

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 03 February 2015**

**Time: 19:15**

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

## **Membership:**

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

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

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

## **PUBLIC SESSION**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

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

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 20th January 2015 (copy to follow).

### **4 Public Question Time**

(See paragraph below)

## **5 Planning Applications**

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

### **PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 14 01331 REM - 1 The Savilles, Gages Road, BELCHAMP ST PAUL</b>	<b>5 - 14</b>
<b>5b</b>	<b>Application No. 14 01387 FUL - Land at Highfields Farm, West Street, COGGESHALL</b>	<b>15 - 20</b>
<b>5c</b>	<b>Application No. 14 00587 FUL - Oxford House, Upper Holt Street, EARLS COLNE</b>	<b>21 - 36</b>
<b>5d</b>	<b>Application No. 14 00588 LBC - Oxford House, Upper Holt Street, EARLS COLNE</b>	<b>37 - 42</b>
<b>5e</b>	<b>Application No. 14 00599 FUL - 190 London Road, GREAT NOTLEY</b>	<b>43 - 58</b>
<b>5f</b>	<b>Application No. 14 01156 FUL - Head Street Studio, Head Street, HALSTEAD</b>	<b>59 - 66</b>

### **PART B**

Minor Planning Applications:-

<b>5g</b>	<b>Application No. 14 01199 FUL - The Smallholding, Ferriers Lane, BURES HAMLET</b>	<b>67 - 72</b>
<b>5h</b>	<b>Application No. 14 01375 FUL - Grimwoods, Braintree Road, CRESSING</b>	<b>73 - 78</b>
<b>5i</b>	<b>Application No. 14 01320 FUL - Cardinals, Magdalene Crescent, SILVER END</b>	<b>79 - 86</b>
<b>5j</b>	<b>Application No. 14 01436 FUL - 13 Church Street, STEEPLE BUMPSTEAD</b>	<b>87 - 92</b>
<b>5k</b>	<b>Application No. 14 01534 FUL - Hazel Cottage, Broad Green, STEEPLE BUMPSTEAD</b>	<b>93 - 98</b>
<b>6</b>	<b>Planning and Enforcement Appeal Decisions - December 2014</b>	<b>99 - 100</b>

**7 Urgent Business - Public Session**

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

**8 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

**9 Urgent Business - Private Session**

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

E WISBEY  
Governance and Member Manager

**Contact Details**

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

**Public Question Time**

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

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

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

**Health and Safety**

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

**Mobile Phones**

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

**Comments**

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

Please let us have your comments setting out the following information

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

Comment .....

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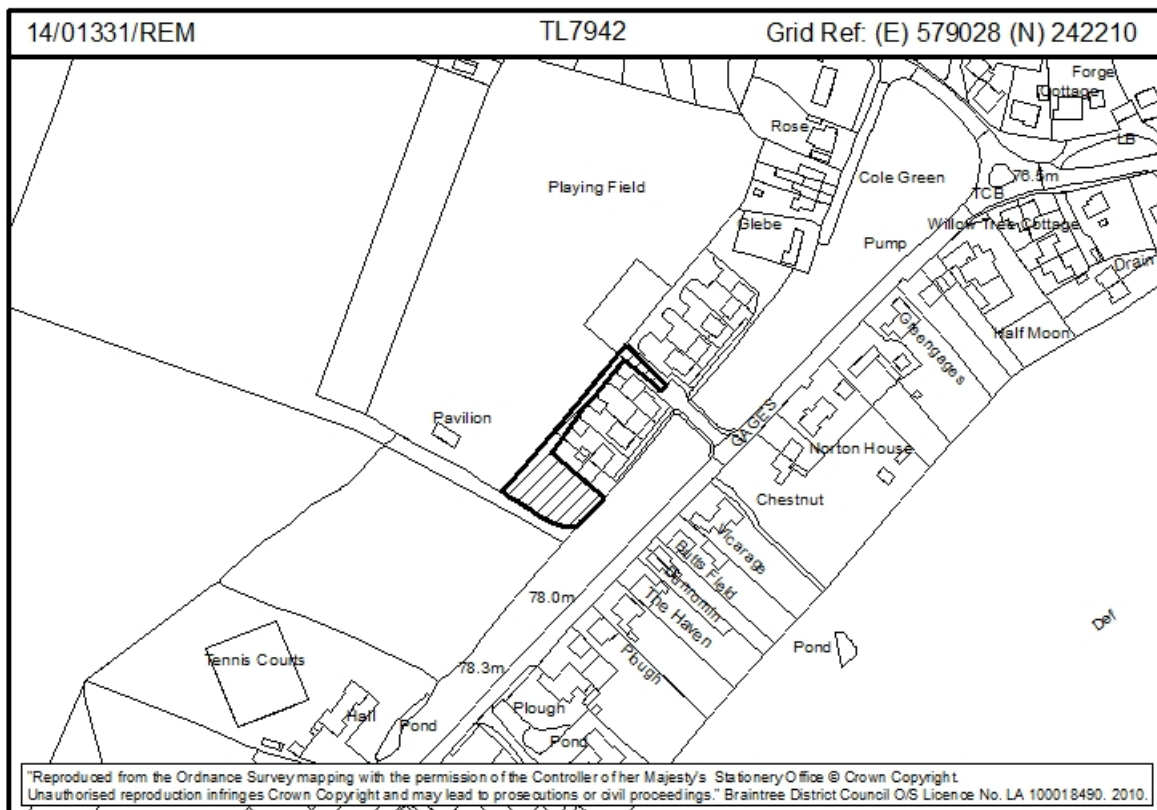
Contact Details: .....

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 14/01331/REM DATE: 13.10.14  
VALID:  
APPLICANT: Park Hill Homes (UK) Ltd  
Mr Rober Brown, Kenburgh Court, 131-137 South Street,  
Bishop Stortford, Herts, CM23 3HX  
AGENT: Robert Crawford Associates  
Mr Charles Nash, Barn Studio, Lindsell, Gt Dunmow,  
Essex, CM6 3 QJ  
DESCRIPTION: Application for reserved matters following outline approval -  
Erection of two detached dwellings  
LOCATION: 1 The Savilles, Gages Road, Belchamp St Paul, Essex,  
CO10 7BU

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



## SITE HISTORY

14/00290/OUT	Erection of two detached dwellings	Granted with S106 Agreement	09.06.14
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

## INTRODUCTION

The application is being brought before the Planning Committee due to letters of objection from the Parish Council and members of the public contrary to the Officers recommendation for approval.

## SITE DESCRIPTION

The application site is located to the North West of Gages Road, within the Village Envelope of Belchamp St. Paul and the Belchamp St. Paul Conservation Area. The main part of the site measures 34 metres by 22 metres (730 sqm total) and is linked to the public highway of Gages Road by a track that leads from the North East corner of the main site, to the rear of the properties of no. 1 to no. 5 The Savilles before reaching the access drive between no. 5 and no. 6 The Savilles which then crosses a ditch and a large greensward before joining Gages Road.

The site is currently used as the side garden of no. 1 The Savilles which has already obtained outline planning permission for the erection of two dwellings. The site is surrounded by ditches at the South East and South West boundaries and to the South of the site is an area of open amenity land, which forms the village playing fields.

### PROPOSAL

This is a reserved matters application following approval of outline planning application 14/00290/OUT. It seeks approval for matters of access, scale, layout, landscape and appearance. Condition 11 of 14/00290/OUT has already been discharged under application 14/00233/DAC regarding a scheme of archaeological work.

The layout of the site consists of two detached 4 bedroomed dwellings which appear to follow the general building line along The Savilles, however project slightly further forward of 1 and 2 The Savilles. The buildings are similar in character, consisting of a front gable and canopy, however plot two is larger than plot one thereby the appearance and design of the two dwellings differs slightly.

The parking is to be located at the very rear of the site and consists of four tandem spaces, two for each dwelling on the South West aspect of the site. Access is to be utilised from the track as aforementioned. Plot 1 and 2 are also to be served by a pedestrian access at the front of the dwelling which extends to the access drive as aforementioned.

Plot one is to be served by a rear garden area measuring 133 sqm, and plot two is to be served by a garden area of 105 sqm. Hedging is to be planted parallel to the South West boundary curve, which would then meet an existing hedge at the front of the site (East).

### CONSULTATIONS

#### Essex County Council Highways Officer

No objection to the proposal:

- Stipulates that parking spaces should be 5.5m by 2.9m in accordance with the Adopted Parking Standards
- Suggests an informative regarding any works to the highway.

#### Braintree District Council Engineers

Not aware of any surface water issues affecting the site.

#### Braintree District Council Landscape Officer

Initially raised a number of concerns and did not support the application. Revised plans and further information was submitted to address the issues raised, except for condition 4 attached to 14/00290/OUT:

*“The applicant needs to submit a method statement outlining how they will construct the parking space without damaging the roots of the tree. This method statement should have been included as part of the tree survey to BS 5837:2012. We also still need a plan plotting the line of the protective fencing for the avoidance of doubt. 27514/29 shows the RPZ, but does not show the line of the fencing.”*

Therefore condition 4 of the outline application will be required to be discharged separately from the Reserve Matters Application.

#### Essex County Council Historic Buildings Advisor

The Historic Buildings Advisor has no objection to the application following the approval of application 14/00290/OUT, but suggests small revisions to design elements of the proposed dwelling. He also recommends conditions regarding materials and joinery.

#### Belchamp St. Paul & Belchamp Otten Parish Council

Object to the proposal:

- Two 4 bedroom dwellings considered excessive for the site
  - Councillors in favour for a pair of semi's
- Concerns regarding number of parking spaces in comparison to number of bedrooms
  - Causes obstruction to residents
  - Plant and heavy materials being used on small lane
- Existing ramp creates access to village green without permission

#### REPRESENTATIONS

Three letters have been received detailing the following objections:

- Site cannot support two detached dwellings (out of character)
  - Pair of semi-detached dwellings more suitable
  - No other 4 bedroom properties nearby
  - No dwellings nearby have dormers or weatherboarding
- Footprint larger than others along The Savilles
- Insufficient levels of parking will be provided for existing and both proposed dwellings
  - Limited on-road parking
    - Where would visitors park



- Cause obstruction to parkland and residence
    - Gages Road used by large farm vehicles on regular basis
- Limited access – delivery vehicles
- Development may cause damage to root protection areas of horse chestnut trees at the front of the development.

## REPORT

### Principle of Development

The principle of development at this site for two detached dwellings has been established under outline planning application 14/00290/FUL. Therefore this application will consider all other reserve matters; appearance, scale, layout, landscape, access and parking. It would therefore be completely unreasonable to refuse the application because the dwellings are detached and not semi-detached.

### Design, Appearance and Layout

#### Policy

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

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

Moreover, as the site is within the Belchamp St. Paul Conservation Area, the Local Planning Authority is also required to have regard to the impact on the character, appearance and setting of the Conservation Area as is required by policy RLP95 of the BDRLP and the Planning (Listed Building and Conservation Areas) Act 1990.

### The Existing Character of the Area

The existing dwellings along The Savilles consist of a mixture of building scales and appearances, little which appears to offer much distinct historical value. As such, The Savilles is not considered to establish a distinct character in the conservation area. The existing dwellings are set back a minimum of 28m from Gages Road and as such also do not have significant prominence in the wider street scene. Notwithstanding the above, it is considered

therefore that the existing dwellings do not establish a distinct character in the wider locality.

### The proposed dwellings

The proposal comprises details of the design, appearance and layout of both dwellings approved at outline stage under application 14/00290/FUL. The application initially proposed a layout whereby parking was located outside the rear of each dwelling, and an oil tank enclosure to the South West corner of the site. This raised concerns with regard to the amenity space afforded to plot 2, which on the initial layout was below 100 sqm. Subsequently, a revised plan was submitted illustrating a revised layout, where parking was moved in tandem on the South West corner for each dwelling, and the oil tank enclosure moved into a gap at the rear in between both dwellings. This provided over 100 sqm of amenity space to both dwellings as discussed below.

The dwellings have been labelled plot one (most Southern) and plot two. Plot 1 measures 7.2m in width by 11.6m in length (at its longest point) and has a total floor space (including ground and first floor) of 157 sqm. Plot 2 measures 7.8m in width by 10.1m in length (at its longest point) and has a total floor space (including ground and first floor) of 149 sqm. Plot 2 is therefore a slightly different size as it has a larger width and as such offers a different vernacular to that of plot 1.

Plot 1 appears to mimic the appearance of a one and a half storey dwelling, with a front dormer at first floor level and a two storey front gable element. Plot 2 also include a front two storey gable which aims to be similar to that of plot 1 in regards to scale, but does not try and replicate a one and a half storey appearance. To ensure that the dwellings appear as distinct as possible, revised plans were submitted moving the front gable on plot 2 to the North East side of the front elevation.

The rear of plot 1 consists of a large two storey gable measuring 3.7m in depth and also includes a part two storey, part single storey gable on the other aspect (most Southern) of the rear elevation. The single storey rear extension matches the depth of the proposed two storey gable extension. Plot 2 at the rear consists of two gables of the same depth (approx. 2.5m), however one slightly wider than the other. Plot 1 and 2 are also proposed to have different fenestration details. Parking is proposed to be at the rear of the dwellings in tandem with pedestrian access to the front of each dwelling.

The dwellings as proposed have been designed to match the existing ridge height and line of the adjacent dwelling 1 The Savilles. It would appear that the dwellings have been designed to conform to the existing building line of other dwellings as far as possible, but both plot 1 and 2 would however project further than the rear of 1 The Savilles. 1 The Savilles measures 8.4m in width and has a floor space of approximately 94 sqm.

It is therefore considered that while plot 1 and 2 are similar in their scale and form, the finer detailing would enable them to stand out as individual units. The design of the proposed dwellings would also be different to any existing dwelling along The Savilles, and would consist of a larger footprint. However, taking into consideration the mixed character of the area and the individual detailing of each dwelling, it is considered the proposal would not cause detrimental harm to the character and appearance of the conservation area.

### Impact on Neighbour Amenity

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

Due to the location of the proposed dwellings the only directly affected neighbouring dwelling will be 1 The Savilles. Plot 2 is to be located adjacent to this dwelling, and project 2.5m further beyond the rear boundary of number 1 The Savilles. It is considered that due to the scale and location of the dwellings that there would not be any detrimental impact on privacy or loss of light on number 1 The Savilles, and as such the application cannot be refused on these grounds.

The occupation of the site would lead to the intensified use of the access which may cause some disturbance or inconvenience to the existing residents of The Savilles, but it is considered that this would not result in such harm to residential amenity that would justify the refusal of the application. It is also acknowledged that the site will be difficult to access during a construction period and this would undoubtedly cause inconvenience and disturbance. However, this would only be for a temporary period and would not present ongoing harm to the amenity of the neighbouring residents.

### Highway Issues

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

The Council's Adopted Parking Standards require two parking spaces to be provided for all residential units that are proposed at this site. The revised layout plan demonstrates that four tandem parking spaces are to be provided at 5.5m by 2.9m which conforms to the aforementioned parking standards. It would therefore be unreasonable to refuse the application because more parking is not provided.

### Landscape and Ecology

Since the approval of application 14/00290/OUT an application was submitted to carry out works to multiple trees within/adjoining the site

(14/00253/TPOCON). This consisted of the removal of some de minimus trees on the site, a reduction in height of a tree hedge at the front of the site and the crown lifting of 3 horse chestnuts at the front of the site. These works were approved and would appear to have been carried out.

The Landscape Officer initially raised concerns with the initial layout design with regard to root protection areas. The gas tank enclosure was to be located within a root protection area, however this has subsequently been moved and instead replaced with parking spaces for each dwelling. A concern also related to the storage of materials during construction which could damage root protection areas. While details of fencing appearance/specification have been submitted, there has not been sufficient detail indicating where the fences may be on the site. Thus, this detail will be controlled via a condition.

Concerns were also raised with regard to shading of the proposed dwellings by the retained trees at the front of the site. However, taking into consideration the works which have crown/reduced these trees, it is considered that this will not be an issue straight away, and any future works to reduce the trees are controlled under a section 211 notice (notification of works to tree(s) in conservation area application).

The Landscape officer commenting on the revised layout plan suggests that condition 2 (landscaping and planting scheme) and condition 3 (details showing height, girth etc. of all existing trees) attached to 14/00290/OUT can be discharged. He still suggests however that condition 4 (tree protection plan) has not been satisfied, however, this condition still holds on the original outline permission.

Concerns were raised in regard to the digging of an archaeological trench within a tree protection area (condition 11 attached to 14/00290/OUT). This has now been discharged under application 14/00233/DAC and as such has addressed this concern.

### Other Matters

Concerns have been raised regarding an 'illegal' pedestrian access to the green owned by the Parish Council. No indication of this access is illustrated on the plans and as such it cannot be considered a material consideration in this instance.

### CONCLUSION

The details submitted in regards to access, scale, layout, landscape and appearance are considered to be acceptable. The dwellings would not appear as identical units in the conservation area, and the layout will adhere to the current site context in regard to landscaping and access. Therefore the application for reserved matters is considered to be acceptable and should be approved.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

## APPROVED PLANS

Location Plan	Plan Ref: 27541/1	
Floor Plan	Plan Ref: 27514/3	Version: B
Elevations	Plan Ref: 27514/4	Version: A
Elevations	Plan Ref: 27514/5	Version: A
Second Floor Plan	Plan Ref: 27514/7	
Block Plan	Plan Ref: 27514/8	Version: B
Landscaping	Plan Ref: 27514/9	Version: A
Landscaping	Plan Ref: 27514/10	
Landscaping	Plan Ref: 27514/11	
Site Plan	Plan Ref: 27514/27	Version: E
Landscaping	Plan Ref: 27514/28	Version: A

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

### Reason

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

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

### Reason

To ensure adequate parking space is provided.

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

### Reason

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

- 4 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

**INFORMATION TO APPLICANT**

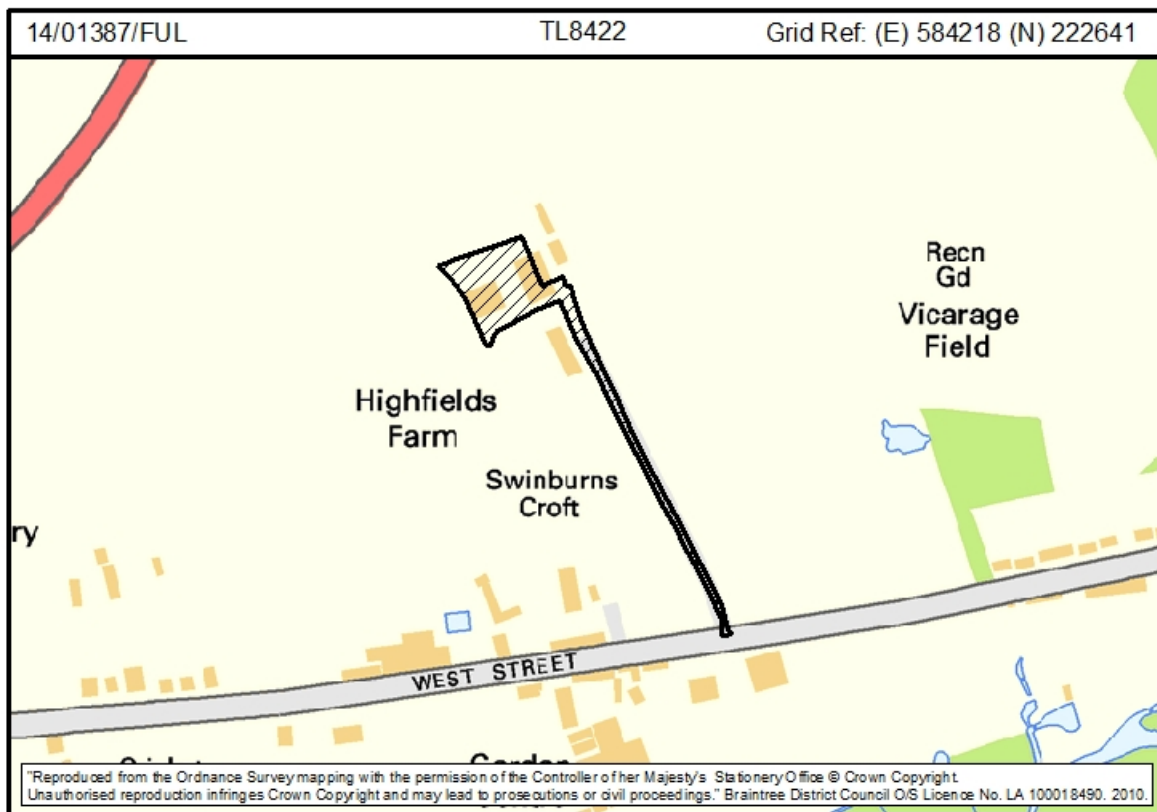
- 1 You are reminded of the need to comply with/discharge all relevant conditions attaching to the outline planning permission 14/00290/FUL dated 09/06/2014. In particular attention is drawn to condition 4.
- 2 Please note that in accordance with Government Legislation a formal application must be made 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 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 14/01387/FUL      DATE: 28.10.14  
 VALID:  
 APPLICANT: Mr John Horn  
 Quinta Roas, Barrow Hall Road, Barling, Essex, SS3 0QW  
 AGENT: Pomery Planning Consultants Ltd  
 Mr Robert Pomery, Abbeygate One, 8 Whitewell Road,  
 Colchester, Essex, CO2 7DF,  
 DESCRIPTION: Relocation and conversion of barn to residential use  
 following approval of 14/00115/FUL  
 LOCATION: Land at Highfields Farm, West Street, Coggeshall, Essex

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





## SITE HISTORY

77/00132/P	Alterations and proposed garage	Granted	23.03.77
14/00115/FUL	Proposed barn conversion and consolidation (demolition) of redundant rural buildings	Granted with S106 Agreement	07.04.14

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2            Town Development Boundaries and Village Envelopes  
RLP38           Conversion of Rural Buildings  
RLP65           External Lighting  
RLP90           Layout and Design of Development  
RLP100          Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is reported to Members as two letters of representation supporting the proposal have been received, contrary to the Officer recommendation.

## SITE DESCRIPTION

The application site is located within a complex of buildings at Highfields Farm which is within an area of open countryside and situated to the north of West Street Coggeshall. The buildings identified as barns B and C on the submitted existing block plan are of a functional portal framed design, they are cited by the applicant as being redundant. The Milking Barn to the north east is curtilage listed, being associated with dwellings of The Cartlodge and Highfields Farm which are grade II listed in their own right, and situated to the east and south of the application site respectively. The site is accessed via a driveway which runs in an approximate northerly direction from West Street, adjacent to the eastern boundary of Highfields Farm.



## PROPOSAL

Planning permission 14/00115/FUL granted the conversion of Barn B and the consolidation (demolition) of redundant rural buildings, namely the open sided element abutting the eastern elevation of Barn B, and Barn C in its entirety. 2no. containers currently situated between barns B and C would also be removed.

It was previously proposed to convert the remaining part of Barn B into a contemporary 4 bedroom dwelling, with quartz zinc standing seam cladding to the roof and external elevations. Windows would be framed in dark grey aluminium, with the northern gable fully glazed and including integral blinds.

However, due to 'Operational/landownership issues' (which have not been clarified), the applicant states that it is now desirable to move the barn conversion (Barn B) to an alternative position on site. The revised location therefore seeks to reposition Barn B to the site of Barn C, which is to be demolished.

## CONSULTATIONS

Landscape Services – No objection or further comment.

ECC Highways – The Public right of way which crosses the driveway shall be kept open and accessible at all times.

The Ramblers Association – Reiterate the comments of ECC above.

Coggeshall Parish Council – Object to the proposal and agree with the comments made by the Historic Environment Consultant.

Historic Environment Consultant – The current location of barn B is on a similar footprint to that of an earlier agricultural building(s) and, together with the existing cartlodge and milking barn, maintains the approximate layout of the traditional close-knit farm group. However, barn C is a late 20<sup>th</sup> Century modern structure that is separate from the 'historic' farm group.

It is appreciated that both barns B and C are modern buildings and that even the older farm buildings have either been converted or have permission to be converted, nonetheless the relationship of the modern buildings within the context of the historic farm group and the traditional relationship of this farm group with the listed Highfields Farmhouse is clearly of importance. If this link is diminished, which it would be if the barn is relocated as proposed, then the converted barn just becomes a large new dwelling in the countryside, and the pattern of development of the farm group fragmented.

He recommends that the position of barn B stays as approved.

## REPRESENTATIONS

Two letters of support have been submitted from the owner/occupier of Old Milking Barn and from the prospective purchaser of the new dwelling. The main reasons for support are that it would move the built form of barn B further away from Old Milking Barn, to the benefit of its occupants, and that the proposal would provide a new home which is considered to be sustainable development.

## REPORT

### Principle

As set out above, the principle of a new unit of residential accommodation has already been deemed acceptable on the application site, pursuant to the grant of 14/00115/FUL. However, that proposal was for the conversion of an existing barn (barn B), rather than the re-erection of a structure, which for all intents and purposes amounts to a new dwelling in the countryside, being outside the defined settlement boundary for Coggeshall.

Core Strategy Policy CS5 and Local Plan Review Policy RLP2 state that development should be restricted to those uses that are appropriate in the countryside. This approach is supported by the National Planning Policy Framework (NPPF) in paragraph 55, which states that 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. Whilst the site is not within what could be described as a remote rural location, the proposed new dwelling would nonetheless be in a more isolated position, once the other modern farm buildings have been removed.

### Character and Appearance

It was previously held that the removal of a significant amount of built form, which currently comprises modern redundant farm buildings of a functional appearance would enhance the setting of the surrounding listed buildings. Furthermore, whilst the subject building (barn B), once converted in its existing location would have been of a contemporary, rather than traditional agricultural appearance, it was considered that the proposals would fulfil one of the core planning principles of the NPPF which is to ensure that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

However, NPPF paragraph 58 states, *inter alia*, that planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. In addition, at paragraph 131, the NPPF states that in determining planning applications, local planning authorities should take account of, *inter alia*, the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, in

paragraph 132 the NPPF states that the significance of designated heritage assets (the surrounding listed buildings) can be harmed through, amongst other things, development within its setting.

Core Strategy Policy CS9 states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to, *inter alia*, respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings. This sentiment is also reflected with Policy RLP100 which seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

Having regard to the comments made by the Historic Environment Consultant, the current location of barn B is on a similar footprint to that of an earlier agricultural building and, together with the existing cartlodge and milking barn, maintains the approximate layout of the traditional close-knit farm group. Barn C is however of late 20<sup>th</sup> Century origin, is separate from the 'historic' farm group and consequently no objection was raised previously to its demolition.

Whilst both barns B and C are modern buildings and the older farm buildings have been converted, nonetheless the relationship of barn B within the context of the historic farm group and the traditional relationship of this farm group with the listed Highfields Farmhouse is of historical importance. If this link was to be diminished, which it would be if barn B were to be relocated as proposed, then the converted barn would just become a large new dwelling in the countryside, with the pattern of development of the farm group fragmented. Such a proposal would fail to preserve the setting of the surrounding listed buildings, contrary to the above planning policy context.

#### Impact on Neighbouring Residential Amenity

Due to the location of the building, within an established collection of buildings, and the fact that the built form on the site would be reduced, it is considered that the outlook enjoyed by the occupants of the surrounding residential dwellings would be enhanced. Any views from above ground floor windows would be oblique and unlikely to give rise to a material level of overlooking or loss of privacy.

#### Highway Considerations

The proposals would not give rise to a material impact upon the safety of the highway network, subject to the Public right of way network being kept open and in good condition.

#### Conclusion

Whilst the principle of a new residential unit of accommodation has previously been found to be acceptable on the application site, this was through the conversion of an existing building (barn B). The proposal to move the frame

of barn B into a new location would be tantamount to the erection of a new dwelling in the countryside, which is generally contrary to the rural policies of restraint as set out within the development plan. Furthermore, by removing built form away from the present location of barn B, it would diminish the traditional close-knit farm group of the historic farm group, to the detriment of, and therefore failing to preserve the setting of the adjacent listed buildings.

## RECOMMENDATION

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

- 1 Paragraph 58 of the National Planning Policy Framework (NPPF) states, inter alia, that planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of, inter alia, the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, in paragraph 132, the NPPF states that the significance of designated heritage assets (the surrounding listed buildings in this case) can be harmed through, amongst other things, development within its setting.

Core Strategy Policy CS9 states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to, inter alia, respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings. This sentiment is also reflected with Policy RLP100 which seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

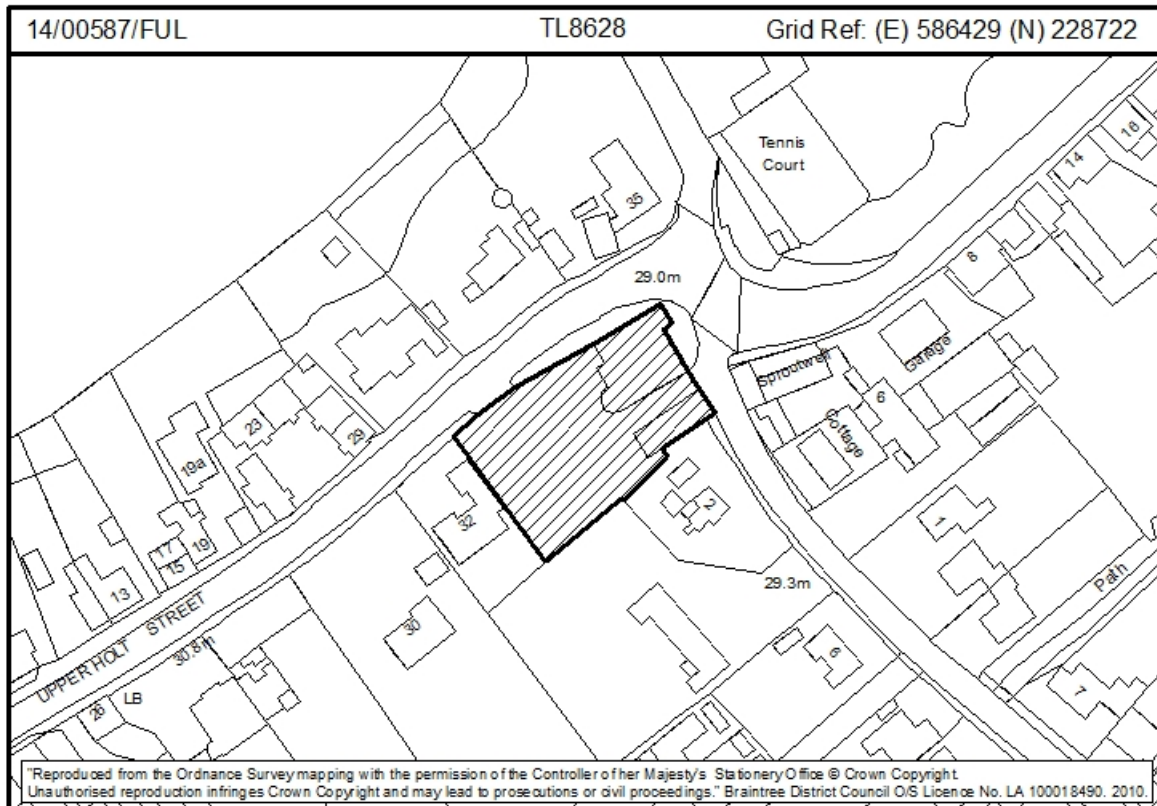
The current location of barn B is on a similar footprint to that of an earlier agricultural building and, together with the existing cartlodge and milking barn (both listed buildings), maintains the approximate layout of the traditional and historic close-knit farm group. Whilst barn B is of relatively modern construction, its relationship within the context of the historic farm group and the traditional relationship of this farm group with the listed Highfields Farmhouse is of historical importance. If this link were to be diminished through the relocation of barn B, then the relocated barn would just become a large new dwelling in the countryside, with the pattern of development of the farm group fragmented. Consequently the proposal would fail to preserve the setting of the surrounding listed buildings, contrary to the above planning policy context.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 14/00587/FUL DATE: 03.06.14  
 VALID:  
 APPLICANT: Mr & Mrs Deckers  
 The Oxford House, 34 Upper Holt Street, Earls Colne,  
 Colchester, Essex, CO6 2PG,  
 AGENT: ADP Ltd  
 Mr S Belchem, Hophouse, Colchester Road, West Bergholt,  
 Colchester, Essex, CO6 3TJ  
 DESCRIPTION: Change of use from A3/A4 to residential (Conversion of  
 ground floor bar/restaurant into two self-contained flats and  
 associated works) and erection of a detached two storey  
 dwelling and associated works)  
 LOCATION: Oxford House, Upper Holt Street, Earls Colne, Essex, CO6  
 2PG

For more information about this Application please contact:  
 Mrs Fiona Bradley on:- 01376 551414 Ext. 2519  
 or by e-mail to: [fiona.bradley@braintree.gov.uk](mailto:fiona.bradley@braintree.gov.uk)



## SITE HISTORY

00/01171/FUL	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
00/01172/LBC	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
01/00859/FUL	Proposed alterations to conservatory	Granted	12.07.01
01/00860/LBC	Proposed alterations to conservatory	Granted	16.07.01
84/00473/P	Alterations to bar area and re-siting of cellar and toilets.	Granted	31.07.84
88/01673/P	Erection Of Conservatory	Granted	02.11.88
88/01674/P	Erection Of Conservatory	Granted	02.11.88
90/00654/PFHS	Demolish Outbuildings And Erection Of Two Storey Side Extension	Refused	29.05.90
99/01641/LBC	External and internal alterations	Granted	03.02.00
06/01292/LBC	Installation of ceilings, new staircase to first floor.	Granted	22.08.06
09/00650/FUL	Alterations to bar/cellar Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self-contained flat)	Withdrawn	21.07.09
09/00651/LBC	Internal Alterations	Granted	17.07.09
09/01195/FUL	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self-contained flat)	Granted	10.11.09
09/01207/LBC	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self-contained flat)	Granted	10.11.09
14/00588/LBC	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant into two self-contained flats and associated works) and erection of a detached two storey dwelling and associated works	Pending Decision	



## 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
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP65	External Lighting
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP128	Maintenance of Rural Services and Facilities
RLP151	Protection of Community Services

## INTRODUCTION

This application, and the application for listed building consent which follows (ref 14/00588/LBC), is brought before the Planning Committee due to the receipt of 25 letters in total from local residents in objection to the proposal. In addition objections have been received by both Earls Colne and White Colne Parish Council's, contrary to the recommendation of Officers. The application has also been 'called-in' by Councillor C. Siddall.

## SITE DESCRIPTION

The application site is located at the junction of Upper Holt Street and Lower Holt Street within the Village Envelope of Earls Colne. The Upper Holt Street frontage of the site measures 50 metres long and the site measures up to approximately 30 metres deep.

The site contains a Public House with an associated outbuilding and a large car parking area. The two storey Grade II listed building is described in the listing as follows:

“Wrongly shown on OS map as George Hotel. House, now public house. C15, C16 and C17, altered in C18, C19 and C20. Timber framed, plastered, roofed with handmade red plain tiles. Hall range facing NE (along Lower Holt Street) with crosswings to left and right; left crosswing now oversailed by main range. Right crosswing projects to front. C19 lean-to extensions to front, and along right side. C20 extensions at rear. 2:1 window range of C18 sashes with glazing bars. C19 sashes with side-lights in front extension. Interior includes C18 fire surrounds and side-purlin roof, C15 original framing and window openings.”

Footpath No. 50 runs through the existing car park, providing a route from Tey Road to Upper Holt Street.

The first floor of the public house is shown to be currently in use as an independent residential unit and this would not be affected by this application.

### RELEVANT HISTORY

Following the withdrawal of planning application 09/00650/FUL, planning permission was granted for the conversion of the ground floor of the existing building at the site to one residential unit under the terms of application 09/01195/FUL.

### PROPOSAL

This application seeks planning permission and listed building consent for the conversion of the ground floor of the existing public house to enable the provision of two, two bedroom, residential units. The works required to the existing buildings on the site include the following, which require both planning permission and listed building consent:

- The partial demolition of 6.5 square metres of the outbuilding at the site, at the Tey Road frontage;
- The removal of several modern, internal partitions and doors;
- The erection of new partition walls and the infilling of various doorways;
- The creation of new internal and external doorways.

Planning permission is also sought for the erection of a dwelling at the Western part of the application site, adjacent to the boundary that is shared with 32 Upper Holt Street. Following the initial response of the Conservation Consultant revisions to the design have been made, including a reduction of its scale.

The largest element of the proposed dwelling would measure 5.4 metres deep and 9.8 metres wide, with an eaves height of 5.2 metres and a ridge height of 7.4 metres and two bay windows on the front elevation. To the rear would be



a 6.0 metre deep and 4.7 metre wide two storey projection, to the side of which would be a 4.7 metre by 4.05 metre projection which would be parallel to the main range. A single storey orangery/conservatory and a small bay extension to the kitchen are also proposed across the rear of the two storey elements.

The proposed dwelling would be served by an existing access that is currently closed. This would provide access to a large area of hardstanding at the front and side of the dwelling that would provide parking for the dwelling. The access at the Tey Road frontage would be retained to provide access to the existing hardstanding area at the rear of the host building, which would contain 6no parking spaces for the occupants of the existing building and 1no visitor space.

## CONSULTATIONS

Environmental Services have raised no objection to the application subject to the imposition of conditions to control the impact of the construction process.

The Land Drainage Engineer has stated that they are unaware of any surface water drainage issues affecting the site.

The Conservation Consultant previously raised no objection to the conversion of the existing building to flats, and considered that the required internal works would cause no harm to the historic fabric of the existing building. It was recommended that details of boundary treatments be agreed and that the signage and mechanical equipment on the building be removed, as it detracts from the appearance of the building. With respect to the proposed dwelling, it was considered that the erection of a dwelling in the position shown would not necessarily harm the setting of the listed building, but an objection was raised on the grounds that the proposed dwelling would be taller than the listed building and feature a number of poorly considered design features.

Subsequent to this assessment of the proposal, revised drawings showing a new dwelling with a lower ridge height, with revisions to the design have been found to be acceptable, subject to the imposition of conditions.

The Historic Environment Officer has raised no objection to the application, subject to the imposition of a condition to require the recording of the existing building.

The Highway Authority has raised no objection to the application subject to the imposition of conditions which will be discussed in more detail below.

Earls Colne Parish Council has objected to the application on the grounds that the proposed dwelling would not be in keeping with the existing street-scene and the re-use of a former point of access would be unsafe.

White Colne Parish Council object to the loss of the Public House as viability has not been adequately tested.

Landscape Services state that the bat survey is accepted and no concerns are raised over the impact on protected species. Details of landscaping can be required by condition.

## REPRESENTATIONS

25 letters of objection have been received to the proposal, concerns raised include the following:

- The former community asset should be retained or replaced and not lost to residential use.
- The NPPF sets out that public houses and similar community assets should be retained.
- The applicant has neglected the former public house to enable residential uses to be introduced.
- New residential development at the site would detract from the Conservation Area.
- The development within the car park could see the loss of heritage and archaeological assets.
- The proposal would harm the footpath at the site.
- The recent decision of the Local Planning Authority with respect to a restaurant in Earls Colne should be repeated at this site.
- It has not been demonstrated that the public house is unviable.
- The description of the use of the existing public house within the application form is not accurate, stating that it is in use where it has been vacated.
- The location of the site in relation to the road network renders the development likely to be harmful to highway safety.
- The access onto Tey Road was closed off years ago as it was deemed as unsafe.
- Proposals are contrary to the Earls Colne Village Design Statement.

A petition with 72 signatures has also been submitted, entitled “Re-Claim The Carved Angel” to reclaim the pub for the community, some of the signatories have also submitted letters as covered above.

## REPORT

### Principle

The National Planning Policy Framework sets out a presumption in favour of sustainable development and encourages the effective use of land by reusing land that has been previously developed.

The location of the site within the Village Envelope of Earls Colne means that weight can be afforded to Policies RLP2 and RLP3 of the Braintree District Local Plan Review and therefore the principle of new residential development can be found acceptable provided that it satisfies amenity, design,

environmental and highway criteria, and subject to compliance with other relevant development plan policies. This is consistent with the determination of the Local Planning Authority in 2009 which allowed the conversion of the ground floor of the existing building to residential use.

Consequently, the proposed development would continue to confirm the loss of the former community facility, notwithstanding the protection that such facilities are afforded under the terms of policy CS11 of the Braintree District Core Strategy and Local Plan policy RLP128, as well as the NPPF. Paragraph 70 of the NPPF states that local planning authorities should “*guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s abilities to meet its day-to-day needs.*”

The applicant hasn’t provided any evidence to demonstrate compliance with these policies, but does highlight that the change of use of the ground floor of the public house was supported under the terms of the planning permission that was granted in 2009. Noting that the loss of the former public house has previously been approved by the Local Planning Authority, and that the public house has remained closed since 2006, it is considered that it would be unreasonable (over 5 years later) to object to this application on the grounds of loss of a community facility. As such it is considered that it would be better to see the listed building put to a beneficial use, rather than remain vacant, as it has done, for the past eight years.

### Character and Appearance

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

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

Moreover, the Grade II Listed Building designation means that the Council has a duty to preserve or enhance the character, appearance, setting and fabric of the heritage asset, as required by the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policy RLP100 of the Braintree District Local Plan Review 2005 and policy CS9 of the Braintree District Core Strategy 2011.

The conversion of the existing public house to a residential use has previously been supported and this would have been reliant upon the removal of existing, modern partitions that were considered to be of no heritage value. This proposal would require similar alterations to the existing building and it therefore remains that the works to the existing building would not cause harm to its heritage significance.

The parking area at the rear of the property replicates the existing situation and there are minimal external alterations required to the existing building. It is therefore considered that the conversion of the ground floor of the existing building to use as two residential units would not cause harm to the character or appearance of the heritage asset.

The proposed residential development at the west end of the site should only be supported if it is also compliant with the policies mentioned above.

The proposed development would reduce the amount of land that would be left to serve the host building and reduce the spaciousness around it. However, it is considered that the existing, extensive car parking area does not contribute positively to the setting of the listed building and therefore the removal of this land from the curtilage of the listed building would not cause harm to the setting of the listed building and would not lead to insufficient land being left to serve the existing building nor would it render it cramped in appearance.

The proposed dwelling would be materially deeper than the other dwellings within the surrounding area and be positioned forward of the building line of the neighbouring properties to the west. However, this is not considered to be inappropriate in the context of the surrounding area which features a varied building line.

The massing of the dwelling has been reduced by providing the built form in three elements of decreasing size and as such it is considered that the dwelling would not appear to be a single mass of built form, but take the appearance of a dwelling that has been extended, which is not uncommon within the surrounding area.

The height of the dwelling is comparable to the surrounding buildings and the traditional appearance of the proposed dwelling is considered to be appropriate in the context of the surrounding area, subject to the agreement of the details that have been requested by the Historic Building Advisor.

For these reasons, whilst noting that the dwelling would become a more prominent addition to the streetscene than the site's current open appearance, it is considered that it would preserve the character and appearance of the conservation area. Further, the setting of the listed building would not be harmed and therefore it is considered that the proposal is in accordance with the abovementioned policies.

The Earls Colne Village Design Statement includes the site within the historic core of the village. It recommends that this area retains its primarily residential nature, therefore this proposal does not conflict with that recommendation.

### Residential Amenity

The conversion of the existing building is not dependent on works of extension or significant alteration and all the works that are required are at ground floor level. It is therefore considered that the works to the existing building would have no impact on the amenities of neighbouring residents.

Although visible from other dwellings, the only residential properties that could be materially affected by the proposed dwelling would be the neighbouring property of 32 Upper Holt Street and the properties of 2 and 4 Tey Road.

However, the only first floor windows that would face 32 Upper Holt Street would serve bathrooms and could therefore be fitted within obscured glazing under the terms of a condition, which would ensure that they would not cause a loss of privacy to the occupants of the neighbouring property. Positioned forward of the building line of the main dwelling at no32, but immediately adjacent the site is a single storey garage range. It is considered that this would prevent any material impact upon the light afforded to habitable rooms of this neighbouring property from the proposed new dwelling in the position shown. This is supported by virtue of the fact that there are no windows in the side elevation of the neighbouring property other than rooflights which would not be materially affected by the adjacent single storey rear projection that is proposed by this application. For these reasons it is considered that the proposed dwelling would not cause sufficient harm to the amenities of the occupants of this neighbouring property to justify the refusal of the application.

The rear elevation of the proposed dwelling would face the private amenity space of 4 Tey Road and to a lesser extent 2 Tey Road. However, due to the dwelling being located 11 metres from the rear boundary of the plot and the presence of landscaping on the boundary, it is considered that the impact on the privacy of the residents of these dwellings would not be materially harmful either.

In terms of amenity space provided for the residential dwellings, the new dwelling would have a rear garden well in excess of 100sq.m. The two flats each have their own amenity space provided and both are in excess of the 25sq.m. required by the Essex Design Guide.

### Highway Arrangements and Parking Provision

The Highway Authority has raised no objection to the application and Officers are satisfied that the use of existing points of access (albeit with one of those accesses being voluntarily closed in recent years) would not cause harm to highway safety.

The Highway Authority has requested the use of conditions relating to the provision of visibility bands and splays for the purpose of ensuring highway and pedestrian safety. Other suggested conditions relate to the use of unbound materials, the closure of an existing access and the prevention of surface water entering the highway. These conditions are considered to be appropriate, necessary and reasonable.

The proposal would enable the retention of the existing public footpath through the site. It does not appear that the footpath will need to be diverted, but if it does, this would be handled under the terms of other legislation. The Local Planning Authority can be satisfied that the impact on pedestrians would not be unsafe or materially worse than when the public house had been in operation.

The Council's Adopted Parking Standards state that each of the residential units proposed should be served by at least 2 parking spaces and one visitor space. The parking spaces are not enclosed within garages and should therefore have dimensions of 2.9 metres by 5.5 metres. Although the number of parking spaces for the proposed detached dwelling has not been clarified on the submitted plans, it is considered that sufficient hardstanding and turning facilities would be provided to enable compliance with the standards. The parking and turning facilities provided to serve the accommodation with the existing building would also be compliant with the abovementioned standards and therefore no objection should be raised in this respect.

The application seeks development on a large area of existing impermeable hardstanding. By providing landscaping and a residential garden at the site it is considered that the overall permeability of the site would be improved as a result of the proposed development, and therefore it would not be reasonable to require the existing hardstanding to be replaced with permeable surfaces.

#### Other Matters

The applicant has completed the Council's Sustainable Design and Construction Checklist, but has not provided details of any sustainable construction measures that might be employed. Such matters can be adequately addressed by a suitably worded condition, along with the submission of landscaping details.

#### CONCLUSION

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

It is noted that the approval of this application would compound and confirm the loss of a former community asset, but as this has been previously deemed acceptable by the Council, and the community asset has not been in existence in the interim period or for the past 8 years as a Public House, it is

considered that it would be unreasonable to refuse this application on those grounds.

Therefore, it is considered to be an acceptable form of development within an existing defined settlement.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

### APPROVED PLANS

Location Plan	Plan Ref: 923.L.001	
Existing Plans	Plan Ref: 923.L.003	
Existing Plans	Plan Ref: 923.L.021	
Block Plan	Plan Ref: 923.L.022	
Existing Elevations	Plan Ref: 923.L.026	
Existing Elevations	Plan Ref: 923.L.101	
Floor Plan	Plan Ref: 923.L.102	
Proposed Floor Plan	Plan Ref: 923.L.105	Version: A
Existing Plans	Plan Ref: 923.L.106	
Existing Elevations	Plan Ref: 923.L.107	
Proposed Plans	Plan Ref: 923.L.108	
Proposed Elevations	Plan Ref: 923.L.109	
Proposed Elevations	Plan Ref: 923.L.024	Version: A
Proposed Elevations	Plan Ref: 923.L.104	
Existing Elevations	Plan Ref: 923.L.104	Version: A
Proposed Elevations	Plan Ref: 923.L.103	
Existing Elevations	Plan Ref: 923.L.103	Version: A
Proposed Elevations	Plan Ref: 923.L.023	Version: A
Proposed Block Plan	Plan Ref: 923.L.022A	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 Works shall not be commenced until additional drawings that show details of proposed new windows, doors, roof lanterns, eaves, verges and cills to be used, in addition to details of the proposed pitched glazed roof of the new dwelling, by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

- 5 No groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological fieldwork 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.

- 6 No development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording of both Oxford House and the existing outbuilding, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason

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

- 7 Excluding the area to be demolished, the existing brick floor of the outbuilding shall be retained.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the curtilage listed building.

- 8 The first floor windows on the south west facing elevation of the new dwelling shall be glazed with obscure glass and shall be so maintained at all times.

Reason

In order to safeguard the privacy of adjoining occupiers.



- 9 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

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

- 10 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

#### Reason

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

- 11 Prior to first occupation of the development, the access onto Upper Holt Street at its centre line shall be provided with a 2.4 metre parallel band visibility splay across the whole of the site's frontage as measured from and along the nearside edge of the carriageway. The area within the splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

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

- 12 Prior to first occupation of the new dwelling hereby approved, 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 access onto Upper Holt Street. 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 users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

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

Reason

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

- 14 Prior to first occupation of the development hereby permitted, the existing access and crossover onto Upper Holt Street shall be closed and the footpath resurfaced, with the kerb reinstated for use as approved in writing by the Local Planning Authority.

Reason

To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict, in the interests of highway safety.

- 15 Prior to commencement/occupation 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.

- 16 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
- (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction,
  - (b) measures to secure water conservation, recycling of rain water,

sustainable drainage and other devices to ensure the more efficient use of water within the completed development,

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

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

**Reason**

In the interest of promoting sustainable forms of development.

- 17 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. Prior to the first occupation of the development, any such approved external lighting shall be installed in accordance with details and thereafter so maintained. There shall be no other sources of external illumination.

**Reason**

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

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

**Reason**

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

- 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**

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

- 20 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant

noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

Reason

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

INFORMATION TO APPLICANT

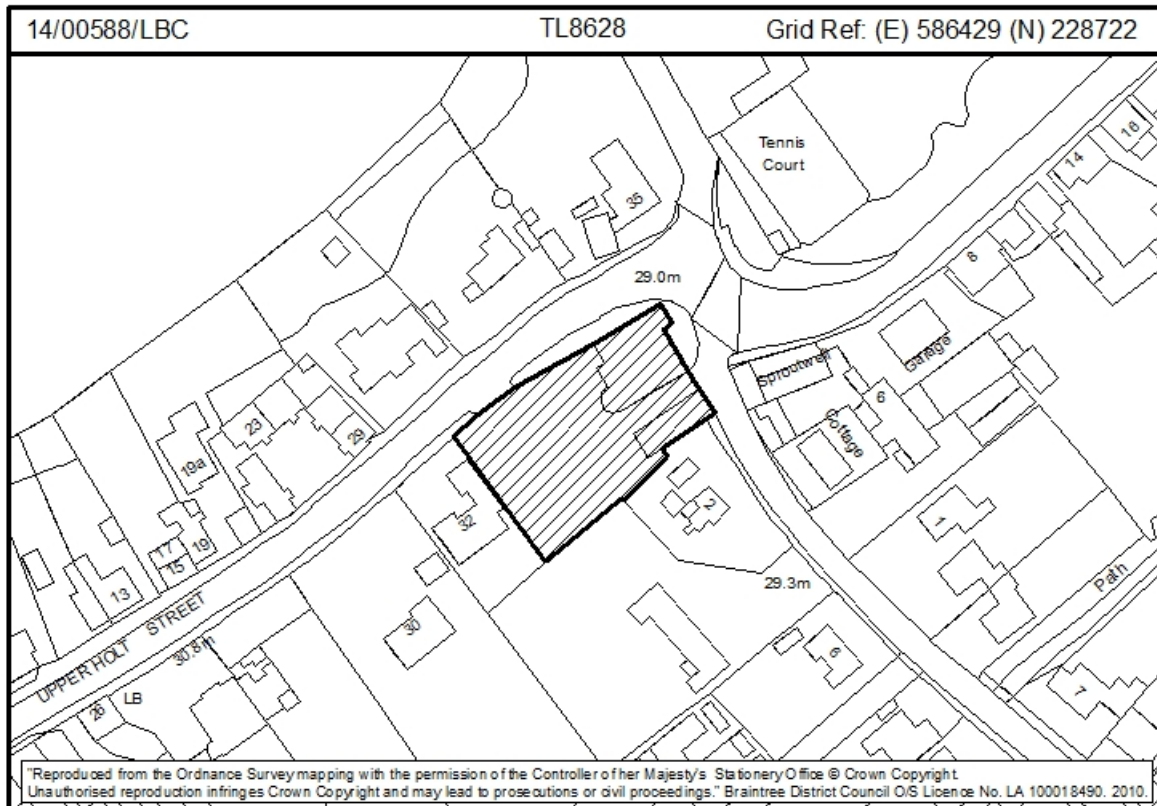
- 1 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 14/00588/LBC DATE: 03.06.14  
 VALID:  
 APPLICANT: Mr & Mrs Deckers  
 The Oxford House, 34 Upper Holt Street, Earls Colne,  
 Colchester, Essex, CO6 2PG,  
 AGENT: ADP Ltd  
 Mr S Belchem, Hophouse, Colchester Road, West Bergholt,  
 Colchester, Essex, CO6 3TJ  
 DESCRIPTION: Change of use from A3/A4 to residential (Conversion of  
 ground floor bar/restaurant into two self-contained flats and  
 associated works) and erection of a detached two storey  
 dwelling and associated works)  
 LOCATION: Oxford House, Upper Holt Street, Earls Colne, Essex, CO6  
 2PG,

For more information about this Application please contact:  
 Mrs Fiona Bradley on:- 01376 551414 Ext. 2519  
 or by e-mail to: [fiona.bradley@braintree.gov.uk](mailto:fiona.bradley@braintree.gov.uk)



## SITE HISTORY

00/01171/FUL	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
00/01172/LBC	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
01/00859/FUL	Proposed alterations to conservatory	Granted	12.07.01
01/00860/LBC	Proposed alterations to conservatory	Granted	16.07.01
84/00473/P	Alterations to bar area and re-siting of cellar and toilets.	Granted	31.07.84
88/01673/P	Erection Of Conservatory	Granted	02.11.88
88/01674/P	Erection Of Conservatory	Granted	02.11.88
90/00654/PFHS	Demolish Outbuildings And Erection Of Two Storey Side Extension	Refused	29.05.90
99/01641/LBC	External and internal alterations	Granted	03.02.00
06/01292/LBC	Installation of ceilings, new staircase to first floor.	Granted	22.08.06
09/00650/FUL	Alterations to bar/cellar Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self-contained flat)	Withdrawn	21.07.09
09/00651/LBC	Internal Alterations	Granted	17.07.09
09/01195/FUL	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self-contained flat)	Granted	10.11.09
09/01207/LBC	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self-contained flat)	Granted	10.11.09
14/00587/FUL	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant into two self-contained flats and associated works) and erection of a detached two storey dwelling and associated works	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9                Built and Historic Environment

### Braintree District Local Plan Review

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

## INTRODUCTION

This application, as with the application that precedes it on the agenda (ref 14/00587/FUL), is brought before the Planning Committee due to the receipt of 25 letters in total from local residents, in objection to the proposal. In addition, objections have been received by Earls Colne Parish Council, contrary to the recommendation of Officers. The application has also been 'called-in' by Councillor C. Siddall.

## SITE DESCRIPTION

The application site is located at the junction of Upper Holt Street and Lower Holt Street within the Village Envelope of Earls Colne. The Upper Holt Street frontage of the site measures 50 metres long and the site measures up to approximately 30 metres deep.

The site contains a Public House with an associated outbuilding and a large car parking area. The two storey Grade II listed building is described in the listing as follows:

"Wrongly shown on OS map as George Hotel. House, now public house. C15, C16 and C17, altered in C18, C19 and C20. Timber framed, plastered, roofed with handmade red plain tiles. Hall range facing NE (along Lower Holt Street) with crosswings to left and right; left crosswing now oversailed by main range. Right crosswing projects to front. C19 lean-to extensions to front, and along right side. C20 extensions at rear. 2:1 window range of C18 sashes with glazing bars. C19 sashes with side-lights in front extension. Interior includes C18 fire surrounds and side-purlin roof, C15 original framing and window openings."

Footpath No. 50 runs through the existing car park, providing a route from Tey Road to Upper Holt Street.

The first floor of the public house is shown to be currently in use as an independent residential unit and this would not be affected by this application.

## PROPOSAL

This application seeks planning permission and listed building consent for the conversion of the ground floor of the existing public house to enable the provision of two, two bedroom residential units. The works required to the existing buildings on the site include the following, and which require both planning permission and listed building consent:

- The partial demolition of 6.5 square metres of the outbuilding at the site, at the Tey Road frontage;
- The removal of several modern, internal partitions and doors;
- The erection of new partition walls and the infilling of various doorways;
- The creation of new internal and external doorways.

## CONSULTATIONS

The Conservation Consultant previously raised no objection to the conversion of the existing building to flats, and considered that the required internal works would cause no harm to the historic fabric of the existing building. It was recommended that details of boundary treatments be agreed and that the signage and mechanical equipment on the building be removed, as it detracts from the appearance of the building (the revised existing elevations submitted show these elements to be removed).

The Historic Environment Officer has raised no objection to the application, subject to the imposition of a condition to require the recording of the existing building.

Earls Colne Parish Council has objected to the application on the grounds that the proposed dwelling would not be in keeping with the existing street-scene and the re-use of a former point of access would be unsafe.

## REPRESENTATIONS

25 letters of objection have been received to the applications for planning permission and listed building consent. Those representations relevant to the latter include the following:

- The development within the car park could see the loss of heritage and archaeological assets.

A petition with 72 signatures has also been submitted, entitled “Re-Claim The Carved Angel” to reclaim the pub for the community, some of those signatories have also submitted letters as covered above.



## REPORT

Local Plan Policy RLP3 states that the Local Planning Authority will seek to protect the character of the existing street scene, the setting of attractive buildings and the historic interest of the locality, the landscape value of existing tree cover and generally to ensure that new development does not materially detract from the character of the settlement.

Moreover, the Grade II Listed Building designation means that the Council has a statutory duty to preserve or enhance the character, appearance, setting and fabric of the heritage asset, as required by the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policy RLP100 of the Braintree District Local Plan Review 2005 and policy CS9 of the Braintree District Core Strategy 2011.

The conversion of the existing public house to a residential use has previously been supported and this would have been reliant upon the removal of existing, modern partitions that were considered to be of no heritage value. This proposal would require similar alterations to the existing building and it therefore concluded that the works to the existing building would not cause harm to its heritage significance.

The parking area at the rear of the property replicates the existing situation and there are minimal external alterations required to the existing building. It is therefore considered that the conversion of the ground floor of the existing building to use as two residential units would not cause harm to the character or appearance of the heritage asset.

Further, the setting of the listed building would not be harmed and therefore it is considered that the proposal is in accordance with the abovementioned policies.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan	Plan Ref: 923.L.001	
Existing Plans	Plan Ref: 923.L.003	
Existing Plans	Plan Ref: 923.L.021	
Existing Elevations	Plan Ref: 923.L.026	
Existing Floor Plan	Plan Ref: 923.L.101	
Floor Plan	Plan Ref: 923.L.102	
Proposed Floor Plan	Plan Ref: 923.L.105	Version: A
Existing Plans	Plan Ref: 923.L.106	
Existing Elevations	Plan Ref: 923.L.107	

Proposed Plans	Plan Ref: 923.L.108	
Proposed Elevations	Plan Ref: 923.L.109	
Existing Elevations	Plan Ref: 923.L.103	Version: A
Proposed Elevations	Plan Ref: 923.L.103	
Existing Elevations	Plan Ref: 923.L.104EXTG	Version: A
Proposed Elevations	Plan Ref: 923.L.104	
Proposed Elevations	Plan Ref: 923.L.024	Version: A
Proposed Block Plan	Plan Ref: 923.L.022	Version: A
Proposed Elevations	Plan Ref: 923.L.023	Version: A

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

Reason

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

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

Reason

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

- 3 Works 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 works of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording of both Oxford House and the existing outbuilding, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason

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

- 5 Excluding the area to be demolished, the existing brick floor of the outbuilding shall be retained.

Reason

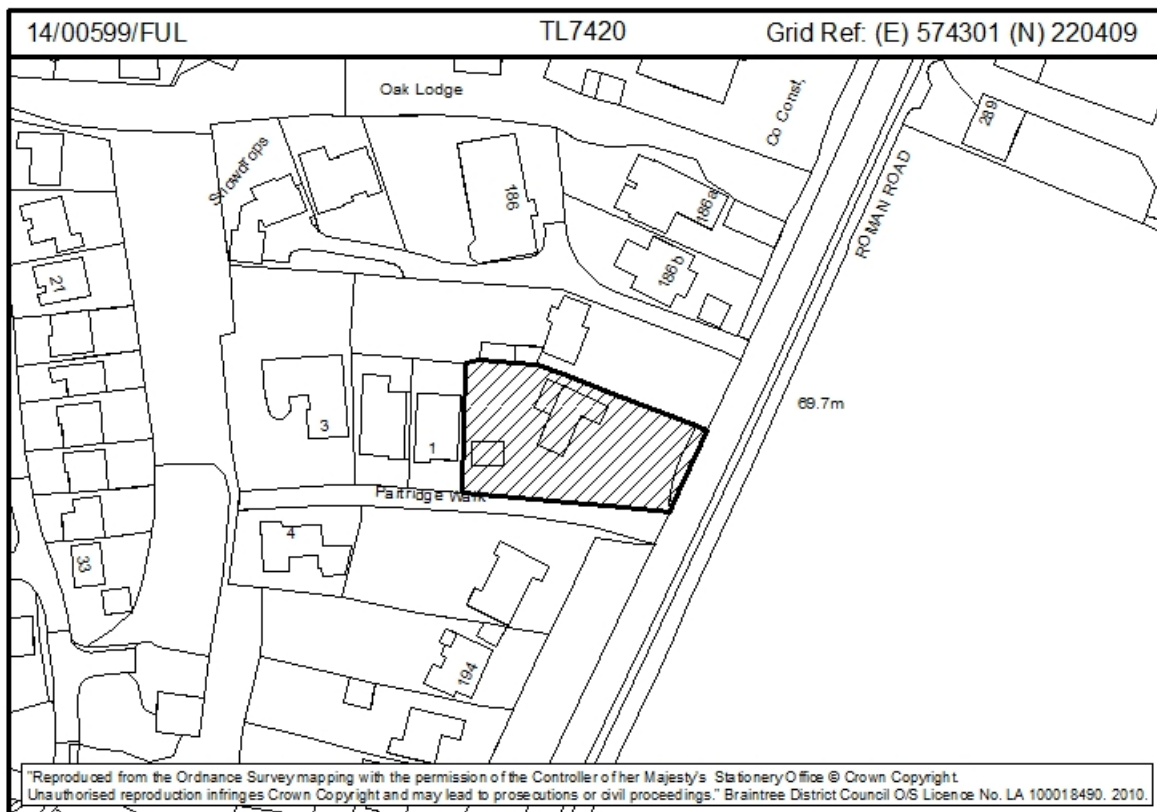
To ensure the proposed works do not prejudice the architectural or historic merits of the curtilage listed building.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 14/00599/FUL DATE: 19.05.14  
 VALID:  
 APPLICANT: Mr J Ladva  
 C/o Agent  
 AGENT: Mr Alex Gill-Ross  
 Architects Corporation Ltd, 20 Upton Road, Watford, Herts,  
 WD18 1JP  
 DESCRIPTION: Retention of existing bungalow and construction of one  
 dormer bungalow  
 LOCATION: 190 London Road, Great Notley, Essex, CM77 7QH

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

02/01243/OUT	Erection of two detached bungalows	Refused then allowed on appeal	30.08.02
06/00752/ELD	Application for a Certificate of Lawfulness for an existing development - Retention of rear conservatory	Granted	21.06.06
06/02191/FUL	Demolition of existing bungalow and erection of two detached bungalows	Refused	21.12.06
07/00859/COU	Change of use of residential dwelling to form dental practice (Use Class D1) and provision of new rear dormer window	Refused	20.06.07
07/01553/COU	Change of use of residential dwelling to form dental practice (Use Class D1) and provision of new rear dormer window	Refused then dismissed on appeal	17.10.07
11/00423/FUL	Demolition of existing property and erection of two new dwellings	Withdrawn	05.07.11
11/01554/FUL	Demolition of existing property and erection of 2 no. dormer bungalows	Refused	09.03.12

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1          Housing Provision and Delivery  
CS9          Built and Historic Environment

### Braintree District Local Plan Review

RLP2          Town Development Boundaries and Village Envelopes  
RLP3          Development within Town Development Boundaries and Village Envelopes  
RLP9          Design and Layout of Housing and Mixed Use Areas  
RLP10        Residential Density

RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

### Supplementary Planning Guidance

ECC Parking Standards – Design and Good Practice, September 2009

Essex Design Guide 2005

### INTRODUCTION

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

### NOTATION

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

### SITE DESCRIPTION

The site is located on the western side of London Road, Great Notley and falls within the defined development boundary. The site is occupied by a detached bungalow which benefits from front and rear gardens and off road parking to the front. The site is flat and a detached garage is located to the rear of the site.

### PROPOSAL

This application seeks planning permission for the erection of a bungalow with living accommodation within the roof space, located to the rear of the existing dwelling.

The proposed dwelling would front on to Partridge Walk, being sited adjacent to the existing dwelling at 1 Partridge Walk. The dwelling would measure approximately 10 metres by 13 metres with a 1 metre deep projecting gable across part of the front elevation and a ridge height of approximately 6.7 metres. Two bedrooms and bathrooms would be provided within the roof space and parking would be provided to the front of the dwelling.

This application was originally submitted as a proposal for the demolition of the existing bungalow and the erection of two dormer bungalows. However, following concerns raised by Officers the application was amended to show

that the existing bungalow is retained and one bungalow is proposed to the rear.

## CONSULTATIONS

Parish Council – No response at the time of writing.

Environmental Services – No objection subject to conditions to protect neighbouring amenity during construction.

Engineers – There are known surface water issues affecting this site and road in this area. Any permission should not add to this situation and a drainage condition should be added. Consideration should be given to a SUDS scheme.

Highways – No objection subject to a condition controlling the size of the parking spaces

Landscape Services – No objection subject to tree protection measures.

## REPRESENTATIONS

A site notice was displayed and neighbouring properties were notified by letter. Residents nearby were also notified of the revised plans which changed the proposal from two dwellings to a single dwelling. Five letters of objection have been received in response to the amended plans which raise the following concerns:

- No.190 will have no back garden and may require additional fencing;
- The increase in vehicle movements from an additional dwelling would severely impact on the residents of Partridge Walk;
- There is no access to the site for construction vehicles;
- The proposal is garden grabbing and overdevelopment;
- Increased risk of flooding;
- Query whether the existing bungalow will be upgraded.

## REPORT

### Site History

The existing dwellings on Partridge Walk are located on land which once formed part of the rear garden of 190 London Road. Planning permission was granted for these dwellings approximately 10 years ago. The two dwellings at No's 1 and 2 Partridge Walk are detached bungalows with living accommodation within the roof space. The dwelling at No.3 Partridge Walk is a larger detached dwelling on a more spacious plot. Amendments to the approved plans for No's 1 and 2 Partridge Walk were approved in 2006 and 2007 which showed gables on the rear elevation of the dwellings (rather than hipped roofs) and roof lights within the side facing roof slopes.

Planning permission was sought for the demolition of the existing dwelling at 190 London Road and the erection of two new dwellings in 2011. This application proposed to replace the existing dwelling with a new dwelling which would be sited further towards London Road and the erection of a new dwelling adjacent No.1 Partridge Walk (in the approximate location of the dwelling which forms the basis of the current application). Both dwellings included dormers within the roof slopes. The Council refused planning permission due to concerns about the siting of the replacement dwelling, the relationship between the existing and the proposed dwellings and the visual appearance of the dwellings. The decision was subsequently dismissed at appeal. However the appeal decision is a material consideration in the determination of the current application. The Inspector concurred with the Council about the siting of the replacement dwelling and the design of the dwellings, however, the decision states “I do not share the Council’s concern on the location of the proposed new dwelling off Partridge Walk. It would merely continue the existing fairly dense pattern of development off that private drive and be almost entirely seen from within this backland area”.

A copy of the appeal decision is included at the end of this report (Appendix A).

### Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local planning authorities should seek to deliver a wide choice of quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Policy CS1 of the Core Strategy sets out the priority locations for the delivery of new housing. This includes the main towns of Braintree, Witham and Halstead on previously developed and infill sites.

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

As set out above, the siting of a new dwelling in the location proposed has been found acceptable by a Planning Inspector, albeit that the appeal was dismissed for other reasons. On this basis, Officers raise no objection to the principle of this proposal.

Reference was made in the letters of representation to the issue of “garden grabbing”. The advice issued by the Government to Local Planning Authorities in 2010 regarding this issue was superseded by guidance set out in the National Planning Policy Framework when this document was



introduced. Paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. Although the Local Plan Policy RLP 3 seeks to prevent “inappropriate backland development” there is no policy basis for resisting the development of gardens per se.

### Design and Layout

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

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

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

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

The design of the proposed dwelling is similar in style to the adjacent properties at No's 1 and 2 Partridge Walk. The design includes a gabled rear elevation and hipped front projection which are reflective of the neighbouring properties. Although slightly greater in width, it would not be any greater in depth than these dwellings. The design is compatible with the adjacent dwellings and overcomes Officer's concerns previously raised in respect of this.

The size of the proposed garden would be approximately 78 sqm, which is below the standard set out in the Essex Design Guide. However this was not a matter which was raised as a concern by Officer's or the Inspector previously. The garden would provide a reasonable amount of private and useable amenity space which would also be compatible in size with those serving the adjacent dwellings.

The proposal would reduce the size of the existing garden at No.190 London Road, however the dwelling would still benefit from a rear and side garden, albeit reduced in size. The applicant may wish to erect new enclosures around the garden and it is possible that these could be erected using permitted development rights.

### Impact on Neighbouring Amenity

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

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

Whilst living accommodation would be provided at first floor level, this would be served by roof lights within the side facing roof slopes. The inclusion of roof lights within the roof slopes has previously been accepted by the Council on the adjacent dwellings at No's 1 and 2 Partridge Walk. The proposed plans include section drawings which show that the lowest part of the roof lights would be more than 1.7 metres above floor level thereby minimising overlooking from these windows.

Whilst the proposed dwelling may result in some overshadowing to the rear of 190 London Road, having regard to the height of the eaves, the hipped nature of the roof and the orientation of the existing dwelling, it is not considered that this would have such an unacceptable impact to the extent which could justify withholding planning permission.

The new dwelling would be sited on Partridge Walk, closer to London Road than the existing dwellings. It is not considered that the vehicle movements associated with one additional dwelling would have an unacceptable impact upon neighbouring amenity.

### Highway Issues

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

A parking area is shown to the front of the proposed dwelling. Whilst the parking spaces have not been marked out on the plans, there is sufficient space to provide two parking spaces of the required size.

Concerns have been raised in the letters of representation about access for construction vehicles. This is not a material planning consideration. It is noted that Partridge Walk is a private drive and the use of this drive is a matter for the landowners. It is also noted that the applicant has control over the existing dwelling at 190 London Road which is served by a large drive.

### Sustainability

Policies RLP 70 and 77 of the Local Plan Review state that new developments shall demonstrate water and energy conservation and efficiency measures. Policy RLP 74 indicates that space should be provided for the separation, storage and collection of recyclable waste. Policy RLP 69 states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces. RLP76 of the Local Plan Review states that the integration of renewable energy generation into new developments will be encouraged.

Limited information regarding sustainability measures have been submitted with the application, however, this matter can be dealt with by condition.

The concerns raised in the letters of representation regarding the potential of the development to increase surface water run-off and risk of flooding are noted. The site is located in Flood Zone 1. However it is understood that the area has been subject to flooding in the past. The Council's Drainage Officer has previously visited the site and has requested a condition requiring details of the proposed drainage. The Environment Agency has published Standing Advice for developments on sites of less than 1 hectare in Flood Zone 1, which states that the main flood risk issue to consider is the management of surface water run-off. Drainage from new development must not increase flood risk either on-site or elsewhere. Government policy set out in Para.103 of the NPPF strongly encourages a sustainable drainage system (SUDS) approach to achieve these objectives. SUDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. The range of SUDs techniques available means that a SUDs approach in some form will be applicable to almost any development. A condition to deal with surface water drainage is proposed. A condition is also proposed to ensure that all areas of hardstanding are constructed of porous materials on a permeable base in order to reduce surface water run-off.

### Landscape Considerations

Policy RLP80 of the Local Plan Review states that proposals for new development should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

There is an existing Oak tree on the southern boundary of the site which is protected by a Tree Preservation Order. This tree would be retained and would fall within the garden of No.190 London Road. Having regard to this information the Council's Landscape Officer has raised no objection to the development subject to measures to ensure that the tree would be protected during construction. The applicant has submitted a Tree Protection Statement

indicating that the tree will be protected by erecting protective fencing and that materials will be stored away from the tree. The Council's Landscape Officer considers that this is acceptable subject to a condition requiring a Tree Protection Plan and Method Statement which should set out the construction techniques proposed in order to avoid damage to the tree roots.

### CONCLUSION

The site is located within the development boundary where the principle of new residential development is acceptable. The proposed layout and design would be similar to adjacent dwellings. The proposal would accord with the policies set out above and overcome previous concerns. It is considered that a slight reduction in amenity space is acceptable in this case.

Detailed matters such as external materials, landscaping and sustainability measures can be adequately controlled by condition. It is therefore considered that the proposal would accord with the abovementioned planning policies.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan

General Plans & Elevations

Plan Ref: PL5 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 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Class A, B, C and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 4 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.

- 5 Development shall not be commenced until a Tree Protection Plan and Method Statement detailing measures to protect the existing Oak tree (located close to the southern boundary of the site which is protected by a Tree Preservation Order) from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. The development shall be carried out in accordance with the details set out within the Method Statement.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

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

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure that the existing Oak tree which is protected by a Tree Preservation Order is not damaged during development.

- 6 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the

building(s) hereby approved and shall be permanently maintained as such.

Reason

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

- 7 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.

Reason

In the interest of promoting sustainable forms of development.

- 8 Two off-street parking spaces shall be provided to serve the dwelling hereby approved. Each vehicular parking space shall have minimum dimensions of 2.9metres x 5.5metres and shall be provided and available for use prior to the first occupation of the dwelling.

Reason

In accordance with the Car Parking Standard and to ensure that sufficient off street parking is provided to serve the new dwelling.

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

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

Reason

In the interest of promoting sustainable forms of development.

- 10 Development shall not be commenced until a scheme for the provision

and implementation of surface water drainage has been submitted and approved, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

**Reason**

To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

**Reason**

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

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

**Reason**

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

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

**Reason**

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

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

**Reason**

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

TESSA LAMBERT  
DEVELOPMENT MANAGER





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# Appeal Decision

Site visit made on 6 December 2012

**by R J Marshall LLB DipTP MRTPI**

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

**Decision date: 2 January 2013**

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**Appeal Ref: APP/Z1510/A/12/2181946**

**190, London Road, Great Notley, Braintree, CM77 7QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Ladva against the decision of Braintree District Council.
  - The application Ref 11/01554/FUL, dated 14 November 2011, was refused by notice dated 9 March 2012.
  - The development proposed is demolition of existing dwelling and construction of two dormer bungalows.
- 

## Decision

1. The appeal is dismissed.

## Background

2. The appellant has provided a Unilateral Undertaking making contributions towards public open space provision. The payment overcomes what would otherwise be grounds of objection from the Council.

## Main Issue

3. Given the above the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

### *Main issue*

4. The appeal site lies along a substantial length of residential development fronting London Road. A small group of dwellings lies to the rear of the appeal site. They are served off a private drive from London Road, known as Partridge Walk.
5. It is proposed to demolish the existing bungalow on the site and construct a new chalet bungalow forward of it and accessed from London Road. This would provide an enlarged gap to the rear of the site in which it is proposed to construct another chalet bungalow with an access off Partridge Walk.
6. The appellant says that the proposed chalet bungalow fronting London Road has been sited so that it does not go forward of a notional building to that road formed by No. 186b to the north and No. 192 to the south. The application plans show this to be so. However, in this respect they are inaccurate. Measurements taken and agreed on site show Nos. 186b and 192 to be

considerably further back on site than shown. As such the proposed chalet bungalow, rather than being in line with them as suggested, would be notably further forward of them.

7. Furthermore, this proposed dwelling fronting London Road would be substantially further forward of the immediately adjoining bungalow to the north, No. 188 London Road which is set back even further from the highway than the other 2 properties referred to above. As such this neighbouring dwelling would appear unattractively hemmed in between the proposed development and No. 186b.
8. Given the above the proximity to the highway of the proposed dwelling fronting London Road would make it appear intrusive and out of keeping seen in the context of properties close by. Nor would it fit in having regard to the wider context of a reasonably uniform pattern of frontages to the south and generally unobtrusive and well screened frontage development to the north. In arriving at this view I accept that No. 186b, a recently constructed dwelling, has a rather dominant appearance and an intrusive garage forward of it. However, this is an exception to the general pattern and is not a good guide for future development.
9. I do not share the Council's concern on the location of the proposed new dwelling off Partridge Walk. It would merely continue the existing fairly dense pattern of development off that private drive and be almost entirely seen from within this backland area. It would not be seen so clearly from London Road as to highlight in such viewpoints the more intensive pattern of development to the rear. However, to limit the height of this property it has been designed with a substantial flat roofed element which gives it a squat and unattractive appearance.
10. I find the harm that would arise from the forward location of the dwelling fronting London Road, and the unattractive appearance of the proposed dwelling the rear, would cause the proposed development to detract from the character and appearance of the surrounding area. As such it would be contrary to Policies RLP 3 and RLP 90 of the Braintree District Local Plan Review that seeks to ensure that new development is in harmony with the character and appearance of the surrounding area and Policy CS9 of the Braintree District Council Local Development Framework Core Strategy which requires new development to respond to and respect local context.

### ***Other matters***

11. Turning to other matters raised by local residents, I am satisfied that there would be no unacceptable loss of privacy to adjoining dwellings or gardens. This is because the first-floor windows in the proposed dwellings looking onto these areas would be velux style with a restricted outlook from them. The proposed dwelling to the rear of the site would cause some loss of light to No. 1 Partridge Walk as well as having some visual impact on it. However, this would not be to an extent that would be unacceptably harmful to living conditions given the effect of an existing substantial boundary fence. The location of the proposed development to No. 2 Partridge Walk would be such that there would be no unacceptable detriment to the occupiers of this property through loss of light. Partridge Walk is a reasonably wide access road and should be able to safely accommodate the modest amount of additional traffic that the proposed development would generate. There is no professional

highway evidence to support local concerns on the adequacy of car parking provision. Concerns regarding surface water drainage could be satisfactorily overcome by condition.

12. However, lack of harm on the above matters does not make the proposed development acceptable given the substantial harm identified on the main issue which strongly points towards dismissing the appeal. In arriving at this view, I have had regard to the appellant's observations that the urban location of the appeal site, and the fact that the proposed dwellings would meet Lifetime Homes Standards, means that the proposal is a sustainable form of development supported by the National Planning Policy Framework (the Framework). However, for new development to be sustainable the Framework says that it should contribute to protecting and enhancing the built environment which would not be the case in this instance. I note the appellant's concerns on the pre-application advice from the Council, but that does not alter my conclusions.

### **Conclusion**

13. For the reasons given above it is concluded that the appeal should be dismissed.

*RJ Marshall*

INSPECTOR

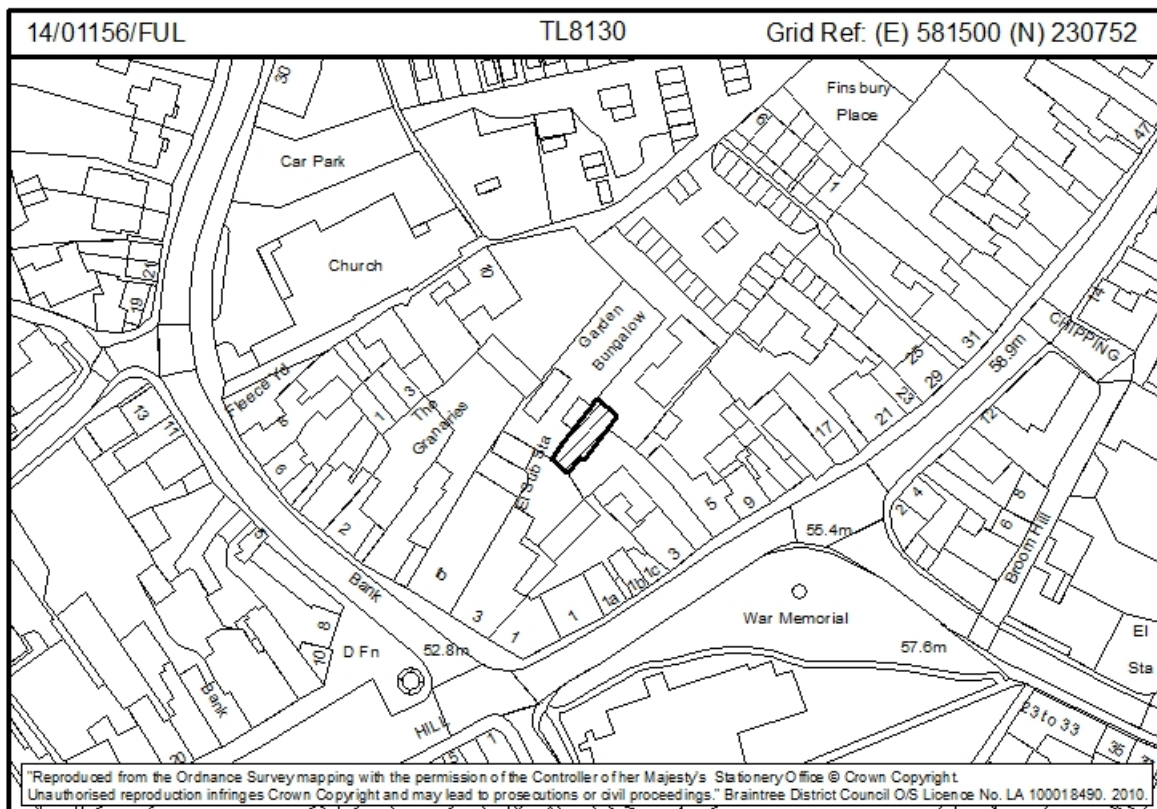


# AGENDA ITEM NUMBER 5f

## PART A

APPLICATION NO: 14/01156/FUL DATE: 02.09.14  
 VALID:  
 APPLICANT: Mr And Mrs Przybyla  
 Flat 1, Head Street, Halstead, Essex, CO9 2AT  
 AGENT: Oswick Ltd  
 Mr D Lockley, 5/7 Head Street, Halstead, Essex, CO9 2AT  
 DESCRIPTION: Change of use of first floor storage area to a 1 bed flat,  
 ground floor storage area converted to garage, alterations  
 to front elevation.  
 LOCATION: Head Street Studio, Head Street, Halstead, Essex

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



## SITE HISTORY

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

## INTRODUCTION

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

## SITE DESCRIPTION

The site is located within Halstead Development Boundary and is also in the Halstead Conservation area. The site comprises an existing storage/office building which is situated in a courtyard area at the rear of numbers 1, 1a, 1b, 1c, and 3 Head Street which are generally listed buildings. The building itself is not listed however retains a distinct historic 19<sup>th</sup> century character. Its current use is storage/parking for 1 Head Street and Head Street Gallery, and the first floor as existing is office/storage. Behind the building planning permission has been granted for the demolition of an existing barn and the erection of a new dwelling.

## PROPOSAL

The proposal comprises converting the existing first floor storage/office area into a one bedroom flat, with its own associated garage/store at ground floor level. It also includes minor changes to the front elevation relating to the access to the flat.

## CONSULTATIONS

### Historic Buildings Advisor

Has no objections to the proposal, but made the following comments which are summarised below:

- Building could be considered curtilage listed
- Black weatherboarding introduces additional material into facade of building which is predominately brick (*revised plans changed to render*)
- Recommends condition for detailed plans regarding window and doors.

### Highways Officer

No objection to the proposal.

### Halstead Town Council

Object to the proposal, comments are summarised below:

- Tight Manoeuvring space
- Safety concern – doors opening into the lane
- Additional pressure on parking and safety
- Backland development

## REPRESENTATIONS

A site notice was displayed at the front of the existing storage building, and one public representation has been received raising some concerns, which are summarised below:

- Additional traffic on already overused access road
- No visitor parking
- No turning area

## REPORT

### Principle of Development

The site is located within the Town Development Boundary of Halstead and as such it is noted that policy RLP2 of the Braintree District Local Plan Review 2005 focuses new development towards land within the Town Development Boundary. The only other site specific designation affecting the site is the inclusion of the site within the Halstead Conservation Area which does not prevent the introduction of residential use, but means that any development or change of use needs to preserve or enhance the character and appearance of the Conservation Area. It has been confirmed that the building was not in the ownership of 1A, 1B and 1C Head Street at the time of their listing in 1978. As



such, it is considered that the building cannot be considered curtilage listed in this instance. It is therefore considered the principle of development in this instance can be established subject to satisfying design, appearance and highways criteria outlined in National and Local Policies.

### Design, Appearance and Layout

Policy CS9 of the BDCS states that the Council will promote and secure the highest possible standards of design and layout in all new development. Policies RLP 3, 9 and 90 of the BDLPR also refer to the design and layout of new developments and seek to protect the existing character of the settlement and the street scene. Policy RLP 3 refers to the development of infill plots and seeks to ensure that the scale, design and intensity of such development is in harmony with existing surrounding development and respects neighbouring amenities. This policy also sets out that inappropriate backland development will not be supported. Policy RLP 9 states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings.

Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

Policy RLP 90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

Moreover, as the site is within the Halstead Conservation Area, the Local Planning Authority would also be required to have regard to the impact on the character, appearance and setting of the Conservation Area as is required by policy RLP95 of the BDRLP and the Planning (Listed Building and Conservation Areas) Act 1990.

The proposed development is dependent on internal alterations and very minor alterations to the external appearance of the building, consisting of the alteration of a window on the front elevation to a door. The Historic Building Advisor has raised no objection to the proposal subject to a future application being accompanied with appropriately detailed plans of any alterations to the windows and doors that serve the property. This can be secured via condition.

### Amenity

#### Flat

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with one – two bedrooms should have at least 50 sqm of amenity space. The proposed flat is to be provided with 150 sqm of shared amenity space at the rear of 1, 1a and 1b Head Street. Therefore it is considered that the site will be provided with a

suitable level of amenity space, and due to the town centre location any future residents of the flat will be able to utilise nearby parks and facilities. The flat itself due to its size is also considered to provide a good level of living accommodation for any future occupier.

### Impact on Neighbour Amenity

The residential unit proposes to utilise existing roof lights in the West elevation of the existing building. A residential development (Garden Bungalow) has recently been approved on the lower ground to the West for a single dwelling under application reference 13/00491/FUL. Garden Bungalow is yet to be built, however will be situated largely North West of the application site. Therefore, due to the layout of that dwelling, it is considered that the application site will not have direct line of sight into the garden of Garden Bungalow.

There are no windows at first or ground floor level on the East elevation of garden bungalow that will be directly adjacent to Head Street Studio. After a site visit it was evident that the existing roof lights are high enough above floor level (1.5m from floor to bottom) to restrict potential overlooking. Therefore, taking the above into consideration, it is considered the current proposal will not lead to a detrimental loss to the future amenity of Garden Bungalow, or any other nearby dwelling.

### Highway Issues

Policy RLP56 states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards. Under the current parking standards two parking spaces are required for each 2 or more bedroomed dwelling, at a size of 5.5 by 2.9m, with the only reduction being in the case of one bedroom flats and developments in the most sustainable of locations. For garages to count as parking spaces, their internal measurements have to be 7m by 3m. Adequate turning facilities should also be provided.

Head Street Studio as existing does not have its own associated parking spaces, however the building includes two garages; one for 1 Head Street Gallery and one for the application site (Head Street Studio). Both garages are to be retained however one will be for the sole use of Head Street Studio. The existing garage to be utilised by the site measures 5m in length by 3m in width (that is useable space). The garage therefore cannot constitute a parking space under the adopted parking standards; however, it could be reasonable to ascertain that a car could feasibly park in the garage. There are also several examples of units being served by less parking than the adopted parking standards in this instance. In application 12/00169/FUL, an application for 'Garden Bungalow,' the inspector stated the following:

*"I consider the context of the immediate area and the proximity of town centre parking provision to be material considerations which outweigh the requirements of Local Plan Policy RLP 56 in respect of bay size and*

*provision of visitor parking, in accordance with the Council's adopted standards."*

It is considered that this assessment is also relevant to this application, and as such it would be unreasonable in this instance to refuse the application based on a lack of off street parking provision, given the proximity to the town centre. Therefore due to the small scale nature of the proposal, it is considered that there is little evidence to suggest that it would lead to additional pressure to park within the site or be prejudicial to highway or pedestrian safety within and adjacent to the site. The door which opens onto the road already serves an office and as such a residential use would be less intensive. Overall it is considered that it would therefore be unreasonable to refuse the application on the above basis.

#### Landscape and Ecology

The building is existing and no external ground works are proposed, therefore it is considered that there are no landscape or ecology issues associated with this application.

#### Other Matters

Due to recent changes at National level this application now does not meet the criteria to justify requesting an open space contribution.

#### CONCLUSION

The site is located in an urban area where town development policies apply. The principle of new residential development is acceptable and it is considered that the size, scale, nature, siting and design of the proposal would accord as far as is considered reasonable with adopted policies.

#### RECOMMENDATION

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

#### APPROVED PLANS

Proposed Plans

Plan Ref: 14-098-AS-1

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

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

- 3 Works shall not be commenced until additional drawings that show details of proposed new windows and doors to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 4 The garage hereby permitted shown as "garage/parking space for Flat 1 Head Street Gallery" on Drawing No. 14-098-as-1 shall only be used for the parking of vehicles or for domestic storage associated with Head Street Studio and shall not be used for living accommodation.

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

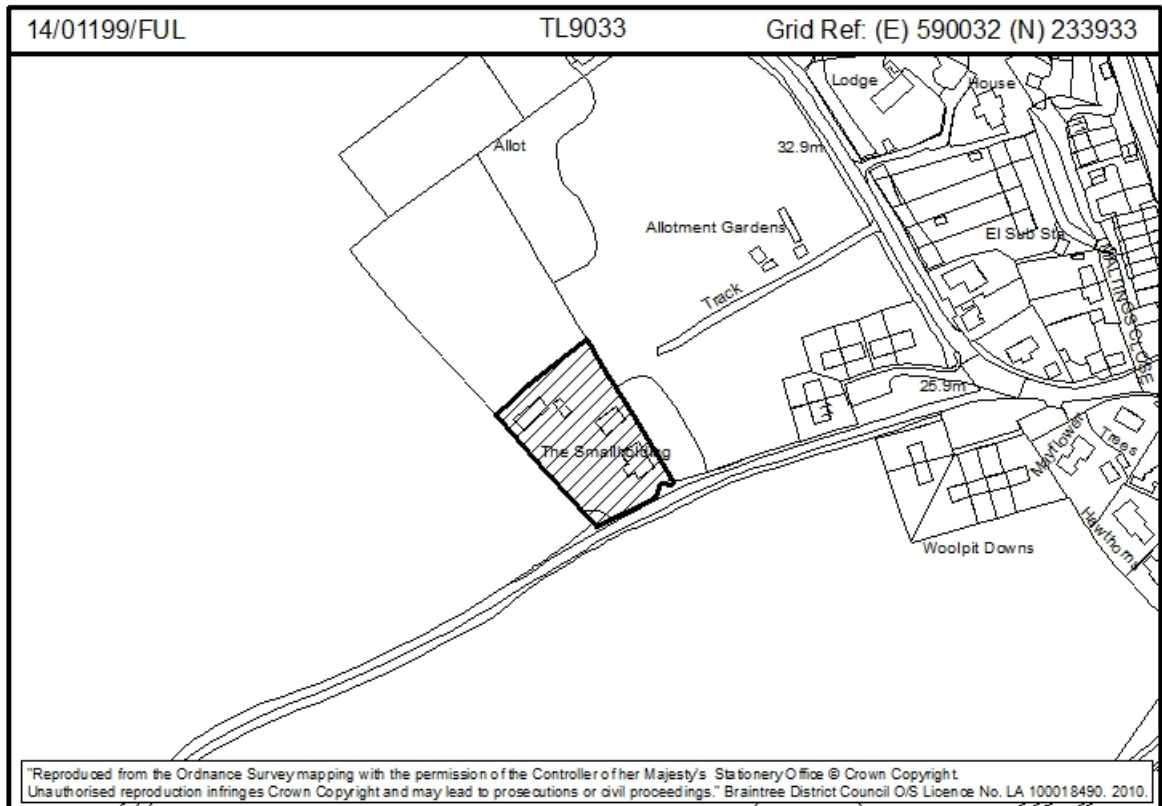


AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 14/01199/FUL  
DATE: 10.09.14  
VALID:  
APPLICANT: Mr D Rooney  
The Small Holdings, Ferriers Farm Lane, Bures Hamlet,  
Sudbury, Essex, ,  
AGENT: Chris Smith  
Eastern Planning Services, 5 Cranwell Grove, Grange  
Farm, Kesgrove, Ipswich, Suffolk, IP5 2YN  
DESCRIPTION: Erection of 2 metre high brick boundary walling and new  
entrance gates (existing close boarded fencing, entrance  
gates and shubbery to be removed)  
LOCATION: The Smallholding, Ferriers Lane, Bures Hamlet, Essex,  
CO8 5DL

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



## SITE HISTORY

09/01347/FUL	Change of use of land for the stationing of caravans for the residential purposes for 2 no. gypsy pitches and three additional transit pitches together with the formation of additional hard standing and day room building ancillary to that use	Refused then allowed on appeal	01.12.09
12/01335/FUL	Siting of static caravan on site approved for brick and tile building	Granted	07.12.12

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

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

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP90	Layout and Design of Development

## INTRODUCTION

The application is being presented to the Planning Committee due to the receipt of objections from Bures Hamlet Parish Council contrary to Officer's recommendation.

## SITE DESCRIPTION

The application site is located to the North of Ferriers Lane and is in the countryside as it is outside of any development boundary. The site is connected to the settlement of Bures by a bridleway that measures approximately 3 metres wide, which is abutted by a ditch to the South and a vegetated bank to the North. The existing boundary treatment at the front of the site comprises a mixture of close boarded fencing and laurel hedging adjacent to Ferriers Lane.



The application site has a total area of 0.28 hectares, and the submitted plans show that the applicant owns an additional paddock area of 0.5 hectares to the North.

## PROPOSAL

The proposal is to erect a two metre high brick wall to act as a means of enclosure at the front of the site. The proposal was initially to erect the wall directly adjacent to Ferriers Lane. However, after initial concerns were raised, the wall was set back from Ferriers Lane by 2m, with provision for planting in front.

## CONSULTATIONS

Braintree District Council Engineers  
Not aware of any surface water issues affecting the site.

Bures Hamlet Parish Council

## Initial comments

Object to the proposal for the following summarised reasons:

- Out of keeping with the area
  - Intrusion in the countryside locality
- Permitted applications 09/01347/FUL and 12/01135/FUL for buildings of a temporary nature
  - Wall would act as a permanent structure
- Conditions attached to applications 09/01347/FUL and 12/01135/FUL stated that no hedging shall be removed or reduced below five metres where it adjoins the boundary of the site
  - Applicant seeking to overturn these conditions

## Revised comments

Maintain objections to the proposal for the following summarised reasons:

- 2m gap to bridleway not mitigate detrimental impact to environment despite proposed screening
- Way to circumnavigate condition 5 attached to planning applications 09/01347/FUL and 12/01135/FUL

## REPRESENTATIONS

A site notice was placed on the fence at the front of the site, and neighbour notifications were sent to dwellings closest to the site.

No responses were received.

## REPORT

### Principle of Development

The site is located outside of a development boundary and as such is on land designated as 'Countryside.' Therefore policies CS5 and RLP2 apply stipulating tighter controls on development. Therefore to be acceptable, the proposed development is required to satisfy design, appearance and highways criteria outlined in National and Local Policies.

It is noted Condition 5 attached planning applications 09/01347/FUL and 12/01135/FUL stipulate that no hedging shall be removed or reduced below five metres where it adjoins the boundary of the site. However, it was evident from the site visit that there is not an established 5m hedge line along the front boundary of the site, but instead a close boarded fence set back from the boundary edge, and an existing gateway set further back. As such it is considered condition 5 attached to planning applications 09/01347/FUL and 12/01135/FUL would not be affected in this instance.

### Design, Appearance and Layout

Policy RLP90 and CS9 state that the Council will only accept high quality development that harmonises with its surroundings in terms of character, appearance and density. Policy CS5 stipulates that the landscape character, biodiversity and geodiversity of the countryside should be protected. Bridleways by their nature are also protected.

The new boundary wall was initially proposed to be directly adjacent to Ferriers Lane, however after discussions with the agent it was moved back 2 metres from the bridleway. This was to allow for the provision of planting with the aim of reducing the visual impact of the wall on the countryside locality. The proposed boundary wall is to be constructed in buff facing brick, and consist of timber gates with a concrete entrance apron similar to that which already exists on the site. It would facilitate one main entrance which would be at a distance of 3.4m from Ferriers Lane.

A wall of this nature would constitute an urban feature in a countryside locality adjacent to a bridleway. Therefore, it was considered that the close proximity of the wall to the lane without any mitigation would be detrimental to the character of the countryside. However, the 2m step back of the wall would facilitate a planting scheme which would help mitigate the impact on the countryside. The nature of planting can be controlled via a condition to ensure that suitable species of vegetation are included. The existing fencing adjacent to the boundary is disjointed and appearing in parts to be in a poor state of repair. As such, its removal is considered would benefit the character and appearance of the countryside locality.

Based on the above, it is considered that the proposed boundary wall would not have a detrimental impact on the character and appearance of the countryside locality and not be overbearing on the adjacent Bridleway.

#### Impact on Neighbour Amenities

The boundary wall would be located over 60 metres away at its closest point to any neighbouring properties. As such, it is considered that there would not be a detrimental impact on neighbouring amenity as a result of the proposal.

#### Highway Issues

The proposal creates a new access onto Ferriers Lane, however it replaces the existing access. Given the location of the access and the above, it is considered there are no highway issues that would justify refusal of the application.

#### Landscape and Ecology

The existing shrubs in front of the gates do not appear in a good condition, and it is considered their removal would benefit the countryside locality in favour of new planting. As aforementioned, the new planting would be controlled by condition to ensure that the proposed wall is mitigated as far as possible on the wider countryside locality.

#### Other Matters

Concerns have been raised regarding the permanence of the wall in comparison to the 'temporary' structures which were permitted on the site under respective applications 09/01347/FUL and 12/01335/FUL. Providing the wall does not have a detrimental impact on the countryside locality, its permanence in regard to other applications on the dwelling cannot be considered a justifiable reason for refusal in this instance.

#### CONCLUSION

The proposed wall would be set back 2m from Ferriers Lane and be separated by controlled vegetation. It is therefore considered that the proposed wall would not have a detrimental impact on the character and appearance of the countryside locality and as such should be approved.

#### RECOMMENDATIONS

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

#### APPROVED PLANS

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

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

- 3 Development shall not be commenced until details of a native species hedge to be planted on the South boundary to the front of the hedge has been submitted to and approved in writing by the local planning authority.

The hedge planting shall be carried out in the first planting season after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

Any 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.

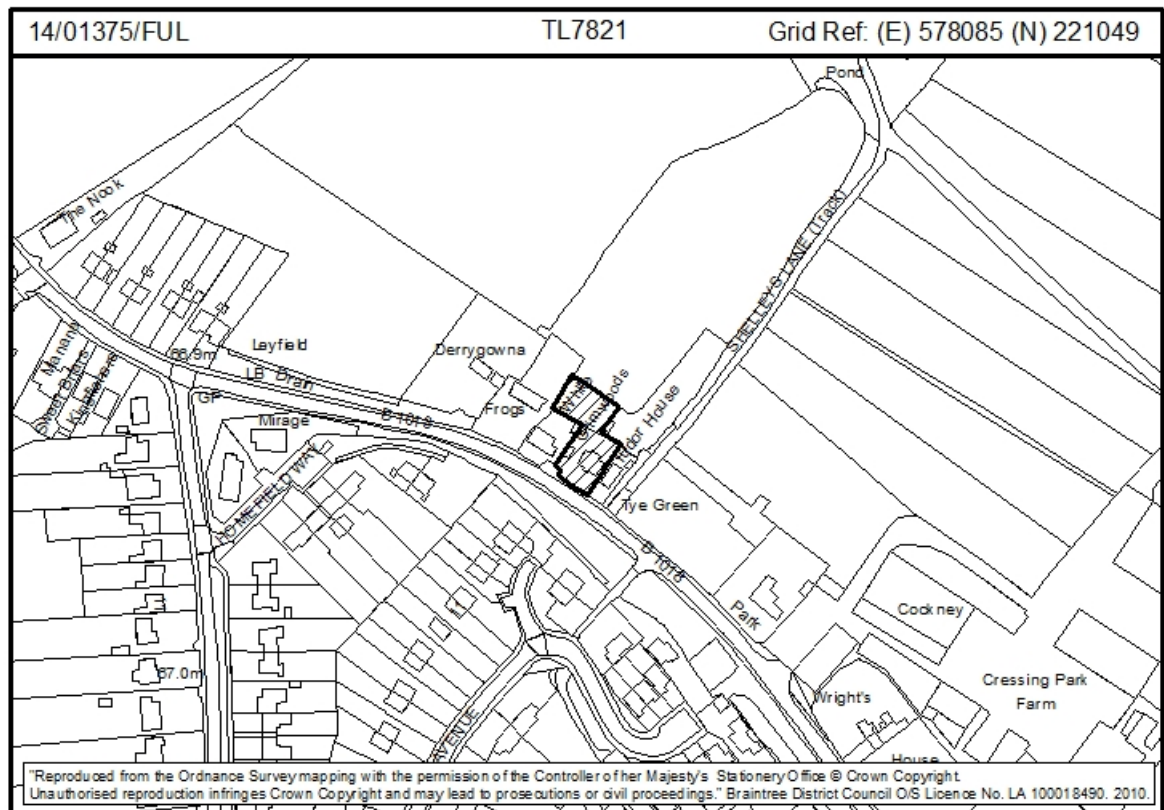
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5h

PART B

APPLICATION 14/01375/FUL DATE 22.10.14  
NO: VALID:  
APPLICANT: Mr T Wheeler  
Grimwoods, Braintree Road, Cressing, Essex, CM77 8JB,  
DESCRIPTION: Erection of single storey rear extension  
LOCATION: Grimwoods, Braintree Road, Cressing, Essex, CM77 8JB

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



## SITE HISTORY

98/00524/COU	Change of use of land from meadow land to garden	Granted	09.06.98
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Parish Council objects to the proposal whereas the District Council seeks to approve as it is considered compliant with the relevant policy.

## SITE DESCRIPTION

Grimwoods is a two-storey dwelling located on the north side of the B1018 road at Cressing. The site is adjacent to the Cressing Village Envelope however its location means that it is in the countryside as outlined in the Braintree District Local Plan Review. The neighbouring dwelling to the southeast, Tudor House, is a Grade II listed building. The subject site includes a garden to the rear part of which was the subject of a change of use application from agricultural to residential (garden) via a 1998 application granted under ref: 98/00524/COU.

## PROPOSAL

Erection of single storey rear extension

## CONSULTATIONS

Parish Council – Object to the proposal for the following reasons:

- The proposal is considered an overdevelopment of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries
- It is noted that there has been an acquisition of land toward the rear of the property and Parish Council wish to query whether there is permission for that land to be used as garden land as this impacts on the application.
- The Parish Council is concerned that there will be an adverse impact on the neighbouring property arising from a loss of privacy to the neighbouring property Tudor House.

Historic Buildings Advisor – Notes that the proposal would not have a substantially detrimental effect on the setting of the listed building. Concerned about the blank nature of the elevation but acknowledges that this probably arises as the applicant sought to avoid overlooking onto the neighbour. Proposes two alternative solutions;

- To step the gabled end bay forward from the rest of the building line to create some articulation;
- Alternatively the addition of blank window openings or windows with obscure glaze, probably two spaced away from each other and not too close to either end of the elevation.

Concerns were also raised re the proportions of the gable at the north-eastern end of the proposed structure. It was also noted that the gable would benefit from having a lower ridge line and a shallower roof pitch.

Members should note that after negotiation the application has agreed to fit obscure glazed windows to improve the appearance of the proposal. This would be added as a condition. Following this concession on the part of the applicant the Historic Buildings Advisor saw fit to drop the second objection regarding the proportions and roof pitch of the proposal.

## REPRESENTATIONS

Letters were sent to neighbouring residents and a site notice erected. No letters of objection or otherwise have been received.

## REPORT

### Principle of Development

Core Strategy Policy CS5 *The Countryside* requires that development be strictly controlled to uses appropriate to the countryside.

RLP2 of the Local Plan Review requires that outside designated development envelopes countryside policies will apply.

*RLP18 Extensions to Existing Dwellings in the Countryside* requires that extensions are in harmony with the countryside setting and compatible with



the scale and character of the plot on which it stands. Extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

*RLP90 Layout and Design of Development* requires that all development be of a high standard of design appropriate to its setting.

*RLP100 Alterations and Extensions and Changes of Use to Listed Buildings, and their Settings* requires that development does not harm the setting, structural stability and fabric of the building; and ...does not result in loss of, or damage to the structure's historical and architectural elements of special importance... the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land."

### Design, Appearance and Layout

The proposal is large relative to the dwelling house however officers consider that it would be subordinate to existing by virtue of its single storey form and its discreet positioning to the rear of the dwelling. Furthermore, after negotiation with the applicant arising directly from the initial comments of the Historic Buildings Consultant (HBC), it was agreed to condition the use of obscured glazing on the elevation facing the neighbouring listed building. This would break up the stark elevation thereby addressing the HBC's first concern.

Following on from this and after further consultation and negotiation, the HBC and the case officer agreed that the scale of the proposal as outlined would be acceptable in terms of design and appearance. This conclusion arises from the considered opinion of both officers with regard to the small scale of the proposal and the fact that the HBC did not consider it appropriate to press the issue when the minor nature of the proposal is considered.

In terms of the impact on the plot officers note that the garden to the rear was granted via a *Change of Use* application. When this garden addition is accounted for it is not considered that the proposal would be disproportionate in its relationship to the rest of the plot and it is therefore considered compliant with RLP18.

### Impact on Neighbour Amenity

The Parish Council also raised concerns regarding the impact on the neighbouring property, Tudor House. While officers accept that the proposal is close to the boundary, the lack of habitable windows in the proposal means that no loss of privacy is likely to ensue. Furthermore, while the proposal's footprint is relatively large it is well defined within the boundaries and would have an insignificant impact on the residential amenity of Tudor House. This conclusion is drawn when one notes the plentiful amenity available to Tudor House from its long garden and the fact that there is a public right of way on eastern side of that plot. It should also be noted that although the proposal

would be visible from Tudor House, its siting to the northwest of the neighbour means that there would be no appreciable loss of sunlight.

### Impact on the Listed Building

As already inferred the impact on the neighbouring listed building is considered to be minimal. While the proportions of the extension are not ideal it is accepted that the historic character of Tudor House would not be affected as corroborated by the Historic Buildings Advisor. When the alterations to the west facing blank elevation are considered the overall impact would be minimal as policy requires.

### Other Matters

The parish council makes reference to the “acquisition of additional lands toward the rear of the property” and whether there is permission for that land to be used as garden land in association with the existing plot.

Officers are not aware of additional land purchases to the rear of the property. The site as described combines the original curtilage as well as the garden extension as granted in 1998 under reference 98/00524/FUL. Any other land issues are not considered material to this application.

### CONCLUSION

The proposal is considered acceptable in terms of policy as it would not have a negative effect on the character of the listed building, nor would it result in a negative impact on the countryside as it would be single storey and visually inconspicuous. Finally the impact on neighbouring amenity is considered to be minimal and would not unacceptably impact on Tudor House.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: 01	
Existing Floor Plan	Plan Ref: 02	
Existing Elevations	Plan Ref: 03	
Proposed Floor Plan	Plan Ref: 04	Version: A
Proposed Elevations	Plan Ref: 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 Notwithstanding the plans hereby approved the development shall not be commenced until details of the obscure glazed windows to be fitted to the northeast elevation are agreed and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure that the proposal is in harmony with the character and appearance of the adjacent listed building.

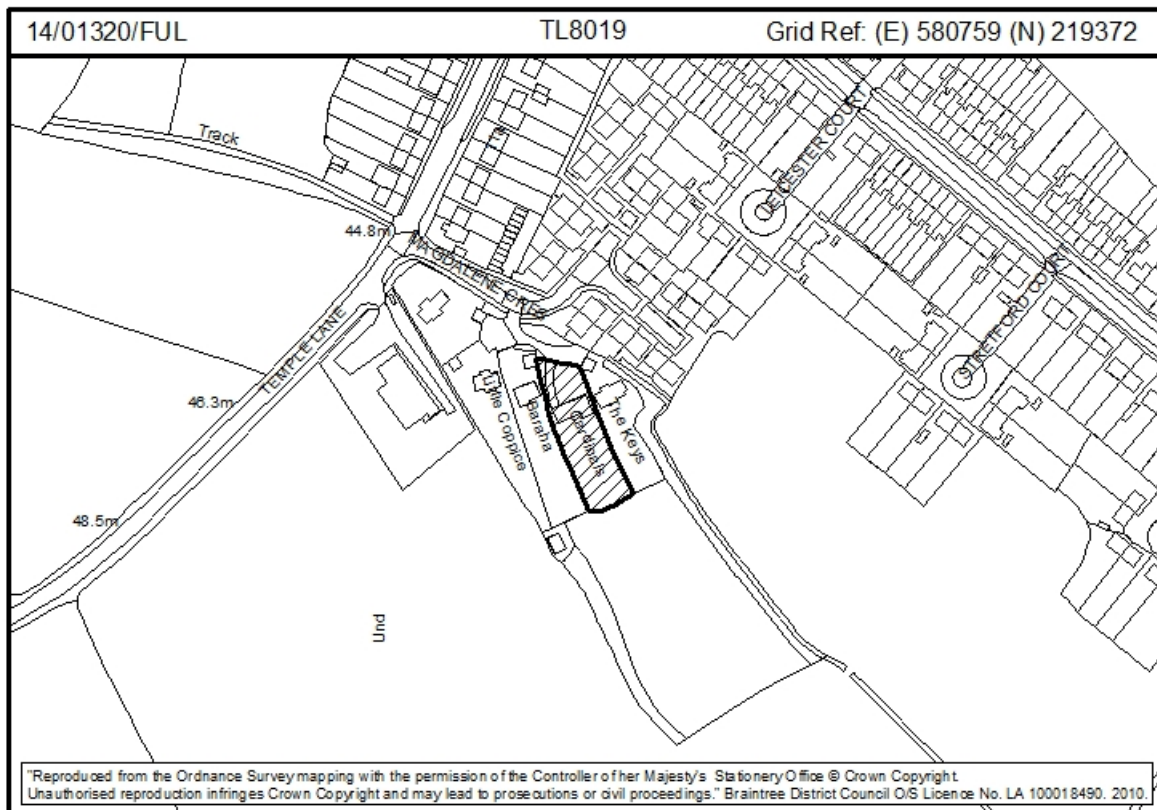
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5i

PART B

APPLICATION NO: 14/01320/FUL DATE: 29.10.14  
VALID:  
APPLICANT: Creative Support Solutions  
C/o Agent  
AGENT: Miss Heidi Richardson  
Direct Planning, 95-97 Riverbank House, High Street, St  
Mary Cray, Orpington, Kent, BR5 3NH  
DESCRIPTION: Change of use from residential dwelling, Use Class C3 to  
Use Class C2 (care home)  
LOCATION: Cardinals, Magdalene Crescent, Silver End, Essex, CM8  
3XP

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



## SITE HISTORY

02/00364/FUL	Conversion of part of garage into breakfast room		15.03.02
82/00554/	Residential development	Appeal Dismissed	28.07.83
82/01183/	Residential development for three houses	Appeal Allowed	28.07.83
82/01183/1	Residential development	Withdrawn	27.01.87
86/01763/	Residential development	Granted	28.04.87
86/01763/1	Erection of 5 no. detached houses and associated garages	Granted	09.03.88
88/01253/	Revised layout of 5 no. detached houses and garages	Granted	21.07.88
88/01959/	Change of use from refuse tip to additional rear garden space and amenity area/paddock land	Granted	21.12.88

## 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  
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  
RLP11 Changes of Use Affecting Residential Areas  
RLP20 Residential Institutions in Towns and Villages  
RLP22 Accessible Housing and Lifetime Housing  
RLP56 Vehicle Parking  
RLP90 Layout and Design of Development

### Supplementary Planning Guidance

Council's Adopted Parking Standards: Design and Good Practice (2009)

## INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has raised objections to the proposed development contrary to the Officer's recommendation.

## SITE DESCRIPTION

The site is situated within the village of Silver End approximately 300m to the south of the village centre. The application site is within a residential area located off of Magdalene Crescent which itself is accessed via Temple Lane.

The application site currently consists of a two storey detached dwelling with integral garage, front and rear gardens, and front driveway.

Residential properties bound the site with green open space to the south.

The site is within a flood zone 3 (high probability) area.

## PROPOSAL

This planning application seeks approval for the change of use of the dwelling from C3 (dwellinghouse) to C2 (care home) for children with mild learning disabilities and difficulties and includes associated internal alterations to the building only. Internal alterations would include the provision of 5 no. singly occupied separate bedrooms, staff room, communal toilet and living/dining areas. An external garden amenity area to the rear of the property would remain as existing. The application highlights this proposal as a small-scale care home distinctly different from other care homes in the local area.

## CONSULTATIONS

Council's Environmental Health Officer (EHO) – No objection.

Silver End Parish Council – Objection on the grounds of inadequate off street parking, lack of detail in relation to the type of care home proposed, close proximity of neighbours likely to be affected, flood risk, and the fact that there are a number of existing care homes nearby.

## PUBLICITY/REPRESENTATIONS

A site notice was displayed at the site in a publically accessible location and the four properties neighbouring the site were directly notified of this application. Two letters of representation have been received covering the following issues:

- Use of great concern with regards to amenity, safety and security;
- Intensification of use;
- Overlooking from existing property;

- Employment use not in keeping with local environment (proposal falls under C2 use class and therefore classed as residential);
- Flood Risk;
- Contaminated Land
- Access and parking;
- Foul sewage;
- Trees and hedges; and
- Use undesirable in this location.

## OFFICER OPINION

### Principle of Development

The application building is situated within the Silver End village envelope development boundary as defined by the development plan. The development boundary is tightly drawn and therefore the majority of the gardens are outside of the boundary.

BDLPR policies RLP 2, RLP 3, RLP 11, RLP 20 and RLP 22 support development such as that proposed within town development boundaries provided that certain contextual criteria are met.

The design, scale and layout of the proposed development will be appraised later within this report. However, initially, taking into account the site and its existing context, and existing policy support in the development plan, it is considered that, a principle does exist for the proposed development subject to the proposal's conformity with other relevant policies within the development plan.

### Design, Nature and Intensity of Use

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

The proposed development consists of the change of use and associated internal alterations to the subject dwelling only. No alterations or the change of use itself would affect the appearance of the external facades of the dwelling. Internal alterations would include the provision of 5 no. singly occupied separate bedrooms, staff room, communal toilet and living/dining areas. An external garden amenity area to the rear of the property would remain as existing.

The Parish Council has objected to this application partly on the grounds that there are other care homes already in use in the local area. However, this application highlights that the proposal is for a small-scale care home distinctly different from other care homes in the local area. In any case, the relevant policy (RLP20) does not restrict the numbers of care homes in this type of location.



A minimum of three and maximum of four (2 full-time, 2 part-time) members of staff would be working providing care assistance on a shift basis to ensure that an adequate level of care is provided throughout each day.

Taking into account the design, size and scale of the proposed development it is considered that it would be appropriate and acceptable in this location and comply with the relevant policies of the NPPF, BDCS, BDLPR, SADMP and relevant Supplementary Planning Guidance in relation to design and intensity of use in this instance.

#### Impact on Neighbouring Residential Amenity

The application site is situated within a residential area with the nearest residential dwellings being to the east and north west. As previously highlighted within this report, no extension or external alteration of the existing dwelling is proposed.

A number of representations have been received from local residents raising concern in relation to security, safety and amenity issues associated with this proposal given its nature and any associated intensification. However, this proposal is of a small-scale with the vast majority of care taking place within the confines of the building itself whereby occupants are sufficiently supervised. Therefore it is considered highly unlikely that such a proposal would result in an adverse impact on neighbouring amenity by way of the nature and intensity of the proposed use.

Another representation has highlighted that the existing dwelling already overlooks an adjacent rear garden and that this proposal would severely compromise way of life. However, no windows look directly on to the rear garden of this property and given the nature and intensity of the proposed use it is considered unlikely that it would have an adverse impact on neighbouring amenity over and above the existing situation.

Given the nature, size and scale of the proposed development it is considered that the proposal would be very unlikely to have an adverse impact on residential amenity, including by way of overlooking, overshadowing and/or visual intrusion and further considered that the proposal complies with the relevant policies of the NPPF, BDCS, BDLPR, SADMP and relevant Supplementary Planning Guidance in relation to safeguarding existing residential amenity in this instance.

#### Highways

A number of representations have been received raising concern over an existing shared access to the site and car parking. However, given the nature and intensity of the use proposed it is considered very unlikely that the proposal would have an adverse impact on this access.

The Council's Adopted Parking Standards require a maximum of one off street car parking space per full time equivalent staff plus one visitor space per 3

beds. Therefore the site's maximum parking provision would be three (2 full time staff plus two part-time staff equalling a further one full time equivalent staff member) plus one visitor parking space (5 beds proposed). The site includes sufficient driveway space away from both the shared access and main highway to accommodate these four spaces and also includes a garage which would qualify as an additional parking space. Therefore the proposal is considered acceptable in this regard complying to the Council's Adopted Parking Standards.

### Flood Risk

The site is within a flood zone 3 area as a watercourse runs approximately 20m to the east of the site. A number of representations have been received including from the Parish Council raising concerns over flood risk.

The NPPG highlights uses such as that proposed are "more vulnerable" in terms of flood risk and states that where such development is proposed that the exception test is required as detailed by paragraph 102 of the NPPF. The exception test sets out that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

In this instance however, it is not considered appropriate to apply the sequential or exception tests as outlined by the NPPF given that this proposal relates to the change of use of an existing dwelling only and no external changes or extension would be associated with it. The change of use to a small-scale residential care home is also considered to be akin to that of a purpose built dwelling which itself is also categorised as more vulnerable within flood risk zones. Therefore it is considered unlikely that this proposal would be more susceptible to flood risk than the existing use or give rise to an increase in flood risk on the site or in the local area. This proposal is therefore considered acceptable in this regard.

### OTHER ISSUES

#### Contaminated Land

The site is on an historic landfill site. No ground would be disturbed as part of this proposal. Further, the Council's EHO has raised no objection to this proposal.

#### Foul Sewage

A letter of representation has been received partly relating to the inadequacy of existing foul drainage serving the site and those adjacent and the impact the proposal would have on this. However, given the nature and intensity of the proposal it is considered unlikely that this proposal would have an adverse impact on the existing drainage infrastructure in this location.

### Trees and Hedges

No trees or hedges are proposed to be removed or likely to be affected as a result of this proposal.

### CONCLUSION

A principle for the proposed development exists by virtue of policies RLP 11, RLP 20, and RLP 22. Given the nature, scale and intensity of this proposal it is also considered that the proposed development would be acceptable in terms of its impact on the nature, character and appearance of this residential area including the amenity of neighbouring occupiers.

Therefore, this is considered to be an acceptable form of development on this site that would contribute to the range of local care facilities available in order to meet local needs.

### 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	
Existing Plans	Plan Ref: DP/2342/ES-01
Proposed Plans	Plan Ref: DP/2342/ES-02
Floor Plan	Plan Ref: DP/2342/ES-03

- 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 provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises known as Cardinals shall be used as a residential care home and for no other purpose within Class C2.

Reason

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

- 4 No external lighting shall be erected on the site until an appropriate lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate compliance with the relevant ILE Code of Practice / Policies.

Reason

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

INFORMATION TO APPLICANT

- 1 You are advised to contact the Council's Environmental Services before carrying out any relevant works to ensure that your proposals comply with (food hygiene requirements) (health and safety at work requirements) (licensing requirements).
- 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

AGENDA ITEM NUMBER 5j

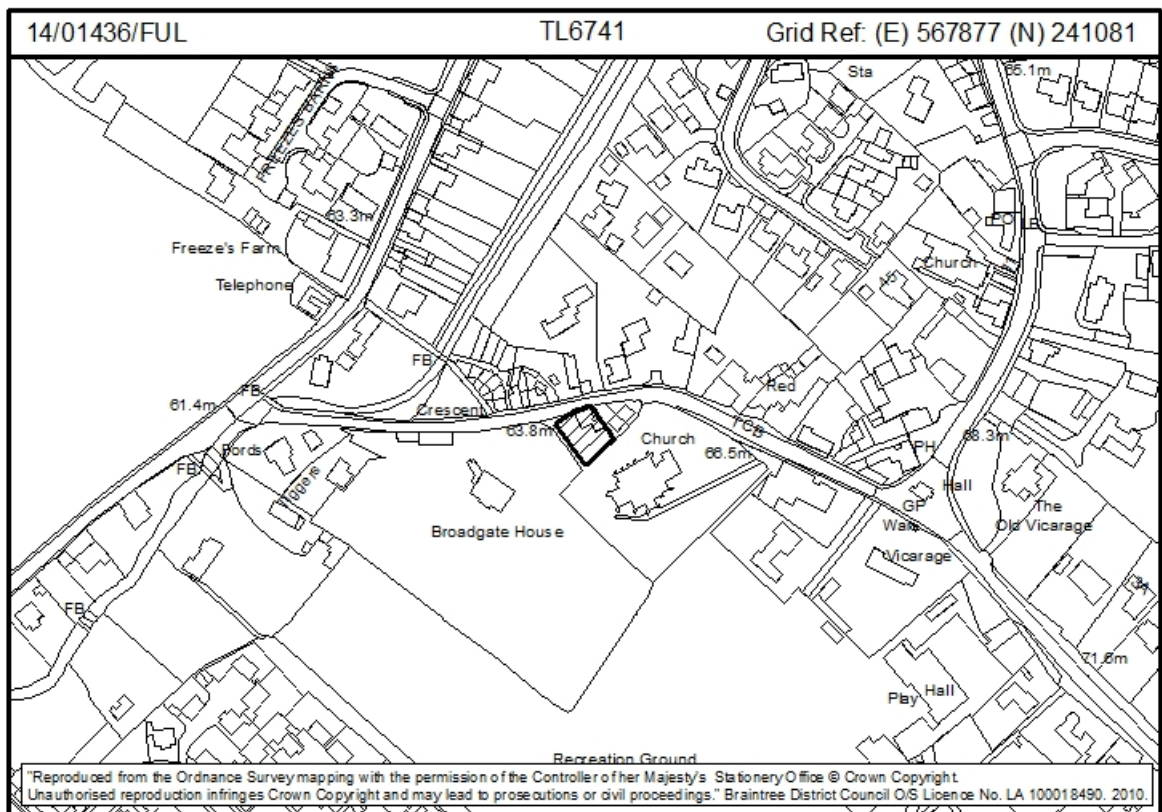
PART B

APPLICATION 14/01436/FUL DATE 04.11.14  
NO: VALID:  
APPLICANT: Mr And Mrs Christian Lacey  
13 Church Street, Steeple Bumpstead, Essex, CB9 7DG,  
AGENT: Rachel Moses Architect Ltd  
Mrs Rachel Moses, Thatch Cottage, Radwinter End, Saffron  
Walden, Essex, CB10 2UD  
DESCRIPTION: Erection of rear first floor extension, ground floor side  
extension and new pitched roof over existing bedroom  
LOCATION: 13 Church Street, Steeple Bumpstead, Essex, CB9 7DG

For more information about this Application please contact:

Mrs H Reeve on:- 01376 551414 Ext. 2503

or by e-mail to: [helen.reeve@braintree.gov.uk](mailto:helen.reeve@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

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

### Other Material Considerations

BDC Site Allocations and Development Management Plan  
Essex Design Guide 2005

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The Parish Council support the application, contrary to Officer recommendation.

## SITE DESCRIPTION

The site is located centrally within Steeple Bumpstead, within the village envelope and Conservation Area.

The site comprises 13, Church Street, a detached, unlisted, period dwelling, almost abutting the highway, with side elevations visible from the road. The site slopes upwards towards the rear boundary with a stepped rear garden. To the rear of the site is St. Mary's Church, which is a Grade I Listed Building and grounds. Boundaries include fencing and hedging. The dwelling has 2 flat roof 2 storey extensions to the rear of the property and a single storey dual pitched element to the side and rear. The footprint of the dwelling is quirky in that it follows the angled boundaries, rather than being built at right angles.

The closest adjacent neighbouring property is No. 11 Church Street, which is set further back than the application property, with its flank wall facing into the

rear corner garden of the application site. The other neighbouring property No. 15 Church Street (Broadgate House) is sited some 40 metres away to the south-west.

There is no uniformity of built design in the immediate area.

## PROPOSAL

Planning permission is sought for the erection of a first floor rear extension, a ground floor side extension and new pitched, gable end roofs over existing 2 no. 2 storey slack mono-pitched roofed elements at the rear.

The first floor extension is the main part of the application and would be sited over an existing single storey kitchen projection to the rear and side of the main dwelling, set back 4 metres from the front of the house and would itself measure 5.5 metres length, 4.3 metres wide at the rear, with a projection width of 2.1 metres from the side of the house frontage and a height of 5.8 metres. This element would allow for a fourth bedroom and en-suite.

The ground floor side extension would be sited in front of the first floor extension and would partially utilise the space of an existing small flat roofed element. It would have a lean-to roof and measure 2.1 metres width, 1.7 metres length and approximately 3.7 metres high. This element would allow for a utility room.

## CONSULTATIONS

### Historic Buildings Advisor

The two pitched roofs over the existing lean-to roof at the rear of the house would benefit the appearance of the property.

However, because of its corner location, the existing kitchen is not a logical starting point for a two storey extension. What is proposed would look awkward and bulky against the side of the house, as well as projecting a long way behind it. Such an extension would not work well with the existing formal lines of the building's envelope. This would not be good design or make a positive contribution to local character and distinctiveness as required by the NPPF, nor would it enhance the Conservation Area. The proposed extension would also limit views of the church from the street and have an impact on its setting and the application cannot be supported.

## REPRESENTATIONS

Parish Council – response received, recommending approval of the application.

Neighbours – No's 11 and 15 Church Street – no responses received.

## REPORT



### Principle of Development

RLP 17 allows for the extension of an existing dwelling within a village envelope provided that there is no over-development of the plot, taking into account the footprint of the existing dwelling and the relationship to plot boundaries; the siting, bulk, form and materials of the extension are compatible with the original dwelling, there should be no unacceptable adverse impact on the amenities of adjoining residential properties and there should be no material impact on the identity of the street scene, scale and character of the area.

The principle of development is an acceptable one. More detailed consideration is given in design and appearance.

### Design and Appearance and Conservation Area Assessment

Policy CS9 seeks to promote and secure the highest levels of design and layout in all new development and the protection and enhancement of the historic environment.

RLP 90 requires development to recognise and reflect local distinctiveness and be of a high standard of design and materials.

RLP 95 seeks to preserve and enhance the character and appearance of designated Conservation Areas and their settings, including the historic features and views into and within the constituent parts of designated areas. Development will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area, and new development is situated in harmony with the existing street scene and building line and is sympathetic in size, scale and proportions with its surroundings and materials are authentic and complementary to the building's character.

The property lies within the Steeple Bumpstead Conservation Area wherein it is the policy of the Council as set out in Policies RLP3, RLP17 and RLP95 the Braintree District Local Plan Review and Supplementary Planning Guidance contained within the Essex Design Guide for Residential and Mixed Use Areas to ensure that any new development is in harmony with the existing street scene and does not detract from the character, appearance and views into and from the Conservation Areas.

There are elements of the proposal that are considered to be acceptable, and would enhance the appearance of the dwelling; namely the alteration to the 2 no. rear roofs from very slack pitched roofs to pitched, gable ends.

However, it is considered that the first floor extension over the kitchen does not meet the necessary criteria, in terms of siting, scale and bulk. It is poorly sited; although it utilises an existing ground floor element, the positioning of this does not successfully allow a first floor element to be

added. It appears as an overly bulky and incongruous addition to the property, projecting substantially behind the main house and would detract from the existing proportions of the side elevation of the house. The side elevation of the house is also visible from Church Street and as such would also have a detrimental impact on the appearance and character of the Conservation Area.

Furthermore, the proposed extension would lead to a partial loss of view of St. Mary's Church from Church Street, which is a Grade I Listed Building and an intrinsic part of the existing street scene.

#### Impact on Neighbouring Residential Amenity

The close proximity of the neighbouring property – No. 11 Church Street to the proposal is noted. To a large extent, however, this is an existing situation and the proposed extension is not considered to have an impact in terms of overbearing or overshadowing issues, to a level which would warrant refusal of this application. The first floor element is set in from the boundary and the closest part of the neighbour's property is the front corner.

#### CONCLUSION

It is considered that the proposed first floor extension fails to meet necessary criteria in terms of design, appearance within the conservation area and the character of the house itself and therefore cannot be supported.

#### RECOMMENDATION

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

- 1 The property lies within the Steeple Bumpstead Conservation Area wherein it is the policy of the Council as set out in Policies RLP3, RLP17 and RLP95 the Braintree District Local Plan Review and Supplementary Planning Guidance contained within the Essex Design Guide for Residential and Mixed Use Areas to ensure that any new development is in harmony with the existing street scene and does not detract from the character, appearance and views into and from the Conservation Areas.

In this case it is considered that the siting, scale and bulk of the proposed upper storey extension on the side of the dwelling would appear as an incongruous and awkward addition to the property, projecting substantially behind the main house and would appear as a discordant and poorly designed form of development, detracting from the appearance and character of the existing house and would have a detrimental impact on the character and appearance of the Conservation Area.

Furthermore, the proposed extension would lead to a loss of view of St. Mary's Church from Church Street, which is an intrinsic part of the existing street scene.

For these reasons, the upper storey extension is contrary to the policies referred to above.

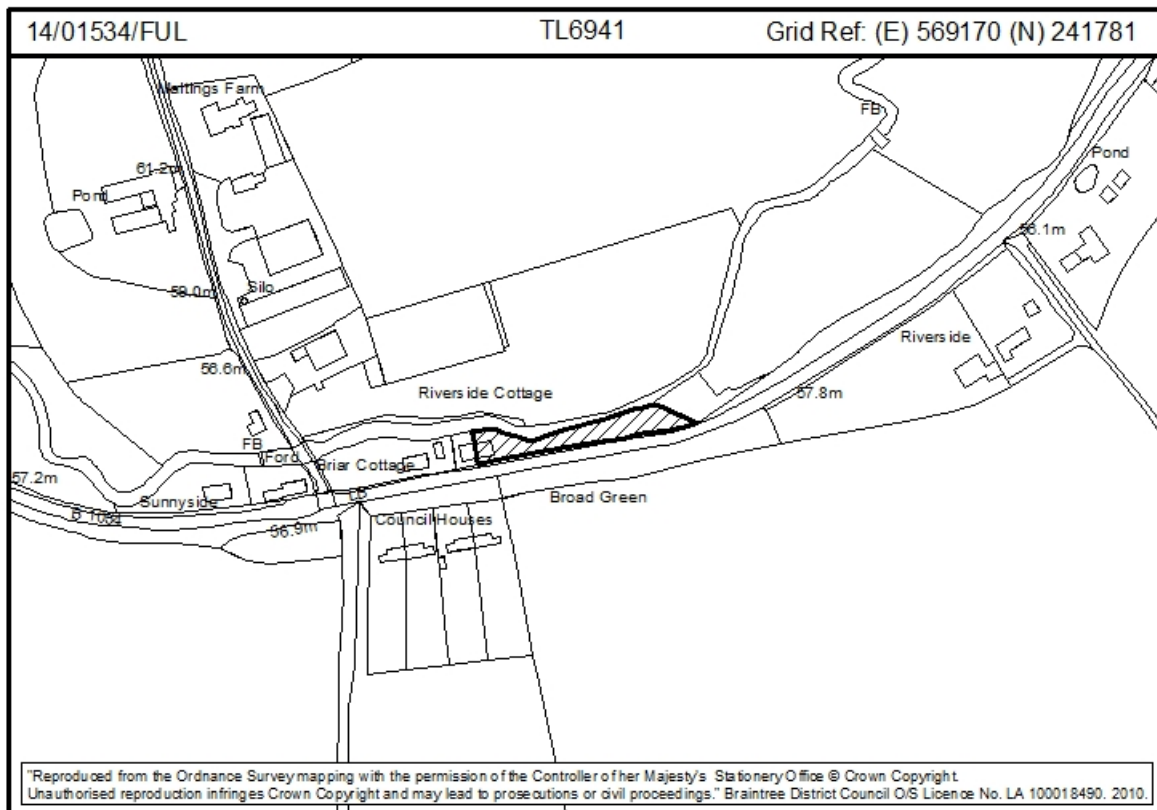
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5k

PART B

APPLICATION 14/01534/FUL DATE 02.12.14  
NO: VALID:  
APPLICANT: Mr James Chamberlain  
Hazel Cottage, Broad Green, Steeple Bumpstead, Essex,  
CB9 7BW,  
AGENT: Mr Robert Boulton  
Power Construction (Herts) Ltd, Breach House, Mill End, Lt  
Easton, Essex, CM6 2JB  
DESCRIPTION: Erection of two storey side extension  
LOCATION: Hazel Cottage, Broad Green, Steeple Bumpstead, Essex,  
CB9 7BW

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

None

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5            The Countryside  
CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP18        Extensions to Existing Dwellings in the Countryside  
RLP90        Layout and Design of Development

### Other Material Considerations

Essex Design Guide 2005

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being heard at committee because the Officer's recommendation is contrary to the comments of Steeple Bumpstead Parish Council.

## SITE DESCRIPTION

Hazel Cottage is located to the North of Steeple Bumpstead outside of the village boundary. The cottage is a semi-detached dwelling which sits in a subordinate position to its neighbour Riverside Cottage. The plot is long and thin and sandwiched between the B1054 and Bumpstead Brook. The cottage is double fronted with a render finish and a tiled roof. There is also a conservatory on the side of the cottage which will be removed to make way for the proposed extension. There is also off street parking for 2 cars.

## PROPOSAL

This application is for the erection of a two storey side and rear extension. The extension measures 7.5 metres in width by 7.7 metres in depth with an overall height of 5.4 metres. The extension would be finished in rendered timber frame with a slate roof.

## CONSULTATIONS

Environment Agency – No objections from flood risk point of view. Advise that property would benefit from an flood bund wall set 56.9 metres AODN (Above Ordnance Datum Newlyn).

## REPRESENTATIONS

1 Parish Council comment – Recommend Approval

## REPORT

### Principle of Development

Hazel Cottage is located in a rural part of the district, outside any of the town or village development envelopes designated in the Braintree District Local Plan Review. Policy RLP2 of the Local Plan Review states that outside these development boundaries countryside planning policies will apply. Policy RLP18 does allow for the principle of extending existing residential properties subject to the siting, design, and materials of the extension being in harmony with the countryside setting and the extension being compatible with the scale and character of the existing dwelling and the plot upon which it stands. The policy also requires that extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

From this basis it is considered that there should be no objection to the principle of extending the current dwelling subject to compliance with the policy objectives.

### Design, Appearance and Layout

As stated above, policy RLP18 requires that the extension of a habitable, permanent dwelling in the countryside is acceptable, subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

A recognised function of planning control is to restrict development in rural areas and protect the countryside for its own sake. It is where new development is seen to be out of place. Therefore, the size of any addition, the cumulative effect of extensions and the increased impact of the dwelling overall, can be more significant.

In this case it is considered that the size and design of the proposed extension creates a bulky addition to Hazel Cottage. The resulting extension would represent an increase in the size of the existing dwelling by almost 70%. The width of the overall property would be increased greatly and whilst a side extension could be considered acceptable, the bulk of the proposed extension

owing to its size and depth fails to be subordinate and results in overdevelopment of the existing dwelling contrary to the Council's policies.

In terms of design, the proposed side extension fails to be compatible with the existing cottage. It is acknowledge that some effort has been made to match the neighbouring property, however the width of the proposed extension and its overly wide gable roof fail to match, in addition to this the misaligned window arrangement at the front adds to awkwardness of the design. From the East the extension gives the appearance of a separate dwelling, has little regard to the features of the original dwelling and would fail to be harmonious with the rural character of the area.

The desire to introduce more contemporary elements such as the glazing the entire gable end to the rear adds a confusing mixture of styles which would not be considered compatible with this dwelling.

It is therefore considered that the extension would have a negative impact on the host dwelling by way of its size, scale, design and appearance within this countryside setting which is contrary to the councils policies listed above.

#### Impact on Neighbour Amenity

Due to the siting of the dwelling and its adjoining neighbour on this narrow plot there is less potential for overlooking and loss of privacy to the dwelling had the gardens extended to the rear instead of the side. Accordingly the proposal is considered acceptable in terms of impact to residential amenity and compliant with the Council's policies relating to impact on neighbours.

#### Highway Issues

Sufficient parking amenity will remain on site and there is no proposal to alter the existing access.

#### Flood Risk

Householder developments are among the list of "minor developments" that do not have to pass the sequential test as detailed in the National Planning Policy Framework. A Flood Risk Assessment was submitted with the proposal and it shows that with additional flood resilience incorporated into the design of the building that it would be fully protected from actual and residual flood risk. The Environment Agency has no objections to the proposal.

#### CONCLUSION

Notwithstanding the positive merits of the proposal it is considered that the size of the proposed extension creates a bulky addition which fails to be compatible with the host dwelling. The design would result in a loss of identity of the existing cottage and would fail to be subordinate to the host dwelling contrary to Council's adopted policies.

## RECOMMENDATION

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

- 1 The application site lies in an area of countryside beyond any designated Village Envelope or Town Development Boundary wherein policy RLP2 of the Braintree District Local Plan Review 2005 states that countryside planning policies apply. Policy CS5 of the Braintree District Core Strategy 2011 states that development will be strictly controlled to uses appropriate to the countryside in order to protect and enhance the landscape character and amenity of the countryside.

Whilst policy RLP18 of the Braintree District Local Plan Review 2005 allows for the extension of dwellings in the countryside, this is subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Policy RLP18 states that extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

Policy RLP90 of the Braintree District Local Plan Review 2005 requires a high standard of layout and design in all developments, large and small, and that the layout, height, mass and overall elevational design shall be in harmony with the character and appearance of the surrounding area. It also states that designs should recognise and reflect local distinctiveness.

In this case it is considered that the size and design of the proposed extension creates a bulky addition to the dwelling representing an increase in the size of the original dwelling by nearly 70%. Whilst a side extension on its own could be considered acceptable, the width of the overall property would be increased greatly and coupled with the bulk of the rear projection the proposal would result in a loss of identity of the existing cottage and fails to be subordinate to the host dwelling. The size, design and bulk of the proposed extension would result in a level of development which would be considered overdevelopment of the existing dwelling contrary to Council's adopted policies.

TESSA LAMBERT  
DEVELOPMENT MANAGER





<b>Monthly Report on Planning and Enforcement Appeal Decisions Received</b>		<b>Agenda No: 6</b>
<b>Corporate Priority:</b>		
<b>Report presented by:</b>		
<b>Report prepared by:</b> Matthew Wood, Town Planner		
<b>Background Papers:</b>		<b>Public Report</b>
Appeal decisions summary		
<b>Options:</b>		<b>Key Decision: No</b>
Information only		
<b>Executive Summary:</b>		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
<b>Decision:</b>		
That the report be noted.		
<b>Purpose of Decision:</b>		
To note a report on appeal decisions.		
<b>Corporate implications [should be explained in detail]</b>		
<b>Financial:</b>	N/A	
<b>Legal:</b>	N/A	
<b>Safeguarding:</b>	N/A	
<b>Equalities/Diversity:</b>	N/A	
<b>Customer Impact:</b>	N/A	
<b>Environment and Climate Change:</b>	N/A	
<b>Consultation/Community Engagement:</b>	N/A	
<b>Risks:</b>	N/A	
<b>Officer Contact:</b>	Matthew Wood	
<b>Designation:</b>	Town Planner	
<b>Ext. No.</b>	2522	
<b>E-mail:</b>	<a href="mailto:matwo@braintree.gov.uk">matwo@braintree.gov.uk</a>	

## PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a summary of the outcome of each appeal decision received during the month of December 2014.

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

1.	<b>Application Ref/Location</b>	BDC application ref: 14/00516/FUL – (Land rear of) no. 74 High Street, Kelvedon, Colchester CO5 9AE
	<b>Proposal</b>	Small single storey annexe including partial demolition of a small section of a wall to widen vehicular access
	<b>Council Decision</b>	Refused under Delegated Authority (10/06/2014) – RLP 10, RLP 17, RLP 56, RLP 90, RLP 95
	<b>Appeal Decision</b>	<b>Allowed</b>
	<b>Main Issue(s)</b>	1. The effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Conservation Area.
	<b>Inspector's Conclusion</b>	<p>The Inspector considered that the proposal would be of modest size and height and it would be partially hidden behind the boundary wall and a minimum of 12 metres away from the rear of the host property, maintaining a good sized garden area between the buildings. The Inspector added that the proposal would occupy less than half of the garden excluding the parking area and for these reasons the Inspector concluded that the proposal would not be unacceptably dominant or out of scale with the host property or surrounding buildings.</p> <p>The Inspector also concluded that the proposal would not significantly affect the character and appearance of the area because of its limited height and would be small scale in relation to the surrounding buildings.</p> <p>For the reasons highlighted above the Inspector concluded that the appeal should be <b>allowed</b>.</p>