

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 04 August 2015**

**Time: 19:15**

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

## **Membership:**

Councillor J Abbott

Councillor R Bolton

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor R Ramage

Councillor Mrs W Scattergood (Chairman)

Councillor Mrs G Spray

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

**PUBLIC SESSION**

**Page**

Continued

**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 21st July 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. 15 00581 OUT - Land adjacent to 12 Ashen Road, ASHEN</b>                               | <b>5 - 19</b>  |
| <br>      |   |                |
| <b>5b</b> | <b>Application No. 14 01254 OUT - Land at Hunnable Industrial Estate, Toppesfield Road, GREAT YELDHAM</b> | <b>20 - 45</b> |
| <br>      |   |                |
| <b>5c</b> | <b>Application No. 15 00696 FUL - Land adjacent to 1 The Street, SHALFORD</b>                             | <b>46 - 56</b> |
| <br>      |   |                |
| <b>5d</b> | <b>Application No. 15 00087 FUL - Gulls Meadow, Woodhouse Farm Road, STISTED</b>                          | <b>57 - 68</b> |

**PART B**

Minor Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5e</b> | <b>Application No. 15 00615 FUL - Open Space, River Mead, BRAINTREE</b> | <b>69 - 75</b> |
|-----------|---|----------------|

5f	<b>Application No. 15 00238 FUL - Pentire, Shalford Road, PANFIELD</b>	<b>76 - 82</b>
5g	<b>Application No. 15 00504 FUL - 3 Yare Avenue, WITHAM</b>	<b>83 - 87</b>

**6 Urgent Business - Public Session**

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

**7 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

**Page**

**8 Urgent Business - Private Session**

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

E WISBEY  
Governance and Member Manager

### **Contact Details**

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

### **Question Time**

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

Members of the public wishing to speak should contact the Council's Governance and Members team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) at least 2 working days prior to the meeting.

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

### **Health and Safety**

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

### **Mobile Phones**

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

### **Comments**

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

Please let us have your comments setting out the following information

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

Comment .....

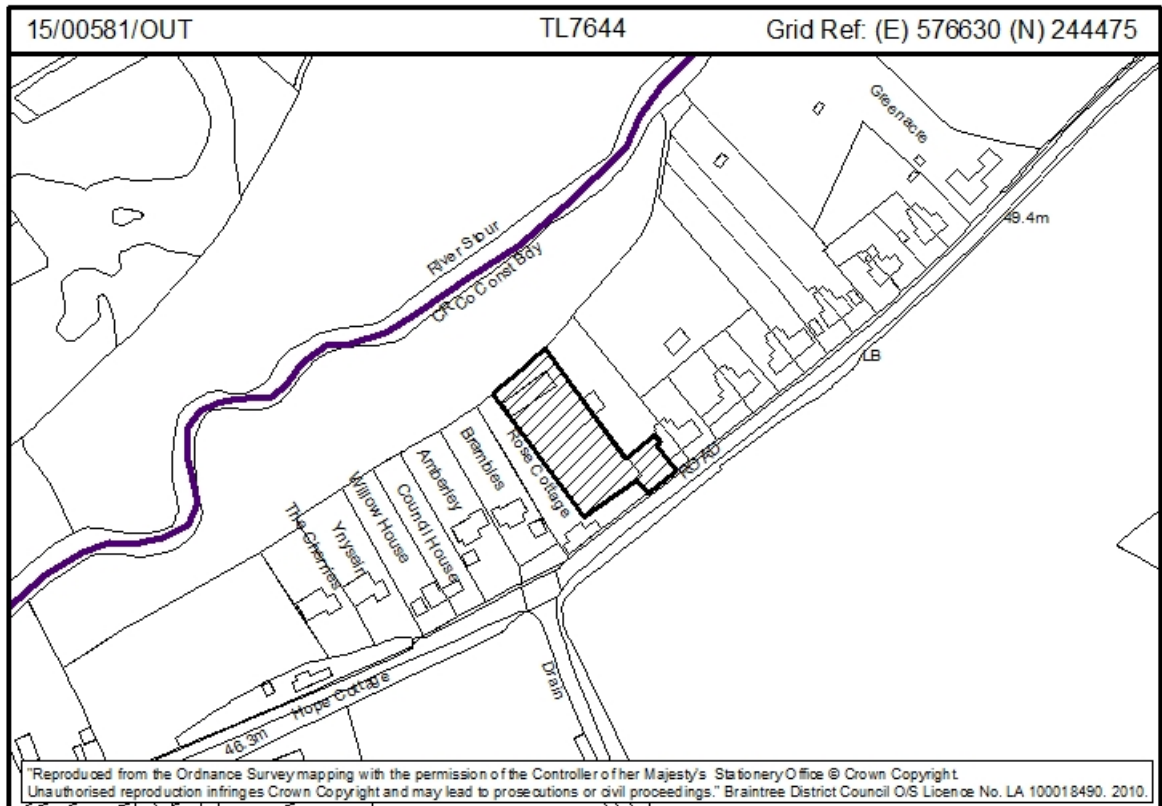
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Contact Details: .....

PART A

APPLICATION NO: 15/00581/OUT  
 DATE: 08.05.15  
 VALID:  
 APPLICANT: Mr C Osborn  
 C/o Agent  
 AGENT: Mr D Pearce  
 Dean Jay Pearce, Architectural Design And Planning  
 Consultant, 2/3 Milestone, Hall Street, Long Melford,  
 Suffolk, CO10 9HX  
 DESCRIPTION: Erection of a detached two-storey dwelling and garage,  
 improvements to existing vehicular access to 12 Ashen  
 Road to serve the existing and proposed dwellings.  
 Erection of garage and parking to 12 Ashen Road  
 LOCATION: Land Adjacent To 12 Ashen Road, Ashen, Essex

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



## SITE HISTORY

88/01622/P	Erection Of Single Storey Side Extension	Granted	26.09.88
89/00368/P	Erection Of Two Storey Side Extension	Granted	10.04.89
86/01068/P	Proposed residential development.	Refused	
08/00779/FUL	Erection of single storey rear extension	Granted	29.05.08

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

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

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP16	Hamlets and Small Groups of Dwellings
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

## OTHER CONSIDERATIONS

Parking Standards  
Essex Design Guide  
Parking Standards

## INTRODUCTION

This application is brought before the Planning Committee due to an objection from the Parish Council contrary to the Officer's recommendation for approval.

## SITE DESCRIPTION

The application relates to land adjacent of 12 Ashen Road which currently serves as the garden amenity space for number 12. It has an existing public footpath which runs through the middle of the site which opens out to green space at the rear of the site and the river Stour. The rear half of the site is also located within flood zone 2 and 3 respectively but would not be in close proximity to either 12 Ashen Road or the indicative position of the proposed dwelling. There are also power line poles which run through middle of the site.

The site is located within a cluster of ribbon development on the North aspect of Ashen Road which comprises approximately 20 dwellings over 350 metres. It is in moderate proximity to 'Clare' (1km to the centre). The site therefore is located outside of a development boundary.

## PROPOSAL

The application seeks outline planning consent for the erection of a dwelling. The matters that can be considered in this application are the principle of development and details of access. All matters other than access have been reserved for later consideration.

The dwelling would share an existing access with 12 Ashen Road and be located behind the existing car parking area for 'Rose Cottage.' The indicative plans show a layout which would facilitate two parking spaces, and a private amenity space in excess of 700 sqm. The indicative plans also show that the public footpath which runs through the site will be retained and enhanced.

## CONSULTATIONS

### Essex County Council Highways Officer

The Highways Officer offered no objection to the proposal, but requested the following conditions & informative' be imposed:

- Visibility splay
- No unbound material within 6m of entrance
- Details of surface water discharge
- Any works to access require agreement with Highway Authority

### Braintree District Council Engineers

The rear of the site is in the flood zone but there are no properties for possible runoff to affect to the rear. No objection.

### Landscape Services

No objection but request that a tree survey would be appropriate in accordance with BS 5837:2012 and should detail how retained trees are to be protected during the development.

### Public Right of Way (Ramblers Association)

No objection to the proposal on the basis that:

- Minimum width required for public right of way through the site would be 1.5m
- Should the path be enclosed between hedges or fences, the minimum width is to be 2m
- The public right of way must be kept open and available for use by members of the public at all times
  - If any works are likely to encroach on the existing route of this footpath, arrangements must be made for a temporary diversion to accommodate the route. This should be made to the Local Planning Authority.

### Ashen Parish Council

Object to the development:

- Location back from the street
- Relationship with neighbouring development
- Sensitive countryside location within Stour Valley

### REPRESENTATIONS

A site notice was displayed at the front of the property, and an advertisement was placed in a local newspaper advertising that the public right of way would be affected. Three letters of representation have been received; one in objection, one in support and one noting comment.

### Objection:

- Back land development
  - All properties in immediate vicinity have road frontages
- Set precedent
  - Sites with similar context in locality
- The site is not in a defined nucleus
  - Therefore not constitute a hamlet in policy terms
  - No justification for development in the countryside
- Refers to pre-app highlighted in Planning Statement
- Negatively impact on public footpath
  - Issue of safety with increased vehicular use



- Impact on rural nature of path
- Not meet visibility splay requirements outlined by Highways Authority
  - Bend in the road past Rose Cottage reduce visibility
  - National speed limit

Support:

- Bring an affordable property onto the local market
- Will be in the same building line as many developments
- Better defined public footpath
- New access improved

Comment:

- Hope proposal does not negatively affect public right of way.

REPORT

Principle of Development

The National Policy Framework sets out a presumption in favour of sustainable development. However, planning law stipulates that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Thus, the NPPF does not change the statutory status of the development plan as a starting point for decision making.

The site is located outside of Ashen village envelope and as such is on land designated as 'Countryside' by the Braintree District Local Plan Review (2005). Policy RLP 2 of the Braintree District Local plan Review stipulates that new development will be confined to the areas within Town Development Boundaries and Village Envelopes.

Policy CS5 of the Core Strategy stipulates that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

As an exception to these policies of rural constraint, policy RLP16 of the Braintree District Local Plan Review 2005 states that *"where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made to Policies RLP2 for the filling of a gap, for a single dwelling, between existing dwellings, in hamlets and small groups of dwellings. This policy will not apply to proposals for individual isolated dwellings, or the extension of ribbon development, and will not apply to gaps, which could accommodate more than one dwelling. Proposals which would set a precedent for the consolidation of sporadic or ribbon development, or for the further infilling of large gaps, will also be resisted."*

Policy ADM13 in the Site Allocations Plan 2013 is generally in accordance with RLP16. In the preamble to ADM13, it also states that *“The policy should not be used for individual isolated new dwellings, or for the consolidation of sporadic development such as that which is commonly found on the main routes into many villages.”*

The site is situated in the middle of a line of ribbon development comprising of 20 dwellings which span approx. 350m from end-to-end on the Northern aspect of Ashen Road. It would therefore appear in principle to satisfy the initial 10 dwelling criteria outlined in RLP16. However, in a recent appeal decision, an Inspector concluded that a ‘nucleus’ as stipulated in RLP16 *‘implies that there would be some definable focus or centre and that the group of dwellings would be readily distinguishable from the wider area.’* In this instance it is considered that there is not a definable centre or a group of dwellings which are distinguishable from the wider area. It is therefore considered that the proposal would not strictly comply with the hamlet policy RLP16.

Paragraph 55 of the National Planning Policy Framework (NPPF) stipulates that new isolated dwellings in the countryside should be avoided, and provides some instances where there may be exceptions. The proposal is not considered to meet any of these exceptions. However, most importantly the site would not be isolated, as it would be sited within a row of dwellings. It is also located in close proximity of the village Clare (approx. 1km to centre), which can be reached via the public footpath which runs through the site. While it is acknowledged that the site is outside of a development boundary, because of the above factors it is considered the site would represent a form of sustainable development.

The indicative dwelling would also not be dissimilar to other dwellings in the locality in regards to its positioning. It is to be located behind the parking area of Rose Cottage, which appears to be a similar contextual relationship for other near-by dwellings Ynysein and The Cherries, which are located behind Hope Cottage. The proposed dwelling is therefore not considered to be isolated, and subsequently would not extend ribbon development along Ashen Road.

The proposal also would lead to a better defined public right of way, which would be enclosed by appropriate boundary treatment. This is covered in more detail in the ‘Other Matters’ section.

It is considered that the site would not set a precedent for other similar development in the locality. This is because no other areas of undeveloped/amenity land are similar in the row of 20 dwellings. Any sites in other locations would be taken on their own merits and unlikely to replicate the context and situation of this plot.

As discussed, the area in this instance would technically not qualify as a hamlet. However, the purpose of RLP16 is to be used as a guide and is not

necessarily prescriptive. Furthermore, the proposed dwelling is not isolated (in accordance with NPPF) and meets other key criteria outlined in RLP16. It will not expand ribbon development, the gap could not satisfactorily contain two dwellings and it would not set a precedent for other development in the area. In conjunction with the site locality, in close proximity to the village Clare, and that the dwelling would not be isolated, it is considered overall that the proposal in accordance with the NPPF can be deemed acceptable in principle.

As the application is in outline, with all matters of detail except access reserved for consideration at a later stage, 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 CS9 (Built and Historic Environment) of the Councils Core Strategy and Policy RLP 90 specifies further criteria regarding the layout and design of new development. They state that planning permission will only be granted where the following criteria are met:

- The scale, density, height and massing of buildings should reflect or enhance local distinctiveness;
- Designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas;
- The layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area.

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

The character of the 20 dwellings along Ashen Road varies. West of the site, there are 7 dwellings of which are differing in their character and design, some of which are in close proximity to the road, others of which are set back some distance behind other building plots. To the East of the site, the character is more uniform; dwellings are in similar proximity to the road and the designs of dwellings are more coherent with each other.

The indicative dwelling would be sited behind the car parking area of Rose Cottage, in a similar building line to 'Brambles and Amberley.' The context of the site would appear to be similar to that of the relationship between Hope Cottage and the two dwellings behind, 'Ynysein' and 'The Ghemes.' It is therefore considered a dwelling in this location, which is to share an access with number 12 Ashen Road, and would be consistent with the character of other dwellings in the locality.

The design of the dwelling as shown on the indicative plans however would appear excessive in scale given the surrounding character of the area. However, these matters can be addressed at the time of a reserved matters application and therefore this application should not be refused on these grounds.

#### Impact on Neighbour Amenities

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

The indicative dwelling would not be sited directly behind the dwelling known as Rose Cottage, but would be behind its parking area. It has currently been designed in such a way that it would minimise the impact on Rose Cottage. It is therefore considered a dwelling that is carefully designed in this location is unlikely to lead to a detrimental impact on Rose Cottage. However, again, these matters can be addressed at the time of a reserved matters application and therefore this application should not be refused on these grounds.

#### Highway Issues

The Council's Adopted Parking Standards require two parking spaces to be provided for the residential unit proposed at this site. Parking is an issue which is covered under site layout; however the indicative siting of the dwelling would appear to comply with this standard.

Details of access have been included in this application and form a material consideration in the determination of the application. It is proposed that the dwelling would share an existing access with 12 Ashen Road. The access is proposed to be widened to better accommodate vehicles entering and exiting the site. The Highways Officer stipulated that the access should have a 2.4 metre parallel band visibility splay across the whole of the site frontage, as measured from and along the nearside edge of the carriageway. The applicant has confirmed that this can be achieved and as such a condition will be attached accordingly.

The use of the existing access will be intensified by the introduction of an additional dwelling. However, the access will be improved and meet the Highways Officers standard for visibility. It is therefore considered that it would be unreasonable to refuse the application on the basis that one additional dwelling would significantly intensify the use of the access in the absence of an objection from Highways. It is therefore considered that an improved shared access would be sufficient to serve the access requirements of both 12 Ashen Road and the proposed dwelling.

#### Landscape and Ecology

Policy CS8 (Natural Environment and Biodiversity) of the Councils Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it

will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

The topographical survey submitted with the application would appear to demonstrate that no significant trees would need to be removed to site a dwelling on this site. However, the Landscape Officer has suggested that in order to protect trees during development, a tree protection survey should be provided and implemented as such. Because this application is not for the principle matter of landscaping, this aspect will be required for the reserve matters application. It would therefore be unreasonable in this instance to refuse the application on the basis that this information is not currently provided. A condition has been attached accordingly.

### Flood Zone

The lower aspect to the rear of the site is located in a designated flood zone of 2 and 3 respectively. However, the Braintree Engineer concluded that there are no properties to the rear which potential surface water run-off would affect, and is thus satisfied that there will be no surface water issues that will affect the site. The indicative position of the dwelling would also suggest that a dwelling could be located some distance from the start of the flood zone, and it would appear to be the similar context for most other dwellings on Ashen Road. It is therefore considered that flood risk will not be a detrimental issue that would justify refusing the application in this instance.

### Other Matters

The overhead power lines which roughly follow the line of the public footpath are proposed to be moved underground and it is understood this has been agreed by UK power networks. It is therefore considered that the power cables will not cause a detrimental issue to the proposal.

The public footpath which runs through the site is currently not given a definitive boundary. The illustrative layout plan would suggest that the footpath is to be enclosed and set at a distance across of 1.2m. However, in accordance with the comments from the Public Right of Way Officer the minimum distance of the footpath in this instance should be 1.5m unenclosed, and 2m enclosed. A condition has therefore been attached to this effect to ensure correct detailing on the reserve matters application.

It is suggested that the means of enclosure for the footpath is to be fencing. However, this would not be acceptable given the locality of the site. These details however are not material considerations as part of this outline application. Details of the means of enclosure have been requested via condition to be submitted with the reserve matters application.

## CONCLUSION

The proposal in this instance will not strictly conform to local countryside or hamlet policies. However, in accordance with the National Planning Policy Framework it is considered the proposed dwelling is not isolated and would meet other key criteria outlined in the hamlet policy. It will not expand ribbon development; the gap could not satisfactorily contain more than one dwelling and it would not set a precedent for other development in the area. In conjunction with the site locality, in close proximity to the village Clare, and that the dwelling would not be isolated, it is considered overall that the proposal would be in conformity to the National Planning Policy Framework and should be approved.

## RECOMMENDATIONS

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

## APPROVED PLANS

Topographical Survey	Plan Ref: LS 4427/1
Site Plan	Plan Ref: 14/010/02

### 1 Approval of the details of the:-

- (a) scale, appearance and layout of the building(s);
- (b) 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 landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include 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, refuse storage, signs and lighting.

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**

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 3 As part of the landscaping details requested in condition 1, details of the means of enclosure should be 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 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

**Reason**

For the avoidance of doubt of details relating to access and in the interests of proper planning.

- 5 Prior to 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, 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.

- 6 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.

- 7 Development shall not be commenced until a scheme for the provision and implementation of surface water drainage has been submitted and approved, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

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

- 9 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.

- 10 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.



- 11 The particulars to be submitted as part of the scheme of landscaping required by condition 1 shall include a detailed survey plan drawn to an adequate scale indicating the height, girth, spread, species and exact location of all existing trees, shrubs and hedges on the site in accordance with BS5837:2005.

Reason

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

- 12 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 should be submitted with the reserve matters application 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.

Reason

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

- 13 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

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 14 The Public Right of Way which runs through the site should be no less than 1.5 metres in width at any given point if unenclosed or 2.0m if enclosed.

## Reason

In accordance with national footpath guidance.

## INFORMATION TO APPLICANT

1 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

2 It is suggested that the relevant parties engage in pre-application discussions with regard to the design, appearance and layout of the dwelling prior to the submission of the reserve matters application.

3 The means of enclosure as shown indicatively on the plans as fencing would not be acceptable in this locality. Means of enclosure should consist of trees and hedging that would be in keeping with the locality.

4 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)

5 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.

6 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

AGENDA ITEM NUMBER 5b

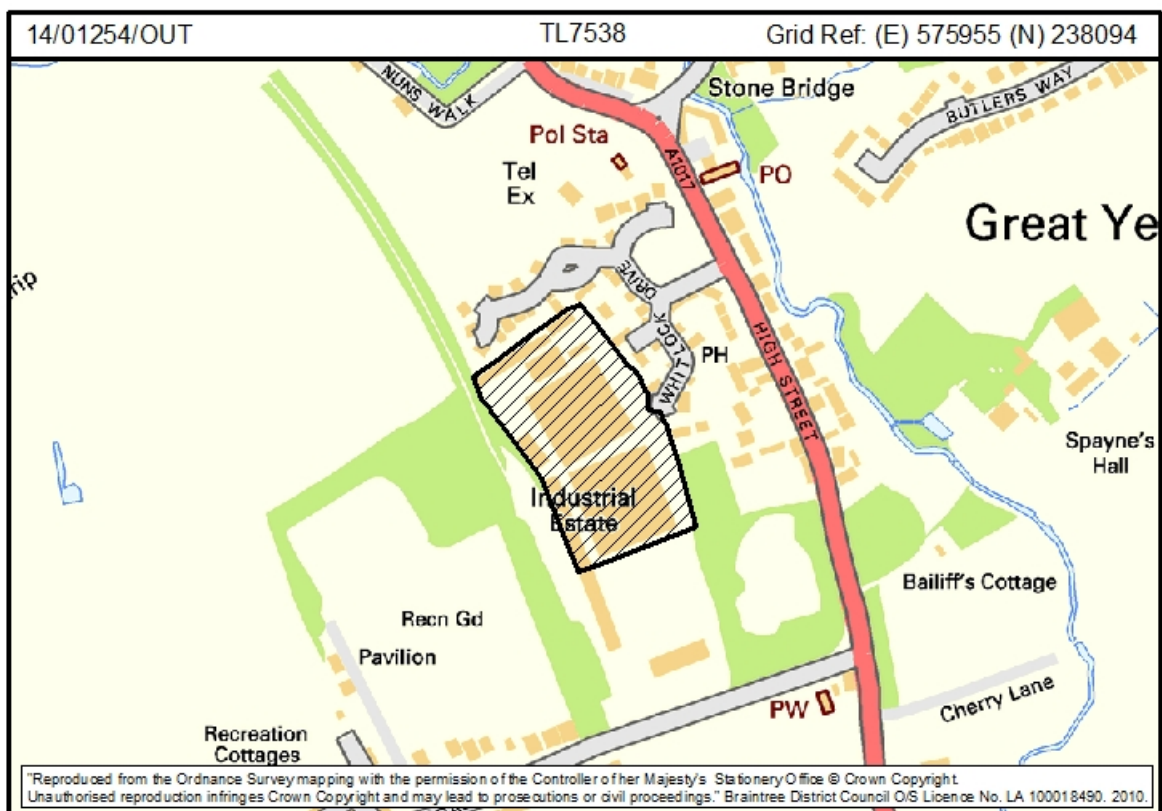
PART A

APPLICATION 14/01254/OUT DATE 06.10.14  
NO: VALID:  
APPLICANT: The Granville Group  
C/o Agent  
AGENT: Mr E Gittins  
Edward Gittins & Associates, Unit 5 Patches Yard,  
Cavendish Lane, Glemsford, Sudbury, Suffolk, CO10 7PZ  
DESCRIPTION: Erection of up to 60 no. dwellings and community use area  
LOCATION: Land At Hunnable Industrial Estate, Toppesfield Road,  
Great Yeldham, Essex

For more information about this Application please contact:

Mr Neil Jones on:- 01376 551414 Ext. 2523

or by e-mail to: [neil.jones@braintree.gov.uk](mailto:neil.jones@braintree.gov.uk)



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS4	Provision of Employment
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

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP28	Employment Land Provision
RLP33	Employment Policy Areas
RLP34	Buffer Areas between Industry and Housing
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP94	Public Art
RLP138	Provision of Open Space in New Housing Developments

## SITE ALLOCATION AND DEVELOPMENT MANAGEMENT POLICIES PLAN

Policy ADM 1 Presumption in Favour of Sustainable Development  
Policy ADM 2 Development within Development Boundaries  
Policy ADM 3 Housing Allocations  
Policy ADM 8 Housing and Density  
Policy ADM 15 Employment Policy Areas  
Policy ADM41 Community Uses  
Policy ADM 47 Parking Provision  
Policy ADM 57 Contaminated Land  
Policy ADM 59 External Lighting  
Policy ADM 60 Layout and Design of Development  
Policy ADM75a Formal and Informal Recreation and Allotment  
Allocations

## SUPPLEMENTARY PLANNING GUIDANCE

Affordable Housing SPD  
Open Spaces SPD & related Open Space Action Plan  
Parking Standards – Design and Good Practice (Essex County Council),  
September 2009  
The Essex Design Guide, 2005

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to it being of significant public interest with objections having been received from the Parish Council and local residents, contrary to the recommendation of Officers.

## NOTATION

The application site is located within the Great Yeldham village development envelope, being designated as an Employment Policy Area in the Braintree District Local Plan Review, 2005.

The application site has subsequently been included in the Pre Submission Site Allocation and Development Management Policy Plan for residential development of 10 or more dwellings.

The proposals map within the Site Allocations and Development Management Policies Plan (ADMP) shows an area within the site to be allocated for Community Uses.

This application has been advertised as a departure from the Council's adopted Development Plan.

## SITE DESCRIPTION

The Hunnable Industrial Area is a large industrial site located within the development boundary of Great Yeldham. It is currently made up of several large open areas of hardstanding together with a collection of industrial buildings, some of which are extremely large. Many of the buildings are in a poor state of repair and at the time of the Officers site visit it was apparent that there was limited occupancy of the estate.

The application site and remaining commercial buildings formed part of a larger industrial estate. In 1996 planning permission was granted for the development of 56 dwellings (permission ref 96/00588/FUL) which led to the development of Whitlock Drive and Market Grove – to the south of the application site.

Access to industrial estate and the site is currently taken from Toppesfield Road, but it is proposed that access will be taken from Market Grove, running through to Whitlock Drive and the A1017.

## PROPOSAL

This application seeks Outline Planning Permission, with all matters reserved, for the redevelopment of part of the Hunnable Industrial Estate. The application is for erection of up to 60 no. dwellings on 2ha of land and a change of use of a further area of 0.19ha of land for a community use.

An application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. The application states that access to the development will be gained via the Whitlock Drive estate off Market Grove.

The applicant has submitted in support of their application a 'Concept Plan' but this is for illustrative purposes only.

## CONSULTATIONS

**Anglian Water** – No objection, the foul drainage from this development is in the catchment of Sible Hedingham Water Recycling Centre, which currently does not have capacity to treat the flows from the proposed development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Anglian Water has assessed the impact of gravity flows from the planned developments to the public foul sewerage network. They confirm that this is acceptable as the foul sewerage system, at present, has available capacity to handle the flows.

**Education Authority (Essex County Council)** – No objection subject to a financial contribution being made by the developer to mitigate the impacts of the development on education – specifically for additional capacity in Early Years & Childcare provision; Primary School provision; and transport costs for children from the development attending secondary school.

**Environment Agency** – No objection, following receipt of revised information demonstrating that adequate surface water drainage can in-principle be achieved on-site. Recommend a condition requiring a detailed surface water drainage scheme be submitted as part of the Reserved Matters application.

In addition conditions recommended requiring details of further site investigation and remediation in respect of contaminated land.

**Environmental Services (BDC)** – No objection on grounds of air quality or land contamination. Initial submission raised concerns about residential amenity arising from potential noise disturbance from the retained / redeveloped employment estate immediately adjoining the application site. Further acoustic information supplied addressed concerns and no objection is raised. Conditions recommended in respect of demolition and construction activities.

**Highway Authority (Essex County Council)** – No objection subject to conditions regarding construction / demolition activity; provision of adequate car and cycle parking facilities to serve the new dwellings; details of estate roads and footways; and provision of Residential Travel Information packs

**Land Drainage Engineer (BDC)** – No objection subject to a suitable SuDS scheme being required by planning condition.

**Lead Local Flood Authority (Essex County Council)** – Initially concerned that the proposal did not demonstrate how surface water could be adequately dealt with however now satisfied with approach proposed.

**NHS England** – Financial contribution requested to assist in mitigating the impact on healthcare facilities arising from the development.

**Parish Council** – Objects to the application on the grounds that it would represent over development of the site and be out of character with the Whitlock Drive development and the rest of the village. Maximum number of 40 dwellings should be considered; Access through Market Grove is not suitable; Concern over construction traffic; Impact on local services including roads and the primary school which is already full; Concerns that the development will increase flood risk within the village; Insufficient detail with the application in respect of dealing with contaminated land; Concerns over the remaining tenants on the Industrial Estate whilst the development is undertaken.



The Parish Council refer to plans originally submitted in June 2013 when the Site Allocations and Development Management Policies Plan was being developed.

Parish Council recommend that if the housing development is to proceed then the number of dwellings should be restricted to a maximum 40; separate access be formed direct from the A1017 (as originally proposed in June 2013) and plans for the light industrial buildings and open space are submitted within 1 year of completion of the residential development.

## REPRESENTATIONS

**Objections have been received from 17 local residents.** Reasons cited in objecting to the application include:-

### Access

Market Grove is unsuitable to form the access to a development of this size as it is too narrow and has a blind bend;

As well as having a narrow carriage way width the road is regularly obstructed by cars being parked, either within the carriage way or astride the pavement and carriage way;

Large vehicles (oil tankers; refuse trucks; delivery & skip lorries) currently reverse up Market Grove as they are unable to turn around;

A development of this size will mean that there will be queues of traffic waiting to leave Whitlock Drive onto the A1017;

The junction of Whitlock Drive / A1017 is dangerous partly due to Whitlock Drive being used by residents and users of the Reading Rooms for parking which reduces the capacity of the road;

The site should be accessed from Toppesfield Road instead – with a mini roundabout also being installed at its junction with the A1017;

There are already problems with refuse collection – rubbish is piled up for collection causing problems with vermin;

Ability of emergency services to access all properties;

Development will necessitate the imposition of strict parking restrictions along Whitlock Drive & Market Grove;

To achieve the proposed density of housing will rely on narrow shared surface roads and a small section of minor access road. Two parking spaces per dwelling will result in on-street parking day and night;

Public transport is limited – the bus service only runs to Braintree. No public transport to Haverhill and Cambridge which are locations where many local residents will work.

### Services

The development would significantly increase the size of the village. The village primary school is full and GP services are stretched, either through a part-time satellite surgery in the village, or travelling to Castle Hedingham or Sible Hedingham;

The proposed development does no more than safeguard land for community use.

### General

Would adversely impact on the character of the whole village;  
The number of houses proposed is too great with minimum standard car parking resulting in unbearable conditions for those future residents;  
Housing on the site should be limited to half the number applied for;  
Who will maintain and be responsible for the 'pond' proposed;  
Demolition of factory buildings will require removal of asbestos in close proximity to existing residential properties;  
Will increase anti-social behaviour;  
The Parish Plan selected Nuns Walk as the preferred area for new housing development within the village;  
It was originally proposed that housing development on the Hunnable site would be served by a new access created off the A1017;  
Concern about the proposed layout and specific impacts arising on surrounding properties.

**Two letters of support have been received.** It is noted that these letters are not from residents of Great Yeldham. Reasons cited in support of the application include –

The site is currently an eyesore / redevelopment would improve visual appearance of area;  
There is a need for housing in the area and Great Yeldham has facilities and access to surrounding towns that make the village a suitable location for new housing;  
Development of brownfield site is preferable to developing green field sites.

Comments were also received regarding trees growing along the site boundary and boundary fences and whether these would be retained / replaced by the developer.

### REPORT

#### Principle of Development

The application site is located within the Great Yeldham village development envelope, being designated as an Employment Policy Area in the Braintree District Local Plan Review. Local Plan Review 'Policy RLP 33 Employment Policy Areas' states that '*Employment Policy Areas are defined on the Proposals Map where proposals for uses other than those within Use Classes B1, B2 and B8 will be refused*'.

Core Strategy Policy CS4 Provision of Employment states that '*Employment sites in current or recent use in sustainable locations will be retained for employment purposes*'.

However the Council is required to review employment land designations. The NPPF states that '*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*' (NPPF para. 22) In addition Officers note that there is growing pressure from Central Government to encourage the redevelopment of vacant or under-utilised brownfield sites.

The application site was put forward for allocation during the "Call for Sites" exercise that the Council undertook whilst developing the Site Allocations and Development Management Policy Plan (ADMP). *The site was assessed during the Economic Viability study completed by the Council at the end of 2012. Paragraph 4.25 states that; "The Hunnable Industrial Estate in Great Yeldham, is currently partly occupied and provides smaller units, of which many are occupied, which appear to serve a local employment need. Consideration should be given to whether it would be beneficial for some of the larger floor spaces to be reconfigured if further demand for smaller spaces is identified". The report also notes the poor quality of the buildings on the site, particularly those at the rear, but overall concludes that the site should be retained. However it is considered that the proposals as set out to reconfigure the space to provide more high quality smaller units on part of the site would meet the local employment need.*

The Parish Council, in their objection letter to this application, refers to the fact that the landowner, when promoting the site through the ADMP allocation process, was proposing the redevelopment of the whole Hunnable Industrial Estate. This included 2ha for housing; land for community use; 1.4ha regenerated employment area and 1.4ha of open space for sports and / or recreation.

Following protracted deliberation the application site was included in the Pre Submission Site Allocation and Development Management Policy Plan. Policy ADM3 Housing Allocations for the Pre Submission Site Allocation and Development Management Plan states that, '*...the land allocated for a residential site of 10 or more dwellings at the Hunnable Industrial Estate, Great Yeldham will be restricted to no more than 35 dwellings*'. The proposals map also showed part of the site being allocated as for Community Uses.

The remainder of the commercial estate, adjacent to Toppesfield Road, was given a separate allocation, being an Employment Policy Area.

As Members will be aware in September 2014 the Council agreed that the ADMP as amended by Further Changes be adopted for use within development management decision making. The Council's view is that the document should be given appropriate weight in all matters under consideration and that these are material considerations for the Council. In

light of the designation in the ADMP and the Council's Interim Planning Policy Statement Officers have no objection to the principle of the application site coming forward for redevelopment. Members will however note that because the ADMP has not form part of the adopted Development Plan the application has been advertised as a departure from the current Development Plan.

The application does propose a significantly greater number of dwellings on the site than the 35 dwelling restriction which was specified in the ADMP. The two sites in Great Yeldham were limited in numbers in recognition of Great Yeldham being an "Other Village" in the settlement hierarchy that was accommodating two sites for 10+ dwellings. Since those draft allocations were made the Council it has become apparent that the Site Allocations document would be likely to be found unsound due to insufficient identified future housing supply. As a result, if a higher number of units can be shown to be acceptable in planning terms (design, highways access etc.) there is no policy objection to a larger number of units which will help increase future housing supply.

Whilst the Officer reports to the LDF Sub-Committee envisaged the redevelopment of the employment area being undertaken simultaneously with the residential development there was no policy linking the two elements. As a result there is no policy basis for requiring the redevelopment of the retained employment area to be linked to this residential development. This application for outline planning permission must be assessed on its own merits.

Objectors to the proposal have questioned why the application that has been submitted varies so widely from the proposal that was presented by the landowner during the allocation process – reference is made to offers of land and surgery for a GP Practice; a 1.4ha parcel of land for use as public open space; the redevelopment of the 1.4ha retained employment area. It was also suggested that the residential development could be served by a new access road directly from the A1017. Whilst all these benefits were proposed by the developer the site allocation was not directly linked to delivery of any of these benefits.

The application still proposes land (0.19ha) be made available within the application site for community uses, which could include a GP Practice. There is no proposal to construct a community use building however it is acknowledged that NHS England have stated that their Care Strategy does not support the provision of a GP surgery within the village. The area of land adjacent to the A1017 is not being offered as Public Open Space as it is now required by the applicant to provide amenity space to serve the needs of employees on the retained commercial estate and to provide ecological enhancement to help mitigate the ecological impact of the proposed development. This was one of the reasons that the applicant has also proposed to access the development through Market Grove rather than from a new access off the A1017. The redevelopment of the remaining employment area was not made a policy requirement.

Having considered all these factors Officers conclude that there is no objection to the principle of redeveloping the application site, subject to consideration of other relevant matters including amenity, design, environmental and highway criteria.

### Design, Appearance and Layout

The application is for outline permission with all matters reserved. Design and layout are therefore Reserved Matters which means that these matters are not part of the consideration at this stage, beyond a general assessment as to whether the site can accommodate the quantum of development proposed with an appropriate layout and relationship with neighbouring properties.

The applicant submitted with the application an illustrative layout plan containing 60 dwellings to demonstrate the sites capacity. During the course of the application the applicant has been required to make provision within the site to deal with surface water through the provision of an attenuation basin. A revised illustrative plan has been submitted which now shows 53 dwellings. It is noted that the layout contains a mix of dwellings with 2 – 4 bedrooms and including detached houses.

The agent has stated that they still seek planning permission for up to 60 dwellings. Whilst the size and design of dwellings shown in the illustrative plan does not demonstrate that 60 dwellings could be accommodated within the site the size and type of dwelling could be changed, for example including 1 bed properties or a greater number of flats.

It is recommended that if outline permission is granted then the illustrative layout plan does not form part of the approved plans. It will be for the applicant to demonstrate at Reserved Matters stage that the proposed number of dwellings can be accommodated within the site in an acceptable manner. The new development will be required to comply with the Council's adopted standards in respect of parking; private amenity space; privacy and that the layout creates a high quality environment which is appropriate to the surroundings.

### Impact on Neighbour Amenity

Concerns have been raised about the potential impact on residents of adjoining properties of dwellings were they to be constructed in the manner shown on the concept plan submitted as part of the application.

The Council has previously accepted that the site is suitable for residential redevelopment and it would be expected that a layout should conform to the standards specified in the Essex Design Guide in respect of protecting neighbour amenity. As this application is an Outline application with all matters reserved, the layout shown on the concept plan is not being approved. If planning permission is granted then, it will be for the applicant to demonstrate through Reserved Matters applications that the development can be carried out in an acceptable manner.

## Highway Issues

The Highway Authority was initially provided insufficient information to assess the highway impact of the proposed development. A further Transport Assessment was subsequently submitted, which included an assessment of the implications of the development for traffic movements at Whitlock Drive / A1017 junction. Following assessment of the additional information the Highway Authority has confirmed that it has no objection to the proposed development, subject to conditions.

Representations received have questioned the validity of some of the assumptions made within the Transport Statement, including the number of vehicle movements that would be generated by a development of this site. Whilst it is claimed that the number of movements would be higher than assumed in the Transport Statement it would appear that the feared higher number of vehicle movements did not make allowance for shared trips (e.g. dropping children at school and continuing on directly to work or shops, rather than making separate journeys for each purpose). The Transport Statement is intended to set out the likely impacts arising from the development and in this instance the Highway Authority has accepted the methodology used by the applicant. The Highway Authority concludes that the proposed development is acceptable in highway terms.

The development site lies to the west side of Whitlock Drive and Market Grove. It is proposed that access to the residential development is formed via an extension of Market Grove from where there is currently a turning head. Vehicular access to the development would be provided via the existing access junction with High Street which has a “ghosted” right hand turn lane.

Market Grove is designed as a ‘type 4’ road in the Essex Design Guide (EDG). The road has a 4.8m wide carriageway supporting two 1.8m wide footways. Guidance in the EDG indicates that this type of road is suitable for serving up to 100 dwellings.

Local residents and the Parish Council are concerned over the suitability of Whitlock Drive and Market Grove. They refer to difficulties that service vehicles already have accessing Market Grove which they state is a particular problem as dwellings require fuel deliveries as they do not have mains gas. The Highway Authority is satisfied that the carriageway is adequate to serve the proposed development and the service vehicles that will need to access it. Officers have observed car parking along Market Grove, with cars often straddling the curb, and along Whitlock Drive. Parking along Whitlock Drive is often from users of the Reading Rooms and village store which is in addition to residents of the roads who park their cars on the carriageway. These dwellings are often served by parking courts and some of the on-street parking is assumed to be a result of people preferring to park their vehicle in sight of their property. If the carriageway was not obstructed then many of the access problems referred to would not occur. The issue has been discussed with the Highway Authority and they have advised that the on-street parking



would not constitute a reason to object to the application as it could be addressed by the introduction of parking restrictions if this were to be demonstrated to be necessary after the development is occupied.

In an attempt to address some of the concerns about parking around Whitlock Drive consideration was given to the developer paying to create some off-street parking bays on the edge of the Whitlock Drive. Officers raised this matter with the Parish Council however this idea has not been pursued as whilst the matter was not formally considered by the Parish Council, Officers were advised that Parish Councillors would not want to see part of the Green used for parking as this space is used for community events like the annual fete and summer activity days.

Visibility along part of Market Grove is limited where the road bends with houses built close to the edge of the carriageway. This type of urban design is intended to reduce vehicle speeds by forcing drivers to slow down and drive with care.

It is noted that when the site was being promoted for allocation through the ADMP the landowner indicated that the application site would be served by a new vehicular access connecting the site directly to the A1017 / High Street. The ADMP did not specify that the development had to be served by a new access and as the applicant has demonstrated that adequate access can be created utilising Market Grove and Whitlock Drive without detriment to highway safety there is no basis for requiring the creation of a new access.

The Highway Authority has recommended a number of conditions but not all of these matters need to be covered by condition at this stage. The requirement to provide Travel Packs to residents is included within the S106. Conditions specifying parking arrangements and requiring details of Estate Roads are not appropriate on an outline application. These matters would either be assessed or subject to condition on a Reserved Matters application.

### Landscape and Ecology

Whilst the majority of the site is covered with hardstanding and buildings there are a number of trees on and around the site. Following submission of the application the applicant has submitted an Arboricultural Assessment in accordance with BS 5837 and it concludes that the majority of the trees on the site are of poor quality.

It must be remembered that this is an outline application where layout will be a reserved matter and as a result if outline planning permission is granted the applicant will need to submit a layout for approval as a reserved matter. When a reserved matters application is submitted it would need to demonstrate that the layout would not adversely affect trees of value on, or adjoining the site.

As part of the applicant's efforts to demonstrate the capacity of the site the Arboricultural Report assessed the impact on trees of the indicative layout submitted with this planning application. They conclude that this layout would

necessitate the removal of 1 individual tree, and approximately 7 specimens from 5 groups along with some scrub clearance. These are all of low or poor quality and their removal will have little impact on the visual amenity of the area. Specialist methods of design and construction would also need to be employed to minimise the impact on trees.

The Council's Landscape Officer has reviewed the report and has raised no objection to the proposal.

A preliminary arboricultural method statement is included within the Tree Report which includes methods of tree protection and construction close to trees. It is recommended that a condition is applied that requires compliance with the tree protection methods specified in the event that demolition commences prior to submission / approval of the reserved matters applications.

## **Ecology**

The application included a Phase One habitat survey. This stated that the site contained a number of potential habitats including; commercial buildings and hardstanding, as well as improved grassland/ruderal, scrub and a mixed semi-mature tree belt. Further habitats were identified to the west and east of the site.

An outlier badger sett was identified approximately 75m from the application site and whilst there would be a need to resurvey the area prior to commencement of development, to make sure that the badger activity had not changed, the development is advised not to affect their main foraging route and it is not therefore considered to adversely affect badgers.

It is proposed that the field to the east of the site is retained and work undertaken to improve the quality of the habitats it provides. This land will be retained for this purpose and be subject to a Long Term Ecological Management Plan to enhance the ecological value of that site and mitigate any potential impact on protected, priority or notable species or habitats. This is to be secured through the S106 which has been agreed with the applicant and landowner.

## **Planning Obligations**

**Affordable Housing** – Policy CS2 of the Core Strategy states that on sites in rural areas (excluding the Parishes of Sible Hedingham and Great Notley and the proposed growth location in the Parish of Rivenhall) there will be a target of 40% affordable housing provision on developments of 5 or more dwellings.

The applicant in their planning statement states that '*negotiations relating to the level of any affordable housing will be welcomed by the Applicants subject to such provisions having regard to the very high remediation costs that will need to be borne in order to secure the site's redevelopment*'.



Policy CS2 states that the Council will take economic viability into account where it is proved to be necessary to do so. Officers acknowledge that the site's historic use is likely to mean that there will be higher than average remediation costs, however this has not been quantified and would not in itself be grounds to reduce the level of affordable housing to be provided. Although the applicant has been offered the opportunity to try and demonstrate that the scheme would not be viable with 40% affordable housing provision they have confirmed that they will not be seeking a reduction in affordable housing. Officers have advised that the applicant that the Council will require through the S106 legal agreement, that the development provide 40% on-site affordable housing.

As this is an outline application with all matters reserved it would be inappropriate for the Council to specify the type and mix of dwellings. Through the S106 the Council will specify the percentage of units that are to comprise affordable housing and if permission is granted there will be a requirement that these matters are agreed at reserved matters stage. The Council will require that they reflect the local housing need as identified through the housing register.

**Community Land** – When the site was included within the ADMP it included the provision of 0.19ha to be used for Community Facilities. The Planning Statement indicates that through the development 0.19ha of land will be available to maintain *'the prospect of providing new surgery or health facilities and/or additional public open space'*. The Statement also states that *'if necessary, provision for children's' play space can be incorporated into the layout at the detailed stage'*.

Officers have discussed the provision of a new GP surgery within the village. As set out in the NHS England consultation response *'The provision of a branch surgery on this site is not in line with the current Primary Care Strategy for Essex and we can therefore confirm that NHS England have no requirement for a facility in this area'*.

Members will recall that land was secured as part of the redevelopment of the Premdor site in Sible Hedingham with the intention that a new health facility be provided there to replace the existing surgeries in Castle Hedingham (Castle Surgery and the Castle Hedingham Surgery); Hilton House (Sible Hedingham) and the branch surgery currently operating at Bridge Street, Great Yeldham.

NHS England are clear that there is no realistic prospect of the Community Use land being used to develop a new GP surgery and Officers have no clear policy for seeking to safeguard land for such a purpose.

Officers have discussed with the applicant at some length how to deal with the Community Land. Officers recommend that at this Outline stage the land be secured for Community Uses, but that the location of the land and its use is agreed at Reserved Matters stage. This will allow the opportunity for the developer and the Parish Council to discuss possible community uses and

this would allow the opportunity to consider uses which might serve the wider community, for example the provision of allotments. For the purposes of the S106 it has been necessary to specify how the Community Land might be used. The agreement specifies it should be laid out as Equipped Play Area together with open space and/or Allotments and/or such other use as the Owner and the Council shall agree.

**Education** – The County Council advise that there is currently no surplus capacity at either the village primary school (St Andrew's Church of England Primary School) or within existing early year and childcare providers.

There are currently sufficient places at secondary school to meet the needs of secondary school aged children living within the proposed development. The children would however need to be transported by bus to secondary school and a financial contribution would be required in this respect.

As this is an outline application the actual number and size of dwellings is unknown, so the financial contribution required would be a calculated once the number and size of the dwellings to be constructed is known and in accordance with the County Council's education contributions.

**Health** – As Members may recall, or be aware, when development sites were being promoted to the Council for inclusion in the Site Allocation and Development Management Policies Plan (ADMP) two development sites within Great Yeldham offered to make land available within their developments which could accommodate a new Doctors Surgery.

After prolonged deliberation both sites were included within the ADMP for residential development with provision of community land.

The applicant has proposed that the development include 0.19 Ha of land for community uses, which would potentially include a Doctors Surgery.

NHS England advise that there is insufficient capacity at the existing surgeries to accommodate the additional healthcare services arising from the development and as a result they request a financial contribution towards the capital cost of making that additional provision. The financial contribution should be secured through the S106 legal agreement and whilst the consultation response requests £19,760 the actual level of the contribution would be calculated when the actual number of dwellings is known.

**Open Space** - The Council's Open Spaces SPD specifies that on major residential developments (over 50 dwellings) the developer will be expected to make the following provision in respect of Open Space.

Allotments – Financial contribution (for development up to 250 dwellings)

Outdoor Sport – Financial contribution (for development up to 300 dwellings)

Informal Open Space (incl. Parks) – On site

Amenity Green Space – On site

Outdoor Equipped Playgrounds – On site

As previously stated there is some uncertainty over how the 'Community Land' will ultimately be used, however the S106 contains provision for equipped play space within the development site and a financial contribution, in accordance with the Open Spaces SPD, for improvements / enhanced provision of Outdoor Sports facilities within the village. The level of financial contribution will be dependent on the number and mix of properties that are built.

### Other Matters

#### **Contaminated Land**

This is a brownfield site which has a long history of industrial activity including a foundry and engineering works. As a result there is the potential for land contamination. Preliminary work, including some ground investigation, has been undertaken. Further work will be required to fully understand the extent to which contaminants exist and how this can be safely remediated. It is recommended that this matter is covered by condition.

Concerns have been raised regarding the demolition of the buildings on the site and the removal of asbestos materials. There are specific regulations controlling the handling of asbestos materials which are enforced by the Health & Safety Executive and disposal of the material is controlled by the Environment Agency. Government guidance is clear that Planning Authorities should not impose conditions or controls that duplicate other regulations or legislation.

#### **Noise Disturbance**

The application site forms part of the Hunnable Industrial Estate and a portion of this will be retained as employment land, even if planning permission were to be granted. This would result in residential properties potentially being erected in close proximity to an area which has a lawful use for industrial uses.

Whilst this is only an outline application Officers have required that the applicant demonstrates that the proposed development could be carried out without creating poor living conditions for future residents of the properties.

The Council's Environmental Health Officer required the submission of additional information from the applicant's acoustic consultants including more extensive monitoring of existing noise levels. The consultants were also required to consider the potential for noise disturbance not just from the existing businesses but also the potential noise from the current lawful uses of that site. Although Officers are aware of proposals for the redevelopment of the commercial estate no planning application has been made and there are no proposals before the Council to link the redevelopment of that site to the

occupation of the proposed residential dwellings. To ensure residential amenity for occupants of the new development is safeguarded the worst case scenario must be considered if suitable mitigation is to be planned.

The Council's Environmental Health Officer is satisfied that having assessed the revised acoustic report that the continuation of businesses on the adjoining commercial estate can continue without adversely affecting the residential amenity of the occupants of the new development. There would be a risk that without controls a subsequent operator of these buildings may use the building more intensely or create more noise but the Environmental Health Officer is satisfied that the risk is minimal and that in the event that such a situation arose the Council could consider controlling this through Statutory Nuisance legislation.

The report does go on to say that in the interest of reducing the risk of noise nuisance, it would be prudent to erect an acoustic barrier along the boundary line. In accordance with the principles contained within the NPPF relating to the protection of potential future development, it is recommended that a condition is imposed requiring the erection of a suitably designed fence. The Council's Environmental Services Officer raises no objection to the granting of outline permission for the residential development, subject to the erection of a suitable fence along the site boundary. It is recommended that this matter should be covered by condition.

### **Surface Water Drainage**

The application contains a Flood Risk Assessment (FRA). The application site is located within Flood Zone 1 in flood risk maps produced by the Environment Agency. This means that the site is classed as having a low probability of flooding.

Whilst the site is outside the floodplain a development of this type can generate a significant volume of surface water. During the application a revised FRA has been submitted to demonstrate that, in principle, surface water from the site can be discharged safely, without increasing the risk of flooding. The proposed approach will include a flood attenuation basin which will need to cover an area of approximately 1308 sq.m, which equates to 36m x 36m.

The applicant has submitted a revised layout plan which includes a detention basin. It is likely that the inclusion of a basin of this type will reduce the space available for built development and this could ultimately reduce the number of dwellings that the site can accommodate. However this is an outline application for *up to 60 dwellings*, with design and layout being reserved matters. If outline permission is granted then the reserved matters application will need to fix the position of the detention basin. Whilst outline permission would allow for the reserved matters application to propose *up to 60 dwellings*, this will be the maximum number and the actual number will depend on the type of dwellings proposed and the design and layout of the site. Whilst it is noted that Essex County Council are concerned that the layout could become fixed without including the above-ground basin this would not

be the case with an outline planning application where design and layout are reserved matters.

A condition is recommended requiring that the Reserved Matters application include a detailed Surface Water drainage strategy.

## CONCLUSION

The application site is one that the Council has identified as being suitable for redevelopment for housing. This approach accords with the Government's desire to promote the redevelopment of vacant industrial sites / brownfield sites.

This application seeks Outline Planning Permission for up to 60 dwellings at the site. The actual number of dwellings will be dependent on the size and style of the dwellings but this will be a matter that is agreed at Reserved Matters stage.

Officers are satisfied that the access to the site and its relationship to surrounding development and uses is in principle acceptable.

Following prolonged discussion the terms of the S106 agreement have been agreed, as outlined within this report. The agreement has been drafted and all parties have agreed the terms. The agreement can proceed to completion, subject to approval being granted.

## 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: 2822:01 Version: B
Tree Plan	Plan Ref: ARBORICULTURAL IMPACT ASSESSMENT Version: DF Clark - DFCP 3364

### 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 Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

The indicative housing layout.

**Reason**

For the avoidance of doubt and in the interests of proper planning and as the indicative housing layout was included for illustrative purposes only.

- 3 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include 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, refuse storage, signs and lighting.

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**

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 4 Demolition and site clearance, shall be carried out in accordance with the

approved Arboricultural Report listed above, undertaken by DF Clark Bionomique Ltd, dated 7th November 2014.

Reason

To ensure existing trees, shrubs and hedges which are identified as being of value are retained as they are considered important to enhance the character of the development

- 5 Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and as assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- The scheme will investigate the feasibility of infiltration SuDS as a preference.
- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- The discharge rate to the Anglian water piped network shall be at the agreed rate of 5l/s.
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- Calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.
- Details of any exceedance and conveyance routes.
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason

To ensure a satisfactory method of surface water drainage.

- 6 Prior to the commencement of development a comprehensive survey (phase II) shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme (if necessary) to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further



advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

**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.

- 7 The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval.

There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

**Reason**

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

- 8 No occupation of any part of the permitted development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.



#### Reason

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

- 9 If during the development contamination should be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

#### 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.

- 10 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.

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

#### Reason

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

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

#### Reason

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

- 13 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.

- 14 All access to the site by construction traffic in connection with the site clearance or construction of the development shall be via the adjoining Commercial Estate which will be accessed off Toppesfield Road.

Reason

To protect the amenities of the occupiers of Whitlock Drive and Market Grove

- 15 Development shall not be commenced until a scheme setting out the access arrangements to the application site in connection with the demolition/construction operations has been submitted to and approved in writing, with the Local Planning Authority. The scheme shall include details of wheel washing facilities; turning and off loading facilities for delivery / construction vehicles together with adequate parking areas for those employed in construction / demolition of the site. The details specified within the approved scheme shall be adhered to throughout the site clearance and construction process.

Reason

In the interests of highway safety.

- 16 Details of suitable designed fences / walls or other means of enclosure along the southern boundary with the existing commercial estate shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The fence / wall as approved shall be provided prior to the occupation of any residential properties on the application site and shall be permanently maintained as such.

Reason

In order to secure the satisfactory development of the site and in the interests of the residential amenity of the future occupants of the development.

- 17 Development works to which the consent applies must not take place; between 1st March and 31st August inclusive, unless agreed in writing with the Local Planning Authority prior to the commencement of the works, following submission of details submitted in writing from a suitably qualified ecologist confirming that there are no nesting birds present on the site.

#### Reason

To ensure nesting birds are not disturbed during the development.

- 18 No development shall be commenced until a survey of the application site has been carried out by a suitably qualified and experienced ecologist no more than 50 days prior to commencement of the works to confirm that there are no badger sets within 50 metres of any area of work which forms part of this application. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority for approval prior to the commencement of development.

Should the results of the survey indicate that protected species are present within the application site, then details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on protected species;
- (b) a scheme of translocation to be submitted if necessary;
- (c) a programme of timings for the works referred to in a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

#### Reason

In order to assess whether there are protected species which would be adversely affected by the development and whether it is necessary for mitigation works to be carried out as a result.

- 19 A full reptile survey shall be undertaken in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority, and the results shall be submitted alongside subsequent applications for reserved matters or full planning permission, and should assess to the satisfaction of the Local Planning Authority the presence or absence of reptiles on the site, including full details of measures and programme for reptile mitigation and conservation should the presence of reptiles be confirmed. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

#### Reason

In order to assess whether there are protected species which would be adversely affected by the development and whether it is necessary for mitigation works to be carried out as a result.

## 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 All works 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, 910 The Crescent, Colchester, CO4 9QQ.

3 The applicant is advised that the removal of the turning head may require the removal of highway rights and if this is required it will need to be agreed with Essex County Council prior to any works taking place.

4 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.

5 You are advised that works involving the removal of asbestos should be undertaken in accordance with the relevant regulations, details of which can be obtained from the websites of the Health and Safety Executive and the Environment Agency.

6 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk), at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

7 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species,

including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)

8 The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) it is an offence to take, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

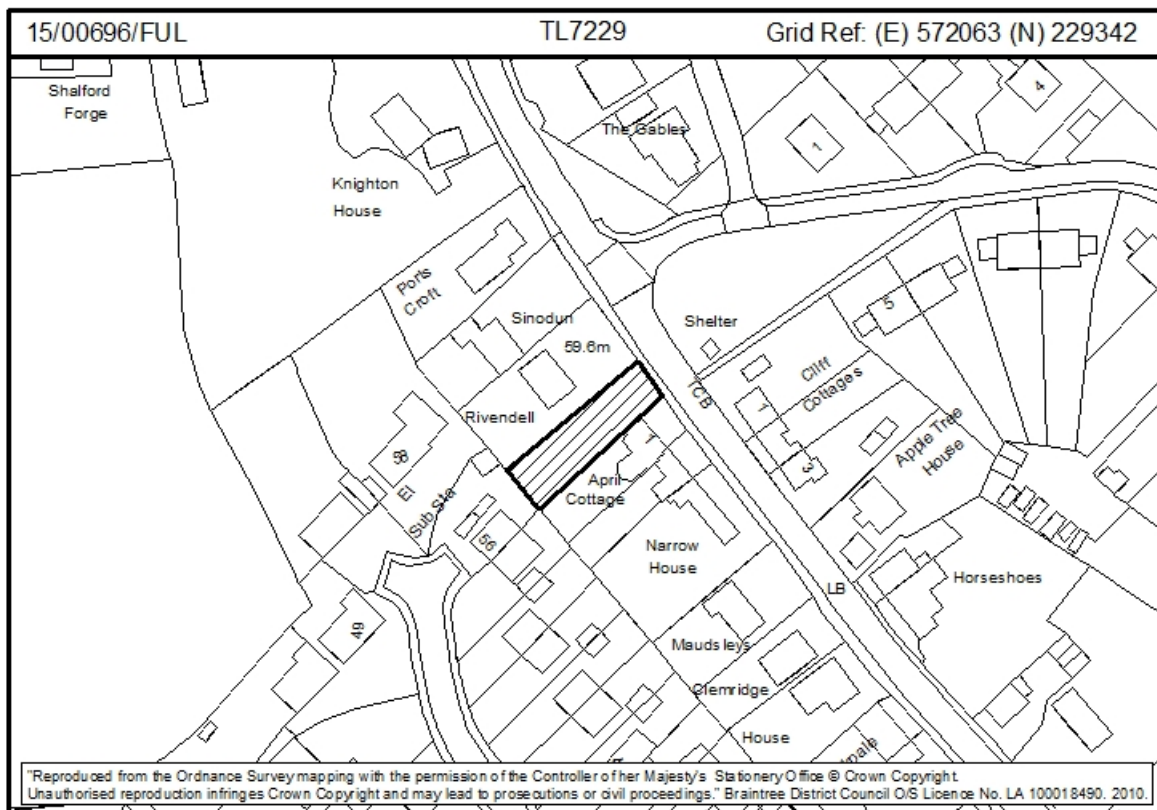
TESSA LAMBERT  
DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 5c

## PART A

APPLICATION NO: 15/00696/FUL DATE: 01.06.15  
 VALID:  
 APPLICANT: Miss A Metson  
 23 Gulls Croft, Braintree, Essex, CM7 3RT  
 AGENT: Mr David Andrews  
 Minern, Fairy Hall Lane, Rayne, Braintree, Essex CM77 6SZ  
 DESCRIPTION: Erection of a three bedroom detached dwelling  
 LOCATION: Land Adjacent, 1 The Street, Shalford, 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

93/01160/FUL	Erection of sun room extension	Granted	21.10.93
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
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 as the applicant is a member of staff.

## NOTATION

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

## SITE DESCRIPTION

The site is located to the north western end of Shalford and falls within the village envelope. It is occupied by an end of terrace dwelling which is located on a spacious plot. The dwelling benefits from off-road parking to the front and side of the dwelling.



## PROPOSAL

This application seeks planning permission for the erection of a three bedroom detached dwelling to the north western side of No.1 The Street.

The dwelling would measure approximately 9.5 metres in depth by 5.5 metres in width and 7.6 metres to the ridge. It would feature a front facing gable, with a hipped roof to the rear. The external materials would comprise render above a red brick plinth with clay plain tiles to the roof.

Two off road parking spaces would be provided to the front of the dwelling.

## CONSULTATIONS

Parish Council – Support the application.

Engineers – No objection subject to a condition requiring details of the design of the soakaways or alternative means of surface water drainage.

Highways – The proposal is acceptable subject to highway safety conditions.

Landscape Services – No objection.

## REPRESENTATIONS

A site notice was displayed and neighbouring properties were notified by letter. One letter of objection has been received raising the following concerns:

- There is an underground stream that flows between the gardens of Rivendell and No.1 The Street. Concern that the foundations may affect the stream.
- The proposal will block out light and warmth from existing side windows at Rivendell.
- Concern regarding future extensions to the property.
- The existing garage has asbestos content.
- Oil is delivered to Rivendell using a hose along the path within the site. Hope that the new owners would allow this to continue.
- Satellite dish at Rivendell would have to be re-positioned to a more prominent position.

## 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 a presumption in favour of sustainable development. Local planning authorities should seek to deliver a wide choice of quality homes and plan for a mix of

housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The site falls within the village envelope. In accordance with Policy RLP 2 and RLP3, the principle of residential development at sites within village envelopes is acceptable, providing it satisfies amenity, design, environmental and highway criteria and subject to compliance with other relevant Local Plan policies. These issues are discussed below.

### Design and Layout

Both the NPPF and Planning Practice Guidance refer to the importance of good design.

Policy CS 9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development.

Policies RLP 3, 9, 10 and 90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. Policy RLP 90 states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Policy RLP 9 states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

Guidance set out in the Essex Design Guide indicates that new dwellings with three or more bedrooms should benefit from gardens of 100 square metres or more.

The site is located within an existing residential area where there is no definitive character to the pattern or design of the dwellings. The site is large enough to accommodate a dwelling of the size proposed and accord with the required garden size without appearing cramped. The design and appearance is considered acceptable and would not be harmful to the street scene or character of the area. Accordingly the proposal accords with the aforementioned policies.

### Impact on Neighbouring Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies RLP 3 and RLP 90 of the Local Plan Review seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

The concerns raised by the occupants of the neighbouring dwelling (Rivendell) are acknowledged. The proposed dwelling would be sited approximately 1.3 metres from the neighbouring garage which is attached to the front of the dwelling and approximately 2.4 metres from the side of the dwelling itself. The side elevation of Rivendell benefits from two first floor windows and two ground floor windows within the side elevation adjacent the site. Two of these windows are located towards the rear of this elevation and, due to the depth of the proposed dwelling, would not be affected by the development. Of the two other windows, the first floor window serves a bathroom and is obscured glazed. Given that this is not a habitable room, it is not considered that the proposal would have an adverse impact upon amenity in this regard. It is understood that the ground floor window is a secondary window which serves an open plan living area. This room is also served by French doors on the rear elevation. Having regard to this, whilst it is accepted that the proposed dwelling would result in some loss of light to the window, it is not considered that the impacts would be so unacceptable to the extent that could substantiate withholding planning permission.

### Highway Issues

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for dwellings with two bedrooms or more, two off-road parking spaces should be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m.

Two off road parking spaces and a dropped kerb are proposed to the front of the dwelling. The provision and size of the spaces would accord with the adopted standards set out above.

It is acknowledged that vehicles would have to reverse into/out of the spaces to/from the road as there would be no turning within the site. The site is located within a 30mph speed limit. As is the case in any location, care should be taken when reversing into/out of spaces. The Highway Authority has been consulted on the application and has raised no objection, subject to highway safety conditions.

### Sustainability

Policy RLP 74 indicates that space should be provided for the separation, storage and collection of recyclable waste. Policy RLP 69 states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces. RLP76 of the Local Plan Review states that the integration of renewable energy generation into new developments will be encouraged.

The submitted plans include an area to be used for the storage of bins. Conditions can be imposed requiring all areas of hard standing to be porous.

## Other Matters

The following points address other matters raised in the letter of representation.

The concerns regarding the existing underground stream are noted. The construction of the dwelling, including the impact of the foundations, would be controlled by Building Regulations and would therefore be considered and controlled at a later date.

Any future extensions to the dwelling would be considered on its merits and in accordance with planning policies relevant at the time. It is proposed that permitted development rights for extensions and alterations are removed in order that the LPA can control any future additions.

The removal of asbestos is controlled by other legislation. An informative regarding this can be added.

The use of any land not within the neighbour's ownership for oil delivery is a civil matter and not a matter which the LPA can concern itself with.

The position of the neighbour's satellite dish is not a material planning consideration which can be considered as part of the determination of this application.

## CONCLUSION

The site is located within the village envelope where the principle of new residential development is acceptable. The size, siting and design of the proposed dwelling are considered acceptable and would not have an adverse impact upon the character of the area. Furthermore, it is not considered that the development would give rise to an unacceptable impact upon highway safety or neighbouring residential amenity. Accordingly Officers conclude that the proposal would comply with the policies set out above.

## 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

Topographical Survey	Plan Ref: 1218-1
Location Plan	Plan Ref: J.650 D1
Block Plan	Plan Ref: J.650 D2
Proposed Elevations	Plan Ref: J.650 D3
Floor Plan	Plan Ref: J.650 D4
Floor Plan	Plan Ref: J.650 D5

Street elevation  
Section

Plan Ref: J.650 D6  
Plan Ref: J.650 D7

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 / alteration of the dwelling-house, as permitted by Classes A, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 4 Construction of the dwelling shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 5 The boundary fences as indicated on the approved layout plan shall be erected before the dwelling is occupied and shall be permanently maintained as such.

Reason

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

- 6 Prior to occupation of the development, the access shall be provided with a 2.4 metre parallel band visibility splay across the whole of the site's

frontage (land edged in red and blue) 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.

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

Reason

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

- 8 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 9 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 10 The development shall not be occupied until the car parking area indicated on the approved plans has been provided. The car parking area shall be retained in this form at all times.

Reason

To ensure adequate parking space is provided.

- 11 Development shall not be commenced until details of the design of the soakaways or alternative means of surface water drainage have been submitted to and approved in writing by the local planning authority. Where soakaways are proposed the details shall include the design and the results of a series of percolation tests carried out upon the subsoil in accordance with BRE Digest 365 to demonstrate they are of appropriate sizing and construction for the site. No building shall be occupied until the approved means of surface water drainage has been provided and is operational.

Reason

To ensure a satisfactory method of surface water drainage.

- 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 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.

- 14 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.

- 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 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. Prior to the first occupation of the development, any such approved external lighting shall be installed in accordance with details and thereafter so maintained. There shall be no other sources of external illumination.

Reason

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

INFORMATION TO APPLICANT

1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](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 You are advised that works involving the removal of asbestos should be undertaken in accordance with Guidance Note EH36 from the Health and Safety Executive "Work with Asbestos Cement". Further details can also be found on the Council's website.

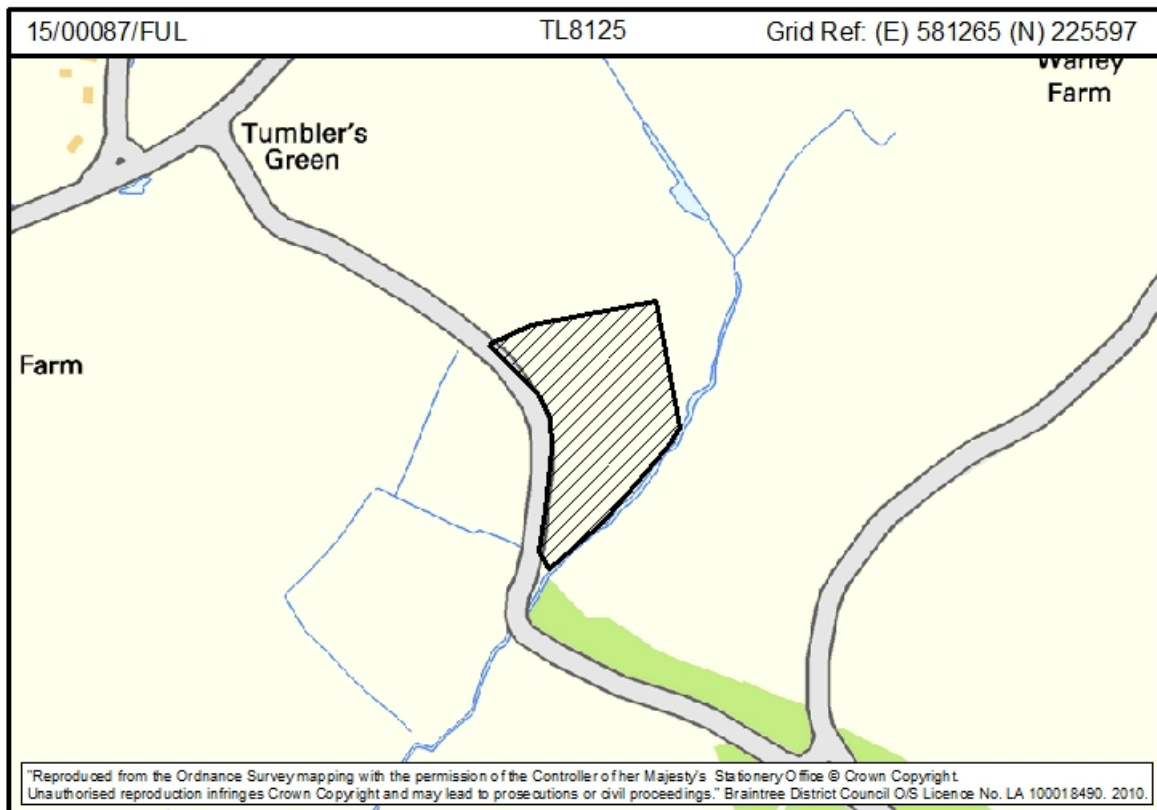
5 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby 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 NO:	15/00087/FUL	DATE VALID:	23.01.15
APPLICANT:	Ms D Fulgoni C/o The JTS Partnership LLP,		
AGENT:	Miss S Pyne The JTS Partnership, Number One, The Drive, Great Warley, Brentwood, Essex, CM13 3DJ		
DESCRIPTION:	Retention of mobile home for a period of three years as a dwelling for an agricultural worker		
LOCATION:	Gulls Meadow, Woodhouse Farm Road, Stisted, Essex, CM77 8FP		

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



## SITE HISTORY

10/00491/FUL	Retention of mobile home for a period of three years as a dwelling for an agricultural worker	Granted	03.08.10
14/01069/FUL	Retention of mobile home for a period of three years as a dwelling for an agricultural worker	Refused	29.10.14

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2           Town Development Boundaries and Village Envelopes  
RLP12          Permanent Agricultural Dwellings  
RLP13          Temporary Agricultural Dwellings  
RLP90          Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee at the request of the Chairman and Vice Chairman.

## SITE DESCRIPTION

The application site is in the open countryside to the east of Tumbler's Green. The submitted plans show that the applicant's ownership extends to include a total site area of 5.1 hectares and comprises three fields. Currently the farming activities are concentrated on the southern field in which the mobile home is currently sited. The north field is predominately grassed and it is stated that this will eventually be used to graze sheep.

Within the site there is also a storage container, a number of pig arcs and poultry run. The site is served by an access which is located to the south of the site.

## PROPOSAL

The application is for the retention of a mobile home for a further period of three years as a dwelling for an agricultural worker who is utilising the land. Planning permission has previously been granted for a temporary dwelling for a period of three years on this site. The applicant is seeking planning permission for the retention of the mobile home for a further three years.

The mobile home measures 11 metres by 3.7 metres, with an ancillary wooden front porch structure that measures 1.5 metres by 2.5 metres. As part of this application it is proposed to re-site the mobile home approximately 25 metres further to the east, on the other side of the access track.

The previous identical application was refused by the Planning Committee on 29th October 2014 on the grounds that permission had been granted previously for a temporary dwelling for a period of three years. The business was developed over the first two years but was wound down for the final year due to the applicant's personal circumstances. A Business Plan was not submitted with the application, therefore, it was considered that it was not satisfactorily demonstrated that the business would be financially sustainable for a further three years. This application has been re-submitted with a 'Farm Business Plan' dated December 2014 in an attempt to overcome this fundamental objection.

## CONSULTATIONS

The Parish Council objects to the proposal. They comment that the operation is unsustainable and that it is not of sufficient size to produce a sufficient return to justify a residence.

The Council's Agricultural Consultant's opinion is discussed below.

## REPRESENTATIONS

None.

## REPORT

The original temporary planning permission, reference, 10/00491/FUL, was granted having regard to Policy RLP13 of the Braintree District Local Plan Review. This stated that 'at the end of the period for which the temporary permission is granted, the temporary dwelling will need to be removed, unless the requirements for a permanent permission to be granted are met.' It is reiterated that there is no scope within this policy to extend the temporary period. In relation to this Policy, the NPPF Planning Practice Guidance states "It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently". The applicant has requested that their personal circumstances outlined in

application 14/01069/FUL are taken into account and that an exception is made to planning policies which do not normally allow for the renewal of a temporary permission for an agricultural workers dwelling.

### Principle of Development

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

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

Policy RLP13 states that if permission for temporary accommodation is granted, permission for a permanent dwelling will only be given if the criteria set out in Policy RLP 12 are fully met. At the end of the period for which the temporary permission is granted, the temporary dwelling will need to be removed, unless the requirements for a permanent permission to be granted are met.

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

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

- (f) There is clear evidence of a firm intention and ability to develop the enterprise concerned;
- (g) There is clear evidence that the proposed enterprise has been planned on a sound financial basis.

Policy RLP12 also states that if it is demonstrated that a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation, satisfying the criteria (a), (b), (d) and (e) above and criteria (f) and (g) below.

As set out above, the applicant was two years into implementing the Business Plan when activities ceased in 2012 and whilst it was suggested that some progress had been made, it was concluded that the proposal did not comply with Policy RLP12 as there was no up-to-date evidence that criteria f) and g) were met, or likely to be met.

The Council's Agricultural Consultant has provided a Technical Appraisal of the proposal in the light of the Farm Business Plan submitted with this application. In it he refers to four matters of concern expressed in his appraisal of the refused application:-

- i. The original business proposals had not achieved a number of their key targets.
- ii. The proposed polytunnel and general purpose building had not been erected. In addition, the vegetable cropping and sheep enterprise have not been established.
- iii. The potential therefore to achieve the outputs proposed in the original Business Plan from the various enterprises was therefore doubtful as now 4 years on it is clearly necessary that the enterprise will have to be established all over again.
- iv. No proper management or financial information on the performance of the business, at least since 2010, had been kept or prepared .

#### Proposals for re-establishing the Business

- By the end of year 3 it is proposed that there would be 10 breeding sows and 3 boars producing piglets; the greater percentage of which would be slaughtered and sold for meat with the smaller number sold as breeding pigs.
- A poultry enterprise based on 300 commercial free range laying hens (although the applicant's agent refers to 250 in his letter of 23.01.15) complemented by rearing 100-200 table birds and keeping 24 rare



breed hens and roosters for the production and sale of fertile eggs as well as some that are hatched and sold as point of lay pullets.

- Fifty easy care ewes with lambs which will be kept and fattened for sale.

The Farm Business Plan sets out budget calculations demonstrating potential financial performance of these enterprises as well as additional capital expenditure including:

- a mains electricity supply,
- a new poultry house,
- pig farrowing hut and repairs to existing shelters.

It concludes that by the end of year 3 the total gross margin of the combined enterprises (i.e. gross output less direct costs) would be some £37,500.00. Overhead expenses and an annual charge for £36,000.00 of additional capital expenditure, with an allowance for casual labour gives total overhead costs of some £13,000.00 and a net profit to the business of some £24,335.00 pa. An assessment of the basic agricultural wage and cost of a permanent dwelling (a modest log cabin on a concrete base is proposed) amounting to some £21,869.00pa indicates that in theory there is potential for the proposed business plan to achieve viability by the end of year 3.

### Functional Need

During a visit to the holding, the Council's Consultant was able to establish the following:

Mrs Fulgoni has already purchased 2 'in pig' middle white sows and one middle white boar, although in the future she may purchase Berkshires which was the breed she previously reared. The pig enterprise represents the most significant business on the holding and Mrs Fulgoni explained how pigs will be taken for slaughter and sold on to processor/retailers at approximately £250/pig with a smaller number of pigs sold privately and some also sold as breeding pigs. To fully develop the pig enterprise she needs a new farrowing house and is also intending to purchase a 5 ton bulk feed silo or feed bin. Currently feed is delivered in bag form and kept in the storage container on site which involves a considerable amount of handling which Mrs Fulgoni does not always find easy. A local farm contractor removes pig manure as necessary and local contacts supply hay and straw as required. Although Mrs Fulgoni considers she can do much of the work herself she advised that she would be looking for assistance for say 12-15 hours/week from a student or trainee worker.

Poultry sales particularly of free range eggs rely on a number of local contacts with private and business customers where she finds a ready demand for all the eggs she produces. The rare breed poultry unit is based on sales of fertile eggs as well as point of lay pullets and rearing on some of the chicks to produce about 100-200 large free range roasters per annum.

The sheep flock would follow a similar system to the pigs with the ewes producing lambs which would be fattened and sold to a local abattoir. Although initially spring lambs would be sold she hopes eventually to be able to keep some through the winter.

Thus with the exception of the polytunnel, fruit and orchard which was included in the original plan, the enterprises remain broadly similar.

The Farm Business Plan refers to Mrs Fulgoni's previous serious illness, which forced her to take early retirement and had left her with some impediments, and comments that when she embarked on the original 3 year plan she had difficulty in keeping financial records.

It has been ascertained that Mrs Fulgoni's speech and memory have improved considerably over the past 2 years and that she was also more physically able to move around than previously, although she would still require help on the holding particularly with heavy work and during the winter months. It is also of note that Mrs Fulgoni is now in her late 60's (she was 64 in 2010 when the mobile home was originally granted consent for a 3 year period)

It is the opinion of the Council's Agricultural Consultant that the enterprises proposed at Gulls Meadow would generate welfare and management requirements that would be difficult to meet without having a suitably skilled and responsible person living on the premises. Compliance with the various Animal Welfare Codes published by DEFRA will also be more readily achieved by someone living on site.

Thus with little change from the earlier business proposals it is considered that to meet the requirements of the current business plan and for the satisfactory establishment and operation of the business there is a functional need which will require temporary on site residential accommodation.

#### Need for Full Time Employment

The Farm Business Plan suggests that the holding is likely to generate 51.7 hours per week. In addition Mrs Fulgoni has also advised that she would require some 12-15 hours assistance with the pig enterprise. The on-site husbandry activities arising from the various enterprises together with the additional work in promoting, marketing and selling of produce, etc, would be likely to generate sufficient work for one full time worker, if the business plan is implemented in full.

### Economic Viability

If the re-establishment of the business goes according to the Farm Business Plan and Mrs Fulgoni is able to develop all of these enterprises without significant reliance on additional labour whether through direct employment or contract, then provided the physical and financial targets are reached the business has the theoretical potential to meet the viability threshold.

The operation of any smallholding however is especially reliant on the labour input of the owner or manager as such businesses by their very nature use less capital but are more heavily reliant upon a range of skills and physical labour for their success. In this regard, the Council's Agricultural Consultant has considerable concerns regarding this aspect of implementing the business plan and achieving the targets proposed.

The applicant's original business proposals for Gulls Meadow were not implemented in full by the time the business had to be scaled back in late 2012 owing to the applicant's personal difficulties. It is recognised that the reasons for this were outside the applicant's control. It is nevertheless unfortunate that there are such limited financial records of the initial establishment of the business at Gulls Meadow and that it appears little or no real attempt was made to keep financial records, which is fundamental to the satisfactory establishment and operation of any business.

The up-to-date business plan sets out in some detail the operational and financial targets which are proposed for the holding. If these targets are reached within a 3 year timescale and the financial performance is as projected, the holding should be viable and generate sufficient labour for one full time employee. This will depend on the applicant maintaining a physical input of some 50+ hours per week, a level which she may find difficult to sustain, given the demanding nature of many of the tasks to be undertaken. If additional labour is then employed this may impact on the financial targets. Taken together these matters cast some doubt, on whether or not the objectives of the business plan will be met.

Given that the applicant has previously submitted a planning application for a temporary dwelling she would have been aware that at the end of the three year period that she would have to demonstrate the financial viability of the business in order to justify obtaining planning permission for a permanent dwelling on the site. An informative was added to the planning permission which was granted in 2010 which made it clear that evidence of financial profitability would be a pre-requisite of any further application.

The applicant has been living on the site for approximately 5 years now. Whilst it is accepted that family circumstances took her away from being able to manage the farm for just over a year, and this is unfortunate, it seems difficult to understand why no business accounts have been prepared. Despite the preparation of a new Business Plan, it is still of some considerable concern that no proper management or financial information on the

performance of the business, at least since 2010, is available and notwithstanding the applicant's agent comments to the contrary, the Council's Consultant is not convinced that the economic viability test can be met.

### Other Planning Matters

Policy CS5 of the Core Strategy and Policy RLP 90 of the Local Plan Review states that the Council seeks a high standard of layout and design in all developments. The scale, density, height and massing of buildings should reflect or enhance local distinctiveness and shall be in harmony with the character and appearance of the surrounding area.

The site is served by an existing access and no concerns are raised in this regard.

It is proposed to re-site the mobile home slightly further to the east. This is located on slightly lower ground. Given the topography of the site and the screening to the sites boundaries, it is not considered that this location would have a greater impact upon the character of the area.

### CONCLUSION

The application site is located within the countryside where residential development would not be acceptable unless it has been demonstrated that the dwelling is justified on grounds of agricultural/rural need.

Planning permission was previously granted for a temporary dwelling for three years based on a Business Plan which was prepared in 2009. The Council accepts that the personal circumstances of the applicant meant that the business could not be fully developed in the way intended.

The strategy set out in the Farm Business Plan appears to be on the basis of establishing the holding from the beginning and does not acknowledge or provide any information on any progress on the first two years of the enterprise, ie, before it was wound down. The only evidence provided is anecdotal as set out in the Agent's letter accompanying the application and from the applicant's discussions with the Council's Agricultural Consultant. The original three year temporary permission granted in 2010 was the applicant's opportunity to demonstrate that she could establish a viable agricultural business, and whilst it is acknowledged that circumstances beyond her control curtailed the plans, it is not unreasonable to expect at least some evidence of a firm intention and ability to develop the enterprise.

The Council is being asked to take the applicant's personal circumstances into account and grant a further temporary planning permission, although there is no mechanism within Policy RLP12 to do so. However, if personal circumstances are to be brought into the equation, then it is not unreasonable that all such circumstances must be considered. In this respect, the applicant has acknowledged that she is likely to find a 50+ hour week demanding and that it is likely she will need help, particularly as the type of farming she is

proposing is very labour intensive. This will inevitably have an impact on the financial viability of the Farm Business Plan. This together with the other evidence submitted with the current and the previously refused application casts considerable doubt that the aims of the enterprise can ever be realised.

It is concluded therefore, that little weight can be afforded to the evidence submitted to support this application sufficient to address the reasons for refusal of the previous application and to overturn the policies of rural restraint set out in the Council's established policies and the NPPF.

## RECOMMENDATIONS

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

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

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

Policy RLP12 of the Braintree District Local Plan Review states that new dwellings will not be permitted in the countryside, unless they are needed for agricultural workers. It states that it should, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation, satisfying the criteria (a), (b), (d), (e), (f) and (g) as follows:

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

- (e) Other normal planning requirements, for example on siting and access, are satisfied. If it is demonstrated that a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation, satisfying the criteria (a), (b), (d) and (e) above and criteria (f) and (g) below.
- (f) There is clear evidence of a firm intention and ability to develop the enterprise concerned;
- (g) There is clear evidence that the proposed enterprise has been planned on a sound financial basis.

Policy RLP13 states that if permission for temporary accommodation is granted, permission for a permanent dwelling will only be given if the criteria set out in Policy RLP 12 are fully met. At the end of the period for which the temporary permission is granted, the temporary dwelling will need to be removed, unless the requirements for a permanent permission to be granted are met.

In this case, it is acknowledged that the full implementation of the updated Farm Business Plan would require temporary on site residential accommodation and would require a full time employee.

Nevertheless, the applicants' original attempt to establish an agricultural enterprise failed to meet the expectations of the original business plan and the applicant's failure to keep financial records in relation to that enterprise means that the Local Planning Authority has no positive evidence to confirm that it was planned on a sound financial basis.

In the context, and given the evident significant physical input that would be expected of an applicant beyond normal retirement age, there is clear doubt about the applicant's ability to develop the enterprise in line with the submitted Business Plan or to fund the engagement of additional labour in the event that the physical input proves too demanding. In these circumstances, it is not considered that there is clear evidence of a firm intention or ability to develop and realise the enterprise as planned, nor evidence that it has been planned on a realistic financial basis. Accordingly the proposals would not meet the policy criteria outlined above and there are not considered to be any material considerations that outweigh this conflict with adopted policy.

### SUBMITTED PLANS

Elevations	Plan Ref: JTS/7173/C
Site Plan	Plan Ref: JTS/7173/C
General	Plan Ref: JTS/7173/D
Block Plan	Plan Ref: JTS/7173/E
Location Plan	Plan Ref: JTS/7173/D

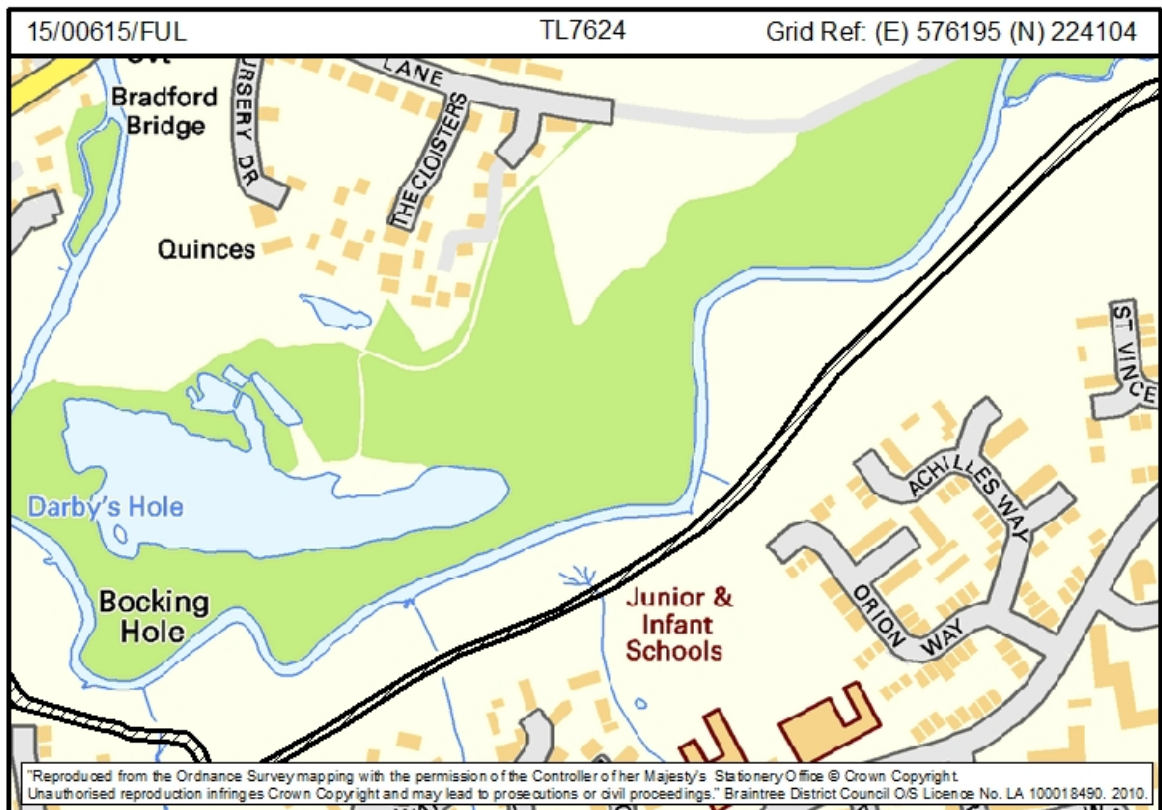
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART B

APPLICATION 15/00615/FUL DATE 15.05.15  
 NO: VALID:  
 APPLICANT: Braintree District Council  
 Mr Stephen Wenlock, Causeway House, Bocking End,  
 Braintree, Essex, CM7 6HB  
 DESCRIPTION: Construction of a cycleway and connecting paths to  
 resurface the existing path network on the open space  
 LOCATION: Open Space, River Mead, 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

14/01167/FUL	Re-engineering and re-profiling of 580m of river bank and creation of 3 new wildlife ponds and associated works and landscaping	Granted	30.10.14
14/01388/FUL	Resurfacing of the existing path network and the widening of existing paths to create a new cycleway, including engineering works to allow existing gradients to be managed, the creation of new pathways and the removal of existing pathways	Granted	02.12.14
14/01167/FUL	Re-engineering and re-profiling of 580m of river bank and creation of 3 new wildlife ponds and associated works and landscaping	Granted	30.10.14
14/01388/FUL	Resurfacing of the existing path network and the widening of existing paths to create a new cycleway, including engineering works to allow existing gradients to be managed, the creation of new pathways and the removal of existing pathways	Granted	02.12.14

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

CS10            Provision for Open Space, Sport and Recreation

### Braintree District Local Plan Review

RLP49	Pedestrian Networks
RLP50	Cycleways
RLP80	Landscape Features and Habitats
RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites.
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP141	Informal Recreation Areas

### Planning Practice Guidance

### INTRODUCTION

This application is brought before the Planning Committee as Braintree District Council is the applicant.

### NOTATION

The site is located outside of, but abuts, the Town Development Boundary.

### SITE DESCRIPTION

The site comprises an area of public open space to the north of the Fairview housing estate and to the south of the River Blackwater. It is located adjacent the Bocking Blackwater Local Nature Reserve and part of the site falls within Flood Zones 2 & 3.

### PROPOSAL

This application proposes the construction of a cycleway and connecting paths, and the resurfacing of existing paths within an area of public open space.

This application is Phase 2 of the proposed works. A similar application was submitted and granted in 2014 for the stretch the east of the site, connecting to Marks Farm. Both phases will connect River Mead to Marks Farm.

It is proposed that the cycleway will be surfaced with bituminous macadam and the footpaths will be surfaced with a self-binding aggregate.

## CONSULTATIONS

Landscape Services – No response at the time of writing this report. Any comments received will be reported to Members verbally at the time of the Committee Meeting.

Public Rights of Way – As above.

Environment Agency – As above.

## REPRESENTATIONS

A site notice was displayed. Two letters of representation have been received.

One letter is in support of the application as it will mean that a pushchair can be pushed along the paths all year round.

The other letter comments that there is an electrical substation with underground cables on the western part of the site. Also, the ground slopes significantly in this area. The plans show the cycle path on level ground.

## REPORT

### Principle of Development

The Council has a range of policies (set out above) which promote sustainable travel and improving accessibility and links between urban areas and the countryside. This proposal would help with meeting these objectives.

The cycleway is also shown as a proposal in the adopted Local Plan Review and would link the Marks Farm cycleway to River Mead.

### Design and Appearance

The proposals would improve the surfacing of the existing footpaths. Whilst the appearance of the footpaths would change and new paths/cyclepath would be created, it is not considered that they would have an unacceptable visual impact upon the character of the area.

In response to the comments made in the letters of representation, the Council's Landscape Architect (who submitted the application) has advised that the Landscape Department is aware of the services across the whole of the area owned by Braintree District Council, including in this instance an electricity cable. UK Power Networks has advised where it is buried. The top of the cable is buried at 600mm. The proposed construction will only be 210mm deep and will build over the top of it.

Secondly, in respect of levels the comments don't clarify if they are referring to a crossfall or a longitudinal fall or both. The steepest gradients are approximately a 22m section of 1:11, and a 20m section of 1:4. The Landscape Architect has advised that longitudinally the surfacing will largely follow the existing gradients and the typical detail submitted is a sufficient description of this. The greatest gradient on the site is 1:4 (section 8 on the submitted plans, for approximately 20m). In this location it will be managed with a cycle barrier at the top to slow cyclists down and a sign will be erected requesting that cyclists dismount. This avoids placing the route through a more biodiverse part of the Local Nature Reserve. A condition is proposed requiring further details in terms of a section drawing and details of the design of the proposed barrier.

Crossfalls will be managed as a bench cut, with the higher side being graded back, and the lower side receiving a high volume of unbound material to support the path surface – all graded into smooth and running levels.

#### Impact Upon Neighbouring Amenity

There is a large residential estate to the south of the site. The resultant works would not adversely affect residential amenity but it is acknowledged that there may be some disruption while the works are carried out. However this will be for a limited period of time and it is not considered that this will have an unacceptable impact upon residential amenity. Conditions can be imposed in order to control the hours during which works can take place in order to minimise any impact upon residential amenity.

#### Highways Considerations

No issues. The site can be accessed via the existing public highway and a new dropped kerb is proposed at River Mead.

#### Flood Risk

Part of the site encroaches into Flood Zones 2 and 3. The Environment Agency has been consulted on the application and it is understood that discussions had taken place prior to the submission of the application. The Environment Agency confirmed in writing that it had no objection to the previous application. This application was more complicated as it also proposed culverts. None are proposed with the current application. Officers are waiting for a formal response from the Environment Agency; this will be reported to Members at the Committee Meeting.

#### Landscape & Ecology Considerations

There are a number of trees within the site. A Tree Survey has been carried out and included within the application. Three trees would be removed. Information within the Survey indicates that these are impacting upon a raised foul water drainage pipe and would require removal regardless of the path construction.

The submitted plans include details of tree protection measures where the proposed works will be within 15 metres of a surveyed tree. A 'no-dig' path construction method is proposed where works would take place close to existing trees in order to avoid damage to tree roots.

An Ecology Statement has been submitted with the application. The cycleway and footpaths will generally follow existing routes. The site also comprises a regularly mown area of open space. Accordingly it is not considered that the proposal would have an adverse impact upon biodiversity of the Local Nature Reserve. A condition can be imposed to ensure that works are completed outside of the bird nesting season.

### 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

Other	Plan Ref: SURVEYED TREE SCHEDULE	
Section	Plan Ref: 6223/010	
Landscaping	Plan Ref: 6223/011	
Section	Plan Ref: 6223/012	
Section	Plan Ref: 6223/013	
Section	Plan Ref: 6223/014	
Section	Plan Ref: 6223/015	Version:
SECTION 10		
Section	Plan Ref: 6223/015	Version:
SECTION 11		
Location Plan	Plan Ref: 6223/017	
Transport Plan	Plan Ref: 6223/018	

- 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 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 harmed during the development.

- 4 There shall be no vehicular movements to, from or within the site outside the following times:-  
Monday to Friday 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sundays, Bank Holidays and Public Holidays - no vehicular movements

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.

- 6 Prior to the commencement of development a section drawing showing the existing and proposed land levels, gradient and details of the design of the cycle barrier at the location of the 1:4 gradient within Section 8, as shown on Drawing 6223/011, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity.

TESSA LAMBERT  
DEVELOPMENT MANAGER

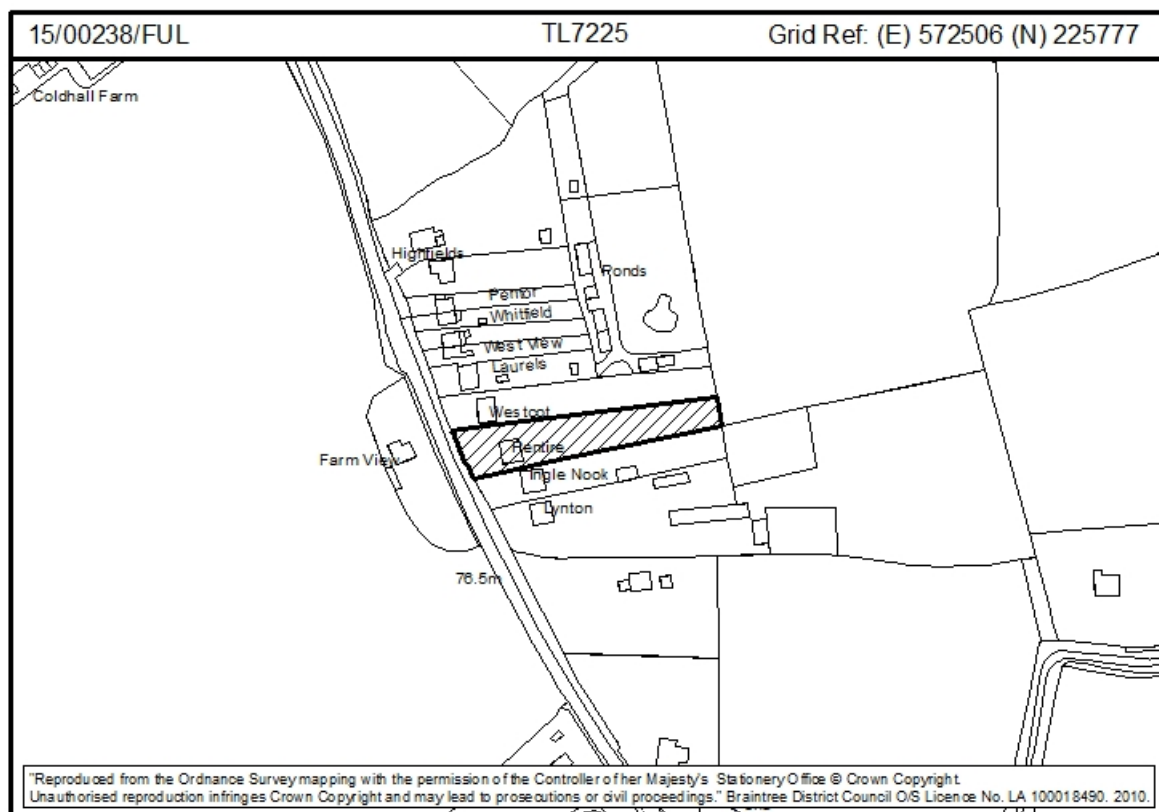


AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 15/00238/FUL DATE: 25.02.15  
VALID:  
APPLICANT: Mr S Appleby  
Pentire, Shalford Road, Panfield, Essex, CM7 5AS,  
AGENT: John Baugh Ltd  
67 Church Lane, Braintree, Essex, CM7 5SD  
DESCRIPTION: Partial re-building of existing dwelling following partial collapse and subsequent partial demolition of flank and front walls, with minor alterations to proposed application 14/00311/FUL that included: raising the roof pitch, erection of a 2 storey extension to the side and front, erection of a porch and addition of new cladding to the side elevation to include additional front bay window and rear dormer  
LOCATION: Pentire, Shalford Road, Panfield, Essex, CM7 5AS

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



## SITE HISTORY

88/00138/P	Erection Of Extension	Granted	09.03.88
12/00312/FUL	Increase of roof pitch and addition of dormer windows and roof lights to create first floor accommodation, erection of single storey rear extension, replacement of existing double garage together with a covered link to, and replacement of, existing summerhouse with new masonry-built summerhouse and w.c.	Withdrawn	20.04.12
12/00677/FUL	Erection of single storey rear extension, replacement of existing double garage and replacement of summerhouse together with internal alterations	Granted	02.07.12
12/00056/NMA	Application for a non-material amendment following a grant of planning permission 12/00677/FUL - Change of materials for walls and roof; rebuilt garage to be changed to single, with kitchen and laundry/utility moved to compensate, creating larger dining/living area; wall to south elevation moved by 112mm to provide stop end to proposed new cladding to existing building; and, roof windows to north elevation to be rationalised with windows below	Granted	07.12.12
14/00311/FUL	Raising of roof pitch, erection of 2 storey extension to side and front, erection of porch and addition of new cladding to side elevation	Granted	03.06.14
15/00001/NMA	Application for a non-material amendment following grant of planning permission 14/00311/FUL	Refused	12.02.15

(Raising of roof pitch,  
erection of 2 storey  
extension to side and front,  
erection of porch and  
addition of new cladding to  
side elevation) - Place a  
gable roof above the portion  
of the existing rear single  
storey gable within the  
footprint of the original  
dwelling

## 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  
CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2           Town Development Boundaries and Village Envelopes  
RLP18          Extensions to Existing Dwellings in the Countryside  
RLP90          Layout and Design of Development

### Other Material Considerations

Site Allocations and Development Management Plan  
Essex Design Guide  
Essex Parking Standards/Urban Space Supplement

## INTRODUCTION

This application is brought before the Planning Committee as the agent is an elected Member of the Council.

## SITE DESCRIPTION

The site is located to the north west of Panfield and falls beyond the village envelope. It is occupied by a detached bungalow in a linear row of dwellings on the eastern side of Shalford Road. The dwelling benefits from a recently constructed replacement garage to the side with further off-road parking to the front of the garage and dwelling. The dwelling has a large rear garden with a summerhouse along the northern boundary. Many of the surrounding

dwellings have been altered and extended and the area is characterised by 1 ½ and 2 storey dwellings.

## PROPOSAL

The site has been subject to numerous applications. Members may recall that planning permission was granted for the erection of single storey rear extension (linking the dwelling to the garage), replacement of existing double garage and replacement of summerhouse in 2012 (planning application no. 12/00677/FUL refers). A following planning application to increase the height of the roof of the existing dwelling, the erection of a two storey front and side extension, erection of a porch and new cladding to the side elevation was also permitted at the site (planning application no. 14/00311/FUL refers).

The current application initially sought to extend the dwelling further. It comprised of a two storey bay window to the front, a rear dormer window and raising the roof of the other rear element of the building. However, following concerns with regard to the cumulative impact of the rear roof raising, this element was removed.

During a site visit for the current application, it was noted that the walls of the existing dwelling (excluding part of the rear which connected to the rear extension) had been completely removed. This was an issue, because application 14/00311/FUL only involved the removal of part of the left wall and left-half of the front wall to facilitate an increase in floor area. The front right aspect of the master bedroom and subsequent right wall was to remain as existing (in conjunction with raising the roof). However, during the works it is understood that the wall was deemed to be in a dangerous state, and as such was removed, along with the front right part of the wall. Therefore, there was little remaining of the existing bungalow. Accordingly, a fresh application was then required to regularise the demolition and for the proposed development including the addition of a front bay window and rear dormer window.

The current application therefore seeks to regularise development already undertaken but clarify the extent for which planning permission is sought.

## CONSULTATIONS

**Parish Council** – No response at the time of writing

## REPRESENTATIONS

A site notice was displayed to the front of the site and properties nearby were notified by letter. No letters of representation had been received at the time of writing.

## REPORT

### Principle of Development

The site lies beyond any defined settlement boundaries in an area where, in accordance with Policy RLP2 of the Braintree District Local Plan Review, countryside policies apply. Policy RLP 18 makes provision for extensions to dwellings in the countryside subject to certain criteria, set out below. The principle of extending the property is therefore acceptable.

The demolition of the front right master bedroom wall would not change the final design the scheme as approved and as such it is considered to be acceptable. The approval of the works included previous application also forms a material consideration in the determination of the current application. It would be unreasonable therefore to refuse the application based on these previously approved works.

The main considerations of this application are therefore the proposed new additions to the building; the two storey bay window and rear dormer window.

### Design, Appearance and Layout

Policy CS 9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development.

Policy RLP 18 of the Local Plan Review states that extensions to properties in the countryside will be required to be subordinate to the existing dwelling in terms of bulk, height, width and position. It also states that the siting, design and materials should be in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and plot on which it stands.

Policy RLP 90 states that the scale, layout, density, height and design of buildings should reflect or enhance local distinctiveness and be in harmony with the character and appearance of the surrounding area.

The proposed works in this instance comprise of minor additions to the overall bulk and scale of the extension and would instead appear more-so as cosmetic design changes. The bay window element does not appear to be a characteristic of the wider area; however it would sit well on the building and would not appear out of character.

The rear dormer window is similar in character to the two front dormer windows and would be respectful in its size and scale in comparison to the dwelling. The dormer window therefore is also not considered to have a detrimental impact on the character of the house.

It is therefore considered that the proposed two storey front bay window and rear first floor dormer window will not have a detrimental impact on the character and appearance of the dwelling, or the wider area.

#### Impact on Neighbour Amenity

Policy RLP 90 states that there should be no undue or unacceptable impact upon neighbouring residential amenity.

The building line in this part of Shalford Road is staggered and there is a good separation distance between the dwelling and the side boundaries. The front bay window by virtue of its location, size and scale would therefore not cause a detrimental impact on the amenity of neighbours.

The rear dormer window would create an outlook at first floor where the previous application showed no rear outlook. It would serve the proposed lounge area of the first floor. The dormer window would therefore facilitate an outlook where none previously existed. The dormer however would be set in from the edge of the dwelling by approx. 1.6m which would help mitigate the overlooking potential to both neighbouring dwellings 'Westcot' and 'Inglenook.' In this instance, it is considered that the proposal would not have a detrimental impact upon neighbouring amenity in terms of overshadowing, overlooking or loss of light.

#### Highway Issues

The site is served by an existing access and there is sufficient space within the site and garage to provide off road parking for several vehicles.

#### Other Issues

As works have commenced it is considered that a time limit condition would not be appropriate to be included in this instance.

#### CONCLUSION

The application would regularise development undertaken without the benefit of planning permission. Furthermore, the addition of the two storey bay window and rear dormer would not cause a detrimental visual impact on the character of the host dwelling, and would not cause detrimental harm to any neighbouring amenity. It is therefore considered that the proposal accords with the planning policies set out above.

#### RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan

Proposed Elevations

Plan Ref: 0670/10

Version: D

Proposed Floor Plan

Plan Ref: 0670/10

Version: D

- 1 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.

- 2 The external materials and finishes shall be as indicated on the approved plans and match the existing dwelling unless otherwise agreed in writing by the local planning authority.

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

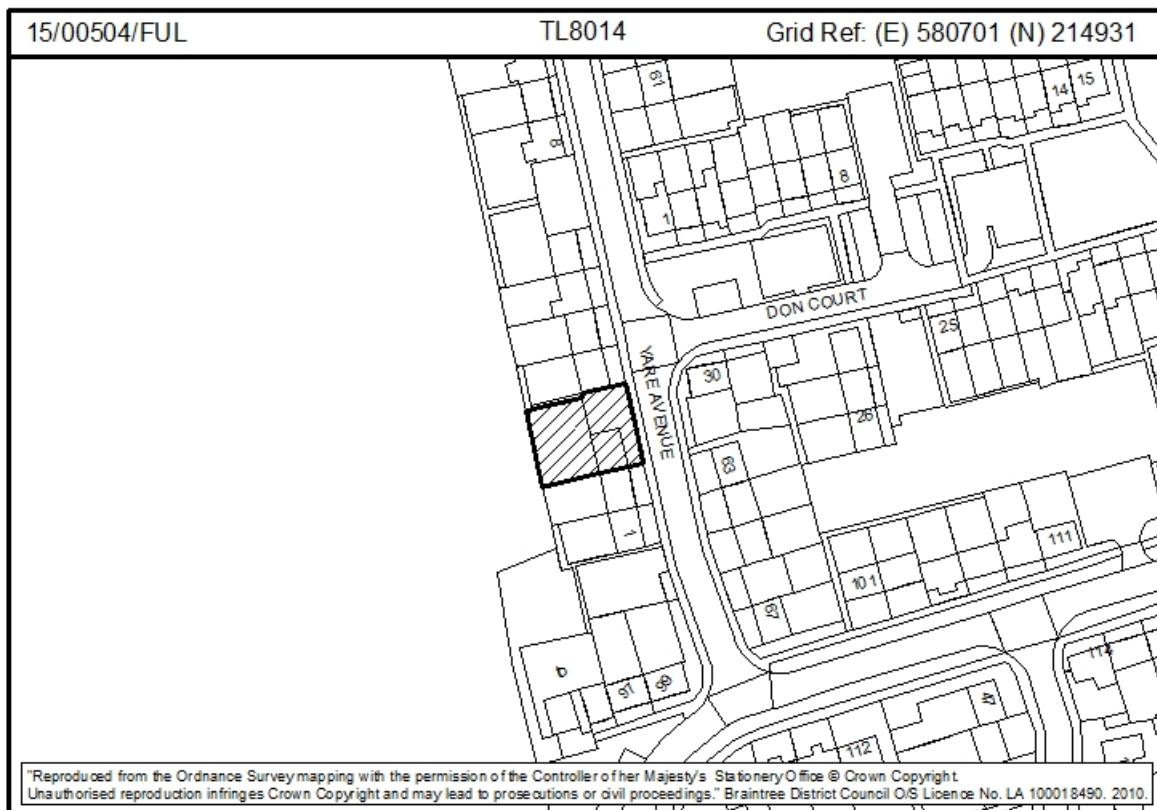


AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 15/00504/FUL      DATE: 22.04.15  
VALID:  
APPLICANT: Mr And Mrs M Twin  
3 Yare Avenue, Witham, Essex, CM8 1TR,  
AGENT: Mr Ashley Robinson  
112 Inchbonnie Road, South Woodham Ferrers,  
Chelmsford, Essex, CM35ZW  
DESCRIPTION: Erection of two storey side extension  
LOCATION: 3 Yare Avenue, Witham, Essex, CM8 1TR

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



## SITE HISTORY

74/00878/DC	Proposed erection of 384 dwelling units and the construction of estate roads	Granted	17.04.75
15/00100/FUL	Erection of two storey side extension	Withdrawn	18.03.15

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP3            Development within Town Development Boundaries and Village Envelopes  
RLP17          Extensions and Alterations to Dwellings in Towns and Villages  
RLP56          Vehicle Parking  
RLP90          Layout and Design of Development

## SUPPLEMENTARY PLANNING GUIDANCE

Essex Parking Standards: Design and Good Practise (2009)

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Planning Committee as Witham Town Council has objected to the proposals, contrary to Officer recommendation.

## SITE DESCRIPTION

3 Yare Avenue is a two storey end-of-terrace dwellinghouse with a large open plot separating it from the neighbouring dwelling, which is currently used for parking. There is an area of hard-standing separating the front elevation of the dwellinghouse and the public highway.

Behind the site are open fields, and on either side similar terraces of differing lengths.

## PROPOSAL

The application seeks planning permission to erect a two storey side extension, and single storey lean to rear extension. The extension would incorporate a single garage and use materials to match those on the existing building.

## CONSULTATIONS

Witham Town Council – Object to application based on the impact on street scene, increased terracing effect, insufficient parking provision and loss of on-street parking.

## REPRESENTATIONS

A site notice was displayed at the site, and neighbours were notified by way of a letter. No letters of representation were received from members of the public.

## REPORT

### Principle of Development

The site is situated within the Town Development Boundary, where according to Braintree District Local Plan policies RLP3 and RLP17, the principle of development is acceptable where it incorporates appropriate design and materials, does not result in an unacceptable impact on neighbouring residential amenities and where it can satisfy highway criteria.

### Design, Appearance and Layout

Part of Witham Town Council's objection focused on the impact on the street scene due to the 'terracing effect'. This is where an existing gap would be lost and the resulting effect brings two previously separate buildings or groups of buildings much closer together, and potentially result in the appearance of being a single terrace. This planning application follows a previous application, which was withdrawn as officers had indicated it was considered to be unacceptable partly for this reason. The revised application decreases the width of the proposed extension from 5.5m to 4.875m, a reduction of 0.625m and therefore being set off the boundary by 1.35m. This would allow a larger gap between the proposed extension and the boundary of the dwelling-house, and a total of 3.75m to the side elevation of the neighbouring dwelling. It is considered that this reduction in width is sufficient to prevent a terracing effect.

Therefore whilst it is maintained that there would be an impact on the street scene, it is not considered to be unacceptable.

The two storey side extension would extend beyond the existing rear elevation by approximately 4 metres, and a further 1.9m in the form of a single storey

lean to extension. The rear elevation could appear quite cluttered as a result, accentuated by the gable not sitting symmetrically with the rest of the extension. However, its overall appearance is considered acceptable as an addition to the host property.

Taking into account the above, it is considered that the elements found unacceptable in the previous proposal have been adequately addressed and this application is therefore considered acceptable in terms of design and appearance.

### Impact on Neighbour Amenity

Part of the reason for finding the previous proposal unacceptable was the impact on neighbouring residential amenities; namely the encroachment of the extension into the neighbour's 45° sight line (a guide as a basis for assessing impact and referred to in the Essex Design Guide). On this revised application, a 45° sight line has been demonstrated at two storey level and it is noted that the sight line is clear. Given the distance between the two sites, it is not considered the proposal would result in an overshadowing or overbearing development.

Therefore it is considered that there would not be an undue or unacceptable impact on neighbouring residential amenities.

### Highway Issues

Witham Town Council also raised an objection to “insufficient parking provision” and the “reduced communal parking provision for local residents”. Policy RLP56 of the Braintree District Local Plan requires all new development to conform to the requirements of Essex Parking Standards: Design and Good Practice. This document requires dwellings of 2+ bedrooms to maintain at least 2 parking of 2.9m x 5.5m, and in exceptional circumstances a minimum of 2.5m x 5m. Internal garage dimensions should measure 7m x 3m. The proposed extension would incorporate a single garage, which would have internal dimensions of 7 metres x 2.9 metres; which whilst 10cm short in width, conforms to Essex Parking Standards internal garage dimensions and therefore constitutes a parking space. A condition is recommended to require a roller style garage door to be installed, as a pivoting door would require a larger amount of room.

The second parking space would be situated behind the garage, in the space remaining – 1.7m of which would be under cover. This parking space would measure 2.7m x 5m, which complies with the minimum parking standard.

### CONCLUSION

In conclusion, it is considered that the application adequately addresses previous issues and the concerns of the Town Council, and is considered to be acceptable for the reasons given above. On this basis, it is recommended the application be approved.

## RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan	Plan Ref: 03
Floor Plan	Plan Ref: 02C
Elevations	Plan Ref: 01C

- 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 Details of the garage door, which shall take the form of a roller shutter door, shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter maintained.

### Reason

To ensure adequate parking space is provided.

TESSA LAMBERT  
DEVELOPMENT MANAGER