

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 09 June 2015

Time: 19:15

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

Membership:

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

Councillor Lady Newton
Councillor J O'Reilly-Cicconi
Councillor I Parker
Councillor R Ramage
Councillor W Scattergood
(Chairman)
G 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 28th April 2015 (copy previously circulated).

4 Public Question Time (See paragraph below)

5	Deferred Item - Application No. 14 01320 FUL - Cardinals, Magdalene Crescent, SILVER END	5 - 18
6	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:-	
6a	Application No. 15 00176 FUL - Highfields, 224 London Road, GREAT NOTLEY	19 - 33
6b	Application No. 15 00090 FUL - Barn Cottage, Gambles Green, TERLING	34 - 45
6c	Application No. 14 01182 FUL - Former Magistrates Court, The Court House, Newland Street, WITHAM	46 - 65
6d	Application No. 14 01644 FUL - Land at Forest Road (Former Community Centre Site), WITHAM	66 - 85
	PART B Minor Planning Applications:-	
6e	Application No. 14 00313 LBC - Cooks Farm Cottage, Walthams Cross, FINCHINGFIELD	86 - 91
6f	Application No. 15 00392 FUL - Henny House, Fenn Farm Road, GREAT HENNY	92 - 96
6g	Application No. 15 00246 MMA - Mill House, Church Road, GREENSTEAD GREEN	97 - 100
7	Planning and Enforcement Appeal Decisions - March 2015	101 - 107
8	Planning and Enforcement Appeal Decisions - April 2015	108 - 112
9	Planning and Enforcement Appeal Decisions - May 2015	113 - 115
10	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.	

11 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

12 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.

Continued

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

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 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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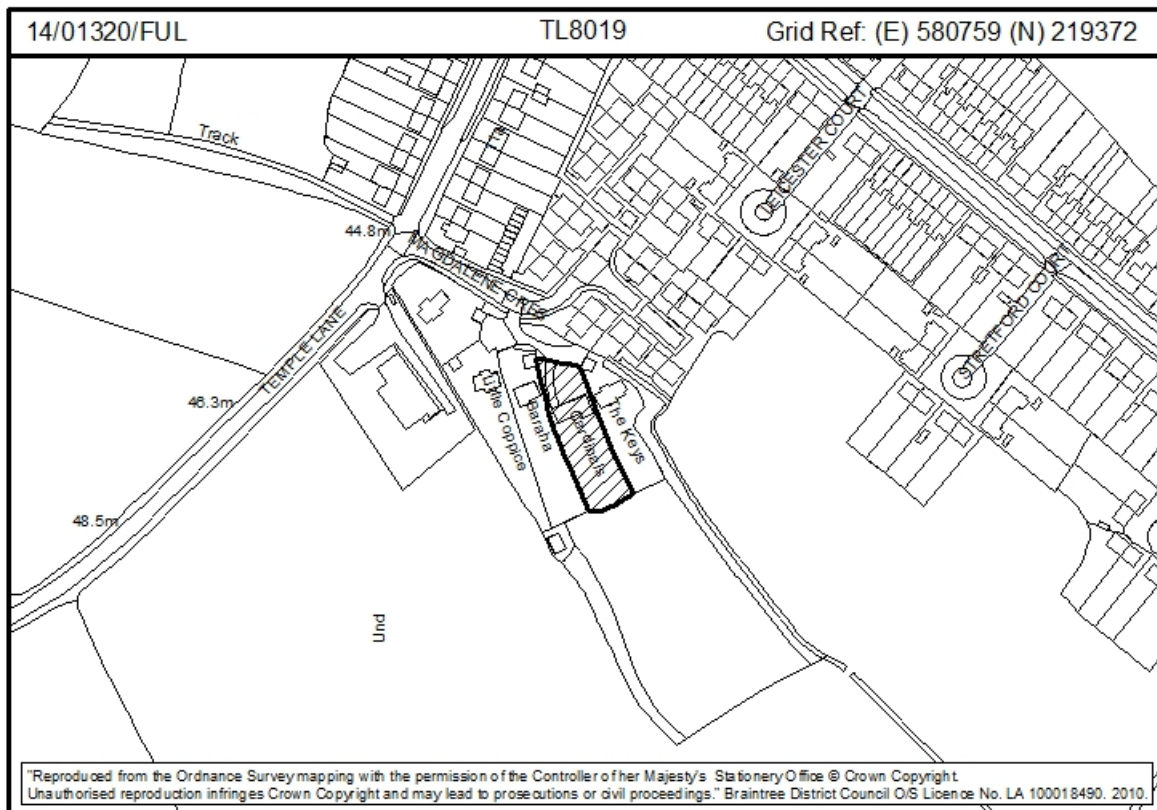
Contact Details:

AGENDA ITEM NUMBER 5

DEFERRED ITEM

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



BACKGROUND

This planning application was originally presented to Planning Committee on Tuesday 3rd February 2015 (original committee report at appendix one) where Members agreed to defer the application pending discussions with the Environment Agency (EA) in relation to flood risk matters on the site.

APPRAISAL

Following this decision the Local Planning Authority (LPA) has consulted the EA who have responded by stating that as the proposal could result in a greater number of potentially vulnerable users on the site it is recommended that a site specific Flood Risk Assessment (FRA) be carried out.

Subsequently the applicant has commissioned and submitted an FRA as part of this planning application. The EA has been re-consulted on the FRA and has responded by pointing out that they have not undertaken any detailed modelling of the relevant section of ordinary watercourse (defined as not forming part of a main river) (with the exception of flood extents from JFLOW which are not generally suitable for detailed decision making) and therefore no flood level data is available. The EA add that normally, in these circumstances, it is likely that an FRA would need to undertake a modelling exercise in order to derive flood levels and extents, both with and without allowances for climate change, for the watercourse, in order to inform the design of the site. The EA state that without this information, the risk to the development from fluvial flooding associated with the ordinary watercourse is unknown. However, the EA has further commented that, as this development relates to a change of use only which is not increasing in vulnerability classification, the LPA may consider that the FRA as submitted is sufficient in this instance.

The EA has provided further contextual comments as set out below:

“Detailed river network mapping shows that approximately 140m of the ordinary watercourse is culverted between Temple Lane and the neighbouring property: The Keys. Therefore, should the culvert become blocked or surcharged, it is likely that the upstream end of the culvert will flood; North West of Temple Lane. The flow downstream of the culvert outlet is likely to be limited by the flow capacity of the culvert, however, no modelling or calculations have been undertaken.

In addition, the potential for flood water to weir over the culvert and affect the development has not been investigated. The FRA states within section 8.4 that flooding is likely to be of short duration and shallow. This is an assumption based on the available data. Only modelling can provide further detailed information regarding fluvial flood risk. The site is also shown to be affected on our Flood Map for Surface Water, however, we note that the impermeable area of the development is not increasing.”

The submitted FRA includes the following mitigation measures in relation to flood risk:

- No bedrooms are proposed on the ground floor of the proposed development;
- Training of staff
- Some retrofit flood resilience techniques are proposed, eg raised wall sockets, robust or coated wood fixings and further waterproofing.

The FRA also includes an evacuation strategy and flood response management plan for such flooding events which includes immediate access to a flood zone 1 (low probability of flooding) area approximately 30m from the site.

Although it is acknowledged that no actual modelling of the exact flood risk impact on the proposed development from the nearby ordinary watercourse has been carried out, it is considered that an informed decision on this application in respect of flood risk can still be made. Given the nature of both the proposed development (change of use of dwelling only, not increasing in flood risk vulnerability and flood zone compatibility with reference to the Technical Guidance to the National Planning Policy Framework (NPPF) and the Flood Risk and Coastal Change Planning Practice Guidance (PPG)) and that of the ordinary watercourse it is not considered necessary to require specific modelling in this instance given the likely level of any fluvial flooding event on the site and its likely associated impact on the proposed development including its future inhabitants.

This consideration takes into account the mitigation measures proposed within the FRA which would be conditioned should planning permission be granted. Further, the application proposes no increase in impermeable areas meaning that any surface water flooding issues would not be exacerbated.

Therefore the proposed development is considered acceptable and sustainable in all regards including flood risk. It is further considered that the flood risk responsibilities of the Council in relation to the safety of people, safety of buildings, flood recovery measures and the sustainability of the development would be achieved as part of this proposal and that such responsibilities would not be compromised by the granting of planning permission for the proposed development.

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 in relation to flood risk.

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.

- 5 The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment undertaken by Ark Environmental Consultancy Ltd dated 1st April 2015 including all flood resilience measures detailed under section 8.3, evacuation measures detailed under section 8.4 and the flood response management plan detailed under section 8.5 of the Assessment.

Reason

To ensure the protection of occupiers of the development in relation to flood risk and to ensure the development does not give rise to an unacceptable increase in fluvial or surface water flooding in and around the site.

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.

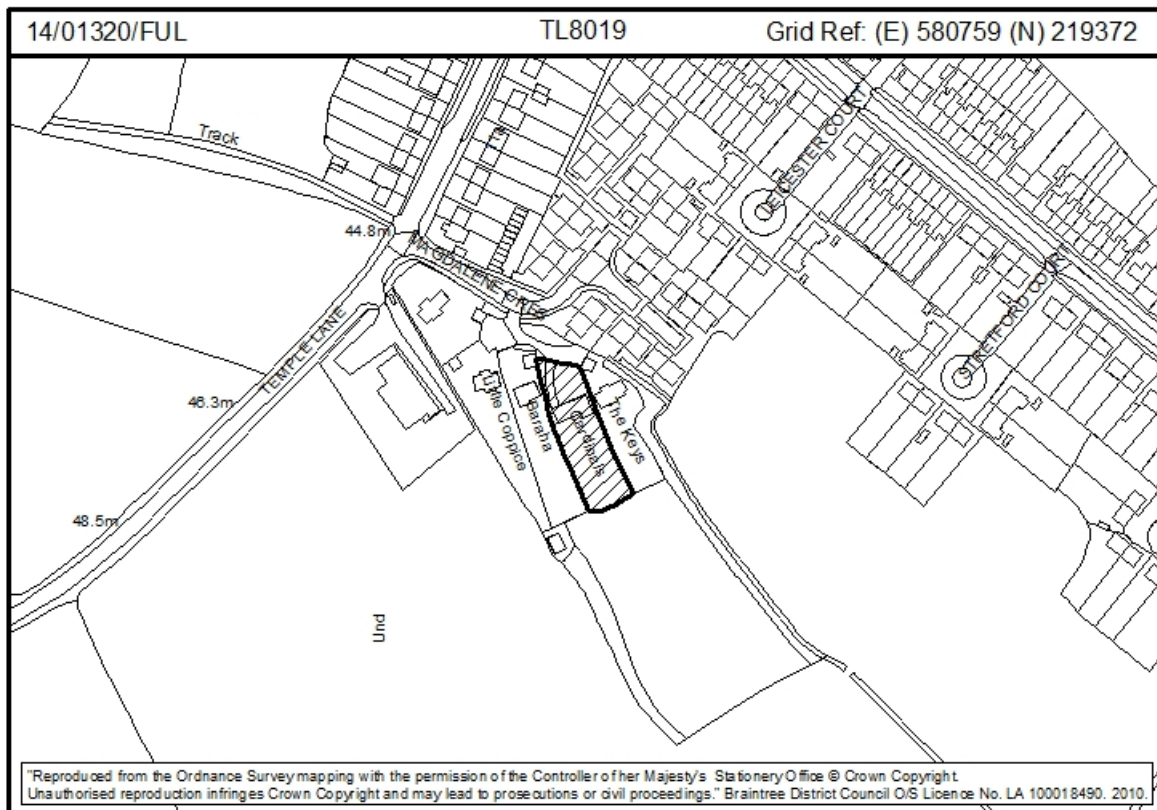
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5 - APPENDIX 1

DEFERRED ITEM

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



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
93/01426/FUL	Erection of double stable	Granted	28.01.94
95/00083/FUL	Erection of domestic type wind generator	Granted	28.03.95

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 objection to the proposed development contrary to the Officer's recommendation.

SITE DESCRIPTION

The application 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 Magdalene Crescent which itself is accessed via Temple Lane within the Silver End Village Envelope Development Boundary as defined by the development plan.

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

Residential properties bound the site to the north west and south with green open space to the south and other residential properties to the north.

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

PROPOSAL

This planning application seeks approval for the change of use of the subject 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. 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 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 site is situated within the Silver End village envelope development boundary as defined by the development plan.

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.

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 in a flood zone 3 area 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:-

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Reason

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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.

- 5 The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment undertaken by Ark Environmental Consultancy Ltd dated 1st April 2015 including all flood resilience measures detailed under section 8.3, evacuation measures detailed under section 8.4 and the flood response management plan detailed under section 8.5 of the Assessment.

Reason

To ensure the protection of occupiers of the development in relation to flood risk and to ensure the development does not give rise to an unacceptable increase in fluvial or surface water flooding in and around the site.

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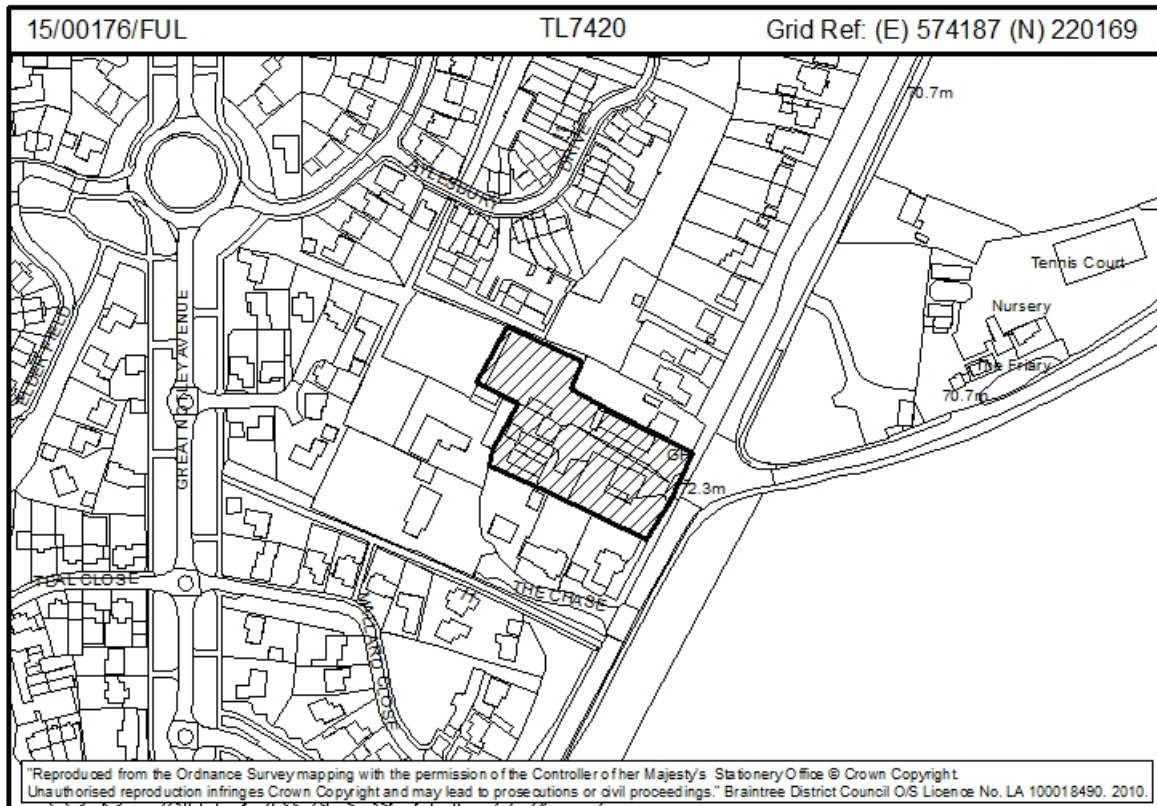
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TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00176/FUL
 DATE: 12.02.15
 VALID:
 APPLICANT: Mrs S T Brown
 C/o Medusa Design
 AGENT: Medusa Design
 Mr Lee French, Unit 4, Stour Valley Business Centre,
 Brundon Lane, Sudbury, Suffolk, CO10 7HB
 DESCRIPTION: Demolition of former farm shop, piggeries, vacant dwelling
 and existing recreation room and erection of 6 No. detached
 houses with associated new access to London Road,
 private access road, turning head, garages and car parking
 spaces, foul and surface drainage and landscaping.
 LOCATION: Highfields, 224 London Road, Great Notley, Essex, CM77
 7QH

For more information about this Application please contact:
 Mrs N Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

84/00458/P	Continued use of land and buildings as farm shops - plants, shrubs, nurseries, garden sheds and pet foods.	Refused	
85/01023/P	Change of use of Agricultural buildings and farm shop to residential use	Granted	
84/01587/P	Change of use to residential and erection of 5 no. detached dwelling houses and ancillary works.	Refused	
85/00798/P	Proposed residential development of 3 no. detached houses and all ancillary works	Granted	
86/01295/P	Stationing of mobile home for a temporary period	Granted	
07/01829/OUT	Demolition of existing buildings and erection of 3 no. detached houses	Refused then dismissed on appeal	19.11.07
08/00421/OUT	Demolition of existing house and outbuildings and erection of 2 no. one and a half storey houses	Granted	26.06.08 21.04.08
88/00141/P	Erection Of Single Storey Extension	Granted	23.02.88
93/01207/FUL	Proposed extension and associated alterations.	Granted	19.11.93
12/00114/FUL	Demolition of former farm shop, piggeries, vacant dwelling and existing recreation room and erection of a new Care Home building, new relaxation and therapy room and four detached houses with associated new access to London Road, private access road, turning head, garages and car parking spaces, foul and surface water drainage and landscaping	Refused Dismissed on appeal	22.03.12 19.12.12
13/00061/FUL	Demolition of former farm shop, piggeries, vacant dwelling and existing	Granted with S106 Agreement	22.04.13

recreation room and
erection of a new Care
Home building, new
relaxation and therapy room
and three detached houses
with associated new access
to London Road, private
access road, turning head,
garages and car parking
spaces, foul and surface
water drainage and
landscaping

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
CS7	Promoting Accessibility for All
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
RLP20	Residential Institutions in Towns and Villages
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP70	Water Efficiency
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP90	Layout and Design of Development

Supplementary Planning Guidance

Development Management Policies (Essex County Council Highway Authority)
Essex Vehicle Parking Standards – Design and Good Practice

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Committee following an objection from the Parish Council and neighbouring residents.

SITE DESCRIPTION

The application site is located to the West of London Road within the Village Envelope of Great Notley. The site is irregularly shaped with a frontage width of 40 metres, a minimum depth of approximately 75m and a maximum depth of approximately 95m. The site currently contains the following buildings:

A chalet style dwelling with a footprint of 195sqm at the South East of the site fronting onto London Road;

A single storey building of approximately 230sqm that is currently used as a residential care home for people with learning disabilities;

A mobile home exists to the north west of the care building that the applicant states is used to provide staff accommodation for the carers that operate the home;

To the rear of the dwelling is a cluster of single storey buildings with an overall footprint of approximately 360 square metres that the applicant states was used as a farm shop and piggery.

The majority of the remainder of the site is used as hardstanding or amenity space to serve the above-mentioned uses.

PROPOSAL

This is a revised proposal for the retention of the care home and the erection of 6 new dwellings. It follows on from planning permission reference 13/00061/FUL for the demolition of former farm shop, piggeries, vacant dwelling and existing recreation room and erection of a new care home building, new relaxation and therapy room and three detached houses with associated new access to London Road which was granted on 22nd April 2013 by the Planning Committee. According to the Planning Statement submitted with the application, it was the original intention of the applicant to redevelop the site with a mixed use scheme which would have provided additional facilities for the existing residential care home at 222 London Road. However, due to both operational and financial restrictions, it is now the intention to refurbish the existing care home building, whilst providing an additional three dwellings to those previously approved.

The dwellings proposed at Plots 1, 2 and 3 are identical to those approved under the previous planning permission, with the proposed dwelling at Plot 4 being similar in design to Plots 2 and 3 albeit handed in nature. Plots 5 and 6 are of a different design to the dwellings at Plots 1 to 4, and would be handed

in their appearance and layout. These would be more subordinate in their proportions, reflecting their position deeper into the site, with accommodation restricted to two floors.

The design of the scheme aims to ensure that there will be a high degree of separation in order to respect the privacy and amenity of existing dwellings within the locality, with Plot 4 partially screened by an existing outbuilding that is situated within the curtilage of 5 The Chase. Plots 5 and 6 will back onto a line of tall evergreen trees to the boundary and peripheral garden land belonging to no 5.

The dwellings are all detached with either a garage or under-croft parking, together with an additional parking space. They are designed in an eclectic form with gable ends in a mix of two and three storeys. Individual details such as bay windows, single storey and two storey gable projections, together with external brick chimney stacks are also featured. Revised plans have been submitted to address some minor inaccuracies in the drawings. They are set facing in towards the access road and are configured as follows:

- | | |
|----------|---|
| Plot 1 | 4 bedrooms, two roof dormers to front, roof lights to the rear, obscure glazing in windows on flank elevation, under- croft parking, single storey projection at rear; |
| Plot 2/3 | 4 bedrooms, two roof dormers to front, one central roof dormer to rear together with two roof lights, no first floor windows on flank elevation, single storey projection at rear, detached garage; |
| Plot 4 | 4 bedrooms, two roof dormers to front, central roof dormer to rear together with two roof lights, no windows on flank elevations, attached garage with room above + 2 vehicle parking spaces, single storey projection at rear; |
| Plot 5/6 | 4 bedrooms, no rooms in roof, attached garage. |

The materials proposed are brick plinths and chimneys, rendered walls and plain roof tiles. The boundary treatments include a mix of close 2m close-boarded fencing for side and rear of the dwellings, with brick walls to the fronts.

The care home will be refurbished, however, no details have been submitted at this stage. Railings to the front and 2m close-boarded fencing will delineate the boundary. Four parking spaces are provided to the south east of the building. The activity room shown on the original plans has been omitted.

The application is accompanied by a Planning Statement, Tree Survey and Protection Report, Bat Survey and Stage 1, 2 and 3 Contamination reports.

CONSULTATIONS

ECC Highways – no objection subject to conditions.

BDC Environmental Health – no objection subject to conditions.

REPRESENTATIONS

Great Notley Parish Council objects to the proposal on the grounds of over-development and highway safety – the access road is too close to the roundabout at Bakers Lane. They are also concerned to ensure that consideration is given to the retention or removal of trees on the site.

Six letters of representation have been received objecting to the proposal, summarised as follows:

The buildings are too high and not in keeping with the area;
Overdevelopment;
Overlooking from plot 4 to No. 5 The Chase;
Potential conflict between traffic from the dwellings and the care home;
Potential impact on existing trees outside the site;
Unacceptable impact on highway safety;
Potential for further expansion of the care home;
Insufficient parking for the care home;
Impact on property as a result of demolition;
Potential noise impact from 6 family homes;
An activity room is shown on the site plan, but it is not mentioned in the description of the development or elevations provided;
The plans are inaccurate and misleading;
Impact on residents during construction;
The tree report does not tally with the latest plans;
Vehicle parking spaces and garages do not accord with the ECC Vehicle Parking Standards;
There is no designated play area within the site as recommended by the Essex Design Guide for schemes of 25+ houses per acre;
Removal of existing leylandii within the site will impact on existing neighbouring amenity.

REPORT

Principle of Development

The application site is located within the Village Envelope of Great Notley, therefore, the development is acceptable in principle in accordance with Policy RLP3 of the Braintree District Local Plan Review and subject to relevant policy considerations discussed below. Policy RLP20 of the Local Plan Review states that permission will be given for the development of residential care homes subject to the development complying with various criteria similar to that required by policy RLP3.

Design, Appearance and Layout

Policy RLP3 states that proposals for development should seek to protect the character of the existing street-scene and ensure that new development does not materially detract from the character of the settlement. This is supported by policies RLP9 and RLP90 as well as RLP20 which outlines similar expectations in respect of care home developments.

The existing site contains various low-key buildings that are mostly single storey, except for the dwelling at the frontage of the site. The surrounding area contains dwellings of varying heights, with most of the built form set back from the highway frontage by a reasonable distance. The majority of the dwellings at this part of London Road have a reasonable landscaping buffer between the highway and the dwelling, either in the form of tree and hedge planting or a significant grassed area.

As outlined above, the proposed development is very similar to the applicant's previous proposal, with the omission of the additional care home and associated buildings with 3 additional dwellings in their place. The new care home was to have been located in the northern portion of the site, abutting the side boundary of 14 Aylesbury Drive and the rear boundary of 220 London Road. It was 'L' shaped in plan with a footprint of 430sqm with living accommodation for 10 residents in need of care at ground floor and accommodation for two carers within the roof-space of the building. It would have measured between 5.5m - 6m in height, with solar panels and roof-lights contained within the roof-slope. The relaxation and therapy room was a steeply pitched building with a ridge height of 7.8m was to have been sited approximately in the location of Plot 4. Therefore, whilst the new dwellings will be slightly taller than the approved buildings, their bulk and mass will be less than the development approved under reference 13/00061/FUL.

The design ethos is very similar to the dwellings already approved, therefore, it is concluded that the design, appearance and layout is acceptable.

Impact on Neighbour Amenities

Policies RLP3 and RLP90 outline the importance of developments respecting the amenities of neighbouring residents.

The Essex Design Guide (EDG) recommends that a separation distance of 25 metres is provided between dwellings where they are positioned back-to-back, with this distance being reduced to 15 metres where the dwellings are at a more acute angle.

Planning permission reference 13/00061/FUL is extant and is a material consideration representing the 'fall-back' position for the developer. Therefore, as Plots 1-3 are similar to the approved scheme, the Council can only consider the potential impact of the 3 additional dwellings and any change to the relationship between the care home and the 6 proposed

dwellings. In this regard it is relevant to note that there are no proposals submitted for the existing care home at this stage.

Plot 4 is sited at an angle to the rear garden of No. 5 the Chase at a distance of approximately 20m, which is acceptable in accordance with the EDG. There is also an existing outbuilding in the garden of No. 5 which will provide a visual break from the garden of the new dwelling. Plot 5 which is set 'side-on', will have a separation distance of approximately 23m to the rear of No. 5 the Chase, which exceeds the 15m as set out in the EDG. There is also a second outbuilding on the boundary which will assist in screening the garden of the new dwelling from No. 5. Plot 6 is sited at distance of approximately 53.5m to the rear of the existing dwellings on London Road. It is set 'side-on' to the rear garden of No. 14 Aylesbury Drive with a distance of approximately 5m between the properties side garden boundaries. This relationship will ensure no direct overlooking will occur. It is therefore considered that the orientation of the proposed and neighbouring buildings will ensure that the development will not materially affect the light that is afforded to any properties. Similarly, it is also considered that the proposed buildings would not cause direct overlooking of any habitable rooms or gardens to an extent that would justify the refusal of the application on those grounds.

Highway Issues

Policies RLP20 and RLP56 state that parking should be provided in accordance with the Council's Adopted Parking Standards and policy RLP10 requires developments to be served by adequate access arrangements.

The positioning of the new access is the same as that already approved (reference 13/00061/FUL). The Highway Authority has raised no objection to the proposals on the grounds of highway safety. In this regard it is considered that the proposed access would be a significant improvement in comparison to the use of the two existing accesses that are in close proximity to the existing mini-roundabout.

The Vehicle Parking Standards state that car parking should be provided at the rate of two spaces per dwelling with one visitor's space per four dwellings, 1 space per 3 care bedrooms and 1 space per member of staff. The residential standards are minimum standards whereas the care standards are a maximum standard. The parking provision for the care home is the same amount as per the previously approved scheme. Revised plans have been submitted which have corrected some errors on the drawings relating to the internal dimensions of the garages and car ports. This is now in accordance with the Standards, including the car ports and garages.

Landscape and Ecology

The applicant has provided a bat report and appropriate tree assessments with this application, the conclusions of which are considered to be acceptable to the Council's Landscape Services Team.

Public Open Space

Policy CS10 of the Core Strategy states, inter alia, that the Local Planning Authority shall require new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the standards defined within the policy. Whilst the previous approval secured a Public Open Space Contribution, following revisions to Government Guidance, it is concluded that the quantum of development proposed here is outside of the amount which would trigger a contribution. With regard to the comment that no play space is provided within the development, it is important to note that a development of this size would also not trigger the provision of play space within the site.

Other Matters

It is considered that all other relevant material considerations such as disturbance during construction, landscaping and boundary enclosures can be adequately addressed through the imposition of conditions.

The concerns of neighbouring residents in respect of noise are noted, but it is considered appropriate to emphasise that the Environmental Services Team have raised no objection in respect of those matters.

CONCLUSION

As the application site is within a defined settlement boundary it is considered that no objection should be raised to the principle of the proposed development. This scheme follows on from a previous approval, which represents a fall-back position. The proposed new dwellings are considered to be well-designed and their relationship with neighbouring dwellings is acceptable in amenity terms. It is therefore concluded that this development is acceptable, subject to the conditions set out below.

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:-

- 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 the first occupation of the development hereby approved details of

(a) the location and design of refuse bin and recycling materials storage areas and collection points,

(b) any proposed external lighting to the site shall be submitted to and approved in writing by the local planning authority.

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.

4 No development shall take place until such time as the following has been completed to the satisfaction of the Highway Authority:

A 2m wide footway from the site access, continuing south to join with the footway/cycleway adjacent to the Chase shall be provided at no cost to the Authority, prior to the occupation of the first dwelling hereby approved. Details of the footway to be provided shall have previously been submitted to and approved in writing to the local planning authority prior to its provision.

Reason

To aid pedestrian access to and from the site and within the vicinity of the site.

5 No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

Reason

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

6 Prior to occupation of the development, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 6m, shall be retained at that width for 6m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 7 The existing accesses on to London Road shall be suitably and permanently closed, incorporating the reinstatement to full height of the highway verge kerbing, in accordance with details which shall have been previously approved by the local planning authority, immediately the proposed new accesses are brought into use.

Reason

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

- 8 Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason

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

- 9 Details shall be submitted to and agreed in writing with the local planning authority for the provision of suitable access arrangements to the application site in connection with the demolition/construction operations, to include wheel washing facilities, turning and off loading facilities for delivery/construction vehicles within the limits of the site, together with an adequate parking area for those employed in developing the site.

Reason

In the interests of highway safety.

- 10 The vehicular parking spaces within the development shall have minimum dimensions of 2.9m x 5.5m.

Reason

To ensure adequate space for parking off the highway is provided in the interests of highway safety.

- 11 All single garages shall have minimum internal dimensions of 7m x 3m.

Reason

To encourage the use of garages for their intended purpose and to discourage on-street parking.

- 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 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.

- 15 Prior to the commencement of development the soil sampling stated to be necessary within the submitted contaminated land report shall be undertaken and a scheme of any required remediation shall be submitted and approved in writing by the Local Planning Authority.

Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of the development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a

validation report undertaken by a competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the buildings hereby approved until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

- 16 Development shall not be commenced until details of the design of the soakaways or alternative means of surface water drainage have been submitted to and approved in writing by the local planning authority. Where soakaways are proposed the details shall include the design and the results of a series of percolation tests carried out upon the subsoil in accordance with BRE Digest 365 to demonstrate they are of appropriate sizing and construction for the site. No building shall be occupied until the approved means of surface water drainage has been provided and is operational.

Reason

To ensure a satisfactory method of surface water drainage.

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

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

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

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

development whichever is the earlier.

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

Reason

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

- 18 The proposed development shall only be undertaken in accordance with the conclusions and recommendations of the Tree Survey, Arboricultural Implication Assessment and Method Statement (Revision dated 01/02/2013) unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 19 The screen walls and/or fences as indicated on the approved boundary treatments plan (1397-003) shall be erected at each residential plot before the dwelling on that plot is occupied and shall be permanently maintained as such.

The railings and fences shown to enclose the existing and proposed care home on the approved plans shall be erected prior to the occupation of any of the refurbished care accommodation that is approved under the terms of this application.

Reason

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

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

Reason

To conform with the pattern of the existing development in the locality.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-houses shown as Plots 5 and 6 on the approved plans, as permitted by Classes of Part B and C of Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the local

planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers.

- 22 All driveways shall be constructed using permeable surface on a porous base and maintained as such.

Reason

To reduce the risks of flooding.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to Condition 21 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 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
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

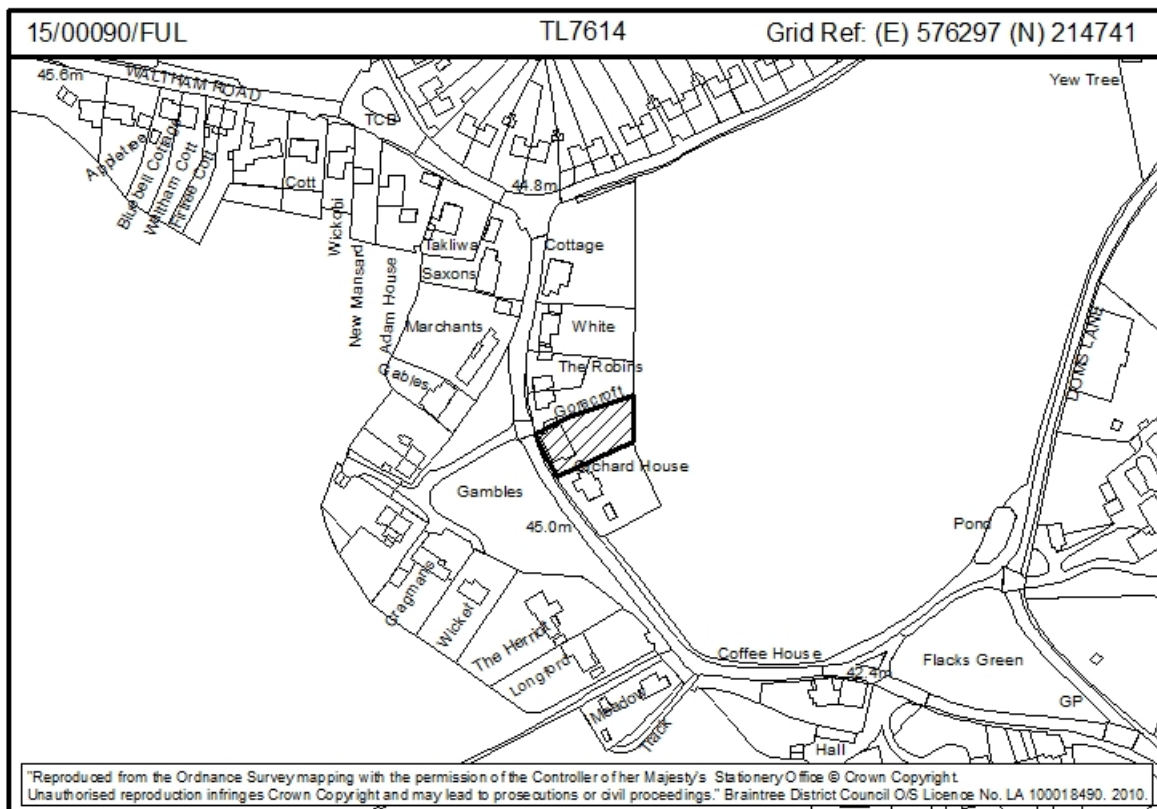
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6b

PART A

APPLICATION NO: 15/00090/FUL DATE: 27.01.15
 VALID:
 APPLICANT: Mrs S Smith
 25 Magdalen Street, Eye, Suffolk, IP23 7AJ
 AGENT: Mr T McGinniss
 The Herriot, Gambles Green, Terling, Chelmsford, Essex,
 CM3 2QP
 DESCRIPTION: Erection of 1 no. three bed two storey dwelling. Demolition
 of part of existing cottage and removal of existing garage
 LOCATION: Barn Cottage, Gambles Green, Terling, Essex, CM3 2QP

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



SITE HISTORY

00/00614/COU	Proposed change of use of land from agricultural to garden land	Granted	20.06.00
01/00080/FUL	Proposed demolition of existing outbuilding and erection of rear conservatory extension	Granted	13.03.01
74/00027/P	Single storey sitting room extension and new windows.	Granted	17.06.74
88/00151/E 89/00321/P	Redevelopment Erection Of One No. 4 Bed Detached House And Double Garage	Granted	24.08.89
89/00322/P	Demolition Of Barn Cottage & Garage & Erection Of 2 No. 4 Bedroom Detached Dwellings And Double Garage	Withdrawn	06.07.89
90/00725/PFWS	Demolition Of Existing Dwelling And Erection Of New Detached Dwelling And Double Garage	Withdrawn	03.10.90

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS1 Housing Provision and Delivery
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
RLP8 House Types
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
RLP70 Water Efficiency

RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
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

Adopted Parking Standards: Design and Good Practice

Terling and Fairstead Village Design Statement

INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has objected and representations have been received contrary to the officer's recommendation.

SITE DESCRIPTION

The site is located at Gambles Green, Terling, within the village development envelope as designated in the Braintree District Local Plan Review 2005. The site is also within the Terling Conservation Area and is within close proximity of a number of Grade II listed buildings.

The site is an infill plot situated between two existing two storey detached dwellings which front Gambles Green from which they are accessed. These plots include generous levels of rear garden amenity space.

PROPOSAL

This planning application seeks approval for the demolition of a single storey side extension and detached single bay garage attached to Barn Cottage and the erection of one new three bedroom two storey dwelling.

CONSULTATIONS

Council's Historic Buildings and Conservation Consultant – No objection subject to conditions relating to material samples and detailed designs for new windows, dormers and doors.

Highway Authority – No objection subject to conditions relating to visibility splays, unbound material and surface water drainage.

Council's Surface Water Drainage Advisor – No comments received.

Terling and Fairstead Parish Council – Object on the grounds that the proposed dwelling would be too large for the site and the intensity of use is too great and fails to satisfy policies RLP 3 and RLP 16. Additionally the

Parish Council has concerns regarding the proposed shared access directly onto a public road which is out of keeping with the area.

REPRESENTATIONS

A site notice was displayed in close proximity to the site in a publicly accessible location and the two properties nearest the site were directly notified of this planning application. Two letters of representation have been received covering the following matters:

- Amenity impacts from layout;
- Plot too narrow to accommodate any frontage parking or garaging to the side of the house and consequence is that parking proposed to the rear;
- Impacts from vehicle movements in close proximity of gardens;
- Rear outlook of existing properties would be harmed;
- Layout inappropriate for this context;
- Lack of parking would lead to more vehicles parking on the road/adjacent Green;
- Proposed dwelling too large for plot;
- Design detail inappropriate for Conservation Area;
- Overdevelopment of plot;
- Covenant over part of rear garden;
- Shared drives do not work;
- Highway safety; and
- Overcrowding.

REPORT

Principle of Development

The application site is situated within the Terling village development envelope boundary. Therefore the principle of such residential development is accepted by way of policies RLP 2 and RLP 3 subject to compliance with detailed design criteria as discussed later within this report.

Design, Appearance and Layout/Impact on Conservation Area/Setting of Grade II Listed Buildings

The proposed development consists of the demolition of a single storey side extension and detached garage to Barn Cottage and the erection of one new two storey three bedroom detached dwelling. The proposal includes associated off-street parking and garden space to the rear accessed via a new shared drive serving Barn Cottage and that proposed accessed from Hull Lane.

The design of the proposed new dwelling is considered acceptable in itself featuring a front gable design and appropriate detailing which reflects the character of similar surrounding development. Although the new dwelling

would be noticeably taller than Barn Cottage it would bridge an existing height difference between Barn Cottage and the nearest property to the south Orchard House and is considered to be in keeping with the existing development context in respect of building lines, density and street scene.

The nature of development on this side of the road is one of an almost continuous line of development separated by small gaps which in some instances have been infilled with detached garages. Therefore it is not considered that this proposal would have an adverse impact on the existing character of the street scene by way of overdevelopment or overcrowding. Furthermore the new dwelling would be separated from Barn Cottage to the north by approximately 3.6m and Orchard House to the south by approximately 1.7m ensuring that some evident level of physical separation remains in the street scene.

The proposed development is considered to comply to the Essex Design Guide and Council's Adopted Parking Standards with regards to rear private garden amenity space and off-street car parking for both Barn Cottage and the proposed dwelling.

The Village Design Statement has a number of guidelines relating to new housing development. These include "housing shall usually be one or two storeys and be in keeping with neighbouring properties and the area" and that "new development should accommodate a sufficient number of vehicle parking places".

As highlighted previously within this report the site is within the Terling Conservation Area and within close proximity of a number of Grade II listed buildings. The Council's Historic Buildings and Conservation Consultant has commented that the existing garage outbuilding and later extension (proposed to be demolished) do not contribute positively to the character and appearance of the Conservation Area although do not unduly negatively affect it either.

The Council's Historic Buildings and Conservation Consultant also raised a number of initial concerns with regards to the design of the proposed dwelling. However, following discussions between the Consultant and applicant an amended scheme has been submitted to which the Consultant has raised no objection subject to conditions covering samples of materials and detailed designs for new windows, dormers and doors being agreed. Should planning permission be granted these conditions would be attached.

It is also worth noting that the Council's Historic Buildings and Conservation Consultant is still of the opinion that a lower ridge height would be preferable but feels that this would not result in significant enough harm to merit refusal.

Given these comments and taking into account the nature, design and appearance of the proposed development it is also considered that the proposed development would be acceptable with regards to its impact on the setting of a number of Grade II listed buildings located nearby.

Terling and Fairstead Parish Council has objected to the proposal on the grounds that it is too large for the site, the intensity of use is too great and fails to satisfy policies RLP 3 and RLP 16. Additionally the Parish Council has raised concerns with regards to the proposed shared access driveway which the Parish Council considers would be out of keeping with the area.

It is acknowledged that the proposed dwelling would be of a substantial size including three bedrooms. However, it would be similar in design and appearance to relatively new dwellings located directly to the south of the site. Although the subject plot is narrower than those nearby it is considered that the new dwelling would sit appropriately on the site, adequately separated from adjacent dwellings and in keeping with the density of the street scene within which it would be located and would not result in overdevelopment of the plot. It is further considered that the intensity of use as a residential dwelling containing three bedrooms would also be appropriate in this location.

It is important to highlight that the Parish Council has objected partly in relation to policy RLP 16 which specifically refers to hamlets and small groups of dwellings not enclosed by village envelopes. However, this policy is not considered relevant in this instance as the site is located within an existing village envelope and not a hamlet or small group of dwellings outside the envelope.

Concern has also been raised with regards to a proposed shared access serving Barn Cottage and the proposed dwelling and that it would be out of keeping with the area. Although it is acknowledged that there are no examples of such shared driveways in the locality it is not considered that such a layout would be harmful to the character or appearance of the Conservation Area. Further, it is also considered that the enhancement to the character and appearance of the Conservation Area from ensuring cars are not parked on the road and widely visible within the street scene would outweigh any adverse impact as a result of the principle of the shared access itself.

Two letters of representation have also been received partly raising concerns in relation to the design, appearance and layout of the proposed development. Some of these concerns have been considered above. However, the representations have also stated that the plot is too narrow to accommodate any frontage parking or garaging to the side of the house and the consequence is that parking is proposed to the rear. It is acknowledged that this is the case but, as detailed above, such an arrangement is considered acceptable in its context.

Therefore, on balance, it is considered that the design and appearance of the proposal would be acceptable and would preserve the character and appearance of the locality and the Terling Conservation Area.

Impact on Neighbouring Residential Amenity

The proposal relates to an infill development between two existing residential properties within a small residential area.

As previously highlighted two letters of representation have been received partly raising concerns in relation to neighbouring amenity, namely associated with the proposed layout, vehicle movements and rear outlook. Concern relates to the location of rear car parking and its impact on neighbouring amenity from its close proximity and associated noise/disturbance and vehicle emissions. However, given the number of car parking spaces proposed (4 no.) it is not considered that such impacts would be significant given the likely frequency and intensity of associated vehicle movements. It is acknowledged that the rear outlook of adjoining properties would be affected to a certain extent but again it is not considered that such a change would have a material adverse impact on the existing context given the orientation of adjoining properties and the positioning of the proposed new parking area to the side as well as the extent of it which would be limited to two car widths before garden amenity space extends to the rear of the plot.

The proposed dwelling includes two dormer windows to its south (side) elevation which would look out towards the adjoining residential property to the south. Given the overlooking potential of such windows it is considered that they should be obscure glazed and non-opening. One of these dormer windows relates to a landing window with the other relating to a bedroom. This bedroom also includes a primary window to its west (front) elevation ensuring the bedroom has some level of outlook and an acceptable level of amenity for any future occupant. These dormer windows would also not be seen in the street scene given their positioning and orientation ensuring no adverse impact on the character and appearance of the Conservation Area. Should planning permission be granted a condition would be attached ensuring these windows are obscure glazed and non-opening.

Given the nature of the development and its proximity to neighbouring residential properties it is considered appropriate to restrict construction hours and activities in order to safeguard existing residential amenity. Should planning permission be granted these conditions would be attached.

Taking into account the above the proposed development is considered acceptable in terms of its likely impact on neighbouring amenity including by way of overlooking, overshadowing, visual intrusion and the level of privacy afforded to both existing and future occupants.

Highways/Parking

Some concern has been raised in respect of highway safety and the shared access, lack of off-street car parking and arrangements for visitor car parking.

The Highway Authority has raised no objection to the proposed development subject to conditions relating to visibility splays, unbound material and surface water drainage. These matters would be addressed by conditions.

Both Barn Cottage and the proposed dwelling would each be provided with two off-street car parking spaces complying with the Council's Adopted Parking Standards. The Highway Authority has also raised no objection in this regard.

Covenants

A letter of representation has been received drawing the Local Planning Authority's attention to a possible covenant on the rear garden of the site which would restrict the erection of any outbuildings on this garden area. Covenants are a legal matter and not material planning considerations but should planning permission be granted an informative would be attached highlighting this to the applicant.

CONCLUSION

The site is located in a residential area within the Gambles Green village development envelope whereby the principle for new residential development is considered acceptable. Given the nature, design, size and scale of the proposed development and its relationship to its plot boundaries and neighbouring premises it is considered that the proposal would not have an adverse impact on the local area including in relation to amenity and car parking. It is also considered, that the proposed development would preserve the character and appearance of the Terling Conservation Area. For these reasons the proposed development is considered acceptable in planning terms subject to appropriate conditions as highlighted previously within this report.

RECOMMENDATIONS

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

APPROVED PLANS

Location Plan

Block Plan

Proposed Plans

Plan Ref: 2014/9/2

Existing Sections

Plan Ref: 2014/9/1

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 does not prejudice the appearance of the Conservation Area.

- 3 Prior to the occupation of the dwelling hereby approved the following details shall have been submitted to and approved in writing by the local planning authority.
 - (a) Details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points; and
 - (b) Details of any proposed external lighting to the site.

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

Reason

In the interest of promoting sustainable forms of development.

- 4 No external finishes of the development hereby permitted shall be constructed until samples of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development does not adversely impact on the character and appearance of the Terling Conservation Area or the setting of nearby Grade II Listed Buildings.

- 5 No construction of external windows, dormers or doors shall take place until drawings showing all external windows, dormers and doors at a scale no greater than 1:20 have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved drawings and thereafter be so maintained.

Reason

To ensure that the development does not adversely impact on the character and appearance of the Terling Conservation Area or the setting of nearby Grade II Listed Buildings.

- 6 The proposed first floor side elevation dormer windows serving the landing and bedroom no. 1 on the south east elevation shall be non-opening and glazed with obscure glass, to be consistent with level 3, 4 or 5 of the Pilkington Glass standards and shall be so maintained at all times.

Reason

To protect the amenities of the occupiers of nearby residential properties

and the surrounding areas.

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

Reason

In the interests of highway safety.

- 8 No development shall take place until details showing the means to prevent the discharge of surface water from the development hereby permitted onto the highway has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be so maintained.

Reason

In the interests of highway safety and sustainable forms of development. The details required by this condition are sought prior to the commencement of development as they relate to minimising surface water from the development onto the highway and therefore it is integral that such details are confirmed before construction so the development can be constructed accordingly from the outset.

- 9 Prior to the first occupation of the development hereby permitted, the access shall be provided with a 2.4 metre parallel band visibility splay across the whole of the sites 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

In the interests of highway safety.

- 10 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 to 1800 hours;
Saturday - 0800 hours to 1300 hours; and
Sundays, Bank Holidays and Public Holidays - no work.

Reason

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

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

Reason

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

- 12 No piling shall be undertaken on the site in connection with the construction of the development hereby permitted until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall be carried in accordance with the approved details.

Reason

To ensure safe and considerate construction and to protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

- 13 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

To enhance the sustainability of the development and reduce flood risk through the better use of water management devices

INFORMATION TO APPLICANT

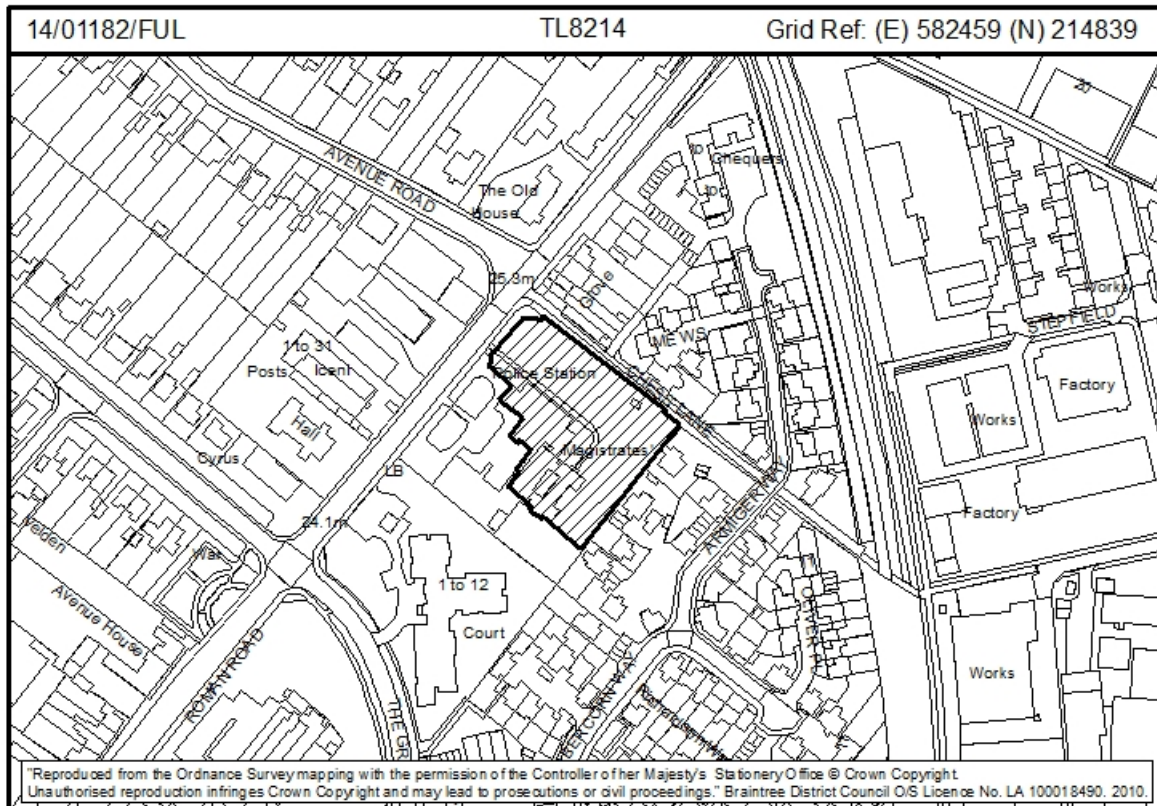
- 1 During consultation on this planning application it has been brought to our attention that a covenant restricting the erection of outbuildings in the garden of Barn Cottage/the development may be in place.
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Please note that 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

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 14/01182/FUL
 DATE: 04.09.14
 VALID:
 APPLICANT: Mr R Mackay
 Julia Mackay Properties, PO Box 11161, Colchester, Essex,
 CO5 9YA
 AGENT: Mrs L Skinner
 Alliance Planning, 35 Old Queen Street, London, SW1H
 9JA
 DESCRIPTION: Demolition of the existing buildings and removal of the
 fencing and erection of 10 bungalows (instead of 14) with
 associated access, car parking and landscaping
 LOCATION: Former Magistrates Court, The Court House, Newland
 Street, Witham, Essex, CM8 2AS

For more information about this Application please contact:
 Mrs N Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

86/00696/	Alterations and extension to provide charge and interview rooms.	Granted	17.06.86
91/00809/	Erection of security fence to compound.	Granted	16.08.91
91/01180/PFWS	Proposed Installation Of 3000 Gallon Underground Petrol Tank	Granted	25.11.91
91/01444/PFWS	Erection Of Extension	Deemed Permitted	03.03.92
91/01463/	Proposed additional security fencing to security compound.	Granted	04.02.92
94/00522/FUL	Proposed new car park	Granted	31.05.94
94/01324/FUL	Erection of flag pole to front of building	Granted	16.12.94
95/00432/FUL	Proposed installation of 2 No new lighting columns to existing car parking area	Granted	12.06.95
97/00195/FUL	Installation of disabled persons ramp and internal alterations to Witham Magistrates Court	Granted	12.03.97
15/00113/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Carry out various works to trees see plan and letter for more details	Pending Consideration	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment
CS11 Infrastructure Services and Facilities

Braintree District Local Plan Review

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

RLP10	Residential Density
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP65	External Lighting
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

National Planning Guidance

National Planning Policy Framework (NPPF)

Other Material Considerations

The Essex Design Guide 2005

ECC Vehicle Parking Standards 2009

Witham Town Centre and Newland Street Conservation Area Appraisal and Management Plan 2007

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to objections received from neighbouring residents.

SITE DESCRIPTION

Witham Magistrates Court is within the Town Development Boundary and Newland Street Conservation Area, which was extended in 2008. It has no other formal land-use designation in the current Local Plan or in the Draft Site Allocations and Development Management Plan.

The Magistrates' Court ceased operations some years ago and is now a redundant building. The site has now been sub-divided with the application site being sold on for redevelopment. The Police Station will continue, but is only open on a part-time basis. Opposite the site are a variety of buildings in mixed use, including the recent residential conversion at Icen House. There is a listed terrace of five cottages (1-5 Grove Cottages) neighbouring the site on Newland Street. The boundaries of 4 dwellings in Armiger Way abut the site. Nos. 9 and 17 'are side-on' to the site and very close to the boundary. No. 7 backs on to the site at a distance of approximately 9m.

PROPOSAL

This proposal is for the demolition of the existing Magistrates' Court Buildings and the erection of a mix of 10 2- and 3-bed bungalows. Revised plans have been submitted reducing the quantum of development down from 14 to 10 as a result of officers' concerns regarding potential over-development. Concerns were also expressed by the Council's Landscape Officer with regard to the retention of existing trees and landscaping of the site. The trees are not the subject of a Tree Preservation Order, but due to their location in a conservation area, the Council has to be notified prior to any works being undertaken to trees with trunks above 75mm. The Council then has the opportunity to place a Preservation Order on the trees. An application for Conservation Area Consent has been made for works to the trees outside the consideration of this application 15/00113/TPOCON.

The layout and design of the dwellings has evolved to give the development a character of its own which respects existing residential amenity at the same time as ensuring that it does not detract from the architectural quality and setting of the Police Station building or of the listed Grove Cottages. Part of the design process was to also ensure that parking arrangements should not dominate the street scene. The layout aims to retain as many trees as possible and to secure suitable replacements and landscaping where trees are removed.

The existing access off Newland Street will be utilised and increased in width. This will be shared with the Police Station. A gated access is indicated into the development in order to provide some separation between the residential use and public access to the Station. The dwellings comprise 6 detached and 4 semi-detached bungalows and are set out as follows:

- | | |
|-----------|---|
| Plots A-B | 3-bed detached units set in a slightly staggered form fronting onto Newland Street. The existing hedgerow and pedestrian access will be retained. Rear amenity space of between 183sqm and 190sqm will be provided. |
| Plot C | 3-bed detached unit facing into site, side on to Plots A and B. Rear amenity space of 194sqm is indicated. |
| Plots D-E | 2-bed detached units with between 93sqm and 160sqm rear amenity space. Existing oak tree (T10) to be retained. |
| Plot F | 3-bed detached unit with 143sqm rear amenity space. |
| Plots G-H | Pair of 2-bed semi-detached units with between 66sqm and 112sqm rear amenity space. A sycamore tree (T18) is retained to the side. |
| Plots I-J | Pair of 2-bed semi-detached units with between 72sqm and 73sqm rear amenity space. Set to the rear of the Police Station facing towards Plot D. |

The historic boundary wall on the northern and western boundaries will be repaired and reinstated as required. There are also some remnants of an existing hedge on these boundaries which will be augmented and new planting added to provide a continuous hedgerow.

A total of 20 parking spaces are located in the south-east corner of the site, in two bays either side of the spine road and alongside the bungalows. This is slightly short of the Vehicle Parking Standards which require a total of 23, based on 2 spaces per 2-bed+ unit plus 0.25 for visitors, however, given the site's close proximity to the town centre, this is considered a reasonable compromise in view of the desire to retain as many of the trees as possible.

The design ethos adopted by the architect is inspired by the inter-war period during which the Police Station was originally built. They will be constructed in red-faced brick with hipped slate roofs, projecting bay windows, and a chimney stack. White painted timber windows are also proposed. The bungalows will measure approximately 5.7m in height. Each dwelling will be provided with a shed/cycle store and storage area for bins. The plans indicate that black metal railings and gates will be provided to the front gardens with 1.8m close boarded fenced enclosing the rear gardens.

The application is accompanied by the following documents:

Design and Access Statement
Planning and Heritage Statement
Arboricultural Report
Landscape Statement
Landscape Performance Specification
Planning for Sustainable Construction Checklist

CONSULTATIONS

Witham Town Council recommends approval of the scheme, and would like to see responsibility for the ongoing maintenance of the proposed landscaping clarified and specified by condition. In addition permitted development rights should be removed to safeguard existing residents.

ECC Highways objected to the original proposal on the grounds of insufficient parking, however, revised plans have increased the amount as referred to above. Approval is recommended subject to conditions.

ECC Historic Buildings Consultant comments that the proposal has addressed concerns regarding density in terms of the number of units. The design of the bungalows is acceptable as is the repair of the historic wall. Conditions are suggested regarding the gates.

ECC Economic Growth and Development require a contribution towards Education of £5,448.00 (Early Years and Childcare).

ECC Archaeologist raises no objection but requests conditions to enable recording of the Magistrates' Court building, which although relatively modern, is of sufficient interest and local importance to warrant a basic historic building record before it is demolished. A condition is also requested regarding the archaeological potential of the site.

BDC Landscapes – raises no objection to the proposal as the revised plans have sought to address concerns raised regarding key trees.

BDC Environmental Health Officer raises concerns at potential noise impact from the continued use of the Police Station, particularly at night. It is recommended that an air quality assessment report is submitted to ensure that the bungalows closest to the road are not exposed to excessive air pollutant levels. Conditions are also recommended regarding potential land contamination and to safeguard the amenity of neighbouring premises during the construction phase.

REPRESENTATIONS

The following are the objections received, prior to the submission of revised plans:

The occupiers of No. 7 Armiger Way have pointed out that their property backs directly onto the site and they will therefore be overlooked by the bungalows. The boundary wall is not 1500mm in height as stated on the plans but is more like 1100mm. There is also not a continuous hedgerow. Concern is also raised at the removal of the trees, which will be a loss of amenity and privacy and could have significant effects in terms of ground heave. There is also potential for a second floor to be attached to the dwellings, therefore a condition should be attached to prevent this. The revised plans indicate that Plots I-J have been rotated 90 degrees and move approximately 25m away from this boundary.

The occupier of No. 9 raises similar concerns to the above, to loss of privacy and security following the removal of the trees and disruption during construction.

No. 17 Armiger Way also raises similar concerns, particularly in relation to the new road within the site which will leave their boundary insecure and vulnerable. Since the revised plans have been submitted, the objector has commented that the developer has now erected a boundary fence between the proposed development and the existing houses on Armiger Way. However, the latest drawings still do not show this fence. Assurances are required that the fence must form part of the planning submission and will therefore be fully maintained. Permitted development rights should also be removed. It has been ascertained that the developer has erected the fence on a temporary basis to safeguard amenity during the construction process.

The occupier of No. 2 Bevington Mews is concerned at the potential impact the development will have on the Conservation Area, particularly the impact

upon the trees and wildlife. The plans indicate that gaps in the existing hedge will be stopped up, however, they also show sheds/cycle stores close to the boundary, so there will still be gaps. This will result in the view of the wall being dominated by the backs of modern sheds. The ridge line of the dwellings is also too high. If the development should go ahead, mature specimens should be used. The revised plans indicate that only two sheds remain near the boundary. Comments have also been received regarding the revised plans which state that the advanced site clearance work proposed under 15/00113/TPOCON, would result in most of the existing trees being removed independently from this Planning Application which would be irreversible. The lack of a Soft Landscaping Plan to accompany the latest site layout proposal could clarify the developer's commitment to establishing appropriate 'characteristics' for the site which remains part of the Witham Newland Street Conservation Area.

REPORT

Principle of Development

The site is on unallocated land within the Town Development Boundary, therefore, the principle of development is acceptable in accordance with Policy RLP2 of the Braintree District Local Plan Review, subject to other relevant policy criteria. The National Planning Policy Framework (NPPF) indicates that pursuing sustainable development will involve seeking positive improvements in the quality of the built, natural and historic environment, as well as people's quality of life. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

Design, Appearance and Layout

The site is within a Conservation Area and within the close environs of listed buildings. Part 7 of the NPPF places considerable emphasis on the need for good design. It advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions and to provide a good standard of amenity for all. Part 12 emphasises the desirability of new development making a positive contribution to local character and distinctiveness.

Policy RLP3 of the Braintree District Local Plan Review states that residential development is only acceptable if it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Development should 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. It should also 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. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities.

Policy CS9 of the Local Development Framework Core Strategy and Policy RLP90 of the Local Plan Review seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. Policy

RLP9 requires that the design and layout of new developments shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development. Policy RLP95 states that the Council will preserve and encourage the enhancement of the character and appearance of designated conservation areas.

The Conservation Area Appraisal conducted in 2007 stated that despite being cut through by Grove Road in the 1970s, the boundary of the Grove is still a strong feature on the ground and an important historic spatial element of the townscape. Stretches of the old brick boundary wall, date from around 1700. These survive not only on Newland Street but also along Chess Lane and parts of the wall on Newland Street are Grade II listed. Trees and planting also follow this boundary to the rear. Within this area many mature trees have survived which are relics of the former grounds of the mansion house and are important in long views along Newland Street. Within the historic boundary Grove House and Foster Court are large modern developments of no particular architectural merit, but beyond Grove Road the police station is a substantial neo-Georgian brick building of 1937, with the magistrates' court behind. It is a high quality public building in a well-landscaped plot with magnificent cedar trees at the front, and was designed by County Architect, J. Stuart (Bettley and Pevsner 2007). Across from Chess Lane, an ancient route that is medieval or earlier, are Grove Cottages, a picturesque row of 18th-century timber-framed dwellings re-fronted in brick, which are Grade II listed. The grounds of the Grove, which include the police station, as well as Chess Lane, and Grove Cottages, were all considered worthy of inclusion in the Conservation Area. The court buildings themselves consist of a the1930s three-storied flat-roofed court building and offices with later single storey element. They are not considered to be of any architectural merit.

As stated above, the Conservation Area Appraisal recommended that land within the north-east end of Newland Street should be included within the Conservation Area as the boundary of the Grove was and still is a strong feature on the ground and an important historic spatial element of the townscape. The key concerns in designing this development have been to ensure that the spacious setting of the Police Station and the strength of the tree boundary that follows the historic boundary to the Grove is not diminished. As a result of concerns expressed by officers, the applicant has

made significant efforts to design a scheme that will integrate well within this part of the Conservation Area. Regard has also been had for the Council's adopted standards set out in the Essex Design Guide (EDG) and Essex County Council Vehicle Parking Standards. The EDG sets out a minimum standard for rear gardens in the region of 50sqm for 2 bed and 100sqm for three bed+ properties. The gardens amenity spaces within the proposed development therefore exceed the minimum Standard. The vehicle parking layout has been revised to ensure that the higher quality trees are retained and whilst they are slightly short in terms of the amount, this is considered acceptable in this sustainable location. The parking bays accord with the minimum standard of 5.5m x 2.9m.

Impact on Neighbouring Amenity

As stated above, the Council's policies seek to ensure that new development should only take place if it can be achieved without material detriment to existing residential amenity. The dwellings which were close to the boundary of the houses on Armiger Way have now been moved further away, achieving a back-to-back relationship of 25m which is considered acceptable in accordance with the EDG.

The site boundary at present consists of the historic wall and a considerable amount of trees and vegetation. There are also discrepancies as to the height of the wall and whilst these are noted, this issue could be addressed with an appropriate condition.

Highway Issues

Policy RLP56 requires that off-street parking provision is provided in accordance with The Essex 'Parking Standards Design and Good Practice'. ECC Highways do not object to the proposal on highway safety grounds, and whilst there is a concern regarding the amount, as stated above, this is considered acceptable.

Landscape and Ecology

Policy RLP80 of the Local Plan Review states that proposals for new development will be required to include an assessment of their impact on ecology and 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. Additional landscaping including planting of native species trees and other flora may be required to maintain and enhance these features. Policy RLP81 states that the Planning Authority will encourage landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows.

As stated above, the Council's Landscape Officer initially objected to the proposal, however, the revised plans have addressed his concerns and approval is recommended subject to appropriate conditions.

Other Matters

In line with its Developer Contributions Guidance, ECC has requested a contribution towards Education. The applicant has agreed to this in principle and work has commenced on drafting the S106 Agreement.

The Council's Environmental Health Team has recommended that a noise impact assessment and air quality assessment are required due to the proximity of the proposed dwellings to the Police Station and a busy road, close to traffic lights. These two requirements are not considered reasonable in view of the nature of the Police Station use and the proximity of existing residential premises to Newland Street and the Police Station.

CONCLUSION

The application relates to the redevelopment of a site within the Town Boundary where such development is acceptable in principle. Following initial concerns regarding the density and layout of the development and its impact on the Conservation Area, the trees and residential amenity, revised plans have been submitted. It is considered that these plans have addressed the Council's key concerns, resulting in a development that will integrate well into its setting and provide some diversity in private housing availability in the local area.

It is recommended that subject the applicant entering into a suitable legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following matters:

Payment of an 'Education Contribution' £5,448.00

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the terms set out above and the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed within two calendar months of the resolution to approve the application by the Planning Committee, the Development Manager may use her delegated authority to refuse the application.

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

Site Plan	Plan Ref: 13.322/PL7	
Fencing Layout/Details	Plan Ref: 13.322/PL5	Version: B
Other	Plan Ref: 13.322/PL4	
Floor Plan	Plan Ref: CD307	
Landscaping	Plan Ref: 13070	
Elevations	Plan Ref: 13070-E	
Additional Plan	Plan Ref: 13.322/PL1	Version: rev 1
Planning Layout	Plan Ref: 13.322/PL1	Version: H
General Plans & Elevations	Plan Ref: 13.322/PL2	Version: D
General Plans & Elevations	Plan Ref: 13.322/PL6	Version: C
General Plans & Elevations	Plan Ref: 13.322/PL8	
General Plans & Elevations	Plan Ref: 13.322/PL9	
Supporting Documents	Plan Ref: PERFORMANCE SPECIFICATION	
Supporting Documents	Plan Ref: LANDSCAPE STATEMENT	

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

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development. These details are required pre-commencement as they relate to the materials used in the construction.

- 4 Prior to the commencement of the development, detailed drawings shall be submitted to and agreed in writing with the local planning authority marking up repairs and detailing the methods for the works for the wall fronting onto Chess Lane, running along the western and northern edge of the site. The submitted details shall also indicate details of the time-table

for the implementation of the repairs to the wall.

Reason

To ensure the use of appropriate detailing within the Conservation Area and to safeguard the improvements to this important feature with the Conservation Area.

- 5 With regard to Condition 4, all existing fabric shall be reused where possible and lime mortar used for pointing. In the event that new bricks are to be used, a sample shall be submitted to and agreed in writing with the local planning authority prior to the commencement of those particular repairs.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area.

- 6 The works to the wall required by Conditions 4 and 5 above shall be completed in accordance with the approved details prior to the first occupation of any of the residential units hereby approved.

Reason

To ensure that the repair of the wall is secured in view of its importance within the Conservation Area.

- 7 Development shall not be commenced until details of all meter cupboards to be positioned on the dwellings have been submitted to 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 the use of appropriate detailing within the Conservation Area.

- 8 No development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording 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 a historic building record to be made of the Magistrates Court prior to its demolition, in view of its local historic interest.

- 9 No ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological field work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason

The site may be of archaeological interest.

- 10 Detailed scaled drawings of the proposed entrance gates shall be submitted to and approved in writing by the local planning authority, prior to their installation.

Reason

To ensure the use of appropriate detailing having regard to the importance of this scheme in the Conservation Area

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Classes A, B, C, D and E of Schedule 2 of that Order shall be carried out , other than the shed/cycle stores shown on the submitted drawings, 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 visual amenity and the setting of the Conservation Area.

- 12 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (The Tree Protection Plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority and put in place on site. These measures shall be carried out as described and approved.

Reason

To ensure the longevity and protection of the retained protected trees. These details are required prior to the commencement of the development because they relate to construction activity in preparation for the commencement of development.

- 13 The protection of the retained trees shall be carried out in accordance with the approved Tree Protection Plan and Arboricultural Method Statement referred to above and shall be achieved as follows:

- a) no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the approved Tree Protection Plan which shall have been previously approved by the local planning authority in writing;
- b) if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the

satisfaction of the authority;

c) the fencing shall be maintained in position to the satisfaction of the authority, until all equipment, machinery and surplus materials have been moved from the site;

d) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without the prior written consent of the authority; and

e) no equipment, machinery or structure shall be attached to or supported by a retained tree.

Reason

To ensure the longevity and protection of the retained protected trees.

- 14 No alterations or variations to the approved works or Tree Protection Plan shall be made without prior written consent of the local planning authority.

Reason

To ensure the longevity and protection of the retained protected trees.

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

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

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

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

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

Reason

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

- 16 Development shall not be commenced until details of a native species hedge to be planted on the north and west boundaries to supplement the existing hedge have 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.

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

The application as submitted does not give particulars sufficient for the consideration of the reserved matters. Furthermore, to ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

- 18 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

The application as submitted does not give particulars sufficient for the consideration of the application. Furthermore, to ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

- 19 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (formally known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.

Reason

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

- 21 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.

- 22 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.

- 23 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.

- 24 The screen walls and/or fences as indicated on the approved layout plan shall be erected before the dwellings are occupied and shall be permanently maintained as such, unless otherwise agreed in writing by the local planning authority.

Reason

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

- 25 Development shall not be commenced until a scheme including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
- (a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
 - (b) 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.

- 26 Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 70 metres to the north east and 2.4 metres by 70 metres to the south west, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 27 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 28 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 29 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 30 The provision of suitable access arrangements to the application site in connection with the demolition/construction operations, to include wheel washing facilities, turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Details to be submitted to and agreed in writing with the Local Planning Authority.

Reason

In the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to Condition 10 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant

to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

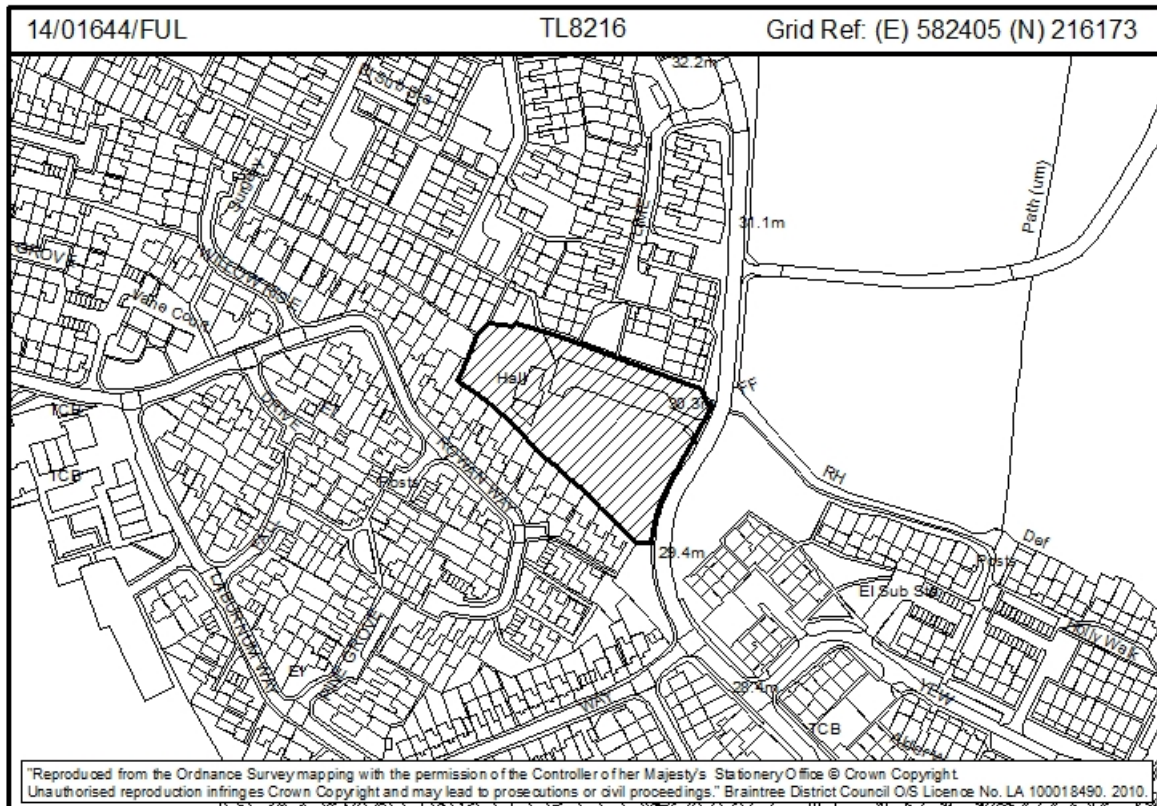
- 3 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 4 Your attention is drawn to condition 8 and 9 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council Heritage Conservation Branch (01245 437638).
- 5 All work 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 or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 14/01644/FUL DATE: 13.01.15
 VALID:
 APPLICANT: Greenfields Community Housing
 Mr Peter Cook, Greenfields House, Charter Way, Braintree,
 Essex, CM77 8FG
 AGENT: Blackswan Property Ltd
 Mr Marcus Hawley, 302 Argent Centre, 60 Frederick Street,
 Jewellery Quarter, Birmingham, B1 3HS
 DESCRIPTION: Erection of 31 no. dwellings comprising 1 x 3 bedroom
 house and 2 x 2 bedroom houses for shared ownership, 8 x
 2 bedroom houses and 20 x 1 bedroom apartments for
 affordable rent. The development will also be provided with
 associated parking and amenity.
 LOCATION: Land At Forest Road, (Former Community Centre Site),
 Witham, Essex

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



SITE HISTORY

None

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP138	Provision of Open Space in New Housing Developments

Other Material Considerations

BDC Site Allocations and Development Management Plan
Essex Design Guide

INTRODUCTION

This application is brought before the Planning Committee as objections have been received contrary to the officer's recommendation.

SITE DESCRIPTION

The site is located in a residential area off Forest Road within the urban area of Witham and inside the town development boundary as designated in the Braintree District Local Plan Review 2005 (BDLPR).

The site measures approximately 0.7 hectares consisting of green open space. It is surrounded on three sides by residential areas which back onto the site. The site also fronts Forest Road to the south east. Part of the site to the rear (north west) was formerly occupied by a small community hall which has since been demolished. Road access and associated parking consisting of hardstanding still remain on the site to the north. There are a number of mature trees within the site near its northern boundary; three more centrally within the site and one on its southern boundary.

PROPOSAL

This planning application has been submitted by Greenfield Community Housing and seeks approval for the development of the site consisting of the erection of 31 no. dwellings comprising 1 x 3 bedroom house and 2 x 2 bedroom houses for shared ownership, 8 x 2 bedroom houses and 20 x 1 bedroom apartments for affordable rent. The development would be entirely affordable and include associated car parking, garden amenity spaces and associated infrastructure. The applicant has stated that the subject site would be developed specifically to meet the shortfall of affordable housing within the Witham area with the focus on smaller units being developed following a needs survey of the area and feedback from the Council's Strategy team.

The proposed layout aims to capitalise on the significant frontage along Forest Road which would include a part 3-storey part 2-storey apartment block. The proposal would utilise an existing vehicular access to the site from Forest Road which was constructed in connection with the community building previously located on the site.

Some existing trees and vegetation to the north of the site would be removed, however, a number of new trees and other landscaping would be provided and incorporated in the proposed scheme.

The character of the proposed dwellings are generally consistent with the surrounding context and a new apartment building, part three storey and part two storey, is proposed to the front of the site adjacent to Forest Road seeking

to create a sense of place and enhance the existing street scene in this locality.

The applicant's philosophy behind the design of the scheme is to create a sustainable development (built to Lifetime Homes and Building for Life 12 Standards and reaching at least level 3 of the Code for Sustainable Homes) which respects its context and provides a pleasant place to live.

CONSULTATIONS

Environment Agency – No objection; reference made to the EA's Flood Risk standing advice.

Highway Authority – No objection subject to the imposition of conditions relating to visibility splays, unbound material, surface water, construction details, parking spaces and cycle parking facilities.

Essex Police – No objection subject to the imposition of a planning condition ensuring that the development attains Secured by Design certification on all units.

Anglian Water – No comments received.

Council's Environmental Health Officer (EHO) – No objection, however recommended the imposition of conditions in respect of construction hours, dust and mud management, piling and lighting. Also recommended that the refuse area be further re-located away from adjacent residential properties.

Council's Landscape Officer – No objection subject to tree T4 being retained and a full landscaping scheme being agreed for the site.

Witham Town Council – No objection subject to the provision of an alternative area of open space and that all housing be affordable.

REPRESENTATIONS

Site notices were displayed in close proximity of the site in publicly accessible locations and the thirty six properties neighbouring the site were directly notified of this planning application. Five letters of representation have been received, including one from the Witham and Countryside Society, covering the following matters:

- Access to rear gardens in Rowan Way;
- Noise and pollution from construction;
- Dust carts/emergency vehicle access;
- Add to traffic and parking in Forest Road which is a bus route;
- Loss of hedgerows, trees and wildlife habitat;
- Too much building in small area;
- No infrastructure;

- Existing green provides open view to rear of property and un-overlooked rear garden;
- Impact on value of property;
- Loss of amenity space;
- Alternative green open space should be provided;
- Concern around three storey flats;
- Out of character and scale;
- Overlooking concerns;
- Loss of privacy;
- Access;
- Overbearing; and
- Little provision for parking

Revised plans have been received in respect of the apartment block elevations. These have been advertised to residents adjoining this part of the site. Any representations will be reported to the committee.

REPORT

Principle of Development

The application site is situated within the urban area of Witham which is designated as a main town by the settlement hierarchy within the Council's Adopted Core Strategy. The site is within the town development boundary whereby the principle for new residential development is generally accepted by way of policies RLP 2 and RLP 3.

The Council's adopted Local Plan Review 2005 designates the site for informal recreation. At this time the site comprised a community centre with open space. However, more recently the site has been viewed as surplus to requirements and the community centre was removed in 2012. The Council's draft Site Allocations Development Plan Document (SADMP) identifies this area as a '*residential site of 10+ (dwellings)*' (*WIN7H*) and Appendix 1 of the SADMP estimates its capacity as being 15 dwellings. The allocation of this site for housing (10+ dwellings) remains in the pre submission draft of the Site Allocations and Development Management Plan. Although this draft has not been progressed to an Examination in there were few objections to the change in land use designation advocated by the SADMP and there were very few objections to the site in general.

The Council's formal position on this matter is made clear by its Interim Planning Policy Statement approved by Full Council on 15th September 2014 which includes the following:

"The Council believes that the site allocations and policies contained within the Pre Submission ADMP are based on robust and credible evidence and have undergone a significant amount of public consultation and Member engagement. The Council therefore consider these are acceptable in principle."

The Council accordingly adopts the land allocations and development management policies detailed within the ADMP for use within development management decision-making. The Council is of the view that these robust and clear statements should be given appropriate weight in all matters under consideration and that these are material considerations for the Council.

The Council actively encourages the development of sites and allocations in accordance with these principles and will seek to support those who conform to the requirements of the NPPF and other statutory development plans. The Council recognises that the emerging local plan will gain weight as it is developed, however this statement provides a clear indication of the Council's position in the interim period."

Given the Council's current position in this respect it is considered that the loss of existing recreational land is acceptable given that it has been confirmed that it is surplus to requirements through the Local Plan process and few objections have been received against such a change in policy. Further, it is also considered that the benefits of a 100% affordable housing scheme on this site is a material consideration to be weighed in the planning judgment on the acceptability of the proposed scheme in context of the loss of this area of informal recreation space.

Witham Town Council and a representation received on this application have requested that an alternative area of open space be identified to compensate for that lost as a result of this proposal. The surrounding area includes some green open areas and the site is well linked to other recreational facilities within the urban area. Given this context and the fact that the Local Plan process has identified the site as being surplus to requirements for informal recreation it is not considered necessary that an alternative area of open space be formally identified and designated in this instance.

Design, Appearance and Layout

The NPPF at paragraph 56 states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. The Braintree District Local Plan Review contains a number of policies which seek to promote high standards of design. RLP3 requires that new development within town boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

Policy RLP3 states, *inter alia*, that the Council shall seek to protect the character of the existing street scene, the landscape value of existing tree cover and generally ensure that new development does not materially detract from the character of the settlement. Furthermore, Policy RLP 9 states that new residential buildings shall create a visually satisfactory environment, in keeping with the character of the site and well-related to its surroundings. These policies are supported by Local Plan Policies RLP 10, RLP 90 and

Policy CS 9 of the Core Strategy. A Planning for Sustainable Design and Construction Checklist has been submitted as part of this planning application which outlines the applicant's intention to incorporate sustainable construction measures in the proposed scheme. Further details of such measures would be required by condition should planning permission be granted.

The local area includes the distinctive characteristics of an area of housing development dating from the 1960/70s, including many terraces to the north and semis to the west and south. Forest Road itself has a spacious character, with incidental open space adjacent to it and development set back from Forest Road leaving a generous grassy verge/open area which has a leafy landscaped character. Policy RLP 10 requires proposed scheme densities to take account of the density and layout of their surroundings, and the extent to which car parking, open space standards and landscaping can be incorporated.

This scheme has a higher density than anticipated by the Local Plan Review which is largely attributable to the proposed apartment block containing 20 no. one bed units. However, some level of open space has been incorporated into the scheme and it is noted that an additional area of open space is located on the opposite side of Forest Road. The proposed scheme would create a density of 44 units per hectare which is within the range referred to in the Local Plan Review (policy RLP 10) (30 to 50 dwellings per hectare) as being acceptable and making more efficient use of land.

The proposed site's frontage includes the proposed part two storey part three storey apartment block. Although the flats are not characteristic of existing development in the locality, its detailed design, position and orientation, set back from Forest Road and consistent with existing building lines along this frontage, it is considered that such a proposal would be acceptable and not unduly dominant in the existing street scene. The design of the apartment building also ensures it is broken up visually and is not overbearing within its context. It is also clear that the proposed scheme expresses some of the 'Arcadia' ideal expressed by the Essex Design Guide.

The proposed development would be laid out in a formal manner with proposed two bed two storey units located deeper into the site and backing onto those existing in Rowan Way to the south east. This layout complies with the Essex Design Guide in respect of back to back distances ensuring a good level of amenity for both existing and future occupiers in this location. Some concern has been raised with regards to the three bed dwelling proposed to the very rear of the site where the site narrows resulting in a smaller back to back distance. This primarily related to the rear western elevation of the proposed dwelling. Subsequently the internal layout of this dwelling has been revised changing a bedroom to the rear to bathroom space with an obscure glazed window ensuring no unacceptable loss of amenity in respect of back to back distances which are marginally below that required by the Essex Design Guide.

The proposed development would comply with the Essex Design Guide's standards for private and communal garden spaces.

A number of representations have been received raising concern that the proposed development is out of character and scale with the local area. However, taking into account these comments and the variety of dwelling types within the locality, including storey heights, it is considered that, overall the proposed development would be sympathetic to its context. Proposed facing materials, building spans, roof pitches and fenestration are all typical of those that can be found across the County.

Design details for infrastructure including boundary treatments, refuse and cycle stores have not been included and would be the subject of conditions should planning permission be granted.

The Council's Housing Officer has remarked that the proposal will deliver a significant benefit in terms of affordable housing. Achieving this number of affordable units through planning gain would evidently require a market scheme of 104 units. The Housing Officer has also confirmed that the mix of housing proposed has been designed to address housing need for the type of accommodation proposed.

The Housing Officer has required that the scheme be designed so that the new homes are fully compliant with the Homes and Communities Agency (HCA) design standard and expects that at least Code for Sustainable Homes level 3 is achieved as a minimum. The Housing Officer also requires the scheme to be built to meet Lifetime Homes Standards and be capable of achieving Secured by Design Certification.

The applicant has confirmed that the scheme would be built to Lifetime Homes and Secured by Design Certification Standards and has stated a desire/intention for the dwelling units to be built to at least Code Level 3 for Sustainable Homes. The Code for Sustainable Homes has now been withdrawn by Government with housing standards rationalised, through a new system based on the Building Regulations. Nevertheless the former Code Level 3 is the minimum of what is considered necessary to achieve Building Regulations standards and this is controlled by separate legislation.

The Government's current policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies (in Local Plans) on access, internal space, or water efficiency. The adopted local plan does not include such policies. However, such advice does not relate to Secured by Design matters and should planning permission be granted it would be conditioned that the proposed development be built to Secured by Design Certification Standards as required by Essex Police, as stipulated by policy RLP 90 of the Local Plan Review.

The Council's Housing Department has further commented that unfortunately the new space standards for Homes and Communities Agency design requirements have not yet been adopted by the HCA but it appears that the units meet the previous standards which no longer formally apply. Therefore the internal design and layout of the proposed units are considered acceptable and fit for purpose.

Taking into account the density and layout of the proposed scheme it is considered that the proposal makes appropriate use of this site within a well-connected urban area and on this basis it is considered that the proposal would have an acceptable impact upon the character and appearance of the local area.

Permitted Development Rights

Given the density of the proposed scheme and relevant plot sizes it is considered appropriate to remove permitted development rights for dwelling alterations, extensions and associated outbuildings covered under Schedule 2, Part 1, Classes, A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore should planning permission be granted a condition would be attached confirming removal of these permitted development rights in the interests of visual and residential amenity.

Impact on Neighbouring Residential Amenity

Policy RLP3 seeks to ensure that any new building respects neighbouring amenities with policy RLP 90 seeking to ensure that no undue or unacceptable impact on the amenity of any nearby residential properties occurs as a result of new development.

The site is surrounded by residential properties on three sides with Forest Road and faces open space on Forest Road, beyond which are more residential properties. However, the only properties that directly back on to the site are located in Rowan Way to the south. Other properties are orientated so they are side on to the site and it is unlikely that such existing dwellings would be affected by the proposed development including by way of overlooking, overshadowing, visual intrusion and/or a loss of privacy.

As previously highlighted within this report the proposed development is considered acceptable in terms of its back to back distances in relation to the proposed dwellings that would back on to Rowan Way. Given this, and the level of separation afforded in this respect as associated rear gardens of both dwelling types back on to one another it is considered unlikely that the proposed development would have an adverse impact on existing neighbouring amenity relating to those properties in Rowan Way.

A letter of representation has been received regarding the proposal's impact on a number of rear accesses into existing residential plots on Rowan Way.

The proposal would ensure these rear accesses are maintained by way of access ways along the southern and western boundaries of the site.

It is acknowledged that the context of the site itself would change fundamentally as a result of this proposal and that some outlooks onto the current open space would be lost. However, it is not considered that such an impact would necessarily be unacceptable in planning terms and it is not considered that the proposal would result in a significant overbearing impact given its nature, scale and overall design and layout.

A letter of representation has been received raising concern over the noise and pollution impacts associated with the construction of the proposed development.

The Council's EHO has raised no objection to the scheme, although recommends that conditions be imposed in respect of hours of construction work, piling details and the provision of a dust and mud control scheme. It is considered that such conditions would fulfil the tests as set out within the Planning Practice Guidance (PPG) and would safeguard the living conditions of existing local residents on both a temporary and permanent basis.

The Council's EHO has also recommended that a proposed refuse area be located further away from the south east boundary of the site in order to safeguard existing levels of amenity. Should planning permission be granted this detail would be omitted and the design and precise positioning of such infrastructure agreed via condition.

Finally, with respect to the living conditions of the future occupants of the proposed development, it is proposed that the dwellings be built to Level 3 of the (now withdrawn) Code for Sustainable Homes, but also meet Lifetime Homes Criteria, rendering the proposal both sustainable and accessible. All dwellings would be provided with rear gardens that exceed the Council's amenity space standards and would be provided with dedicated storage for bicycles and refuse which is supported by Policies RLP22, 69, 70, 71, 74, 77, 90 and 92.

Highways

The proposed development would utilise an existing access into the site from Forest Road which would represent the only vehicular access into the site. Two pedestrian accesses into the site would also be included from Forest Road providing a good level of accessibility and linkage into and around the site itself. A further pedestrian access into the site is located to the north of the site linking existing pedestrian footpaths within adjacent residential areas.

A number of representations have been received raising concern in respect of refuse and emergency vehicle access into and around the site and car parking and access concerns.

The scheme includes 56 no. dedicated off-street car parking spaces of which 11 no. are visitor car parking spaces. These provisions are considered compliant with the Council's Adopted Parking Standards and the bay sizes are also compliant with these Standards with each measuring at least 5.5m x 2.9m.

The Highway Authority has raised no objection to the proposed scheme including in respect of refuse and emergency vehicle access, car parking and other access matters subject to the imposition of conditions relating to visibility splays, unbound material, surface water, construction details, parking spaces and cycle parking facilities.

Biodiversity/Trees

As indicated within the submitted Arboricultural Implications Assessment and Preliminary Method Statement, a number of existing trees are proposed to be removed, although new tree planting is also proposed throughout the proposed development.

Some concern has been raised with regards to this loss of existing vegetation and wildlife habitat.

The Council's Landscape Officer would like to see the tree known as 'T4' retained with some appropriate lateral reduction and root pruning as required. There should be a suitable tree protection plan in place and approved for all those trees to be retained on the site and this will need to be adjusted to suit the proximity of this one to the building. Field maples are quite long lived but not a very large tree so proximity to the building should not really constitute any management problems.

If the tree fails or the building layout on site precludes its retention then there should be replacement trees on a 3:1 basis; in this case 3nos Field Maples (*Acer campestre*) as container grown stock of a minimum 14 -16cm girth.

Planning Obligations

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

The Council's Adopted Open Space Supplementary Planning Document outlines the requirement for developments of this scale to contribute financially to the provision or enhancement of public open space. In this instance the scale of the development justifies a contribution of £32,928.51 which would be spent on projects within the Witham North Ward as identified within the Council's Open Space Action Plan.

Essex County Council as Local Education Authority has confirmed that they would not seek a contribution in respect of education infrastructure from a development that consists entirely of affordable housing.

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

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

A number of representations have been received raising concern that the proposed development does not include for any associated infrastructure including additional local school places and local healthcare provision. Essex County Council's Infrastructure Planning team has commented that as this proposed scheme would be 100% affordable no S106 education contribution is being sought.

Public Engagement

The applicant has undertaken some pre-application consultation with the local community prior to the submission of this planning application as detailed by a Statement of Community Involvement submitted as part of this application. Such engagement has included a public drop-in session at the New Rickstones Academy nearby. Various feedback was received during this process and has been incorporated into the proposed scheme where possible.

Public Art

Although outside the application site (red line plan) and scope of this planning application a new public art focal point is proposed to the north of the site on a small area of green open space between the proposed scheme and existing adjacent housing. It is not proposed that such provision is secured through a Section 106 Agreement.

Concern has been raised that this area of land could be better used to supply additional car parking provision to serve existing residential properties. This concern has been raised with the applicant for their attention and consideration.

CONCLUSION

The site is located within the Witham town development boundary. It is considered that the scale, layout and appearance of the proposed development is acceptable and the proposed development would not have an impact on highway safety or the amenity of neighbouring residents to an extent that would justify the refusal of the application. The site is identified as public open space (informal recreation) in the adopted local plan but had been promoted as a site for residential development through the Site Allocations and Development Management Plan and this is accorded weight through the Council's Interim Planning Policy statement. This provides a clear approach to the development of such sites and this factor, together with the resulting delivery of much needed affordable housing, is considered to outweigh the conflict with the Local Plan policy to safeguard public open space.

RECOMMENDATION

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

RECOMMENDATIONS

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

APPROVED PLANS

Existing Site Plan	Plan Ref: 001-P4	
Location Plan	Plan Ref: 012-P5	
Street elevation	Plan Ref: 013-P6	
Proposed Plans	Plan Ref: 008-P9	
Proposed Site Plan	Plan Ref: 002-P11	
Proposed Elevations	Plan Ref: 017-P9	
Proposed Plans	Plan Ref: 016-P8	
Proposed Elevations	Plan Ref: 018-P8	
Proposed Elevations	Plan Ref: 022-P10	
Supporting Documents	Plan Ref: OAS/1430-AR01	Version: TREE SURVEY
Supporting Documents	Plan Ref: E-MAIL	Version: ERIK PURCHASE
Proposed Elevations	Plan Ref: 019-P10	
Supporting Documents	Plan Ref: OAS/ 1430- TS01	Version: TREE PROTECTION 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 Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

- Location and design of refuse facilities.

Prior to the beneficial occupation of the development hereby permitted details of the precise location and design of all refuse areas/facilities, recycling materials storage areas and collection points shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details and thereafter be so maintained.

Reason

To meet the District Council's requirements for recycling and encouraging sustainable forms of transport, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 3 No external finishes to the dwellings/flats hereby permitted shall take place 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 The development hereby permitted shall be constructed to attain Secured by Design certification on all units in accordance with the e-mail received from Erik Purchase of Detail DMC Ltd dated 30 March 2015.

Reason

To ensure a safe and secure environment which reduces opportunities for crime.

- 5 Prior to the beneficial occupation of the development hereby permitted, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres to the north and 2.4 metres by 43 metres to the south, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

In the interests of highway safety.

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

Reason

In the interests of highway safety.

- 7 Prior to the commencement of the development hereby permitted details shall be submitted to and 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 details shall be carried out in its entirety before the access is first used and shall be retained at all times thereafter.

Reason

In the interests of highway safety. These details are required prior to commencement of the development to ensure the initial construction phase of the development does not prejudice the aim of preventing the discharge of surface water onto the highway from the development itself.

- 8 Prior to the commencement of the development hereby permitted details showing the provision of suitable access arrangements to the site in connection with the construction operations shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include wheel wash facilities, turning and off-loading facilities for delivery and construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site.

Reason

In the interests of highway safety. These details are required prior to the commencement of the development as they relate to the management of the construction phase of the development.

- 9 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interests of highway safety.

- 10 Prior to the first occupation of any of the units within the development hereby permitted details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that the cycle parking facilities are secure, convenient and covered and retained as such at all times thereafter.

Reason

To ensure appropriate cycle parking is provided in the interests of highway safety and amenity.

- 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 to 1800 hours;
Saturday - 0800 hours to 1300 hours; and
Sundays, Bank Holidays and Public Holidays - no work.

Reason

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

- 12 No development shall take place until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 areas. These details are required to be submitted and approved prior to the commencement of the development as they relate to the management of the construction phase of the development.

- 13 No piling shall be undertaken on the site in connection with the construction of the development hereby permitted until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority. The construction phase of the development hereby permitted shall be carried out in accordance with the approved details.

Reason

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

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

Reason

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

- 15 Prior to the beneficial occupation of the development hereby permitted details of the design, appearance and height of all new boundary treatments shall be submitted to and approved in writing by the Local

Planning Authority. The boundary treatments as indicated on the approved layout plan shall be erected before the dwellings bounded by those enclosures are occupied and shall be permanently maintained as such.

Reason

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

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

Reason

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

- 17 No dwelling or flat shall be occupied until the parking spaces shown to serve that dwelling/flat and the turning areas adjacent to those parking spaces has been surfaced, sealed and marked out in parking bays. The car parking areas shall be retained in the form shown on the approved plans at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development hereby permitted.

Reason

To ensure adequate parking and turning areas are provided within the site.

- 18 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hardstanding areas shall be constructed until the works have been carried out in accordance with the approved surface water strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure a satisfactory method of surface and foul water drainage.

- 19 The development hereby permitted shall be carried out in full accordance with the Arboricultural Implications Assessment and Preliminary Method Statement reference: OAS/1430-AR01 undertaken by Oakfield Arboricultural Services dated 9th October 2014.

Reason

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

- 20 Details of the type and specification of all new hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority prior to its provision. 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 interests of sustainable forms of development and to assist in effective surface water drainage methods on the site.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Classes 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 visual amenity.

- 22 Prior to the occupation of any of the units in the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, and method of laying where appropriate.

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.

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. Such scheme as is approved shall be provided in the first planting season following the occupation of the first unit within the development.

Reason

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

amenity and privacy.

- 23 A suitable tree protection plan shall be put in place and approved for all those trees to be retained on the site. If any tree fails or the building layout on site precludes its retention then there should be replacement trees on a 3:1 basis; details of species and size shall be agreed with the Council's landscape services in writing.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

INFORMATION TO APPLICANT

- 1 The layout of the development is not to an adoptable standard, therefore it is unlikely that the development would be adopted by the Highway Authority at a later date. Please contact Andrew Connolly of the Highway Authority on 03330130587 or at andrew.connolly@essex.gov.uk should you wish to discuss this matter further.
- 2 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 or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester. CO4 9YQ.
- 3 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the Local Planning Authority prior to the formal submission of details.
- 4 In respect of condition no. 18 of this permission, you are advised that all foul and surface water drainage arrangements will need to satisfy the requirements of building regulations. The applicant is urged to engage with potentially affected neighbours at the earliest opportunity.
- 5 Your attention is drawn to Condition no. 21 of this planning permission which removes permitted development rights for certain alterations/extensions/outbuildings development. You are requested to

inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

- 6 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.
- 7 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
- 8 Your attention is drawn to the provisions of the Party Wall etc Act 1996, which relates to work on existing walls shared with another property or excavation near another building. An explanatory booklet is available on the Planning Portal website at <https://www.gov.uk/party-wall-etc-act-1996-guidance> or can be inspected at the Council offices during normal office hours.

SUBMITTED PLANS

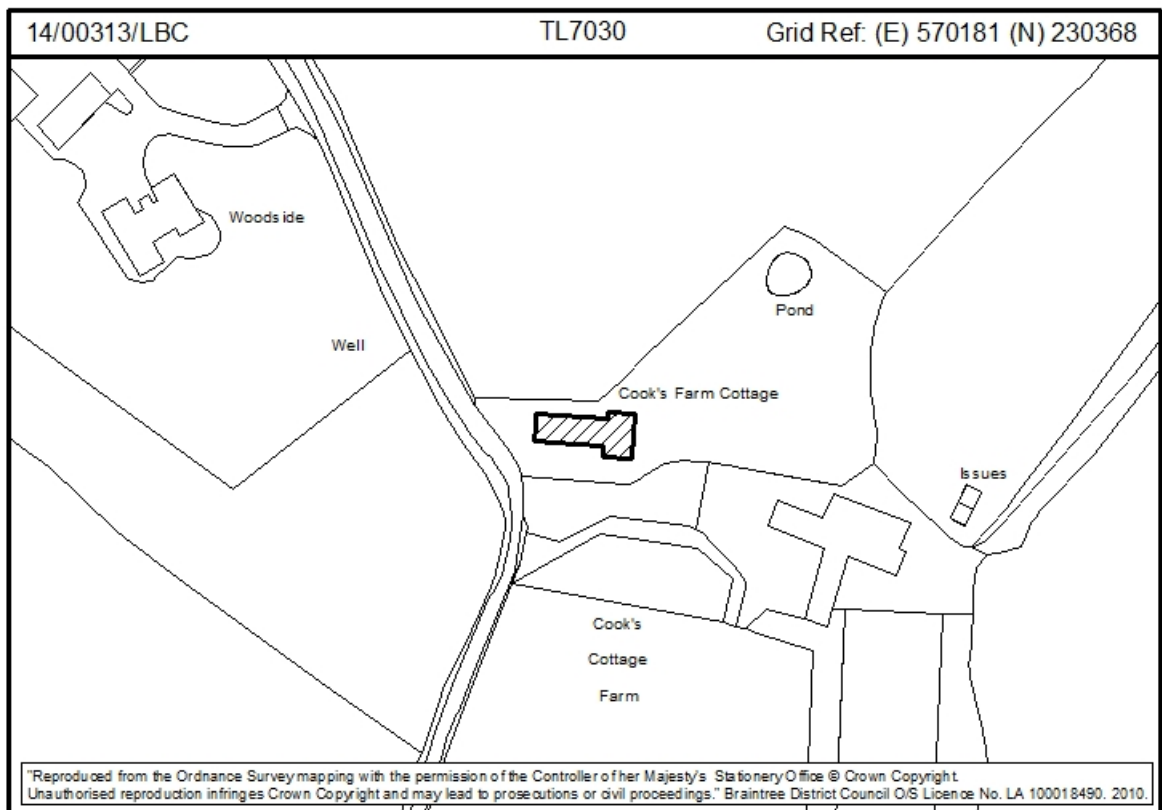
Public Open Space Details Plan Ref: 023
Proposed Plans Plan Ref: 09-19

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 14/00313/LBC DATE: 20.03.14
 VALID:
 APPLICANT: Mr G Collins
 Cooks Farm Cottage, Walthams Cross, Finchingfield,
 Essex, CM7 4QW
 DESCRIPTION: Replacement of existing 26 casement windows, French
 doors and external stable door to utility
 LOCATION: Cooks Farm Cottage, Walthams Cross, Finchingfield,
 Essex, CM7 4QW

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



SITE HISTORY

95/01249/FUL	Change of use of agricultural land for keeping horses including erection of stable block, hay barn, sand menage and use of land for temporary mobile home	Granted	18.12.95
95/01401/FUL	Erection of two storey extension and alterations	Granted	19.08.96
95/01402/LBC	Erection of two storey extension and alterations	Granted	19.08.96
13/00808/FUL	Retention of 2 no. floodlights on western side of existing menage	Withdrawn	10.09.13
13/01207/ELD	Application for an Existing Lawful Development Certificate - External Lighting to stable block	Granted	19.12.13
14/01628/FUL	Erection of single storey rear extension and provision of projection gable creating second floor addition and associated works	Granted	17.02.15
14/01629/LBC	Erection of single storey rear extension and provision of projection gable creating second floor addition and associated works	Granted	17.02.15

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 is brought before Planning Committee as the Parish Council have raised objection to the application, contrary to the Officer's recommendation.

NOTATION

The site falls within the countryside.

SITE DESCRIPTION

The site is located to the west of Walthams Cross within the countryside and along a protected lane. The site comprises Cooks Farm Cottage – a Grade II Listed Building. The site has been visited by the case officer and Historic Buildings Advisers. The existing windows were noted to be slim double glazed frames in a particularly poor state of repair.

PROPOSAL

Listed Building Consent is sought for the replacement of 26 no. windows (i.e. all windows at the dwelling), French doors and an external door with new slim-lite double glazing, the appearance of which is proposed to be similar to those already installed.

It should be noted that this application has gone through a particularly protracted process. Many months have passed between receiving the correct revised plans and extensive discussions were held last year concerning the existing windows and potential acceptable replacements.

CONSULTATIONS

Historic Buildings Adviser/s

1. Originally raised objection to the application (letter dated 24/03/14); no heritage statement supplied to explain necessity. Little information supplied with the application. Concern raised over existing windows and whether they are in fact double glazed and further concern as to whether, if they are double glazed, were they installed without consent
2. (30/04/14) altered recommendation in light of double glazing already installed, then replacement double glazed units would have to be considered acceptable replacements.
3. (15/04/15) New Historic Buildings Adviser – following revised plans and discussions – no objection is raised to the proposal, subject to conditions being imposed to ensure they are appropriately detailed and painted.

Parish Council

1. (31.03.14) leave decision to Listed Buildings Officer in liaison with BDC Planning Officers
2. (rec'd 26.01.15) Concern over comments of the Historic Buildings Adviser that existing windows appear to have been installed without planning permission and that has been no justification provided for replacement. The application should be refused in line with recommendation of the Historic Buildings Adviser (24/03/14) and also ascertain whether permission was given in 1997 for their installation.

REPRESENTATIONS

A site notice was displayed. No neighbours were initially notified, given the relatively isolated location of the dwelling and the proposal relates purely to alterations to a listed building.

Upon receipt of revised plans on 31.10.14 and 21.01.15, further consultation was carried out and the following objections have been received.

- Existing double glazing is unauthorised; Drawings from 1995 consent for replacement windows show single glazed windows
- Refusal should be in line with Historic Buildings Advisers comments dated 24th March 2014
- No heritage statement has been submitted
- To grant this application would undermine the system and set a dangerous precedent.
- Concern over works at application site generally
- Objector owns a listed building and has had to deal with onerous conditions on Listed Building Consents
- Enforcement action should be taken against unauthorised windows

REPORT

Site History

Listed building consent and planning permission was granted under 95/01401/FUL and 95/01402/LBC for the erection of a two storey extension and alterations. Both were approved on the 19th August 1996. The original drawings have been scrutinized and it is clear that 'timber soft wood single glazed units' with toughened safety glass to those windows less than a certain height above ground should be installed.

The existing windows (which are double glazed) are therefore unauthorised. It has been concluded by the Local Planning Authority that, because the windows have been in situ for circa 18 years, it would be neither reasonable nor expedient to instigate enforcement proceedings. The Historic Buildings Adviser commented that although the windows are double glazed and in a bad state of repair, their frames are particularly narrow and do not affect the

overall character of the listed building. It is considered inappropriate, given the above comments, to insist on single glazing at this stage.

Planning permission and listed building consent has recently been granted for the erection of single storey rear extension and provision of projection gable creating second floor addition and associated works. The same window design has been approved under these applications.

Principle of Works to a Listed Building

RLP 100 of the Braintree District Local Plan Review states that work involving alterations to a listed building will only be permitted if the proposed work does not harm the setting, character or fabric of the building and does 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.

Some forms of double glazing can be acceptable on listed buildings. For example, slimline double glazed units. The applicants and Historic Buildings Adviser have liaised extensively over the acceptability of the proposed windows and the revised plans, showing slimline double glazed units are considered to reflect an acceptable window design for the listed building.

CONCLUSION

It is accepted that the existing windows are unauthorised. Following extensive negotiations with the Council's Historic Buildings Adviser, it is now considered that the proposed replacement windows are acceptable and do not harm the special listed building.

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:-

- 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 The new casement windows shall be in painted timber, flush meeting within the frames, with matching joinery for opening and fixed casements,

and without trickle vents.

Reason

To ensure the appropriate detailing on this listed building.

- 4 In rendered areas the new windows shall have pentice boards and not a bellmouth drip detail.

Reason

To ensure the appropriate detailing on this listed building.

APPROVED PLANS

Location Plan

Photograph

Joinery Details

Existing Plans

Proposed Plans

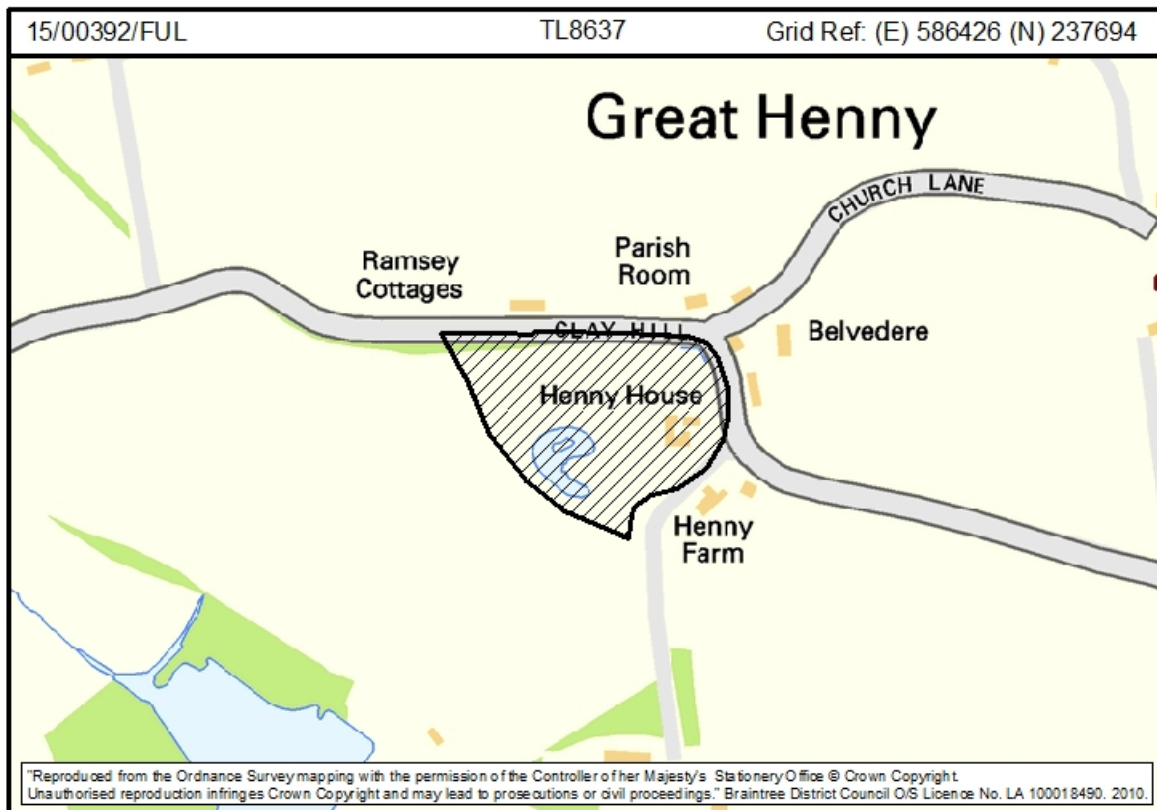
TESSA LAMBERT

DEVELOPMENT MANAGER

PART B

APPLICATION NO: 15/00392/FUL DATE: 26.03.15
 VALID:
 APPLICANT: Mr And Mrs J Rumsey
 C/o Agent
 AGENT: Dean Jay Pearce Architectural Design And Planning Ltd
 2/3 Milestone, Hall Street, Long Melford, Sudbury, Suffolk,
 CO10 9HZ
 DESCRIPTION: Erection of single storey link extension to existing detached dwelling
 LOCATION: Henny House, Fenn Farm Road, Great Henny, Essex,
 CO10 7NN

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



SITE HISTORY

03/01259/FUL	Erection of new dwelling and conversion of existing bungalow into garage facilities	Refused	14.10.03
04/00437/FUL	Erection of replacement dwelling	Granted	24.05.04
98/01273/ELD	Continued occupation of the dwelling 'Fenn Farm Bungalow' without complying with a condition restricting the occupation of the dwelling to a person employed in agriculture	Granted	12.05.99
05/02338/FUL	Erection of outbuilding to include office, cart lodge, garden store etc all ancillary to main house	Granted	17.02.06
10/01426/FUL	Erection of garage	Refused	22.12.10
11/00284/FUL	Erection of garage	Granted	09.05.11

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

Braintree District Local Plan Review

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

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is brought to Planning Committee for determination because the Henny's, Middleton and Twinstead Parish Council have raised objection to the proposal.

SITE DESCRIPTION

The site is located centrally within the hamlet of Great Henny, within the countryside.

The site measures approximately 160 metres wide and 130 metres long and is bounded by Clay Hill on 3 sides. The site comprises a large, modern detached 2-storey dwelling, located towards the central edge of the site, in an elevated position in relation to the adjacent road. The site is accessed via a track off Clay Hill and has a gated security entrance. The dwelling has various elements to it with a mix of external materials – red brick, flint and render with a barn style attached building at the back, pantile and black painted weatherboard. The site is visible from Bower Cottages on the opposite side of road, particularly given its elevated position.

PROPOSAL

Planning permission is sought for the erection of an 'infill' single storey flat roofed element to existing house. The proposal would be sited on the eastern side elevation and would measure 4.5 metres wide, 6.2 metres depth and 3 metres high. The extension would provide a link between the kitchen/dining room at the back of the property and a games room and would fully enclose an existing central courtyard. Materials would match existing and there would be some external alteration to the existing games room (i.e. new large doors and cream painted weatherboarding from existing flint and brick work and smaller doors).

CONSULTATIONS

None.

REPRESENTATIONS

The Henny's, Middleton and Twinstead Parish Council – object to the application. Issues of concern are of over-development of the site, within the countryside, given previous development on the site. The Parish Council consider that when compared to Kenneth Bungalow (Middleton) refusal of applications, there would seem to be a considerable lack of consistency if this application were granted.

REPORT

Principle of Development

Policy CS 5 states that that development outside village envelopes will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity and amenity of the countryside.

Policy RLP 18 allows for extensions to existing dwellings within the countryside and development within the curtilage of a dwellinghouse, subject to the siting and design being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling. Furthermore, any development in the countryside should be well related to existing patterns of development and will be expected to conform to the highest standards of design, siting and layout with materials appropriate to the rural landscape character of the area.

RLP 18 therefore sets the principle of acceptability for this proposal.

The concerns raised by the Parish Council are noted regarding the cumulative applications on this site within the countryside. It is accepted that the replacement dwelling is a substantial size and further applications have been granted for a garage and cartlodge/store. These must be taken into account to an extent, however the application currently being assessed is for a single storey link within the existing built form; it will not project beyond the existing building line and as a result, will be barely noticeable. Given the small scale of this particular application, it is not considered there can be a principle objection to it on grounds of over development within the countryside.

In terms of inconsistencies between sites and the Parish Council's comments, applications are all assessed on their own individual merits as each site is different. Both sites involve replacement dwellings in the countryside and from the history of both sites it is evident that revisions were sought to achieve an acceptable form of development.

Design and Appearance

It is considered the proposed extension will blend in well to the host dwelling with matching materials being used. It is a particularly large dwelling with multiple design elements to it with differing heights and materials. The proposed infill extension will have no detrimental impact on the character of the building and will be barely noticeable within the wider street scene.

The external alterations to the existing elevation as described above are also considered to be acceptable. These elements would be considered 'permitted development' in any case.

Impact on Neighbouring Residential Amenity

Although the side elevation of the host dwelling is clearly visible to neighbours along Clay Hill (Bower Cottages), they are some 45 metres away and as such, it is not considered that there would be any impact on neighbouring residential amenity.

CONCLUSION

The proposal is considered to be acceptable against relevant policy criteria.

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 Floor Plan	Plan Ref: 15/23/01
Existing Elevations	Plan Ref: 15/23/02
Existing Roof	Plan Ref: 15/23/03
Proposed Floor Plan	Plan Ref: 15/23/04
Proposed Elevations	Plan Ref: 15/23/05
Proposed Roof Plan	Plan Ref: 15/23/06
Location Plan	Plan Ref: 15/23/07

- 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.

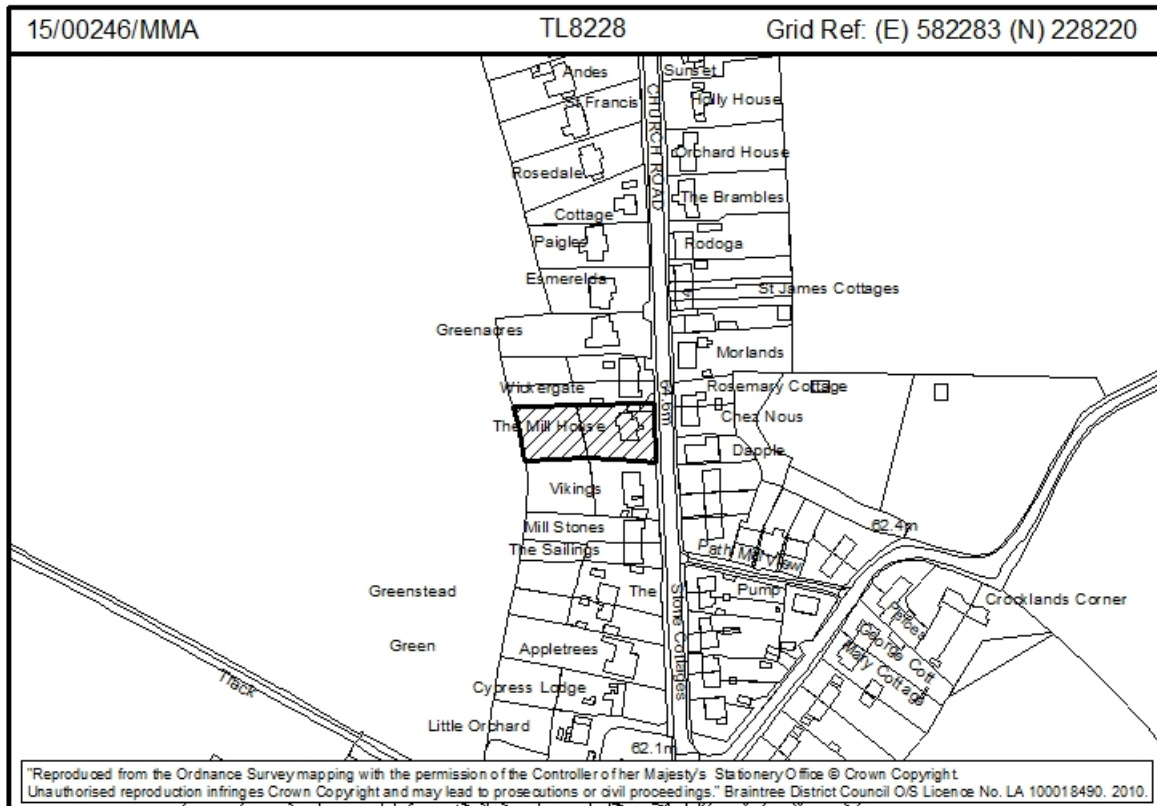
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6g

PART B

APPLICATION NO: 15/00246/MMA DATE: 27.02.15
 VALID:
 APPLICANT: Mr Michael And Richard Button
 Mill House, Church Road, Greenstead Green, Essex, CO9 1QP,
 AGENT: ENDesign
 Mr Richard Lambert, 10 Domitian Close, Colchester, Essex, CO4 5GY
 DESCRIPTION: Application for a minor material amendment - variation of condition No. 2 of planning approval 13/01154/FUL - (Erection of 1 bedroom, single storey detached annexe, replace existing double garage with 2 storey side extension, replacement of existing conservatory with new orangery (garden room) and new porch) - addition of single storey extension.
 LOCATION: Mill House, Church Road, Greenstead Green, Essex, CO9 1QP

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



SITE HISTORY

99/01762/COU	Change of use of land from agricultural to domestic garden	Granted	31.01.00
13/00906/FUL	Erection of 1 bedroom, single storey detached annexe, replace existing double garage with 2 storey side extension, replacement of existing conservatory with new orangery (garden room) and new porch.	Withdrawn	23.09.13
13/01154/FUL	Erection of 1 bedroom, single storey detached annexe, replace existing double garage with 2 storey side extension, replacement of existing conservatory with new orangery (garden room) and new porch.	Granted with S106 Agreement	15.01.14

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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

REASON FOR THE APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the objection from the Parish Council, contrary to the Officer's recommendation.

SITE DESCRIPTION

The application site is located on Church Road in Greenstead Green within the Village Envelope. The road consists of both semi and detached dwellings in a linear pattern on both sides of the road. The site contains a detached brick built two storey dwelling with slate roof and an attached flat-roofed double garage. It is a three bedroom dwelling with a double piled roof (front to back). The boundary to the south contains some mature planting and this area is predominantly grass. The property has a large rear garden and backs on to fields.

PROPOSAL

The application seeks a Minor Material Amendment to the previously consented scheme through the variation of Condition 2 of 13/01154/FUL (relates to the set of approved plans). This is to provide a single storey, lean to extension on the northern side of the previously consented two storey side extension. The proposed amendment is the same depth as the two storey element and 1.5 metres wide. The finishes are brick to match the existing and a slate roof, in keeping with the existing dwelling.

CONSULTATION

The Parish Council has objected to the annexe although this was the subject of the original application rather than this Minor Material Amendment to it. They wish, however, to maintain their objection

REPRESENTATIONS

None of the neighbours have responded to notification.

REPORT

Principle of Development

The principle of development has been established by the planning application to which this Material Minor Amendment relates

Design

The amendment provides a small visual change in the street scene. Given that there is currently a garage where the amendment is proposed there is no greater sense of closure between dwellings and the rhythm of built form and spaces between is only altered in a minor way.

Impact on Neighbours amenity

The amendment involves the creation of an additional single storey space on the side of the previously consented two storey extension. The proposal is

adjacent to the boundary. Whilst this amendment is very close to the boundary there is no adverse effect on the amenity of the neighbour as the applicant has a double garage in the same position, the lean to amendment will not make the existing relationship worse.

Conclusion

The amendment does not create adverse issues in the street scene or create harm to the amenities of neighbours.

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

Proposed Plans	Plan Ref: GRG1013/03	Version: D
Proposed Plans	Plan Ref: GRG1013/04	Version: D
Site Plan	Plan Ref: GRG1013/05	Version: D

- 1 The development hereby approved shall be carried out in accordance with the plans listed above and relates solely to the minor amendment of the addition of a single storey extension.

Reason

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

- 2 The development hereby permitted shall be carried out in accordance with all other conditions imposed on planning permission 13/0115/FUL.

Reason

In order to clarify the terms of the permission as a variation to an existing permission and in the interests of proper planning.

TESSA LAMBERT
DEVELOPMENT MANAGER

Monthly Report on Planning and Enforcement Appeal Decisions Received		Agenda No: 7
Corporate Priority:		
Report presented by:		
Report prepared by: Matthew Wood, Town Planner		
Background Papers:		Public Report
Appeal decisions summary		
Options:		Key Decision: No
Information only		
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		
Corporate implications [should be explained in detail]		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Matthew Wood	
Designation:	Town Planner	
Ext. No.	2522	
E-mail:	matwo@braintree.gov.uk	

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 March 2015.

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.	Application Ref/Location	BDC application ref: 14/00549/FUL – 15 Abbey Meadow, Sible Hedingham, Halstead CO9 3QS
	Proposal	Two storey side extension
	Council Decision	Refused under Delegated Authority (09/07/2014) – RLP 3, RLP 17, RLP 90
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.
	Inspector's Conclusion	<p>The Inspector noted that, from the front of the terrace, the proposed extension would appear extremely bulky disrupting the symmetry and balance of the entire terrace and draw the eye to that end of the building. The Inspector added that, given its corner location, the side elevation of the appeal premises is in an exposed position and would be prominent in the street scene and readily apparent as an unsympathetic addition. Consequently, the Inspector concluded that the proposed development would have a significant detrimental effect on the character and appearance of the host dwelling, the terrace and the surrounding area.</p> <p>For the reasons highlighted above the Inspector concluded that the appeal should be dismissed.</p>

2.	Application Ref/Location	BDC application ref: 14/00662/FUL – 1 Sebbys Gardens, Owl's Hill, Terling, Chelmsford CM3 2PS
	Proposal	Alterations to garage roof
	Council Decision	Refused under Delegated Authority (09/07/2014) – RLP 17, RLP 90, RLP 95, RLP 100
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the proposed scheme upon the setting of the Old Vicarage which is a Grade II* listed building, and upon the character and appearance of the Terling Conservation Area. In particular, it is necessary to consider whether the scheme would preserve the setting of the listed building, and whether it would preserve or enhance the character or appearance of the Conservation Area.

	Inspector's Conclusion	<p>The Inspector highlighted that the proposed scheme would introduce a taller structure of greater mass which would have a more dominant appearance. The Inspector added that set adjacent to the Old Vicarage, in relatively close proximity and on slightly higher ground, it would, given its width, height and roof structure, compete for dominance with this adjacent listed building and be seen to crowd the listed building as well as intrude into its setting. The Inspector concluded that the resultant discordant relationship would harm the significance of the listed building by reducing its visual status and detracting from its impressive appearance and as such, the setting of the Old Vicarage would not be preserved but would be harmed. The Inspector went on to add that this harm would also adversely impact on the character and appearance of the Conservation Area and that this harm would not be outweighed by the public benefits associated with such a scheme.</p> <p>For the reasons highlighted above the Inspector concluded that the appeal should be dismissed.</p>
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3.	Application Ref/Location	BDC application ref: 14/00490/FUL – 16 Chapel Street, Steeple Bumpstead, Essex CB9 7DQ
	Proposal	Side and rear extensions and rendering of existing face brickwork
	Council Decision	Refused by Committee (10/06/2014) – CS 9, RLP 3, RLP 17, RLP 90
	Appeal Decision	Allowed
	Main Issue(s)	<ol style="list-style-type: none"> 1. the effect of the proposal on the character and appearance of the area, including its effect on the Steeple Bumpstead Conservation Area; and 2. The effect of the proposal on the living conditions of the adjacent occupants.
	Inspector's Conclusion	<p>The Inspector highlighted that the design of the proposed extensions and the materials to be used would match those of the existing house and the footprint of the property would not be extended. The Inspector added that the overall scale of the extensions would be subservient to the existing dwelling and for these reasons the proposals would be in keeping with the existing dwelling in terms of their scale, form and appearance. The Inspector pointed out that a similar side extension has been carried out to another property in the same row of houses and the proposal would be consistent in this respect. As a result the Inspector concluded that the spacious character of this row of houses would not be harmed.</p> <p>The Inspector highlighted that on their site visit they viewed the neighbouring property (№ 18) which has facing windows at ground floor level which lights a playroom and a kitchen. The Inspector noted that the kitchen also has rear facing windows which provide adequate sunlight and daylight to that room. For this reason the Inspector concluded that the proximity of the proposed extension to the side kitchen window would not materially affect the light received by that room.</p>

		<p>The Inspector added that the playroom is within a converted garage to the side of the adjacent dwelling and its only window faces the side of the appeal property. In this regard the Inspector concluded that the proposed extension may have a limited effect on the natural light received by that window at certain times of day and times of year, however that room is not a main habitable room and for this reason the living conditions of the adjacent occupants would not be unduly harmed through loss of light.</p> <p>The Inspector noted that adjacent occupants had raised a concern regarding overlooking, or the perception of overlooking from the proposed side landing window and that the appellants have indicated that they would be willing to obscure glaze the landing window which could be secured by a planning condition. The Inspector noted that this would ensure that there is no overlooking of the adjacent property. The Inspector added that the landing window would be narrow and there is no reason to indicate that this would give rise to a perception of overlooking.</p> <p>For the reasons highlighted above the Inspector concluded that the appeal should be dismissed.</p>
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4.(a)	Enforcement Notice Ref/Location	BDC application ref: 08/00158/UBW3 – Land at Lower Barn Field, Steeple Bumpstead Road, Helions Bumpstead, Essex, CB9 7BT
	Alleged Breaches of Planning Control (two enforcement notices issued)	<p><u>Enf Notice 1</u></p> <p>Material change in the use of the land from that of agriculture to a mixed use consisting of the keeping of animals, the storage of miscellaneous items and the stationing of a caravan for residential purposes.</p>
	Council Decision	Enforcement Notice issued on 09/09/2013
	Appeal Decision	Dismissed, enforcement notice varied, upheld
	Main Issue(s)	<ol style="list-style-type: none"> 1. Whether there is an essential need for a rural worker to live permanently on the land or whether special circumstances justify a new isolated home in the countryside; 2. The effect of the mixed use development on the character and appearance of the site and the surrounding area; and 3. Whether the occupiers of the residential unit would be at risk of flooding.
	Inspector's Conclusion	<p><u>Appeal under Ground (a) that planning permission should be granted for what is alleged in the notice (or that the condition or limitation referred to in the enforcement notice should be removed).</u></p> <p>The Inspector concluded that it has not been shown that there is a clearly established existing functional need for a full time agricultural worker to live on the site, or that there is clear</p>

		<p>evidence of a firm intention and ability to develop an agricultural enterprise or that such an enterprise has been planned on a sound financial basis. The Inspector added that an agricultural need has not been established for a residential unit even on a temporary basis. The Inspector ultimately concluded that the stationing of a caravan for residential purposes has not been justified as a dwelling for a full time agricultural worker and is therefore contrary to Policy RLP 12.</p> <p>The Inspector also concluded that the change of use, although small scale, would not reinforce or enhance the distinctive character of the landscape and in this respect the Inspector highlighted that the development would fail to comply with Policy CS8 of the Core Strategy and a core principle in the Framework to recognise the intrinsic character and beauty of the countryside. The Inspector added that this harm to local landscape character is derived primarily from the use and is not able to be overcome by a landscape scheme.</p> <p>The Inspector has highlighted that there has been no assessment to demonstrate how flood risk will be managed now and over the lifetime of the development, taking climate change into account and with regard to the vulnerability of its users. The Inspector added that it has not been shown that the introduction of a mixed use, including storage and residential components, would not increase the risk of flooding elsewhere. In conclusion, the Inspector stated that it has not been shown that the mixed use development on the land is necessary or that the uses are able to be safe without increasing flood risk elsewhere. Further, the Inspector added that a requirement of Policy CS8 has not been satisfied and a serious conflict with national policy has not been resolved.</p> <p><u>Appeal under Ground (f) as to whether the requirements of the notice are excessive or whether lesser steps would overcome the objections.</u></p> <p>The Inspector noted that the use fundamentally conflicts with the policy of restraint on development in the countryside and in areas of flood risk and that the change of use is contrary to the development plan and national policy. The Inspector added that the purpose of the notice, as indicated in the reasons for issuing it, is to remedy the breach of planning control and its purpose is not confined to remedying the injury to amenity. The Inspector added that the steps do no more than fulfil that purpose in respect of the residential use by requiring the residential use to cease and the caravan to be removed.</p> <p>In relation to the storage use, the Inspector stated that the notice requires the permanent removal of a range of plant, equipment and machinery and restoration of the land to its former appearance. The Inspector noted that as worded the</p>
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		<p>notice did not require the storage use to cease. The appellant confirmed that to vary the notice to include this would not cause him injustice. The Inspector concluded that having regard to this grounds of appeal and the nature of the variation they were satisfied that no injustice would result.</p> <p>The Inspector highlighted that the wording of the notice at step 5c) raises two other matters in that the use of the word 'permanently' is not necessary because section 181(1) of the 1990 Act as amended states that compliance with an enforcement notice shall not discharge the notice and that restoring the land to its former appearance is not precise, not enforceable and is excessive for a breach concerning a material change of use.</p> <p>For the reasons highlighted above the Inspector concluded that the enforcement appeal under Grounds (a) and (f) be dismissed and the enforcement notices, as varied, upheld.</p>
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4.(b)	Enforcement Notice Ref/Location	BDC application ref: 08/00158/UBW3 – Land at Lower Barn Field, Steeple Bumpstead Road, Helions Bumpstead, Essex, CB9 7BT
	Alleged Breaches of Planning Control (two enforcement notices issued)	<u>Enf Notice 2</u> <ol style="list-style-type: none"> The construction of a building; The formation of a track; and The construction of an earth bund adjacent to the inland water course known as Helions Brook.
	Council Decision	Enforcement Notice issued on 09/09/2013
	Appeal Decision	Dismissed, enforcement notice varied, upheld
	Main Issue(s)	1. The effect of the developments on the character and appearance of the site and the surrounding countryside.
	Inspector's Conclusion	<p><u>Appeal under Ground (a)</u></p> <p>The Inspector concluded that the building, by reason of the materials and overall poor construction standard has no visual merit and by reason of its siting detracts from the amenity value of the tree lined brook, an important landscape feature. Furthermore, the Inspector added that the building consolidates in an undesirable way the group of structures along the northern boundary of the site with the building able to be seen from Steeple Bumpstead Road, certainly in the winter months causing slight harm to the rural scene. Overall the Inspector concluded that the development results in a strong conflict with policy requirements.</p> <p>The Inspector noted that the bund is an alien boundary feature in the landscape, where hedges, trees and ditches are the characteristic boundary features. The Inspector also highlighted that the track is hard surfaced with gravel and appeared to have a base layer of hard core and brick rubble. The Inspector noted that the use of hard materials is not</p>

		<p>sympathetic to the countryside surroundings and the track appears severe against the soft landscaped boundary to the brook. Subsequently the Inspector concluded that the bund and the track detract from the distinctive local character of the landscape contrary to Policy CS8 of the Core Strategy.</p> <p><u>Appeal under Ground (f)</u></p> <p>The Inspector highlighted that the appellant has not suggested any lesser steps or explained why he considered the requirements to be excessive. The Inspector added that the steps to remove the building, the materials for constructing the track and the bund do no more than necessary to remedy the breaches of planning control.</p> <p>The Inspector did add that the wording used in the notice to restore the land to its former appearance is not sufficiently precise and has been varied accordingly.</p> <p>For the reasons highlighted above the Inspector concluded that the enforcement appeal under Grounds (a) and (f) be dismissed and the enforcement notices, as varied, upheld.</p>
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Monthly Report on Planning and Enforcement Appeal Decisions Received		Agenda No: 8
Corporate Priority:		
Report presented by:		
Report prepared by: Liz Williamson Validation Officer/Appeals Co-ordinator		
Background Papers:		Public Report
Appeal decisions summary		
Options:		Key Decision: No
Information only		
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		
Corporate implications [should be explained in detail]		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Validation/Appeals Officer	
Ext. No.	2506	
E-mail:	lizwi@braintree.gov.uk	

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 April 2015.

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.	Application Ref/Location	BDC application ref: 14/01475/FUL – 4 Springmead Great Notley
	Proposal	Erection of front and rear extensions
	Council Decision	Refused under Delegated Authority (23/12/2014) – RLP 3, RLP 17, RLP 90
	Appeal Decision	Allowed
	Main Issue(s)	1. The effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.
	Inspector's Conclusion	<p>The Inspector noted that, Springmead is a short cul-de-sac composed of detached and semi-detached bungalows which are modest in size and of simple architectural design.</p> <p>The Inspector states that no. 4 is a detached 2 bedroom bungalow with a separate garage at the rear. Unlike the bungalows on either side, no. 4 has a large front side gable. The proposal is to add a similar, but slightly front gable to the other side. A full width extension would be added to the rear with a large side gable element, a larger 3 bedroom would result.</p> <p>The Inspector concludes that whilst the proposal encompasses dual front gables, the second gable would complement the dwelling to pleasing overall effect and the dwelling would continue to sit comfortably in the street scene. The Inspector also added that there is no existing uniformity between no. 4 and neighbouring dwellings nor is there even front building line that would be infringed.</p> <p>Consequently, the Inspector could find no harm to the character and appearance of the host dwelling or the surrounding area.</p> <p>For the reasons highlighted above the Inspector concluded that the appeal should be Allowed.</p>

2.	Application Ref/Location	BDC application ref: 14/00359/FUL – Nightingale Farm Brickhouse Road Colne Engaine
	Proposal	Change of use of land to site three yurts for use as tourist accommodation and erection of ancillary utility building
	Council Decision	Refused under Delegated Authority (02.06.2014) – RLP 2, RLP 56, RLP 65, RLP 74, RLP 80, RLP81, RLP87, RLP90, RLP143, RLP144, RLP145, RLP146
	Appeal Decision	Dismissed
	Main Issue(s)	<p>1. The effect of the proposal on the living conditions of adjoining residents, with particular regard to noise and disturbance; and</p> <p>2. The effect of the proposal on the character and appearance of the area</p>
	Inspector's Conclusion	<p>The Inspector noted that the appeal site is a small grassed field located to the west side of Nightingale Farm which is the residence of the applicants. On the site, is a former cart lodge that is used as holiday accommodation and a further dwelling a little distance away from Nightingale Farm. However, the vicinity of the site is otherwise undeveloped countryside.</p> <p>The Inspector also noted the concerns raised by resident regarding smoke and odours arising from the proposed use. However, the appellants proposed that open fires will not be permitted, a matter which could be secured by condition. The Inspector considers that whilst there is likely to be some perception by adjoining residents of smoke and odours arising from use, it would not be an unacceptable degree.</p> <p>The Inspector went on to say that in other respects he did have significant concerns about the impact of the proposal. The appellants point out that the doors of the yurts are orientated to the north in an effort to confine outdoor recreation to the lower parts of the site, but this would not be a part of the proposed site rules. The Inspector considered that it would not seem reasonable or realistic to require this. Moreover, whilst the appellants state that outdoor sports are to be resisted, this is at odds with the proposed site rules which require that only the ball games, Frisbee and other activities that may interfere with the enjoyment of others will not be allowed in the vicinity of the yurts.</p> <p>The Inspector also made reference to the utility building, which would provide indoor cooking and washing facilities. Three sides of the covered eating area would be open, and whilst it would be at the north of the building, it would be only a short distance from Nightingale Cottages. Trees would be planted around the rear of each yurt but this would provide little attenuation of noise, and neither would the yurts themselves. The users of the yurts will be on holiday and are likely to be in high spirits and to have expectations of enjoying time in a lively social and recreational activity within the site during the period</p>

		<p>of their stay, which seems to be entirely reasonable. The appellant has stated that the yurts would only be in use for 6 months of each year, but these months would include the summer period, when adjoining residents are most likely to wish to enjoy their gardens and the need to have windows open at night for ventilation.</p> <p>The Inspector concludes that that whilst the proposed site rules would in some respects be effective to reduce noise and disturbance, in other respects they are imprecise and thus unsuitable for replication by planning condition.</p> <p>Taking all the matters into account, The Inspector states that the proposal would be incompatible with the existing residential use of Nightingale Cottages to an extent which could not be resolved by condition. It would give rise to noise and disturbance which would cause unacceptable harm to the living conditions of residents to Nightingale Cottages. To reduce this to acceptable levels would involve controls beyond the proposed site rules which would be inconsistent with the reasonable expectations of users of the yurts, and therefore unduly restrictive and impractical to enforce.</p> <p>The Inspector concludes that the proposal would have an unacceptably detrimental effect on the living conditions of adjoining residents, that it would be harmful to the character and appearance of the area, and that these harms are not outweighed by the benefits of the proposal will have to the rural economy and the provision of tourist facilities.</p>
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3.	Application Ref/Location	BDC application ref: 14/00486/FUL – Greys Paddock Brockwell Lane Kelvedon
	Proposal	Erection of 2 no. dwellings
	Council Decision	Refused under Delegated Authority (29/08/2014) – RLP 2, RLP 4, RLP7, RLP8, RLP10, RLP22, RLP51, RLP56, RLP69, RLP70, RLP74, RLP77, RLP80, RLP81, RLP84, RLP86, RLP90, ELP137
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the proposed development upon the character and appearance of the surrounding area, including the Brockwells nature Reserve
	Inspector's Conclusion	The Inspector began by noting that the site comprises a parcel of open land that slopes from Brockwell Lane to the banks of the River Blackwater. Beyond is open countryside, including the Brockwell Meadows Nature Reserve. Although the appeal site is located beyond the confines of Kelvedon it is nevertheless within close proximity to the town. The proposed two dwellings would be located close to the river on the lower part of the site and as such, would be clearly visible from the river meadows opposite. The 1.5 storey would also be at odds with the single storey bungalows characteristic of the immediate surroundings. The inclusion of large areas of hard surfacing associated with the new dwellings would further

		<p>impact upon the rural character of the Blackwater floodplain.</p> <p>The Inspector concluded his report by stating that the development as proposed would have an unacceptable adverse impact upon the character and appearance of the surrounding area, including the Brockwell Nature Reserve.</p>
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Monthly Report on Planning and Enforcement Appeal Decisions Received		Agenda No: 9
Corporate Priority:		
Report presented by:		
Report prepared by: Liz Williamson Validation Officer/Appeals Co-ordinator		
Background Papers:		Public Report
Appeal decisions summary		
Options:		Key Decision: No
Information only		
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		
Corporate implications [should be explained in detail]		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Validation/Appeals Officer	
Ext. No.	2506	
E-mail:	lizwi@braintree.gov.uk	

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 May 2015.

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.	Application Ref/Location	BDC application ref: 14/01384/FUL – 67 Little Yeldham Road Little Yeldham
	Proposal	Demolition of existing storage shed and construction of new dwelling and garage
	Council Decision	Non-determination
	Appeal Decision	Dismissed
	Main Issue(s)	1. Whether the proposal would be appropriate to its location, having regard to planning policies relevant to the provision of new housing in the countryside and the character and appearance of the area.
	Inspector's Conclusion	<p>The Inspector began the report by noting that the appeal site lies between two detached houses, which are broadly similar in scale and design. The site is outside Town Development Boundaries and Village Envelopes as defined in the Local Plan Review. The purpose of which is to protect the countryside around settlements and the extension of ribbon and sporadic development.</p> <p>The proposed dwelling and garage positioned to its side would together fill most of the width of the plot. The proposal would amount to an unacceptably urbanising intensification of development within the site, at odds with the prevailing pattern of development.</p> <p>The proposal would also involve the removal of two of the four trees which form a line along the rear boundary of the site. The trees proposed to be removed are at the ends of the line. The tree adjacent the boundary with No 67 is the smallest of the group, notably suppressed by the adjoining tree and it is considered that its loss would not be harmful. The removal of the second tree would be detrimental to the appearance of the area.</p> <p>To conclude the Inspector stated that the proposal would not be appropriate to its location, being unacceptably harmful to the character and appearance of the area and contrary to planning policies and that there were concerns that the proposal would set an undesirable precedent.</p>

2.	Application Ref/Location	BDC Application ref: 14/01497/FUL – Little Sandyhurst, Gatewoods Lane, Rayne
	Proposal	Erection of a new split level dwelling and parking for two cars.
	Council Decision	Refused under Delegated Authority (21.01.15) – RLP 2, RLP 18, RLP 81, RLP 90,
	Appeal Decision	Dismissed
	Main Issue(s)	The main issue is the effect of the proposed development on the character and appearance of host dwelling and the countryside
	Inspector's Conclusion	<p>The Inspector began by stating that the proposal would create a two storey dwelling with the first floor accommodation contained within the roof. The footprint of the existing building would be extended to the western side and the building re-orientated. The plans indicate that the increase in floor space would be substantial. In the proposed development, there is an increase in ridge height which appears relatively modest, but this together with the addition of prominent gable features would result in a substantial increase in bulk and scale of the building.</p> <p>The Inspector continued by saying that whilst the site is relatively well screened to the rear and sides there is limited screening between the plot and adjacent open farmland. The existing property is low but the proposed development would be both higher and with an increased bulk. Consequently it would be more visible from outside the site and in particular from the open land to the rear and would result in development appearing to encroach further into the countryside.</p> <p>However, the Inspector noted that the original dwelling is fairly plain in appearance and the proposed dwelling would appear to be pleasant and of a high quality design and with the removal of the outbuildings the development could improve the visual appearance of the site.</p> <p>The Inspector concluded by saying that having carefully considered all of the points raised and taking into account the benefits identified, she was not persuaded that the proposal would result in a subordinate extension to the original dwelling within the countryside. Given the combined increase in footprint, height and roof alterations it would be a very significant addition to the property that would entirely alter the scale and bulk of the original dwelling and would not be a subordinate addition. The proposal would make a substantial addition to the built form and contribute to the urbanisation of the countryside detracting from its open character and, if replicated elsewhere would cause cumulative harm to the countryside.</p>