

PLANNING COMMITTEE AGENDA

Tuesday, 20 June 2017 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray (Vice Chairman)
Councillor Lady Newton	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking on a Planning Application/Agenda Item

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

WiFi: Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

Health and Safety: Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones: Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

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 23rd May 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

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.

Where it has been agreed that applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before the application listed under Part A.

PART A

Planning Application:-

- | | | |
|-----------|---|---------------|
| 5a | Application No. 17 00638 FUL - Land adjacent to 85 Colchester Road, HALSTEAD | 5 - 17 |
|-----------|---|---------------|

PART B

Minor Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5b | Application No. 17 00455 FUL - Morelands Farm, Bures Road, WHITE COLNE | 18 - 25 |
| 5c | Application No. 17 00618 LBC - Town Hall Centre, Fairfield Road, BRAINTREE | 26 - 32 |
| 5d | Application No. 17 00652 FUL - 23 Notley Green, GREAT NOTLEY | 33 - 40 |

5e Application No. 17 00729 FUL - Land rear of 16 High Street, 41 - 51
HALSTEAD

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

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

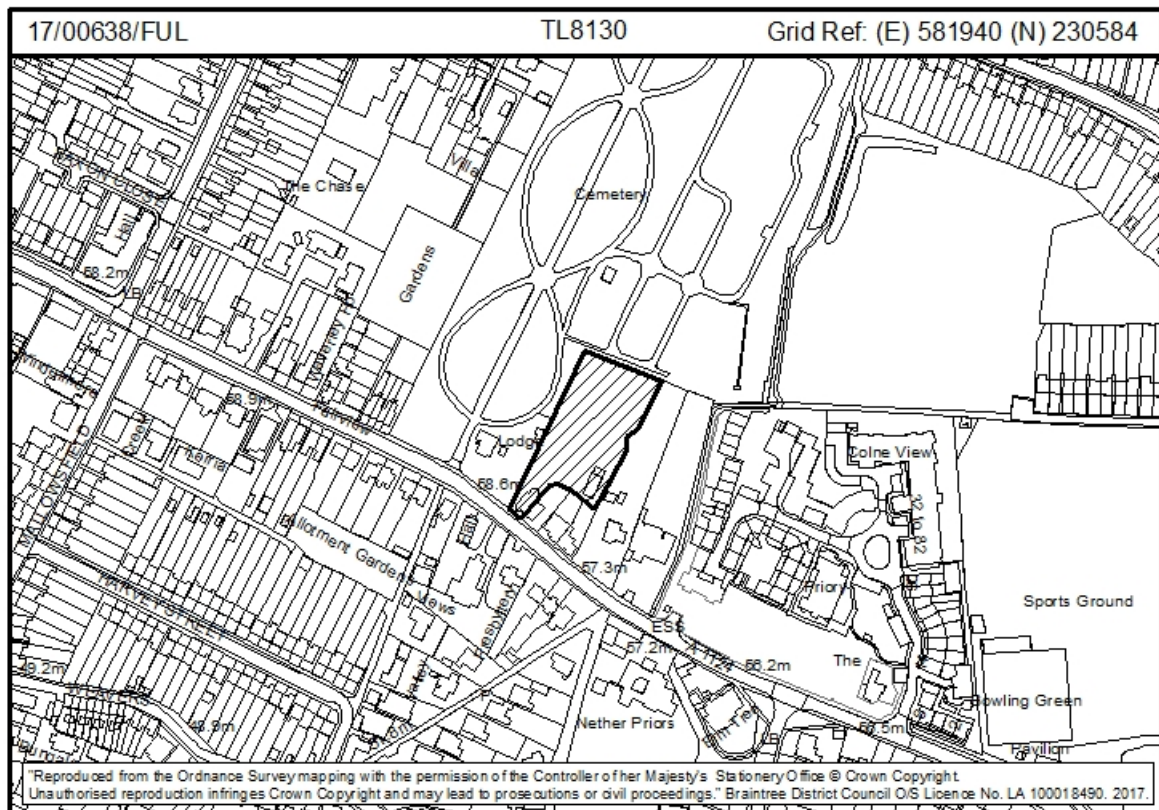
PART A

APPLICATION 17/00638/FUL DATE 12.04.17
 NO: VALID:
 APPLICANT: Regent Square Ltd
 Mr Jon Nash, 103 London Road, Braintree, Essex, CM7 2LF
 AGENT: LAP Architects & Interior Designers
 Mr Mark Hale, 123 New London Road, Chelmsford, Essex, CM2 0QT
 DESCRIPTION: Erection of 8 no. residential dwellings and associated works
 LOCATION: Land Adjacent, 85 Colchester Road, Halstead, Essex

For more information about this Application please contact:

Katie Towner on:- 01376 551414 Ext. 2509

or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

13/00031/REF	Alterations to existing house and the erection of 5 no. detached houses to the rear of the property served by a private drive	Appeal Dismissed	12.12.13
12/01190/OUT	Alterations to existing house and the erection of 5 no. detached houses to the rear of the property served by a private drive	Refused then dismissed on appeal	13.03.13
13/00031/REF	Alterations to existing house and the erection of 5 no. detached houses to the rear of the property served by a private drive	Appeal Dismissed	12.12.13
12/01190/OUT	Alterations to existing house and the erection of 5 no. detached houses to the rear of the property served by a private drive	Refused then dismissed on appeal	13.03.13
15/01095/FUL	Erection of 2no. three bedroom dwellings and 3no. two bedroom dwellings, cartlodge, landscaping, new entrance and access, decommissioning existing access and removal of single storey later addition to existing dwelling together with associated works.	Granted with S106 Agreement	10.12.15

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP28	Housing Type and Density
LPP37	Parking Provision
LPP47	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given an objection from the Town Council contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the northern side of Colchester Road within the Town Development Boundary of Halstead. The application site currently comprises a detached dwelling and large rear garden area. The site was formerly excavated as a sand/gravel pit which has resulted in the site sloping significantly up to the north, eastern and western boundaries. These boundaries are heavily planted with vegetation and mature trees. The site is adjacent to the Halstead Cemetery which contains a grade II listed building. The cemetery is at a much higher land level than the application site.

PROPOSAL

The application seeks planning permission for the erection of 8no. dwellings, laid out in a terrace of 5no. units and a terrace of 3no. units. Access to the site is to be taken off Colchester Road at the south western corner of the site and will be facilitated by the demolition of part of no. 85. The development includes private amenity garden area for each dwelling, allocated and visitor car parking and a refuse storage area.

CONSULTATIONS

BDC Engineers – No objections

BDC Environmental Health – No objections

ECC Highways – No objections subject to conditions

BDC Waste - The design of the access road needs to accommodate turning movements for waste collection vehicles (up to 26Tonne) and will need to be offered up for adoption to ECC as public highway. If the access road is to remain private then each household will need to present their waste bins at a suitable location near (within 20m of) or on the public highway.

BDC Landscapes – No objection. Recommend a condition requiring tree protection plan to be in place before works commence.

ECC Historic Buildings Advisor – No impact on grade II listed building adjacent but concerned with potential impact on outward views from the cemetery.

REPRESENTATIONS

Halstead Town Council – Objects to the application on grounds of over development, access and building heights.

3 letters of objection have been received in response to the public consultation, the contents of which are summarised below:

- Increase in number of units from the 2012 application with increases in traffic
- Development taller at 2 ½ storeys
- Overlooking to surrounding properties
- Overdevelopment of garden area
- The boundary for no. 85 is at the bottom of the bank
- Impact on the trees
- No tree or wildlife reports submitted
- Damage to adjacent listed building
- Increase in hardstanding
- Impact on character of the area
- Narrow access point
- Increase in noise
- Overbearing on no. 97 and 89 Colchester Road
- Dangerous for pedestrians using the footpath
- Loss of privacy
- Impact on the cemetery
- Will result in the loss of trees
- Existing sewerage system cannot cope
- Increase in vehicle movements

REPORT

Principle of Development

The application site is located within the Halstead Town Development Boundary whereby residential development is acceptable in principle as it is in accordance with policy RLP2 of the Local Plan Review, which seeks to contain such development within defined development boundaries. Policy RLP3 of the Local Plan Review states that, within town development boundaries, residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take

place without material detriment to the existing character of the settlement. Compliance with this policy will be discussed further below.

In addition the site benefits from an extant planning permission for the erection of 5no. dwellings (ref: 15/01095/FUL) and this forms a material consideration in the determination of this application. The site has also been subject to a refusal of planning permission and a dismissed appeal (ref: 12/01190/OUT) which is also a material consideration and will be discussed further below.

The proposed development is considered acceptable in principle. All other material considerations will be addressed below.

Design, Appearance and Layout

The NPPF requires planning to always seek to secure high quality design. As mentioned above policy RLP3 requires development to respect the existing character of the settlement. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek a high standard of design and layout in all developments.

The site was formerly excavated as a sand pit and for this reason it sits below the surrounding land to the north, east and west and these boundaries of the site slope significantly. This part of Colchester Road is characterised on the north side by large dwellings in large plots, which together with the extensive green area of the cemetery to the north and west give the area a generally spacious and verdant character, although there is no particular distinctiveness in terms of a common architectural style.

In dismissing the 2012 appeal for 5no. detached houses the Inspector noted that residential development as not objectionable in this location and backland development was not necessarily unacceptable, however it was considered that the proposed development was out of character and thus harmful for this reason. The approved 2015 application, which remains extant, allowed for 5no. dwellings arranged as a semi-detached pair and a terrace of 3no. dwellings. In granting permission the Local Planning Authority considered that the concerns of the Inspector had been sufficiently overcome.

The development subject to this application proposes a very similar layout to the 2015 permission, but includes an additional 3no. dwellings and thus presents a terrace of 5 no. dwellings and a terrace of 3no. dwellings. The increase in the number of units is considered acceptable and they can be accommodated on site in a manner which does not appear cramped. The car parking is laid out such that it does not overly dominate the street or the dwellings. Car parking opposite plots 1-5 has been treated with a pergola structure to add visual interest and soften the extent of hard surfacing.

The development proposes two different house types which are considered satisfactory. The two different house types prevents a monotonous

development and will allow for different approaches to be taken to materials and detailing which will create two character areas within the development.

Each property is served with a private amenity space within a rear garden which meets the size standard set out in the Essex Design Guide. Given the sloping nature of the land these gardens will include sloping sections, however it is considered that there is sufficient garden area on level land to provide sufficient useable outside space.

The site is located adjacent to the Halstead Cemetery which contains a grade II listed building. The area between the listed building and the site is heavily planted and the site is at a much lower level than the listed building and the cemetery. The Council's Heritage Consultant does not consider that the proposed development would give rise to any harm to the grade II listed building, but is concerned with regards to the impact on the cemetery by way of outward views from within it. The site benefits from an extant permission which will alter the character of the site and views outwards from the cemetery. The dwellings subject to the application under consideration are of a greater height than those within the extant permission, however it is Officer's opinion that given the extant permission and the levels difference between the two sites, that it would be difficult to justify withholding permission on this basis, especially given that the cemetery itself has no specific heritage designation and is not within a Conservation Area. It is not considered that the use of the cemetery or how it is experienced would be materially affected by the proposed development.

It is considered that the development can be accommodated on site without material detriment to the character of the site or street scene of which it forms part, in accordance with policy RLP3 and RLP90 of the Local Plan Review and policy CS9 of the Core Strategy. Furthermore the development is not considered to give rise to any harm to the character or setting of the adjacent listed building, in accordance with policy RLP100 of the Local Plan Review and policy CS9 of the Core Strategy.

Impact on Neighbour Amenity

The NPPF requires planning to always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Local Plan Review states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The nearest residential properties to the application site are no. 85, 87, 89 and 91 Colchester Road. No 91 is sited back in to its plot, however given the land level differences and the tree screening no unreasonable impact is considered to occur to this neighbouring property as a consequence of the development.

No. 87 and 89 are a semi-detached pair which front Colchester Road, with no. 87 being located adjacent to the existing driveway for no. 85. No. 85 is a detached property which is within the applicant's control. The development will be visible from the rear windows of these properties, however it is sited at

least 22m away with the development and the flank wall is “offset” rather than directly to the rear of 87 and 89. The flank wall of the 5-dwelling terrace would be directly to the rear of No. 85 (the applicant’s property) but as the relationship would be “back-to-side” rather than back-to-back. It is not considered that the proposed development would be overbearing nor give rise to unreasonable overlooking upon these neighbouring properties. Plot no. 1 (at the southern end of the 5-dwelling terrace) contains 1no. side window which serves the bathroom. It would be reasonable to secure that this is obscure glazed and non-opening below 1.7m. In addition a condition can be attached to any grant of consent which prevents any further windows/opening being introduced on the side elevation of plot 1. A condition is also recommended to remove permitted development allowances for extensions.

Highway Issues

The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The application proposes the introduction of an access on to Colchester Road and will be facilitated by the re configuration of no. 85. This access is as was agreed as part of application 15/01095/FUL. The Highways Authority has been consulted and raises no objections subject to conditions in respect of visibility splays, surface material and car parking sizes, all of which are considered reasonable and can be attached to any grant of consent.

The application proposes the number of car parking spaces to meet the adopted standard, including visitor car parking.

To conclude Officers do not consider that there is reason to refuse the application on highway grounds.

OTHER MATTERS

Trees and Ecology

The application is supported by an Arboricultural Impact Assessment. This assessment advises that all Category A and B trees on the site are to be retained and some of these will be subject to reduction as necessary. 4no. category C trees are to be removed due to poor condition and 2no. Category C trees are to be removed in order to facilitate the development. The arboricultural report sets out recommended working practices and a tree protection plan which can be secured by condition.

The application is also supported by a Preliminary Ecological Appraisal Survey which concludes that no further surveys are required. There is a small area of suitable habitat on site for reptiles so a precautionary method of working is recommended. This can reasonably be secured by a condition on any grant of consent.

It is noted that a neighbouring resident suggests that the trees on the sloped bank are not within the applicant's ownership. The Local Planning Authority does not hold any information of land ownership. Land ownership is a civil matter and would be for the applicant to address before works are undertaken. It does not prevent planning permission being granted.

CONCLUSION

The site is located within the Town Development Boundary for Halstead and benefits from an extant planning permission for 5no. residential units.

It is considered that the proposal is an acceptable form of development which can be satisfactorily accommodated on site. The development does not give rise to an unacceptable impact to the street scene, highway safety, the amenity of nearby residential properties or heritage assets. Conditions are proposed to ensure residential amenity remains protected and to safeguard existing trees and ecology.

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: 8454/01
Proposed Block Plan	Plan Ref: 8454/01
Planning Layout	Plan Ref: 8454/03
Height Parameters Plan	Plan Ref: 8454/05
Parking Strategy	Plan Ref: 8454/05
Garden Study	Plan Ref: 8454/07
Refuse Information	Plan Ref: 8454/08
Proposed Plans	Plan Ref: 8454/10
Proposed Plans	Plan Ref: 8454/11
Refuse Information	Plan Ref: 8454/12
Access Details	Plan Ref: DR2
Tree Plan	Plan Ref: TPSARB6730117 TPP

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

Reason

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or provision of any building within the curtilage of the dwelling-house as permitted by Class A and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions/outbuildings in the interests of residential amenity given the nature and size of the garden areas.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order) no window, door or other means of opening shall be inserted above first floor finished floor level on the southern side elevation of plot 1 (as shown on drawing no. 8454/01) hereby permitted, in addition to those shown on the approved drawing no. 8454/11.

Reason

To enable the local planning authority to retain adequate control over the approved fenestration in the interests of residential amenity.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order) the side elevation window to plot 1, serving the bathroom as shown on drawing no. 8454/11 shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above the first floor finished floor level. Thereafter the said window shall be retained and maintained in the approved form.

Reason

To enable the local planning authority to retain adequate control over the approved fenestration in the interests of residential amenity.

- 7 Prior to occupation of the development, the access arrangements as shown on drawing DR2 revision D as contained within the Transport Statement, produced by Journey Transport Planning, dated April 2017, shall be provided, including the shown clear to ground visibility splay with dimensions of metres by 2.4 x 43 metres in both directions, measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies.

- 8 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

- 9 Parking will be provided in accordance with drawing no. 8454/03. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies

- 10 The development shall not be occupied until the car parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 11 The development shall be carried out in accordance with the recommendations as set out within the Preliminary Ecological Appraisal Survey, produced by Arbtech dated March 2017.

Reason

To safeguard any protect protected species that could be present on the site.

- 12 The development shall be carried out in accordance with the recommendations as set out within the Arboricultural Impact Assessment as produced by TPS dated 28th January 2017 and the Tree Protection Plan as shown on drawing no. TPSarb6730117 TPP.

Reason

To ensure the protection and retention of existing trees on the site.

- 13 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.

- 14 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

In the interests of residential amenity.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 4 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.

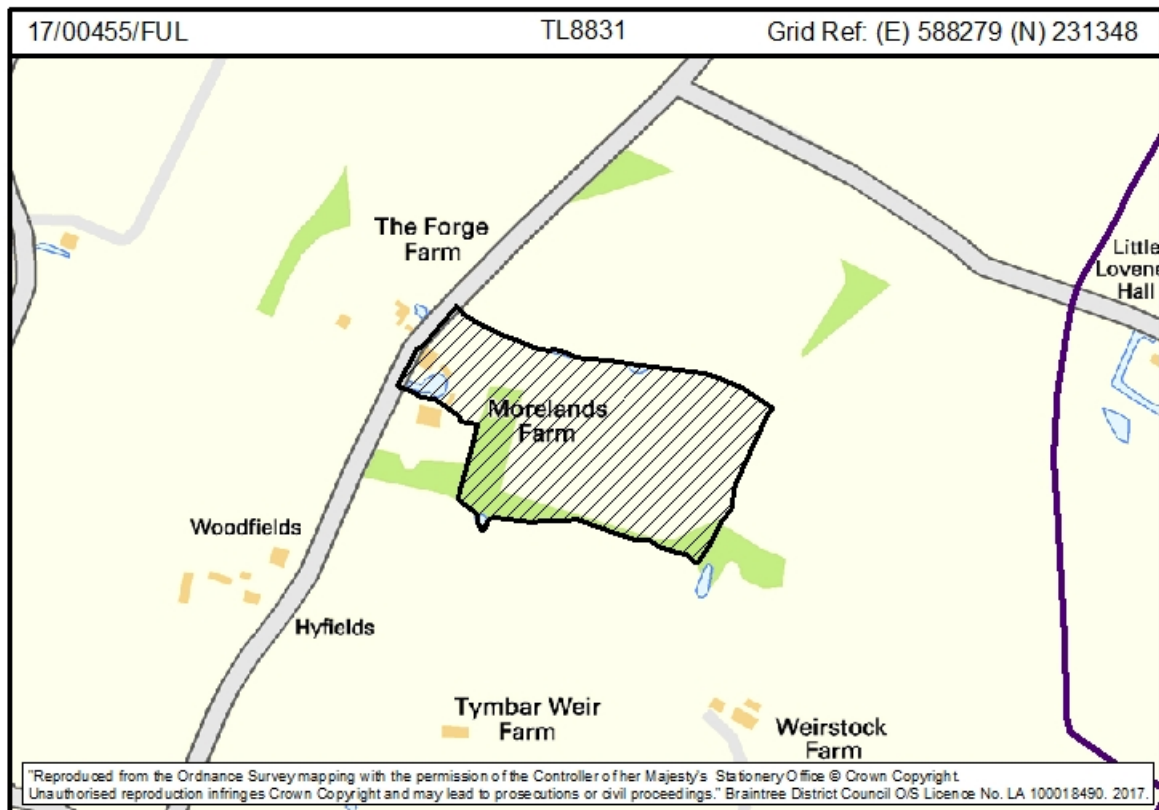
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART B

APPLICATION NO: 17/00455/FUL DATE: 15.03.17
VALID:
APPLICANT: Mr & Mrs S Snowling
Morelands Farm, Bures Road, White Colne, Essex, CO6 2QF
AGENT: Mr Nigel Chapman
Kings House, Colchester Road, Halstead, Essex, CO9 2ET
DESCRIPTION: Retention of garage and garden store
LOCATION: Morelands Farm, Bures Road, White Colne, Essex, CO6 2QF

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



SITE HISTORY

05/00232/COU	Conversion of redundant farm barn and associated lean-to structures into annex accommodation for holiday lettings	Granted	05.12.05
15/01429/FUL	Conversion of barn to a dwelling	Granted with S106 Agreement	31.03.16
16/01581/DAC	Application for approval of details reserved by condition nos. 8 and 9 of approved application 15/01429/FUL	Granted	22.12.16
16/02169/FUL	Erection of detached annex building	Withdrawn	06.02.17
17/00689/DAC	Application for approval of details reserved by condition no. 6 of approved application 15/01429/FUL	Pending Consideration	
17/00853/FUL	Alterations and Extensions consisting of replacement porch, demolition of rear lean-to and erection of two storey rear extension.		

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP5	Space Shaping Principle
SP6	Spatial Strategy for North Essex
LPP30	Residential Alterations, Extensions and Outbuildings in the Countryside
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas, and Demolition within Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee because the agent is related to a member of staff.

SITE DESCRIPTION

Morelands Farm is a detached dwelling located in the countryside approximately 2 miles to the northeast of White Colne. There is a semi-circular driveway adjacent to the dwelling with a vehicular access at either end on to Bures Road.

The property is set in an extensive plot with formal gardens behind the house leading to an outdoor pool, stables, and lawned area with paddocks beyond. The garage and garden store has been erected in one of the paddocks and is considered to fall outside of the residential curtilage. There is a gated gravelled access track bounded by a hedgerow that runs along the northern site boundary to the outbuilding.

Morelands Farm, Spindle Barn (which was separated from the Morelands Farm planning unit in 2016), and The Forge Farm form a small group of dwellings built close to Bures Road. The Forge Farm, approximately 115 metres to the northwest of the garage and garden store, is Grade II Listed. The surrounding area is characterised by flat open land.

PROPOSAL

The proposal seeks approval to retain a garage and garden store that has been erected beyond the residential curtilage of Morelands Farm.

CONSULTATIONS

White Colne Parish Council – Objection:

- The development is outside the village envelope.
- The Village Design Statement states that all developments should be contained in the village envelope.
- The village survey in 2016 said that the majority response was for no development outside the village envelope.

We informed BDC of this unauthorised build in these paddocks last September (whilst under construction) and are therefore disappointed to see some seven months later, the use of a retrospective planning application.

REPRESENTATIONS

None

REPORT

Principle of Development, Design and Impact upon Character of Area

The site is located in the countryside. Policy RLP2 of the Braintree District Local Plan Review states that in areas outside of Town Development Boundaries and Village Envelopes, countryside policies will apply.

Policy CS5 of the Local Development Framework Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. This approach is consistent with the NPPF, which at Paragraph 17 states that planning should recognise the intrinsic character and beauty of the countryside.

Core Strategy Policy CS8 Natural Environment and Biodiversity states inter alia that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. According to the Landscape Character Assessment which provides background evidence for the Core Strategy the site is located within the B6 Wickham Farmland Plateau. Key characteristics of the area include: rolling hills and valleys; large scale arable fields; wide views across the farmland; and a strong sense of tranquillity. The document suggests among its planning guidelines that any new exposed development is small-scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles. It also suggests that characteristic views should be maintained.

Core Strategy Policy CS9 Built and Historic Environment states inter alia 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.

Braintree District Local Plan Review Policy RLP90 Layout and Design of development states inter alia that the Council seeks a high standard of layout and design in all developments, large and small, in the District. It requires, amongst other things, that development should not result in undue or unacceptable impact on the amenity of any nearby residential properties and that it should be sensitive to the need to conserve local areas of landscape importance.

The garage and garden store has been erected in excess of 80 metres from the rear of the dwelling and introduces increased noise and vehicular movements into the paddocks behind the residential curtilages of Morelands Farm and Spindles Barn. The built development in the group is, in the main,

located fairly close to the road. The area of the site in which the outbuilding is situated clearly reads as a paddock rather than part of the domestic curtilage and formal gardens. There is a small wooden footbridge across a drainage ditch at the western boundary of the paddock that leads back into the garden.

The outbuilding is single storey and H-shaped in plan form. The walls of the end sections, which have gable ends, comprise a red brick plinth with black stained boarding above. The cross section is faced in brick. The dual pitched roof is finished in slates. It is considered that the materials are typical and appropriate for the rural setting. However, the overall dimensions of the building are considered to be substantial at 15.1 metres wide by 8.9 metres deep x 4.0 metres tall. The footprint of the building is approximately 116 square metres. The two ends of the building house a garage/workshop, and a garden equipment store respectively, both accessed by vehicular doors. The central cross section of the building houses a lobby, store room, and wood store.

It is considered reasonable that a garden of the size and quality currently associated with Morelands Farm would require storage space for maintenance equipment, including large items such as a ride on mower. It is however considered that such storage should be located in closer proximity to the existing built development on this side of Bures Road. It is considered that the proposed use does not require a location so far from the other built form on this side of the road, and no justification has been provided by the applicant to demonstrate that it does.

For the reasons set out above, there is therefore an in principle objection to the application. It is concluded that the proposed development would represent an unjustified intrusion into the countryside that causes harm to the landscape character and amenity of the countryside, in conflict with policies RLP2 of the Braintree District Local Plan Review and Policies CS5 and CS8 of the Braintree District Core Strategy, and the NPPF.

Heritage Considerations

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special

importance, and include the use of appropriate materials and finishes. In this case, taking into account the proximity from the listed building it is considered that the proposal would not cause harm to the designated heritage asset in this case. The applicant has advised that the choice of location for the garage and garden store was prompted by concern that erecting the building adjacent to the house would affect the character of the listed Forge Farm. It is noted that permitted development allows for the erection of large outbuildings ancillary to the use of dwellings. Indeed the applicant considers that moving the building to an alternative position in the garden to the east of the house, within the semi-circular area enclosed by the driveway, would be detrimental to the setting of The Forge Farm opposite.

However, it is considered that the application is clearly contrary to policy and what is possible under permitted development that is beyond the control of the Local Planning Authority should not outweigh the Development Plan policies. If the building was to be relocated closer to the house it would be more in keeping with the form of the existing development in the area than the current location that is remote from the same. Due to the size of the curtilage, and that it would not be reasonable to remove permitted development rights from an existing residential use, it would be possible for the applicant to erect further outbuildings in the curtilage, under permitted development regardless of whether the current application is refused or not.

Furthermore, application 16/02169/FUL for a proposed detached annex building of approximately 100 square metres (to be located within the residential curtilage) in the lawned area to the northwest of the garage and garden store was withdrawn following discussion with the applicant that indicated that the proposal was not supported at officer level. That application was not supported due to the extent of the living accommodation proposed, comprising bedroom, bath/shower room, kitchen/garden room, treatment/fitness room and lobby and WC, which would provide for a self-contained residential unit going beyond that which could reasonably be expected from a residential annexe, and there are two existing gated vehicular accesses which could readily provide access separate from the main house. Because of the size of the curtilage, it would still be possible to construct such a building under permitted development even if the current proposal was to be approved.

Impact on Neighbour Amenity

It is considered that the proposal is not detrimental to neighbouring amenity.

Highway Issues

It is considered that there are no highways impacts associated with the development.

CONCLUSION

The garage and garden store is considered by virtue of its siting and scale to represent an unjustified intrusion into and has a detrimental impact upon the character and appearance of the countryside. The proposal is therefore considered to be contrary to the NPPF, Policies CS5, CS8 and CS9 of the Braintree District Core Strategy, and Policies RLP2, and RLP90 of the Braintree District Local Plan Review.

RECOMMENDATION

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

- 1 The garage and garden store is considered by virtue of its siting and scale to represent an unjustified intrusion into the countryside. The proposal is therefore considered to be contrary to the NPPF, Policies CS5, CS8 and CS9 of the Braintree District Core Strategy, and Policies RLP2 and RLP90 of the Braintree District Local Plan Review.

SUBMITTED PLANS

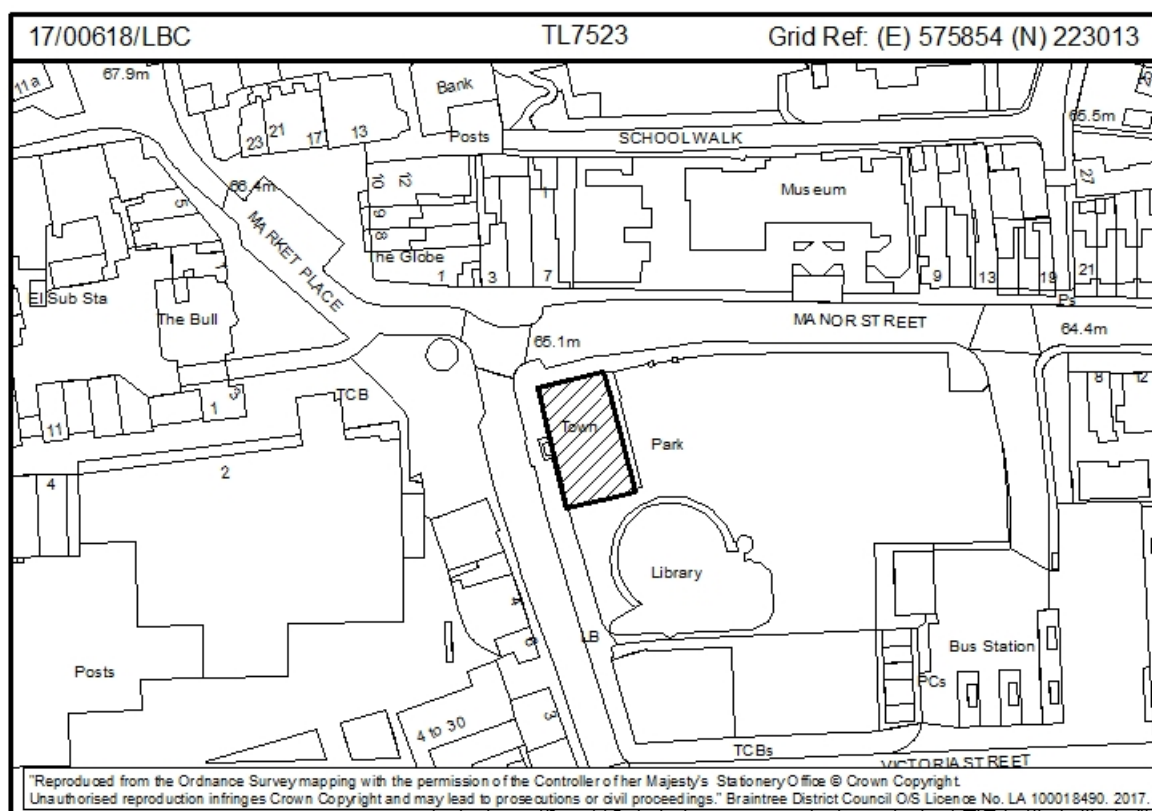
Location Plan	Plan Ref: 16/901/1
Block Plan	Plan Ref: 16/901/7
Existing Plans	Plan Ref: 16/901/8

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 17/00618/LBC DATE 04.04.17
 NO: VALID:
 APPLICANT: Braintree District Council
 Mr Mark Wilson, Town Hall Centre, Market Place, Braintree,
 Essex, CM7 3YG
 DESCRIPTION: Installation of aluminium framed secondary glazing units to
 Chairman's office, doors in main council chamber and
 ground floor kitchen
 LOCATION: Town Hall Centre, Fairfield Road, Braintree, Essex, CM7
 3YG

For more information about this Application please contact:
 Mrs F Fisher on:- 01376 551414 Ext. 2503
 or by e-mail to: fayfi@braintree.gov.uk



SITE HISTORY

04/00520/LBC	Installation of upgraded security alarm system	Granted	20.12.04
92/00429/PFBN	Alterations And Construction Of Ramp For Access For The Disabled	Withdrawn	15.06.93
94/00040/BDC	Proposed access for the disabled; Construction of ramp on part Manor Street footpath & internal alterations and alteration to Manor street carriageway, footpath and taxi rank to accommodate ramp	Withdrawn	28.09.94
94/00041/LBC	Proposed access for the disabled; construction of a ramp and steps on part Manor Street footpath and general internal alterations and alterations to Manor street carriageway, taxi rank to accommodate ramp. Provision of disabled toilet.	Withdrawn	28.09.94
96/00721/FUL	Proposed alterations to existing south and east elevations to create new access and escape doors including minor internal modifications and related external works	Granted	11.11.96
96/00722/LBC	Alterations to existing south and east elevations to create new access and escape doors including internal modifications and related external works	Granted	11.11.96
05/00094/LBC	Installation of lift and alterations to toilet	Granted	23.09.05
05/01911/LBC	Installation of a cabled computer data network	Granted	18.11.05
06/00556/LBC	Installation of CCTV system, replacement of inner lobby front entrance doors, installation of first floor ceiling crawlway access, installation of anti-pigeon netting to clock tower and repairs and remedial works to	Granted	06.06.06

07/01391/LBC	floorboards in art gallery Removal of existing window to boiler room and replacement with ventilation grille	Granted	04.10.07
10/01065/LBC	Interior and exterior cleaning of limestone cladding and adaption of Art Gallery, Arts Development, Tourism and Manager's Offices into rooms suitable for meetings	Granted	07.12.10
10/01570/LBC	Installation of secondary double glazing window units fitted to all meeting rooms excluding Council Chamber French doors, stained glass window on staircase and basement windows	Withdrawn	01.08.11
12/00314/LBC	Erection of a blue plaque to commemorate the Protestant martyr William Pygot who was publicly burnt near to this spot on 28 March 1555	Granted	01.05.12
16/00089/LBC	Installation of aluminium framed secondary glazing units to first and ground floor	Granted	10.08.16
16/02138/LBC	Installation of external flue as part of boiler installation	Granted	15.02.17

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP77	Energy Efficiency
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The Town Hall is a substantial and prominent Grade II* Listed Building, located in the centre of Braintree town, within the Town Development Boundary and Conservation Area.

PROPOSAL

Members may recall a similar proposal to install aluminium framed secondary glazing units to the windows and doors of the Town Hall which was given permission last year (Application reference 16/00089/LBC which was considered by the Planning Committee at the meeting on 5th July 2016). At the time of this earlier application the secondary glazing of the windows in the Chairman's Room and the doors within the Council Chamber were removed from the scheme due to heritage concerns. This current application seeks permission to complete the intended programme of works and install the remaining secondary glazing to these rooms.

It is considered that the works would ensure the further reduction in heat loss from the building and to reduce the noise experienced from the market which operates from Market Place (opposite) on a Saturday and Wednesday and to increase the energy efficiency of the building and increase the marketing potential of the Town Hall, which is seen as a valuable resource in terms of being used as a wedding venue and being hired out for meetings.

CONSULTATIONS

Historic England

Heritage England comment on the proposal by saying "*in re-presenting their proposals for secondary glazing in the Chairman's Room the applicants have supported their application with a written justification which sets out their case based on the addition of these additional secondary glazing elements being essential for the ongoing, sustainable use of the building. It is obviously important that the building can be as fully utilised as possible. The addition of secondary glazing in the remaining windows and the French doors on the first floor would make these rooms more attractive to renters, as they would be easier to heat, and more effectively insulated. If the local authority agrees that the justification presented will assist in the long term sustainable management of this important public building and does not outweigh the impact on its historical significance, Historic England would not object to this alteration*".

Essex County Council Historic Buildings Consultant

Historic Buildings Advisors state that they have no objection to the installation of secondary glazing to the windows in the ground floor kitchen and Chairman's Room following the removal of the window blinds to make way for a better installation. The balcony doors in the Council Chambers are considered to be the most controversial element of the proposal, as they will

inevitably alter the visual appearance of the doors and the way in which the room is viewed as a whole. The works are, however, considered to be necessary to allow the building to viably function in its current use, a justification which was considered acceptable in regard to the rest of the proposed double glazing. There will be a level of harm caused by their insertion, and that it would be desirable if they were not included, however, weigh this against the benefit accrued from allowing the building to continue in a viable use, it is concluded that, if it is considered necessary, then the benefit would outweigh the harm.

REPRESENTATIONS None

REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Paragraph 134 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RLP100 of the Braintree District Local Plan Review states inter alia that development involving internal or external alterations, extensions and partial demolitions to a listed building will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building and do not result in the loss of or significant damage to the building’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

Considering the policy above, the principle of the scheme is considered acceptable.

In addition to the above, the Braintree District Local Plan Review provides support for the introduction of energy efficiency measures. As identified above, the aims of this proposal is to improve the energy efficiency of the building and to increase the marketing potential of the Town Hall. While these aims are supported, the key issue for consideration in this case is the impact of the proposal upon the character and appearance of the Listed Building and Conservation Area.

The programme of installing secondary glazing throughout the whole building has been the subject of lengthy discussions with the Local Planning Authority, Essex County Council’s Historic Buildings Consultant and Historic England.

This latest submission will complete the project of installing secondary glazing units to all remaining windows and balcony doors.

Initial concerns were raised by Historic England in respect of the proposed secondary glazing in the Chairman's Room – the overriding concern being the appearance of the glazing and how it will impact on Chairman's Room given that it carries considerable merit in terms of the Grade 2 Star listing, however, with the method of installation now submitted with the window blinds removed, is now considered to be less harmful than previously thought.

The installation of secondary glazing on the balcony doors within the Council Chamber are considered to have an element of harm, and it would be desirable if they are not included, however it is considered that the benefit accrued from allowing the building to continue in a viable use would outweigh the harm and is therefore considered compliant with the requirements of the NPPF.

As such, in this case it is considered that the proposal would not have a detrimental impact upon the fabric or character and appearance of the listed building and can be supported.

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	
Window details	Plan Ref: S01
Window details	Plan Ref: S02
Window details	Plan Ref: S03
Floor Plan	Plan Ref: FIRST FLOOR
Floor Plan	Plan Ref: GROUND FLOOR

- 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

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

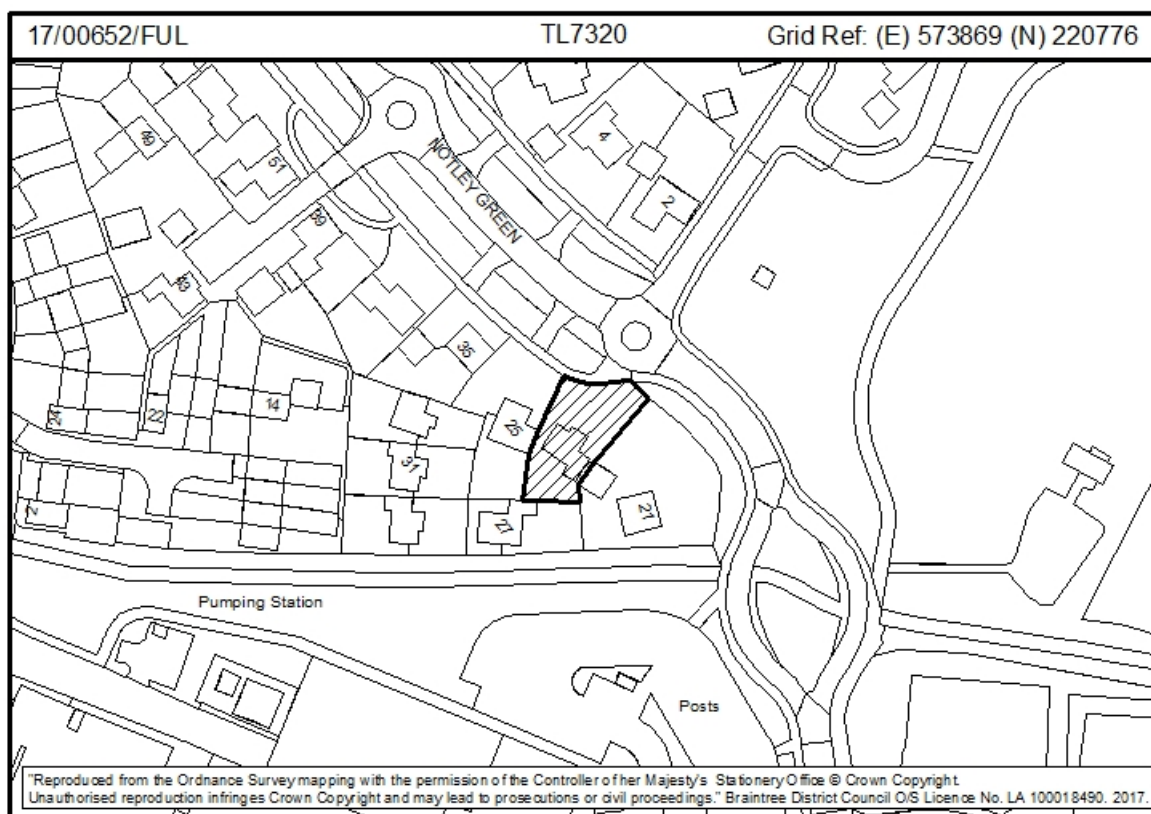
TESSA LAMBERT - DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART B

APPLICATION 17/00652/FUL DATE 10.04.17
NO: VALID:
APPLICANT: Mr F Ricci
23 Notley Green, Great Notley, Essex, CM77 7US
AGENT: Richard Edwards Associates
Mr Richard Edwards, The Studio, Ivy Hill, Writtle Road,
Margaretting, Chelmsford, Essex, CM4 0EH
DESCRIPTION: Erection of two storey rear extension and side first floor
extension above garage
LOCATION: 23 Notley Green, Great Notley, Essex, CM77 7US

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



SITE HISTORY

88/00094/P	Proposed 1800-2000no Dwellings Primary School, Neighbourhood Health & Community Centres, Church Site, Public House And	Withdrawn	22.06.89
89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses upto maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
94/00096/FUL	Variation of Condition No 7 of Permission BTE/641/89 to permit the maximum number of dwellings to be erected to rise from 2000 to 2011	Granted with S106 Agreement	21.09.94
94/01009/REM	Erection of residential development comprising 1,2,3 & 4 bed units with associated roads and infrastructure	Granted	03.10.94
95/01076/REM	Proposed erection of 40 residential units, road pattern and associated garages, parking and spaces and landscaping	Granted	21.11.95
97/01430/FUL	Variation of condition 7 of	Granted	20.08.98

outline planning consent ref with S106
P/BTE/641/89 to increase Agreement
number of dwellings to be
commenced on site by
31.12.2000 from 1000 to
1250 and delete phasing
restriction at 31.12.2004

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP5	Space Shaping Principle
SP6	Spatial Strategy for North Essex
LPP29	Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee because the applicant is an elected member.

SITE DESCRIPTION

The site is located within the Great Notley development boundary. It is not within a Conservation Area or subject to any listing. The property is a three-bedroom detached dwelling with an attached single garage, with a pitched roof, to the east side of the house.

The site forms one of a group of three dwellings accessed via a shared driveway from this part of Notley Green, and is partially screened from the same by hedging that runs beside Notley Green. The adjacent dwelling (No.25) has been extended over the garage in a similar way.

No. 27 Notley Green and its curtilage lie perpendicular to the rear boundary of the application site; the house (No.27) is situated to the south west of No.23. There is an attached garage at the north east corner of No.27. There is a footpath that runs to the south of the application site, adjacent to the southern boundary of No.27 from which the rear of the application site can be viewed

above the fence line. Tesco's car park and store lie further to the south across the footpath.

PROPOSAL

The submitted proposal sought approval to erect a two-storey rear extension and a first floor side extension above the garage which would feature two dormers, (one front and one rear facing). The side extension entails raising the roof over the garage by approximately 1.2 metres, from 5.2 metres to a new ridge height of 6.4 metres. The rear extension would entail the removal of a conservatory, with the new extension being built in a similar footprint, and would feature a new gable. Following discussion with the applicant which is set out in further detail below, a revised proposal has been submitted that proposes a front facing dormer and a roof light at the rear of the side extension.

The extensions will provide a larger living room at the ground floor, and a fourth bedroom at the first floor.

CONSULTATIONS

Great Notley Parish Council – No response received in respect of the submitted or the revised proposal.

REPRESENTATIONS

A site notice was displayed near the site and neighbour notification letters were sent out to adjacent properties. In response, one letter of representation has been received from Miss H Leary of 27 Notley Green who has objected to the application on the following grounds:

- Overbearing and over development of such a small space.
- The rear extension over the garage will overshadow our property.
- Loss of privacy to house and garden.
- Please could the plans include a privacy screen of established trees or something similar?

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 satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity. There is therefore no objection in principle to an appropriately designed extension(s) 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. Namely, 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. Likewise Policy RLP90 seeks a high standard of layout and design in all developments, large and small in the district.

The dwelling is finished in face brickwork and concrete roof tiles. It is proposed to finish the rear extension in brick to match existing, and to tile the extension roofs to match existing. Grey Hardiplank was proposed to clad the side extension; following discussion with the applicant this has been revised to black Hardiplank which is considered to be more in keeping with the character of the area. The existing front elevation of the house includes a feature gable. There is currently no gable at the rear. There is a pitched roof over the garage with a parking space to the front of the garage. There are various gables of differing pitches on the dwellings in the vicinity of the site. Taking into account the design, size and scale of the proposal, it is considered that the revised proposal is in keeping with the host and the character of the area.

The Essex Design Guide, which is a material consideration for Development Management decision, making requires a private rear amenity space of 100 square metres for a three-bedroom dwelling. The existing site arrangement falls just below this threshold, at approximately 92 square metres. The footprint of the dwelling would increase by less than 1 square metre, where the angle of the conservatory footprint is proposed to be squared off; it is therefore considered that sufficient amenity space would be retained.

Impact on Neighbour Amenity

The original layout of the estate is arranged such that the rear windows of No.23 do not directly overlook the rear elevation of No.27. The proposed rear extension would bring the windows on the rear elevation of the application site approximately 2.5 metres closer to the neighbour at No.27 than the existing rear elevation but would not result in direct back-to-back overlooking. Taking into account the existing communal overlooking that takes place to the rear of No.27, and the angle between No.23 and No.27 respectively, it is considered that the proposal would not be sufficiently detrimental to the privacy of neighbouring occupants to refuse the application in this regard.

The ridge of the garage to No.23 is located approximately 7.5 metres horizontally from the boundary with No.23 at its closest point, and approximately 15 metres horizontally from the rear elevation of No.23 at its closest point. It was considered that due to the position of the garage (to

No.23) relative to No.27, the proposed rear dormer on the side extension would have led to a detrimental increase of overlooking to the rear of No.27. This was discussed with the applicant. One dormer is proposed at the front of the side extension which does not raise any overlooking concerns; the use of obscure glazing or a roof light in place of the rear dormer was discussed with the applicant, and a revised proposal has been submitted which omits the second dormer and proposes the insertion of a roof light in the rear roof plane of the side extension. The bottom of the roof light is to be set 1.7 metres above floor level and it is considered that this sufficiently addresses the concern in respect of additional overlooking to the rear of No.27.

Taking into account the position of the dwelling, and having regard to the revised proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, or overbearing. It is considered that the proposal would not have a sufficiently detrimental impact in terms of overlooking, over and above the existing situation to warrant refusal. Representation has been made in respect of the provision of screening. It is not considered reasonable to require this on the application site given that the increased level of overlooking is not considered sufficient to warrant refusal, and the neighbour could add vegetative screening within their own curtilage for this purpose should they choose to do so.

Highway Issues

No changes are proposed to the existing parking and access arrangements. It is considered that there are no highways impacts associated with the revised proposal.

CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no unacceptable detrimental impacts upon neighbouring residential amenity or on the character of the 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

Proposed Site Plan	Plan Ref: E-1618-17-05	Version: A
Proposed Floor Plan	Plan Ref: E-1618-17-06	
Proposed Floor Plan	Plan Ref: E-1618-17-07	Version: B
Proposed Elevations	Plan Ref: E-1618-17-08	Version: C

- 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 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form except that: the side extension shall be finished in black hardiplank not grey, and shall be so retained.

Reason

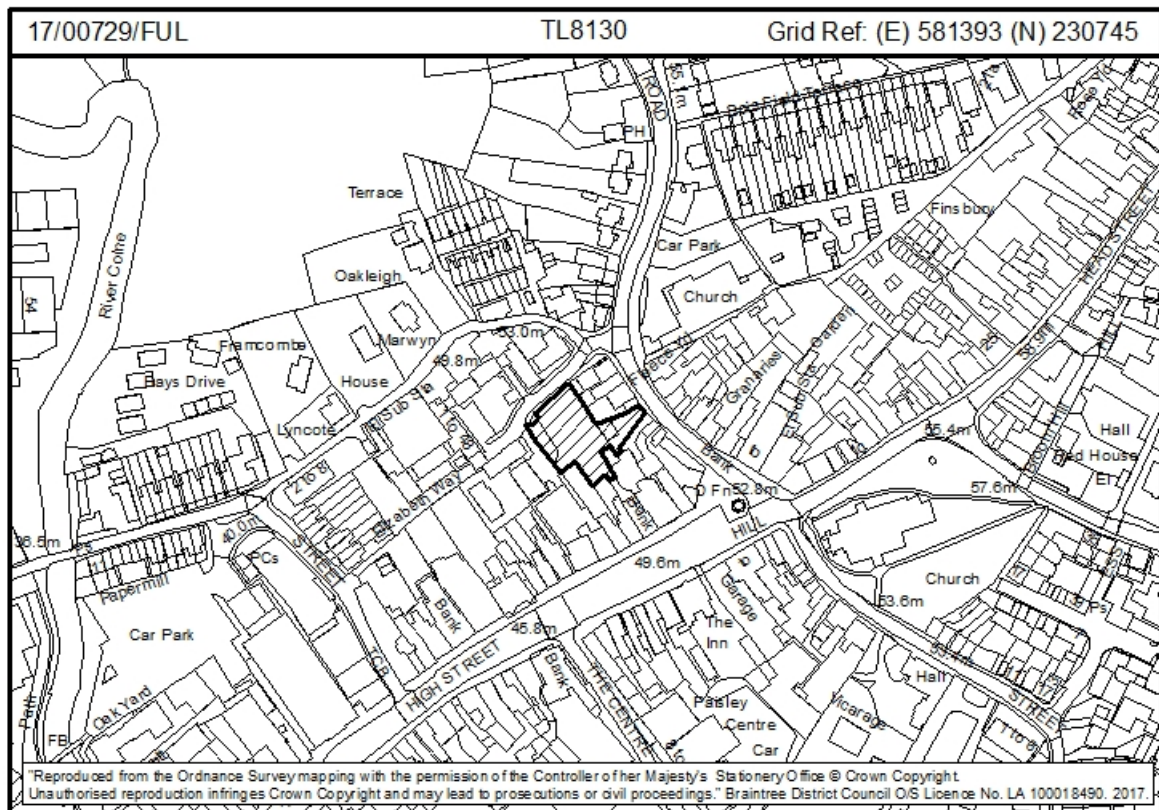
To ensure that the development does not prejudice the appearance of the locality.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/00729/FUL DATE: 02.05.17
 VALID:
 APPLICANT: Mr James Emmerson
 100 Acres Limited, C/O Agent
 AGENT: Mr Graham Courtney
 13 Government Row, Enfield, EN3 6JN
 DESCRIPTION: Retrospective application for the erection of a terrace
 comprising 4 no. dwellings complete with gardens, parking,
 infrastructure and related works
 LOCATION: Land rear of 16 High Street, Halstead, Essex

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

01/00021/REF	Erection of four dwellings	Appeal Dismissed	23.08.01
00/01609/FUL	Erection of four dwellings	Refused then dismissed on appeal	20.11.00
15/01012/FUL	Erection of terrace comprising 4 no. two bedroom dwellings complete with gardens, parking and related works, including partial demolition of wall.	Granted with S106 Agreement	16.12.15
16/00209/NMA	Application for a non-material amendment following grant of planning permission 15/01012/FUL (Erection of terrace comprising 4 no. two bedroom dwellings complete with gardens, parking and related works, including partial demolition of wall) - minor changes to hard surfacing and soft landscaping arrangements in southern part of site.	Granted	04.04.16
16/01754/DAC	Application for approval of details reserved by condition nos. 3, 5, 10 and 12 of approved application 15/01012/FUL	Part Grant, Part Refused	10.01.17
16/01763/VAR	Application for variation of Condition 2 of approved application 15/01012/FUL - To remove the passage link in the middle of the terrace which provided access to the rear garden. Garden access to be achieved through new gates within the existing rear wall. Amendment to roof design, front elevation and car parking layout.	Granted	03.02.17
17/00210/DAC	Application for approval of details reserved by condition no. 3 of approved		

POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation will run from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
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

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP28	Housing Type and Density
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas and Demolition with Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given an objection from the Town Council contrary to Officer recommendation.

SITE DESCRIPTION

The site is an historic walled garden behind 16 High Street Halstead. For some decades the site has not been related to a residential curtilage, nor has the site been used by a Bank which has occupied the High Street address for many years. The site is located within the Town Development Boundary and within the Conservation Area.

The site measures approximately 0.15 Hectares and is an irregular shape. Access is within the applicant's ownership and is taken from Hedingham Road. Hedingham Road is predominantly residential with properties backing onto the site from the east. To the North and East is a twentieth century, three storey, flatted development served from Elizabeth Way. The Southern aspect of the site abuts the rear of the High Street and the more historic elements of the Conservation Area.

PROPOSAL

The application seeks planning permission for the erection of 4no. dwellings. The 4no. dwellings are arranged in a terrace and each dwelling is served with a private garden area and off street car parking.

CONSULTATIONS

BDC Environmental Health – No comments

BDC Landscape Services – No comments

ECC Heritage – No objections

REPRESENTATIONS

Halstead Town Council – Have been disappointed with the dealings with the site where mistakes have been made by the Planning Authority and therefore objects to the retrospective application.

1 letter of support has been received in response to the application, the contents of which are summarised below:

- With the site under construction we are not able to access our garage and continuous complaints about the development have caused delay which means we are living with daily disruption. We wish for the building works to be completed as soon as possible.

REPORT

Principle of Development

The application site is located within the Town Development Boundary of Halstead whereby residential development is acceptable in principle.

In this case the principle of residential development has already been established in granting 15/01012/FUL. The changes proposed in this revised application do not alter the acceptability of the principle of development. Development has already commenced on site under 15/01012/FUL, with the building constructed up to and including the roof. The development has not been undertaken in accordance with the original planning permission (15/01012/FUL) nor a subsequent variation (ref: 16/01763/VAR) and thus this application seeks to regularise that which has taken place on site.

Design, Appearance and Layout

Policy RLP3 of the adopted Local Plan states, inter alia, that the Council shall seek to protect the character of the existing street scene, the landscape value of existing tree cover and generally ensure that new development does not

materially detract from the character of the settlement. Furthermore, policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings. These policies are supported by policies RLP10 and RLP90 of the adopted Local Plan and CS9 of the adopted Core Strategy.

The application proposes a terrace of 4 no. two storey houses, with associated private gardens and a car parking area. The terrace is arranged with a frontage facing east and the rear elevations facing towards Elizabeth Way.

Since the determination of the most recent application (16/01763/VAR) further investigations at the site, including measurements taken by engineers has clarified that the development is not be undertaken in accordance with the planning permission. The layout of the site, including the position of the terrace and the car parking arrangement remains the same as previously approved and thus are considered acceptable. The changes are set out below.

- Height of the building and roof pitch

It was previously considered that the development had been constructed on land 0.35m higher than shown on the approved drawings. The engineer's measurements have more accurately calculated this to be 0.96m, higher than is shown on the approved drawings. As a consequence the overall development is at a greater height.

Measurements taken on site have confirmed that overall the development is 0.19m greater in height than the original planning permission (15/01012/FUL), with a much slacker roof pitch. As the development is already constructed it is possible to consider the impact on site. In Officers' opinion the development at the height proposed is not intrusive within the street scene, nor is it prominent where visible in the gaps between existing development as viewed from Hedingham Road.

The increase in height has affected the roof pitch, albeit not significantly to materially alter the resultant appearance of the building, when compared to the more recent application (16/01763/VAR). In Officers opinion this revision is considered acceptable and is not of detrimental harm to the appearance of the street or Conservation Area.

Impact on Neighbour Amenity

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

The construction of the building on higher land results in more of the development being visible (including the side elevation window to plot 1) from the rear ground floor windows of no. 9 Hedingham Road. The presence of this window will give rise to the perception of being overlooked, however given this

window serves a bathroom it would be reasonable to control by condition, that it be obscure glazed and non-opening below 1.7m from the finished floor level and that no further windows/means of opening be inserted. This would satisfactorily ensure the protection of the amenities of the occupiers of no. 9 Hedingham Road. It is unfortunate that the development was not undertaken in accordance with the originally approved plans; however in Officer's opinion the development as carried out on site would not justify a refusal of planning permission on grounds of harm to residential amenity.

Highway Issues

The site is proposed to be accessed off Hedingham Road. This has been agreed by the previous planning permissions and is not proposed to change.

The site can accommodate car parking to meet the adopted standard.

Trees

There is one tree within the application site which is currently protected by fencing, albeit a scheme for tree protection has never been formally agreed. It is considered that this tree protection needs to remain for the construction period and this can be controlled by condition.

CONCLUSION

It is considered that the proposed development is acceptable and would not give rise to any detrimental impact to the character and appearance of the site, or wider Conservation Area and no unreasonable impact upon residential amenity. It is Officer's recommendation that the application be granted planning permission, subject to the conditions set out below.

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: 77414.10 B
Proposed Plans	Plan Ref: 2616-16A1-01 F
Proposed Plans	Plan Ref: 2616-16A1-07 D

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

Reason

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

- 2 The external materials and finishes of the development hereby approved

shall be as indicated within the application form.

Reason

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

- 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 All existing trees to be retained on site shall be protected, by way of fencing, from damage during the carrying out of the development. No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees.

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

extent of the spread of the existing trees, shrubs, hedges.

Reason

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

- 5 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.

- 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 unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no extension, enlargement or alteration of the dwelling-house or the provision of any building within the curtilage of the dwelling-house as permitted by Class A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 9 Prior to the first occupation of the development hereby approved the refuse bins and refuse bin storage area shall be made available for use, in the location shown on drawing no. 2616- 16A1-01 Rev F and thereafter retained in the approved form.

Reason

To ensure that the development provides suitable facilities for refuse.

- 10 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting, with or without modification) the first floor windows located in each side elevation of the building, as shown on drawing no. 2616-16A1-07 Rev D serving the bathrooms, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter the said windows shall be retained and maintained in the approved form.

Reason

In the interests of residential amenity.

- 11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting, with or without modification) no window, door or other means of opening shall be inserted above first floor level of either side elevation of the building hereby permitted, in addition to those shown on drawing no. 2616-16A1-07 Rev D.

Reason

In the interests of residential amenity.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions

then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

TESSA LAMBERT
DEVELOPMENT MANAGER