

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 16 February 2016**

**Time: 19:15**

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

## **Membership:**

Councillor J Abbott

Councillor R Bolton

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor R Ramage

Councillor Mrs W Scattergood (Chairman)

Councillor Mrs G Spray

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

**Page**

## **PUBLIC SESSION**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

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

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 19th January 2016 (copy previously circulated).

### **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 01296 FUL - Land rear of 94 Church Street, Bocking, BRAINTREE</b>	<b>5 - 15</b>
<b>5b</b>	<b>Application No. 15 01590 FUL - Bradwell Hall Farm Barns, Church Road, BRADWELL</b>	<b>16 - 28</b>
<b>5c</b>	<b>Application No. 15 01591 LBC - Bradwell Hall Farm Barns, Church Road, BRADWELL</b>	<b>29 - 36</b>
<b>5d</b>	<b>Application No. 15 01605 FUL - Long Fen, Church Street, GREAT MAPLESTEAD</b>	<b>37 - 49</b>
<b>5e</b>	<b>Application No. 15 01390 OUT - Land at Greenways, Balls Chase, HALSTEAD</b>	<b>50 - 63</b>

### **PART B**

Minor Planning Applications:-

<b>5f</b>	<b>Application No. 15 01446 FUL - 22 Easterford Road, KELVEDON</b>	<b>64 - 68</b>
<b>5g</b>	<b>Application No. 15 01174 FUL - 50 Temple Lane, SILVER END</b>	<b>69 - 72</b>
<b>5h</b>	<b>Application No. 15 01284 FUL - 52 Temple Lane, SILVER END</b>	<b>73 - 76</b>
<b>5i</b>	<b>Application No. 15 01157 FUL - Orchard House, The Street, STISTED</b>	<b>77 - 81</b>
<b>5j</b>	<b>Application No. 15 01218 FUL - 25 Chippingdell, WITHAM</b>	<b>82 - 86</b>
<b>5k</b>	<b>Application No. 15 01480 FUL - 35 Maldon Road, WITHAM</b>	<b>87 - 92</b>

- |    |  |              |
|----|--|--------------|
| 6  | <b>Application No. 15 00799 OUT - Land at North East, Witham (in the Parish of Rivenhall), Forest Road, WITHAM - Proposed Condition</b>  | 93 - 98      |
| 7  | <b>Application No. 15 01036 FUL - Wedgewood Grange, Bridge Street, GREAT BARDFIELD - Proposed Decision</b>   | 99 - 109     |
| 8  | <b>Planning and Enforcement Appeal Decisions - January 2016</b>  | 110 -<br>115 |
| 9  | <b>Urgent Business - Public Session</b><br>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. |              |
| 10 | <b>Exclusion of the Public and Press</b><br>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**

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| 11 | <b>Urgent Business - Private Session</b><br>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. |
|----|--|

Cont'd

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**

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**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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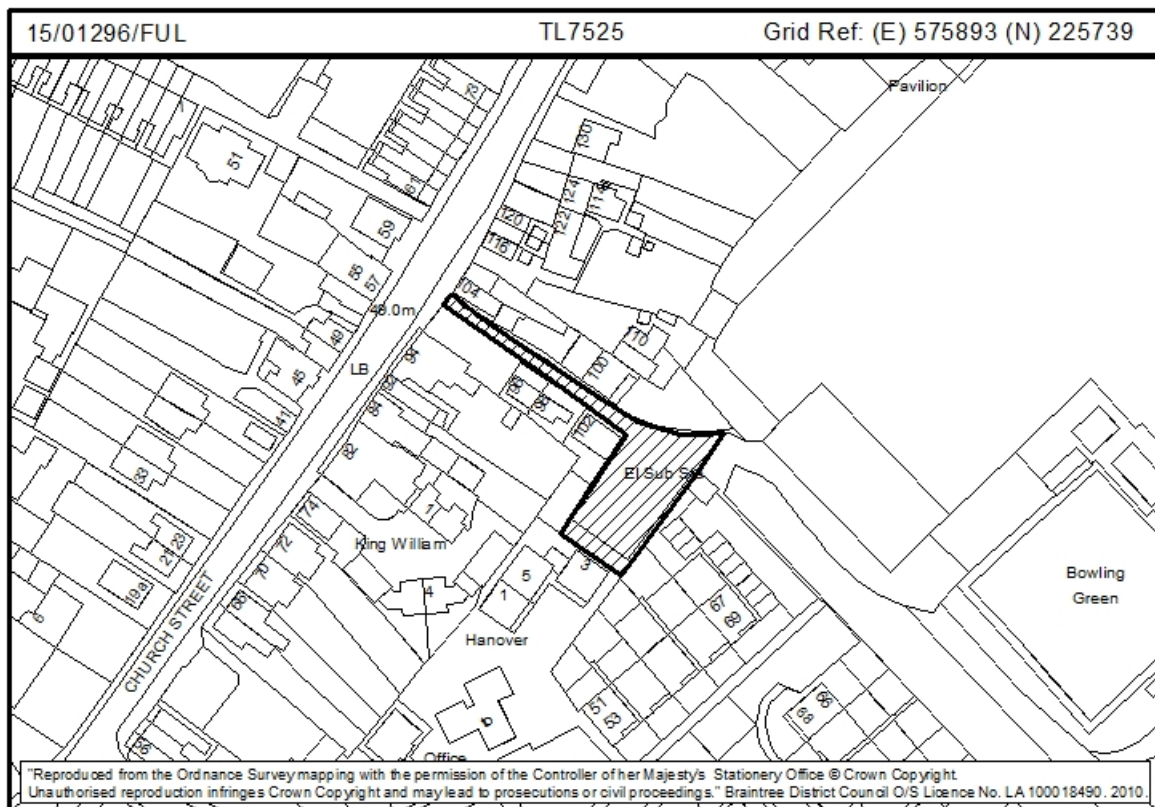
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Contact Details: .....

PART A

APPLICATION NO: 15/01296/FUL DATE: 06.11.15  
 VALID:  
 APPLICANT: Mr T Kelly  
 Narni Limited, 111 Broad Road, Bocking, Braintree, Essex,  
 CM7 9RZ  
 AGENT: Mr S Higgon  
 HGN Design Limited, 6 Proctor Way, Marks Tey,  
 Colchester, Essex, CO6 1XE  
 DESCRIPTION: Erection of 2 No. semi detached houses within the existing  
 rear car park of the Rose and Crown PH  
 LOCATION: Land rear of 94 Church Street, Bocking, Braintree, Essex

For more information about this Application please contact:  
 Lee Smith-Evans on:- 01376 551414 Ext.  
 or by e-mail to: lee.smith-evans@braintree.gov.uk



## SITE HISTORY

15/00792/FUL	Erection of 4 no. flats within the existing rear car park of the Rose and Crown PH, together with replacement car parking provision to the Rose & Crown Public House	Withdrawn	21.07.15
15/01567/FUL	Change of use of land from car park to use class B8 storage	Pending Consideration	

## 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
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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

### Supplementary Planning Guidance

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

## INTRODUCTION

This application is brought before the Planning Committee due to significant public interest.

## NOTATION

The application is located within the development limits of Bocking; adjacent to the Conservation Area and adjacent to the curtilage of a Listed Building. The unmade lane which forms part of the site lies within the Conservation Area.

## SITE DESCRIPTION

The site has historically served as the car park for the Rose and Crown Public House. However, since August 2015 the land was fenced off making it unavailable for use.

The application site is an oblong plot between cottages behind the Public House and flats in Carrington Way. The site includes a narrow unmade lane which runs along the north side of the Public House and leads through to the Bocking Sports and Social Club. The unmade lane is included within the application site and also provides access for four dwellings at Nos. 96-98, 102, 108 and 110.

To the east, the site is backed onto by small private gardens belonging to flats in Carrington Way. To the south, the side elevation of other flats in Carrington Way abuts the site. The western boundary consists of a cottage, No. 102 Church Street, and its small amenity area. Behind this small amenity area is the back of the pub garden which currently provides access from the car park to the pub.

There is a public footpath traversing the application site. It follows the lane and links Church Street to the turning head at the end of Carrington Way.

## PROPOSAL

The applicant proposes to build a pair of semi-detached three bedroom houses on the site of the car park. The houses and their gardens would replace the entire car park. The front of the proposed dwellings would be set slightly forward of the building line of the two existing cottages on this side of the lane (No. 96-98 and No. 102). The proposed dwellings would have a projecting single storey element that projects further beyond the established building line. Each of the proposed dwellings has two tandem car parking spaces.

To the rear, each dwelling would have a garden of 100 square metres. The layout plan designates an area within each garden for bins and cycle storage.

The houses are deep plan, with the ground floors having a depth, excluding the porch, of 11.5 metres. The upper floor is less deep at 9.5 metres. Within the roof space of each dwelling there would be a bedroom with a row of roof lights proposed along the rear side of the roof. A second row of roof lights are in the pitched roof to a ground floor rear projection.

## RELEVANT HISTORY

An application was submitted earlier in the year for four flats on the same site – 15/00792/FUL. This application was withdrawn before determination.

## CONSULTATIONS

Historic Building Advisor has raised concerns regarding the impact of the development on views from the Conservation Area due to its forward siting. The Advisor has reservations regarding the size and design of the dwellings and has requested conditions if permission were to be granted.

BDC Environmental Health Officer commented on the inadequacy of the noise survey.

BDC Engineers – no objection subject to condition.

Archaeological Services ECC - request full archaeological condition.

Highways ECC – no objection raised.

## REPRESENTATIONS

At the time of writing the report there are 14 letters of objection to the proposal. The grounds raised can be summarised as;

- Inadequacy of the lane for additional traffic and construction traffic
- The inadequacy of the drains in the lane and flash flooding that will be enhanced.
- Noncompliance with building regulations and the width of the lane for emergency vehicles.
- Loss of light to neighbours.
- Damage to the viability of the public house because it has no car park.
- Added congestion in Church Street.
- Overlooking and loss of privacy.
- Electricity Sub Station will raise health concerns for the new dwellings.
- Lane will be blocked during construction as will Public Footpath.
- Proposed Public House parking will be on right of way.
- Constrained access to sports ground.

## REPORT

### The Principle of Development

The application site is located within the Town Development Boundary of Braintree. Policies RLP2 and RLP3 of the Braintree District Local Plan Review 2005 support the principle of residential development within



settlement boundaries, subject to the considerations set out in the following sections.

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

### Layout, Scale and Appearance

The NPPF states at Paragraph 56 that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. At Paragraph 58 it notes that development should; function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site; respond to local character and history; create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.

Whilst supportive of the principle of residential development within town development boundaries, Policy RLP3 of the adopted Local Plan requires that all such development should seek to protect the character of the street scene, the setting of attractive buildings and historic interest of the locality and to ensure that in the development of infill plots, the scale, design and intensity of any new building is in harmony with existing surrounding development and respects neighbouring amenities.

The proposed semi-detached pair of dwellings have a simple form and appearance with some detailing that is appropriate to the character of the area. The lean to porches to the front are present on other buildings in the lane and exposed rafter feet are also considered a sympathetic detail. The scale of the dwellings is greater than the existing cottages immediately to the west but these cottages face a more substantial and 3-storey building on the opposite side of the Lane.

The proposed dwellings have a much deeper footprint than the neighbouring buildings resulting in a taller ridge line, in spite of the building having a rather shallow roof pitch. The design incorporates bedrooms within the roof which rely on rear rooflights for daylight.

The front face of the proposed dwellings would align with the neighbouring dwelling to the west but the constrained size of the site and the need to meet the required garden size means that the tandem parking on either side of the pair would project further into the Lane, beyond the building line.

Although the plans show that the pair of dwellings can be accommodated at the site, the size of their footprint, their overall scale compared to neighbouring cottages and the tightness of the associated parking indicate a form of development that exceeds the capacity of the site and one that would

be out of keeping with the intimate character and appearance of the adjoining Conservation Area.

### Impact on Neighbouring Residents

The proposed bedroom windows on the front elevation will look directly into the private amenity area of No. 100 Church Lane from a distance of 6 metres therefore the privacy within the garden will be substantially reduced by the overlooking from above the garden hedge.

The two storey flats / maisonettes at 55 to 69 Carrington Way have divided gardens with the flats on the upper floor having a garden space behind that of the ground floor. This places the private sitting out area for the flats on the upper floor very close to the boundary of the application site. The Essex Design Guide requires back to back distances of 25 metres to protect sitting out areas from overlooking. In this case the windows of the first floor bedrooms and the roof lights of the bedroom within the roof spaces of the proposed dwellings would look into the flats' amenity areas from as little as 7 metres away.

Similarly the distance to the windows within flats 2, 3 and 6 Carrington Way is only 15 metres from the proposed bedroom windows of the two dwellings.

It is therefore considered that the proposal would result in an unacceptable impact on the amenities of neighbouring properties due to overlooking and loss of privacy.

### Highway Arrangements and Parking Provision

The NPPF seeks to support and promote sustainable transport whilst recognising that the opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In relation to development that generates significant amounts of movement the NPPF requires the LPA to consider the scope for sustainable transport modes to be taken up; whether safe and suitable access can be achieved for all people and whether improvements can be undertaken within the network to limit significant impacts of the development. It states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF also requires (Paragraph 35) development to be designed to accommodate the efficient delivery of goods and supplies; give priority to pedestrians and cycle movements; create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians; incorporate facilities for charging plug in and other ultra-low emission vehicles, and consider the needs of people with disabilities in all modes of transport.

The adopted Local Plan seeks to ensure that development meets adopted parking standards.

Two parking spaces are provided for each of the proposed dwellings. The spaces are sited between the side wall of each dwelling and a 1.8m fence. In such positions the adopted guidance (Essex Parking Standards) require there to be an additional 1 metre of space on the side to facilitate access into and out the vehicle as well as additional space for manoeuvring. The spaces are of the right size but do not have the additional 1 metre required.

The Essex Design Guide requires there to be 6 metres of manoeuvring space. It is acknowledged that manoeuvring space is limited and for the dwelling adjacent to no. 102 Church Street this cannot be met. However the lane widens at the eastern end meaning that manoeuvring would be possible although tandem provision is never ideal.

The application site is an area of land that was used, until recently, as the parking area for the Rose and Crown PH. The submitted Design and Access Statement confirms that the Public House is also owned by the applicant although the location plan does not make this clear in the manner required, (i.e. outlined in blue).

The car park has been fenced off since August 2015 meaning that any parking or servicing associated with the Public House has now been displaced onto adjoining streets.

The applicant contends that, based on the adopted Parking Standards, the Public House would require just 7 off street parking spaces. Nevertheless, with on street parking and servicing (delivery vehicles) so restricted on Church Street, it is the Local Planning Authority's contention that the loss of the car park, as a consequence of the proposed development, would compromise the free flow of vehicles on Church Street particularly through the loss of safe, off street servicing.

Whilst the overall impacts might not be "severe", in the terms of the Framework (paragraph 32) they are considered to increase the likelihood of on street servicing and parking detrimental to the safety and free flow of vehicular movements on Church Street. In this respect this related loss of the pub's car park would result in a development that would not accommodate the efficient delivery of goods and supplies, contrary to the guidance in the NPPF.

### Public Open Space

Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a wide range of recreation, outdoor sport and amenity needs in District.

Policy CS11 of the Core Strategy states that the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community.

The Council has adopted the Open Space Supplementary Planning Document (SPD) in accordance with Policy RLP 138 of the Local Plan Review. The SPD states that, in this case, a financial contribution in lieu of on-site provision is required for public open space. This would be secured through an agreement or a Unilateral Undertaking under S. 106 of the Town and Country Planning Act 1990.

The Council's Open Spaces Action Plan identifies a number of projects for open space enhancement that the development could support. The applicant is aware of the requirement for the open space contribution however, in light of the Officer recommendation, the applicant has not pursued this obligation. As the contribution would be a policy requirement for such a development, the lack of an agreed Planning Obligation represents a reason for refusal of the application.

### Other Matters

There is an electricity substation adjacent to the proposed pair of dwellings. A noise report was submitted with the previously withdrawn application and has been included with the current application. The Council's Environment Health Officer has raised concerns about the adequacy of the report and it is concluded that there is insufficient information to determine whether the relationship between the proposed dwellings and the substation would be acceptable in terms of the level of noise experienced.

### Overall Design of the Development

The proposals involve the development of a former pub car park. The development would introduce two new dwellings at site, accessed from the existing lane. Although Local Plan policies support the principle of residential development within town boundaries, the LPA must assess the impact of such development on the character of the locality, the character of the adjoining Conservation Area and the amenity of neighbouring premises. All such development is expected to meet adopted parking and amenity space standards.

In this particular case, the site is considered to be too small to accommodate the scale of development proposed, resulting in a form of development which would be out of scale with neighbouring development and detrimental to the attractive and intimate character of the adjacent Conservation Area. The new dwellings are positioned too close to neighbouring premises to ensure an acceptable relationship in amenity terms and would cause an unacceptable loss of privacy to neighbouring premises to the north and south and an unneighbourly sense of enclosure to premises to the west of the site.

The development of the site would involve the loss of the pub car park. Whilst the pub has sustained since the fencing off of the parking last summer, the permanent loss of the car park creates less than satisfactory servicing (deliveries etc.) arrangements and the clear potential for off street servicing

and further pressure for on street parking which would be contrary to the guidance in the NPPF. The loss of the car park could also compromise the ongoing viability of the pub, an established community facility within Bocking.

### Objections to the Proposals

Whilst many objectors regard the proposals as an intensification of the use of the lane it should be noted that the car park was used, until fenced off, by the owner, by a number of neighbours for parking as well as the patrons of the public house. The four spaces that are proposed for the dwellings would generate fewer vehicle movements on the lane although the 'tightness' of the scheme may well create parking and manoeuvring problems for future occupants of the dwellings.

The footpath that follows the route of the lane is not considered to be adversely affected by the proposal and it could be said that the fewer vehicles using the site may create a safer environment for pedestrians.

The applicant has removed car parking spaces shown adjacent to the pub, in the lane. The application does not therefore affect the rights of access over the lane.

### CONCLUSION

The proposed development would provide 2 dwellings on a site formerly used as a car park for the Rose and Crown Public House. The development is of a size and scale that would not respect the character of the locality, the character of the adjacent Conservation Area or the amenity of neighbouring dwellings.

The associated loss of the car park for the Pub would result in pressure for additional on street parking and servicing which would detract from existing conditions of highway safety on Church Street and detract of this community facility by compromising the convenience for visitors of off street parking provision.

The applicants have not provided sufficient evidence to demonstrate that the proximity of the dwellings to the existing electricity substation will not cause an unacceptable noise environment for prospective occupants. The applicant has not entered into a planning obligation concerning the public open space enhancement that would be sought in accordance with the adopted Open Space Supplementary Planning Document.

Refusal is recommended for these reasons.

### RECOMMENDATION

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

1 Braintree Core Strategy Policy CS9 Built and Historic Environment states:

The Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to:

Respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity.

Braintree District Local Plan Review Policy RLP95 states:

The Council will preserve and encourage the enhancement of, the character and appearance of designated Conservation Areas, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that:

A -The proposal does not detract from the character, appearance and the essential features of the Conservation Area.

B - Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings.

Braintree District Local Plan Review Policy RLP9 states that new residential and mixed use buildings shall create a visually satisfactory environment and be in character with the site and relate to its surroundings.

In this case, the size and scale of the development proposed would be out of keeping with the scale and character of neighbouring development and would harm the attractive and intimate character of existing development within the adjacent Conservation Area, contrary to the policies referred to above.

2 The National Planning Policy Framework requires development to be designed to accommodate the efficient delivery of goods and supplies and to create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians.

The proposed development would result in the permanent loss of existing off street parking and servicing space for the Public House, to the detriment of the safety and convenience of visitors to the public house and creating pressure for additional on street parking and servicing which would prejudice highway safety conditions on Church Street, contrary to the national planning policy referred to above.

- 3 RLP90 seeks a high standard of layout and design in all developments, large or small, in the district. Planning permission will only be granted where the following criteria are met:

There shall be no undue or unacceptable impact on the amenity of any nearby residential properties:

In this case it is considered that the proposed dwellings will give rise to overlooking into the garden area of the neighbouring dwelling opposite and to gardens of flats in Carrington Way to the rear, to the detriment of their amenity and contrary to the policy referred to above. The depth of the dwellings is also considered to give rise to an unneighbourly sense of enclosure for the neighbouring premises at No. 102 Church Street.

- 4 The Council's Adopted Open Space Supplementary Planning Document indicates that the Local Planning Authority should seek a contribution towards the provision or enhancement of open space within the vicinity of the site and in this instance it is considered that the appropriate level of contribution associated with the proposed development is £3,678.64.

This requirement could not be met through the use of a condition and would require the completion of a Section 106 Agreement. At the time of writing this report the applicant has not indicated a willingness to make this contribution, with no legal agreement being completed during the course of the application. It is therefore considered that the proposed development does not comply with policy CS10 of the Braintree District Core Strategy and the Council's Adopted Open Space Supplementary Planning Document.

- 5 The National Planning Policy Framework, in its Core Principles requires local planning authorities to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

In this case it is considered that the applicant has not adequately demonstrated that the noise associated with the existing electrical substation alongside the site would not compromise the amenity of future occupants of the proposed dwellings, contrary to national planning policy.

#### SUBMITTED PLANS

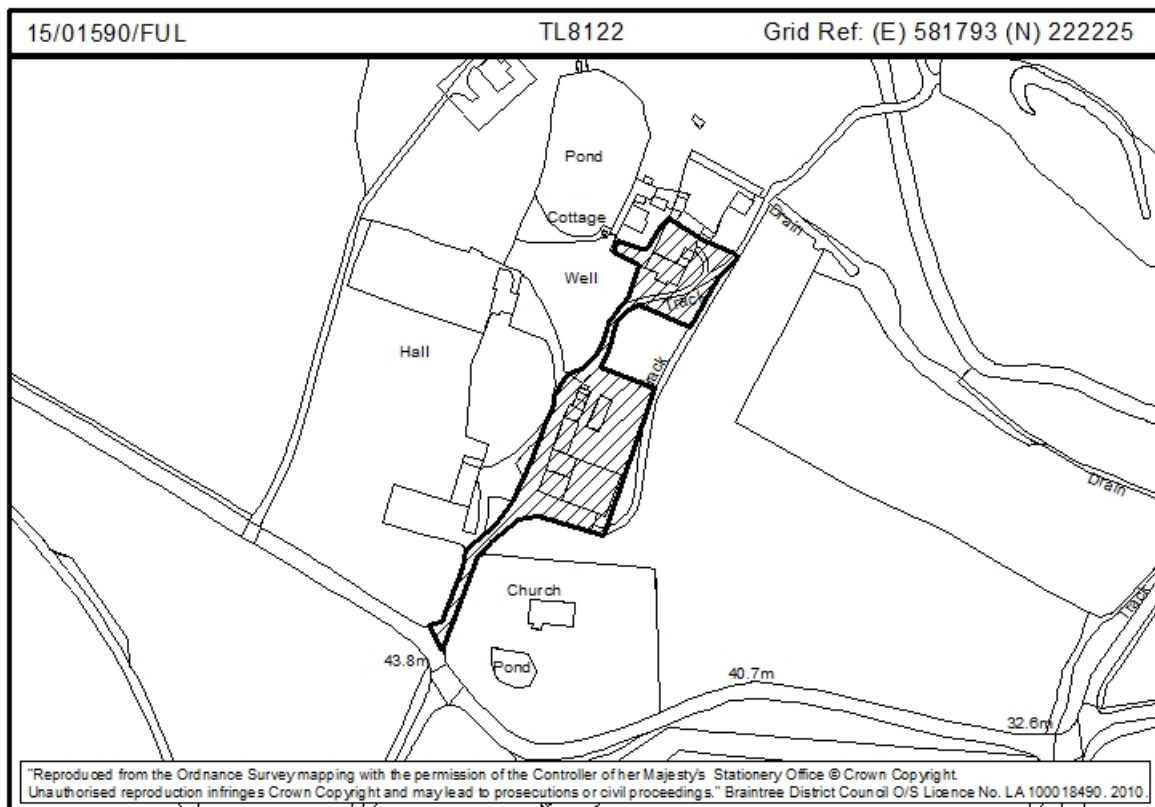
Location Plan	Plan Ref: 15
Site Plan	Plan Ref: 16
Proposed Plans	Plan Ref: 17
Proposed Plans	Plan Ref: 18
Proposed Plans	Plan Ref: 19

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01590/FUL DATE: 16.12.15  
 VALID:  
 APPLICANT: Trustees Of The Bradwell Estate  
 C/o Strutt And Parker LLP, Coval Hall, Rainsford Road,  
 Chelmsford, Essex, CM1 2QF  
 AGENT: Mrs N Bickerstaff  
 Strutt And Parker LLP, Coval Hall, Rainsford Road,  
 Chelmsford, Essex, CM1 2QF  
 DESCRIPTION: Change of use of former agricultural buildings to 2 no.  
 residential properties, associated amenity space and  
 erection of cartlodge including a new access to Mill Cottage.  
 LOCATION: Bradwell Hall Farm Barns, Church Road, Bradwell, Essex

For more information about this Application please contact:  
 Mr Timothy Havers on:- 01376 551414 Ext.  
 or by e-mail to: [timha@braintree.gov.uk](mailto:timha@braintree.gov.uk)





## SITE HISTORY

12/01294/FUL	Change of use of redundant farm buildings to B1 office use	Granted	21.11.12
12/01295/LBC	Change of use of redundant farm buildings to B1 office use	Granted	21.11.12
15/01205/FUL	Change of use of former agricultural buildings to 2 no. residential properties, associated amenity space and erection of cartlodge	Withdrawn	11.12.15
15/01206/LBC	Change of use of former agricultural buildings to 2 no. residential properties, associated amenity space and erection of cartlodge	Withdrawn	11.12.15
15/01591/LBC	Change of use of former agricultural buildings to 2 no. residential properties, associated amenity space and erection of cartlodge including a new access to Mill Cottage.	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

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

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling

RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is for the change of use of a number of former agricultural buildings to two residential dwellings with associated amenity space and parking provision. A cartlodge would also be erected and a new access created to serve the adjacent Mill Cottage.

The application is brought before the Planning Committee as the Parish Council has objected to the proposed development, contrary to the Officer recommendation for approval.

## SITE DESCRIPTION

The application site is located in the countryside and forms part of Bradwell Hall Farm. The site measures approximately 0.4 hectares and encompasses a number of agricultural buildings. Vehicular access is taken via an existing access from Church Road which leads through to the rear of the site.

Toward the southern area (front) of the site lies a single range of agricultural buildings which includes a Grade II Listed granary and an attached cartlodge. Two detached modern agricultural buildings sit adjacent to this range, with an associated hardstand. At the rear (northern part) of the site there is a single traditional timber framed Essex Barn, beyond which and sitting outside the application site is Mill Cottage.

The site boundary also encompasses an area of land adjacent to both the range of buildings and the Essex Barn which would form the curtilage of the proposed dwellings in addition to facilitating a new access to Mill Cottage.

The application site is bounded to the east by further agricultural land, to the west by Bradwell Hall and to the north by the curtilage of Mill Cottage. To the south, the Holy Trinity Church is a short distance from the site boundary.

Public Footpath 21 runs through the southern part of the site before it leads further west, passing to the west of Mill Cottage.

## PROPOSAL

The applicant proposes to convert the identified range of buildings and the Essex Barn to form two detached 3 bed residential properties. The two modern agricultural buildings would be demolished and a new vehicular

access (a spur from the main internal access track) would be created to serve Mill Cottage. Each of the new dwellings would have a designated curtilage. In addition, a new ancillary cartlodge would be erected to serve the converted range of buildings.

The applicant states that the more modern agricultural buildings on the site are vacant and under-used. The historic agricultural buildings are unsuitable for modern agricultural use and have been redundant for a considerable period of time.

There is a separate application for Listed Building Consent which appears elsewhere on this agenda.

### CONSULTATIONS

#### Braintree District Council Engineers

Unaware of any surface water issues affecting the site.

#### Essex County Council Highways

No objection subject to a condition requiring the public's rights and ease of passage over Footpath No.21 to be maintained free and unobstructed at all times.

#### Historic Buildings Advisor

No objection. Proposed conversion to the range of buildings differs very little from the previously approved plans for office conversion. Proposed windows and doors make use of existing apertures or are located in such a way as to minimise the potential impact upon the building. The works to the Essex Barn are likewise fairly minimal in scope and do not cause any significant harm to the architectural or historic interest of the building. Recommend that the application is approved subject to conditions relating to details of proposed internal works with regard to frame repair, pipe runs, insulation, staircase design and mezzanine structures. Also samples of external materials to be approved.

#### Parish Council

Raise objection. Public Footpath 21 runs across the site and it or a proposed alternative route should be shown on the site plan. Historically the track that runs across the site has been used as the public footpath and no consideration has been given to re-routing it.

The boundary fence to the north of the Essex Barn prevents Mill Cottage gaining access to its sheds. An access pathway is required.

Rights of way past the range of buildings to Bradwell Hall, Mill Cottage and the Essex Barn need to be clarified. Cars will drive across the doorstep of the

converted range which is dangerous. Access routes for pedestrians and vehicles should be clearly marked and a planning condition used to require this.

#### Rights of Way Officer

Awaiting consultation response.

#### Braintree District Council Environmental Services

Condition requested requiring the provision of a contaminated land assessment report to be completed prior to any demolition/excavation works being carried out.

#### Braintree District Council Landscape Services

No Objection. Request condition requiring the installation of six bat boxes, in accordance with the proposals in the submitted ecology report, which should also be confirmed as secured in place before construction is allowed to start on site.

### REPORT

#### Principle of Development

The application site is located outside defined development limits, within the countryside, where rural planning policies apply. Policy RLP38 makes provision for the conversion of rural buildings for business re-use. Conversion to residential use is also considered acceptable but only where the applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made.

In both cases the buildings must be capable of conversion without major extension or complete re-construction; their form, bulk and general design must be in keeping with their surroundings; there must be no unacceptable impact on the landscape, protected species or the historic environment and safe vehicular access and parking provision must be achieved.

Policy RLP101 relates specifically to the conversion of listed agricultural buildings and requires that in addition to the criteria of Policy RLP38 being met the conversion would demonstrably secure the preservation of the building without causing harm to its historic character.

Planning permission was granted in November 2012 for the change of use of the Essex Barn, the range of buildings and an additional building which is excluded from the current application site to B1 Office use. The applicant has submitted a detailed marketing report in support of the application which demonstrates that the site was marketed by Strutt and Parker from August 2013 until September 2015. The campaign, although comprehensive

generated only 6 enquiries, none of which were pursued. The buildings were marketed for a wider use than the B1 Office use permitted with the aim of generating the maximum amount of interest, however the campaign was unsuccessful. It is considered that the marketing report is both comprehensive and robust and that the applicant has demonstrated that there is no demand for the buildings in a business or community capacity.

The applicant has also submitted a Structural Statement and Frame Survey which demonstrate that the buildings are capable of being converted without major extension or complete re-construction. Subject to the remaining criteria in Policy RLP38 being met it is therefore considered that the principle of development is acceptable.

### Design, Appearance and Layout

Policy RLP38 states that the conversion of rural buildings will be permitted where their form, bulk and general design is in keeping with their surroundings. Policy RLP90 seeks a high standard of design and layout in all developments. Policy RLP100 and RLP101 require conversions such as that proposed to demonstrably secure the preservation of the building without harm to its historic fabric, character or appearance.

The proposed development would result in the conversion of a Grade 2 Listed granary and attached buildings identified collectively as 'the range' of buildings and of an unlisted Essex Barn. The Historic Buildings advisor has been consulted and has no objection to the proposal, stating that the conversion has been designed in such a way that it would minimise the impact upon the buildings and would not cause any significant harm to the architectural or historic interest of the buildings. The proposed external works are minimal in their scope and are very similar in nature to the previously approved conversion to B1 Office use. The proposed conversion would secure the future preservation of the buildings and is considered acceptable in terms of its appearance and design.

The applicant also proposes to erect a 3 bay cartlodge adjacent to the range of buildings. Policy RLP38 makes provision for the conversion of rural buildings provided that major extensions are not required. The new cartlodge would be modest in size and would appear ancillary to the much larger range of buildings which it would serve.

With regard to layout, each of the new dwellings would have a dedicated curtilage including sufficient private amenity space. The range of buildings is relatively isolated within the site and its conversion would have no impact upon the amenity of the occupiers of Mill Cottage or Bradwell Hall.

The Essex Barn is located adjacent to Mill Cottage. The applicant proposes to install a high level window to the barn's western elevation which would be orientated toward the front garden of Mill Cottage. The applicant has submitted a cross section demonstrating that this would be a high level window located a minimum of 1.7 metres above the internal finished floor

level. This would ensure that there would be no overlooking of Mill Cottage and it is recommended that a condition (condition 8) is attached to any permission granted requiring the specified window height above finished internal floor level to be achieved.

### Highways

The Essex Barn would be served by two parking spaces located at the southern periphery of its curtilage. Three parking spaces would be located within the proposed cartlodge to serve the adjacent range of buildings. The proposed parking provision therefore accords with the requirements of the adopted Parking Standards.

A new access road is also proposed to serve Mill Cottage. This would consist of a spur leading from the existing track to the front curtilage of Mill Cottage where two new parking spaces would be created to serve the occupants. Essex County Highways have no objection to the proposal and the proposed parking and access is considered acceptable.

### Ecology and Landscape

The applicants have submitted an Ecology Survey in support of the application. The report recommends that 6 bat boxes, 2 weatherboard bat roosts, a Natterer's bat roost and 6 bird boxes are erected on the site by way of mitigation. The Councils Landscape Services Team has confirmed that this is acceptable and that the 6 bat boxes should be secured by planning condition and installed prior to the commencement of development.

In terms of landscape impact, the scheme proposes the removal of the two modern agricultural buildings on the site, one of which is substantial in size. It is considered that this will have a positive impact upon the landscape setting of the retained historic buildings. The applicant proposes to plant hedgerows to delineate the majority of the new dwelling's rear curtilages. This is considered to be in keeping with the rural location of the site.

### Unilateral Undertaking

In accordance with Policy CS10 of the Core Strategy the applicant is required to make a financial contribution toward the provision of open space within the District. This would equate to £3,984.89 and would be secured by way of a Unilateral Undertaking which is currently being drafted. The Open Spaces Action Plan (OSAP) identifies a number of potential open space enhancement projects and the requirement for the planning obligation is justified on this basis. The Parish Council have stated that the money would be allocated to assist with an identified project to place adult gym equipment on the playing field in Bradwell Village. Although not a project specifically identified in the OSAP the applicants may agree to an obligation that is suitably flexible.

## Other Matters

The Parish Council has objected to the proposal stating that Public Footpath 21 runs across the site and that historically the track which runs through the site has been used as a public footpath. The Council's mapping system shows that Public Footpath 21 follows the access track through the southern part of the application site before passing to the west of Mill Cottage. The proposed development would have no impact upon the designated route of this footpath and there is no need for it to be re-routed. Essex County highways have requested that a condition be placed on any permission granted requiring the footpath to remain free and unobstructed at all time however it is not considered that such a condition could be justified as there is other legislation in place that requires landowners to ensure that public footpaths are not obstructed. An informative is however recommended to remind the applicant of their obligation in this respect.

The Parish Council has also commented that the boundary fence to the north of the Essex Barn prevents Mill Cottage gaining access to its sheds and that an access pathway is required. The applicant has advised that this would be provided and a condition (4) is recommended to require details of the position of the site's boundary treatment to be approved by the Local Planning Authority.

The Parish Council has raised concerns regarding pedestrian and vehicle rights of way past the range of buildings. Essex County Highways have however reviewed the application and have no concerns in relation to the proposed access arrangements. In any event, the grant of planning permission would not override such private rights.

The previously approved application to convert the buildings to a B1(a) use also included the conversion of a modern barn located outside the current site boundary but adjacent to the western side of the access track that leads through the site. Should the applicant partially implement this previously approved permission and convert this building to a B1(a) use the building would benefit from an approved parking layout that would sit within its curtilage. In addition, the use of the building is restricted to a B1(a) office use and the building is situated at the front of the site meaning that it could be accessed without the need to pass either the range of buildings or the Essex Barn which form the subject of the current application. It is not therefore considered that if this building was converted to its permitted B1(a) use it would result in a detrimental impact upon the future occupiers of either the Essex Barn or the range of buildings.

## CONCLUSION

The proposed conversions would secure the preservation of the historic buildings located on the application site without causing harm to their historic fabric, character and appearance. The applicant has demonstrated that there is no market demand for the buildings in a commercial capacity and the

principle of the proposed conversion to residential is therefore supported by policy RLP38.

The proposed layout, access and parking provision is considered acceptable and mitigation measures have been identified to address potential ecological impacts. It is therefore recommended that planning permission is granted.

### RECOMMENDATION

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

A financial contribution of £3,984.89 toward the provision of open space within the District;

the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans. Alternatively, in the event that a suitable planning obligation is not agreed, within 1 month of the date of this Committee, the Development Manager may REFUSE the grant of planning permission.

### APPROVED PLANS

Proposed Site Plan	Plan Ref: Amenity Areas	
Location Plan	Plan Ref: Bradwell Hall Farm	
Existing Plans	Plan Ref: BH/3	
Existing Plans	Plan Ref: BH/4	
Existing Plans	Plan Ref: BH/5	
Existing Plans	Plan Ref: BH/6	
Existing Plans	Plan Ref: BH/7	
Frame Survey	Plan Ref: BH/8	
Frame Survey	Plan Ref: BH/9	
Frame Survey	Plan Ref: BH/10	
Frame Survey	Plan Ref: BH/12	
Frame Survey	Plan Ref: BH/13	
Frame Survey	Plan Ref: BH/14	
Frame Survey	Plan Ref: BH/15	
Proposed Plans	Plan Ref: BH/17	
Proposed Plans	Plan Ref: BH/18	Version: C
Proposed Plans	Plan Ref: BH/22	
Proposed Plans	Plan Ref: BH/23	
Block Plan	Plan Ref: BH/27	Version: B
Carport / Cartlodge Details Section	Plan Ref: BH/28	
	Plan Ref: Building C Window Section	

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



Reason

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

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

Reason

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

- 3 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

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

Reason

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

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

Reason

To enhance the appearance of the development and in the interests of

visual amenity and privacy.

- 5 Prior to the commencement of development a comprehensive survey 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 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.

Notwithstanding the above, should contamination 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.

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 (or beneficial occupation of the office building hereby permitted) 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.

Prior to commencement justification: The details are required prior to the commencement of any development in order to ensure that the site can be brought to a suitable condition in that it represents an acceptable risk with regard to contamination prior to the implementation of the planning permission hereby granted.

- 6 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, Public and Bank Holidays - no work

Reason

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

- 7 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.

- 8 The lowest part of the glazing of the proposed first floor bedroom window in the western elevation of the Essex Barn identified as Building C shall be a minimum of 1.7 metres above the finished internal floor level.

Reason

To safeguard the amenity of the occupiers of the adjacent Mill Cottage.

- 9 Prior to the commencement of any works to the Essex Barn or the range of buildings drawings showing the proposed means of supporting the mezzanine structures in the Essex Barn and the proposed means of supporting the floor structure of the proposed first floor bedroom in the range of buildings shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

In the interests of the preservation of the designated and the non-designated heritage assets.

- 10 No development shall commence until details of a scheme for the provision of nest/roost sites for bats and birds has been submitted to and approved in writing by the local planning authority. The scheme shall as a minimum include 6 bat boxes, 2 weatherboard bat roosts, a Natterer's bat roost and 6 bird boxes. The agreed temporary elements of the nest/roost provision shall be provided prior to the commencement of any

development. The permanent elements of the nest/roost provision shall be provided prior to the first occupation of the development. Both the temporary and the permanent nest/roost sites provided shall be retained thereafter.

**Reason**

In order to ensure that appropriate provision is made for bats and birds on the site. These details are required prior to the commencement of any development to ensure that appropriate bat and bird nest/roost mitigation measures are in place prior to any works starting on the site.

**INFORMATION TO APPLICANT**

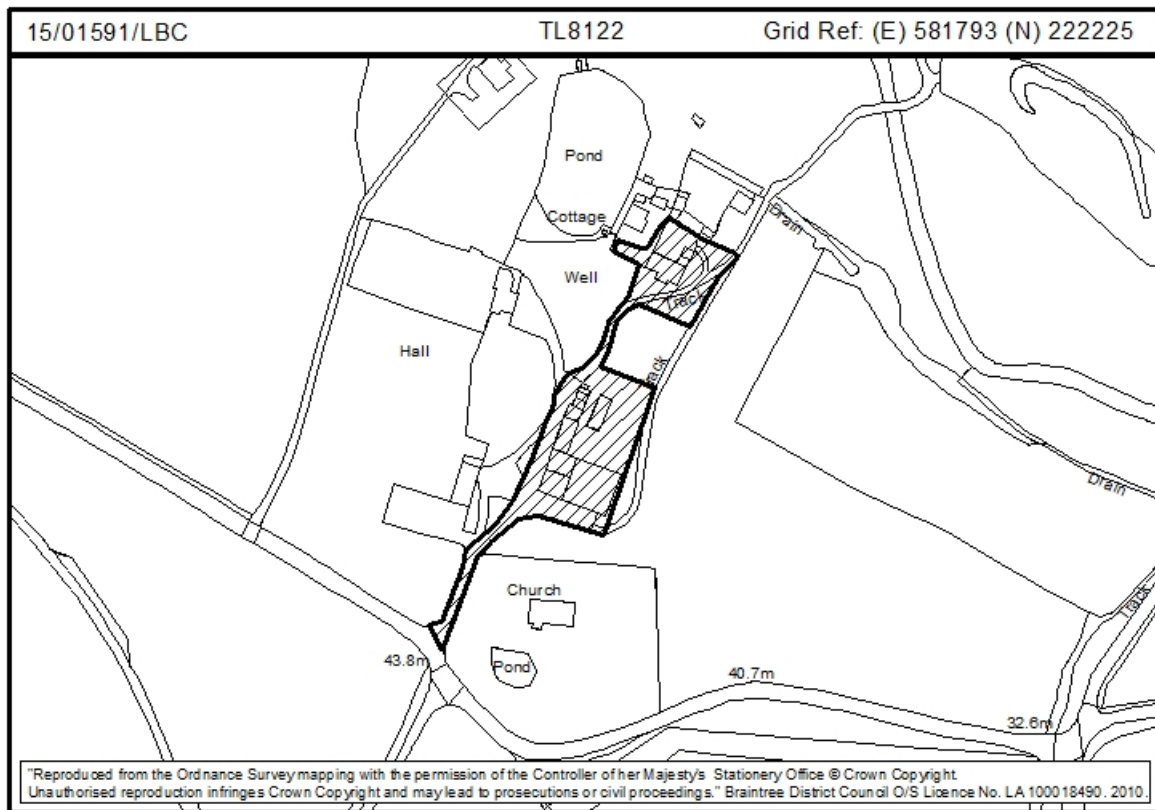
- 1 The applicant is reminded that public footpath No.21 crosses the site and should remain unobstructed at all times.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01591/LBC DATE: 16.12.15  
 VALID:  
 APPLICANT: Trustees Of The Bradwell Estate  
 C/o Strutt And Parker LLP, Coval Hall, Rainsford Road,  
 Chelmsford, Essex, CM1 2QF  
 AGENT: Mrs N Bickerstaff  
 Strutt And Parker LLP, Coval Hall, Rainsford Road,  
 Chelmsford, Essex, CM1 2QF  
 DESCRIPTION: Works associated with the conversion of former agricultural  
 buildings to 2 no. residential dwellings  
 LOCATION: Bradwell Hall Farm Barns, Church Road, Bradwell, Essex

For more information about this Application please contact:  
 Mr Timothy Havers on:- 01376 551414 Ext.  
 or by e-mail to: [timha@braintree.gov.uk](mailto:timha@braintree.gov.uk)



## SITE HISTORY

12/01294/FUL	Change of use of redundant farm buildings to B1 office use	Granted	21.11.12
12/01295/LBC	Change of use of redundant farm buildings to B1 office use	Granted	21.11.12
15/01205/FUL	Change of use of former agricultural buildings to 2 no. residential properties, associated amenity space and erection of cartlodge	Withdrawn	11.12.15
15/01206/LBC	Change of use of former agricultural buildings to 2 no. residential properties, associated amenity space and erection of cartlodge	Withdrawn	11.12.15
15/01590/FUL	Change of use of former agricultural buildings to 2 no. residential properties, associated amenity space and erection of cartlodge including a new access to Mill Cottage.	Pending Decision	

## 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

RLP100       Alterations and Extensions and Changes of Use to Listed Buildings and their settings  
RLP101       Listed Agricultural Buildings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is brought before the Planning Committee as the Parish Council have objected to the proposed works contrary to the Officer recommendation for approval.

## SITE DESCRIPTION

The application site is located in the countryside and forms part of Bradwell Hall Farm. The site measures approximately 0.4 hectares and encompasses a number of agricultural buildings. Vehicular access is taken via an existing access from Church Road which leads through to the rear of the site.

Toward the southern area (front) of the site lies a single range of agricultural buildings which includes a Grade II Listed granary and an attached cartlodge. Two detached modern agricultural buildings sit adjacent to this range, with an associated hardstand. At the rear (northern part) of the site there is a single traditional timber framed Essex Barn, beyond which and sitting outside the application site boundary is Mill Cottage.

The site boundary also encompasses an area of land adjacent to both the range of buildings and the Essex Barn which would form the curtilage of the proposed dwellings in addition to facilitating a new access to Mill Cottage.

The application site is bounded to the east by further agricultural land, to the west by Bradwell Hall and to the north by the curtilage of Mill Cottage. To the south the Holy Trinity Church is a short distance from the site boundary.

## PROPOSAL

This application, in conjunction with 15/01590/FUL seeks the conversion of the range of buildings and the Essex Barn to form two detached 3 bed residential properties. The two modern agricultural buildings would be demolished and a new vehicular access (a spur from the main internal access track) would be created to serve Mill Cottage. Each of the new dwellings would have a designated curtilage. In addition, a new ancillary cartlodge would be erected to serve the converted range of buildings.

The identified historic agricultural buildings, including the Grade II Listed Granary are unsuitable for modern agricultural use and have been redundant for a considerable period of time.

## CONSULTATIONS

### Braintree District Council Engineers

Unaware of any surface water issues affecting the site.

### Essex County Council Highways

No objection subject to a condition requiring the public's rights and ease of passage over Footpath No.21 to be maintained free and unobstructed at all times.

### Historic Buildings Advisor

No objection. Proposed conversion to the range of buildings differs very little from the previously approved plans for office conversion. Proposed windows and doors make use of existing apertures or are located in such a way as to minimise the potential impact upon the building. The works to the Essex Barn are likewise fairly minimal in scope and do not cause any significant harm to the architectural or historic interest of the building. Recommend that the application is approved subject to conditions relating to details of proposed internal works with regard to frame repair, pipe runs, insulation, staircase design and mezzanine structures. Also samples of external materials to be approved.

### Parish Council

Raise objection. Public Footpath 21 runs across the site and it or a proposed alternative route should be shown on the site plan. Historically the track that runs across the site has been used as the public footpath and no consideration has been given to re-routing it.

The boundary fence to the north of the Essex Barn prevents Mill Cottage gaining access to its sheds. An access pathway is required.

Rights of way past the range of buildings to Bradwell Hall, Mill Cottage and the Essex Barn need to be clarified. Cars will drive across the doorstep of the converted range which is dangerous. Access routes for pedestrians and vehicles should be clearly marked and a planning condition used to require this.

### Rights of Way Officer

Awaiting consultation response.

### Braintree District Council Environmental Services

Condition requested requiring the provision of a contaminated land assessment report to be completed prior to any demolition/excavation works being carried out.

### Braintree District Council Landscape Services

No objection. Request condition requiring the installation of six bat boxes, in accordance with the proposals in the submitted ecology report, which should also be confirmed as secured in place before construction is allowed to start on site.



## REPORT

### Principle of Development

Please refer to the previous report 15/01590/FUL.

### Design, Appearance and Layout

Please refer to the previous report 15/01590/FUL.

### Impact Upon the Heritage Asset

The main consideration in the determination of this application for listed building consent is the impact of the proposed works on the character and appearance of the listed building as a building of special architectural or historic interest.

The NPPF requires great weight to be given to the conservation of a designated heritage asset. Core Strategy Policy CS9 states that the Council will promote and secure the protection and enhancement of the historic environment. Local Plan Policies RLP100 and RLP101 require developments involving internal or external alterations to listed buildings to ensure that no harm or significant damage is caused to the building's historic character, structure and appearance. Policy RLP100 also requires the use of appropriate materials and finishes.

The definition of a listed building is set out in the Planning (Listed Buildings and Conservation Areas Act) 1990 and includes, in addition to any specifically identified building, any object or structure fixed to that building or any object or structure which although not fixed to the building, forms part of the land and has done so since before 1<sup>st</sup> July 1948 (curtilage listed).

The Granary, which forms part of and is situated centrally within the range of buildings is Grade II Listed. The remaining buildings in the range are considered to be fixed to this building and are also therefore considered to be listed. The Essex Barn does not sit within the curtilage of the range of buildings and is not therefore listed. It is however considered to be a non-designated heritage asset and the previous report 15/01590/FUL discusses the impact of the proposed conversion upon the historic character of this barn in detail.

The proposed conversion of the listed Granary and associated range of buildings would require both internal and external works. Externally, the proposed doors and windows would make use of existing apertures on the range's front elevation, with the addition of 3 modestly sized new window openings on its rear elevation. None of the new openings would be positioned within the rear elevation of the listed granary and the Council's Historic Buildings Consultant considers that they have been located in such a way so as to minimise the potential impact upon the buildings.

The Historic Buildings Consultant has identified several areas where further information is required and has requested that conditions are attached to any consent granted. These require details of replacement external materials, pipe runs associated with the proposed ground floor bathroom and first floor ensuite and scaled drawings of the proposed new doors and windows to be submitted to and approved by the Local Planning Authority (Conditions 4, 6 and 8).

Internally, a number of new partitions would be erected. The first floor of the granary would be converted to provide a third bedroom with an ensuite. Again, the Council's Historic Building's Consultant considers the proposed works to be acceptable, subject to a number of conditions relating to the detail of the internal works. These relate to roof structure and insulation, frame repairs, staircase design, means of supporting the floor structure that would provide the first floor bedroom and the repair of the existing cart lodge frame (Conditions 3, 5 and 7). The condition in relation to the floor structure is dealt with under the previous report for the accompanying planning application 15/01590/FUL.

### CONCLUSION

It is considered that the proposed works to the Listed Granary and attached range of buildings are modest in scope and have been sympathetically designed to minimise the potential impact upon the character and appearance of the buildings. The proposal would secure the long term preservation of these heritage assets and the proposed works are considered to comply with the requirements of Policy CS9 of the Core Strategy and Policies RLP100 and RLP101 of the Local Plan. It is therefore recommended that Listed Building Consent is granted.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: Bradwell Hall Farm	
Existing Plans	Plan Ref: BH/3	
Existing Plans	Plan Ref: BH/4	
Existing Plans	Plan Ref: BH/5	
Frame Survey	Plan Ref: BH/8	
Frame Survey	Plan Ref: BH/9	
Frame Survey	Plan Ref: BH/10	
Proposed Plans	Plan Ref: BH/17	
Proposed Plans	Plan Ref: BH/18	Version: C

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

Reason

This condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

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

- 3 The works hereby approved shall not be commenced until additional drawings showing the proposed interaction between the insulation and the roof structure at a scale between 1:1 and 1:20 at A3 have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 4 The works hereby approved shall not be commenced until additional drawings showing the proposed location of the pipe runs associated with the downstairs bathroom and first floor ensuite bathroom at a scale between 1:1 and 1:20 at A3 have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 5 The works hereby approved shall not be commenced until details setting out the proposed repairs to the frame of the existing cartlodge element including a method statement and annotated frame drawings showing the areas of repair and/or replacement have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details.

Reason

In the interests of the preservation of the listed building.

- 6 The works hereby approved shall not be commenced until additional drawings showing the proposed new doors and windows at a scale between 1:1 and 1:20 at A3 have been submitted to and approved in writing by the local planning authority. Works shall be implemented in

accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 7 The works hereby approved shall not be commenced until additional drawings showing the proposed design for the new internal staircase linking into the Grade II Listed Building at a scale between 1:1 and 1:20 at A3 have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate detailing on this listed building.

- 8 The works hereby approved shall not be commenced until samples of all replacement external materials have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 9 No part of the fabric, including any timber framing or infill panels shall be removed apart from where shown on the drawings hereby approved and shall be retained as such in perpetuity.

Reason

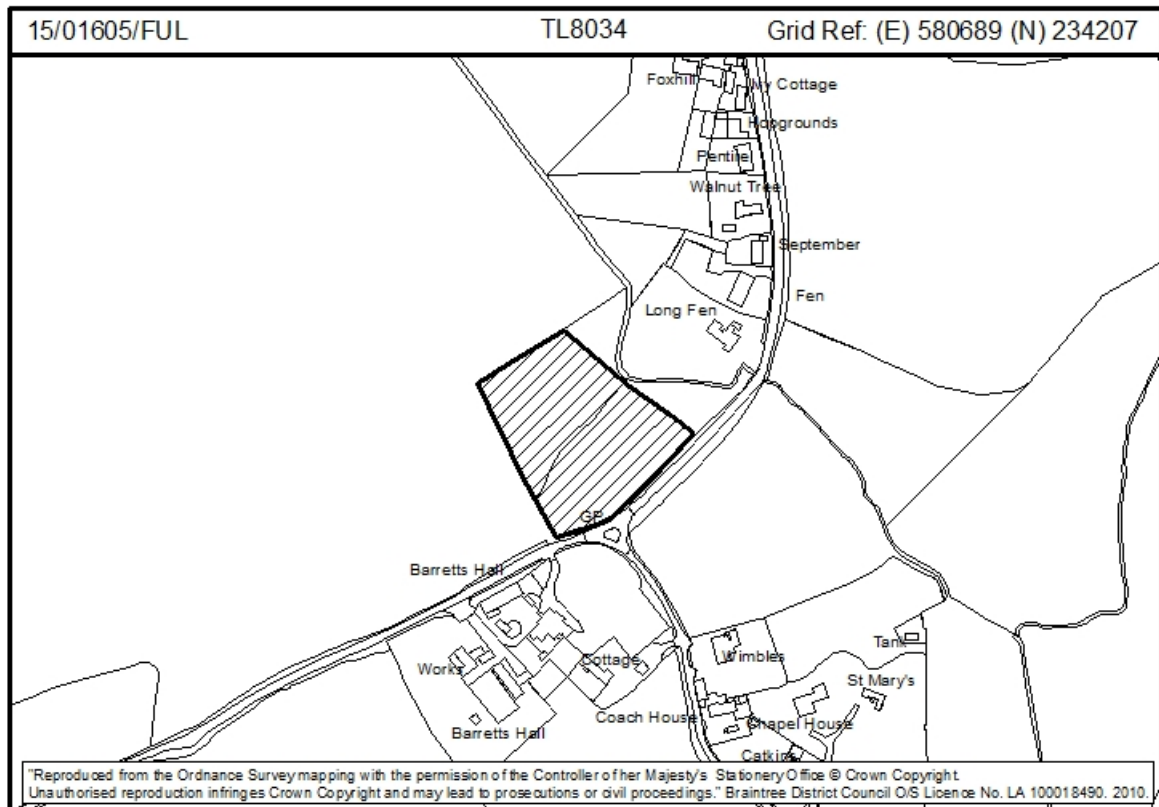
In the interests of the preservation of the listed building.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01605/FUL DATE: 05.01.16  
 VALID:  
 APPLICANT: Mr & Mrs Peter Schwier  
 Long Fen, Church Street, Great Maplestead, Essex, CO9 2RJ,  
 AGENT: Green Architect  
 Ms Jenny Bishop, Hampers, Oak Road, Little Maplestead, Essex, CO9 2RT  
 DESCRIPTION: Erection of a dwelling in the garden on south side of Long Fen (a new exemplar, off grid Passivhaus) and increase in the height of existing mounding.  
 LOCATION: Long Fen, Church Street, Great Maplestead, Essex, CO9 2RJ

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



## SITE HISTORY

00/00571/FUL	Erection of detached garage	Granted	26.07.00
75/01043/P	Extra Living accommodation.	Granted	12.11.75
86/01806/P	Erection of garage.	Granted	14.01.87
98/01152/FUL	Erection of single storey side extension and altering existing flat roof structures to pitched roofs	Granted	15.10.98
10/00406/ELD	Application for a Certificate of Lawfulness for an existing use - Use as a garden for purposes incidental to the residential use of Long Fen	Granted	19.05.10
10/01549/ELD	Application for a Certificate of Lawfulness for an existing use - Use of land as garden of Walnut Tree Cottage and September Cottage	Refused	07.01.11

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities
CS2	Affordable Housing

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP86	River Corridors
RLP90	Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented at Committee, as the applicant is an elected Member of Braintree District Council.

## SITE DESCRIPTION

The application site is located to the southern side of Church Street, within the village of Great Maplestead. The site is within an area designated as countryside, although the Village Envelope immediately abuts the north eastern boundary of the site. The site forms part of the residential garden of Long Fen. This part of the garden is served by its own vehicular access.

The site adjoins arable land to the South and North West, Long Fen to the North East and Church Street to the South East. Barretts Hall is located to the South, on the opposite side of Church Street. The land slopes up when travelling North West along Church Street, such that the site is readily visible from Purls Hill.

A watercourse runs through the site. It is evident from the site visit that mounding of earth has been undertaken along the Church Street boundary. No planning permission has been sought for this earth profiling works which constitutes an engineering operation and “development” in the terms of the Town and Country Planning Act.

## PROPOSAL

This application seeks planning permission for the erection of a detached dwelling which is described as an ‘off grid’ Passivhaus. Water to the dwelling would be provided by a bore hole, electricity by solar panels and a battery system and hot water by a wood fired stove combined with a solar thermal system. It is proposed that the property be “zero carbon”.

The site would be served by a new vehicular access, located 10m to the south of the existing access which would be removed.

Planning permission is also sought for the increase in height of the existing earth mounding.

The submitted drawings show an area for ground based solar panels, however they have not been expressly applied for nor has any information about the panels been submitted. As such no consideration has been given to these as part of this application.

## CONSULTATIONS

Great Maplestead Parish Council – The Parish Council compliments the ethos of Passivhaus design, but objects to this application. Rejection of proposed extension of the village development boundary formed the basis of the election mandate for some of the Parish Councillors elected in May 2015.

If this application is approved it will undoubtedly lead to further development and 'creep' of the village development boundary. BDC has a duty of care to protect villages and countryside from over development.

It should be noted that the road border at this site is classed by Essex County Council as a Road Side Nature Reserve.

The proposed development falls outside of the village development boundary and within the countryside. The village consensus is to oppose the extension of the village boundary. The development does not provide affordable housing.

BDC Housing Research and Development – Policy CS2 should be applied for this application and provision for affordable housing sought. An appropriate approach is to seek a commuted payment in lieu of affordable housing. It is recommended that a payment of £10,000 be sought.

Urban Design Consultant – Whilst the 'off grid' design has some merit and could be considered innovative, the architectural design and arrangement is far from exemplar. Burying the house in the landscape can have advantages for energy efficiency, however this is a house designed in a more traditional 'on the surface' style. Visually burying the house in a cutting is a rather contrived and inappropriate aspect of the proposal that does not relate to the architectural design or the rural location.

The amount of earth moved on the site far from enhances the setting, but manipulates the landscape and creates a man-made and unnatural setting for the house, insensitive to the characteristics of the area.

The architectural design is confused and does not reflect the highest standards required by paragraph 55 of the NPPF.

BDC Landscape Services – It appears from the documentation that a key principle of the design ethos for this development is the visual understatement and requisite dependency on the partial concealment by an engineered landform; however, I consider the current proposal will only draw the eye to it because of the artificiality of the bunding and its unsympathetic relationship to the surrounding topography and open setting in the countryside.

The design should be more landscape-driven with appropriate advance planting of trees and informal hedging used in conjunction with a more



sympathetically designed landform that works more fluidly with the surrounding landscape.

Essex County Council Archaeology – Recommend a condition requiring a programme of archaeological works to be undertaken.

BDC Engineers – No objections

Essex County Council Highways - The statement suggests that the new access will be within the 30 limit – this is true but only just. The point being that driver speeds will likely be higher due to coming into or accelerating out of the village. There is no supporting data. In any event recommended visibility splays in this setting are 2.4m by 43 metres in both directions not 25 metres as the application suggests. The proposal currently provides insufficient visibility to satisfy the highway safety parameters.

If evidence was provided that demonstrated ambient speeds around the 20mph mark or better visibility was provided then no objection would be pursued.

## REPRESENTATIONS

Six letters has been received in response to the neighbour notification, one supporting and five objecting to the application, the contents of which are summarised below;

- The proposal is sympathetic and well designed
- The development will contribute to an exemplar reduction in carbon emissions
- The village needs three bedroomed properties and this would add to the character of the village
- This development would help meet the need for housing
- Object to the application as it is outside of the Village Envelope
- A survey was carried out in Great Maplestead and a “Yes/No” question was asked - Do you wish to have development at Long Fen or Treeways (now Highview) to which the majority reply was no. I feel that BDC should honour this request.
- The style of house is out of keeping with the area
- Parking for 4 vehicles would mean more traffic accessing a rural road at a blind spot, very near to a narrow bridge
- It will not enhance or compliment the village
- The application goes against the views expressed in the Village Design Statement
- Questioned whether the application is in keeping with current government legislation
- The application does not discuss in much detail the visual impact it will have when the dwelling is approached from the south
- The dwelling could present a very stark, almost commercial vista, incongruous with the rural environment

- A programme of removing a vast number of mature trees and hedges from this property has been undertaken. This in itself will dramatically increase the visual impact of any new building.

## REPORT

### Principle of Development

Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. The boundaries of these settlements have been drawn in such a way so as to prevent the sprawl of development into the countryside and ensure that new housing is located in sustainable locations. The preamble to Policy RLP2 states that the boundaries are intended to protect the countryside surrounding settlements and prevent the extension of ribbon development and sporadic development.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Whilst it is accepted that the site abuts the Village Envelope and residential development is located in close proximity to the site, the proposal is contrary to the aforementioned policies and to allow development on this site would set a precedent and make further applications on similar sites harder to resist.

There is existing residential development close to the site, and as such the site is not considered to be an isolated site in the countryside. However, there are limited facilities and amenities within walking distance of the site, such that it is not thought to be sustainable. Development in this location would undoubtedly place reliance upon travel by car and it is not considered that the development of the site for a single dwelling would enhance or maintain the vitality of the area.

Paragraph 55 of the National Planning Policy Framework (NPPF) advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances. One of these special circumstances is the exceptional quality or innovative nature of the design of the dwelling. In the terms of the NPPF, such a design should:

- “be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- reflect the highest standards in architecture
- significantly enhance its immediate setting, and
- be sensitive to the defining characteristics of the local area”

Policy RLP90 of the Local Plan Review, CS9 of the Core Strategy and the NPPF seek to secure high quality design and layout in all developments.

Given the countryside location of the site, the proposal is not an appropriate form of development in principle. Notwithstanding this, the NPPF provides an exception for outstanding or innovative schemes. The design and appearance of the proposal is discussed in more detail below.

#### Design, Appearance and Layout

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside. Policy CS8 of the Core Strategy requires all developments to ensure the protection and enhancement of the natural environment. Developments must also have regard to the character of the landscape and its sensitivity to change.

Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

The proposal has merit in its innovative approach to being zero carbon and in its attempt to be 'off grid', using sustainable forms of energy for electricity and heating. Nevertheless, it is not considered that the design and architecture is of exceptional quality or truly outstanding such this would outweigh the harm that would be caused by the introduction of a new dwelling within the countryside.

It is considered that the design is somewhat confused. The main element of the house has a pitched roof of a more traditional form, however this is augmented with a large mass of flat roof which makes for an incoherent design and the whole dwelling being visually unsuccessful as a single piece of architecture. The two storey flat-roofed entrance lobby with an un-fenestrated dormer attached is considered to be of poor design and has an unsatisfactory relationship with the other parts of the dwelling.

The house is proposed to be somewhat sunken in to the landscape with land excavated around the dwelling. Although this has benefits in terms of energy efficiency, it is not a feature articulated in the form or design of the dwelling which appears relatively conventional. In this case, visually burying the property is considered to be contrived and does not relate to the architectural design or the rural location.

The proposal cannot be considered to be truly outstanding or present the highest standards in architecture and accordingly, the exception for such development in the countryside associated with paragraph 55 of the NPPF does not apply. The proposal would amount to a new dwelling in the countryside and it is not considered that its design would outweigh the harm that would be caused to the countryside. The proposal falls contrary to the NPPF, policies CS5, CS8 and CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

In addition to the design of the property, it is considered that the introduction of an earth mound to a height of 1.95m which would be readily visible, would manipulate the landscape, creating a man-made and un-natural setting for the property, insensitive to the characteristics of the area. It would seem from the application documentation that a key principle of the design ethos is the visual understatement and requisite dependency on the partial concealment by an engineered landform. The Council's landscapes officer considers that such a proposal will result in an unsympathetic relationship to the surrounding topography and the open countryside setting.

It is considered that the proposed mounding, which would extend the width of the site along the Church Street boundary, would fail to respect the distinctiveness of the existing landscape, contrary to policy CS8 of the Core Strategy and policy RLP80 of the Local Plan Review. Furthermore the mounding is considered harmful to the amenity afforded to the countryside and thus also falls contrary to policy CS5 of the Core Strategy.

In addition, the applicant justifies a new dwelling in the countryside given its "exemplar" design, however the excavation of the earth around the dwelling and the 1.95m earth mound are designed to largely conceal it from view, especially from Church Street. It is considered that restricting the views of the property defeats the purpose of proposing an exemplar scheme, which should be raising standards of design and enhancing the setting in which it is located.

In conclusion, the proposal introduces a new dwelling in the countryside, which is development that would be resisted in principle as it would be contrary to policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy. It is not considered that the design of the development would be truly outstanding, innovative or reflect the highest standards in architectural design. Accordingly it would not be justified in the terms of Paragraph 55 of the NPPF. The proposal falls contrary to the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

In addition the proposed earth mounding fails to integrate in to the existing landscape, detracting from its natural character and the amenity afforded to the countryside, contrary to policies CS5 and CS8 of the Core Strategy and policy RLP80 of the Local Plan Review.

#### Impact on Neighbour Amenity

Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. Furthermore the NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings.

The proposed dwelling would be well separated from existing residential properties and would not give rise to any material detriment to the amenity of nearby residential properties, complying with policy RLP90 (iii).

## Highway Issues

The application proposes a new access to the site off Church Street. The Highway Authority has been consulted on the application and advises that the current access and in particular the visibility splays are insufficient to satisfy highway safety parameters. Visibility splays need to be provided at 2.4m x 43m in both directions. The application proposes only 25m, which is more akin to a 20mph speed limit. If a survey was undertaken which shows ambient speed levels at around 20mph or better visibility was provided then an access may be considered acceptable. It is likely however that in order to provide improved visibility, the access would need to be relocated, however this cannot be determined satisfactorily from the drawings provided, nor can it be confirmed whether the visibility splays required can be provided on land that is within the control of the applicant.

Given that the proposed access is unacceptable and that it is unclear from the submitted drawings whether an access in the same or different location could be provided with sufficient visibility, it is recommended that the application be refused on basis of an unsatisfactory access and its conflict with policy DM1 to the Highways Authority's Development Management Policies (2011) and Policy RLP90 (viii) of the Local Plan Review which promotes safe and secure designs and layouts.

The site can accommodate sufficient car parking to comply with the adopted standard.

## Section 106 Contributions

### Public Open Space

In accordance with the Open Space Supplementary Planning Document, together with policies CS10 and CS11 of the Core Strategy and policy RLP138 of the Local Plan Review, a contribution towards the provision of open space and sport and recreation facilities would be required if this proposal were to be granted planning permission.

The applicant has shown willingness to enter in to an agreement to provide such a contribution. Notwithstanding this, having considered the Open Spaces Action Plan (OSAP), it is not considered that there are any sites within the Parish or wider Ward where such a contribution could be utilised. As such it is not justified to require a contribution for public open space in this case.

### Affordable Housing

As is referred to above, the Council's Housing Research and Development team has advised, taking in to account the High Court judgement of 31<sup>st</sup> July 2015 that quashed planning guidance which restricted affordable housing contributions on small sites, that policy CS2 of the Core Strategy should be applied and a provision for affordable housing should be sought.

It is not appropriate in this case to seek on site provision and therefore a contribution of £10,000 in lieu of affordable housing is sought. The application does not discuss affordable housing, nor has a Section 106 been progressed to secure such a contribution. This matter has not been raised specifically with the applicant given the other reasons for refusing the application.

Given that this proposal does not seek to secure a contribution towards affordable housing, the proposal conflicts with policy CS2 of the Core Strategy and thus it is considered justifiable to include it as a reason for refusal.

### Other Matters

#### Impacts on the watercourse

An existing watercourse runs through the site and the proposed dwelling would be located within the immediate proximity. No reference has been made to this watercourse within the application and thus the implications of the development have not been considered. Given the proposed excavation of the land immediately adjacent to this watercourse it may be that ordinary watercourse consent is required from the Lead Local Flood Authority. A consultation has been sent to Essex County Council as Lead Local Flood Authority and their comments will be reported to the Committee.

If Essex County Council objects to the proposal given the impacts on the watercourse, this would also form a justifiable reason for refusal.

### CONCLUSION

In conclusion, the proposal introduces a new dwelling in the countryside, which would be contrary to policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy. Paragraph 55 of the NPPF allows, in special circumstances, the erection of new dwellings in the countryside. In this case the argument is made by the applicant that the proposed dwelling is innovative and exemplar in design terms. As discussed above the proposal is innovative in its proposal to be a zero carbon Passivhaus, however it is not considered that the proposal is truly outstanding or presents the highest standards in architectural design, such to be considered an exceptional circumstance in which to allow a new dwelling in this location. Furthermore the proposal would not significantly enhance its setting or be sensitive to the defining characteristics of the local area as it also required by the NPPF. The proposal falls contrary to the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policy RLP90 of the Local Plan Review.

In addition, the proposed earth mounding fails to integrate in to the existing landscape resulting in the manipulation of the landscape and creating an unnatural setting, harmful to the landscape character and the amenity afforded to the countryside, contrary to policies CS5 and CS8 of the Core Strategy and policy RLP80 of the Local Plan Review.

The proposal fails to provide a suitable access with sufficient visibility splays to satisfy highway safety.

The proposal also fails to provide a contribution towards affordable housing and thus conflicts with policy CS2 of the Core Strategy.

The application does not make reference to the watercourse within the site and subject to the consultation response from Essex County Council the proposal may also be objectionable on this basis.

### RECOMMENDATION

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

- 1 The site lies beyond a Town Development Boundary or Village Envelope as defined in the Braintree District Local Plan Review, in an area where rural planning policies apply. Policy RLP2 of the Local Plan Review advises that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Policy CS5 of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes 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.

The development introduces a new dwelling in the countryside where such development is resisted in principle as set out in the policies referred to above. Furthermore, there are limited facilities and amenities within walking distance of the site and development in this location would undoubtedly place reliance upon travel by car and, as a single dwelling, the proposal would do little to enhance or maintain the vitality of the area. Accordingly the proposal would be contrary to the policies set out above which seek to secure sustainable development by directing new residential development to sites within existing town development boundaries and village envelopes.

- 2 Paragraph 55 of the National Planning Policy Framework (NPPF) advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances.

Policy CS5 of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS8 of the Core Strategy seeks to protect natural environment and requires all development to have regard to the character of the landscape and its sensitivity to change. Policy RLP89 of the Local Plan Review seeks to ensure that development is not detrimental to distinctive landscape features and advises that development which fails to integrate in to the local landscape will not be permitted.

Policy CS9 of the Core Strategy and policy RLP90 of the Local Plan Review, together with the NPPF, seek to secure high quality design and layout in all developments.

The proposal is considered poorly designed, incoherent and visually unsuccessful. Furthermore the sunken nature of the dwelling is considered contrived and fails to relate to the architectural design. The development is not considered to be of exceptional quality or truly outstanding, nor would it significantly enhance its setting or be sensitive to the defining characteristics of the local area. The development is not of a quality that would meet the demanding design and architectural tests that might justify the proposed development within the countryside or outweigh the harm that would be caused to the countryside. As a consequence, the development would be contrary to paragraph 55 of the NPPF, policy CS5, CS8 and CS9 of the Core Strategy and policies RLP2 and RLP90 of the Local Plan Review.

- 3 Policy CS5 of the Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS8 of the Core Strategy seeks to protect natural environment and requires all development to have regard to the character of the landscape and its sensitivity to change. Policy RLP80 of the Local Plan Review seeks to ensure that development is not detrimental to distinctive landscape features and advises that development which fails to integrate in to the local landscape will not be permitted.

The proposal by way of the construction of significant earth mounding along the Church Street boundary, fails to integrate into the existing landscape and results in the manipulation of the landscape and creation an unnatural setting, harmful to the landscape character of the locality and the amenity afforded to the countryside, contrary to policies CS5 and CS8 of the Core Strategy and policy RLP80 of the Local Plan Review.

- 4 The proposal fails to secure a contribution by way of a planning obligation towards affordable housing and thus is contrary to policy CS2 of the Core Strategy which requires affordable housing, or a contribution in lieu in respect of the development of sites in the rural areas over 0.16 hectares.



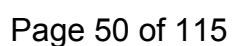
- 5 The proposal fails to provide an access with adequate visibility splays of 2.4m x 43m in both directions. The proposal is therefore of detriment to highway safety and contrary to policy DM1 of the Highways Authority's Development Management Policies (2011) and Policy RLP90 (viii) of the Local Plan Review which promotes safe and secure designs and layouts.

### SUBMITTED PLANS

Site Plan	Plan Ref: 1504.05.001 PAGE 2
Site Selection Plan	Plan Ref: 1504.05.001 PAGE 2
Proposed Floor Plan	Plan Ref: 15004.05.10 PAGE 1
Proposed Floor Plan	Plan Ref: 15004.05.10 PAGE 2
Proposed Roof Plan	Plan Ref: 15004.05.10 PAGE 3
Proposed Sections	Plan Ref: 15004.05.10 PAGE 4
Proposed Elevations	Plan Ref: 15004.05.10 PAGE 5
Proposed Elevations	Plan Ref: 15004.05.10 PAGE 6
3D Visual Plan	Plan Ref: 15004.05.11 PAGE 1
3D Visual Plan	Plan Ref: 15004.05.11 PAGE 2
3D Visual Plan	Plan Ref: 15004.05.11 PAGE 3
3D Visual Plan	Plan Ref: 15004.05.11 PAGE 4
3D Visual Plan	Plan Ref: 15004.05.11 PAGE 5
Location Plan	Plan Ref: 1504.05.001 PAGE 1

TESSA LAMBERT  
DEVELOPMENT MANAGER

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

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP90	Layout and Design of Development
RLP138	Provision of Open Space in New Housing Developments

### Supplementary Planning Guidance

ECC Development Management Policies 2011 (Highways)

Essex Design Guide 2005

Affordable Housing SPD

Open Space SPD and Action Plan

## INTRODUCTION

This application is brought before the Planning Committee as a large number of representations have been received from local residents and the scale of

development is also considered significant in the terms of the Scheme of Delegation.

## NOTATION

The site falls within the town development boundary and is allocated for residential development in the adopted Local Plan Review.

## SITE DESCRIPTION

The site is located to the southern end of Halstead and falls within the town development boundary. It comprises an area of agricultural land upon which are a number of single storey, low key agricultural buildings/structures. The site is surrounded on all sides by residential development. It is accessed via Balls Chase and a narrow access adjacent the dwelling known as 'Greenways'. A public footpath runs alongside the western boundary of the site. The site slopes downwards in a northerly direction.

## PROPOSAL

This application seeks outline planning permission for the erection of up to 25 dwellings. The applicant is seeking approval for the access, but reserves the matters of appearance, layout, scale and landscaping for later approval. An indicative layout plan has been submitted with the application.

The existing access adjacent 'Greenways' would be widened in order to serve the development. This would include the removal of an existing brick wall.

## CONSULTATIONS

Town Council – Object. The additional traffic movements would pose risks to footpath users, there is a potential flood risk, neighbouring properties should be protected from possible subsidence from the known underground water courses, Balls Chase is on a steep incline causing further risk in bad weather. The ingress/egress at the bottom of Tidings Hill is an issue; support the Highway Authority's objection. Request a S106 contribution for the community centre, other open spaces and youth projects in the town.

Housing Strategy – Request 30% affordable housing provision, in accordance with Policy CS 2 of the Core Strategy.

Environmental Health – No objection subject to conditions for a contaminated land survey and dust and mud management scheme.

Waste Services – No response at the time of writing.

Engineers – No response at the time of writing.

Highway Authority – Object. The proposed access cannot be provided with adequate visibility splays of 2.4 metres by 43 metres in both directions over land which is within the applicant's control

ECC Education – A contribution of £127,806 towards primary school places is requested.

Public Rights of Way – It seems unlikely that Footpath 3 will be affected by the development as it is outside of the site. It is possible that construction work may affect this path due to proximity to the building work. The footpath must be kept open, unobstructed and available at all times. A temporary diversion order will be required if construction works are likely to encroach upon the route of the footpath. There might be a potential benefit in linking Footpath 3 via the access to the central part of Balls Chase.

Essex Police – No response at the time of writing.

Anglian Water – The foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). If the LPA are minded to grant planning permission, request a condition requiring a drainage strategy to be agreed.

Lead Local Flood Authority (ECC) – Object. Insufficient information has been provided on the flood risk and drainage strategy for the development.

Ramblers Association - Public footpath Halstead 3 runs along the western boundary of the site. It is not clear if it is within the site or outside. The footpath is well used. Request that the width of the footpath is increased to 2 or 2.5 metres and a pedestrian connection is made to the path from the internal road.

## REPRESENTATIONS

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

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

- The existing road (Balls Chase) is too narrow and inappropriate for the increase in traffic proposed. Concerns regarding highway safety;
- Concern as to where construction vehicles would park and dust and mud from construction;
- Query whether the doctor's surgery will be increased;

- There is an underground spring on the site which percolates northwards and causes pooling of surface water and flooding. The development will impact upon the hydrogeology of the area and may cause subsidence to reoccur/occur;
- The additional traffic would give rise to noise and disruption;
- Will add to congestion at the exit of Balls Chase and the roundabout at the bottom of Tidings Hill and give rise to highway safety risks;
- An application for residential development was refused in 1988 due the narrow width of Balls Chase and highway safety reasons;
- The 2015 SHLAA (Strategic Housing Land Availability Assessment) identifies the site for 15 dwellings not 25;
- Proposed access gives insufficient sight lines;
- Would cause conflict with the junction of The Lindens;
- The existing hill is hazardous in extreme winter conditions;
- There is an Oak tree which is subject to a Tree Preservation Order and has roots running beneath Balls Chase;
- There is only a pavement on one side of the road;
- Access and visibility is often restricted due to parked vehicles;
- Access could be taken from Ozier Field where this already an access which appears to have been constructed with this intention;
- Infrastructure concerns regarding overhead cables, low gas pressure, sewerage and drain flooding;
- Concerns regarding the infrastructure of the town as it appears there would be no increase in school or doctors' capacity;
- The site is a habitat for various forms of wildlife;
- Demolition of the wall will have an impact in terms of noise, air pollution and headlights on the property opposite;
- Concerned about the proximity of houses to those on Tidings Hill and adjacent the site;
- Concerned about complaints from future occupants regarding birds kept at neighbouring site;
- A less dense development would be more appropriate for the site;
- A reduction in speed limit and speed humps are needed as well as an upgrade of the road;
- The impact upon infrastructure and services should be considered from the development and other developments which have been approved or are proposed;
- The gradient of the site will present drainage issues.

A letter has also been received from the developer of Ozier Field stating that the layout of Ozier Field was designed to allow provision for vehicular access to the site.

## REPORT

### Principle of Development

This is an outline planning application with all matters reserved except for access. The applicant is therefore seeking approval for the principle of the development of the site for housing and for the access. The layout, scale,

appearance and landscaping of the site would form part of a reserved matters application at a later date and are therefore not matters which can be determined at the current time.

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 town development boundary and is allocated for residential development in the adopted Local Plan. Therefore, in accordance with Policy CS1 of the Council's Core Strategy and Policies RLP 2 and RLP3 of the Local Plan, the principle of residential development on this site is acceptable. Policy RLP3 also states that new development should satisfy amenity, design, environmental and highway criteria and is 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, 10 and 90 of the Local Plan Review seek to ensure that new development relates well to the site and surrounding development in terms of layout, density and design.

As set out above, these are matters which would be considered in detail at a later date if outline planning permission were granted. However, an indicative plan has been submitted to demonstrate that the site is capable of accommodating the amount of development proposed. The plan does not show a detailed or appropriate layout of the site. The concerns raised in the letters of representation regarding the density of the development and proximity to neighbouring dwellings are noted. Officers consider that it is unlikely that the site could accommodate a development of the scale proposed taking account of the need to provide adequate garden sizes, parking, open space and appropriate relationships with the surrounding development. However, as the description of the development is for 'up to' 25 dwellings, it may be the case that when a reserved matters application is submitted it would be for less than 25 dwellings. Given that the applicant is not seeking permission for the layout, which is illustrative only, it would be unreasonable to refuse permission based on this concern.

### 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.

As stated above, as permission is not being sought for the scale and layout of the development it is not possible to consider the impacts upon neighbouring residential amenity in detail at this stage.

Concerns have been raised in the letters of representation about impacts arising from the construction such as parking, dust, mud and noise. If the application were acceptable, conditions could be imposed to control such matters and to protect neighbouring amenity during construction.

### Highway Issues

Policy RLP 3 of the Local Plan Review states that development will only be permitted where it satisfies, inter alia, highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP90 (viii) promotes safe and secure designs and layouts.

Policy DM1 of the Highway Authority's Development Management Policies seek to ensure that new access points are designed and constructed in accordance with the current standards for the category of road having regard to the capacity, safety and geometry of the highway, and that proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

The applicant is seeking approval for the access to the site. This would be taken off Balls Chase in the approximate location of the driveway which currently serves 'Greenways'. The existing driveway would be enlarged and the brick wall which currently serves as a boundary enclosure along the frontage would be removed. In this location, the Highway Authority has advised that it would require visibility splays of 2.4 metres by 43 metres. In order to ensure their permanent provision, the visibility splays must be over land which is within the applicant's control.

In this case the splays shown on the submitted plans measure approximately 32 metres and would pass over the frontage of properties to the north (Greenside) and the south (24-26 Balls Chase). However, in order to achieve the visibility splays required by the Highway Authority (43 metres), the visibility splays would pass over land belonging to 'Greenside' and 'Gardenia' to the north and 24-28 Balls Chase to the south. The applicant does not have control of this land and would therefore not be able to ensure that the splays are kept free from obstruction at all times. The Highway Authority has therefore objected to the application and advised that the proposal is not acceptable due to highway safety reasons.

The Highway Authority may, on occasion, support lesser visibility splays but only where this is supported by a speed survey. No such survey has been carried out.



The applicant's agent has advised that there is an agreement to purchase the frontage of the site (for the sight splay) from a neighbouring owner and considers that the sight splays thereafter are entirely on highway/pavement. It has also been indicated that the applicant has agreed with a neighbouring owner that they will undertake to keep clear an area at the front should the splays encroach. As stated above, the applicant must have control over such land. This would need to be demonstrated through a Land Registry title. An informal agreement is not acceptable or proof that the applicant has control over the land.

The use of Balls Chase as a means of access has raised a significant amount of local objection. The plan showing the allocation of the site within the adopted Local Plan Review does not extend as far as Balls Chase (the proposed access is not included in the allocation). The allocated site abuts the end of the road at Ozier Field and it would appear that it was presumed that the site would be accessed from here. Accessing the site from Ozier Field may be a more appropriate solution and would not give rise to the issues regarding visibility that have occurred with this proposal. However, the Council must determine the application based upon the submission.

A number of concerns have been raised about the adequacy of Balls Chase and the surrounding road network to accommodate traffic from the proposed development. At this stage the Highway Authority has not raised any concerns in this regard. If the Highway Authority considers that any improvements are required, these could be secured by condition or through a S106 Agreement. Whilst the proposal would result in increased traffic using Balls Chase, it is not considered that this would have an unacceptable impact upon residential amenity to the extent which could substantiate withholding permission.

It appears that vehicles parking within the public highway often cause problems with obstruction or visibility. However, this is not a matter which can be controlled by the LPA. Any development on this site would need to comply with the Council's adopted Parking Standards with off-road parking being provided within the site. This would be assessed as part of a reserved matters application. Whilst there is only pavement on one side of the lower part of Balls Chase, it does provide pedestrian connectivity between the site and the wider area.

#### Flood Risk and Drainage

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk

from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Ministerial Statement issued by The Secretary of State for Communities and Local Government on 18 Dec 2014 states that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate. It states "To this effect, we expect local planning policies and decisions on planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. Under these arrangements, in considering planning applications, local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development."

These changes took effect from 6 April 2015. It also states that for avoidance of doubt the statement should be read in conjunction with the policies in the National Planning Policy Framework. The statement should also be taken into account in the preparation of local and neighbourhood plans, and may be a material consideration in planning decisions.

Paragraph 086 of the Planning Practice Guidance (PPG) states that when considering major development (i.e. developments of 10 dwellings or more) the local planning authority should consult the Lead Local Flood Authority (LLFA).

Policy RLP 69 of the Local Plan Review states that where appropriate, the District Council will require developers to use sustainable drainage techniques. Policy RLP 71 states that planning permission will not be given where there is inadequate water supply, sewerage or land drainage systems available to meet the anticipated demands of the development, unless there is an agreed phasing arrangement between the developer and the relevant service provider, for the provision of the necessary infrastructure.

The Lead Local Flood Authority (Essex County Council) became a statutory consultee on planning applications from 15<sup>th</sup> April 2015. The LLFA has issued a holding objection on the basis that the submitted documents do not provide any details on the surface water drainage strategy to be implemented on the development. The response states that the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. It also states "Detail on the drainage strategy is vital if the local planning authority is to make informed planning decisions. The absence of any information on the flood risk and surface water and surface water strategy at this site is therefore sufficient reason in itself for a refusal of planning permission".

The LLFA advised that the objection could be overcome if adequate information on the flood risk and surface water drainage strategy were submitted demonstrating that the development will not increase flood risk elsewhere and where possible reduces flood risk overall. The LLFA included a copy of a SuDS checklist which applicants are required to fill out and a copy of their Standing Advice which sets out the national planning policy and technical guidance with regard to sustainable drainage systems.

This issue was raised with the applicant's agent. A copy of the LLFA's response, the checklist and Standing Advice were sent to the agent.

Comments made in the letters of representation indicate that there is an underground spring which surfaces within the site and percolates downwards following the contours of the land through the gardens of properties to the north. It is stated that this causes localised pooling of surface water and, on occasion, flooding. Concerns are raised that the development will impact on the hydro-geology of the area and that this may increase the risk of a renewed subsidence to existing properties.

This issue was raised with the LLFA who advised that the drainage information requested (referred to above) should include an assessment of the hydrological and hydro-geological context of the development. Therefore, if there are any springs on site these would be identified as part of this assessment. If the assessment identifies that there is a spring on site, details of proposed mitigation measures would be required.

The applicant's agent advises that there is not a spring on this site and has requested that surface water issues are dealt with by way of condition. As set above, in accordance with the NPPF, the PPG and the Ministerial Statement, the management of surface water is a material consideration in all major development and applicants need to submit relevant information to enable the Lead Local Flood Authority and therefore the Local Planning Authority to discharge its duties. Furthermore, the LPA has been made aware of potential issues regarding surface water in respect of the spring. It is also acknowledged that the site slopes significantly and the development would give rise to increased surface water run-off. Without the submission of an appropriate assessment, as requested by the LLFA, this issue cannot be appropriately addressed.

It is acknowledged that this is an outline planning application and the layout of the proposed development has not yet been determined. However, the LLFA has a checklist which relates specifically to outline applications and requests information such as the natural drainage characteristics within and adjoining the site, an outline assessment of existing ground conditions, geology and permeability, infiltration tests where possible, a conceptual drainage plan and a conceptual SuDS design statement.

In this case therefore, Officers are of the opinion that insufficient information has been submitted to address the issue of surface water run-off and flood risk, contrary to the policies referred to above.

With regard to sewerage, Anglian Water has advised that the foul sewerage network and Halstead Water Recycling Centre has capacity to accommodate waste from the development. The developer would need to liaise with Anglian Water directly in terms of connecting to the system.

#### S106 Agreement

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a wide range of recreation, outdoor sport and amenity needs in District.

The Council has adopted the Open Space Supplementary Planning Document (SPD) in accordance with Policy RLP 138 of the Local Plan Review. The SPD states that, in this case, a financial contribution in lieu of on-site provision is required for public open space.

The Council's Open Spaces Action Plan identifies a number of improvements required to existing public open spaces within the Ward. It is therefore considered that the Council is justified in seeking a financial contribution for the enhancement of public open space. The contribution required for each dwelling is based upon the number of bedrooms in each dwelling. This is unknown at this stage and therefore an appropriate formula would be included within the S106 Agreement.

Policy CS11 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include 'transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities'. When discussing housing growth in Halstead, the Council's Core Strategy further states that 'The expansion of existing employment locations and community services will be supported'.

Following work undertaken over several years plans are now well advanced for a new multi-purpose community building designed to serve the needs of existing and future residents of the town. The Halstead Community Centre Charitable Company has secured land for the building on land adjacent to the car park in Butler Road and the District Council has also pledged a significant financial contribution towards the development costs. Planning permission has been secured for the buildings (15/00526/FUL). In this case a contribution would be sought. Based on the scale of development and the

contributions being sought from other developments within the town, the contribution sought would be in the region of £11,000.

Policy CS2 states that affordable housing will be directly provided by the developer within housing schemes. 30% affordable housing provision is required on sites in Halstead. This is based on a threshold of 15 dwellings or 0.5ha. The District has a high level of need for affordable homes and such provision would be secured through a S106 Agreement.

Clearly this development would trigger the need for a S106 agreement to secure affordable housing provision and contributions towards public open space, a community centre and education. However, as it was clear that there are fundamental issues with this application, Officers have not requested the S106 form and fee or instructed solicitors at this stage. Therefore the absence of a S106 Agreement will form a reason for refusal.

### Other Matters

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

Overhead cables outside the site and low gas pressure – These are not material planning consideration or matters which can be controlled by the planning system.

Town Infrastructure – The Council consults with relevant consultees on planning applications. They will advise on the capacity of existing facilities and will request contributions towards improvements where they consider necessary. The site is allocated within the Local Plan Review for residential development. When the Council is preparing its development plan it will commission reports to take into account the capacity of the existing infrastructure and facilities.

Habitats – An ecology survey would be required to determine whether there are any protected species on the site. This could be required at the time of a reserved matters application. Such surveys are only valid for a limited period of time.

Previous Planning Application – Reference is made to a planning application which was submitted in 1988. This was for the residential development to the east of the site. Although planning permission was refused by the Council, it was allowed on appeal.

Strategic Housing Land Availability Assessment (SHLAA) 2015 – This is published on the Council's website and refers to a potential yield of 25 dwellings. However, as set out above, an appropriate density would need to be demonstrated through a reserved matters application. This current application refers to "up to 25 dwellings".

## CONCLUSION

The site is located within the Town Development Boundary and is allocated in the Local Plan Review for residential development. The principle of new residential development is therefore acceptable. This is an outline planning application which is seeking permission for the principle of the development and the access. In this case it has not been demonstrated that safe and adequate vehicular access can be achieved. Furthermore, insufficient information has been submitted to demonstrate that flood risk and surface water drainage can be appropriately dealt with. Finally, at the time of writing a S106 Agreement had not been prepared or signed in order to secure affordable housing and contributions towards public open space, education and community facilities. Accordingly Officers conclude that the proposal would not comply with the policies set out above and recommend refusal.

## RECOMMENDATION

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

- 1 Policy RLP3 of the Braintree District Local Plan Review states that development will only be permitted where it satisfies, inter alia, highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP90 (viii) promotes safe and secure designs and layouts.

Policy DM1 of the Highway Authority's Development Management Policies seek to ensure that new access points are designed and constructed in accordance with the current standards for the category of road having regard to the capacity, safety and geometry of the highway, and that proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

In this case it has not been demonstrated that adequate visibility splays of 2.4 metres by 43 metres in both directions can be provided over land within the applicant's control can be provided. Accordingly, the proposal is not considered acceptable in highway safety terms and fails to accord with the policies referred to above.

- 2 Planning policy as set out in the National Planning Policy Framework and Policies RLP69 and RLP71 of the Braintree District Local Plan Review seek to ensure that sustainable drainage systems for the management of surface water run-off are put in place and that development will not increase flood risk on site or elsewhere.

The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case insufficient information has been submitted with regard to a surface water drainage strategy to demonstrate that the proposed development

will not give rise to an increased flood risk on site or beyond the site.  
The proposal fails to accord with the policies referred to above.

- 3 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. The policy requires 30% affordable housing provision on sites in Halstead, based on a threshold of 15 dwellings or 0.5ha.

Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide improvements to community facilities and infrastructure appropriate to their location. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery of open space in the Braintree District.

The proposed development would trigger the requirement for the delivery of affordable housing and a financial contribution towards public open space, community facilities and education provision which would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such the proposal is contrary to the above policies and adopted SPD.

#### SUBMITTED PLANS

Location Plan	Plan Ref: 131208/10
Planning Layout	Plan Ref: 131208/11
Access Details	Plan Ref: 131208/12

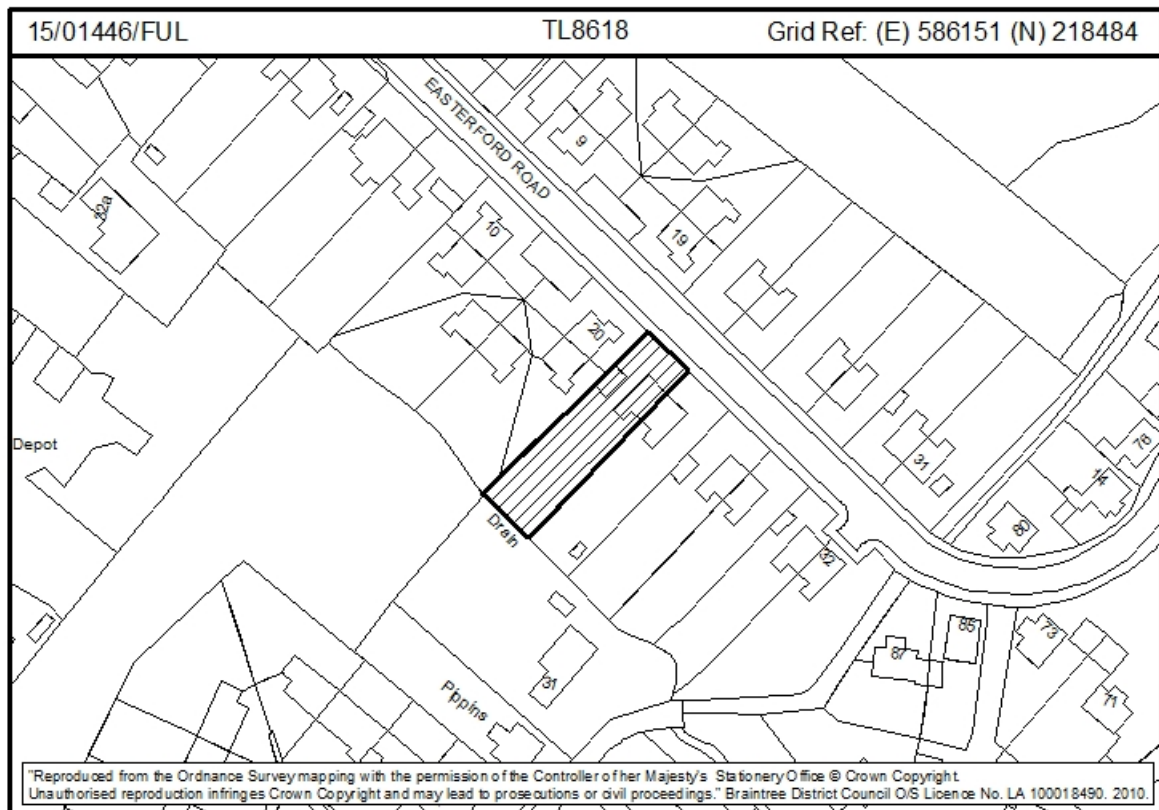
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 15/01446/FUL DATE: 20.11.15  
VALID:  
APPLICANT: Mrs R Poels  
22 Easterford Road, Kelvedon, Essex, CO5 9DX,  
AGENT: Suffolk Design & Build  
Mr Andrew Brinkley, 19 Chestnut Close, Great Waldingfield,  
Sudbury, Suffolk, CO10 0RU  
DESCRIPTION: Erection of two storey side and single storey rear extension  
following demolition of garage  
LOCATION: 22 Easterford Road, Kelvedon, Essex, CO5 9DX

For more information about this Application please contact:  
Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557  
or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)





## SITE HISTORY

15/00989/FUL	Erection of two storey side and single storey rear extension following demolition of garage	Refused	24.09.15
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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
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is brought to Committee for consideration as it has been called in by Councillor Elliott.

## SITE DESCRIPTION

The property is a modestly sized 1930s three bedroom, semi-detached dwelling located in a residential part of Kelvedon. The house sits towards the north-eastern end of a fairly long plot which extends to approximately 47 metres in length. The accommodation is spread over two floors with a small kitchen that protrudes at the rear, beside which is a flat roofed conservatory. The property is set back approximately 7 metres into the plot and a private drive leads to a single garage to the side of the house.

The adjacent dwellings to the northwest are single-storey with No.20 particularly featuring a very small private amenity area that adjoins the north-western boundary of No.22.

## PROPOSAL

The application proposes a two storey side and single storey rear extension following demolition of the garage.

At ground floor level the increase in floor space will allow for: a new study/playroom, and a larger utility area; the existing conservatory will be removed and a much larger kitchen/diner will span the full width of the newly widened rear of the house, with bifold doors opening onto the garden from the dining area.

At first floor a new fourth (master) bedroom with ensuite will be created to side of the existing accommodation.

Materials and finishes are proposed to match the existing: red and buff brick, render, slate tiles, upvc windows, doors, etc.

### CONSULTATION

Parish Council – no comment, no objection.

### REPRESENTATIONS

None

### REPORT

#### Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. There is therefore no objection in principle to an appropriately designed extension in this location.

#### Design, Appearance and Layout

The adopted development plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in RLP17. Likewise RLP90 seeks a high standard of layout and design in all developments, large and small in the district.

There should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling. A previous scheme (15/00989/FUL) was refused in September 2015. The reason for refusal was as follows:

*In this case it is considered that the proximity and height of the side extension in relation to the boundary will adversely affect the amenity of No.20 Easterford Road, creating an unneighbourly sense of enclosure to the rear of the dwelling and its sitting out area.*

The current proposal remains substantially unchanged from that refused in 2015. However, the first floor of the side extension is now slightly smaller than the ground floor beneath resulting in a set backs of 250mm and 500mm respectively from the front elevation and introduces a pitched area of roof between the ground and first floors on the front elevation of the extension.

The distance of the extension from the north-western boundary remains unchanged at 1657mm. The height to the flank wall eaves has been reduced and the ridge line has been lowered accordingly. Although it is acknowledged that the style of the design and finishes is generally in keeping with the host dwelling and sufficient private amenity space for No.22 will remain to the rear, the changes to the roof result in a rather contrived and unsatisfactory appearance to the front and rear elevations.

### Impact on Neighbour Amenity

The main concern with this application and indeed the previous one is its impact on the amenity of No.20. Whilst there is not an objection in principle to a two storey side extension the design needs to be one that does not have an unacceptable impact on the neighbouring properties. It is acknowledged that a number of properties in the road have two storey side extensions, some of them similar in scale to the current proposals, however, these are not situated adjacent to single-storey buildings with small private amenity areas and each individual application and site must be assessed on its own merits.

No.21 Easterford Road (opposite) which is a contemporary of No.22, has a two storey side extension set much further back from the front elevation and it was suggested via the agent that something similar could be appropriate for No.22. The property mirrors No.22 in its design and the positions of its single storey neighbours.

The impact of the current proposals would be particularly detrimental to No.20 due to the particularly small size of its rear (private) garden, which is only approximately 4.5 metres in depth from the wall of No.20 to the boundary. The total distance between the extension and No.20 would only be approximately 6.5 metres. An image has been included of chalet bungalow 7a in support of the proposals, however, the style of the bungalow, in effect, is the same as a single storey side extension with a pitched roof as the height of the eaves is equivalent to a single storey, rather than a two storey flank wall albeit one with slightly reduced eaves height.

### Highways Issues

The proposals would result in the loss of one garage that does not meet current size standards. The drawings show that 3 parking spaces to meet current standards could be accommodated to the front of the property. Therefore it is not considered that there are any highway implications associated with this application.

## CONCLUSION

In this case it is considered that the proximity and height of the side extension in relation to the boundary will adversely affect the amenity of No.20 Easterford Road, creating an unneighbourly sense of enclosure to the rear of the dwelling and its sitting out area.

## RECOMMENDATION

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

- 1 Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, require proposals for residential development to be of a scale, design and intensity which is in harmony with surrounding existing development, including the host dwelling and where it satisfies amenity, design, environmental and highway criteria.

In this case it is considered that the proximity and height of the side extension in relation to the boundary will adversely affect the amenity of No.20 Easterford Road, creating an unneighbourly sense of enclosure to the rear of the dwelling and its sitting out area.

## SUBMITTED PLANS

Existing Floor Plan	Plan Ref: 371.15.01
Proposed Floor Plan	Plan Ref: 371.15.02

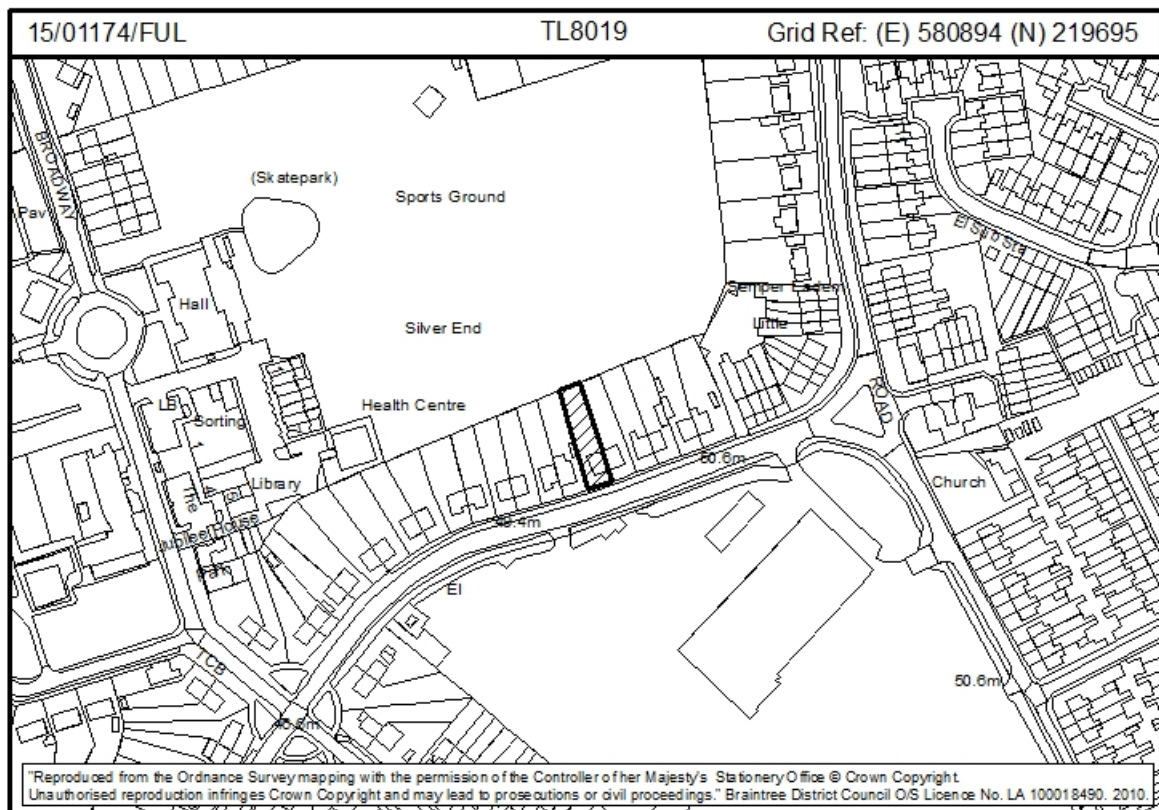
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 15/01174/FUL DATE: 09.10.15  
VALID:  
APPLICANT: Mr Phil Coker  
50 Temple Lane, Silver End, Essex, CM8 3RP  
AGENT: Hadleigh Glass  
Mr K Plummer, 4 Seager Court, Crockett Road, Hadleigh,  
Suffolk, IP7 6RL  
DESCRIPTION: Replacement of Crittall windows to front and side elevations  
LOCATION: 50 Temple Lane, Silver End, Essex, CM8 3RP

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



## SITE HISTORY

01/00803/FUL	Erection of two storey rear extension and introduction of west elevation side bedroom window	Granted	13.07.01
03/01083/FUL	Erection of conservatory	Granted	25.06.03
86/01824/DC	Modernisation	Granted	22.04.97
91/00078/PFWS	Construction of vehicular accesses and hardstandings	Deemed Permitted	10.05.91
10/00368/FUL	Creation of dropped kerb to provide vehicular access	Granted	19.05.10
15/01127/FUL	Demolition of existing garage and erection of new garage and crossover.	Granted	28.01.16

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This planning application is being presented to the Committee as the Parish Council has raised an objection, which is contrary to officer recommendation.

## SITE DESCRIPTION

50 Temple Lane is a two storey dwelling-house located within the Silver End Conservation Area, which is also subject to an Article 4 Direction. At present, the property has Crittall windows.

## PROPOSAL

The application seeks approval for the removal of the existing Crittall windows, and the installation of aluminium framed windows.

## CONSULTATIONS

Conservation Consultant – Following revision of plans, recommends the application be approved.

## REPRESENTATIONS

Parish Council – Object on the basis the proposed materials contravene the adopted Silver End Conservation Guide.

## REPORT

### Principle of Development

Policies RLP90 and RLP95 require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and for all new development to either preserve or enhance the character of the Conservation Area and its setting. The property lies within the Silver End Conservation Area, which is subject to an Article 4 direction which removes certain householder permitted development rights. This means that the replacement of windows, which would normally constitute 'permitted development' under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), requires consent in this instance. The Silver End Conservation Guide (1999) gives details of appropriate window designs and materials within this area.

### Design, Appearance and Layout

It is proposed to replace existing galvanised steel windows with aluminium ones, which is now an established practice in Silver End. However, replacements must provide the best visual match possible in order to ensure the character of the building is maintained. The proposed window section details show a thickness of frame which, whilst greater than the original windows, is considered acceptable and reflects those granted consent in recent years. The principle of replacing Crittall windows with aluminium frames has become established as acceptable within Silver End Conservation Area.

## RECOMMENDATION

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

## APPROVED PLANS

Existing Elevations	Plan Ref: 2542/01	
Proposed Elevations	Plan Ref: 2542/02	
Block Plan	Plan Ref: 2542/03	
Location Plan	Plan Ref: 2542/04	
Window details	Plan Ref: POS 001	Version: a
Window details	Plan Ref: POS 002	Version: a

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

### Reason

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

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

### Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

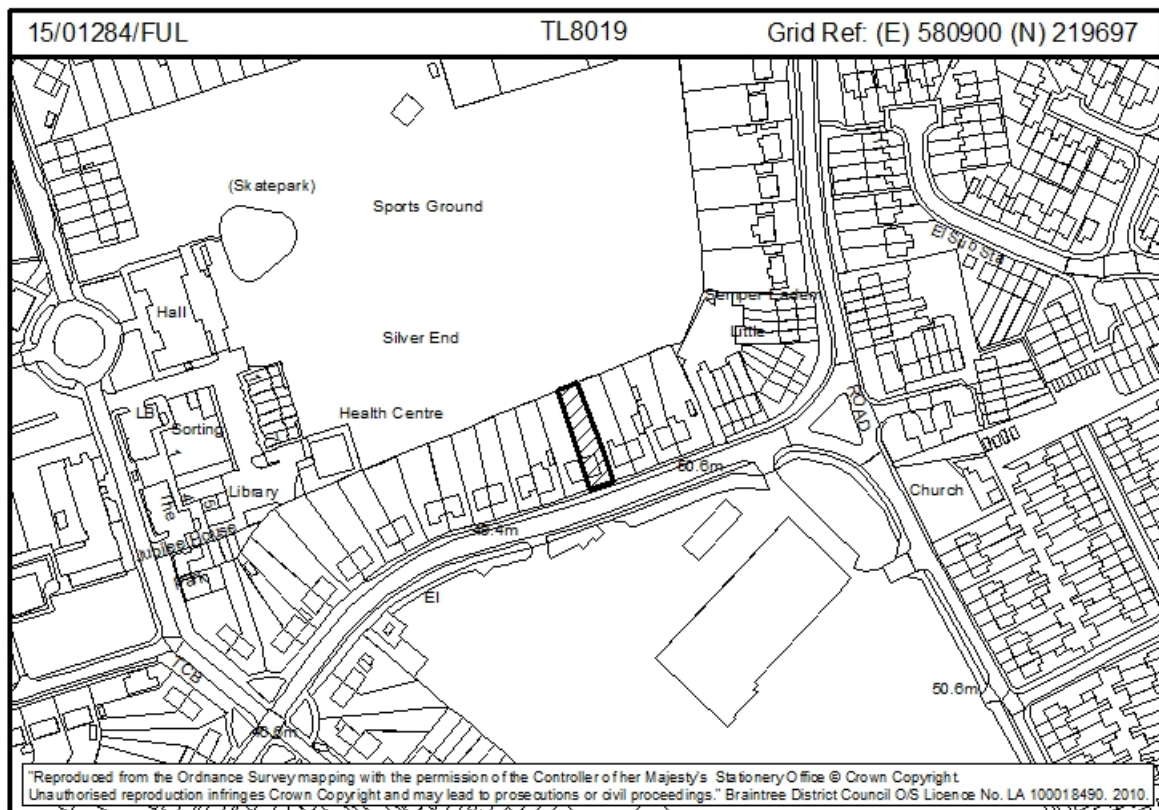


AGENDA ITEM NUMBER 5h

PART B

APPLICATION NO: 15/01284/FUL DATE: 13.10.15  
VALID:  
APPLICANT: Mr D Webber  
52 Temple Lane, Silver End, Essex, CM8 3RP  
AGENT: Hadleigh Glass  
Mr K Plummer, 4 Seager Court, Crockatt Road, Hadleigh,  
Suffolk, IP7 6RL  
DESCRIPTION: Replacement of existing Crittall windows to front and side  
elevations  
LOCATION: 52 Temple Lane, Silver End, Essex, CM8 3RP

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



## SITE HISTORY

91/00078/PFWS	Construction of vehicular accesses and hardstandings	Deemed Permitted	10.05.91
98/01286/TPO	Notice of intent to carry out works to trees protected by the Conservation Area - Fell one ash tree	Granted	14.10.98

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This planning application is being presented to the committee as the Parish Council has raised an objection, which is contrary to officer recommendation.

## SITE DESCRIPTION

52 Temple Lane is a two storey dwellinghouse located within the Silver End Conservation Area, where Article 4 Directions take place. At present, the property is served by Crittall windows.

## PROPOSAL

The application seeks approval for the removal of the existing Crittall windows, and the installation of aluminium framed windows.

## CONSULTATIONS

Conservation Consultant – Following revision of plans, recommends the application be approved.

## REPRESENTATIONS

Parish Council – Object on the basis the proposed materials contravene the adopted Silver End Conservation Guide.

## REPORT

### Principle of Development

Policies RLP90 and RLP95 require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and for all new development to either preserve or enhance the character of the Conservation Area and its setting. The property lies within the Silver End Conservation Area, which is subject to an Article 4 direction which removes certain householder permitted development rights. This means that the replacement of windows, which would normally constitute 'permitted development' under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), requires consent in this instance. The Silver End Conservation Guide (1999) gives details of appropriate window designs and materials within this area.

### Design, Appearance and Layout

It is proposed to replace existing galvanised steel windows with aluminium ones, which is now an established practice in Silver End. However, replacements must provide the best visual match possible in order to ensure the character of the building is maintained. The proposed window section details show a thickness of frame which, whilst greater than the original windows, is considered acceptable and reflects those granted consent in recent years. The principle of replacing Crittall windows with aluminium frames has become established as acceptable within Silver End Conservation Area.

## RECOMMENDATIONS

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

## APPROVED PLANS

Existing Elevations	Plan Ref: 2167/01
Proposed Elevations	Plan Ref: 2167/02

Block Plan	Plan Ref: 2167/05	
Location Plan	Plan Ref: 2167/06	
Window details	Plan Ref: POS 01	Version: A
Window details	Plan Ref: POS 02	Version: A

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

Reason

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

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

Reason

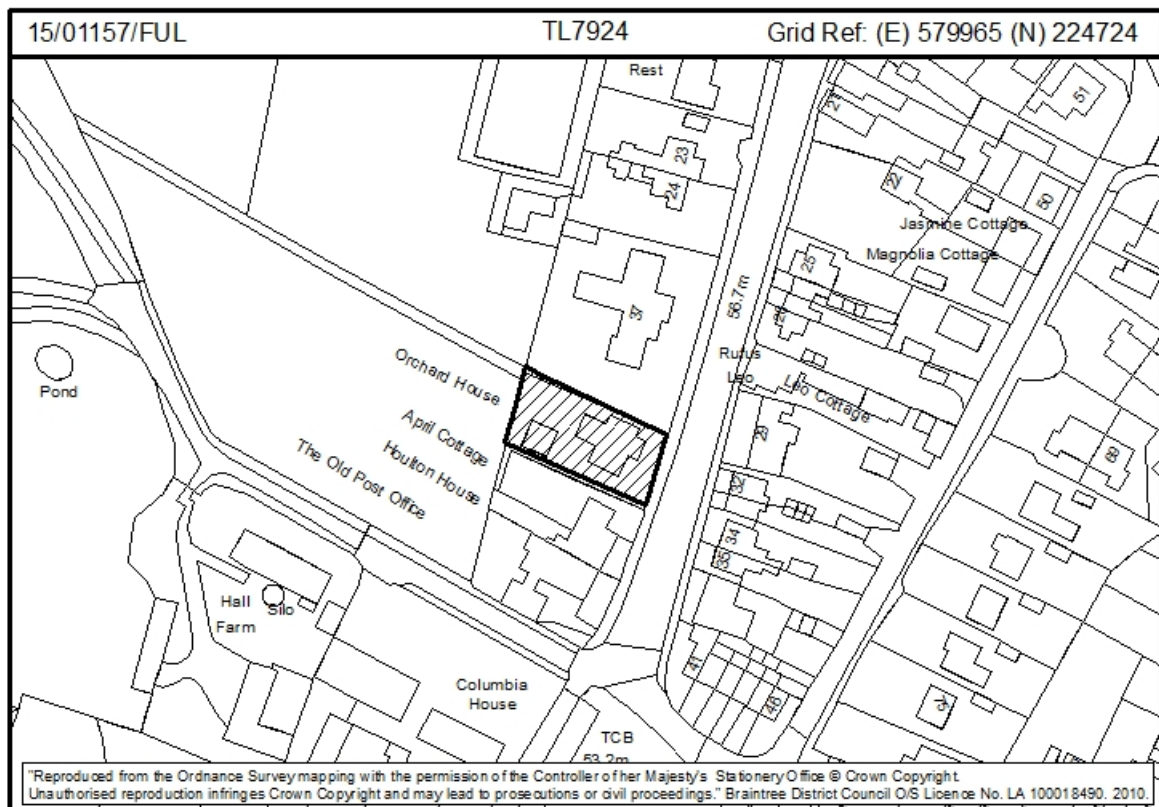
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 15/01157/FUL DATE: 14.09.15  
 VALID:  
 APPLICANT: Zoe Bloom  
 Orchard House, The Street, Stisted, Essex, CM77 8AW  
 AGENT: Barnes Design  
 Sara Sambucci, The Mitre Studios, 98 Charlmont Road,  
 London, SW17 9AB  
 DESCRIPTION: Insertion of two dormer windows and two conservation  
 rooflights to the existing loft and pitched roof on the north-  
 east elevation  
 LOCATION: Orchard House, The Street, Stisted, Essex, CM77 8AW

For more information about this Application please contact:  
 Christopher Paggi on:- 01376 551414 Ext. 2548  
 or by e-mail to: christopher.paggi@braintree.gov.uk



## SITE HISTORY

94/00146/TPO	Remove 2 copper beech trees at front of house	Refused	03.01.96
13/00211/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove 1 young London Plane tree and Remove 1 young Fir tree	Granted	16.10.14
14/01155/FUL	Erection of garden room	Refused	22.10.14

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

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

## INTRODUCTION

This application is brought before the Planning Committee due to an objection from Stisted Parish Council contrary to the recommendation of officers.

## SITE DESCRIPTION

The application site comprises Orchard House, a detached dwelling-house which is located in The Street within the Stisted Conservation Area. Although not listed, the character and appearance of the dwelling greatly contributes to the character and appearance of the Conservation Area.

## PROPOSAL

The application seeks planning permission for a loft conversion, including a change to the roof on the north-east elevation from a hipped to a pitched roof, the insertion of two dormer windows within the rear elevation, two rooflights within the front elevation and a small window within the gable on the front elevation to provide additional light into the converted roof space. The

proposal will facilitate two additional bedrooms along with some additional storage space.

## CONSULTATIONS

### Essex County Council Historic Buildings Consultant

The Historic Buildings Consultant raised no objections to the proposal, commenting that the proposed works are relatively limited in their scope and would not impact upon the character and appearance of the Conservation Area. A condition was recommended to require details of the proposed roof lights to be submitted at a scale between 1:1 and 1:20 at A3 and approved by the Local Planning Authority prior to commencement of works. However, the applicant has subsequently submitted details of the rooflights proposed, and the Historic Buildings Advisor is satisfied with the details. As such, there is no longer the need to require further details to be submitted by condition.

### Parish Council

Stisted Parish Council raised no objections in principle to the proposal, but stated that they would not wish to see roof lights at the front of the property. The Parish Council also highlighted an inconsistency within the submitted Design and Access Statement regarding the placement of the proposed roof lights (which are indicated on the rear elevation rather than the front, whereas the plans indicate the location of rooflights on the front elevation).

## REPRESENTATIONS

A site notice was displayed at the front of the property. Neighbouring residential properties were also notified in writing. No representations have been received in connection with this application.

## REPORT

### Principle of Development

In this location, as set out in Policies RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In addition, Policy RLP95 states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the

proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon neighbouring amenity.

#### Design, Appearance and Layout

The two dormer windows proposed on the rear elevation and the two rooflights proposed within the front elevation to facilitate the provision of two additional bedrooms are considered to be in keeping with the character and appearance of the existing dwelling. Essex County Council's Historic Buildings Consultant has been consulted on the application and raises no objections to the proposal. The further details submitted for the two rooflights are also considered to be acceptable. As such, while the comments of Stisted Parish Council are noted, it is considered that the proposals would be in keeping with the existing property and would not have a detrimental impact upon the character and appearance of the Conservation Area.

#### Impact on Neighbour Amenity

Due to the siting, size and bulk of the extensions and alterations it is considered the proposal will not have a detrimental impact on neighbouring amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

#### CONCLUSION

The proposal is considered to be in keeping with the existing property and the character and appearance of the Conservation Area. It is therefore recommended that planning permission is granted for the proposal.

#### RECOMMENDATION

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



## APPROVED PLANS

Existing Plans	Plan Ref: BDR507_A1
Proposed Plans	Plan Ref: BDR507_A2
Window details	Plan Ref: BDR507.D1

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

### Reason

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

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

### Reason

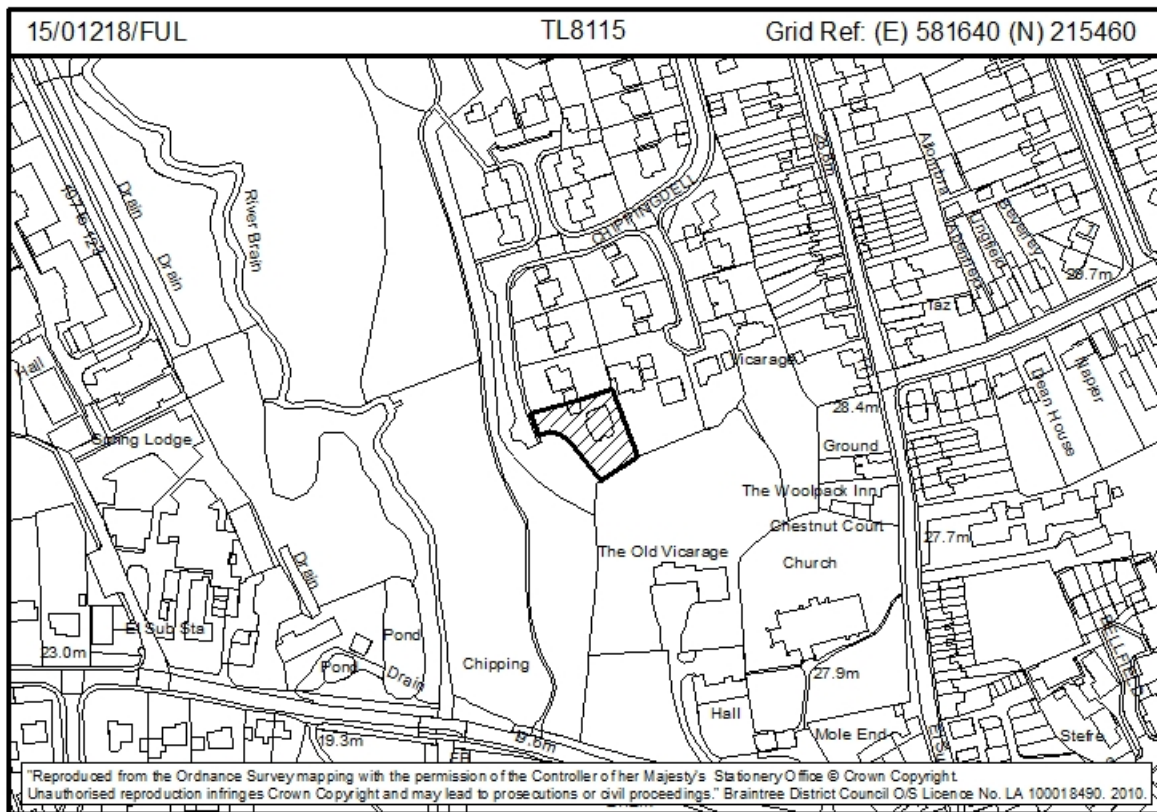
To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 15/01218/FUL DATE: 28.09.15  
 VALID:  
 APPLICANT: Mr David Arnott  
 25 Chippingdell, Witham, Essex, CM8 2JX  
 AGENT: L Virgin Architectural Consultant  
 Mr Lee Virgin, 14 Rowan Way, Witham, Essex, CM8 2LJ  
 DESCRIPTION: Erection of two storey front and infill front extension.  
 LOCATION: 25 Chippingdell, Witham, Essex, CM8 2JX

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)



## SITE HISTORY

15/00441/FUL	Erection of two storey front and infill front extension.	Refused	15.05.15
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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
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Town Council supporting the application, contrary to the recommendation being made by the case officer.

## SITE DESCRIPTION

The property is a fairly substantial modern four bedroom, detached dwelling. It is located at the end of a cul-de-sac in a residential part of Witham near the Chipping Hill area. The accommodation is spread over two floors with a large conservatory spanning the southern ground floor elevation.

The property is set back approximately 20 metres from the roadway, at the end of a shared driveway with the adjacent neighbour to the north, and a large shared detached garage sits forward of the house. No.25 is offset towards the western side of the large "L" shaped plot in which it sits, with the street frontage being fairly narrow. The ground rises towards the east with the houses sitting above the level of the road; there are no houses on the western side of the road. The river walk informal recreation area lies to the west of Chippingdell and a public footpath runs in a southerly direction from the end of the cul-de-sac to the river walk. The private garden to the southern side of the property is screened by a substantial and well maintained conifer hedge.

## PROPOSAL

The application proposes a two storey front and infill front extension. At ground floor level the increase in floor space will allow for: a larger entrance hall with an additional second entrance door in the flank wall; a formal dining room in the centre of the house in the area currently occupied by the living room; and a new larger living room to be situated at the front of the property.

At first floor level the existing bathroom and master en-suite will both increase in size. A new fifth bedroom will be created in what is currently the master, and a new master bedroom will be located at the front of the property.

The footprint of the building will be increased by approximately 47sq.m with a floorspace increase of approximately 94sq.m.

Materials and finishes are proposed to match the existing: red brick, concrete tiles, upvc windows, doors, etc.

## CONSULTATION

Witham Town Council – recommends approval as there would be no detrimental impact on neighbouring amenity, nor the street scene, nor over-development of the plot. Additionally there have been no objections from neighbouring properties.

## REPRESENTATIONS

None

## REPORT

### Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. There is therefore no objection in principle to an appropriately designed extension in this location.

### Design, Appearance and Layout

The adopted development plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in policy RLP17 of the adopted Local Plan. This policy requires that extensions should respect the bulk, form and materials to the host property and should not detract from the amenity of neighbouring premises or the character of the area. It also states that there should be no over-development of the plot when taking into account the footprint of the building

and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling.

A previous scheme (15/00441/FUL) was refused in May 2015. The reason for refusal was as follows:

*In this case it is considered that the extension is unsympathetic in scale and mass to the host dwelling, lacking a subordinate form, the extension is overly dominant and changes the appearance in a negative manner. It is also considered that the design of the extension, in particular the fenestration and balcony fail to enhance the street scene.*

The current proposal has removed the balcony from the front elevation and the addition of the new windows in the elevation closest to the road will be an improvement on the existing which is mostly a blank brick wall facing the pavement, save for one modestly sized window. The current proposal has stepped in the side wall from the original line. The property is set in a fairly large plot and plenty of private amenity space will remain unaffected. However, the scale of the extension is still considered to be too large in relation to the original dwelling. As such, it is considered that the proposal would detract from the character and appearance of the host dwelling and would be contrary to the above mentioned policies.

#### Impact on Neighbour Amenity

Due to the orientation and location of the property relative to its neighbours, it is considered that the proposed extension would not have a detrimental impact upon neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

#### Highways Issues

No amendments are proposed to the vehicular access and parking arrangements, therefore it is not considered that there are any highway implications associated with this application.

#### CONCLUSION

Whilst it is considered that the development would not give rise to any significant amenity issues, it is considered that the proposal would extend the property to an unacceptable level. It is not considered that the extension is subordinate and/or in keeping with the scale of the existing dwelling. In these respects the proposal would conflict with policy relating to the design of extensions and, accordingly, refusal is recommended.

#### RECOMMENDATIONS

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

- 1 Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, require proposals for residential development to be of a scale, design and intensity which is in harmony with surrounding existing development, including the host dwelling and where it satisfies amenity, design, environmental and highway criteria.

In this case it is considered that the extension is unsympathetic in scale and mass to the host dwelling, lacking a subordinate form, overly dominant and detracting from the character and appearance of the host dwelling and wider street scene, contrary to the policies referred to above.

#### SUBMITTED PLANS

Existing Floor Plan	Plan Ref: 331/01
Existing Floor Plan	Plan Ref: 331/02
Existing Elevations	Plan Ref: 331/03
Proposed Floor Plan	Plan Ref: 331/04
Proposed Floor Plan	Plan Ref: 331/05
Proposed Elevations	Plan Ref: 331/06
Proposed Elevations	Plan Ref: 331/07
Proposed Elevations	Plan Ref: 331/08
Proposed Elevations	Plan Ref: 331/09
Location Plan	Plan Ref: 331/10
Block Plan	Plan Ref: 331/11

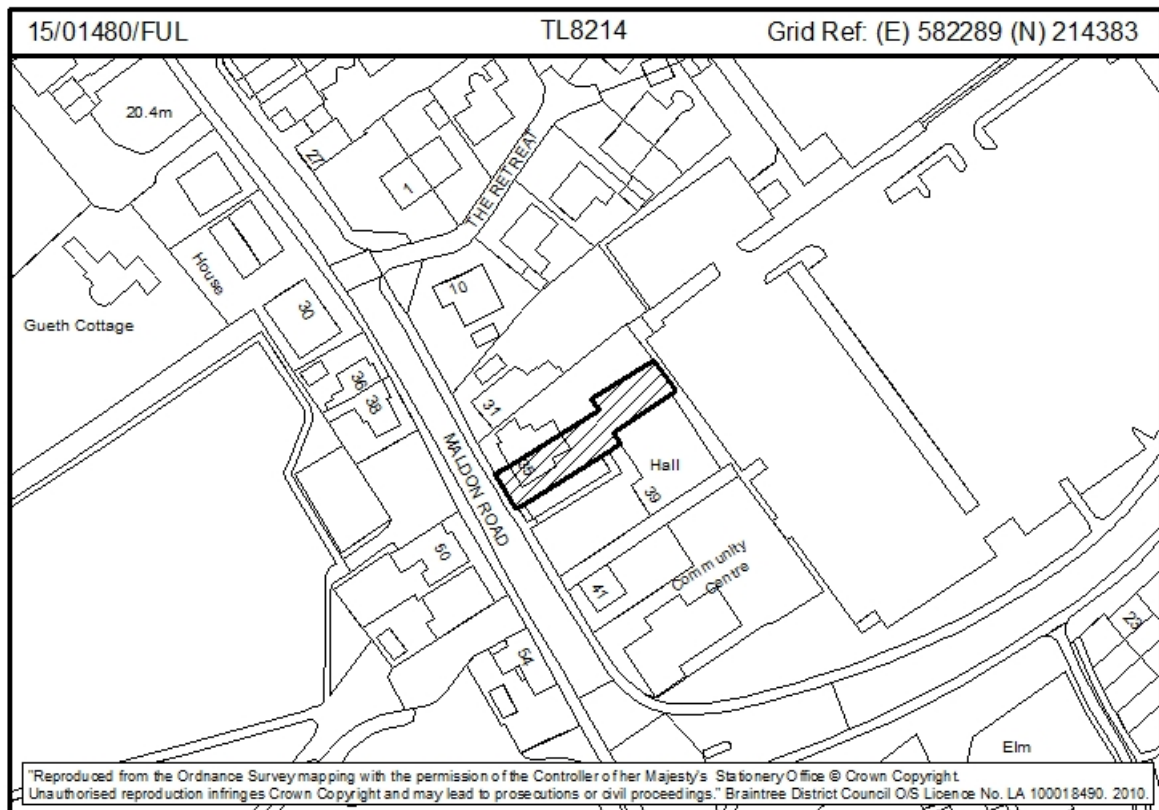
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5k

PART B

APPLICATION NO: 15/01480/FUL  
DATE: 03.12.15  
VALID:  
APPLICANT: K Rice  
35 Maldon Road, Witham, Essex, CM8 1HN  
AGENT: W G Goodall  
19 Rookery Lane, Great Totham, Maldon, Essex, CM9 8DF  
DESCRIPTION: Proposed internal alterations, new window to side, French door to the rear, change windows to the front and dropped kerb and access for vehicle parking.  
LOCATION: 35 Maldon Road, Witham, Essex, CM8 1HN

For more information about this Application please contact:  
Mrs Liz Williamson on:- 01376 551414 Ext. 2506  
or by e-mail to:



## SITE HISTORY

15/01479/FUL                      Proposed loft conversion                      Refused                      27.01.16

## 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  
RLP90                      Layout and Design of Development  
RLP56                      Vehicle Parking  
RLP95                      Preservation and Enhancement of Conservation Areas

## INTRODUCTION

This application is brought before the Planning Committee due to an objection being received from Witham Town Council.

## SITE DESCRIPTION

No.35 Maldon Road is a semi-detached Victorian style dwelling-house located in the Conservation Area of Witham. The existing porch has been infilled, and the existing windows and doors are non-period, all of which are not in keeping with the character of the dwelling. There are several outbuildings at the rear of the property that are in a state of disrepair.

The dwelling is situated on a classified road. There is an existing dropped kerb at the front of the dwelling together with a concrete hardstanding.

Adjacent the property is a local convenience store and to the rear of the garden is a community centre.

## PROPOSAL

The proposal is to make internal alterations to the property, insertion of a new side window and French door to the rear and creation of an additional dropped kerb to create an access for vehicle parking.



The existing windows are non-period, and are not considered to be in keeping with the Victorian style dwelling. The proposed windows would enhance the appearance of the existing property and the street scene and be more in keeping with the design and period of the dwelling. The insertion of the French doors would allow access directly to the rear amenity space and again, enhance the appearance of the property.

There is an existing dropped kerb at the front of the property which is to be extended to create a wider access allowing off road parking for the dwelling. There are several dropped kerbs in the vicinity of the property, which allow off road parking.

## CONSULTATIONS

Essex County Council Highways Officer – The Highways Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the application subject to conditions.

Parish Council – The Parish Council raise an objection to the proposal as the proposed materials do not comply with the requirements of the Conservation Area and subject to the advice of the Historic Buildings Consultant.

Historic Buildings Consultant – No objections. The Historic Buildings Consultant commented that although the use of UPVC windows within and around the Conservation Area would not be supported, in this case as the applicant is replacing existing UPVC windows no objections are raised.,

## REPRESENTATIONS

A site notice was displayed at the front of the property and neighbouring properties were consulted. No comments have been received.

## REPORT

### Principle of Development

In this location, as set out in Policies RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In addition, Policy RLP95 states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the

proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon amenity and highway considerations.

#### Design, Appearance and Impact upon Conservation Area

It is considered that the proposed internal alterations, insertion of new window to the side, French door to the rear, replacement windows and dropped kerb for access to vehicle parking would be in keeping with and enhance the character and appearance of the existing dwelling and would not have a detrimental impact on the character of the house or wider character of the area. The Historic Buildings Consultant has raised no objections on Conservation Area grounds and recommends approval of the application.

#### Impact on Neighbour Amenity

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity. Furthermore, no comments from neighbouring properties have been received.

#### Highway Considerations

New vehicle accesses to dwellings only require planning permission, when provided, as in this case, from a classified road. Essex County Council Highways raise no objections to the proposed extension to the dropped kerb on highway safety grounds, subject to a condition to ensure that no unbound material is used for the surface treatment of the vehicular access within 6m of the highway boundary.

#### CONCLUSION

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned planning policies. The application is therefore recommended for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan

Proposed Plans

Plan Ref: 15-2249-1C

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

Reason

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

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

Reason

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

- 3 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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

## INFORMATION TO APPLICANT

- 1 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.

You are advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

- 2 The Highways Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any

potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

TESSA LAMBERT  
DEVELOPMENT MANAGER

Recommendation for the addition of one further planning condition to application 15/00799/OUT – Land at North East Witham (in the Parish of Rivenhall), Forest Road, Witham		Agenda No: 6
Portfolio	Planning and Housing	
Corporate Priority:	Securing appropriate infrastructure and housing growth	
Report presented by:		
Report prepared by:	Neil Jones	
Background Papers:		Public Report
<ul style="list-style-type: none"><li>National Planning Policy Framework (NPPF)</li><li>National Planning Practise Guidance (NPPG)</li><li>Local Plan Review (2005)</li><li>Core Strategy (2011)</li><li>Pre-Submission Site Allocations and Development Management Plan (2014)</li><li>Planning Committee Agenda &amp; Report and Minutes – 10th November 2015</li></ul>		Key Decision: No
Executive Summary:		
<p>Planning Committee passed a resolution to grant planning permission for development at the North East Witham Growth Location (in the Parish of Rivenhall) – application reference 15/00799/OUT, subject to completion of a Section 106 legal agreement covering agreed Heads of Terms and subject to the completion of the required archaeological evaluation.</p> <p>Work to complete the Section 106 Agreement has led Officers to identify the need for an additional planning condition to ensure that the required visitor car parking will be provided and retained in accordance with the approved plans.</p> <p>Members are recommended to approve the addition of one extra planning condition which would cover this issue.</p>		
Decision		
<p>Officers recommend that the Resolution to Grant planning permission granted by the Planning Committee on 10th November 2015 remains unchanged, with the exception of the agreed planning conditions.</p> <p>Officers recommend that Members agree to amend the list of conditions agreed by</p>		

Planning Committee on 10th November 2015 by adding Condition C20 - The visitor car parking spaces, identified on Approved Plan ref. BW149 - PL-03 Revision D dated June 2015, shall be provided in accordance with the approved plans and thereafter be kept available at all times for visitor parking.

**Purpose of Decision:**

To approve the addition of one further condition to the list of conditions approved by Planning Committee on 10th November 2015 for planning application 15/00799/OUT – Land at North East Witham (in the Parish of Rivenhall), Forest Road, Witham.

**Corporate Implications**

<b>Financial:</b>	None
<b>Legal:</b>	None
<b>Safeguarding:</b>	None
<b>Equalities/Diversity:</b>	None
<b>Customer Impact:</b>	None
<b>Environment and Climate Change:</b>	None
<b>Consultation/Community Engagement:</b>	The planning application was the subject of extensive publicity (letters to neighbouring properties; site notices; notices in the local newspaper) and consultation with a range of consultees including the Parish Council and Witham Town Council
<b>Risks:</b>	None
<b>Officer Contact:</b>	Neil Jones
<b>Designation:</b>	Principal Planner
<b>Ext. No.</b>	2523
<b>E-mail:</b>	<a href="mailto:neil.jones@braintree.gov.uk">neil.jones@braintree.gov.uk</a>

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

Under the Scheme of Delegation this application was originally brought before the Planning Committee on 10th November 2015.

The Committee passed a resolution to grant subject to the applicant entering into a suitable legal agreement pursuant to Section 106 to cover the Heads of Terms (Affordable Housing; Allotments; Community/Indoor Sports Hall; Cycling; Ecological Mitigation; Education; Health Facilities; Highway Related Improvements & Requirements; Public Open Space; Railway Station cycle parking improvements; Outdoor Sports Provision; Town Centre Improvements; Phasing Plan; Residential Travel Plan; and Retail floorspace) and subject to the completion of the required archaeological evaluation of the agreed areas of interest within the area of Phase One of the development and the receipt of confirmation from the Council's Historic Environment Adviser that they have no objection to the granting of full planning permission on Phase One of the development.

The decision notice has not yet been issued as discussions continue regarding the precise terms of the Section 106 legal agreement and because the required archaeological investigation has yet to be completed and approved by the Council's Historic Environment Adviser.

This application is brought back before the Planning Committee as Officers recommend a further condition is added to the list of conditions that Members approved when passing the original resolution to grant.

## SITE DESCRIPTION

This is unchanged from when the application was originally reported to Planning Committee. The application site measures 16.74 hectares (ha) and is situated immediately east of Forest Road, Witham. The site is currently accessed from Forest Road on the western side of the site, with an access road leading to Rivenhall Oaks Golf Club. Either side of the access road the land is currently in agricultural use. On the other side of a central tree belt the eastern part of the application site currently forms part of the Rivenhall Oaks Golf Course.

The land immediately to the north is in agricultural use, whilst the land to the north-west, between Forest Road and Rectory Lane, contains a large house in landscaped grounds.

The application site is bounded to the west by Forest Road and Rectory Lane; to the north by land in agricultural use and the Rivenhall Oaks Golf Centre, whose land also wraps around the eastern side of the site. Along the south eastern boundary there is the main Great Eastern railway line linking London to East Anglia; and to the south western boundary there are residential properties on Yew Close and Holly Walk.

To the west of Forest Road is a large residential development, with Holly Walk and Yew Close to the south west marking the start of a smaller housing development immediately to the south west of the site. Housing along this part of Forest Road is mixed with some properties fronting the road, whilst others back onto it. The houses along Holly Walk and Rectory Lane back onto the site.

Whilst the majority of the housing within the immediate vicinity of the site is post-war development, there is a Grade II listed building – Rivenhall Old Rectory - over 200 metres north-west of the application site. The property is a 16th/17th century timber-framed house standing within substantial grounds.

Rectory Lane, which continues due north from the north western corner of the site, is designated as a Protected Lane in the Braintree District Local Plan Review (2005). A public right of way runs through the site, running broadly north / south. This forms part of the John Ray Walk.

Members will note that whilst the application site is immediately adjacent to the housing developments on the north eastern side of Witham town the whole of the site stands within the Parish of Rivenhall. The Council's Core Strategy (and the planning application) refers to the site as land North-East of Witham - off Forest Road in the Parish of Rivenhall.

## PROPOSAL

This is unchanged from when the application was originally reported to the Planning Committee. This is a hybrid planning application whereby the applicant has simultaneously applied for outline planning permission for one part and full planning permission for another part of the same site.

- Full planning permission is sought for Phase One of development, on the western part of the site between the central tree belt and Forest Road, on what is currently agricultural land. The application proposes 222 new dwellings, public open space including equipped play area, a retail unit (Class A1) providing 279 sq. m gross floorspace and associated infrastructure including sustainable drainage systems on 11.74 ha of land
- Outline planning permission, is sought in respect of the eastern parcel of land measuring 5 ha. Outline permission is sought with all matters reserved for the erection of up to 148 dwellings, public open space including allotments along with associated infrastructure and landscaping. The layout shown on plans submitted with the application for Phase 2 are for illustrative purposes only – to demonstrate that 148 dwellings could be accommodated satisfactorily within this area. If the application were granted permission, this element of the plan would not be approved and this would be considered at Reserved Matters stage when the applicant would need to obtain approval for matters including appearance and layout.

## CONSULTATIONS

None since this application was originally reported to Planning Committee.

## REPRESENTATIONS

None since this application was originally reported to Planning Committee.

## REPORT



Since the Planning Committee passed a resolution to grant planning permission the applicant has engaged archaeological contractors to carry out an agreed scheme of archaeological evaluation of agreed areas of interest within the area covered by Phase One of the development. The reports produced by the contractors are being assessed by the Council's Historic Environment Adviser. It is anticipated that once this assessment has been completed the Council's Historic Environment Officer will confirm that they have no objection to the granting of full planning permission on Phase One of the development.

A Section 106 Agreement has been drafted by the Council's solicitor. The Heads of Terms set out in the November Planning Committee Report are agreed, but there are ongoing negotiations over the precise terms of the Agreement, for example over the timings of payments.

As part of this work the applicant has produced a plan which shows how responsibility for the site will be divided between future property owners; the Management Company (principally the areas of Public Open Space) and the County Council (the roads that it is intended will be offered for adoption).

It was apparent from this plan that the proposed division of responsibility for managing the site would result in many of the visitor car parking spaces being located on or adjacent to private roads / drives which would not be adopted by the County Council.

The concern is that these visitor spaces are often intended to serve the whole development and will include dwellings that are not on that private road. Officers were concerned that a situation could arise whereby property owners who live on private drives could decide that they would not allow any visitor to the development to use visitor spaces within their part of the development. If future residents on parts of the development were to prevent or hinder use of the visitor spaces this would mean that there were insufficient car parking spaces for visitors which in turn could lead to parking problems in adjoining streets.

The applicant suggested that this concern could be addressed by adding a covenant on the title / plot purchasers which the management company could then enforce, if required. Officers were not satisfied that a Property Management Company would be a suitable means of enforcing public access to visitor parking spaces.

It is therefore recommended that a condition is added to those approved at the Planning Committee in November.

The additional condition would read '*The visitor car parking spaces, identified on Approved Plan ref. BW149 -PL-03 Revision D dated June 2015, shall be provided in accordance with the approved plans and thereafter be kept available at all times for visitor parking.*'

There are no other proposed amendments to the Conditions, or Heads of Terms, agreed at the Planning Committee on 10th November. It is recommended that Members approve the addition of this one extra condition so that Officers can continue to work towards formally issuing planning permission in accordance with the resolution made by Members.

## RECOMMENDATION

Officers recommend that the Resolution to Grant planning permission made by the Planning Committee on 10th November 2015 remains unchanged, with the exception of the agreed planning conditions.

Officers recommend that Members agree to amend the list of conditions agreed by Planning Committee on 10th November 2015 by adding Condition C20 - The visitor car parking spaces, identified on Approved Plan ref. BW149 - PL-03 Revision D dated June 2015, shall be provided in accordance with the approved plans and thereafter be kept available at all times for visitor parking.

Reason – To ensure that the visitor car parking shown on the approved plans is provided in accordance with the approved plans and to ensure that it remains available in order that adequate car parking facilities are retained within the development and to reduce the risk of inappropriate car parking which could be detrimental to highway safety.

<b>Consideration of Planning Application 15/01036/FUL – ‘Conversion of freestanding three bay garage into an annexe for an elderly relative’ at Wedgewood Grange, Bridge Street, Great Bardfield, Essex, CM7 4TA</b>		<b>Agenda No: 7</b>
<b>Portfolio</b>	Planning and Housing	
<b>Corporate Priority:</b>	Protecting our environment, Promoting safe and healthy living, Encouraging flourishing communities	
<b>Report presented by:</b>	Christopher Paggi, Area Development Manager	
<b>Report prepared by:</b>	Christopher Paggi, Area Development Manager	
<b>Background Papers:</b>		<b>Public Report</b>
<b>None</b>		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>This report concerns an application for planning permission for the conversion of a detached garage in Great Bardfield to a residential annexe. The District Council has not determined the application within the eight week timeframe and the applicant has lodged an appeal against non-determination. Although the District Council cannot now determine the application, this report sets out the recommendation that Officers would have presented to Planning Committee had the appeal not been lodged. If agreed, it will represent the District Council’s submission to the Planning Inspectorate.</p> <p>The principle of annexe accommodation being provided is considered to be acceptable in principle, subject to a restrictive planning condition to ensure the annexe remains as ancillary accommodation to the main house. The design and external appearance of the proposal is considered to be acceptable and would not have a detrimental impact upon the Conservation Area or the setting of the nearby listed buildings. While it is acknowledged that the proposal will result in an intensification of the use of the site which would have some impact upon the amenity of The Willows, it is not considered that the impact would be so detrimental in this case to warrant the refusal of the application.</p>		
<b>Decision:</b>		
<p>To advise the Planning Inspectorate that the Local Planning Authority would have granted planning permission for the proposed development subject to conditions, had an appeal against non-determination not been submitted by the applicant.</p>		

**Purpose of Decision:**

The application was submitted to the Local Planning Authority on 7th August 2015 and was sent out to public consultation on 8th August 2015. The target determination period for the application was 2nd October 2015. In this case, the application was not determined within the 8 week target period and as provided for within the regulations the applicant decided to appeal against the non-determination of the application, rather than waiting for the Local Planning Authority to issue a decision. The appeal against non-determination was submitted on 10th January 2016. A start date for the appeal is awaited from the Planning Inspectorate.

Whilst Members are now unable to make a formal determination of the application, the purpose of this report is to finalise a recommendation to the Planning Inspectorate on how the Local Planning Authority would have determined the application, in the event that the appeal against non-determination had not been submitted.

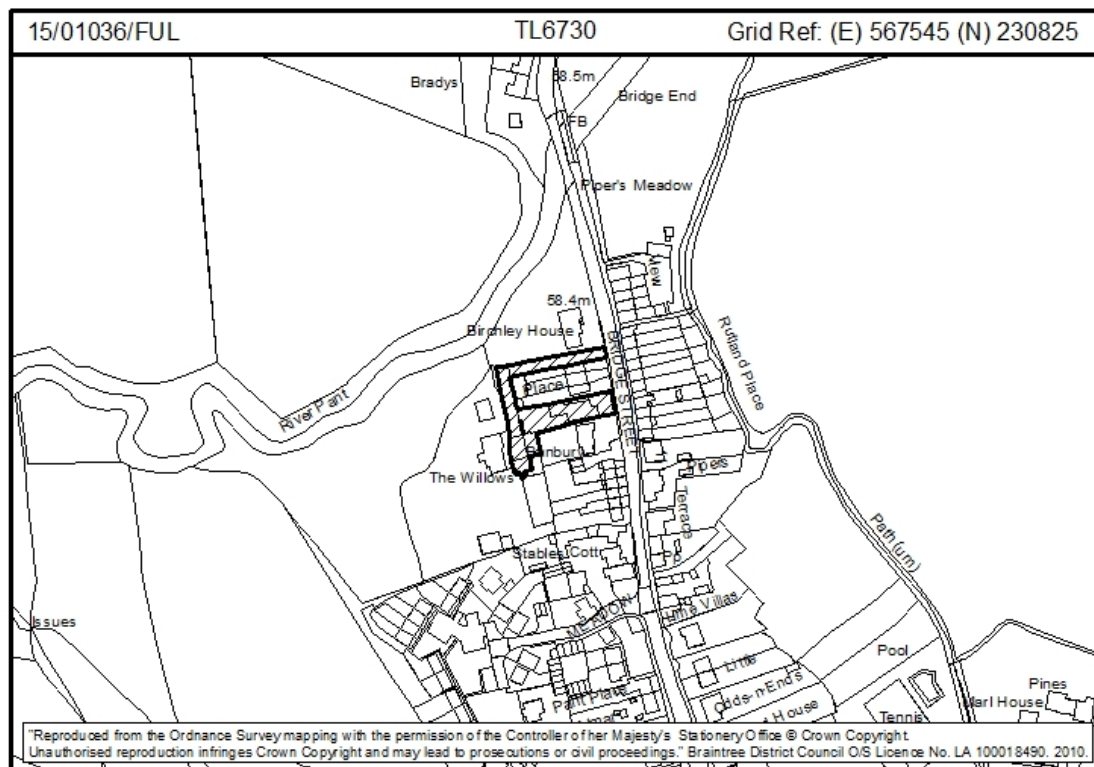
**Corporate Implications**

<b>Financial:</b>	Potential additional costs associated with the appeal.
<b>Legal:</b>	None
<b>Safeguarding:</b>	None
<b>Equalities/Diversity:</b>	None
<b>Customer Impact:</b>	None
<b>Environment and Climate Change:</b>	The Committee Report considers the impact of the proposal upon the environment and visual amenity, the Conservation Area and the setting of the nearby listed buildings.
<b>Consultation/Community Engagement:</b>	Planning application has been subject to public consultation.
<b>Risks:</b>	None
<b>Officer Contact:</b>	Christopher Paggi
<b>Designation:</b>	Area Development Manager, Development Management
<b>Ext. No.</b>	2548
<b>E-mail:</b>	<a href="mailto:christopher.paggi@braintree.gov.uk">christopher.paggi@braintree.gov.uk</a>

AGENDA ITEM NUMBER  
PART B

APPLICATION NO: 15/01036/FUL      DATE: 16.10.15  
VALID:  
APPLICANT: Mr Jeremy Woolcock  
Wedgewood Grange, Bridge Street, Great Bardfield, Essex,  
CM7 4TA  
AGENT: Robert Wood Studio  
Mr Robert Wood, The Pightle, Finchingfield, Essex, CM7  
4LB  
DESCRIPTION: Conversion of freestanding three bay garage into an  
annexe for an elderly relative.  
LOCATION: Wedgewood Grange, Bridge Street, Great Bardfield, Essex,  
CM7 4TA

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

86/00100/P	Change of use of redundant outbuildings to light cabinet making joinery workshop	Granted	11.03.86
95/00165/FUL	Conversion of existing outbuildings to form house and new garage	Granted with S106 Agreement	18.12.96
96/01392/FUL	Amendments to garage - retrospective application	Granted	20.01.97

## 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
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

### Other Guidance

The Great Bardfield Village Design Statement

## INTRODUCTION

This application is brought before the Planning Committee due to objections from the Parish Council and neighbours contrary to the recommendation of officers.

## SITE DESCRIPTION

The application site is located in Great Bardfield and comprises an existing ancillary detached garage to the main house 'Wedgewood Grange'. The garage is accessed off Bridge Street, via an access adjacent to Shepherds Cottage. The access extends down the side of Shepherds Cottage, providing access to a parking area to the rear of and for 'Shepherds Cottage',

'Shepherds Place' and 'Kalon', and via a gate, access to Wedgewood Grange and The Willows.

The garage is located within the Great Bardfield village envelope, as identified by the adopted Local Plan Review.

The representations submitted by the resident at The Willows, states that the access is in the ownership of The Willows, with the other properties benefiting from a right of access.

The Conservation Area boundary for Great Bardfield cuts through the application site. Wedgewood Grange is located within the Conservation Area but the detached garage within the rear garden, subject to this application, falls on the boundary. 'Shepherds Cottage', 'Shepherds Place' and 'Kalon' which are located adjacent to the application site, are Grade II Listed buildings.

## PROPOSAL

The applicant seeks planning permission to convert an existing garage at Wedgewood Grange in Great Bardfield into an annexe. The proposal would facilitate the provision of a bedroom with en-suite bathroom, utility room, kitchen and living/dining room. The existing pitched roof is proposed to be replaced with a flat sedum roof with three rooflights and a small mono pitch along the front elevation of the garage to facilitate additional glazing at the front and solar PV panels on the inclined roof plane.

Three windows are proposed on the side elevation (east) facing towards the main house. A high level window is proposed on the rear elevation. The front elevation of the proposed annexe would be characterised by the glazed entrance hall. Part of the existing area directly outside of the garage is proposed as a raised patio area, including ramp access. The submitted plans indicate a parking space for one vehicle. Timber cedar cladding is proposed for the external facing material for the building.

## CONSULTATIONS

Essex County Council Historic Buildings Consultant

Essex County Council Historic Buildings Consultant raised no objections to the proposal. Commented that whilst the proposed design of the annexe building is not altogether aesthetically pleasing, its location, screened on three sides by existing buildings, means that the proposed alteration to this building will not impact on the character and appearance of the Conservation Area.

Parish Council

Great Bardfield Parish Council objected to the application, raising concerns regarding the loss of off-street parking and commenting that this area of the village is exceptionally congested and frequently requires the intervention of

the North Essex Parking Partnership. The Parish Council also highlighted the Great Bardfield Village Design Statement within their response, which specifically raises the issue of loss of parking, where on-street parking is an increasing problem, particularly along the length of Bridge Street where there are often conflicts for those heading to or from the bridge.

In terms of the design, the Parish Council commented that the proposed building sits on the same footprint as the existing garage, would be tucked away and is not visible from the street and as such raised no concerns with a more modern building in this location.

## REPRESENTATIONS

A site notice was displayed at the front of the property and neighbouring properties were notified in writing. The following representations were received in response to the public consultation:

### The Willows, Bridge Street, Great Bardfield (Objection)

8 letters of representation received on 01.09.2015, 22.09.2015, 22.10.2015, 29.10.2015, 10.11.2015, 12.11.2015, 16.11.2015, 18.11.2015 (representations submitted on behalf of The Willows, by Collins & Coward).

The following concerns were raised within the various letters of representation:

- The garage sits on the boundary with the Willows, approximately 8 feet away from the entrance hall, lounge and kitchen/diner – the proposal would have no impact upon Wedgewood Grange (as the garage is located some distance from the main house) however the proposal would impact upon the amenity of The Willows and raises a concern that the proposal would represent overdevelopment of the site;
- The proposal would have a significant detrimental impact on the amenity of The Willows – currently the building is used for storage/parking and is now proposed to be a fully occupied building – there is potential for noise, nuisance, fumes, access and egress impacts upon The Willows;
- Sets out the history to the site, namely that the original owner of Wedgewood Grange owned all the land behind it on which the Willows is situated. Planning permission was granted for a new house (The Willows) in 1996, as a result of which the land directly from Bridge Street, giving access to The Willows, was retained by The Willows, with Wedgewood Grange only having a right of way over the land for the purposes of access to its garage;
- Proposal would also affect the usage of the drive, owned by The Willows. Raised a legal issue that if planning permission is granted, the proposal could not go ahead, as Wedgewood Grange presently has



a right of access purely for the purpose of accessing the Grange and must occupy the property as a single family;

- Concern was also raised in respect of loss of parking and the potential for overspill parking onto Bridge Street – referenced the Great Bardfield Village Design Statement which includes specific reference to loss of existing parking and issues in respect of Bridge Street;
- Concern that the annexe would not be ancillary to the main building and that it would be inappropriate to take personal circumstances into account.

#### Kalon, Bridge Street, Great Bardfield (Objection)

Raised concerns in respect of increasing traffic and potential parking problems.

#### No.2 Tees Close, Witham (Objection)

Commented that the proposal would remove existing secure cycle storage for the property with no proposals to compensate for the loss.

### REPORT

#### Principle of Development

As identified above, the application site is located within the Great Bardfield Village Envelope. In this location, as set out in Policies RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

Policy RLP95 of the Braintree District Local Plan Review states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy RLP100 of the Braintree District Local Plan Review states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In this case, the principle of development in this location is considered to be acceptable, subject to consideration of the aforementioned policy criteria. The Braintree District Local Plan Review provides support for annexe accommodation for dependent relatives, however to be considered as an annexe, the building must have both a physical and a functional relationship with the main dwelling. In this instance, the annexe is located to the rear of Wedgewood Grange and would have a reasonably close physical relationship to it. Furthermore, the amount of accommodation proposed, although self-contained, would not be of a scale incompatible with an annexe. It is material that the proposal is for an annexe as opposed to a separate unit of accommodation. Given the small scale of the annexe, the limited amount of amenity space and parking associated with it, it is considered necessary to impose a condition on any planning permission to ensure that the annexe accommodation remains ancillary to the main house and not used or occupied on a commercial basis or let/disposed of as a separate self-contained residential dwelling-house.

#### Design, Appearance and Layout

The existing building is conventional in terms of its bulk and form for a detached garage, with a simple pitched roof. The external appearance of the garage, with its rendered finish and felt roof does little to enhance the character or appearance of the Conservation Area or the rural edge of the village.

The proposal in this case, would substantially alter the external appearance of the garage. The contemporary design approach is considered to be acceptable in this case and would improve the appearance of the existing building. Subject to the use of high quality external finishes, which could be secured by way of a suitable planning condition, it is not considered that the proposal would have a detrimental impact upon visual amenity. Similarly, Essex County Council's Historic Buildings Consultant raised no objections on Conservation Area grounds on the basis that the building is screened on three sides by existing buildings and is not viewable from the street. As such, it is considered that the proposal would not have a detrimental impact upon the Conservation Area or the setting of the nearby listed buildings.

The internal accommodation proposed for the annexe accommodation is also considered to be acceptable. While modest in size, the accommodation proposed would be appropriate for an annexe use and would benefit from a good level of natural light and aspect.

Subject to a condition, to require samples of external materials to be submitted to and approved by the Local Planning Authority, the proposed design and external appearance of the proposed annexe is considered to be acceptable.

#### Impact upon Neighbouring Residential Amenity

Objections have been raised within the letters of representation in respect of the proposed conversion of the existing garage to annexe accommodation. The resident at The Willows has raised specific concern in respect of the intensification of the use that would take place and the potential impact upon amenity, including noise and general disturbance and the potential for overlooking due to the proximity of the proposed annexe to The Willows.

The impact upon neighbouring residential amenity is considered to be the key issue in this case. It is acknowledged that by reason of the proposed development, the site will be used more intensively than at present, with increased activity within the rear gardens and comings and goings between the main house and the annexe. A restrictive planning condition to control the use of the annexe, as described above, to ensure that it remains ancillary to the main dwelling-house will partially mitigate the impact of the proposal. Although the annexe would be in close proximity to The Willows, it is not considered that there would be any direct overlooking between the annexe accommodation and The Willows. It is acknowledged that such overlooking could take place at the rear of the site within the parking court area, due to the height of the boundary wall/fence and that this can occur at present. It is accepted that the potential for overlooking to occur would increase as a result of the proposal, however it is not considered that this would have such a detrimental impact upon the amenity of The Willows, to justify the refusal of planning permission in this case.

#### Highway and Parking Issues

The proposed conversion of the annexe would not necessitate any changes to the existing access to the property and as such would not give rise to any highway issues. A parking area would be retained for the property and the submitted plans indicate one parking space in front of the proposed access. Taking into account the minimum dimensions for a parking space, the submitted plans demonstrate that it would be possible to provide one further car parking space, clear of the existing gates within the application site. The provision of two off-street parking spaces is considered to accord with Essex parking standards and in turn accord with Policy RLP56 of the Braintree District Local Plan Review. As such, it is not considered that the proposal would give rise to on-street parking issues.

#### Other Matters

The representations received from The Willows in connection with this application have raised numerous legal issues in respect of the use of the

access. While these comments are noted, these are separate legal issues which are not a material planning consideration in this case.

## CONCLUSION

The principle of annexe accommodation being provided is considered to be acceptable, subject to a restrictive planning condition to ensure the annexe remains as ancillary accommodation to the main house. The design and external appearance of the proposal is considered to be acceptable and would not have a detrimental impact upon the Conservation Area or the setting of the nearby listed buildings. While it is acknowledged that the proposal will result in an intensification of the use of the site which would have some impact upon the amenity of The Willows, it is not considered that the impact would be so detrimental in this case to warrant the refusal of the application.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan	Plan Ref: RWS/WG/01	Version: A
Proposed Plans	Plan Ref: RWS/WG/04	
Proposed Plans	Plan Ref: RWS/WG/05	

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

### Reason

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

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

### Reason

To ensure that the development does not prejudice the appearance of the Conservation Area or the setting of nearby listed buildings.

- 3 The development hereby approved 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

The details are required in this case prior to the commencement of

development to ensure that the development does not prejudice the appearance of the Conservation Area or the setting of nearby listed buildings.

- 4 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as "Wedgewood Grange" as identified on the submitted Location Plan (Reference No. RWS/WG/01 REV A). It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

**Reason**

In order to ensure that the annexe hereby approved is only used in connection with the main dwelling-house and in the interest of neighbouring residential amenity.

TESSA LAMBERT  
DEVELOPMENT MANAGER

Monthly Report on Planning and Enforcement Appeal Decisions Received – January 2016		Agenda No: 8
Corporate Priority: Report presented by: Report prepared by: Liz Williamson, Planning Technician		
Background Papers:	Public Report	
Appeal decisions summary		
Options:	Key Decision: No	
Information only		
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		
Corporate Implications		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Planning Technician	
Ext. No.	2506	
E-mail:	lizwi@braintree.gov.uk	

## PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **January 2016**.

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

<b>1.</b>	<b>Application No/Location</b>	15/00632/FUL Purkis House Lower Farm Road Borley Green
	<b>Proposal</b>	2 storey and single storey extensions with attic floor over
	<b>Council Decision</b>	Refused under delegated authority - RLP2, RLP18, RLP90
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	The effect of the proposed extensions on the character and appearance of Purkis House and its surroundings
	<b>Inspector's Conclusion</b>	<p>Purkis House appears from the public highway as a reasonably large detached dwelling. There is a two storey rear extension which effectively occupies one half of the rear facing elevation. Accordingly, the appearance of Purkis House remains a sizeable albeit relatively simple and well-proportioned dwelling from the public highway.</p> <p>The layout, scale and height of the appeal proposal would introduce significant changes to the character and appearance of the dwelling which would be experienced from the public highway. The proposed extension would not be compatible with the scale and character of the existing dwelling. Given that the form and proportions are not in keeping with the original dwelling the appeal proposal cannot reasonably be interpreted as being subordinate.</p> <p>The Inspector acknowledges that the property is not a listed building and is not in a Conservation Area, however, it occupies a rural situation and despite its set back position is readily visible from the rural byway of Lower Farm Road. As such, it would harmfully reduce the openness of the countryside by introducing a conspicuous mass of residential development in contrast to the more modest form of the existing dwelling.</p> <p>The appellant submits that the appeal represents an innovative design that would be stifled were the appeal not to succeed. The Inspector disagrees with this statement and states that there is little evidence that the benefits are exclusive to this particular appeal proposal.</p> <p>The Inspector concludes by saying that the proposed</p>

		development would have a significantly harmful effect on the character and appearance of Purkis House and its surroundings.
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<b>2.</b>	<b>Application No/Location</b>	15/01060/FUL 2 Thatch Cottages Halstead Road Earls Colne
	<b>Proposal</b>	Erection of detached garage
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP56, RLP90, RLP95, RLP100
	<b>Appeal Decision</b>	Appeal Allowed
	<b>Main Issue(s)</b>	The effect of the proposal on the setting of Thatch Cottages, a Grade II Listed Building, and secondly, whether the proposed development would preserve or enhance the character or appearance of the Earls Colne Conservation Area.
	<b>Inspector's Conclusion</b>	<p>The Inspector states in the report that the appeal proposal would be situated to the northern extent of the rear garden of No 2 Thatch Cottages, which is one half of a pair of thatched cottages listed as a Grade II building. The sizeable plots to the cottages make a positive contribution to their heritage significance, enabling them to be appreciated from the driveway entrances in the tall hedge to Halstead Road. Due to the height of the boundary hedges, the Inspector was not persuaded that the proposed garage would harmfully interrupt the setting of the listed cottages when view from Station Road or the adjoining playground and sports pitches to the west.</p> <p>Accordingly, the appeal proposal would not detract from the setting of the modest proportions and steeply pitched thatch roof of the listed building or its spacious, verdant setting including wider visual connectivity. The Inspector concluded by saying that from the evidence provided and the observations from the site visit, that the heritage significance of the listed building would neither be harmed nor lost by the appeal proposal.</p> <p><u>Character and appearance of the Conservation Area</u></p> <p>Due to the height and position of boundary hedging the traditional appearance of the clay tile roof pitch would be glimpsed only from a couple of relatively narrow perspectives. As with the setting of the listed building, the Inspector concludes that the modest scale and traditional appearance of the garage building would not harmfully erode the spacious qualities of this part of the Earls Colne Conservation Area or introduce an inappropriate ancillary structure of either an incongruous design and application of materials.</p> <p>The Inspector acknowledges that the proposed garage exceeds the Essex Parking Standards 2009. However, because the Inspector has found there would be no harm to the heritage assets, the Inspector does not consider any deviation from any parking standards would in itself be harmful in relation the main issues of this appeal.</p>



<b>3.</b>	<b>Application No/Location</b>	15/00672/FUL – Milbrook House Wethersfield Road Shalford
	<b>Proposal</b>	Erection of 2 storey rear extension to existing annexe
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP10, RLP18, RLP56, RLP90
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	The effect of the proposal on the character and appearance of the host building, property and surrounding area; whether the proposal would result in the creation of a new dwelling in an appropriate location.
	<b>Inspector's Conclusion</b>	<p>The appeal site is situated in a section of Wethersfield Road which lies on the fringe of Shalford within a rural and open countryside setting. The immediate area is characterised by detached dwellings set within substantial plots and set back from the highway.</p> <p>The proposal would result in a substantial cumulative addition to the amount of built form on the property. Although the plot is large, the siting, scale and mass of the proposal would compete directly with the main house. The Inspector considered the proposal and felt that it would result in an overly dominant form of development that would not be in harmony with its countryside setting causing significant harm to the character and appearance of the host building, property and wider rural area.</p> <p>The proposed annexe would not be physically and functionally connected with the existing dwelling and it cannot be reasonably be described as accommodation which would be ancillary to the main house. The Inspector considered that the proposal would provide accommodation which goes beyond what one would reasonably associate with an annexe. Based on the evidence provided the Inspector considered that annexe would change the relationship of the main dwelling and be tantamount to the formation of a new dwelling within the countryside, albeit one occupied by the relatives of the occupiers of the main dwelling.</p> <p>The Inspector concluded by acknowledging the family's personal circumstances, the reasons why the level of accommodation is required and that the proposal has been amended following discussions with the Local Planning Authority, but the Inspector stated that these matters do not outweigh the harm identified in the Inspectors report.</p>

<b>4.</b>	<b>Application No/Location</b>	14/01567/FUL – 4 Bluebridge Cottages Colchester Road Halstead
	<b>Proposal</b>	Erection of 1 no. single storey dwelling and improvements to existing vehicular access
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP3, RLP9, RLP10, RLP56, RLP69, RLP70, RLP74, RLP76, RLP77, RLP86, RLP90

	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	The effect of the proposal on the character and appearance of the area
	<b>Inspector's Conclusion</b>	<p>The appeal site is formed by the side garden of 4 Blue Bridge Cottages which is one of a pair of two storey rendered and tiles semi- detached dwellings, sited in a linear pattern sloping down Colchester Road and set back from the highway.</p> <p>The openness of the gardens, the spacing between the pair of semi- detached dwellings and the gap between No 4 and No 5, combine to give this part of Colchester Road a particularly open and spacious character.</p> <p>The Inspector acknowledges the substantial planning history on the site and that the current proposal has been deliberately created in response to a long history of refusals by the Council for similar development and in response to the physical characteristics of the site. However, the Inspector states that the proposal would project significantly into the rear garden behind the existing dwelling by approximately 15.3m and would fill the majority of the width of its plot. Its effect would be to introduce a substantial amount of built form into a previously undeveloped part of the site and result in a much more densely developed plot frontage than is characteristic of this part of Colchester Road. As such, it would not be in harmony with its surroundings and would not reflect local distinctiveness.</p> <p>The Inspector concludes by saying that he acknowledges that the proposal provides an additional residential dwelling within a defined settlement and would seek to use materials that promote efficiency and sustainability. There is also some disagreement as to whether the Council can demonstrate a deliverable five year supply of housing land although on the evidence submitted the Inspector cannot reach a definitive conclusion. However, if the Inspector were to accept the appellant's case regarding the housing land supply situation, the adverse impact that has been identified would significantly and demonstrably outweigh the limited economic and social benefit from the provision of one additional dwelling.</p>

<b>5.</b>	<b>Application No/Location</b>	15/00443/FUL – 16 The Greenways, Coggeshall
	<b>Proposal</b>	Erection of new dwelling and parking
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP3, RLP9, RLP10, RLP56, RLP69, RLP74, RLP90
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	The effect of the proposal on the character and appearance of the area.
	<b>Inspector's Conclusion</b>	The Inspector began his report by describing the appeal site as being formed by part of the side garden on 16 The Greenways, a two storey property within a residential cul-de-sac comprising groups of two storey detached and semi-detached dwellings with minimal space in between, giving a fairly densely

		<p>developed feel.</p> <p>The use of sympathetic materials and design features in the dwelling would reflect the appearance of the host dwelling, however, the proposal would extend beyond the building line with no. 18 and when combined with its scale, form and height, in such close proximity to the side boundary with the highway, would result in the introduction of a prominent building that would appear cramped on the site and unduly dominant in the streetscene. Furthermore, it would substantially diminish the perception of spaciousness and openness of the appeal site and accordingly, its contribution to the character and appearance of the area.</p> <p>For these reasons, The Inspector concludes that the proposal would significantly harm the character and appearance of the area and the Inspector does not consider that this harm could be addressed by the imposition of a condition requiring landscaping details to be agrees as there is limited space for landscaping to sufficiently mitigate this harm.</p>
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