

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 18 February 2014**

**Time: 19:15**

**Venue: Council Chamber, 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 (Chairman)  
Councillor P Horner

Councillor S C Kirby  
Councillor D Mann  
Councillor Lady Newton  
Councillor J O'Reilly-Cicconi  
Councillor R Ramage  
Councillor L Shepherd  
Councillor G A Spray

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

**Page**

## **PUBLIC SESSION**

### **1 Apologies for Absence.**

### **2 Declarations of Interest.**

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

### **3 Minutes of Last Meeting**

To approve as a correct record the minutes of the meeting of the Planning Committee held on 21st January 2014 (copy previously circulated).

#### **4 Public Question Time**

(See paragraph below).

#### **5 Planning Applications**

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

##### **PART A - PLANNING APPLICATIONS:-**

There are none.

##### **PART B - MINOR PLANNING APPLICATIONS:-**

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 13 01296 FUL - Bradwell Service Station,<br/>Coggeshall Road, BRADWELL</b>   | <b>5 - 12</b>  |
| <br>      |   |                |
| <b>5b</b> | <b>Application No. 14 00009 FUL - Primrose Cottage, Parkhall<br/>Road, GOSFIELD</b>   | <b>13 - 18</b> |
| <br>      |   |                |
| <b>5c</b> | <b>Application No. 13 01394 FUL - 4 Yew Tree Close, HATFIELD<br/>PEVEREL</b>  | <b>19 - 24</b> |
| <br>      |   |                |
| <b>6</b>  | <b>Planning and Enforcement Appeal Decisions - January 2014</b>   | <b>25 - 28</b> |
| <br>      |   |                |
| <b>7</b>  | <b>Urgent Business - Public Session</b><br><br>To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. |                |
| <br>      |   |                |
| <b>8</b>  | <b>Exclusion of the Public and Press</b><br><br>To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of                                |                |

the Local Government Act 1972.  
*At the time of compiling the 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.

A PEACE  
Member Services Manager

### **Contact Details**

If you require any further information please contact Alison Webb on 01376 552525 or e-mail [alison.webb@braintree.gov.uk](mailto:alison.webb@braintree.gov.uk)

### **Question Time**

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

Members of the public wishing to speak should contact the Council's Member Services Section on 01376 552525 or email [chloe.glock@braintree.gov.uk](mailto:chloe.glock@braintree.gov.uk) at least 2 working days prior to the meeting.

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

### **Health and Safety**

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

### **Mobile Phones**

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

### **Comments**

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions

regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

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

Comment.....

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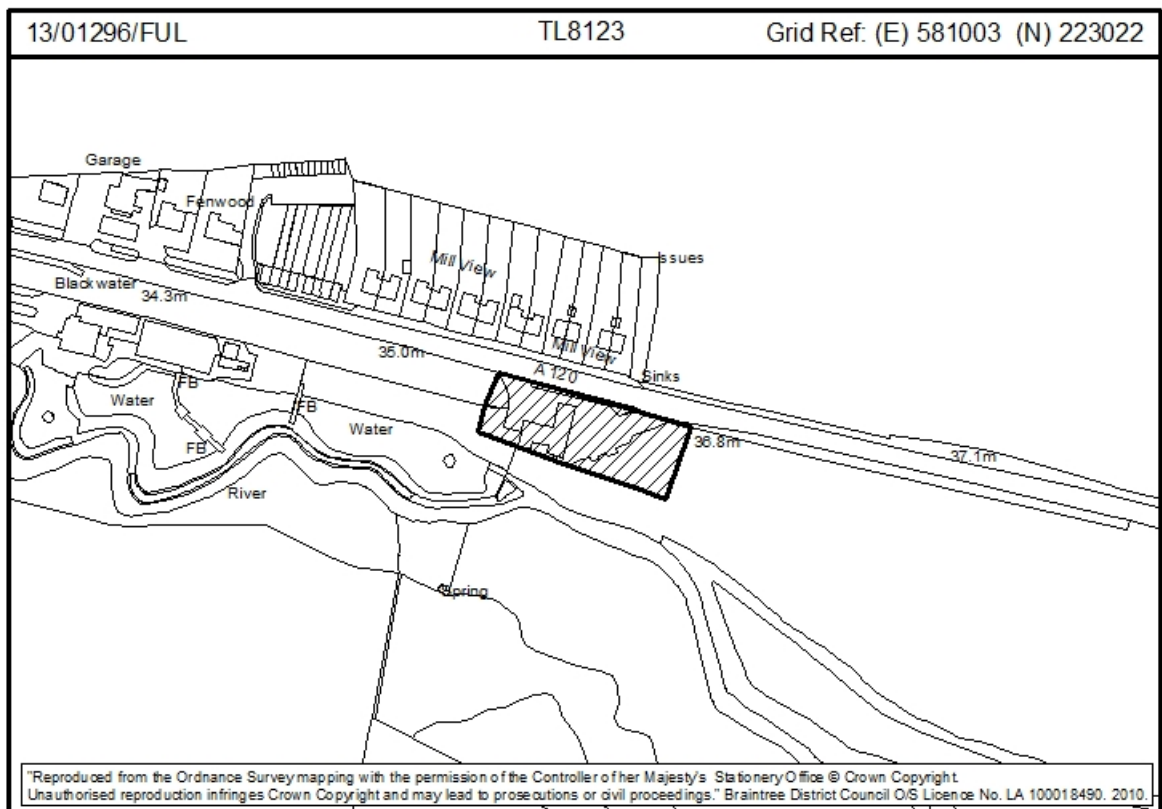
.....

Contact Details: .....

PART B

APPLICATION NO: 13/01296/FUL DATE: 14.11.13  
 VALID:  
 APPLICANT: Sectorsure Limited  
 Estate Office, Greenhills Estate, Tilford Road, Tilford,  
 Farnham, Surrey, GU10 2DZ  
 AGENT: Mr P Ottley  
 Petro Designs Limited, 20 West Station Yard, Spital Road,  
 Maldon, Essex, CM9 6TS  
 DESCRIPTION: To raise the height of the forecourt canopy by 1 metre  
 LOCATION: Bradwell Service Station, Coggeshall Road, Bradwell,  
 Essex, CM77 8EE

For more information about this Application please contact:  
 Luke Mills on:- 01376 551414 Ext. 2512  
 or by e-mail to: [luke.mills@braintree.gov.uk](mailto:luke.mills@braintree.gov.uk)



## SITE HISTORY

01/01212/ADV	Proposed 2 no. single sided freestanding advertising display units	PER	30.10.01
03/00967/FUL	Erection of extension to provide additional store	PER	18.07.03
87/01250/P	Redevelopment of existing petrol station	PER	23.03.88
86/00780/P	Erection of new canopy, reception building, petrol pumps etc	PER	16.09.86
80/01006/P	Use of land adjacent to garage forecourt for stationing mobile snack bar	REF	25.09.80
76/01117/P	Use of forecourt of premises for the sale of motor vehicles	PER	04.10.77
88/00790/P	Display of Illuminated fascia signs	PER	23.05.88
88/01377/P	Erection of free-standing internally illuminated double sided twin pole sign	REF	23.08.88
88/01967/P	Erection of free-standing internally illuminated double sided twin pole sign	PER	22.11.88
06/00977/OUT	Change of use of land as area for car sales	WDN	07.07.06
06/01641/COU	Change of use of land as area for car sales	REF	18.10.06
08/01594/FUL	Retention of automated teller machine and erection of illuminated signage	PER	26.09.08
08/01595/ADV	Retention of automated teller machine and erection of an illuminated sign	PER	26.09.08
09/01073/FUL	Erection of two storey extension to extend existing service station shop and form offices over	REF	15.10.09
09/01485/FUL	Erection of single storey extension to extend existing service station shop	PER	06.01.10
11/01347/FUL	Alteration and extension of existing canopy, with provision of new high level canopy, jetwash bay, pump islands and car parking	WDN	29.12.11
11/01713/FUL	Re-construction of forecourt control building; alteration	PER	17.02.12

	and extension of forecourt canopy; installation of new HGV lane forecourt canopy; alterations and additions to forecourt pump islands; installation of jet wash bay and associated plant room; provision of additional car parking facilities		
11/01734/FUL	Re-construction of forecourt control building superstructure	PER	17.02.12
12/00477/FUL	Variation of condition no. 2 of planning approval 11/01713/FUL (Re-construction of forecourt control building; alteration and extension of forecourt canopy; installation of new HGV lane forecourt canopy; alterations and additions to forecourt pump islands; installation of jet wash bay and associated plant room; provision of additional car parking facilities) - Revisions to approved parking	PER	17.05.12
12/00121/DAC	Application to discharge conditions 5 and 13 of approved application 11/01713/FUL - Re-construction of forecourt control building; alteration and extension of forecourt canopy; installation of new HGV lane forecourt canopy; alterations and additions to forecourt pump islands; installation of jet wash bay and associated plant room; provision of additional car parking facilities	PER	03.07.12
12/00171/DAC	Application for approval of details reserved by condition no. 3, 7, 8, 9 & 12 of approval 11/01713/FUL	PER	07.09.12
12/01586/ADV	Application to display various signage	PER	08.03.13

## POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

*Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.*

*From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:*

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

### 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  
RLP40 Minor Industrial and Commercial Development in the Countryside  
RLP65 External Lighting



RLP90            Layout and Design of Development

### Draft Site Allocations and Development Management Policies

ADM2            Development within Development Boundaries

ADM59          External Lighting

ADM60          Layout and Design of Development

### INTRODUCTION

This application must be heard by the Planning Committee because the ward member has requested that it be called in.

### NOTATION

The application site is located outside any town development boundary or village envelope.

### SITE DESCRIPTION

The application site is a service station, located close to the village of Bradwell and off the A120 trunk road. The site is mostly surrounded by countryside, although there are a number of residential properties on the opposite side of the road.

### PROPOSAL

The application is for planning permission to raise the height of the main forecourt canopy by one metre. The maximum length of the canopy is 20.2m and its width 14m. The height will be raised from a 4.6m to 5.6m

### RELEVANT HISTORY

Planning permission was granted under application number 11/01713/FUL for an extension to the forecourt canopy and the erection of a further canopy above the HGV fuel pumps.

### CONSULTATIONS

Bradwell Parish Council:            No objection, provided that mitigation can be put in place to prevent nuisance to neighbours from external lighting.

Highways Agency:            No objection.

ECC Highways and Transportation:            No comment.

BDC Environmental Services:            No objection, subject to the use of a planning condition to prevent nuisance to neighbours from external

lighting.

## REPRESENTATIONS

A notice was displayed at the site and letters were sent to neighbours. Three objections have been received, raising concerns that the proposal would cause nuisance from external lighting and increased vehicle movements. These concerns are addressed later in this report.

## REPORT

### Principle of Development

The application site is located outside any development boundary, where policies CS5 and RLP2 restrict development to uses appropriate to the countryside. However, Policy RLP40 allows small-scale extensions to existing commercial development in the countryside, while Policy RLP128 supports the continuance of services and facilities in rural areas in order to maintain community life. It is therefore considered that a small-scale alteration is acceptable in principle.

### Design and Appearance

The proposed height for the main canopy would match that of the existing HGV canopy, creating a relationship that would appear appropriate in the street scene. It is concluded that the design of the proposed development is acceptable and that it complies with policies CS9, RLP40 and RLP90.

### Impact upon Neighbouring Amenity

The existing lights in the ceiling of the canopy would be retained and it is expected that their higher position would cause a slight increase in the amount of light spill from the site. The issue of light spill was dealt with under application number 11/01713/FUL, where it was considered necessary to use a planning condition to require the approval of lighting details prior to commencement of the development. The reason for the condition was to prevent nuisance to neighbours on the opposite side of the road. In accordance with this approach, it is considered appropriate to again require the approval of lighting details using a condition. While it would be preferable for the details to be submitted with the application, the use of a condition is appropriate because any additional harm that may be caused by the proposal would only necessitate small-scale means of mitigation rather than a material change to the proposal. This approach is consistent with the advice of the Environmental Health Officer because the raising of the canopy will bring the height of the lights in line with the HGV canopy, where this element is behind the HGV canopy there is the opportunity for lights to appear hidden.

The operation of the lighting was not restricted under application number 11/01713/FUL to certain times of day and it is considered that the proposed

development would not have such a significant impact that it alone would justify such a restriction.

Concerns have been raised by neighbours that the proposal would cause an increase in vehicle movements. However, this is considered very unlikely and no evidence has been provided to substantiate the claim.

It is concluded that, subject to the use of an appropriate planning condition, the proposed development would not cause significant harm to the living conditions of nearby residents, in accordance with policies RLP65 and RLP90.

## CONCLUSION

The making of an alteration to the existing commercial development is acceptable in principle and, subject to appropriate planning conditions being used, the proposed development would be acceptable in terms of its appearance and impact upon the living conditions of neighbours. Planning permission should therefore be granted.

## RECOMMENDATIONS

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

## APPROVED PLANS

Existing Plans	Plan Ref: 40
Existing Plans	Plan Ref: 41
Proposed Plans	Plan Ref: 42
Proposed Plans	Plan Ref: 43

- 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 Prior to commencement of the development hereby permitted, details of the external lighting in the canopy's ceiling, including details of existing and proposed luminance levels and light spill, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting

shall be installed in accordance with the approved details and thereafter so maintained.

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART B

APPLICATION NO: 14/00009/FUL      DATE VALID: 06.01.14

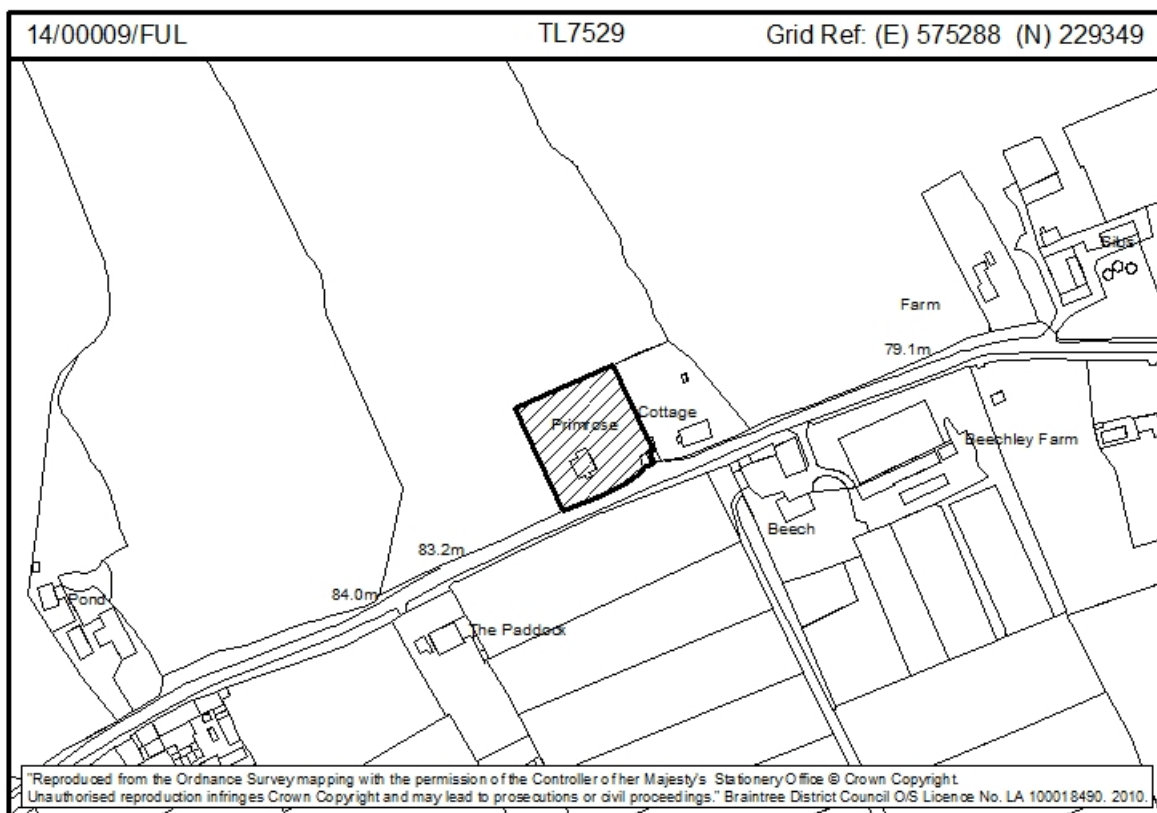
APPLICANT: Mr Lee Houldershaw  
Primrose Cottage, Parkhall Road, Gosfield, Essex, CO9 1SQ,

AGENT: Garratt Associates  
24 Butterfield Road, Boreham, Chelmsford, Essex, CM3 3BS

DESCRIPTION: Proposed alterations to fencing and provision of parking bay to highway boundary

LOCATION: Primrose Cottage, Parkhall Road, Gosfield, Essex, CO9 1SQ

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



## SITE HISTORY

88/01955/P	Erection Of Conservatory	PER	18.11.88
13/00708/FUL	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	REFDIS	07.08.13
13/00709/LBC	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	REF	07.08.13
13/00817/LBC	Installation of central heating system and new secondary glazing and replacement of existing secondary glazing.	PER	02.09.13
14/00010/LBC	Proposed alterations to fencing and provision of parking bay to highway boundary	PDE	
14/00039/FUL	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	PCO	
14/00040/LBC	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	PCO	

## POLICY CONSIDERATIONS

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In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

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- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

#### National Planning Guidance

National Planning Policy Framework

#### 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

RLP56 Vehicle Parking

RLP90 Layout and Design of Development

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

#### INTRODUCTION

This application is being presented to Planning Committee because Gosfield Parish Council has objected to it, contrary to Officer recommendation.

#### SITE DESCRIPTION

Primrose Cottage is a Grade II listed timber framed cottage, dating back to the 17<sup>th</sup> century. It is located outside of any Conservation Area or Development

Boundary. To the front of the site a tall and unsympathetic close boarded fence has been erected, and an enclosed and gated parking bay has been constructed without consent. The gates installed were also close boarded but slightly lower than the fencing.

## PROPOSAL

The application seeks planning permission to replace the close boarded fence with woven willow panels, each panel 1.5m high. The panels would be situated on gravel boards, 22.9cm high. The existing posts would be retained, but shortened slightly so the overall height of the fence doesn't exceed 1.73m high.

## CONSULTATIONS

Historic Buildings Advisor – No Objections

Parish Council – Raise objection on grounds that the proposals would not be in keeping with the character of the cottage and the rural setting.

## REPRESENTATIONS

3 Letters of Support received from neighbouring properties.

## REPORT

### Principle of Development

Policies CS5 from Braintree Council's Core Strategy and RLP2 of Braintree Council's Local Plan Review state that development outside of town development boundaries or village envelopes will be strictly controlled to uses appropriate to the countryside. Core Strategy Policy CS9 promotes the highest possible standards of design and layout in all new development and the protection and enhancement of historic environment in order to, amongst other things, respect and respond to the local context, especially in the Districts historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity.

### Layout and Design and Impact on Conservation Area

Policy RLP90 requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance. The policy also required that there should be no undue or unacceptable impact on neighbouring residential properties.

Policy RLP 100 permits works to listed buildings provided that the proposed work will not harm the setting, character, structural stability or fabric of the building and would not result in the loss of, or significant damage to, the building's historic and architectural elements and include the use of appropriate materials and finishes.



This application follows pre-application advice, which consisted of a site meeting. The fencing and driveway were discussed whilst on site. The existing close boarded fence there at present is considered unacceptable for its context, being excessively tall and harsh. The application proposes to replace this with woven willow fence panels, whilst maintaining hedgerows along the whole fence. The Historic Buildings Advisor commented on the proposal for the fencing, stating that the woven willow panels would be more in keeping with the surrounding area. He raised no objections to the application, but recommended a condition requiring a drawing at 1:20 of a representative section of the fence.

A letter of support was received from the neighbouring property, Old Home Cottage. They have lived at the address for 32 years, and state that an interwoven wooden panel fence has been used at the site in past years. They commented on the choice of fencing and hedging, stating that they believe it will improve, rather than detract from, the overall appearance.

The Parish Council has objected to the fence and the gates, because they consider that the adverse impact on the street scene and the cottage outweighed the benefits of the proposals. Whilst their comments are noted, the use of woven willow fence panels were recommended by the Historic Buildings Advisor because they are considered the most appropriate form of fence in the context. The height of the proposed fence will be lower than the existing fence and its appearance and materials are considered sympathetic to the host listed building and are accordingly recommended for approval. However, the height of the retained timber fence post, and the close-boarded gated will need to be reduced to match the willow woven panels. This will be requested by condition.

The application plans show the existing gravel hardstanding area to be retained. As this is a porous material, planning permission is not required for its retention.

#### Impact on Neighbour Amenity

It is not considered the proposed fencing would have detrimental impact on the amenity of any neighbouring residential premises.

#### Highway Considerations

Policy RLP56 states vehicle parking spaces should be provided, in line with those recommended in Essex Highways Parking Standards document (2009). The proposed off street parking consists of two parking spaces, of adequate size and manoeuvrability. It is therefore considered to comply with the policy.

#### Other Issues

The existing fence was installed without the required planning permission. In order to ensure that the replacement fence is installed in a reasonable time

scale, a condition is recommended to require its provision within 6 months of this decision.

The provision of a replacement fence in this location does not require listed building consent. As the applicant had applied for Listed Building Consent a decision for that application has been issued statutory consent is 'not required'.

### 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  
General Plans & Elevations  
Fencing Layout/Details

Plan Ref: 972/1

- 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 additional drawings that show details of the proposed new fence to be used by section at scales between 1:20 and 1:10 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 on this listed building.

- 4 The existing fence posts and close-boarded double gates shall be reduced in height to the same height as the willow woven panels on or before the expiration of six months from the date of the decision.

#### Reason

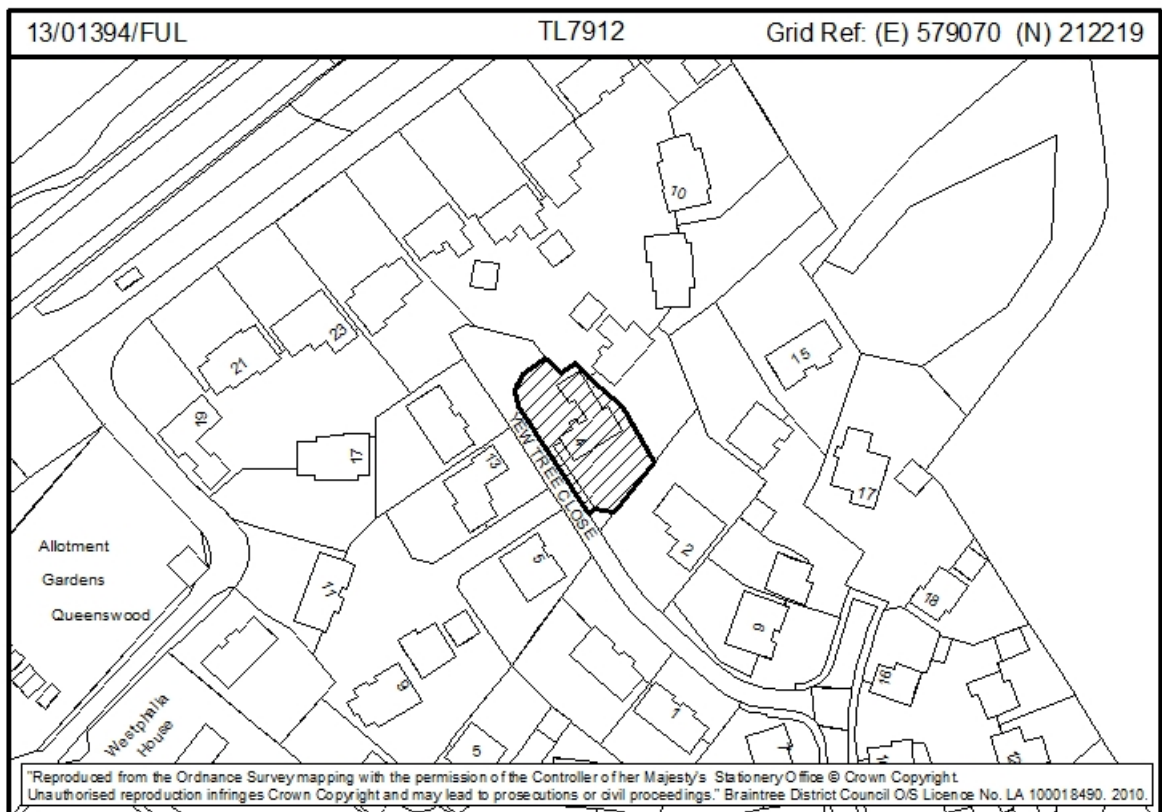
To ensure the use of appropriate detailing on this listed building.

TESSA LAMBERT - DEVELOPMENT MANAGER

PART B

APPLICATION NO: 13/01394/FUL DATE: 10.12.13  
 VALID:  
 APPLICANT: Mr & Mrs S Lakey  
 C/o Agent  
 AGENT: Mr N Ward  
 Nicholas Ward Design Partnership, The Old Bakery, St  
 Mary's Square, Kelvedon, Colchester, Essex, CO5 9AN  
 DESCRIPTION: Reconstruction of existing main roof and enlargement of  
 existing garage roof, both to provide additional  
 accommodation and storage  
 LOCATION: 4 Yew Tree Close, Hatfield Peverel, Essex, CM3 2SG

For more information about this Application please contact:  
 James Salmon on:- 01376 551414 Ext. 2543  
 or by e-mail to: james.salmon@braintree.gov.uk



## SITE HISTORY

12/00607/FUL	Erection of two storey side extension with alteration to existing roof	REF	15.06.12
12/00607/FUL	Erection of two storey side extension with alteration to existing roof	REF	15.06.12

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In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

## National Planning Guidance

### National Planning Policy Framework

## 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

## Draft Development Management Plan

ADM 1	Presumption in Favour of Sustainable Development
ADM 2	Development within Development Boundaries
ADM 9	Residential Alterations, Extensions and Outbuildings within Development Boundaries
ADM 60	Layout and Design of Development

At the time of writing these policies had been approved by full Council for submission to the Planning Inspectorate for examination. However, they are still due to be the subject of a pre-submission public consultation before being formally submitted to the Planning Inspectorate. Therefore at this stage limited weight can be given to these policies. It is noted that there are no material changes in the emerging policies in the draft Site Allocation and Development Management Plan relevant to this application.

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is brought before the Planning Committee due to the receipt of six representations which are contrary to the Officer's recommendation.

## NOTATION

The site falls within the village envelope for Hatfield Peverel.

## SITE DESCRIPTION

The site is located along Yew Tree Close in Hatfield Peverel. The road consists of large, detached, two storey dwellings, the majority have garaging and parking in front of the houses. The application dwelling is no different; it has an attached double garage with parking for two cars in front. The dwelling and attached garage are faced in light red brick with the dwelling rendered at first floor level, on the roof there are concrete tiles. The garage faces on to the turning head from which a number of dwellings are accessed.

## PROPOSAL

The application proposes the re-designing of the existing garage roof, which will raise the ridge height, the eaves to the rear and add a dormer window to the front facing elevation. Three dormer windows and a rooflight are also proposed on the south east elevation of the main dwelling along with two rooflights and a further dormer on the north west elevation.

## CONSULTATIONS

Parish Council – Councillors are concerned that the proposed alterations may overdevelop the property and will therefore affect the character of the area and the privacy of adjoining properties bearing in mind the refusal by Braintree District Council of the previous planning application in 2012 for a two storey side extension with alteration to the existing roof.

## REPRESENTATIONS

A site notice was erected on the 17th December 2013. Six letters of objection have been received. The primary concerns raised are as follows; overdevelopment, out of keeping with street scene, overbearing and result in loss of privacy to neighbouring residents and inconvenience during construction.

## REPORT

### 1. Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, paragraph 14 informs us that this means approving development proposals that accord with the development plan without delay.

Policy RLP17 sets out criteria with which extensions should comply. There must be no overdevelopment, the siting bulk and materials should be compatible with the original dwelling, and there should be no unacceptable adverse impact on the amenities of adjoining residential properties or any material impact upon the street scene.

Policy RLP90 is concerned with design and its primary aim is to ensure that new development is in harmony with the character and appearance of its surroundings and that it does not have an unacceptable impact on the amenities of neighbouring properties.

Similarly Core Strategy Policy CS9 promotes the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to, amongst other things, respect and respond to the local context, especially in the District's historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity.

## 2. Design and Appearance

The application follows an earlier refusal for a two storey side extension. This involved the creation of a first floor over the garage, this application was refused due to the significant bulk created on a prominent corner. The current proposals take into account these original concerns. The area created over the existing garage is now much more in keeping with the scale, design and proportions of the host dwelling. It remains a subordinate feature and appropriate materials will be used. In terms of its design and appearance, it is considered to be in accordance with the abovementioned policies.

In total five dormers and three rooflights are also proposed as part of this application. The three dormers and rooflights to the south east (rear) elevation can be constructed without the need for any express planning permission under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO). Therefore the principle of these dormers must be accepted.

The rooflights on the south-west (front ) elevation can also be constructed without the need for express planning permission under the terms of the GPDO. The dormers proposed to the north-west (front) and the south-west (front) elevation do, however, require planning permission. They are both relatively small in size and would be fairly inconspicuous in the street scene.

## 3. Impact on Neighbouring Residential Amenity

None of the proposed dormers will look directly in to windows at neighbouring properties. Additionally, no overshadowing or loss of light will occur from the proposed dormers. Minimal loss of light (daylight and sunlight) would occur to No.6 Yew Tree Close as a result the garage roof being raised by approximately 1.1 metre.

The three dormers in the south east (rear) elevation of the dwelling could potentially give rise to some additional overlooking into the garden area of No. 2 Yew Tree Close, however as overlooking is already positive from the windows at first floor level, the increase is considered to be minimal, particularly as one room is for storage, another will be a landing, and only one is for habitable accommodation. This room is also served by the window further south west on the roof which will look towards the front of properties along Yew Tree Close.

It is also again worth noting that the rear dormers can be constructed without the need for express planning consent as stated above in section 2 of this report.

## 4. Highway Considerations

The site contains two parking spaces in front of the existing double garage. There are therefore not considered to be any highway concerns.



## CONCLUSION

The application proposals contain some elements which could be carried out as “permitted development” without the need for planning permission from the local planning authority. The applicant was advised to show these permitted development extensions/alterations on the application drawings in the interests of proper planning. The alterations at first floor level above the garage are deemed acceptable in terms of their design and appearance and are in keeping with the surrounding area. These proposals are in accordance with RLP17 & 90 of the Local Plan Review and are therefore considered acceptable. Accordingly, approval is recommended.

## RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan

Block Plan

Proposed Elevations                      Plan Ref: 123-13-01

Existing Elevations                      Plan Ref: 123-13-02

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

Reason

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

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

Reason

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

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> Brian Taplin, Planning Enforcement Team Leader		
<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</b>		
<b>Financial:</b>	N/A	
<b>Legal:</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>	Brian Taplin	
<b>Designation:</b>	Planning Enforcement Team Leader	
<b>Ext. No.</b>	2528	
<b>E-mail:</b>	<a href="mailto:brita@braintree.gov.uk">brita@braintree.gov.uk</a>	

## PLANNING & ENFORCEMENT APPEAL DECISIONS

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

<b>1.</b>	<b>Application No/Location</b>	13/01091/FUL - 33 Elgar Drive, Witham
	<b>Proposal</b>	Single storey rear extension, single storey side extension and a garage conversion.
	<b>Council Decision</b>	Refused under Delegated Authority – Policies RLP3, RLP17, RLP90 and Essex Design Guide SPG
	<b>Appeal Decision</b>	<b>Dismissed</b>
	<b>Main Issue(s)</b>	The effect of the proposed development on the character and appearance of the property and the surrounding area

<b>2.</b>	<b>Application No/Location</b>	13/00919/FUL - Land at Appletree Farm, Hawbush Green, Cressing
	<b>Proposal</b>	The change of use of land and a building to a D1 Training Centre.
	<b>Council Decision</b>	Refused under Delegated Authority – Policies CS5, RLP2, RLP36, RLP39, RLP40 and RLP62
	<b>Appeal Decision</b>	<b>Dismissed</b>
	<b>Main Issue(s)</b>	i) Whether the proposal is consistent with policies designed to control development in the countryside; ii) The effect of the proposal on the living conditions of adjacent and nearby residents, with particular regard to noise considerations

<b>3.</b>	<b>Application No/Location</b>	13/01133/FUL - Portland Lodge, Chapel Road, Ridgewell
	<b>Proposal</b>	Demolition of swimming pool/building, erection of two-storey side extension to provide additional accommodation and alterations to existing dwelling.
	<b>Council Decision</b>	Refused under Delegated Authority – Policies CS9, RLP3, RLP17, RLP90, RLP95 and Essex Design Guide SPG
	<b>Appeal Decision</b>	<b>Dismissed</b>
	<b>Main Issue(s)</b>	The effect of the proposal on the character and appearance of the property and whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

4.	<b>Application No/Location</b>	13/00976/FUL - 1-3 Queen Street, Castle Hedingham
	<b>Proposal</b>	The sub-division to form 2 no dwellings (as was originally)
	<b>Council Decision</b>	Refused under Delegated Authority – Policies CS9, RLP3, RLP10, RLP56 and RLP90
	<b>Appeal Decision</b>	<b>Appeal Allowed – Planning Permission Granted</b>
	<b>Main Issue(s)</b>	the effect of the proposal on the living conditions of the future residents of the two houses in relation to access to appropriate amenity space; and the effect on the availability of on-street parking
	<b>Inspector's Conclusion</b>	<p>Nos 1-3 Queen Street forms part of a terrace of houses which closely address the main road through the village. No 3 provides one bedroom, bathroom upstairs and a combined kitchen/living room downstairs. No 1 has more extensive ground floor living accommodation but with only one bedroom and bathroom upstairs, there being a large open 'living zone' on this floor which may previously have been subdivided further. The accommodation spread between Nos 1 and 3 can be very easily separated off into two separate houses by the infilling of the narrow ground floor doorway this being the only internal link between the two properties.</p> <p>Both properties would have small rear amenity areas however the Inspector noted that within the village's compact layout it would not be unusual to find dwellings which have small areas of garden.</p> <p>Whilst the Inspector noted that the proposal does not comply with the guidance on parking provision for new development set out in the Council's parking standards, she found the unrestricted nature of the on-street parking in the village, its comparative sustainability in terms of servicing and transport options and the small scale of the separate dwelling at No 3 were all factors which lead to the conclusion that the proposal would not add significantly to the demand for on-street parking. In the circumstances the Inspector concluded that the appeal proposal would not undermine the aims, objectives or terms of Core Strategy or Local Plan Review Policies and consequently allowed the appeal.</p>

