applicant's philosophy behind the design of the scheme is to create a sustainable development (reaching at least level 3 of the Code for Sustainable Homes) which respects its context and provides a pleasant place to live. The dwellings have also been designed to meet the 16 Lifetime Homes criteria.

Greenfields recognise that the development would have quite an impact to the street scene along Church Road and when viewed from Dowches Gardens. The proposed layout, therefore, utilises the wide frontage and retains the line of development of the existing flats. The existing access road has been extended from the turning head at the end of Church Road, to create the access to the 6no houses to the rear, the main car parking provision for the development, in addition to maintaining through-routes for pedestrians to the surrounding area.

A small amount of landscaping is proposed to the site frontage, and most of the existing hedging would be retained, with some new trees proposed to enhance the development setting. The character of the proposed dwellings would be in keeping with their surroundings and the materials proposed relate to this i.e. red facing brickwork, red concrete plain tiles and white uPVC windows and fascias.

## CONSULTATIONS

Housing Research and Development – fully supportive of the proposals which are part of a wider plan to regenerate Greenfields older housing stock in Kelvedon. The proposed development will contribute to meeting a need for this type of affordable accommodation and the mix of units has been determined by close working with them.

Essex County Council (Highway Authority) – no objections raised to the proposals subject to the imposition of conditions (please see below).

Environmental Protection – no adverse comments to make subject to the imposition of conditions.

Essex County Council (Archaeology) – the Essex Historic Environment (HER) Record shows that the proposed development will affect a site of archaeological interest. Therefore, a full Archaeological condition is recommended to be imposed.

Kelvedon Parish Council – application supported, subject to conditions.

## REPRESENTATIONS

Three letters of representation have been received, two objecting to the scheme and one making comments to the effect that in view of the number of dwellings and their permanency, that they should be finished in traditional facing materials, with generous tree and shrub landscaping schemes.

The two letters of objection oppose the development on the following grounds:

- Main concerns are site access, during and after construction, and parking.
- Loss of habitat and breeding sites for local species. The site access should be moved to the north west corner to encourage new residents to use the rear parking.
- The houses to be demolished are currently used by common Swifts as nesting sites, provision of suitable nest boxes should be provided.
- Concerns with regard to loss of mature hedgerows and small trees currently in front of the existing properties.
- Object to the dwellings being built within the rear of the site, changing the views from the rear of Spurgeon Place.
- Removal of vehicle access to the rear of properties in Spurgeon Place.

## REPORT

### Principle of Development

The site is situated within the Village Envelope of Kelvedon wherein Policy RLP3 of the Braintree District Local Plan Review states that there is no

objection in principle to new residential development within such locations, subject to proposals satisfying amenity, design, environmental and highway criteria, and where it can take place without detriment to the existing character of the settlement.

The site is considered to be previously developed, for which there is a presumption in favour of sustainable development, as set out within the National Planning Policy Framework (NPPF). The NPPF also states that there shall be an aim to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities.

This proposal would replace existing sub-standard housing stock with development that would exceed current Building Regulations, and therefore, subject to an assessment of all material planning considerations below, as a matter of principle, the redevelopment of this site can be supported.

### Design

Policy RLP3 states, *inter alia*, that the Council shall seek to protect the character of the existing street scene, the landscape value of existing tree cover and generally ensure that new development does not materially detract from the character of the settlement. Furthermore, Policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings. These policies are supported by Local Plan Policies RLP10, RLP90 and Policy CS9 of the Core Strategy.

Whilst not in themselves visually offensive, the existing buildings on the site are of a rather functional design, yet are set out in a relatively spacious manner. Both the ground and first floor flats are served by rear gardens that are set out in a tandem arrangement. As described above, to the rear of these is an informally laid out parking area which includes rear access to some other existing properties.

The proposed development would be laid out in a more formal manner, as can be denoted from the submitted site plan. However, taking into account the quite wide variety of dwelling types within the locality, it is considered that the proposed development would be sympathetic to its context. Proposed facing materials, building spans, roof pitches and fenestration are all typical of those that can be found across the County.

As catalogued within the submitted Arboricultural Implications Assessment and Preliminary Method Statement, a number of existing trees are proposed to be removed, although new tree planting is also proposed throughout the development. Further, some sections of the frontage hedge would have to be removed in order to provide frontage parking as described above, although the applicant has attempted to retain as much of this as possible.

At a density of 40 dwellings per hectare, it is considered that the proposal makes appropriate use of a previously developed site within the Village

Envelope for Kelvedon. From this basis it is considered that the proposal would have an acceptable impact upon the character and appearance of the area.

### Living Conditions

In addition to seeking to ensure that new development does not materially detract from the character of settlements, Policy RLP3 seeks to ensure that in the development of infill plots, any new building respects neighbouring amenities, and that inappropriate backland development is prevented. Furthermore, Policy RLP90 in seeking a high standard of layout and design in all developments, also requires that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed 12no. dwellings along the Church Road frontage are in a broadly similar location to the existing flats, both in terms of their ground coverage and spacing to existing residential properties. There are, however the additional 6no houses (Plots 13 - 18) that are proposed to be situated within the existing rear informal parking area.

The flank elevations of plots 16 and 18 would be approximately 1.5m and 4m from the site's south western boundary respectively. However, they are proposed to be perpendicular to this boundary, with no windows proposed within the facing elevations. The distance between the built form of the proposed dwelling at plot 16 and 2 Spurgeon Place would be just over 26m; and the distance between the dwelling at plot 18 and the rear elevation of 5 and 6 Spurgeon Place would be some 28m. Therefore, the relationship between the existing and proposed dwellings would exceed the 25m minimum guideline as set out within the Essex Design Guide for Residential and Mixed Use Areas (EDG).

Consequently, whilst it is acknowledged that the outlook from the rear of the properties within Spurgeon Place would change, the proposed development would not give rise to material harm to the living conditions of existing residents. Furthermore, the distance between the rear elevation of plot 18 to the rear elevation of 14 Church Road would be over 39m and, therefore, it is considered that the proposal would not give rise to a material loss of privacy as any overlooking would either be oblique or over a relatively long distance.

In addition, by virtue of the orientation of the site, which is due north east, the proposed dwellings would not give rise to a material level of overshadowing to the neighbouring properties.

Environmental Health raise no objection to the scheme, although recommend that conditions be imposed in respect of hours of construction work, provision of any piling noise details, provision of a dust and mud scheme and the provision of a contaminated land assessment (reference to Radon in particular). It is considered that such conditions would fulfil the tests as set out within the Planning Practice Guidance and from this basis it is considered

that the proposal would not harm the living conditions of existing local residents.

Finally, with respect to the living conditions of the future occupants of the proposed development, it is proposed that the dwellings be built to not only to Level 3 of the Code for Sustainable Homes, but also meet the 16 Lifetime Homes Criteria, rendering the proposal both sustainable and accessible. All dwellings will be provided with rear gardens that exceed the Council's amenity space standards and will be provided with dedicated storage for bicycles, waste and recyclable materials storage, which is supported by Policies RLP22, 69, 70, 71, 74, 77, 90 and 92.

### Highway Matters

Other matters raised by local residents include the removal of vehicle access to the rear of their properties. Parking for existing residents is to be provided within the scheme, in addition to maintaining two pedestrian links through the site to the west and southern tip of the site. It should also be noted that the Local Highway Authority (LHA) raises no objection to the proposal with respect to the proposed parking provision for both existing and future residents, which satisfies the Council's Adopted Parking Standards.

Notwithstanding that it is acknowledged that Church Road can often be heavily parked, the impact that construction related traffic would have upon the local environment would be short-lived. Further, whilst it is noted that one local resident suggests moving the access to the north western boundary, adjacent to 18 Church Road, it is considered that this would have a harmful effect upon the living conditions of the occupants of that property. Further, the access proposed utilises the existing route into the rear of the site and therefore, it is considered that the Council could not object to its use on this basis.

The LHA has raised no objection to the application and as such it is considered that it would be unreasonable to argue that the development would pose a threat to highway safety. The increased number of residential units would likely cause an increase in the amount of vehicle movements, but not to an extent that would make the existing highway network inadequate. Conditions are however recommended to be imposed which cover matters of pedestrian visibility splays, surface treatment, surface water control, construction vehicle wheel washing and parking space sizes.

### Landscaping and Ecology

The proposed development would include development on an area of partial scrub land which contains a number of trees that would be lost as a result of the development. It is to be noted that most of the trees are assessed to be of a moderate or low quality, but most are to be retained where possible.

Furthermore, in support of the application, an Ecological Site Appraisal and Code for Sustainable Homes Ecology Assessment has been submitted, which



whilst attributing the site to be of ecological value, sets out recommendations for ecological protection and enhancement. Measures to enhance the ecology of the site include the provision of bird boxes on the site. The comments from the third parties with regard to the use of the flats by common Swifts as nesting sites are acknowledged and, therefore, it is recommended that suitable swift nest boxes are provided within the finished scheme.

The Parish Council have commented that they would expect Section 106 monies for this development to be spent within the parish. However, due to recent changes at national level the Council cannot request such a contribution where there is a net gain of less than eleven dwellings. In addition, they have requested the ability to nominate tenants. The powers for this lie with the District Council under agreed protocol, and not with individual parishes.

## CONCLUSION

The site is located within the Kelvedon Village Envelope and it is considered that the scale, layout and appearance of the proposed development is acceptable. The proposal would not have a detrimental impact on highway safety or the amenity of neighbouring residents to an extent that would justify the refusal of the application. The proposal presents an opportunity to provide modern affordable housing which is supported by both the National Planning Policy Framework and the Development Plan.

## RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: 14 1373 LOC	Version: A
Site Plan	Plan Ref: 14 1373 01	Version: F
Block Plan	Plan Ref: 14 1373 02	Version: A
Elevations	Plan Ref: 14 1373 03	Version: A
Elevations	Plan Ref: 14 1373 04	Version: A
Elevations	Plan Ref: 14 1373 05	Version: A
Tree Plan	Plan Ref: OAS 1466-TS01	

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

### Reason

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

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

Reason

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

- 3 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.

Reason

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

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

Reason

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

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

All 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.

- 6 No development shall commence until details of a scheme for the provision of nest/roost sites for bats and birds has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so maintained.

Reason

In the interests of conserving biodiversity.

- 7 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been 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

In order to secure the satisfactory development of the site and in order to protect the privacy of the occupiers of adjoining dwellings.

- 8 Prior to the first occupation of the development hereby permitted, a 1.5 metre x 1.5 metre pedestrian visibility sight splay, as measured from the highway boundary, shall be provided on both sides of the vehicular accesses on Thorne Road and Fullers Close. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason

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

- 9 No unbound material shall be used in the surface finish of the driveways 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.

- 10 The vehicle access onto Thorne Road shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 6 metres and retained at that width for 6 metres within the site.

Reason

To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

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

Reason

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

- 12 The vehicular parking spaces shall have minimum dimensions of 2.9m by 5.5m.

Reason

To ensure adequate space for parking off the highway.

- 13 Prior to the commencement of development, details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be implemented in accordance with the agreed details.

Reason

To ensure appropriate bicycle parking is provided.

- 14 All new dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved and a copy of the Certificate has been submitted to the Local Planning Authority.

Reason

In the interest of promoting sustainable forms of development.

- 15 Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 16 Details of any proposed external lighting to the site shall be submitted to

and approved in writing by the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

**Reason**

In the interest of promoting sustainable forms of development and to minimise light pollution to the night sky.

- 17 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**Reason**

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

- 18 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

In the interests of the amenity of residents of the locality.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

- 20 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 order to minimise nuisance caused by pollution in the interests of residential amenity.

INFORMATION TO APPLICANT

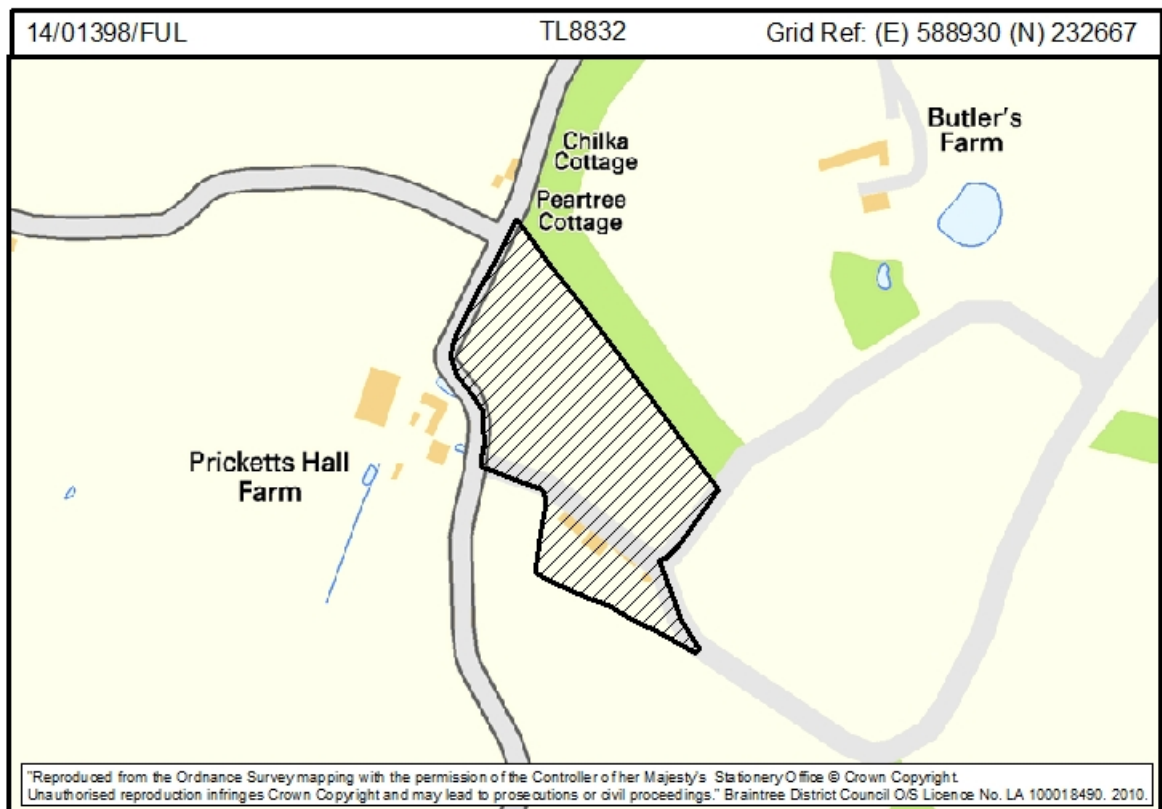
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 14/01398/FUL DATE: 29.10.14  
 VALID:  
 APPLICANT: Mrs S Roberts  
 Broadoakes, Colne Road, Bures Hamlet, Essex, CO8 5DW,  
 AGENT: Holmes & Hills  
 Thomas McPhie, Dale Chambers, Bocking End, Braintree,  
 Essex, CM7 9AJ  
 DESCRIPTION: Removal of an agricultural occupancy condition attached to  
 planning permission P/BTE/0175/86/OT/H  
 LOCATION: Broadoakes, Colne Road, Bures Hamlet, Essex, CO8 5DW

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



## SITE HISTORY

86/00175/P/BTE/OT/H	Erection of agricultural bungalow	Granted with S52 Agreement	04.06.86
13/01254/FUL	Application for removal or variation of condition no. 4 of approved application P/BTE/00175/86 - Erection of agricultural bungalow	Refused	30.12.13

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside

### Braintree District Local Plan Review

RLP14           Applications for the Removal of Occupancy Conditions

## INTRODUCTION

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

## NOTATION

The site falls within the countryside and has no specific designation in the Local Plan Review.

## SITE DESCRIPTION

The application site is located to the East of Colne Road, within the countryside to the South of Bures.

The site measures approximately 2.43 hectares / 6 acres and contains a single storey dwelling with an integral garage and several outbuildings.

## DESCRIPTION OF PROPOSAL

The application seeks permission for the removal of condition 4 of planning permission P/BTE/0175/86/OT/H which stated that:

“The occupation of the dwelling hereby permitted shall be limited to persons wholly or mainly employed or last employed, locally in agriculture as defined by Section 290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).”

## RELEVANT HISTORY

The property was erected in 1987 following the grant of planning permission the previous year. The applicant has lived at the property ever since. Information within the application indicates that the applicant and her husband ran the small holding producing poultry and pigs throughout the late 1980's, 1990's and early 2000. The applicant and her husband then retired and the applicant's husband passed away in 2013. The applicant has remained at the property since then but is in poor health and, on the advice of her doctor, wishes to move to be closer to her daughter and therefore wishes to sell the property.

A planning application was submitted in 2013 to remove the agricultural occupancy condition. However this was refused for the following reason: “In this instance it is considered that insufficient information has been provided to demonstrate that the agricultural workers dwelling is not needed and insufficient justification has been provided to demonstrate that the marketing of the property has reflected the presence of the occupancy restriction. From this basis, taking a precautionary stance, the Local Planning Authority has to conclude the proposal is not compliant with the abovementioned policies”.

The refusal of the previous planning permission is a material consideration which is relevant to the determination of the current application. Consideration must be given as to whether the current application overcomes the previous reason for refusal.

## CONSULTATIONS

Parish Council – No objection.

Environmental Services – No objection

Engineers – No objection

Highways – No response at the time of writing.

## REPRESENTATIONS

A site notice was displayed at the site. Two letters of objection have been received which raise the following points:

- An unrealistic overage clause has been added to the sales information;
- The marketed price is unrealistic;
- Difficulties experienced in trying to view the property;
- The property was marketed in a way to support the planning application rather than a genuine attempt to sell the property with the agricultural occupancy condition.

## REPORT

### Principle of Development

The condition attached to the original permission is set out above.

Policy RLP14 of the Local Plan Review allows for the removal of occupancy conditions subject to the provision of a realistic assessment of the dwellings continued need, based on a technical appraisal of the demand for the dwelling on the holding, or in the locality, and evidence that the property has been marketed in a way that reflects the limited occupancy condition.

As stated above, planning permission was refused in December 2013. At the time the application was considered Officers raised concerns in relation to the marketing that had been undertaken and the guide price. It was acknowledged that Officers of the Local Planning Authority do not have the estate agency expertise to be able to assess the guide price, but having done a search of other properties for sale it was considered reasonable to request additional clarification and justification.

In the absence of any response being received, it was considered at that time that the Local Planning Authority should take the stance that insufficient information has been provided to demonstrate that the marketing exercise required by policy RLP14 has been satisfactorily undertaken. At that time the property had only been marketed for 5 months, a shorter period than would conventionally be expected. It was also the case that a technical appraisal of the need for an agricultural workers dwelling at the site had not been carried out.

The applicant has sought to address the reasons for refusal. A Marketing Report has been submitted with the planning application. This states that the property was first put on the market in June 2013 at an initial price of £595,000 and a subsequently reduced price of £550,000 towards the end of 2013. The price was reduced again in April 2014 to £435,000 and the property remained on the market until early 2015. The marketing included internet advertising, adverts in newspapers, office promotion and direct approaches to other farms. The agent advises that a number of enquiries



were received, but most were from domestic buyers looking for a private property who would not be able to comply with the agricultural occupancy condition.

Two enquiries led to viewings by people who were interested in the property and who were aware of the agricultural occupancy condition and the overage clause. Only one of these led to an offer on the property. However the offer was rejected as it was significantly below the asking price, it was requested that the terms relating to the overage clause were reduced, and the prospective purchasers did not have their existing house on the market. It is understood that no further negotiations took place. Both of these viewings were made by the two people who have made representations to the application. One of these indicated in their representation that they were having difficulties in trying to view the property. However, since the letter was written a viewing has taken place and the interested person has subsequently advised the agent that she would not be making an offer.

Since the previous planning application was refused, an appraisal of the agricultural unit and occupancy condition has been carried out on behalf of the applicant by an independent surveyor/land agent. This has been submitted with the planning application. This indicates that an agricultural business at this site would only be financially viable if intensive livestock are kept, given the modest size of the holding. Furthermore, the existing buildings (two Nissan huts, an open fronted barn and storage building) are not considered viable for intensive livestock farming. The report concludes that since the original planning permission was granted there have been many changes in the methods, scale, character and markets which have affected farming operations. It is stated that the current holding does not have the facility to provide the income required to maintain the holding and the need for an agricultural restriction on the dwelling.

Officers are aware that the sale of the property would be subject to an overage clause. This would be put in the contract of sale, requiring that if the purchaser had the agricultural occupancy condition removed within a fixed period of time, then a payment to the vendor would be required to reflect the fact that the property would immediately experience a substantial increase in value. This is common practise in situations such as this and Officers have no concerns in this regard.

On considering this application, Officers have searched for other properties for sale which are also subject to an agricultural tie. However none could be found in the same part of the District and others which are further afield are not directly comparable. It must be borne in mind that location, size of the holding and the value of agricultural land will impact upon the asking price.

Having regard to the above, Officers are satisfied that an extended period of marketing has been undertaken and it has been demonstrated that there is no demand and no longer a need for an agricultural workers dwelling on this site.

### Other Issues

There are no other material considerations of relevance to the determination of this application.

### RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with approved plans:-

### APPROVED PLANS

Location Plan  
Aerial Photo

Plan Ref: RECEIVED 10 FEB 2015

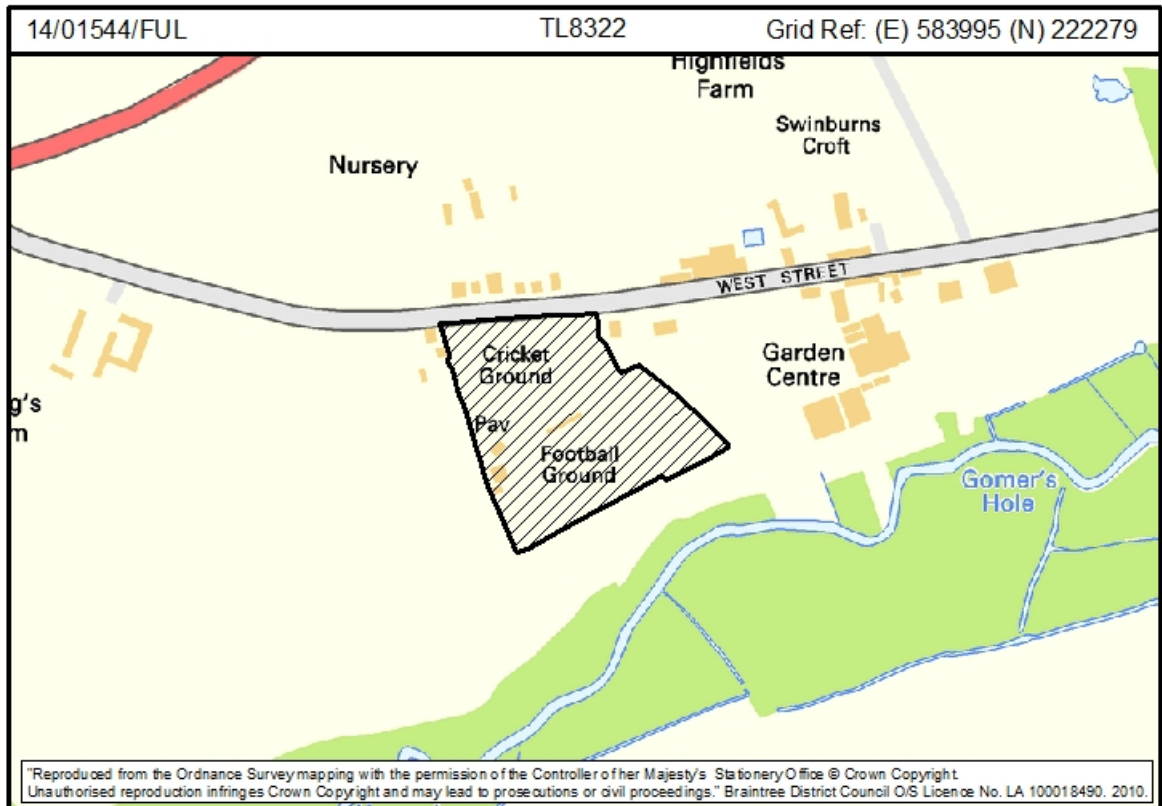
TESSA LAMBERT  
DEVELOPMENT MANAGER

## AGENDA ITEM NUMBER 5g

### PART B

APPLICATION NO: 14/01544/FUL DATE: 11.12.14  
 VALID:  
 APPLICANT: Mr G Smith  
 Coggeshall Town Football Club, West Street, Coggeshall,  
 Essex, CO6 1NT  
 AGENT: Mr Mark Halliday  
 Halliday West, 2 The Green, Writtle, Chelmsford, CM1 3DU  
 DESCRIPTION: Proposed demolition and rebuild of the existing changing  
 room block on the west side and the construction of a  
 turnstile entrance to the east side. Proposed installation of  
 floodlights to the main and youth team pitches. Proposed  
 timber fencing with gates to enclose the pitches. Proposed  
 ball stop nets between floodlights poles to the youth team  
 pitch.  
 LOCATION: Coggeshall Town Football Club, West Street, Coggeshall,  
 Essex, CO6 1NT

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



## SITE HISTORY

89/00666/P	Proposed Use Of Existing Car Park For Five Lorries	Refused	06.06.89
09/00777/FUL	Erection of single storey front/side extension to existing changing room block	Granted	05.08.09

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance
RLP135	Floodlighting of Sports Facilities
RLP151	Protection of Community Services

### Other Material Considerations

BDC Site Allocations and Development Management Plan  
Essex Design Guide  
Council's Adopted Parking Standards: Design and Good Practice (2009)

## INTRODUCTION

This application is brought before the Planning Committee as a number of objections have been received contrary to the officer's recommendation.

## SITE DESCRIPTION

The site, home to Coggeshall Town Football Club, is located South of West Street approximately 500m west of the Coggeshall development boundary. Therefore the site is deemed as being within open countryside by the Braintree District Local Plan Review 2005.

The site is bounded to the north by West Street, opposite are residential properties, with informal green space to the south leading down to the River Blackwater and Blackwater Plantation Local Wildlife Site (LWS). Given the topography of the area the site sits some distance above the River Blackwater and is entirely located outside of the flood zone. Agricultural fields are located to the west and other sporadic development including residential properties and green open space are located to the east.

The site itself currently includes two full football sized areas, the most southern relating to the club's main pitch with the other being a junior/training pitch. The site also includes associated ancillary areas to the west containing associated outbuildings and clubhouse, and east containing access from West Street and associated car parking.

## PROPOSAL

This planning application seeks approval for the demolition and rebuild of an existing changing room block, the construction of a turnstile entrance, erection of "ball stop fencing" behind goal areas and the installation of new floodlights to both the main and practice pitches. The main pitch already has floodlights with this proposal seeking to replace and improve these with brighter, more efficient and focused lights.

It is acknowledged that some floodlighting has already been erected to the practice pitch without planning permission. The LPA has informed the applicant of this breach of planning control and has instructed them to cease this use until a formal decision has been made on this planning application.

Timber close boarded fencing is also proposed around certain areas of the site which it is considered is permitted development under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The applicant has continually highlighted that the need for the proposed development, including erection of new/improved floodlighting, is a Football Association (FA) requirement for football grounds hosting football at the level

Coggeshall Town participate in (Essex and Suffolk Border League) and above.

## CONSULTATIONS

Council's Environmental Health Officer (EHO) – No objection subject to the imposition of conditions relating to final measured lux levels and hours of use of the floodlights.

Council's Lighting Advisor – No objection subject to conditions regarding controlling the design, positioning, installation and use of the proposed floodlights.

Council's Landscape Officer – No objection.

Highway Authority – No objection subject to the imposition of a condition ensuring the light source shall be positioned and shielded to ensure users of the highway are not affected by dazzle of glare.

Council's Public Rights of Way (PRoW) Officer – One of the proposals is for timber fencing with gates to enclose the pitches, however the Definitive Line of Footpath no. 37 (Coggeshall) runs diagonally across the middle of the football ground. It is illegal to obstruct a footpath and therefore the footpath would need to be legally diverted before any fencing or other obstruction is erected on the line of the footpath.

Coggeshall Parish Council – Supports the application, however require the floodlighting is configured to ensure that it does not provide a nuisance to neighbouring property. It is also recommended that a restriction on opening hours and hours of use be applied to ensure residential properties locally are not inconvenienced.

## REPRESENTATIONS

A site notice was displayed in close proximity to the site in a publically accessible location and the eleven properties nearest the site were directly notified of the planning application. Eight letters of representation have been received highlighting the following concerns:

- Floodlights already installed;
- Amount of light pollution within residential area unacceptable;
- Highway safety concerns in regard to floodlighting;
- Floodlighting would adversely impact on environment and biodiversity;
- Light pollution would adversely impact on neighbouring amenity;
- Increased noise/activity;
- Height of lights appear excessive;
- Footpath has been illegally moved;
- Light pollution extends into our homes;
- Recommend new landscaping and fencing to minimise light spillage;

- Impact on rural landscape;
- Existing use will increase/intensify; and
- Netting will be an eyesore.

## REPORT

### Principle of Development

The application site is situated within open countryside as designated by the Braintree District Local Plan Review (2005) whereby countryside planning policies apply. However, this proposal relates to an existing long established sports facility within walking distance of the town centre of Coggeshall. The principle for such development is supported by policies RLP 129 and RLP 135 subject to specific criteria contained within these policies being compiled with as is discussed later within this report. However, initially given the existing site context and nature of this proposal a principle for such development in this location is accepted.

### Design, Appearance and Layout

The proposed development includes the erection of new specification floodlighting to the main football pitch and the introduction of brand new floodlighting to the practice pitch. The four replacement floodlights to the main pitch would measure 18m in height and be located close to the four corners of the football pitch itself.

The four proposed new floodlights to the practice pitch would measure 10m in height and include light shields to minimise light spillage.

Given the existing context and design and positioning of these floodlights it is considered unlikely that such structures would have an adverse impact on the visual appearance of this location.

The proposal includes the replacement of the club's changing room block with a new purpose built changing block in a similar location to the west of the site. The new changing block would have a bigger footprint than the existing and include home team, away team and officials changing facilities including showers and WC's. The overall height of the new block would measure 5.3m which is considered consistent with existing buildings located on the site including the adjacent clubhouse. This proposal also includes the erection of a new turnstile entrance to the west of the site and ball stop fencing to the north east and west of the site. Given the nature, size, scale and positioning of these structures it is considered very unlikely that such proposals taken both individually and cumulatively would have an adverse impact on the character of this location.

### Impact on Neighbouring Residential Amenity

Although the site is located outside of the Coggeshall village envelope there are a number of residential properties in close proximity of the site which



could be adversely affected by such a proposal. These relate to a number of properties located off West Street to the north, a property located to the north west, and a property located to the north east.

As previously highlighted within this report the proposal for the main pitch relates to the replacement and improvement of the 4 no. existing floodlights with a new specification which would be brighter and more powerful complying with the FA's standards for floodlights at grounds hosting the level of football Coggeshall Town are striving towards. Although these lights would be brighter than the existing they would also be of an improved design with shields to ensure the main focus of lighting is on the pitch itself. From technical information submitted with this application, including lux level calculations, it is very unlikely that this proposal would give rise to an adverse impact on neighbouring amenity. This also takes into account the location of the main pitch to the south of the site further away from the nearest residential properties to the north.

Notwithstanding the above appropriate conditions would be attached to planning permission should it be granted ensuring that the main pitch floodlights are erected in line with the submitted details and their use would be restricted to no later than 10pm on any day to ensure existing amenity is safeguarded.

The main concern/issue relating to this application appears to be the erection of new floodlighting on the practice pitch to the north of the site. A number of representations have been received from neighbouring residential properties with this matter being of most/sole concern. This proposal would introduce new floodlighting in this location with floodlights being erected on new 10m poles each side of the two goalmouth areas to the north east and north west of the site. From assessing the relevant technical information, including lux level calculations, it is considered unlikely that the new floodlighting would give rise to an adverse impact on neighbouring residential amenity. These calculations are based on the precise positioning and tilt level of the proposed lights and should planning permission be granted conditions would be attached ensuring that the proposed lights are used in line with the technical detail.

Following the representations received the LPA conducted a late evening site visit to inspect the already installed floodlighting and it has been concluded that these lights do conform to the submitted detail.

Concern has been raised over the heights of the proposed lighting columns but this is considered acceptable given their purpose on the site. Concern has also been raised in relation to the intensification of use of the site and related noise as a result of the new floodlighting. However, the use of the main pitch would not change as this has had floodlighting for some years. It could be argued that the intensity of use of the practice pitch would increase as a result of this new floodlighting. However, such further use would only relate to a number of weekday evenings in winter months and would not be considered a significant increase on the existing use. Should planning permission be

granted a condition would be attached restricting the use of the practice pitch floodlights to no later than 9pm on any day to ensure existing levels of amenity are safeguarded.

The Council's EHO has raised no objection to this proposal including the proposed floodlighting subject to conditions relating to final measured lux levels with the aim of lux levels being no greater than 1 Lux within the boundary of residential property, and hours of use of the floodlights. Detailed lux levels have already been provided for both the main and practice pitches which are considered acceptable in terms of their likely impact on neighbouring residential properties. Therefore the imposition of such a condition is not considered reasonable in this instance. Should permission be granted a condition would be attached ensuring that the proposed floodlighting would be operated in accordance with these lux levels. Should permission be granted a condition would be attached controlling the hours of use of the floodlighting to that recommended.

One letter of representation has recommended additional fencing and planting around the boundaries of the site to further minimise any impact from the lighting. However, in this instance such mitigation is not considered necessary given the design, specification and positioning of such floodlighting which it has been demonstrated would not be likely to give rise to adverse impacts on the locality including a loss of amenity. Furthermore given the attractive countryside location of the site it would be inappropriate to introduce further fencing unless necessary.

Given the nature, size, scale and location of the proposed new changing block, turnstile and ball-stop fencing it is considered very unlikely that such elements would have an adverse impact on residential amenity.

#### Impact on Landscape/Biodiversity

The proposed new and improved floodlighting has been assessed with regards to the wider landscape and biodiversity considerations including the likely impact on the Blackwater Plantation LWS. From such assessment it is considered unlikely that this proposal would have an adverse impact on the wider landscape given its nature and intensity. It is also considered that the proposed floodlighting would be acceptable with regard to its biodiversity impact with any light spillage or glare minimised by the floodlighting's design ensuring that both the LWS and wider biodiversity considerations would not be adversely affected by such a proposal. Further, the Council's Landscape Officer has raised no objection to the proposal in these regards.

Given the nature, size, scale and location of the proposed new changing block, turnstile and ball-stop fencing it is considered very unlikely that such elements would have an adverse impact on the local landscape/biodiversity. No representations have been received raises concern in these specific regards.

## Highways

Concern has raised been in relation to the impact of the proposed practice pitch floodlighting on road safety in respect of glare and light spillage. The Highway Authority has raised no objection to this proposal subject to the imposition of a condition requiring that proposed floodlighting be positioned and shielded to ensure that users of the highway are not affected by dazzle and/or glare. The technical information submitted confirms that the proposed floodlighting on both pitches would be positioned and shielded to minimise any such impact and that the likely impact on highway safety would be negligible.

## Other Issues

### Public Rights of Way

The Council's PRow Officer has raised concern that proposed timber fencing illegally obstructs an existing footpath which runs through the middle of the site. Although such fencing is considered to be permitted development and falls outside the scope of this application obstructing an existing footpath is illegal. The applicant has been informed of this matter and has commented that a relevant application has been submitted to Essex County Council's Highways Department seeking to formally alter the existing footpath route around the site. The footpath has been temporarily diverted to the east of the site to ensure some form of public access over the site is retained at the present time.

Some concerns have been raised in relation to this matter. Such issues are considered to be a matter for Essex County Council and are outside the scope of this planning application.

In terms of this proposals likely impact on both the existing and proposed footpath routes it is considered unlikely that this would give rise to an adverse impact or any impact over and above the existing situation/context on the site.

## CONCLUSION

Significant weight is given to the improvement and safeguarding of such sporting facilities by policies RLP 129, RLP 134 and RLP 135 and given the long established use of the site these principles are considered to apply in this instance. Taking into account the information submitted as part of this application it would appear unlikely that such a proposal, including the floodlighting element, would give rise to adverse impacts on the locality including neighbouring amenity and visually and therefore the proposed development is considered acceptable subject to the imposition of appropriate conditions as outlined throughout this report.

## RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

Proposed Plans	Plan Ref: 14/076/01	
Location Plan	Plan Ref: 14/076/02	
Proposed Elevations	Plan Ref: 14/076/03	Version: A
Lighting Plan		
Technical Information	Plan Ref: UKS9546/1	Version: Lux Levels
Technical Information	Plan Ref: Sports Pack: HL330 18metre	
Technical Information	Plan Ref: Challenger 1 AL5760	
Technical Information	Plan Ref: Troika 96240050	
Technical Information	Plan Ref: Abacus Brilliant Sports Lighting	
Technical Information	Plan Ref: Time Trade Controllers	

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

#### Reason

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

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

#### Reason

To ensure that the development does not prejudice the appearance of the surrounding open countryside.

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

#### Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the open countryside and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 The main pitch floodlighting hereby permitted shall be carried out in full accordance with the approved plans and specifications contained within the Abacus Brilliant Sports Lighting document, Challenger 1 AL5760 specification leaflet and Sports Pack: HL330 18 Metre document. Once implemented the floodlighting shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect neighbouring amenity and the surrounding area.

- 5 The practice pitch floodlighting hereby permitted shall be carried out in full accordance with the approved plans and specifications contained within the Troika 96240050 Troika 400W Hit E40 60/70D/L document and Trade Time Controllers ELU5620 7 Day 20 Amp Electronic Time Controller document. Once implemented the floodlighting shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect neighbouring amenity and the surrounding area.

- 6 The main pitch floodlighting hereby permitted shall not be used later than 22:00 hours on any evening.

Reason

To protect neighbouring amenity and the surrounding area.

- 7 The practice pitch floodlighting hereby permitted shall not be used later than 21:00 hours on any evening.

Reason

To protect neighbouring amenity and the surrounding area.

- 8 No public address or amplified sound system shall be used on the site.

Reason

To protect neighbouring amenity and the surrounding area.

- 9 The floodlighting scheme for the entire site including both main and practice pitches hereby permitted shall be designed, installed and maintained at all times to prevent vertical light spillage and the maximum lux levels beyond the pitches shall not exceed the levels shown on drawing no. UKS9546/1 at any time.

Reason

To protect neighbouring amenity and the surrounding area.

- 10 The practice pitch floodlighting shall be maintained at all times to ensure that it is set at a 0 degree tilt to the horizontal as shown by drawing no. 14/076/03 Rev A.

Reason

To protect neighbouring amenity and the surrounding area.

## INFORMATION TO APPLICANT

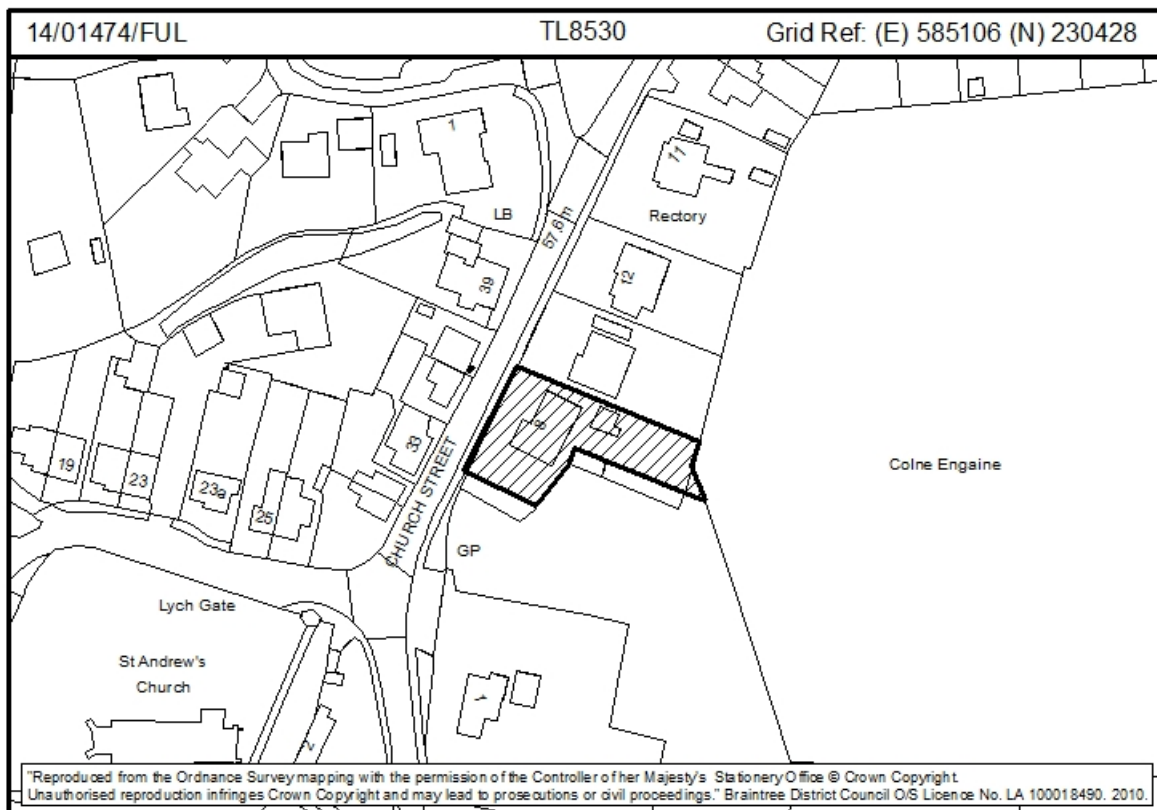
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 3 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2008." A copy can be viewed on the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk), at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.
- 4 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 14/01474/FUL DATE 14.11.14  
 NO: VALID:  
 APPLICANT: Mrs G Lungley  
 8 Church Street, Colne Engaine, Essex, CO6 2EY,  
 AGENT: Mr K Smith  
 K C Smith Ltd, 105 Chapel Road, West Bergholt,  
 Colchester, Essex, CO6 3HA  
 DESCRIPTION: Demolition of existing annexe building and erection of two  
 storey extension and extension over existing detached  
 garage; enlarged drop kerb for vehicle access  
 (resubmission of 14/00127/FUL)  
 LOCATION: 8 Church Street, Colne Engaine, Essex, CO6 2EY

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





## SITE HISTORY

04/01424/FUL	Erection of rear link extension to existing annexe and pitched roof over existing flat roofed annexe	Granted	08.09.04
06/01661/FUL	Construction of vehicular access	Granted	28.09.06
08/02259/FUL	Creation of dropped kerb and hardstanding area to front/right hand side of property	Granted	20.01.09
14/00127/FUL	Erection of single storey side and rear extensions and alterations to vehicular access to site	Withdrawn	27.03.14
14/00887/FUL	Erection of single storey side and single storey rear extensions and alterations to existing vehicular access to site	Refused	22.08.14

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2            Town Development Boundaries and Village Envelopes  
RLP17          Extensions and Alterations to Dwellings in Towns and Villages  
RLP56          Vehicle Parking  
RLP90          Layout and Design of Development  
RLP92          Accessibility

### Other Material Considerations

BDC Site Allocations and Development Management Plan  
Essex Design Guide  
Council's Adopted Parking Standards: Design and Good Practice (2009)

## INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has raised objection contrary to the officer's recommendation.

## SITE DESCRIPTION

The site is an existing residential plot located to the East of Church Street, within the Village Envelope of Colne Engaine as designated in the Braintree District Local Plan Review 2005.

The site currently includes a bungalow with detached rear annexe/outbuilding, off street parking to the front/side and garden space to the side/rear.

## PROPOSAL

This planning application seeks approval for the demolition of the existing annexe building and the erection of a number of single storey extensions to the existing bungalow and an enlarged drop for vehicular access. This proposal is the third re-submission relating to this scheme with planning application ref: 14/00127/FUL withdrawn in March 2014 and ref: 14/00887/FUL refused in August 2014 on grounds of its considerable size and scale in relation to policies RLP 17 and RLP 90.

The applicant has stated that the need for this proposal relates to their ongoing need for care and it is proposed that a close relative would live on site to meet this demand as well as cater for their own family. The proposal has been designed in a way suitable for such arrangements.

For clarity this planning application was originally submitted for a two storey extension, however following further discussions with the Local Planning Authority (LPA) the application was subsequently amended to this current proposal. A further period of consultation was undertaken in relation to these changes and such comments are detailed later within this report.

## CONSULTATIONS

Highway Authority – No objection subject to conditions covering a pedestrian visibility splay, unbound material, technical access requirements and surface water matters.

Colne Engaine Parish Council – Object based on loss of some existing on-street parking spaces.

## REPRESENTATIONS

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

notified of the planning application. Four letters of representation have been received highlighting the following concerns:

- Overshadowing (relating to initial two storey proposal); and
- Impact of loss of existing on-street car parking.

## REPORT

### Principle of Development

The application site relates to an existing residential dwelling and associated curtilage within the Colne Engaine village development envelope. The proposal relates to a householder extension. Therefore the principle of such development is accepted by way of policies RLP 2 and RLP 17 subject to specific design criteria being met which is discussed later within this report.

### Design, Appearance and Layout

Following a number of amendments to the initial two storey extension proposal this scheme seeks a number of single storey extensions to the existing bungalow, most notably to the rear (east) including a rear patio addition replacing an existing annexe building, and to the side (south). A small front (west) elevation extension is also proposed. An enlarged drop kerb along Church Street is also proposed to increase the width of the existing access and in order for the site to provide additional off street car parking spaces.

Concerns have previously been raised with regards to overshadowing from the proposal which related to the previous two storey element. However, given that this scheme has now be reduced in size to exclusively single storey it is considered very unlikely that the current proposal would give rise to an adverse overshadowing impact on neighbouring residential properties and their plots.

This proposal is considered to have been appropriately reduced in size from previous submissions and is now considered acceptable and compliant with policies RLP 17 and RLP 90.

### Parking

A number of representations have been received raising concern over the loss of existing on-street car parking provision should the proposed enlarged drop kerb and access to no. 8 Church Street be implemented.

From assessing the submitted plans it would be likely that an area covering one car's width would relate to the proposed extended access which would mean that the existing on-street parking provision would be reduced by one. It is important to note that there is no specific allocated on street parking in this location other than an existing disabled bay which would remain. Further the proposal would include provision for up to four off street car parking spaces minimising such issues.

The Highway Authority has raised no objection to this proposal including the loss of some existing (informal) on-street car parking provision.

Reference has been made to the adjacent redundant builders' yard housing development and that the increased access serving this has/will also result in a loss of on-street parking provision. This specific matter is outside the scope of this application and has previously been considered to be acceptable.

Another point raised is the indirect impact on the village shop should on-street parking in this locality be further restricted. Whilst the concerns of local residents with respect to the availability of on-street parking for users of the village shop are noted, the proposed development would comply with the Council's adopted parking standards and as a result it would be unreasonable to refuse this application on the grounds that it would adversely affect on-street parking.

#### Impact on Neighbouring Residential Amenity

The site is located in a residential area with the closest properties to the north and west. However, given the nature size and scale of the proposal and that existing vegetation exists along the north and west boundaries of the site it is considered highly unlikely that such a proposal would give rise to an adverse impact on residential amenity in these respects. It is also noted that an existing residential development is currently under construction on the old builders' yard to the south of the site. However, given the proximity of the proposal to these new properties and the nature and positioning of these properties themselves it is considered unlikely that this proposal would give rise to an adverse impact on the amenity of the future occupiers of these residential properties.

#### CONCLUSION

The proposed development in its current form would be compatible with the existing bungalow and be in keeping with the character of the existing street scene in this location complying with policies RLP 17 and RLP 90. Although the proposal would lead to the loss of some existing on-street car parking provision in this location such an impact is not considered severe and is further considered to be outweighed by the increased off-street car parking provision which would be provided at no.8 Church Street. For these reasons the proposal is considered acceptable in planning terms.

#### 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

Block Plan

Existing Floor Plan                      Plan Ref: 01

Existing Elevations                      Plan Ref: 02

Existing Elevations                      Plan Ref: 03

Proposed Floor Plan                      Plan Ref: 04                      Version: C

Proposed Elevations                      Plan Ref: 05                      Version: B

Proposed Elevations                      Plan Ref: 06                      Version: B

Proposed Sections                      Plan Ref: 08                      Version: B

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

Reason

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

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

Reason

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

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

Reason

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

- 4 No site clearance, demolition or construction work in connection with the development hereby permitted shall take place on the site, including the starting of machinery and delivery of materials, outside of the following hours:

08:00 to 18:00 hours Monday to Friday;

08:00 to 13:00 hours Saturday; and

No work Sundays and Bank/Public Holidays.

Reason

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

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

hereby permitted.

Reason

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

- 6 Prior to the beneficial occupation of the development hereby permitted a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity.

Reason

In the interests of highway safety.

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason

In the interests of highway safety.

- 8 Prior to the beneficial occupation of the development hereby permitted the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason

In the interests of highway safety.

- 9 Any unused dropped kerb shall be reinstated to its full height to the satisfaction of the Local Planning Authority immediately prior to the proposed new access being brought into beneficial use.

Reason

In the interests of highway safety.

- 10 No development shall take place until details showing the means to prevent the discharge of surface water from the development hereby permitted onto the highway has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in their entirety prior to the access becoming operational and shall be retained at all times thereafter.

Reason

In the interests of highway safety and sustainable development.

## INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1, Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.
- 4 In regards to condition no. 6 attached to this permission please note that the visibility splays must not form part of the vehicular surface of the access.

TESSA LAMBERT  
DEVELOPMENT MANAGER



<b>Monthly Report on Planning and Enforcement Appeal Decisions Received</b>		<b>Agenda No: 6</b>
<b>Corporate Priority:</b>		
<b>Report presented by:</b>		
<b>Report prepared by:</b> Matthew Wood, Town Planner		
<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 [should be explained in detail]</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>	Matthew Wood	
<b>Designation:</b>	Town Planner	
<b>Ext. No.</b>	2522	
<b>E-mail:</b>	<a href="mailto:matwo@braintree.gov.uk">matwo@braintree.gov.uk</a>	

## PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a summary of the outcome of each appeal decision received during the month of January 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.

<b>1.</b>	<b>Application Ref/Location</b>	BDC application ref: 14/01275/FUL – 2 Thatched Cottages, Halstead Road, Earls Colne, Colchester, Essex, CO6 2NF
	<b>Proposal</b>	Demolition of existing timber sheds and erection of single storey garage
	<b>Council Decision</b>	Refused under Delegated Authority (07/11/2014) – RLP 17, RLP 90, RLP 95, RLP 100
	<b>Appeal Decision</b>	<b>Dismissed</b>
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposed development on the setting, and thereby the significance, of 2 Thatched Cottages, which is a listed building; and</li> <li>2. Whether the proposal would preserve or enhance the character or appearance of the Earls Colne Village Conservation Area.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The Inspector noted that there would be a sizeable gap between the new addition and the rear of No 2 however, the proposal would still be visually read with No 2 (listed) in views from Halstead Road in front of the main entrance. The Inspector concluded that, in these views the visual conflict arising from the uneasy relationship between these two buildings would harm the setting of the listed building and thus diminish its significance.</p> <p>The Inspector also concluded that the essential characteristics of the village, which includes buildings with shallow pitched and flat roofs, would be preserved with the new development in place. However the Inspector went on to add that by causing material harm to the setting of a listed building and diminishing its significance, the proposal would reduce the positive contribution of No 2 to the Conservation Area. In doing so, the proposal would have a deleterious effect on the character and appearance of the Conservation Area, which would fail to be preserved.</p> <p>The Inspector added that the public benefits of such a scheme would not outweigh the harm caused to the setting of the listed building and the character of the Conservation Area.</p>

		For the reasons highlighted above the Inspector concluded that the appeal should be <b>dismissed</b> .
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<b>2.</b>	<b>Application Ref/Location</b>	BDC application ref: 14/00482/FUL – 49 Mount Road, Braintree, Essex, CM7 3JA
	<b>Proposal</b>	New dwelling
	<b>Council Decision</b>	Refused under Delegated Authority (03/06/2014) – CS 10, CS 11, RLP 3, RLP 9, RLP 10, RLP 90, RLP 138
	<b>Appeal Decision</b>	<b>Dismissed</b>
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposal on the character and appearance of the area;</li> <li>2. The effect of the proposal on the provision of parking in the area;</li> <li>3. Whether the proposal would provide satisfactory living conditions for the occupants of the proposed and nearby dwellings; and</li> <li>4. Whether a financial contribution is necessary towards the provision of public open space.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The Inspector noted that the proposal would result in the creation of two plots that would be markedly smaller than those in the vicinity of the site and concluded that, given the size and location of the site that the development would be a cramped form of development that would harm the character and appearance of the area.</p> <p>The Inspector highlighted that the proposal would lead to the loss of existing off-street parking for an existing dwelling and therefore concluded that inadequate off-street parking provision would be provided as part of this proposal.</p> <p>The Inspector noted that the size of the appeal site and the position of other buildings in the vicinity of the proposed dwelling would also result in the proposal failing to meet the back to back distance between properties, the distance to the boundary and minimum rear garden area which are set out in the Essex Design Guide (EDG). The Inspector added that the rear of the proposed dwelling would face the properties on Mount Road and would be about 4 metres from the boundary that would separate the properties and that this is significantly below the 15 metres set out in the EDG. The Inspector also stated that the proposal would provide 22m<sup>2</sup> of amenity space which is well below the 50 m<sup>2</sup> required for the proposed dwelling and that this would provide inadequate amenity space for the proposed occupants and, due to the distance to the properties to the rear, would also be overlooked.</p> <p>The Inspector highlighted that they would expect a new dwelling to satisfy the minimum criteria set out by the Council to ensure the development provides a high quality of design and amenity and the Inspector concluded that, in this instance it fails to do so adding to concerns regarding overdevelopment of the site and the quality of the development proposed.</p>

		<p>On the evidence before them the Inspector agreed that the financial contribution in respect of open space is necessary as set out in its adopted policies.</p> <p>For the reasons highlighted above the Inspector concluded that the appeal should be <b>dismissed</b>.</p>
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3.	<b>Application Ref/Location</b>	BDC application ref: 14/00488/FUL – Land to the rear of Swan View, The Street, Hatfield Peverel, Chelmsford, CM3 2DP
	<b>Proposal</b>	New dwelling
	<b>Council Decision</b>	Refused under Delegated Authority (17/06/2014) – CS 9, CS 10, CS 11, RLP 3, RLP 9, RLP 10, RLP 90
	<b>Appeal Decision</b>	<b>Allowed</b>
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposal on the character and appearance of the area, and</li> <li>2. Whether the proposal should make a contribution to the provision or enhancement of open space.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The Inspector drew attention to a previous appeal decision on the site in 2013 (BDC ref: 12/01113/OUT) that found that harm would be caused to the character and appearance of the area. However, the Inspector stated that the footprint of the larger single dwelling comprised in the present appeal proposal would be within the range of those of nearby dwellings, and whilst the proposal would be single storey, the Inspector did not consider that this on its own would render the proposal harmful given the variety of dwellings in the vicinity.</p> <p>The Inspector noted that the Council considers that the design of the proposed dwelling would be unsatisfactory, drawing attention to what it sees as poor detailing, and an unsatisfactory relationship between the elements of the building which would result in a flat and squat appearance. The Inspector disagreed with this assessment stating that the design was considered acceptable given the nature of the proposal and context within which it is set. The Inspector added that the design and proposed materials of the dwelling would be complementary to the general backdrop against which it would be seen from the open space, consisting of relatively modern dwellings of generally simple and unremarkable suburban designs.</p> <p>The Inspector noted that whilst financial open space contributions are given general support by Policies CS10 and CS11 of the Core Strategy and the associated Open Space Supplementary Planning Document, at appeal the Council has provided little information as to why the local circumstances are such as to justify a contribution by the appeal proposal. The Inspector highlighted that at the appeal site visit the Council's representative stated that the Council was no longer seeking a contribution in the light of recent changes to the Government's Planning Practice Guidance which now provides that</p>

		<p>infrastructure contributions should not be sought from developments of 10 units or less. The Inspector concluded that it is not necessary for the proposal to make a contribution to the provision or enhancement of open space.</p> <p>For the reasons highlighted above the Inspector concluded that the appeal should be <b>allowed</b>.</p>
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