

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 23 June 2015**

**Time: 19:15**

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

## **Membership:**

Councillor J Abbott  
Councillor R Bolton  
Councillor Mrs L Bowers-Flint  
Councillor P Horner  
Councillor H Johnson  
Councillor S C Kirby  
Councillor D Mann

Councillor Lady Newton  
Councillor J O'Reilly-Cicconi (Vice Chairman)  
Councillor Mrs I Parker  
Councillor R Ramage  
Councillor Mrs W Scattergood (Chairman)  
Councillor G A Spray

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

**Page**

## **PUBLIC SESSION**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

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

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 9th June 2015 (copy to follow).

### **4 Public Question Time**

(See paragraph below)

### **5 Planning Applications**

To consider the following planning applications and to agree whether the more minor application listed under Part B should be

determined 'en bloc' without debate.

## **PART A**

Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 14 01556 FUL - Land at 29-43 Thorne Road, KELVEDON</b>       | <b>4 - 19</b>  |
| <b>5b</b> | <b>Application No. 14 01557 FUL - Land at South East, Church Road, KELVEDON</b> | <b>20 - 34</b> |
| <b>5c</b> | <b>Application No. 15 00492 FUL - 2 Recreation Road, SIBLE HEDINGHAM</b>        | <b>35 - 39</b> |
| <b>5d</b> | <b>Application No. 15 00287 FUL - Church Farm, Bures Road, WHITE COLNE</b>      | <b>40 - 47</b> |

## **PART B**

Minor Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5e</b> | <b>Application No. 15 00586 FUL - 127 Broad Road, BRAINTREE</b> | <b>48 - 52</b> |
|-----------|---|----------------|

### **6 Urgent Business - Public Session**

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

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

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

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

## **PRIVATE SESSION**

### **8 Urgent Business - Private Session**

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

E WISBEY

**Contact Details**

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

**Question Time**

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

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

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

**Health and Safety**

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**Mobile Phones**

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

**Comments**

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

Please let us have your comments setting out the following information

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

Comment.....

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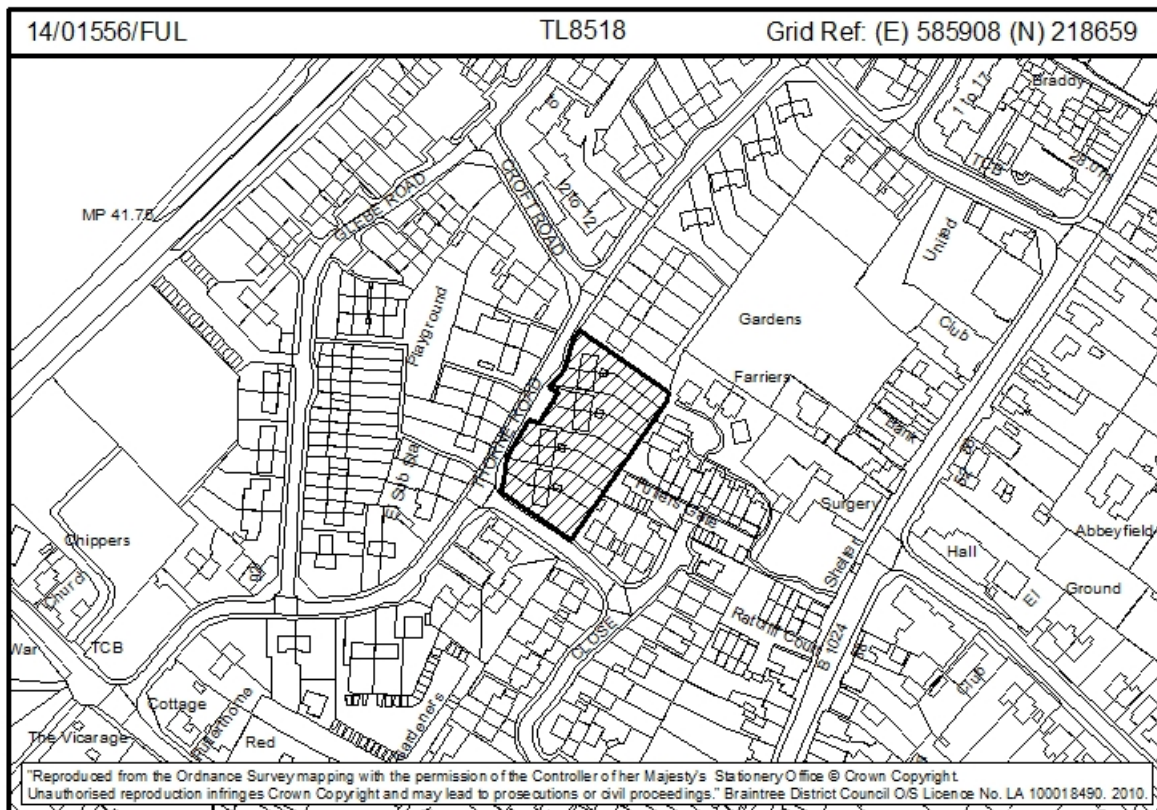
Contact Details: .....

AGENDA ITEM NUMBER 5a

PART A

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

For more information about this Application please contact:  
Mr Chris Tivey on:- 01376 551414 Ext. 2517  
or by e-mail to: [chris.tivey@braintree.gov.uk](mailto:chris.tivey@braintree.gov.uk)



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility

## REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being presented to the planning committee due to the receipt of objections contrary to the recommendation of Officers. It was removed from the agenda of the 3<sup>rd</sup> March 2015, to enable Officers to

negotiate on heads of terms with respect to affordable housing and public open space improvements.

## BACKGROUND

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

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

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

## SITE DESCRIPTION

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

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

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

## PROPOSAL

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

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

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

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

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

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

## CONSULTATIONS

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

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



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

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

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

## REPRESENTATIONS

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

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

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

The eight letters of objection cover the following:

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



## REPORT

### Principle of Development

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

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

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

### Design

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

The existing buildings on the site are of a rather functional design yet are set out in a relatively spacious manner with quite deep rear gardens running at an angle towards the site's rear (south eastern) boundary.

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

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

above, although the applicant has attempted to retain as much of this as possible.

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

### Living Conditions

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

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

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

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

With regard to building to building distances and direct overlooking, the closest the proposed development would come to existing dwellings would be approximately 30m, between the proposed dwelling at Plot 3 and 13 Fullers Close. This distance exceeds the 25m back to back standard, as set out within the Essex Design Guide for Residential and Mixed Use Areas (EDG). Further, the distance between the first floor rear windows of Plots 6 and 8 to

the side boundary of the rear garden to 1 Fullers Close would also be approximately 30m, which far exceeds the minimum 15m advocated by the EDG in such situations. Consequently, it is considered that the proposal would not give rise to a material level of overlooking of neighbouring properties and, therefore, the privacy of existing residents surrounding the development site would be protected.

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

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

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

### Highway Safety

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

### Landscaping and Ecology

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

appropriate landscaping condition be imposed upon the grant of planning permission to protect existing vegetation (as proposed) and to enhance the soft landscaping of the scheme.

### Drainage

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

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

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

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

### Planning Obligations

Policy CS 11 states that “the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community (including sport, leisure and local community facilities) are delivered in a timely, efficient and effective manner.

The Council's Adopted Open Space Supplementary Planning Document outlines the requirement for developments of this scale to contribute financially to the provision or enhancement of public open space. In this instance the scale of the development justifies a contribution of £6,450.95

which would be spent on improvements to the toddler play area at the Kelvedon recreation ground, in accordance with the Open Space Action Plan.

Essex County Council as Local Education Authority has confirmed that they would not seek a contribution in respect of education infrastructure.

The applicant is a Registered Social Housing provider and is proposing development which would increase the affordable housing stock within the District. Policy CS2 specifies that 40% of residential units within developments of this size should be secured as affordable housing. However, on the basis that no education contribution is being sought, it is considered reasonable to secure 100% of the proposed residential units as affordable housing. This would need to be addressed within a Section 106 agreement, along with the public open space contribution.

At the time of writing, progress has been made with respect to the completion of the legal agreement. If an agreement is not completed in a timely manner, it is recommended that the failure to ensure the appropriate provision of affordable housing and an open space contribution would constitute a reasonable reason for the refusal of this application.

#### Other Matters

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

The Parish Council have requested the ability to nominate tenants. The powers in relation to nominations rest with the District Council under agreed protocol, and not with individual parishes.

#### CONCLUSION

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

#### RECOMMENDATION

It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to ensure that all of the residential units at the site remain affordable housing units and that a financial contribution towards open

space enhancement is made, the Development Manager may GRANT planning permission under delegated powers subject to the approved plans, conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed within three months of the date of this Committee, the Development Manager may use her delegated authority to REFUSE the grant of planning permission.

### RECOMMENDATIONS

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

### APPROVED PLANS

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

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

#### Reason

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

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

#### Reason

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

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

#### Reason

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

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

Reason

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

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

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

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

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

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

Reason

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

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

Reason

In the interests of conserving biodiversity.

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



Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

To ensure adequate space for parking off the highway.

- 13 Details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the local planning authority prior to its provision. The approved facilities shall be implemented in accordance with the agreed details prior to the first occupation of any dwelling hereby permitted and thereafter permanently maintained as such.

Reason

To ensure appropriate bicycle parking is provided.

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

Reason

In the interest of promoting sustainable forms of development.

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

Reason

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

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

Reason

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

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

written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

#### Reason

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

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

#### Reason

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

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

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

#### Reason

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

- 20 Development shall not be commenced until a dust and mud control

management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

**Reason**

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

**INFORMATION TO APPLICANT**

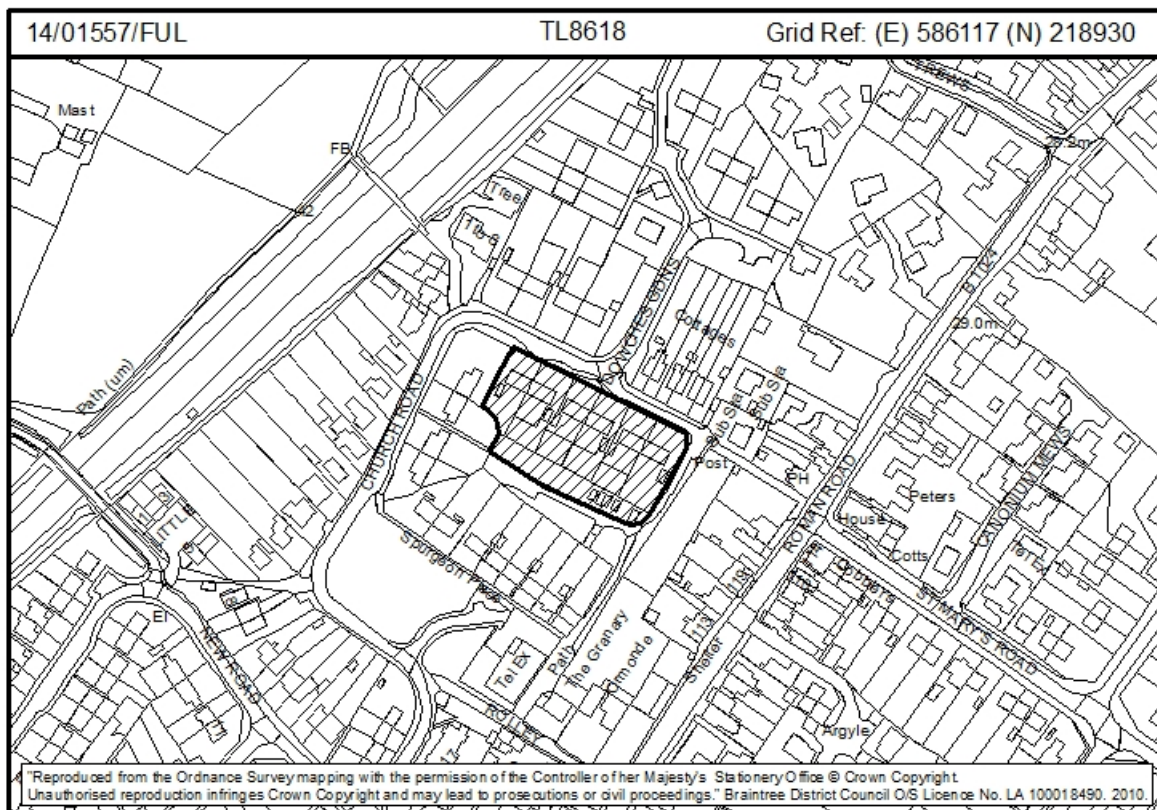
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types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

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

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

For more information about this Application please contact:  
 Mr Chris Tivey on:- 01376 551414 Ext. 2517  
 or by e-mail to: [chris.tivey@braintree.gov.uk](mailto:chris.tivey@braintree.gov.uk)



## SITE HISTORY

14/01559/FUL	Demolition of 8 no. Unity flats and erection of 17 no. flats and 1 no. bungalow with new access road and vehicular parking	Pending Decision	
01/01099/BDC	Proposed additional 20 parking bays	Granted	23.10.01
90/00194/PFWS	Erection Of Ground Floor Extension	Granted	14.03.90

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species

RLP90        Layout and Design of Development  
RLP92        Accessibility

## REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being presented to the planning committee due to the receipt of objections contrary to the recommendation of Officers. It was removed from the agenda of the 3<sup>rd</sup> March 2015, to enable Officers to negotiate on heads of terms with respect to affordable housing and public open space improvements.

## BACKGROUND

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

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

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

## SITE DESCRIPTION

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

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



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

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

Since the original submission was made, a minor amendment has been made to the site plan to identify the displaced parking to be provided for within the site, including the proposed users of the designated spaces, in accordance with the submitted displacement strategy. The plan also identifies the gate/access positions from the neighbouring properties, so as to maintain rear garden access for existing surrounding residents.

## PROPOSAL

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

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

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

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

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

development, in addition to maintaining through-routes for pedestrians to the surrounding area.

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

## CONSULTATIONS

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

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

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

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

Kelvedon Parish Council – application supported, subject to conditions.

## REPRESENTATIONS

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

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

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

- Object to the dwellings being built within the rear of the site, changing the views from the rear of Spurgeon Place.
- Removal of vehicle access to the rear of properties in Spurgeon Place.

## REPORT

### Principle of Development

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

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

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

### Design

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

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

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

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

At a density of 40 dwellings per hectare, it is considered that the proposal makes appropriate use of a previously developed site within the Village Envelope for Kelvedon. From this basis it is considered that the proposal would have an acceptable impact upon the character and appearance of the area.

### Living Conditions

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

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

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

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

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

Environmental Health raise no objection to the scheme, although recommend that conditions be imposed in respect of hours of construction work, provision of any piling noise details, provision of a dust and mud scheme and the provision of a contaminated land assessment (reference to Radon in particular). It is considered that such conditions would fulfil the tests as set out within the Planning Practice Guidance and from this basis it is considered that the proposal would not harm the living conditions of existing local residents.

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

### Highway Matters

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

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

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

### Landscaping and Ecology

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

Furthermore, in support of the application, an Ecological Site Appraisal and Code for Sustainable Homes Ecology Assessment has been submitted, which whilst attributing the site to be of ecological value, sets out recommendations for ecological protection and enhancement. Measures to enhance the ecology of the site include the provision of bird boxes on the site. The comments from the third parties with regard to the use of the flats by common Swifts as nesting sites are acknowledged and, therefore, it is recommended that suitable swift nest boxes are provided within the finished scheme.

### Planning Obligations

Policy CS 11 states that “the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community (including sport, leisure and local community facilities) are delivered in a timely, efficient and effective manner.

The Council's Adopted Open Space Supplementary Planning Document outlines the requirement for developments of this scale to contribute financially to the provision or enhancement of public open space. In this instance the scale of the development justifies a contribution of £8,017.61 which would be spent on improvements to the toddler play area at the Kelvedon recreation ground, in accordance with the Open Space Action Plan.

Essex County Council as Local Education Authority has confirmed that they would not seek a contribution in respect of education infrastructure.

The applicant is a Registered Social Housing provider and is proposing development which would increase the affordable housing stock within the District. Policy CS2 specifies that 40% of residential units within developments of this size should be secured as affordable housing. However, on the basis that no education contribution is being sought, it is considered reasonable to secure 100% of the proposed residential units as affordable housing. This would need to be addressed within a Section 106 agreement, along with the public open space contribution.

At the time of writing, progress has been made with respect to the completion of the legal agreement. If an agreement is not completed in a timely manner, it is recommended that the failure to ensure the appropriate provision of affordable housing and an open space contribution would constitute a reasonable reason for the refusal of this application.



## Other Matters

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

The Parish Council have requested the ability to nominate tenants. The nomination powers rest with the District Council under agreed protocol, and not with individual parishes.

## CONCLUSION

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

## RECOMMENDATION

It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to ensure that all of the residential units at the site remain affordable housing units and that a financial contribution towards open space enhancement is made, the Development Manager be authorised to GRANT planning permission under delegated powers subject to the approved plans, conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed within three months of the date of this Committee, the Development Manager may use her delegated authority to REFUSE the grant of planning permission.

## APPROVED PLANS

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

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



Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

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

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of

the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

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

Reason

In the interests of conserving biodiversity.

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

Reason

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

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

Reason

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

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

Reason

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

- 10 The vehicle access onto Thorne Road shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with

the highway boundary shall not be less than 6 metres and retained at that width for 6 metres within the site.

Reason

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

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

Reason

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

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

Reason

To ensure adequate space for parking off the highway.

- 13 Details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the local planning authority prior to its provision. The approved facilities shall be implemented in accordance with the agreed details prior to the first occupation of any dwelling hereby permitted and thereafter permanently maintained as such.

Reason

To ensure appropriate bicycle parking is provided.

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

Reason

In the interest of promoting sustainable forms of development.

- 15 Details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority prior to its provision. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Reason

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

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

Reason

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

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

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

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

Reason

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

workers, neighbours and other offsite receptors.

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no work

Reason

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

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

Reason

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

INFORMATION TO APPLICANT

1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

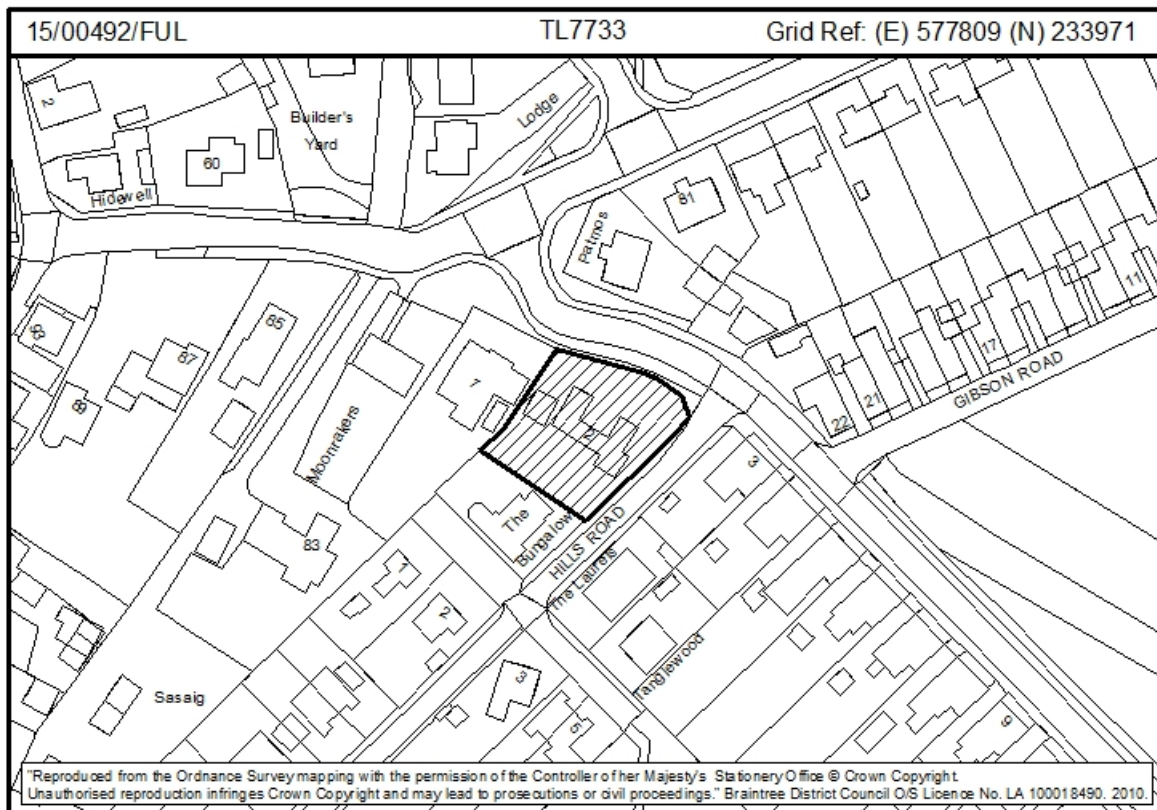
2 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

TESSA LAMBERT - DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00492/FUL DATE: 23.04.15  
 VALID:  
 APPLICANT: Mr A Keeble  
 2 Recreation Road, Sible Hedingham, Essex, CO9 3JG,  
 DESCRIPTION: Change of use of domestic swimming pool to canine  
 hydrotherapy pool including erection of log cabin to cover  
 the pool  
 LOCATION: 2 Recreation Road, Sible Hedingham, Essex, CO9 3JG,

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



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2            Town Development Boundaries and Village Envelopes  
RLP90          Layout and Design of Development  
RLP37          New Commercial and Industrial Activities within existing  
Residential Areas

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The Parish Council have objected to the application on the grounds that the building is too large and represents over development of the plot. The parish are also objecting on grounds of access and parking.

## SITE DESCRIPTION

2 Recreation Road is a large, mid-20<sup>th</sup> century bungalow on a corner plot between Recreation Road and the unmetalled Hills Road. The garden of the house has historically contained a large swimming pool. This is now being reconstructed as a smaller, shallower pool of 6m x3m. The pool is located 2 metres from the rear/southwest boundary.

## PROPOSAL

The applicant seeks permission to build a wooden cabin structure over the swimming pool that is currently being remodelled. The building would be 10m x 5.5m with a shallow pitched roof at a maximum height of 2.8 metres.

The structure would be 1.1 metres from the rear boundary and at the closest point 1.6 metres from the fenced boundary to Hills Road.



## CONSULTATIONS

Environmental Health has no objection to the proposal subject to conditions on the grant of permission.

## REPRESENTATIONS

No representations have been received.

## REPORT

### Principle of Development

The proposal is considered within policies CS9 and RLP2 which establish a principle for development within town boundaries.

Policy RLP 37 considers new commercial development within residential area. In this case the change of use is not to B1 and would not relate directly to the wording of the policy but it is considered that criteria of the policy in relation to the protection of character and amenity would apply some guidance to the consideration of this application.

It is considered that the change of use is not detrimental to the character of the area, the use being small scale and can be tied to the residential property by way of condition. The cabin building is not of an inappropriate scale and design and there would be no loss of neighbour's amenity as a result of the change of use.

### Design, Appearance and Layout

The applicant proposes a wooden cabin that would be 2.8 metres high. The applicant has reduced the surface level of the garden, to fill in the hole of the previous and larger swimming pool. This has lowered the final height of the proposed cabin in the street scene.

It is noted that under Permitted Development Rights up to half the area of the garden can be covered with outbuildings. In this case the reduced height of the garden and minimal pitch on the roof will result in a minor visible impact when seen from the neighbours garden or Hills Road.

The proposed structure is not particularly well illustrated in the application drawings but the manufacturers have supplied an illustration of the appearance which is considered to be of a suitable character for a residential back garden. As previously stated the structure will only have its roof visible from beyond the garden and it is considered that dark grey felt shingles would not harm the character of the area. A condition to secure an appropriate colour is considered appropriate.

### Impact on Neighbour Amenity

The structure would not affect the amenities of the neighbours and it is considered that the use within the structure would not be of sufficient intensity to harm the amenity of neighbours through noise. The applicant has verbally stated his intention to only provide service to one client at a time and it is proposed to control this through condition to ensure the business does not adversely affect the amenities of neighbours.

### Highway Issues

The applicant has a large driveway at the front of the house and has ample off road parking for client parking. It is not considered that the business would have negative impacts with regard to parking and vehicle movements.

### CONCLUSION

The proposal does not cause harm to the area and can be controlled via condition to protect the amenity of neighbours from an intense use of the site. The building is not considered overly large for the site, especially when considered against permitted development rights.

### RECOMMENDATION

Approve subject to condition.

### RECOMMENDATIONS

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

### APPROVED PLANS

Elevations  
Floor Plan  
Block Plan  
Location Plan

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

#### Reason

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

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

Reason

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

- 3 Notwithstanding the details submitted in the application the roof shall be finished in dark grey shingles and thereafter maintained in this colour

Reason

To protect the amenity of the area

- 4 There shall be no more than one customer at the site at any one time and there shall be no boarding or kennelling of animals on the site in connection with the business hereby approved.

Reason

In order to protect the amenity of the area and limit the scale of the business within a residential area.

- 5 The development hereby approved shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans.

Reason

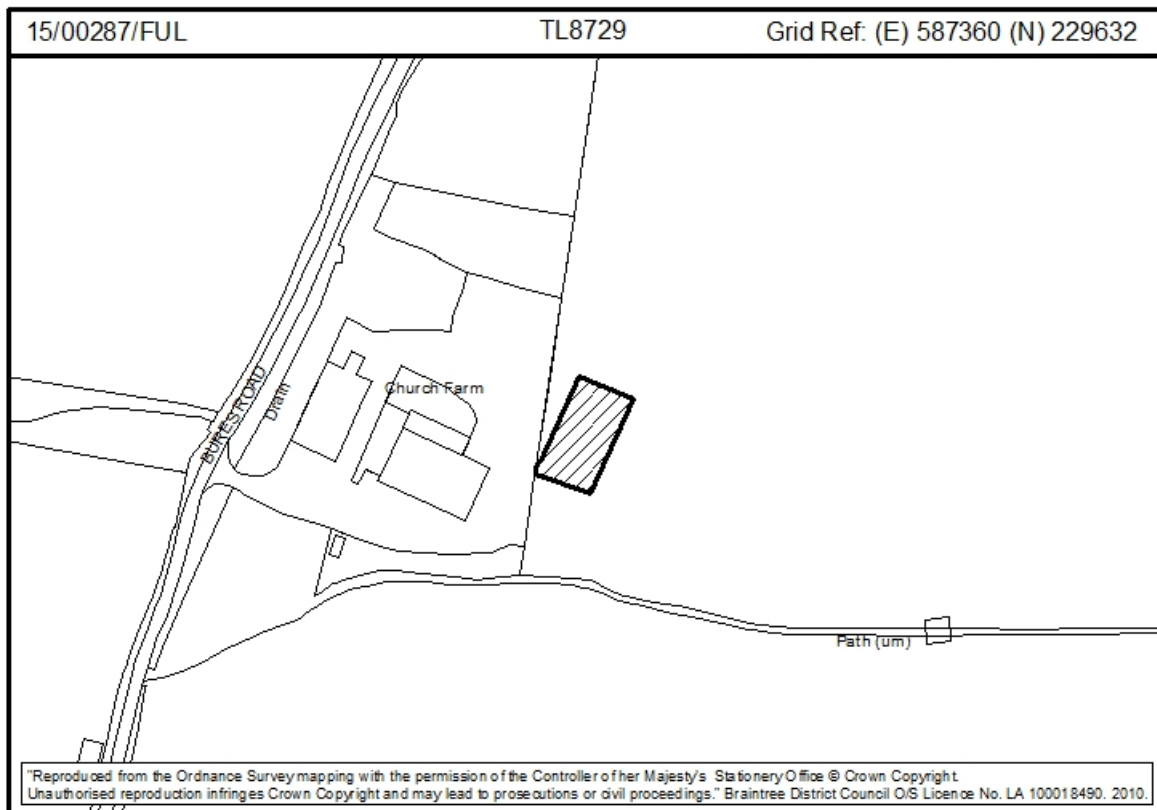
To protect the amenities of the occupiers of nearby residential properties.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00287/FUL DATE: 04.03.15  
 VALID:  
 APPLICANT: H J Fairs And Son  
 Mr Peter Fairs, Measow Barn, Great Tey Business Centre,  
 Warrens Farm, Great Tey, Colchester, Essex, CO6 1JG  
 AGENT: Tey Farm Systems Ltd  
 Mr Paul Eccles, The Old Piggeries, Great Tey Business  
 Centre, Warrens Farm, Great Tey, Colchester, Essex, CO6  
 1JG  
 DESCRIPTION: Erection of purpose built agricultural storage building  
 LOCATION: Church Farm, Bures Road, White Colne, Essex, CO6 2QA

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



## SITE HISTORY

10/01242/OUT	Erection of a dwelling for a farm operations manager	Refused	09.11.10
10/01719/AGR	Erection of storage building	Permission not Required	18.01.11
12/00036/AGR	Erection of storage building	Refused	10.02.12
12/00449/FUL	Erection of grain store to provide storage of crops and erection of a workshop to maintain farm machinery	Granted	24.05.12
14/00232/AGR	Application of prior notification of agricultural building - erection of agricultural building suitable for storage of crops.	Refused	19.03.14

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

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

### Braintree District Local Plan Review

RLP80        Landscape Features and Habitats  
RLP89        Agricultural Buildings  
RLP90        Layout and Design of Development

### Planning Practice Guidance

## INTRODUCTION

This application is brought before the Planning Committee as a letter of objection has been received from White Colne Parish Council.

## NOTATION

The site is located in the countryside.

## SITE DESCRIPTION

The site is a working farm located in the countryside to the north of White Colne. There are two existing modern farm buildings on the site, one of which contains drying equipment. The site is served by an existing access which leads to a farm yard to the rear of the existing buildings. There is a public footpath to the south of the existing buildings.

## PROPOSAL

This application seeks planning permission for the erection of a new purpose built agricultural storage building which would be used to store crops and machinery. The building would be sited to the west of the existing buildings and would measure approximately 48 metres x 24 metres. The height would measure approximately 7 metres to the eaves and 10.3 metres to the ridge. The external materials would comprise concrete panels with box profile sheeting above and fibre cement sheeting to the roof.

## CONSULTATIONS

Parish Council – Object. Consider that the building is too dominant, outside the original site boundary and would set a precedent for future development into the open countryside. It is also too visible from all aspects.

Environmental Services – No response at the time of writing.

## REPRESENTATIONS

A site notice was displayed. No letters of representation have been received.

## REPORT

### Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that applications should be considered in the context of a presumption in favour of sustainable development. It states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

Para.28 of the NPPF states that support should be given to economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In order to promote a strong rural economy support should be given to the sustainable growth and expansion of all types of business and enterprise in rural areas, including the development and diversification of agricultural and other land-based rural businesses.

The site lies beyond any defined settlement boundaries in an area where countryside policies apply. Policy CS5 of the Core Strategy states that

development outside town development boundaries and village envelopes will be strictly controlled to uses appropriate to the countryside in order to protect and enhance the landscape character and amenity of the countryside. Policy RLP89 makes provision for new agricultural buildings in the countryside.

The proposed building would serve an existing working farm. A comprehensive supporting statement has been submitted with the application which explains the nature of the business and the requirement for the proposed building. This indicates that the applicant farms nearly 2000 hectares of land across Essex, much of which is owned by other people and often has poor storage facilities and little or no drying equipment. This site is wholly owned by the applicant and acts as a central store and drying facility for the business. The applicant has stated that the building is required to support the functionality of the holding and to ensure that the business can continue to adapt to changing circumstances and remain competitive in the market.

The information indicates that the business produces approximately 14,000 tonnes of grain annually. At least half of this will require drying in a wet season. Each tonne that needs drying is brought to the Church Farm site. The site currently has storage capacity for 3,500 tonnes and therefore once the grain is dry much of it has to be taken back to the stores at other sites. Storage of up to 6,000 tonnes is available at other sites across the county. The business farms a variety of crops which requires greater segregation when it comes to storage. The new building would provide storage for up to 1,800 tonnes of crops and would significantly reduce traffic movements between sites.

The applicant is clearly trying to run a successful farming business. The proposal would improve the operation of the business and reduce the need to transport crops between sites. The principle of this proposal would comply with the policies set out above and is therefore considered acceptable.

### Design and Appearance

Policy RLP89 states that new agricultural buildings in the countryside should be of a design that is sympathetic to its surroundings in terms of scale, materials, colour and architectural detail.

Policy RLP90 seeks a high standard of layout and design in all developments. The layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality.

The building has been sited in the proposed location to enable farm vehicles to be able to access the building from the existing hardstanding which forms the farm yard to the rear of the existing buildings. The new building would create a form of enclosure to this farm yard. The crops are brought into the site and tipped into the extension on the northern side of the existing buildings



where they are dried. The building would therefore be easily accessible so that crops could be moved from the grain dryer for storage.

The building would be located on a previously undeveloped piece of land adjacent the existing hardstanding (farm yard). This area is already partly enclosed by some hedging along the eastern boundary. Whilst some of this hedging will need to be removed, the applicant is proposing to plant 30 oak trees and a new native hedgerow 300 metres in length along the eastern boundary of the site. This would extend from the woodland to the north, to the public footpath to the south. This would help to screen the building and act as an enclosure around the built form on the site.

The proposed building would be large, but is of a scale and design representative of many modern farm buildings. It would be a similar size to the existing extended building to the south west of it and similar external materials would be used. It would be within close proximity to existing modern farm buildings and would be appropriately sited for the operation of the farm. Details with regard to the need for crop storage have been set out above. Details have also been provided of the types of machinery which also need to be stored. Having regard to its siting, the existing roadside landscaping, and woodland to the north, it is unlikely that this building would be visible from the road. Whilst it would be visible from the public footpaths to the east and south it would be seen within the context of the working farm and the existing farm buildings. It would not impact upon the setting or outlook from any other buildings. Taking these points into account, along with the support which should be given to supporting agricultural businesses, it is not considered that the proposed building would have such an unacceptable impact upon the rural character of the area which could substantiate withholding planning permission.

#### Impact Upon Neighbouring Amenity

There are no residential dwellings within close proximity of the site.

#### Highways Considerations

The site is served by an existing access which benefits from good visibility in both directions. There is an existing hardstanding which extends from the access to the rear of the existing buildings and would also serve the proposed building.

#### CONCLUSION

The site comprises an existing working farm in the countryside which is seeking to improve storage facilities and the operation of the farm. A detailed justification has been provided for the proposed building. It is considered that the location, design and size of the barn would relate to the existing buildings and it is noted that the applicant is willing to implement a landscaping scheme in order to help mitigate the visual impact of the building. It is considered that the proposal accords with the policies set out above.

## RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan

Block Plan

Proposed Plans      Plan Ref: 14-203-01

Landscaping          Plan Ref: HEDGE \_TREE PLANTING PROPOSAL  
Version: 2014/435/01

Landscaping          Plan Ref: HEDGE \_TREE PLANTING NOTES Version:  
2014/435/02

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

### Reason

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

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

### Reason

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

- 3 The external materials shall comprise:

- Concrete panels - neutral finish;
- Plastisol coated box profile sheeting. Colour: Van Dyke Brown BS08B29
- Fibre cement roof sheets. Colour: Olive Green BS23B27

unless otherwise agreed in writing by the local planning authority.

### Reason

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

- 4 The scheme of landscaping indicated upon the approved plan listed above, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within

a period of five 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.

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

Reason

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

- 6 The building shall be used for agricultural purposes only and no other use.

Reason

The site is located in the countryside where development other than for agricultural purposes is not normally permitted.

### INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written

request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

- 3 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

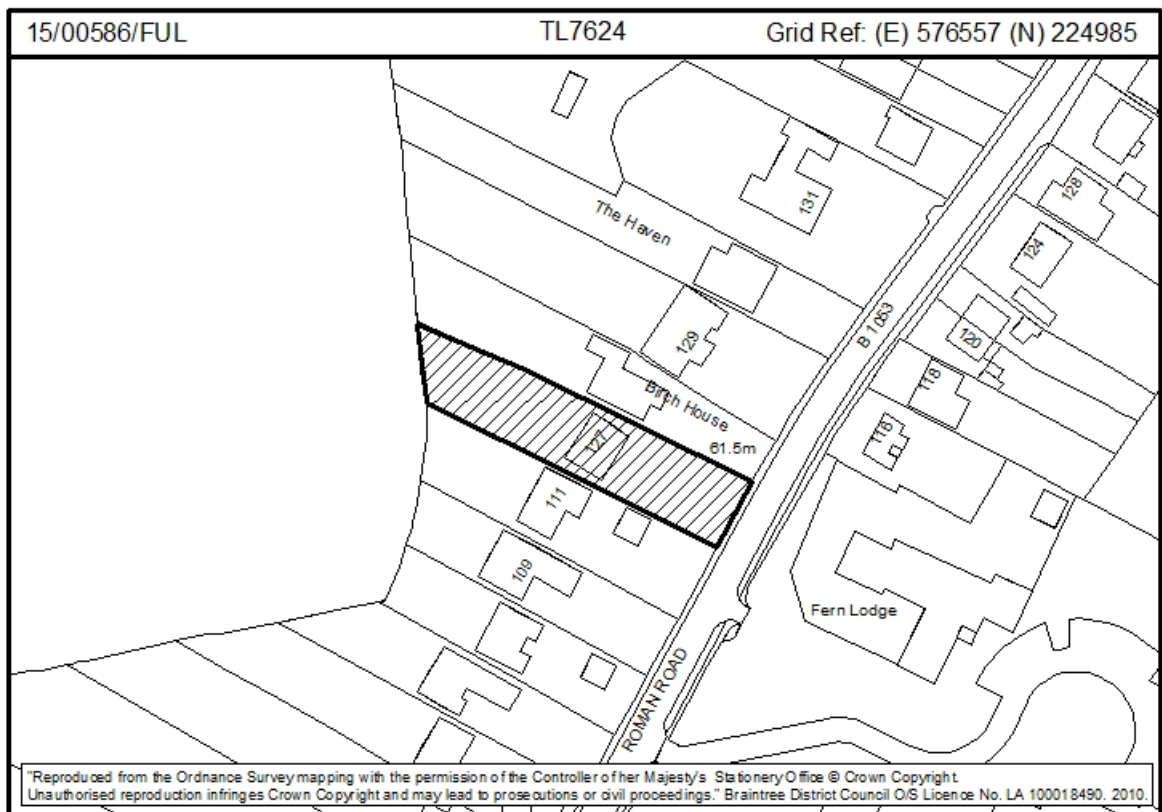
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION 15/00586/FUL DATE 08.05.15  
NO: VALID:  
APPLICANT: Mr & Mrs Edwards  
127 Broad Road, Braintree, Essex, CM7 9RZ  
DESCRIPTION: Proposed raising of roof with insertion of dormer windows,  
erection of porch and associated works  
LOCATION: 127 Broad Road, Braintree, Essex, CM7 9RZ

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](mailto:fayfi@braintree.gov.uk)



## SITE HISTORY

00/00463/FUL	Erection of double garage	Granted	25.05.00
88/00977/P		Granted	06.06.88
	Erection Of Two Storey Rear Extension		
12/00682/FUL	Proposed raising of roof with insertion of dormer windows, erection of porch and associated works	Granted	25.07.12

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

### Braintree District Local Plan Review

RLP17 Extensions and Alterations to Dwellings in Towns and Villages  
RLP90 Layout and Design of Development

## INTRODUCTION

The application is being presented to the Planning Committee due to the applicant being an employee of Braintree District Council. This application is also a renewal of an extant planning permission.

## PROPOSAL AND SITE DESCRIPTION

The application site is located to the West of Broad Road at the Northern tip of the Braintree Town Development Boundary. The site measures 70 metres deep and 15 metres wide and contains a two storey dwelling, with a large detached double garage at the frontage of the plot.

The application proposes the conversion of the roof space to additional habitable accommodation through the increase of the ridge height of the main roof of the dwelling and the existing front gable-ended projection, the associated change to the pitch of the roofs and the insertion of a dormer at the front of the dwelling and three dormers at the rear.

The main roof of the dwelling would increase from a height of 7.3 metres to a height of 8.5 metres. The gable-ended projection would increase from a maximum height of 6.6 metres to a height of 8.2 metres.

The application also proposes the creation of a porch extension at the frontage of the dwelling that would measure 1.2 metres deep and 2.4 metres wide and feature a pitched roof built to a maximum height of 3.5 metres.

## CONSULTATIONS

None Required.

## REPRESENTATIONS

A site notice was posted at the site and letters were sent to neighbouring residents. No letters of representation have been received.

## REPORT

### 1. Principle of Development

The application is for the renewal of a permission that remains extant. Accordingly, it is most appropriate to consider the application in relation to the Department for Communities and Local Government document titled "Greater Flexibility for Planning Permissions."

This document states that "LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission."

There has been no material change in development plan policies or other material considerations since the previous grant of permission, therefore there is no objection in principle to the proposal.

### 2. Design and Appearance.

Policies RLP3, RLP17 and RLP90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. The layout, design and density should be in harmony with the existing surrounding development. Furthermore policy RLP17 emphasises that siting, bulk, form and materials of the extension should be compatible with the original dwelling.

The character of Broad Road is quite mixed with single and two storey dwellings, some of which include dormer windows, on fairly large, deep but thin, plots.



The proposed extension would increase the height of the dwelling by 1.2 metres, but this is not considered to be harmful to the character of the surrounding area on the grounds that both the neighbouring dwellings are of similar height and the changing ground levels and dwelling styles means that there is very little height uniformity. The neighbouring dwellings both feature roof pitches that are more comparable to the resultant dwelling at this site than the existing.

The proposal is reliant on the insertion of dormer windows, with three being at the rear and one being at the front. The three at the rear are large, would have quite an impact on the rear elevation of the dwelling and would be visible from the rear of the neighbouring properties and from the agricultural land beyond. However, the impact is considered to be of little harm to the character of the wider area as the dormers are hidden from the majority of the public domain due to their positioning at the rear.

The dormer at the front does emphasise the fact that a third floor of accommodation is being created in an area of mostly two storey accommodation. Although this may distinguish the application property from its neighbours, it is in an area of such diverse design character that it would not harm the street-scene to an unacceptable extent. Dormers are not uncommon within the surrounding area and as such any objection could only be to the insertion of a dormer to create a third storey which is not considered to be an appropriate reason for refusal in this instance. The set back from the highway and the screening provided by other dwellings, trees and garages also helps to reduce the prominence of the proposed works.

### 3. Impact on Neighbouring Residential Amenity.

The existing dwelling is neighboured by two residential properties, both of which include windows in the side elevation.

The property to the North (Birch House, 127a Broad Road) includes two obscure glazed windows in the side elevation and it is noted that the increased roof height would have some impact on the light received within those windows. However, as they are obscured it is assumed that they serve non-habitable rooms and as such the significance of the impact is greatly reduced.

The property to the South (111 Broad Road) includes one North facing window that also appears to serve a non-habitable room. This window would receive less light due to it being North facing and for similar reasons as above, it is considered that the impact on the light received would not harm overall residential amenity to an extent that is materially worse than the existing situation.

The outlook and privacy of the abovementioned neighbours would not be harmfully affected by the proposals.

#### 4. Other Matters.

The proposal would have no impact on trees, parking provision, highway safety or any other material planning considerations.

#### CONCLUSION

The application proposes the extension of an existing dwelling through works to the roof that are not entirely compatible with the surrounding area, but not out-of-keeping to an extent that would materially harm the character of the existing dwelling, the street-scene or the area in general. The proposed development would not harmfully affect the amenity of neighbouring residents. It is therefore considered that the proposal is compliant with the abovementioned planning policies.

#### RECOMMENDATIONS

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

#### APPROVED PLANS

Location Plan	Plan Ref: 01	
Proposed Plans	Plan Ref: 02	Version: A

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

##### Reason

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

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

##### Reason

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

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

##### Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER