

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 14 April 2015

Time: 19:15

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

Membership:

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

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

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

PUBLIC SESSION

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 31st March 2015 (copy to follow).

4 Public Question Time

(See paragraph below)

5	Tree Preservation Order No. 12 2014 - Land South of Oak Road, HALSTEAD	5 - 19
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:- There are no applications in Part A. PART B Minor Planning Applications:-	
6a	Application No. 14 01586 FUL - Appletree Farm, Polecat Road, CRESSING	20 - 25
6b	Application No. 15 00051 ADV - Gosfield Tennis Club, Braintree Road, GOSFIELD	26 - 30
6c	Application No. 15 00096 FUL - Monks Ley, Monks Ley Close, GREAT MAPLESTEAD	31 - 36
6d	Application No. 15 00046 FUL - Chestnut Lodge, Pale Green, Haverhill Road, HELIONS BUMPSTEAD	37 - 41
6e	Application No. 15 00166 FUL - 29 Silver Street, SILVER END	42 - 47
6f	Application No. 15 00167 LBC - 29 Silver Street, SILVER END	48 - 50
6g	Application No. 15 00091 FUL - Maltings Cottages, Sturmer Road, STEEPLE BUMPSTEAD	51 - 56
6h	Application No. 15 00139 FUL - 6 Ann Coles Close, STEEPLE BUMPSTEAD	57 - 61
6i	Application No. 15 00231 FUL - Hazel Cottage, Broad Green, STEEPLE BUMPSTEAD	62 - 68
6j	Application No. 14 01518 ADV - The George, 36 Newland Street, WITHAM	69 - 73
6k	Application No. 14 01519 LBC - The George, 36 Newland Street, WITHAM	74 - 77

7 Urgent Business - Public Session

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

8 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

9 Urgent Business - Private Session

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

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

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Mobile Phones

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

Comments

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

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting

Comment

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Contact Details:

TO CONSIDER AN OBJECTION TO THE MAKING OF A TREE PRESERVATION ORDER No. 12/2014 - Land South of Oak Road, Halstead		Agenda No: 5
Corporate Priority: The environment is clean and green		
Report presented by: Shaun Taylor - Tree & Landscape Officer Report prepared by: Shaun Taylor - Tree and Landscape Officer		
Background Papers: Tree Preservation Order 12/2014 - Appendix 1 Copy of TEMPO assessment – Appendix 2 Letter of objection from FPCR Environment and Design Ltd dated 18 th November 2014 - Appendix 3		Public report
Options: 1) To confirm the provisional Tree Preservation Order in the interests of amenity. 2) Not to confirm the provisional Tree Preservation Order and allow the owner to prune/fell the trees as they see fit.		Key Decision: No
Executive Summary: This report considers the objections raised by Gladman Developments to the making of Tree Preservation Order No.12/2014. On 29th October 2014, a provisional Tree Preservation Order was placed on a number of individual trees and tree groups growing on the roadside frontage and field boundaries of two fields lying to the South of Oak Road, Halstead following enquiries about a possible planning application for residential development on the site.		
Decision: That Tree Preservation Order No. 12/2014 on land South of Oak Road, Halstead is confirmed.		
Purpose of Decision: To ensure that the visual amenity of the area is retained by securing protection for the trees growing within the various field boundaries.		

Corporate Implications	
Financial:	None
Legal:	None
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	None
Environment and Climate Change:	If the Order is not confirmed there is a risk that the visual amenity of the area will be diminished and the trees' ability to contribute to climate change adaptation will be reduced/lost.
Consultation/Community Engagement:	None
Risks:	Compensation rights could arise if the Council subsequently refuses an application for tree work and the tree or a part of it then fails, or causes damage.
Officer Contact:	Shaun Taylor
Designation:	Tree & Landscape Officer
Ext. No.	2315
E-mail:	shata@braintree.gov.uk

Background

Council officers were made aware of interest in the site for a residential development as part of a pre-application meeting held at Causeway House on 22nd July 2014.

A provisional Order was originally served on Gladman Developments on 25th July 2014 where the trees were covered by an Area Order to facilitate the expediency of making a Tree Preservation Order quickly before the details of individual trees could be accurately assessed. This Order was superseded by the current provisional Tree Preservation Order, the subject of this report, which identifies the trees that are protected as individual specimens or as groups of trees identified in the schedule shown in Appendix 1. The earlier Order has since been allowed to lapse. A formal objection to the Order was received by the Council on 25th November 2014 and acknowledged by e-mail on 8th December 2014 by the author of this report. No further correspondence has been entered into on the nature of the objection since it is mostly concerned with the principle of protecting the trees covered by the Order and this is felt to be a matter that the Committee needs to consider on the basis of the comments made in this report.

Comments

With regard to the details of the objections put forward in the letter from FPCR Environment and Design Ltd dated 18th November 2014 and attached as Appendix 3 to this report. These have been addressed in more detail below, but need to be viewed in the overall context of the Council's obligation in this respect and the Committee may find the following helpful in their consideration of the matter -

- There is a specific duty on the Council as a planning authority to consider making Tree Preservation Orders in connection with the granting of planning permission. There are often occasions where Tree Preservation Orders are made as a precaution to ensure that trees growing on a site that may be of

interest to a developer are provided a level of protection while any future planning application is considered. Advice to local authorities in such cases states that *“the time to make an order is thus as soon as the authority gets wind of a development proposal – possibly months before permission is sought. This may not be enthusiastically received by the developer, but it will at least remove the uncertainty, and enable the development, and in particular the layout of the site to be designed in the knowledge of which trees the authority wishes to see retained – and indeed, if that seriously interferes with the order, to object to the proposal at the earliest stage.”* **Charles Mynors – The Law of Trees, Forests and Hedges 2011**

Reason 1 - The Order has been made in order to protect the trees that collectively provide a significant level of amenity to the locality. Mention has been made above of the Council's role in protecting trees of suitable amenity when they are considered to be under threat. The Council has served the Order to protect the trees during the application, a phase when there is potential for trees that may pose a constraint or an obstacle to development to be removed; furthermore, once any future development, if permitted, is occupied, pressures may arise from residents for felling or reduction generated by concerns over issues such as safety, shade and debris.

In addition, the current landowner would be free to carry out reduction, removal and coppice works to these boundary trees if there was no formal protection in place. While such work may be appropriate as part of normal management and good husbandry, the Order restricts any works being carried out without formal consent and which may otherwise have been considered.

Reason 2 - Assessment of amenity – The trees have been assessed individually or as groups using the standard TEMPO assessment form which follows government guidance to local planning authorities that they develop ways of assessing the amenity value of trees in a structured way so as to provide reasonable, systematic and relatively objective ways of assessing the importance and quality of these trees in the landscape. There are a number of other considerations that are germane in this case and should be taken into account when considering this objection. The trees are important as a collective feature in the local landscape and are a major component within the roadside and field boundaries; their importance in the local landscape as an amenity feature is endorsed by the contribution they make as native trees, mostly oaks, to the local biodiversity within the structure and framework of the field boundaries which are commonly acknowledged to act as valuable wildlife corridors. All the trees covered by the current Order have been attributed scores above the threshold to warrant the justification of a Tree Preservation Order. There are references to the finer points of the scoring within the various categories, but these are not considered to be large enough in variation to challenge the appropriateness or purpose of the Order in retaining the protected trees for the amenity they provide in the locality.

There is also a challenge in the last part of the objection to the definition of a number of trees within the schedule as 'Veterans'; it is not proposed to extend the discussion over the suitability of this evaluation to these trees (The Forestry Commission advise *that the term veteran tree is not precisely defined, as various criteria may determine the veteran status of an individual tree when compared to others. For example, a tree may be regarded as a veteran due to great age; great age relative to others of the same species, existing in an ancient stage of life or due to its biological, aesthetic or*

*cultural interest... Such trees often have high landscape/amenity value and links to the local cultural and historical heritage. **Veteran Trees – Forest Research Notes***
The TEMPO assessment for those trees identified as veterans, namely T3, T5, T13, T16, T19 and G6 attributes an overall evaluation score of 22, 22, 17, 19, 16 and 15 respectively for the trees concerned. If all these trees were given a lower score under this - Other Factors – element of the matrix at a lower rating as trees of valuable/habitat importance they would score two points less on the grid, but still be well within the threshold of 12 points for the Tree Preservation Order to be defensible in each of these cases.

Confirmation of the provisional Order does not restrict the consideration of suitable residential layouts as part of a future planning application and as such because of further discussion about a possible access to the site from the A131 between officers of the Council, Essex County Highways and representatives of the developer it is not proposed to include the following trees within the confirmed order - T1, T2, G3, G4, G5. The majority of these trees are ash and field maple trees. The former may well succumb to ash dieback in the future and the presence and scale of the mature pines and cedars on the boundary to Attwoods Manor Residential Care Home on the northern boundary to the A131 are the more significant amenity feature and are not considered to be under threat of removal.

Recommendation

That Tree Preservation Order No. 12/2014 on land South of Oak Road, Halstead is confirmed.

**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Town and Country Planning Act 1990

TPO 12/2014/TPO

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order:- Land South of Oak Road, Halstead

Citation

1. This Order may be cited as TPO 12/2014/TPO

Interpretation

2. (1) In this Order "the authority" means the Braintree District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 29th day of October 2014

"The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:

.....
Authorised Signatory

SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Ash	Adjacent A131
T2	Oak	Adjacent A131
T3	Oak	Adjacent A131
T4	Oak	Adjacent A131
T5	Oak	Adjacent A131
T6	Oak	Adjacent A131
T7	Oak	Field boundary southern-most corner
T8	Oak	Field boundary southern-most corner
T9	Oak	Central field boundary
T10	Oak	Central field boundary
T11	Oak	Central field boundary
T12	Oak	Central field boundary
T13	Oak	Central field boundary
T14	Oak	Central field boundary
T15	Oak	Field boundary north-west of Bleakley Farm
T16	Oak	Field boundary north-west of Bleakley Farm
T17	Oak	Field boundary north-west of Bleakley Farm
T18	Oak	Field boundary north-west of Bleakley Farm
T19	Oak	Field boundary north-west of Bleakley Farm
T20	Oak	Road frontage opposite White Horse Cottage
T21	Oak	Road frontage opposite 35 Oak Road
T22	Oak	Road frontage opposite Conies Farm

Trees specified by reference to an area
(within a dotted black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

Groups of trees
(within a broken black line on the map)

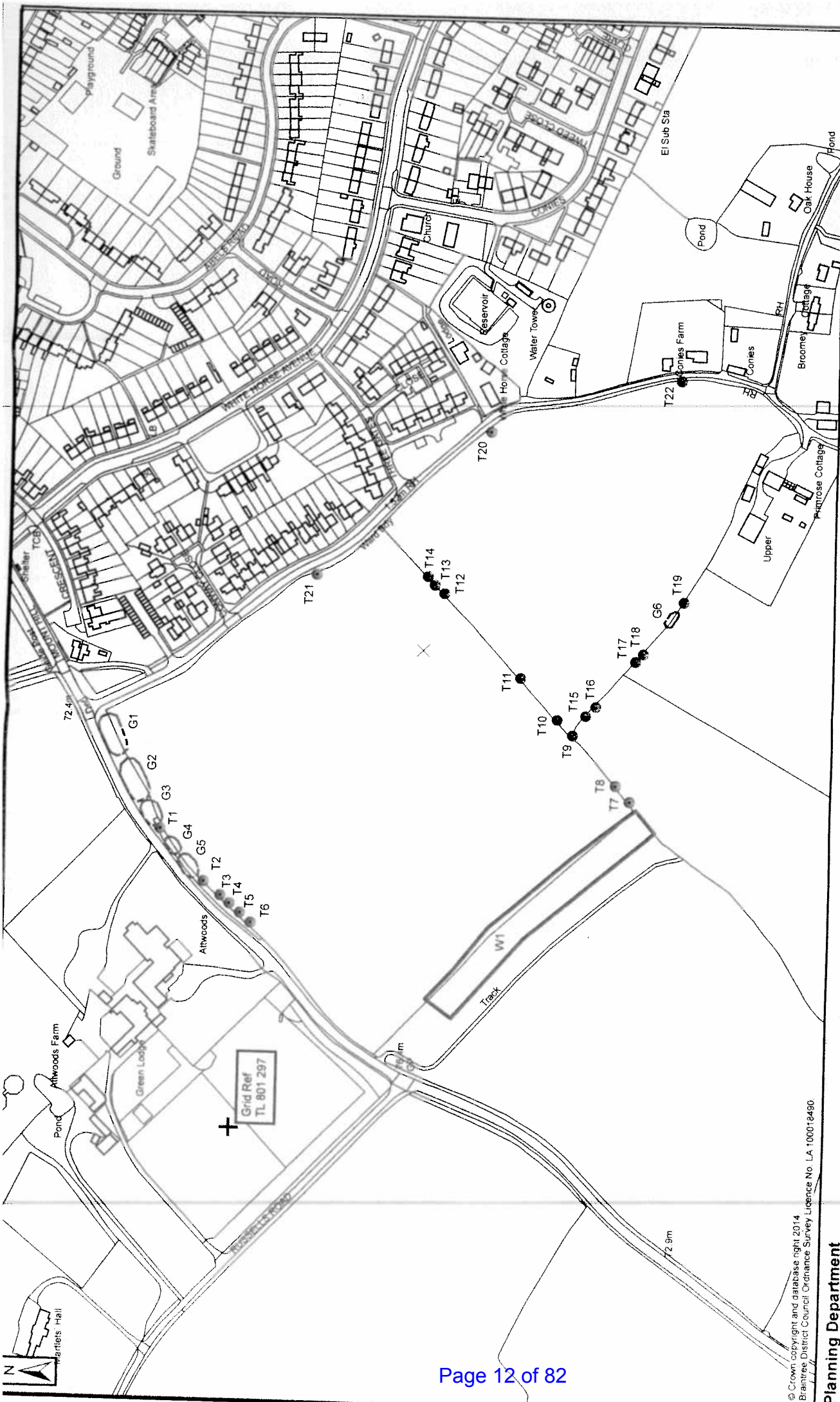
REF. ON MAP	DESCRIPTION	SITUATION
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G1	3 x Ash	Adjacent A131
G2	5 x Ash	Adjacent A131
G3	2 x Ash	Adjacent A131
G4	2 x Ash; 2 x Maple	Adjacent A131
G5	4 x Ash; 2 x Oak	Adjacent A131
G6	3 x Oak	Field boundary north-west of Bleakley Farm

Woodlands
(within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
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W1	Mixture	South-west field boundary
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This is the map referred to in the
 Braintree District Council Tree
 Preservation Order No. 12/2014/116

Authorised Signatory

Braintree
 District Council

Planning Department

DATE: OCTOBER 2014
 REF: 116-4-658
 DRAWN: DF
 SCALE: 1:2500
 TL 8029

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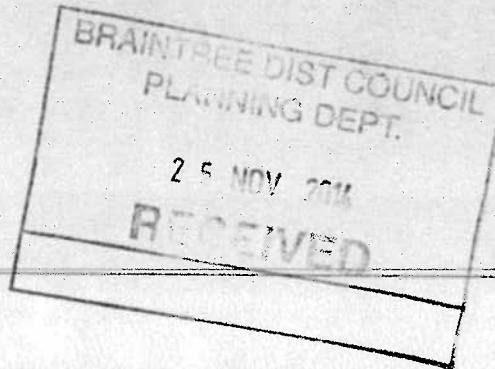
T15	T16	T17	T18	T19	T20	T21	T22	G1	G2	G3	G4	G5	G6	W1
Oak	Oak	Oak	Oak	Oak	Oak	Oak	Oak	3 x Ash	5 x Ash	2 x Ash	2 x Syc 2 x Oak	4 x Ash 2 x Oak	3 x Oak	Native & pine
3	4	2	2	2	5	3	3	4	4	2	4	3	2	5
	Dead wood and decay	Multi- stemmed	Multi- stemmed	Basal decay and multi- stemmed				1 multi- stemmed	Multi- stemmed	Multi- stemmed	Multi- stemmed		Basal decay	
5	5	5	5	5	5	5	5	4	4	3	4	4	4	5
3	4	4	4	3	5	5	4	5	5	5	4	4	3	3
1	5	1	1	5	1	1	1	4	4	4	4	4	5	1
	Veteran			Veteran				Group members	Group members	Group members	Group members	Group members	Veteran	
1	1	1	1	1	1	1	1	3	3	3	3	3	1	1
								New access and visibility splays	New access and visibility splays	New access and visibility splays	New access and visibility splays	New access and visibility splays		
13	19	13	13	16	17	15	14	20	20	17	19	18	15	15



Our ref: 6222

By Post & Email

Development Manager
Sustainable Development
Braintree District Council
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masterplanning »
environmental assessment »
landscape design »
urban design »
ecology »
architecture »
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18th November 2014

Dear Sir / Madam

OBJECTION IN RESPECT OF TREE PRESERVATION ORDER NO. 12/2014/TPO

LAND SOUTH OF OAK ROAD, HALSTEAD, ESSEX

We act for Gladman Developments who are promoting the above site for a residential-led development. The Council has recently been aware of the promotion of this site during a Pre-Application meeting held on the 22nd July 2014.

A Tree Preservation Order ("the Order"), namely referenced TPO 08/2014/TPO was created on the 23rd July 2014 following the above meeting. Our client has already objected to this Order and set out reasons within a letter dated 8th August 2014. A response was given by the Council's Tree and Landscape Officer, Richard Parmee dated 11th August 2014.

Further communication was then received from Richard Parmee via email dated 10th October 2014 that it was to be the Council's intension, in light of the objection received, to prepare a second Order to "replace" the original Order. The reason given by the Council being that they consider the use of Area Orders only to be a temporary measure to allow time for a more in-depth recording of the trees concerned. Having undertaken a further survey, we received a copy of a revised schedule and plan intended for use in the new Order. The Officer had carried out an amenity assessment (spread sheet breakdown was provided) under the "TEMPO" system – Tree Evaluation Method for Preservation Orders) detailing numbered trees, groups and a woodland.

We were then informed of the serving of the new Order by an email from Richard Parmee on 29th October 2014. Hard copies were sent to the client and other interested parties, the same day.

As the revised order differs from the original in terms of both the types of Order and includes three additional trees not previously, we were informed that the original Order will either be revoked or allowed to lapse after six months.

Our client wishes to maintain their objection with much the same grounds of objection as the previous version however we have been asked to express any additional points of objection relating to the new Order.

Continued/...

Office also at Addlepool Business Centre, Clyst St George, Exeter, Devon EX3 0MR

This objection therefore relates once again to all trees to which the 12/2014/TPO Order applies and is made pursuant to Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Council has amended the reason for the making of the Order which now states "*An intention to develop the site places trees and woodland at risk of removal, both to accommodate the development and once occupation commences*".

The grounds of the objection are stated below and are further expanded upon in following paragraphs in light of the amended reason stated above:

- **Reason 1** – The large majority of trees subject to the Order are not considered as being at risk and will not be removed by the proposed development as they are being retained. In addition once the site is occupied by future residents, it is also not felt that the trees will be at risk of removal as the design of the scheme has taken into account the presence of trees and influence they would have on living conditions to minimise any such risks.
- **Reason 2** – Having reviewed the TEMPO scores of the Council we have found there to be a number of inconsistencies with the scoring and classification of individual trees where the TEMPO (Tree Evaluation Method for Preservation Orders) system has been utilised.

We note that in the new version of the Formal Notice letter there is no longer the reference to the now archived document (*Protected tree: A guide to tree preservation procedures*) and the correct and current reference is given of where to find information.

Reason 1

Our client wishes to reiterate this previous point and maintain their position in respect of the grounds of objection. Therefore they wish to both inform and provide reassurance to the Council that the development proposals are seeking to retain a large proportion of the sites tree cover, seeing their integration into the housing area as it is recognised that the trees and hedgerows are integral features of the local landscape and their retention important.

This being the case, the large majority of trees and hedgerows of the site are not at risk from removal to facilitate the development. Neither are they at risk from removal in the future as the design of the layout has been "constraint led" and as such following advice from the appointed Project Arboricultural Consultant, has paid full attention to the real effects that the retention of large mature trees in proximity to housing can have on living conditions for the occupants thereby minimising any "impacts" in this regard to reduce pressure on the retained trees to either prune or remove them in the future. It is the intension that upon completion of the development, retained trees within the landscape buffers and public open space areas will be appropriately placed into managment in accordance with an Arboricultural Management Plan thus ensuring their long term care and provision for maintenance which ultimately will further reduce the likelihood for future removals.

It is hoped that consideration will be given during the planning process to accepting a small amount of tree removals to gain access into the site, however the proposed removals would be limited to a portion of the tree cover along the A131, an individual tree along Oak Road and short sections of hedgerow, most of which was assessed by a BS 5837 tree survey as being of moderate arboricultural quality (category C and B). These few losses will be suitably mitigated for with new planting proposals. The removal of these trees to facilitate access points overall however would not be deemed as being detrimental visually as the vast majority of the sites trees would be retained therefore continuing to provide visual amenity and screening value.

In the design of access points any such losses being required will be kept to an absolute minimum and mitigation for the losses will form part of the extensive landscaping scheme supporting the development proposals.

Continued/...

All major tree corridors and natural features of the site are being retained and have formed the basis for the Development Framework in what has been an iterative, "constraint led" Masterplanning process as our client recognises the importance the trees and hedgerows have for not only the visual amenity of the local area but also for wildlife and bio-diversity. In essence the development proposals are capable of delivering generous buffer margins to accommodate the sites boundary tree cover integrating with the eventual detailed layout which would more than compensate for any losses.

The proposals identify the extensive new planting within the site using high quality trees to be of species complementary to the local area, incorporating them with the existing tree cover. The enclosed plan illustrates the draft Development Framework for the proposed development, the layout of which has been sympathetically designed and informed through consultation with the Project Arboricultural Consultant. Initial design layouts have also been discussed with the Council in an open, transparent and honest manner in order to invite consultation at the early stage of the emerging layouts for this site.

As such, our client still considers the serving of the Order as counterproductive to the aims of the development of this site and can confirm that the trees subject to the Order are not under risk of removal either to facilitate the development, except for the access point, or from future occupation for the reasons given, as to warrant a Tree Preservation Order. To quote:

(Paragraph:010 Reference ID: 36-010-20140306) *"Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management. It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.*

The expediency of this Order should therefore be questioned as no felling or removal of trees as part of the development of the site is intended without permission through planning consent. The trees currently shown to be retained have been identified in the initial design layout plan. The trees are currently also under arboricultural management for the planning application process through the appointment of ourselves as the Project Arboricultural Consultants and will be subject to management in the future through the provision of a site specific Arboricultural Management Plan therefore serving of this TPO would be contrary to the Guidance.

Reason 2

We would still have concerns as to the basis and reason why the Council have felt it necessary to make the Order, in respect of which we would require further disclosure in light of the new Order. Specifically, the basis of the decision to make the Order is even less clear now considering the Pre-Application meeting had highlighted that a high proportion of the sites trees are to be retained and will be placed into management in the future thus not being at risk from removal, except those for access. There is therefore in our opinion an absence of any risk of removal for the majority of trees to facilitate the development or from pressure generated by the new occupants to either prune or remove trees which are being retained in the future following occupation.

We understand that the basis for decision making would use the outcome of the TEMPO assessment however having both reviewed the Councils TEMPO assessment and breakdown of scores for each individual tree, group and the single woodland of the Order as to whether or not it would be expedient or "defensible" to make the Order, and having undertaken our own comparison assessment, we have concerns for the level of consistency where scores have been applied. We therefore question the robustness of this assessment.

Continued/....

fpcr

There were a number of scores which seem to have been inconsistently applied for similar trees where there was very little difference between the attributes of the trees concerned. For example individual mature oak trees situated centrally to the site (TPO tree reference T5, T11 and T12) scored only a single point for 'Other Factors' in comparison to several mature trees situated along the western boundary (which includes TPO tree reference T6) which scored 4 points despite the fact that all the listed trees were almost identical in their type and position. This would need explanation.

A number of trees were also categorised as 'Veteran' within the Councils TEMPO assessment (these are TPO tree reference T3, T5, T13, T16, T19 and G6). We wish to stress that the Arboricultural Assessment carried out by FPCR Environment and Design Limited did not identify any trees within the site to be of veteran status following accepted assessment methodologies by the Veteran Tree Initiative and Natural England. We wish to make this point clear as to not generate implications for any confusion over this matter in the future as to the status of these trees.

We can make our scores available for your review if required.

Conclusion

We therefore challenge the Council in that the decision to make the Order is in conflict with both Section 198 of The Town and Country Planning Act 1990 and the Guidance. It is not accepted that it was neither expedient nor appropriate to make the Order and our client has submitted an objection to this effect. As such it is our view that the TPO should not be confirmed; rather, the Order should be withdrawn at the earliest opportunity and we formally invite the Council to do so.

Yours sincerely



Helen Kirk

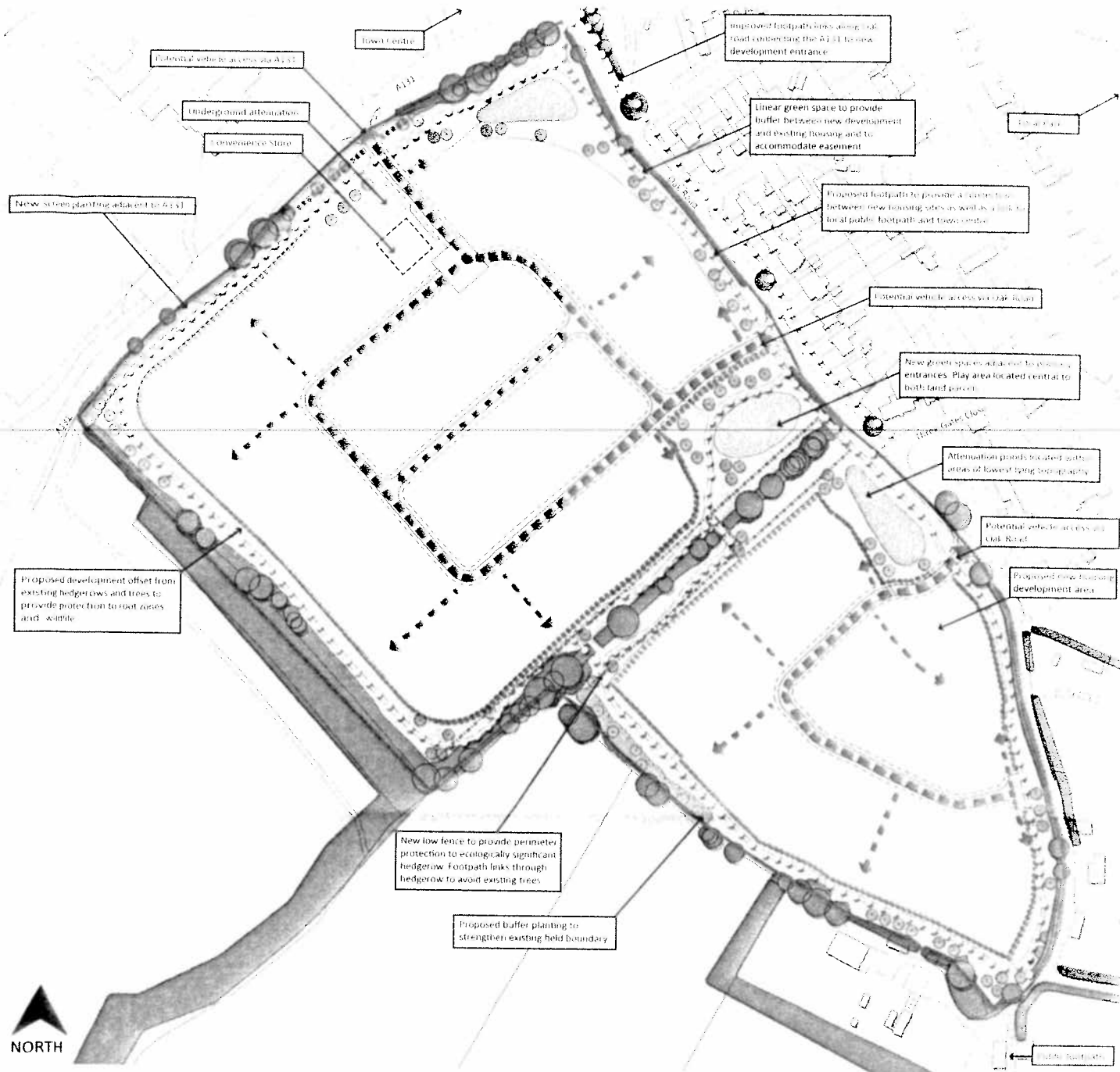
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Associate (Arboriculture)

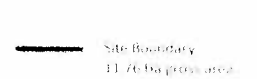
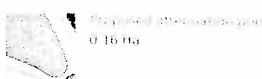
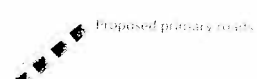
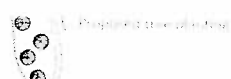
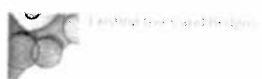
FPCR Environment and Design Limited

Helen.kirk@fpcr.co.uk

FPCR is a Corporate Member of the Arboricultural Association



Proposed potential development area
8.53 Ha

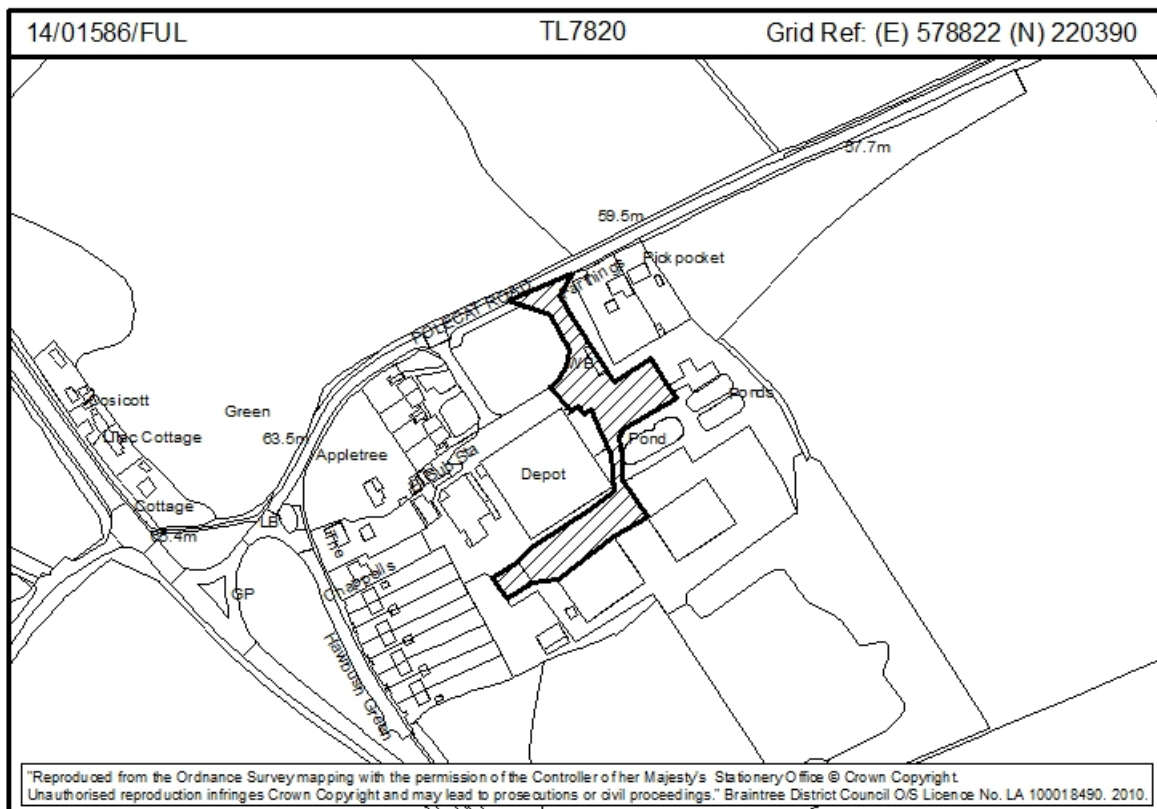


PART B

APPLICATION 14/01586/FUL DATE 15.12.14
 NO: VALID:
 APPLICANT: Mrs J South
 White Rails Farm, Headcorn Road, Ulcombe, Maidstone,
 Kent, ME17 1HD
 AGENT: Guy French
 Whirledge And Nott, Bullbanks Farm, Halstead Road, Eight
 Ash Green, Colchester, Essex, CO6 3PT
 DESCRIPTION: Change of use of B2 workshop to B8 storage unit
 LOCATION: Appletree Farm, Polecat Road, Cressing, Essex

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

13/01340/ELD	Application for a Lawful Development Certificate for an Existing Use - Creation of Hardstanding	Granted	14.03.14
14/01064/FUL	Change of use of office and land to construction training ground	Granted	28.11.14
15/00169/FUL	Application for removal or variation of a condition no. 3 following grant of planning permission 14/01064/FUL - Change of use of office and land to construction training ground	Pending Consideration	
15/00004/NMA	Application for a non-material amendment following grant of planning permission 14/01064/FUL - Change of use of office and land to construction training ground	Pending Consideration	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP36 Industrial and Environmental Standards
RLP40 Minor Industrial and Commercial Development in the Countryside
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Supplementary Planning Guidance

NPPF
NPPF Guidance

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to an objection received from the Parish Council and a neighbouring resident.

SITE DESCRIPTION

The application site is situated to the south east of Appletree Farm, within the countryside and the Parish of Cressing. The site contains a mix of uses including B2 and B8 uses. It forms part of a wider cluster of built development with residential properties in close proximity, which front Hawbush Green to the west and Polecat Road to the north, including dwellings situated within Appletree Close which is west of the site entrance. The building, which is the subject of this application, is sited in the south west. It comprises a portal framed/steel clad building with a floor area of approximately 195sqm. Access is obtained via the existing commercial access to the site on Polecat Road off the B1018 Braintree to Witham road.

PROPOSAL

This application proposes the change of use of the above building from a Workshop within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to B8 Storage and Distribution. The building has been used as a vehicle maintenance workshop from 1988 and has been vacant since May 2014. The Design and Access Statement states that the application is being submitted on the basis that a storage use would be less disruptive than its existing use. This is a speculative application made on behalf of the site owners, Appletree Farm Properties Ltd, and no end-user is identified. The 'red-line' plan submitted with the application indicates a large area of hardstanding to the front of the building with a car parking area to the north-east. The hours of operation would be 8.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays. There will be no changes to the external appearance of the building and no material alterations are required to accommodate the use within the wider site. No additional landscaping is proposed as the site is previously developed, however, it is well screened from the public highway.

CONSULTATIONS

The Parish Council objects to the application on the grounds that the change of use will result in an increase in the amount of traffic including lorries that would access Appletree Farm. This would result in an increase in noise nuisance which would be detrimental to the residents who live in close proximity to the location.

REPRESENTATIONS

A site notice was displayed and neighbouring premises advised by letter. The resident of No. 3 Appletree Close has objected to the application on the basis that currently residents have to endure lorries operating illegally at the site at all hours of the day and night. The area is also used as an overnight lorry park. The change of use will increase the noise and affect quality of life of residents.

REPORT

Principle

The site, although not in a completely isolated location, is considered to be within the countryside for the purposes of planning control. Policy C5 of the Braintree District Local Development Framework Strategy seeks to protect the countryside from inappropriate development and uses in order to safeguard its intrinsic character and appearance. Policy CS8 of the Strategy requires that where development is to take place in the countryside, it must take account of landscape character and mitigate any environmental and visual impact. Development should protect the best and most versatile agricultural land.

Notwithstanding the need to protect the character and appearance of the countryside, Appletree Farm contains an established mix of commercial and industrial uses, therefore the development is considered to be acceptable in principle.

Detailed Considerations

The aims of the National Planning Policy Framework are an important material consideration in this case. This document sets out the Government's commitment to securing growth in order to create jobs and prosperity, including supporting a prosperous rural economy by enabling sustainable growth and expansion of all types of business and enterprise in rural areas. It also indicates that local planning authorities should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.

Policy RLP36 of the Braintree District Local Plan Review is relevant. This states that planning permission will not be granted for new development including changes of use, which would have an unacceptable impact on the surrounding area, as a result of various environmental criteria including noise and traffic generation. Proposals where access roads would not be adequate to cope with consequential traffic will be refused. Policy RLP40 allows for minor industrial and commercial development in the countryside provided the proposal is of a small scale which would not be detrimental in terms of visual impact, noise, smell, or other pollution, or excessive traffic generation, health or safety or loss of nature conservation interests. Proposals will also be

subject to high standards of design, landscaping and other such requirements as may be necessary to reduce the impact of development.

This application proposes changing the use of an existing building and area of hard-standing within an established site. The building has operated as a vehicle repair workshop for a number of years, as evidenced by planning application reference BTE/1085/88. No alterations are proposed to the building, hard-standing or vehicular access, and given that the size of the building itself will limit the use to an extent, it is not considered that the change of use will have a detrimental impact on the road network or the character of the countryside. Comparing the nature of the proposed use to the existing, it is considered that it is likely to be less intrusive to nearby residents in terms of noise emanating from the activity at the premises. In addition, the hours of operation will mitigate the impact of vehicle movements generated by this particular building.

Whilst the comments of the Parish Council and the objector are understandable, they are based on some of the previous activities at the site. As Members are aware, planning applications must be assessed on their own individual merits, and in this case the proposed use will be taking place on an established previously-developed commercial site and will be curtailed by virtue of the size of the building and the planning conditions suggested below. It is therefore considered that it would be unreasonable to withhold consent on the basis of historic activity and uses within the Appletree Farm complex.

CONCLUSION

The proposal complies with the aims of the National Planning Policy Framework and the Council's adopted policies. The proposal will not involve any physical alterations to the building, the wider site, or the highway network, therefore, it is concluded that the change of use could take place without material harm to the character and appearance of the countryside and to neighbouring residential amenity.

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
Location Plan
Block Plan
Access Details
Photograph

- 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 work does not affect the character or setting of the listed building on/adjoining the site.

- 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 shall be used as a storage unit and for no other purpose within Class B8.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 4 The premises shall not be open for business outside the following hours:-

Monday to Friday 8.00am to 6.00pm hours
Saturdays 8.00am to 1.00pm only.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

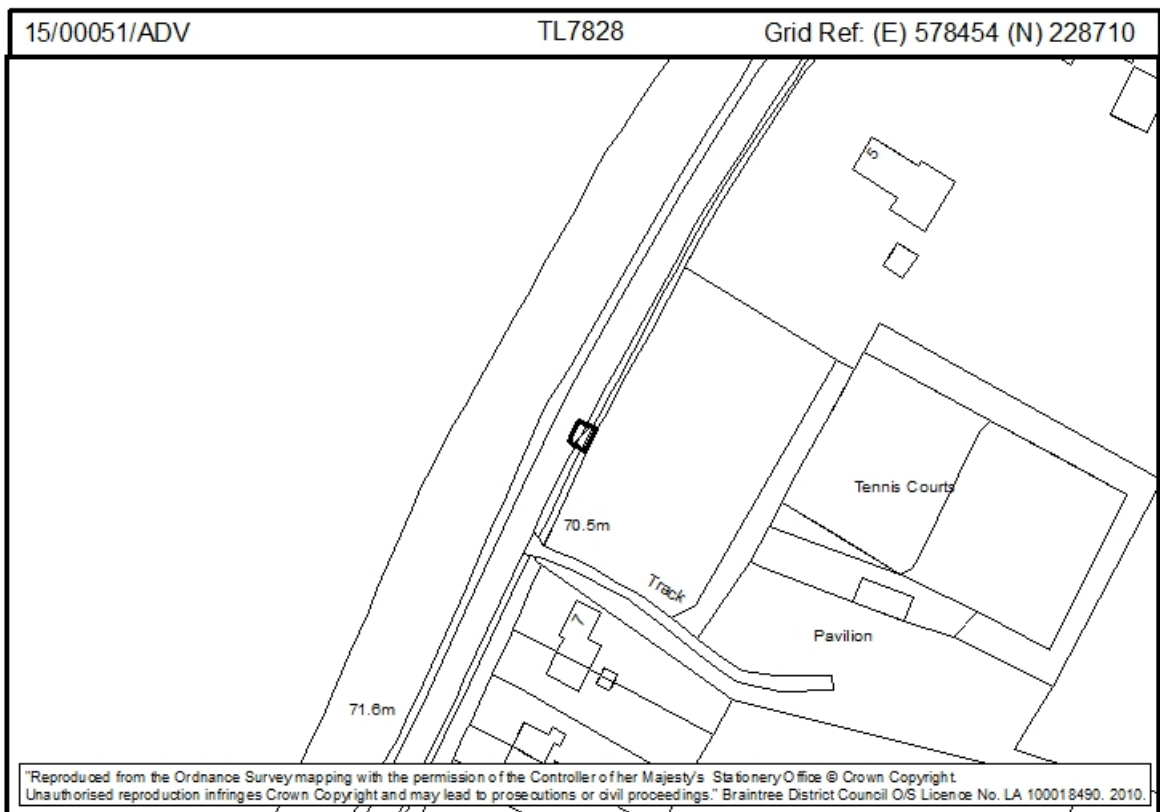
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6b

PART B

APPLICATION 15/00051/ADV DATE 16.01.15
NO: VALID:
APPLICANT: Gosfield Lawn Tennis Club
Mr Jonathan Goldsmith, 6 Pretoria Road, Halstead, Essex,
CO9 2EG
DESCRIPTION: Erection of 2 faced sign board on posts
LOCATION: Gosfield Tennis Club, Braintree Road, Gosfield, Essex

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

None

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

Braintree District Local Plan Review

RLP107 Outdoor Advertisements

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being brought before Planning Committee because the applicant is a BDC employee.

SITE DESCRIPTION

The site is located to the south of Gosfield village, within the countryside. The site to which the proposal relates is occupied and owned by Gosfield Tennis Club. The site measures approximately 65 metres wide along the frontage with Braintree Road and is bounded by hedgerow.

A very small, discreet sign for the club exists directly at the entrance. Neighbouring land uses include a row of semi-detached residential properties directly to the south of the site and a couple of large dwellings to the north. The road is largely hedgerow lined, typifying the rural location.

PROPOSAL

Consent is sought by the Gosfield Tennis Club, for the display of a non-illuminated, 2 faced right angled sign board on posts, under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The sign would be sited at the frontage of the site, approximately 5 metres to the north of the entrance to the Club with each sign face measuring 1.5 metres wide, 1.2 metres height and 1 metre above ground level. Overall height – 2.2 metres.

Wording of sign would read 'Gosfield Tennis Club' with telephone number, or similar.

CONSULTATIONS

Essex County Council Highways – the sign is acceptable subject to its positioning being clear of highway land.

REPRESENTATIONS

None

REPORT

Principle of Development

The Town and Country Planning (Control of Advertisement) Regulations 2007 outline that applications for advertising consent shall be considered in relation to their impact on visual amenity and public safety only.

The Advertising Regulations 2007 outline that factors relevant to visual amenity “include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest” and the harmony of the proposal with that context.

The National Planning Policy Framework states that ‘poorly placed advertisements can have a negative impact on the appearance of the built and natural environment’. It goes on to state that ‘Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts’. (Paragraph 67).

In this regard policy RLP107 of the Local Plan outlines that the Council shall take all matters relating to visual amenity into account in the determination of applications for advertising consent.

Visual Amenity and Public Safety Assessment

It is considered that the proposed advert meets the relevant criteria.

The advertisement has been subject to revision as the original proposal was considered too large, given the rural location. It is accepted that the Tennis Club need some directional signage as its location and existing small sign is not apparent and it is understood that new users of the site frequently miss the entrance. It is considered that the amended, smaller sign will be fit for purpose without negatively affecting the rural character of the area.

In terms of public safety, the highways authority has raised no objection to the proposal.

CONCLUSION

The advertisement is considered to accord with the requirements of the Advert Regulations, together with related Local Plan Policy.

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
Site Plan
Elevations
Block Plan

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

- 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.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) Regulations 1992 and the need to comply with the following:-
 - (i) Any advertisements displayed, and any site used for the display of advertisements, should be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
 - (ii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements should be maintained in a safe condition.
 - (iii) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

(iv) No advertisement should be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

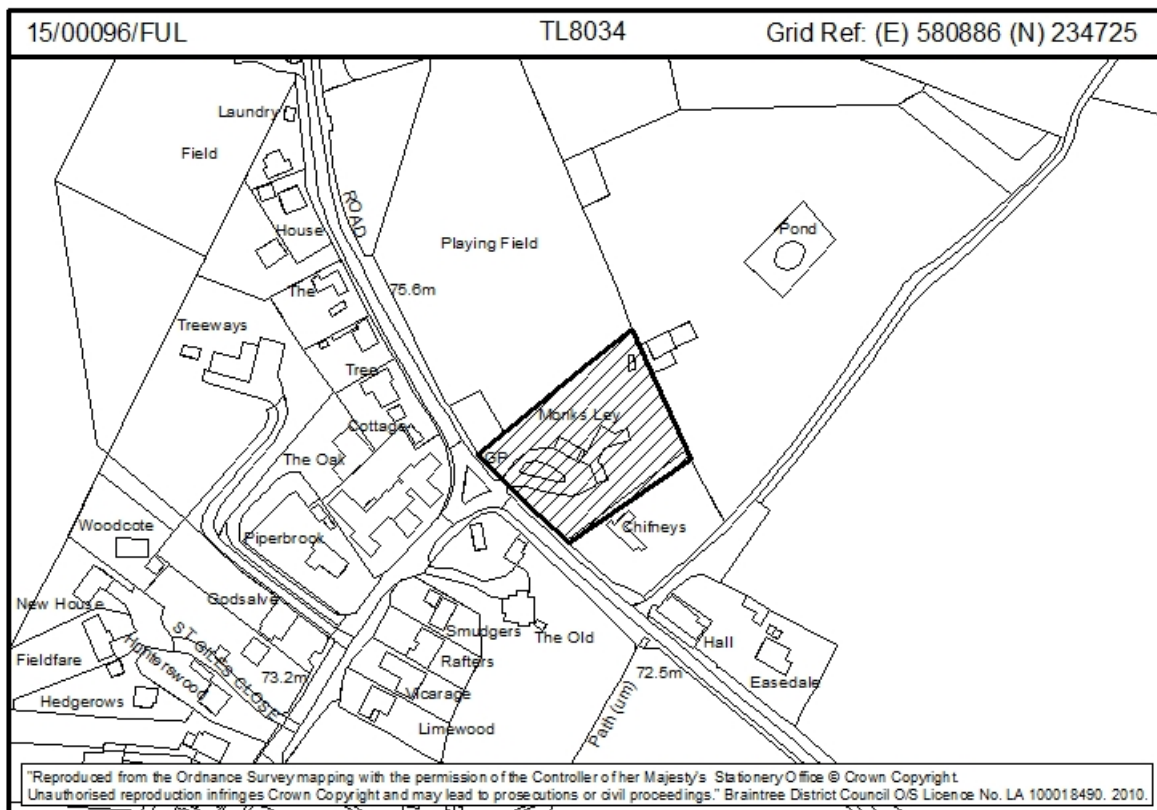
(v) No advertisement should be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, or aerodrome (civil or military).

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 15/00096/FUL DATE: 22.01.15
 VALID:
 APPLICANT: Mr Graham Cuddeford
 C/o Agent
 AGENT: Hartog Hutton Ltd
 Mr Malcolm Payne, P.O. Box 110, Bury St Edmunds,
 Suffolk, IP29 2PB
 DESCRIPTION: Application for variation of condition no. 5 of approved
 application 12/00945/FUL to change the visibility splay to
 2.4m x 55m in both directions
 LOCATION: Monks Ley, Monks Ley Close, Great Maplestead, Essex,
 CO9 2RE

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



SITE HISTORY

12/00945/FUL	Demolition of existing dwelling, subsequent erection of replacement single storey dwelling, three no. additional dwellings and associated works, utilising existing vehicular access.	Granted with S106 Agreement	28.02.13
14/01257/FUL	Application for variation of condition no. 5 of approved application 12/00945/FUL - To reduce visibility splay to 2.4m by 43m to north west and 2.4m by 43m to south east.	Refused	18.11.14

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
RLP90 Layout and Design of Development

INTRODUCTION

This application is brought before the Planning Committee due to objections from neighbours contrary to the recommendation of officers.

SITE DESCRIPTION

The site is Monks Lay on Lucking Street in Great Maplestead. The site comprises a large residential property situated towards the centre of the site with mature gardens on the north side of Lucking Street. The site has had planning permission for the demolition of the existing dwelling and the erection of 3 dwellings under application 12/00945/FUL. It is currently served by one access onto Lucking Street.

PROPOSAL

The application seeks to vary condition 5 attached to planning permission 12/00945/FUL to reduce the visibility splay from 2.4m by 70m (as required by condition) to 2.4m by 55m on the South East and North West aspect of the access.

CONSULTATIONS

Essex County Council Highways Officer

No objection: Following demonstration that the previously stated 2.4m by 70m visibility splay is not viable, the 2.4m by 55m which has demonstrated can be achieved will not have a detrimental impact on highway safety.

Recommends condition and informative.

Great Maplestead Parish Council

No comments received.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified. 4 letters of objection and 2 letters of support have been received. These are summarised as follows:

Objection:

- LPA and agent knew first desired conditions could not be met
- Unacceptable compromise
- Safety issues – entrance on very dangerous junction
- Consider removal of trees to facilitate additional visibility
- No pavement for children to walk on school near-by

Support:

- Other junctions on the road have less visibility than 55m
- No highway issues to date
- Tree should be retained
- Existing access caused no problems with 30m splay
- School run away from Monks Ley entrance

REPORT

Principle of Development

History

The initial application 12/00945/FUL required by condition that visibility splays should be implemented and maintained at 2.4m by 70m on either side of the access. From correspondence officers have had during the course of this application with the Highways Officer, it is understood that during pre-application discussions for the proposed dwellings between the agent at the time and ECC Highways, that the agent advised that the required visibility splays could be achieved. It was on this basis that EC Highways recommended the visibility splays of 2.4m by 70m.

Following further investigation by the agent it was determined that the 70m splay could not be met for the existing access. Subsequently, an application was submitted requesting that this condition be varied for visibility splays at 2.4m by 43m. No supporting evidence was submitted to demonstrate that the 70m splays were not acceptable or achievable at that time.

Highway Considerations

The current application seeks to vary condition 5 attached to planning application 12/00945/FUL to provide visibility splays at 2.4m by 55m North West and South East side of the existing access.

The existing access is located on the North Eastern side of the Junction of Lucking Street and Church Street. A number of representations have raised concerns regarding the position of the access and its increased use. Objectors are concerned that the proposed visibility splays will result in a highway safety issue particularly given the proximity of the school which is diagonally opposite the access.

Policy DM1 of the Essex County Council Development Management Policies states that the Highway Authority will protect the highway network for the safe and efficient movement of people and goods by all modes of travel by ensuring that:

- Proposals are assessed and determined in relation to the Development Management Route Hierarchy Policies (Policies DM2-DM5);
- Where vehicular access is accepted in principle; the number of access points will be kept to a minimum on roads designated within the Development Management Route Hierarchy;
- Where access is accepted in principle; new access points will be designed and constructed in accordance with current standards;
- Where existing access is to be used, substandard accesses will be improved and/or upgraded in accordance with the current standards for the category of road;

- All proposals are assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
- All proposals have safe and convenient access for sustainable transport modes commensurate to its location;
- Proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

The acceptability of varying the condition in this instance involves providing sufficient justification to illustrate why the agreed 70m visibility splay cannot be achieved, and also evidence to illustrate why the proposed 55m visibility splay would be acceptable, in accordance with policy DM1 outlined above.

The current application has been supported by a plan illustrating the different levels of visibility from the existing access. It demonstrates that the previously conditioned 2.4m by 70m visibility splay which was initially understood to be achievable is unattainable. The plan shows however that a visibility splay of 2.4m by 55m is attainable subject to all other conditions relating to the access on application 12/00945/FUL being retained and implemented as required.

The Highways Officer has examined the proposal against policy DM1 outlined above. He concludes that the 55m splay will not cause a detrimental impact to highway or pedestrian safety in the locality. Subsequently he offers no objection to the varying of condition 5 subject to the visibility splays stated being retained at all times, and that the area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

CONCLUSION

The application demonstrates that the previously conditioned visibility splays 2.4m by 70m North West and South East were unattainable. The application subsequently demonstrates that visibility splays of 2.4m by 55m are attainable at the site and the Highways Officer is satisfied that subject to conditions, the access will not cause a detrimental impact to highway or pedestrian safety. Subsequently he offers no objection and the application should be approved.

RECOMMENDATIONS

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

APPROVED PLANS

Planning Layout
Access Details

Plan Ref: /101 C
Plan Ref: 009/2012/04

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed above and relates solely to the amendments to the visibility splay on the vehicular entrance.

Reason

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

- 2 The development hereby approved shall be undertaken in accordance with all other conditions and subsequent variations imposed on planning permission 12/00945/FUL.

Reason

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

- 3 Within 2 months of this permission being granted the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 55 metres to the North West and 2.4 metres by 55 metres to the South East, 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 interests of highway safety.

INFORMATION TO APPLICANT

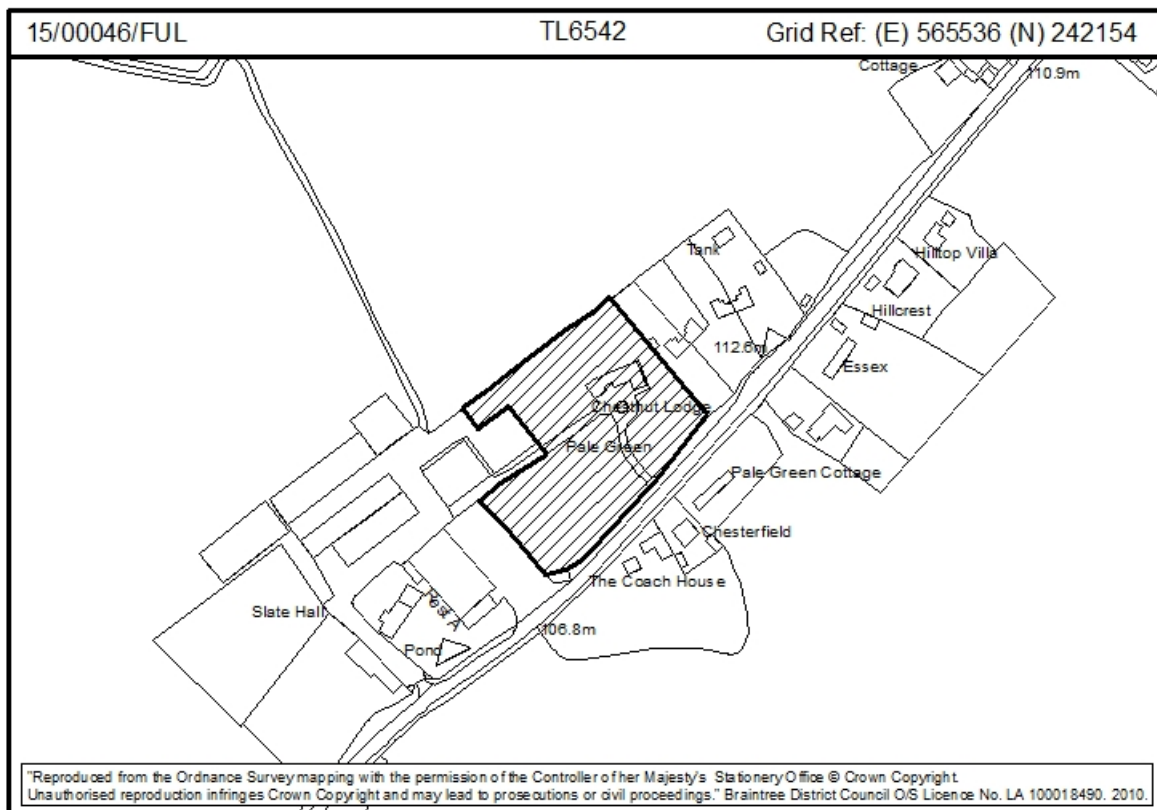
- 1 All works within or affecting the highway are to be carried out to the satisfaction of the Area Highway Manager, E.C.C Highways and Transportation Dept., New Dukes Way, Chelmsford, Essex. CM2 6PS (Tel: 01245 240000).

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 15/00046/FUL DATE 19.01.15
 NO: VALID:
 APPLICANT: Mr And Mrs J Ramsey
 Chestnut Lodge, Pale Green, Haverhill Road, Helions
 Bumpstead, Essex, CB9 7AF,
 AGENT: Mr Michael Sale
 16 Dane Close, Keddington, Haverhill, Suffolk, CB9 7NX
 DESCRIPTION: Application for the removal of condition no. 4 following
 grant of planning permission P/BTE/01571/86/01/H -
 Occupation of dwelling
 LOCATION: Chestnut Lodge, Pale Green, Haverhill Road, Helions
 Bumpstead, Essex, CB9 7AF

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



SITE HISTORY

P/BTE/01571/86/01H	Erection of agricultural workers dwelling	Granted	15.12.86
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

Braintree District Local Plan Review

RLP14 Applications for the Removal of Occupancy Conditions

INTRODUCTION

This application is brought before the Planning Committee as the Parish Council support the application but Officers are recommending refusal.

NOTATION

The site is located in the countryside.

SITE DESCRIPTION

The site is located in the countryside to the north east of Helions Bumpstead. It comprises a detached dwelling set back from the road known as Chestnut Lodge. To the south east is a dwelling known as 'Slate Hall' which it is a Grade II listed building.

PROPOSAL

The application seeks permission for the removal of condition 4 of planning permission P/BTE/01571/86/01/H which stated that:

"The occupation of the dwelling hereby permitted shall be limited to persons wholly or mainly employed or last employed, locally in agriculture as defined by Section 290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person)."

The address on this permission is listed as 'Slate Hall Farm, Helions Bumpstead'. The dwelling which was built by virtue of this permission is known as 'Chestnut Lodge'.

CONSULTATIONS

Parish Council – Support the application.

REPRESENTATIONS

No letters of representation have been received.

REPORT

The Principle of the Proposal

Policy RLP14 allows for the removal of occupancy conditions subject to the provision of a realistic assessment of the dwellings continued need, based on a technical appraisal of the demand for the dwelling on the holding, or in the locality, and evidence that the property has been marketed in a way that reflects the limited occupancy condition.

Information within the application indicates that much of the farm land at Slate Hall Farm has been sold off, resulting in a reduced holding which can be managed by the applicant's father who lives on the farm (at Slate Hall). The extent of the holding has not been identified on the submitted plans. Neither the applicant nor his wife are now employed in agriculture, and therefore the occupation of the dwelling (Chestnut Lodge) fails to accord with the requirements of the condition on the planning permission. The information provided within the submitted 'Justification Statement' setting out why the condition should be removed is limited, and Officers do not consider that this amounts to a 'technical appraisal'. There is no information for example, setting out the size of the holding when planning permission for this dwelling was granted and the size of the holding now, the type of farming that is undertaken, the labour requirements, the financial viability of the existing agricultural enterprise, whether there is a dwelling available to the owners of the farm land that has been sold off.

The Statement sets out that, due to medical reasons, much of the farm land was sold off. It indicates that the applicant wishes to continue living in the house and would like to one day pass the house on within the family without the complication of the agricultural condition. Whilst it is appreciated that the applicant does not wish to leave the family home, personal circumstances are not a material planning consideration. It has to be recognised that the dwelling was approved as an 'agricultural workers dwelling' and is located in area where the Council would generally be restrictive of new residential dwellings. To comply with policy RLP14, the demand for the dwelling on the holding, or in the locality needs to be tested. This could only be achieved by marketing the property. This has not been done. In order to assess the need for the dwelling it would need to be marketed as an agricultural workers

dwelling at a realistic price, setting out the occupancy restrictions, for a period of at least 6 months. This is a stance which has been taken with other applications, including one at Bures which was recently considered by Members.

Information within the application indicates that the applicant's father manages the agricultural holding and lives in the adjacent dwelling at Slate Hall. It appears therefore that may be a need for a dwelling in connection with the operation of the farm and this is fulfilled by the existing dwelling at Slate Hall. This is a listed dwelling which, according to the list description, dates to the 17th Century. This would therefore not be subject to any agricultural occupancy condition and could be sold without any restrictions. If this were to happen, and the agricultural occupancy condition removed from Chestnut Lodge, it is reasonable to consider that this may result in pressure for a further dwelling in connection with the operation of the farm. Officers therefore consider that a cautious approach should be taken to this application. It would seem that the existing agricultural workers dwelling (Chestnut Lodge) could be occupied by a worker from the farm.

Officers are also mindful of the fact that the LPA receives applications new agricultural workers dwellings. Since the beginning of 2014, at least 7 applications across the District have been received. Even if it is demonstrated that there is not a demand in connection with the existing holding, there may be a demand in connection with a nearby farm or agricultural enterprise, or by a person who could comply with the condition.

In conclusion, the information submitted in the 'Justification Statement' does not amount to a 'technical appraisal' of the need for an agricultural workers dwelling as required by Policy RLP14. It appears that the justification relates to the personal circumstances of the family and offers limited justification for the removal of the agricultural tie. It is therefore considered that the application fails to comply with Policy RLP14.

OTHER MATTERS

There are no other material considerations of relevance to the determination of this application.

RECOMMENDATIONS

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

- 1 Policy CS5 states that development outside town development boundaries and village envelopes will be strictly controlled to uses appropriate to the countryside in order to protect the landscape character, biodiversity and amenity of the countryside. Similar constraints were imposed under previous planning policies and as such the dwelling at the application site was only approved subject to the imposition of an agricultural occupancy restriction.

Policy RLP14 allows for the removal of occupancy conditions subject to the provision of a realistic assessment of the dwelling's continued need, based on a technical appraisal of the demand for the dwelling on the holding, or in the locality, and evidence that the property has been marketed in a way that reflects the limited occupancy condition.

In this case neither a technical appraisal nor evidence that the property has been marketed, as required by Policy RLP14, has been provided. Therefore insufficient information has been submitted to demonstrate that there is not a demand for the dwelling on the holding or in the locality. On this basis it is considered that the proposal fails to accord with the above policies and there is no justification for the removal of the agricultural occupancy condition.

SUBMITTED PLANS

Location Plan

TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6e

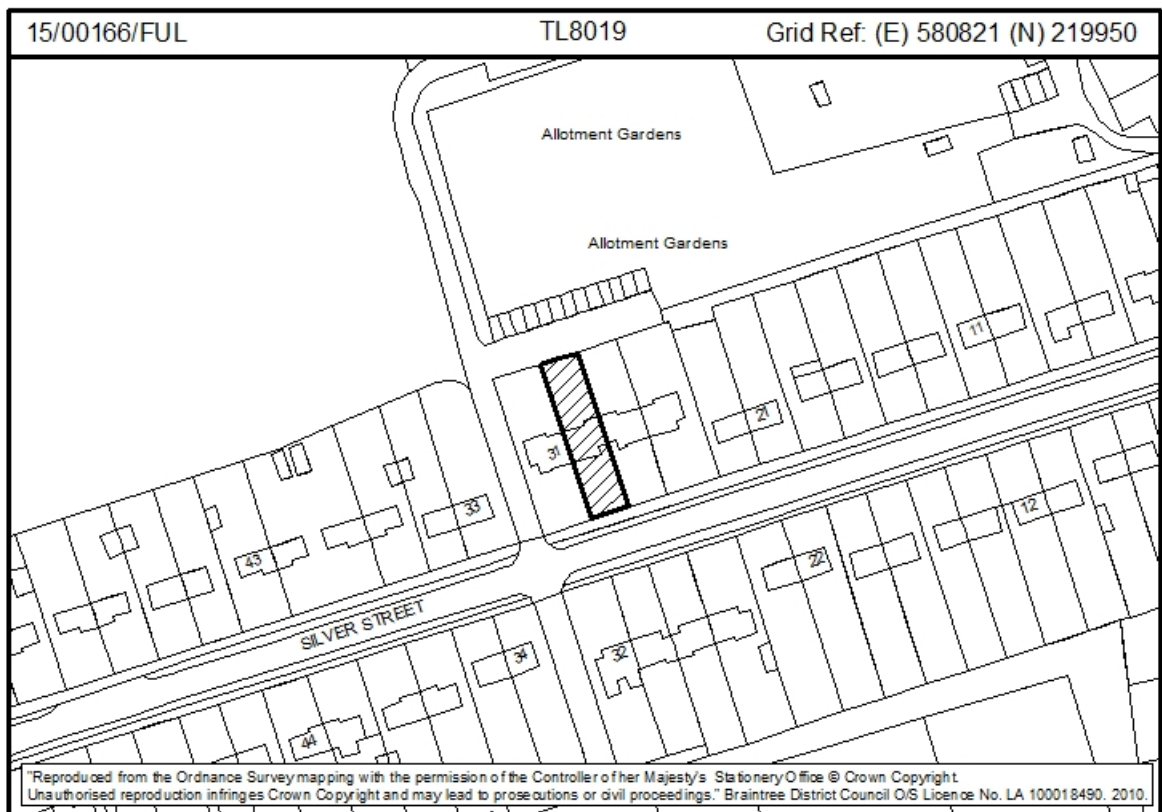
PART B

APPLICATION 15/00166/FUL DATE 11.02.15
NO: VALID:
APPLICANT: Mr John Vickers
29 Silver Street, Silver End, Essex, CM8 3QQ
DESCRIPTION: Removal of derelict fence and the construction of a partially
recycled 1920's art deco metal fence
LOCATION: 29 Silver Street, Silver End, Essex, CM8 3QQ

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

04/01680/FUL	Erection of single storey rear extension	Granted	05.10.04
04/01681/LBC	Erection of single storey rear extension	Granted	05.10.04
86/01101/P	Installation of ventilation units.	Granted	08.10.86
84/01342/P	Proposed modernisation.	Granted	25.02.85
97/01618/FUL	Proposed vehicular access	Granted	27.02.98
12/01644/FUL	Renewal of felt flat roof, renewal of roof joists and renewal of chimney breast - APP NOT PROCEEDED WITH, FUL NOT REQUIRED, ONLY LBC	Application Returned	
12/01649/LBC	Renewal of felt flat roof, renewal of roof joists and renewal of chimney breast	Granted	02.04.13
13/00858/FUL	Proposed dropped kerb and vehicle hard standing.	Granted	11.09.13
13/00859/LBC	Proposed dropped kerb and vehicle hard standing.	Permission not Required	11.09.13
15/00167/LBC	Removal of derelict fence and the construction of a partially recycled 1920's art deco metal fence	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP3 Development within Town Development Boundaries and Village Envelopes
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

Silver End Conservation Guide

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to an objection received from the Parish Council and from a local resident.

SITE DESCRIPTION

29 Silver Street is a Grade II Listed Building within the Silver End Conservation Area and Village Envelope. The building is one of a pair of semi-detached dwellings finished in painted brick.

PROPOSAL

This retrospective application is for the retention of a partially recycled metal fence erected on the shared boundary to the front of the house.

CONSULTATIONS

The Parish Council has objected to the proposal on the grounds that the fence is not art deco (not in period) rather it is 1960s/70s and retrospective applications are not permitted. It is also contrary to Conservation Guidelines. Fences to the Modern Movement houses should be marked with three strands of wire. The supporting posts should be angle iron or concrete. As a listed building, it alters the character of the building and the connecting block of houses.

The Historic Buildings Consultant has no objection in principle to the proposal as he considers that it is sympathetic to the character and appearance of the Conservation Area. However, a condition is suggested requiring that the fence is painted black.

REPRESENTATIONS

Six letters of representation have been received in support of the application, the majority of which consider that it is entirely in keeping with the Conservation Area and the Listed Building. One letter of objection has been received from a resident in Boars Tye Road commenting that the fence is not in period and that as listed building consent has not been granted, the applicant has committed an offence.

REPORT

The proposal affects an existing dwelling sited within the Village Envelope and Conservation Area of Silver End. Development is therefore acceptable in principle in accordance with Policy RLP2 of the Braintree District Local Plan Review. Braintree District Local Development Framework Core Strategy Policy CS9 promotes the highest possible standards of design and layout in all new development and the protection and enhancement of historic environment in order to, amongst other things, respect and respond to the local context, especially in the Districts historic or important buildings and conservation areas. The building is also listed therefore Policy RLP100 is relevant. This states that the Council will only allow for works or development to be carried out to a listed building if it will not harm the setting, character, structural stability and 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. The National Planning Policy Framework Practice Guidance indicates that whether or not a proposal will cause harm to a historic asset will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. Whilst works that are moderate or minor in scale have the potential to cause harm, it is likely to be less than substantial harm or result in no harm at all.

The Article 4 Direction removes permitted development rights from the unlisted houses in the Conservation Area, resulting in residents having to apply for express planning consent for alterations to windows, doors, fences and hard-standings. The listed buildings in the Conservation Area are not affected by the Article 4 as by virtue of the Listed Buildings and Conservation Areas Act 1990. Listed building consent is required for any physical alterations to the building, with planning permission being required for any material development within the curtilage of the building. It is therefore not correct to state that retrospective applications should not be permitted or that the applicant has committed an offence. The fence is not attached to the building, therefore listed building consent is not required.

The Silver End Conservation Guide was prepared in order to assist local residents in choosing the appropriate types of windows, doors, fences and hard-standings. It is adopted as Supplementary Planning Guidance, however it is acknowledged that it also requires updating, in the light of improvements to window manufacturing and greater knowledge of the ethos of Silver End and the Modern Movement, since it was originally prepared in the 1980s and last updated in 1999. It is true that the Guide states that boundary fences should be either chicken wire or three strings of wire. This suggestion was based on the fact that Silver End is a Garden Village and this method of boundary

treatment was used as hedges could be planted against them. Close boarded fences or walls would not be considered appropriate in a Garden Village setting. The ethos of the Guide therefore is not necessarily to enforce rigid uniformity, but to ensure that any alterations carried out are appropriate for the individual buildings and the Conservation Area and that is still the case. As stated above, the Historic Buildings Consultant does not object to the proposal, considering that it is sympathetic to the building. Strictly speaking it is not an example of a 1920s Modern Movement style fence, and this is not claimed by the Historic Buildings Consultant. It is however, an example of the later post-war Modern Movement and as such is considered appropriate. It is also not a solid structure and the applicant has agreed to plant a hedge alongside the fence. In the light of this consideration, it is considered that it would be extremely difficult to establish that the development has resulted in any material harm to the listed building. With regard to the Conservation Guide, it is stressed that this document is to provide guidance in the decision making process rather than to apply a rigid diktat.

CONCLUSION

It is concluded that the proposal is reasonable in all respects and corresponds with the Policies contained within the National Planning Policy Framework, the Braintree District Local Plan Review and the LDF Core Strategy, 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:-

APPROVED PLANS

Block Plan	Plan Ref: 245/06	Version: A
Location Plan	Plan Ref: 245/07	Version: A
Photograph		

- 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 A native hedge species shall be planted on the land at No. 29 Silver

Street adjacent to the metal fence, the details of which shall be 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 date of this decision unless otherwise previously agreed in writing by the local planning authority.

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

Reason

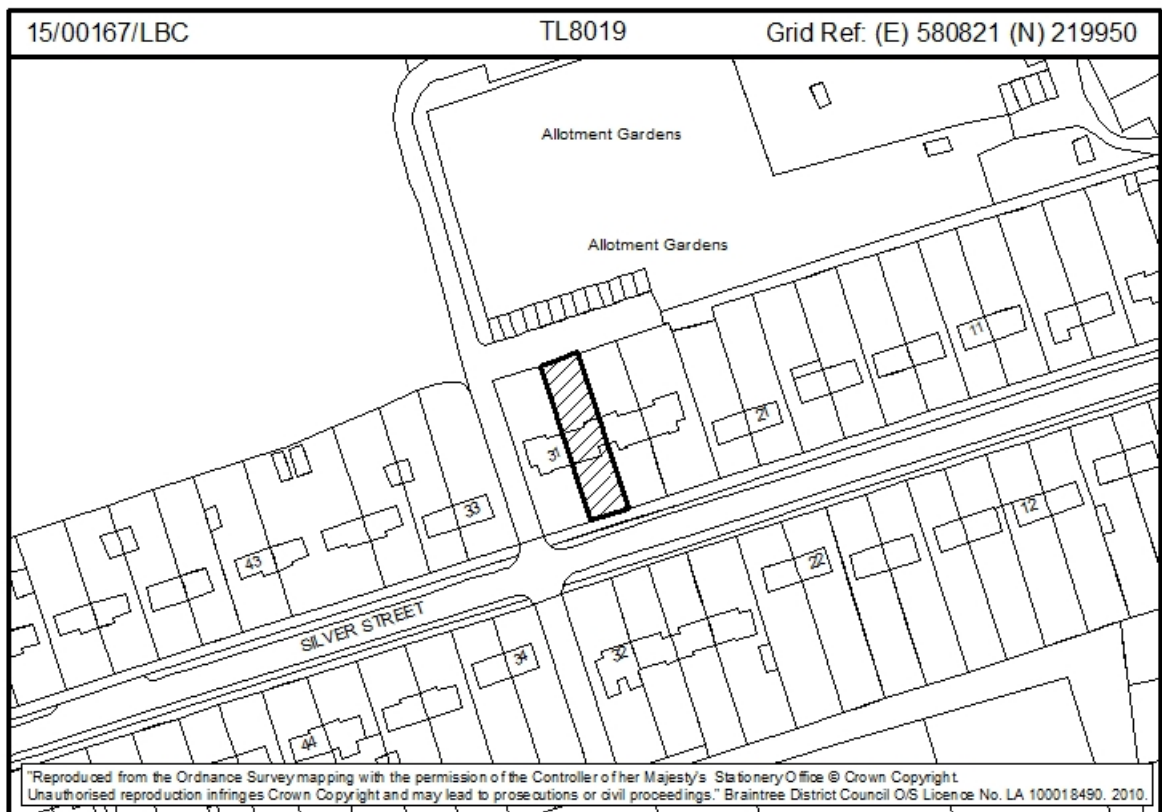
To enhance the appearance of the development and in the interests of amenity and privacy.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 15/00167/LBC DATE 11.02.15
 NO: VALID:
 APPLICANT: Mr John Vickers
 29 Silver Street, Silver End, Essex, CM8 3QQ
 DESCRIPTION: Removal of derelict fence and the construction of a partially
 recycled 1920's art deco metal fence
 LOCATION: 29 Silver Street, Silver End, Essex, CM8 3QQ

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

04/01680/FUL	Erection of single storey rear extension	Granted	05.10.04
04/01681/LBC	Erection of single storey rear extension	Granted	05.10.04
86/01101/P	Installation of ventilation units.	Granted	08.10.86
84/01342/P	Proposed modernisation.	Granted	25.02.85
97/01618/FUL	Proposed vehicular access	Granted	27.02.98
12/01644/FUL	Renewal of felt flat roof, renewal of roof joists and renewal of chimney breast - APP NOT PROCEEDED WITH, FUL NOT REQUIRED, ONLY LBC	Application Returned	
12/01649/LBC	Renewal of felt flat roof, renewal of roof joists and renewal of chimney breast	Granted	02.04.13
13/00858/FUL	Proposed dropped kerb and vehicle hard standing.	Granted	11.09.13
13/00859/LBC	Proposed dropped kerb and vehicle hard standing.	Permission not Required	11.09.13
15/00166/FUL	Removal of derelict fence and the construction of a partially recycled 1920's art deco metal fence	Pending Decision	

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to an objection received from the Parish Council and from a local resident.

SITE DESCRIPTION

29 Silver Street is a Grade II Listed Building within the Silver End Conservation Area and Village Envelope. The building is one of a pair of semi-detached dwellings finished in painted brick.

PROPOSAL

This is a listed building application for the retention of a partially recycled metal fence erected on the shared boundary to the front of the house.

CONSULTATIONS

See previous report.

REPRESENTATIONS

See previous report.

REPORT

See previous report.

CONCLUSION

The metal fence is not physically attached to the building, therefore listed building consent is not required.

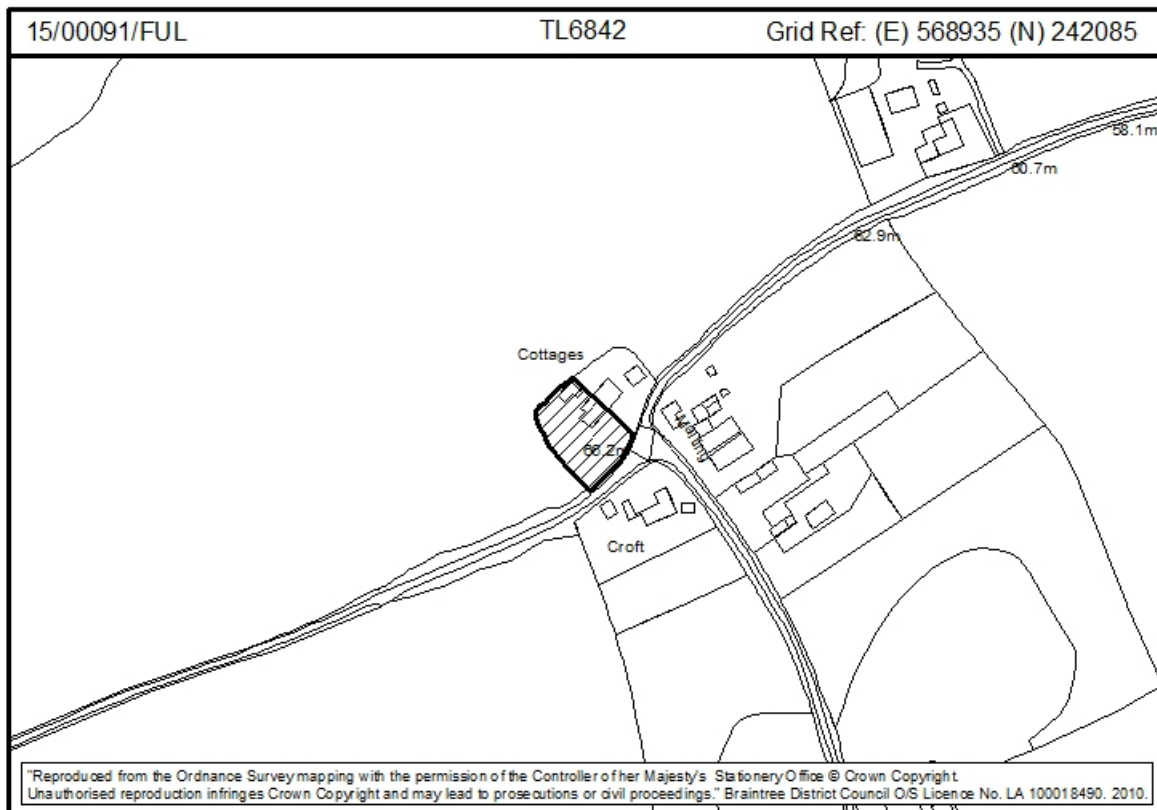
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6g

PART B

APPLICATION 15/00091/FUL DATE 29.01.15
NO: VALID:
APPLICANT: Mr & Mrs J Macro
Maltings Cottages, Sturmer Road, Steeple Bumpstead,
Essex
AGENT: Mr C Nash
35 Bower Hall Drive, Steeple Bumpstead, Haverhill, Suffolk,
CB9 7ED
DESCRIPTION: Erection of two storey side extension
LOCATION: Maltings Cottages, Sturmer Road, Steeple Bumpstead,
Essex

For more information about this Application please contact:
Tom McCarthy on:- 01376 551414 Ext.
or by e-mail to: tom.mccarthy@braintree.gov.uk



SITE HISTORY

03/01891/FUL	Erection of two storey side extension and conservatory	Granted	06.11.03
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Local Plan Review

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

Other Material Considerations

Essex Design Guide 2005

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council recommending that the application be approved and a contrary recommendation being made by the case officer.

SITE DESCRIPTION

The property is located on Sturmer Road in Steeple Bumpstead which is to the north of the district, north-west of Halstead. The property is located in eastern Steeple Bumpstead, approximately 1km as the crow flies from the centre of the village.

The property itself is a semi-detached dwelling, set back from the roadside, with heavy screening restricting street views of the property. The dwelling is principally two storeys with a single storey side and rear extension and front porch design feature.

The property is set in a spacious plot with sweeping driveway leading to a double garage at the rear of the property.

PROPOSAL

This application proposes a two storey side extension and first floor rear extension to the property.

The extension proposed would in-part replace the existing extension and conservatory constructed following the grant of planning permission in 2003 for such works (application ref: 03/01891/FUL), and extend the property further to the west. Proposed as a two storey extension, the extension would mirror the existing proportions of the main dwelling. Proposed in materials to match the existing, the extension would create a double cross gable end roof with two matching apexes to the rear.

It has been detailed within the application that the proposed extension would create 82.5m² new floorspace (30m² on the ground floor and 52.5m² on the first floor). This represents an additional 60m² over and above what has already been approved under application reference: 03/01891/FUL, although not fully implemented.

CONSULTATIONS

Environmental Health – No objection.

Steeple Bumpstead Parish Council – Recommend approval.

REPRESENTATIONS

Neighbour Representations

Two properties were directly notified on this application and a site notice was erected on site. No letters of representation have been received.

REPORT

Principle of Development

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

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

As set out above, planning permission was granted in 2003 for a part single, part two storey extension to the dwelling which has partially been implemented. The extension proposed as part of this application, if approved, would extend the width of the property at two storey level as well as extending the rear at two storey level. The ridge height of the extension is in line with the existing ridge line however, it is considered that the bulk and design of the proposal are in no way subordinate to the existing dwelling. The proposal adds significant visual mass and is not compatible with the scale and character of the existing dwelling, either as originally built or previously extended.

Design, Appearance and Layout

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

A recognised function of planning control is to restrict development in rural areas and protect the countryside. Therefore, the size of any addition, the cumulative effect of extensions and the increased impact of the dwelling overall, in such areas, can be more significant.

In this case it is considered that the size of the proposed extension creates a bulky addition to the dwelling. The width of the property would be doubled from that as originally built and its depth would greatly increase the mass of the dwelling. It is considered that the bulk, size, comparative ridge height and depth of the extension is not subordinate and as such is not in keeping with the scale and character of the existing dwelling. The proposed increase in eave height of the rear two storey element exacerbates this issue.

The size and design of the proposed windows, particularly on the front elevation, do not reflect the size of the existing windows. This results in a discordant form of design which fails to be compatible with the existing dwelling. This is echoed on the windows on the other elevations which are set at different levels and again seem to bear no relationship to each other or the existing windows.

It is considered that the proposed extension, overall, would therefore have a negative impact on the host dwelling due to its size, scale, design and appearance within this countryside setting, contrary to the Council's policies.

Impact on Neighbour Amenity

Given that the extension is proposed to the western and northern aspects of the property it is not considered that the development would likely give rise to any significant amenity impact.

Highway Issues

It is not considered that there are any highway implications associated with this application. The existing access to the property is not proposed to be amended and more than sufficient space exists on site, and in the form of the sweeping drive, to park vehicles associated with the use of the property in accordance with Essex Parking Standards.

CONCLUSION

Whilst it is considered that the development would unlikely give rise to any significant amenity issues, it is considered that the proposal would extend the property to an unacceptable level. It is not considered that the extension is subordinate and/or in keeping with the scale of the existing cottage.

RECOMMENDATIONS

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

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

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

Policy RLP90 of the Braintree District Local Plan Review 2005 requires a high standard of layout and design in all developments, large and small, and that the layout, height, mass and overall

elevational design shall be in harmony with the character and appearance of the surrounding area. It also states that designs should recognise and reflect local distinctiveness.

In this case it is considered that the size and design of the proposed extension creates a bulky addition to the side and rear of the dwelling which results in the loss of identity of the existing cottage and fails to be subordinate to the host dwelling. The size, design and bulk of the proposed extension would not be in keeping with the scale and character of the existing dwelling, contrary to aforementioned policies.

SUBMITTED PLANS

Location Plan	Plan Ref: JM/1
Existing Plans	Plan Ref: JM/10
Proposed Plans	Plan Ref: JM/11

TESSA LAMBERT
DEVELOPMENT MANAGER

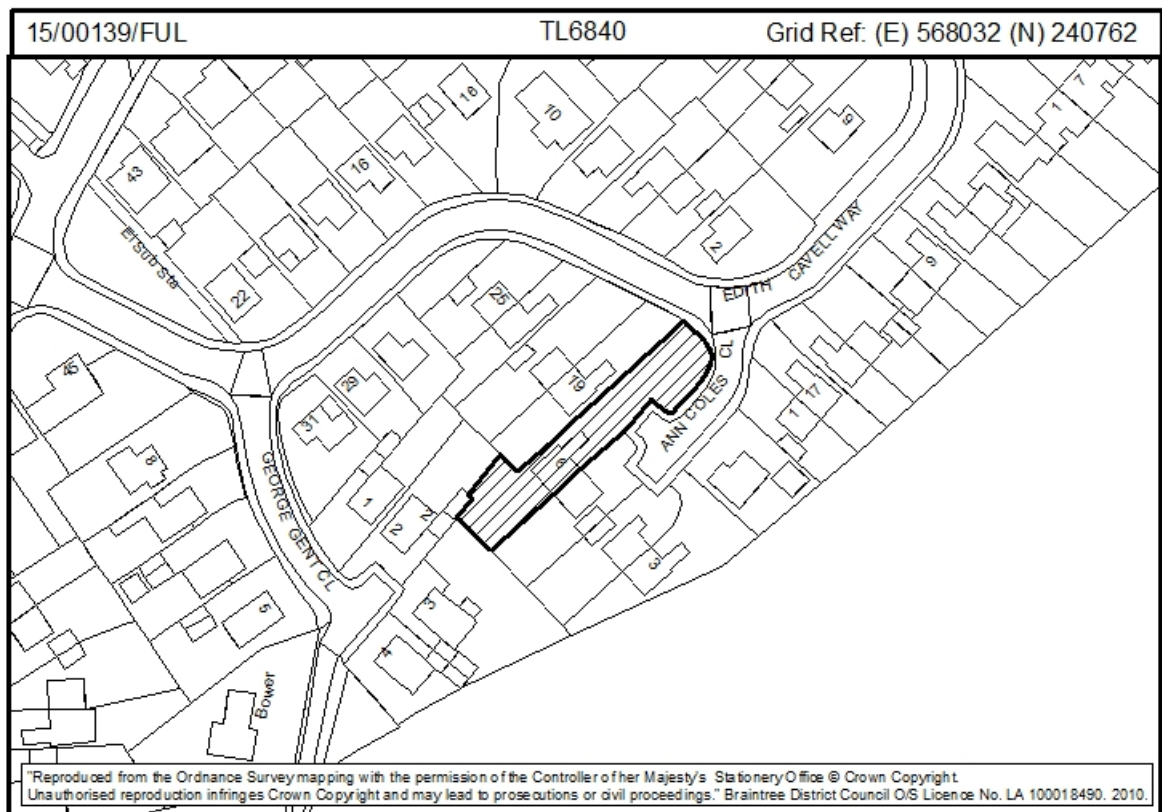
PART B

APPLICATION 15/00139/FUL DATE 06.02.15
 NO: VALID:
 APPLICANT: Mr D Steel
 6 Ann Coles Close, Steeple Bumpstead, Essex, CB9 7BU
 AGENT: Mr C Nash
 35 Bower Hall Drive, Steeple Bumpstead, Haverhill, Suffolk,
 CB9 7ED
 DESCRIPTION: Erection of part single, part two storey rear extension and
 insertion of windows into side elevation
 LOCATION: 6 Ann Coles Close, Steeple Bumpstead, Essex, CB9 7BU

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

10/00048/REF	Erection of two storey front extension	Appeal Dismissed	27.01.11
10/01061/FUL	Erection of two storey front extension	Refused then dismissed on appeal	05.10.10
11/00263/FUL	Erection of part single, part two storey rear extension and new windows to front and side	Granted	20.04.11

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

Steeple Bumpstead Parish Council have raised objection to the proposal.

SITE DESCRIPTION

The site is located towards the south-eastern edge of Steeple Bumpstead within the village envelope.

The site comprises a semi-detached dwelling, located on an established residential estate at the end of a cul-de-sac.

The site is surrounded by residential properties, although the rear boundary is obscured by landscaping. The adjoining property has the same front and rear building line as the application property, whereas the adjacent property at No.

19 Edith Cavell Way is sited substantially forward with its rear-most garden boundary being almost level with the rear building line of the application site.

PROPOSAL

Planning permission is sought for the erection of a part single, part 2 storey rear extension and insertion of windows into side elevation.

The single storey lean-to element would be sited on the left side abutting the common boundary with the adjoining neighbour and measure 2.5 metres wide and 4 metres depth with an overall height of 3.5 metres.

The two storey element would project the same depth as the single storey extension and have a gable end with a dropped ridge line to the main house, measuring 6.6 metres high and 4.1 metres wide; the combined extensions would span the entire width of the existing house.

The proposed 3 no. new windows would be sited in the existing house on the north-east elevation and would be obscure glazed and fixed shut.

Planning permission has previously been approved under 11/00263/FUL for a similar development; the new application seeks an additional 0.6 metres depth to the extensions.

CONSULTATIONS

None.

REPRESENTATIONS

Steeple Bumpstead Parish Council – recommend refusal due to over development

Neighbour at 19 Edith Cavell Way – objection raised. Main issues summarised as follows:-

- Increased extension is overbearing and dominant
- Over-development of plot
- Overshadowing and unacceptable loss of light, harmful to amenity of rear of own property and surrounding neighbours
- Sunlight loss substantial for large part of day

REPORT

Principle of Development

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

RLP 17 allows for the extension of an existing dwelling provided that there is no over-development of the plot, taking into account the footprint of the

existing dwelling and the relationship to plot boundaries; the siting, bulk, form and materials of the extension are compatible with the original dwelling, there should be no unacceptable adverse impact on the amenities of adjoining residential properties and there should be no material impact on the identity of the street scene, scale and character of the area.

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

The principle of development is acceptable and has partially been established through the granting of a similar form of development under 11/00263/FUL.

It is not considered that the proposal amounts to an over-development of the plot; the property enjoys a relatively good size garden and in terms of plot boundaries, the extensions follow the same line as the existing flank walls.

Design and Appearance

The proposed extensions are considered to be acceptable. The ridgeline of the two storey element is substantially reduced from the main dwelling, giving it a subordinate feel and the overall bulk is reduced, due to the change in level to a single storey extension close to the boundary with the adjoining neighbour. This is a fairly standard addition to the rear of the dwelling; it will not be visible from the street scene, and materials are proposed to match. The increase in depth of 600 mm from the previous approval is not considered to be so great that it would affect the character of the house and this increase will have little visible impact.

Impact on Neighbouring Residential Amenity

Again to a large extent, this proposal has been accepted under the previous approval. It is accepted that the increase in 600mm will have some impact on the adjoining property, however the proposal is single storey closest to the boundary with the two storey element being set in 2.5 metres. It is not considered that the increased depth will have such an impact on the adjoining property as to warrant refusal of the application and when applying the 45 degree angle assessment of the two storey element and the neighbouring window, it falls outside the angle. It is therefore considered acceptable.

The objection received from the neighbour at No. 19 Edith Cavell Way is noted. However, given the positioning of the two properties, with the rear most boundary almost in line with the rear of the application property as existing, it is difficult to see how any detrimental impact can occur in terms of overbearing or overshadowing that would justify a reason for refusal. The rear of the application property as existing could only be seen from very end of the neighbour's garden.

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

Floor Plan	Plan Ref: DS/20
Elevations	Plan Ref: DS/21
Location Plan	Plan Ref: DS/22

- 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.

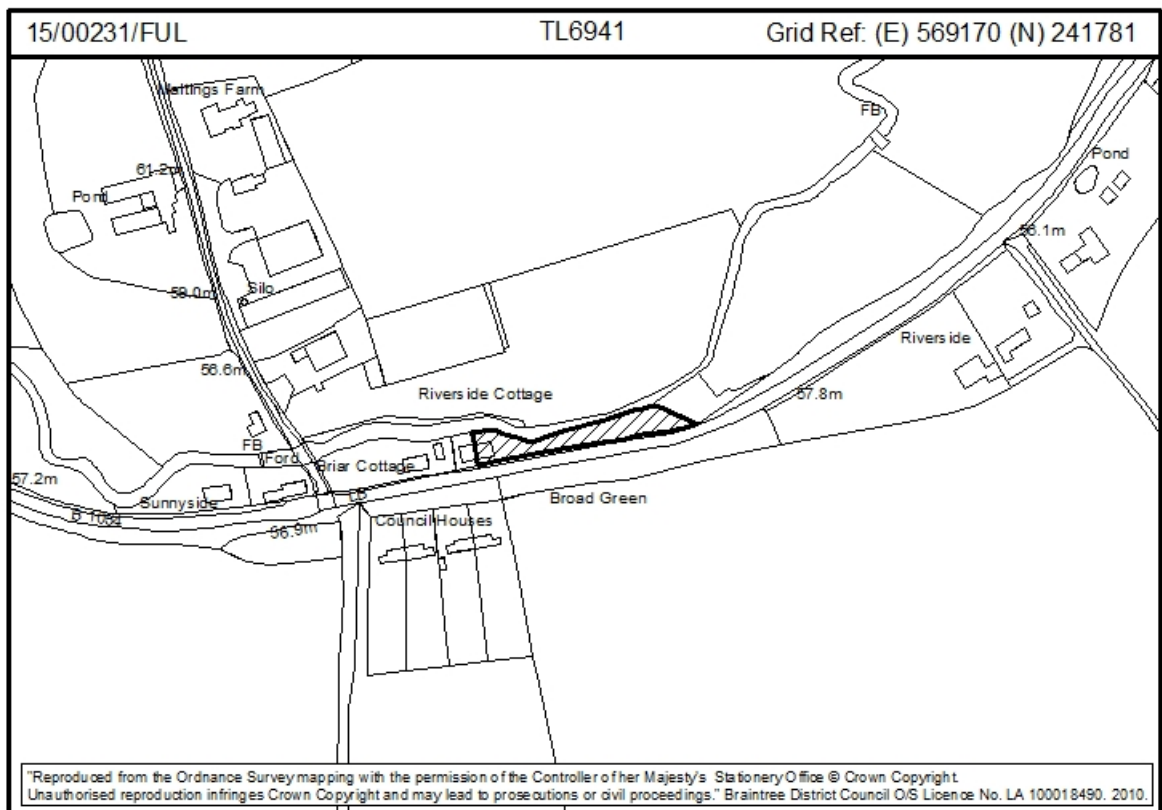
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6i

PART B

APPLICATION 15/00231/FUL DATE 24.02.15
 NO: VALID:
 APPLICANT: Mr James Chamberlain
 Hazel Cottage, Broad Green, Steeple Bumpstead, Essex,
 CB9 7BW
 AGENT: Mr Robert Boulton
 Power Construction (Herts) Ltd, Breach House, Mill End, Lt
 Easton, Essex, CM6 2JB
 DESCRIPTION: Demolition of existing conservatory and erection of two
 storey side extension
 LOCATION: Hazel Cottage, Broad Green, Steeple Bumpstead, Essex,
 CB9 7BW

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

14/01534/FUL	Erection of two storey side extension	Refused	11.02.15
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS9	Built and Historic Environment

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

Other Material Considerations

Essex Design Guide 2005

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

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

PROPOSAL

The proposal is a resubmission of previously refused application
14/01534/FUL

This application is for the erection of a two storey side and rear extension. The extension measures 5.3 metres in width by 7.7 metres in depth with an overall height 100mm lower than the host dwelling. The extension would be finished in rendered timber frame with a slate roof.

CONSULTATIONS

Environment Agency –

Raised no objections to the previous application but advised that property would benefit from a flood bund wall set 56.9 metres AODN (Above Ordnance Datum Newlyn). This has been built and the Agency has not objected to the current application.

REPRESENTATIONS

Steeple Bumpstead Parish Council – Recommend Approval

REPORT

Principle of Development – previous reasons for refusal

Hazel Cottage is located in a rural part of the district, outside any of the town or village development envelopes designated in the Braintree District Local Plan Review. Policy RLP 2 of the Local Plan Review states that outside these development boundaries countryside planning policies will apply. Policy RLP 18 does allow for the principle of extending existing residential properties subject to the siting, design, and materials of the extension being in harmony with the countryside setting and the extension being compatible with the scale and character of the existing dwelling and the plot upon which it stands. The policy also requires that extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

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

The application is a resubmission of 14/01534/FUL which was an application for a side extension which was refused at Committee for the following reason:

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

Whilst policy RLP18 of the Braintree District Local Plan Review 2005 allows for the extension of dwellings in the countryside, this is subject to the siting, design, and materials of the extension being in harmony with

the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Policy RLP18 states that extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

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

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

To address the previous refusal the applicant has removed a single storey porch from the east end of the extension, reducing the floor space of the extension by 3.4m. The applicant has also reduced the width of the main body of the extension by 700mm from the previous submission. The reduction in size from the previously refused application is approximately 8sqm.

The proposed extension creates approximately 72sqm of floor space whilst the original dwelling including the conservatory (which is replaced by the extension) is approximately 83sqm. As such the addition is not considered subordinate in accordance with the RLP18 with regard to its bulk.

When considered against other elements of RLP 18 the proposal adds significantly to the visual mass and is insignificantly lower in height at only 100mm below the ridge of the existing property. Fundamentally, the character of the extension has not been altered from the previously refused design and continues to lack sympathy to the host dwelling. This lack of appropriate character is also considered to not accord with RLP90.

It is not considered that the proposal has overcome the reasons for refusal of the previous application.

Design, Appearance and Layout

Policy RLP18 requires that the extension of a habitable, permanent dwelling in the countryside is acceptable, subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible

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

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

In this case it is considered that the size and design of the proposed extension creates a bulky addition to Hazel Cottage. The width of the overall property would be increased greatly and whilst a side extension could be considered acceptable, the bulk of the proposed extension owing to its size, comparative ridge height and depth fails to be subordinate and results overdevelopment of the existing dwelling contrary to the Council's policies.

In terms of design, the proposed side extension fails to be compatible with the existing cottage. It is acknowledged that some effort has been made to match the neighbouring property, however the width of the proposed extension and its overly wide gable roof fail to match. In addition to this the duality created by the window arrangement at the front adds to untraditional appearance of the design and lack of sympathy to the host dwelling. From the East the extension gives the appearance of a separate dwelling, being too deep and having little regard to the features of the original dwelling. As such the proposals fail to be harmonious with the rural character of the area.

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

Impact on Neighbour Amenity

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

Highway Issues

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

Flood Risk

The Environment Agency has not commented on the application. A flood protection wall has been constructed at the back of the property, close to the proposed extension. This would appear to mitigate the flood risk although it is

worth noting that the Environment Agency did not object to the previous application on the grounds of flood risk.

CONCLUSION

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

RECOMMENDATIONS

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

- 1 The application site lies in an area of countryside beyond any designated Village Envelope or Town Development Boundary wherein policy RLP2 of the Braintree District Local Plan Review 2005 states that countryside planning policies apply. Policy CS5 of the Braintree District Core Strategy 2011 states that development will be strictly controlled to uses appropriate to the countryside in order to protect and enhance the landscape character and amenity of the countryside. Whilst policy RLP18 of the Braintree District Local Plan Review 2005 allows for the extension of dwellings in the countryside, this is subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Policy RLP18 states that extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

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

It also states that designs should recognise and reflect local distinctiveness.

In this case it is considered that the size and design of the proposed extension creates a bulky addition to the dwelling representing an increase in the size of the original dwelling by nearly 70%. Whilst a side extension on its own could be considered acceptable, the width of the overall property would be increased greatly and coupled with the bulk of the rear projection the proposal would result in a loss of identity of the existing cottage and fails to be subordinate to the host dwelling. The size, design and bulk of the proposed extension would not be in keeping with the scale and

character of the existing dwelling, contrary to the above-mentioned policies.

SUBMITTED PLANS

Existing Plans	Plan Ref: PC443-1A
Proposed Plans	Plan Ref: PC443-2A3
Street elevation	Plan Ref: PC443-3

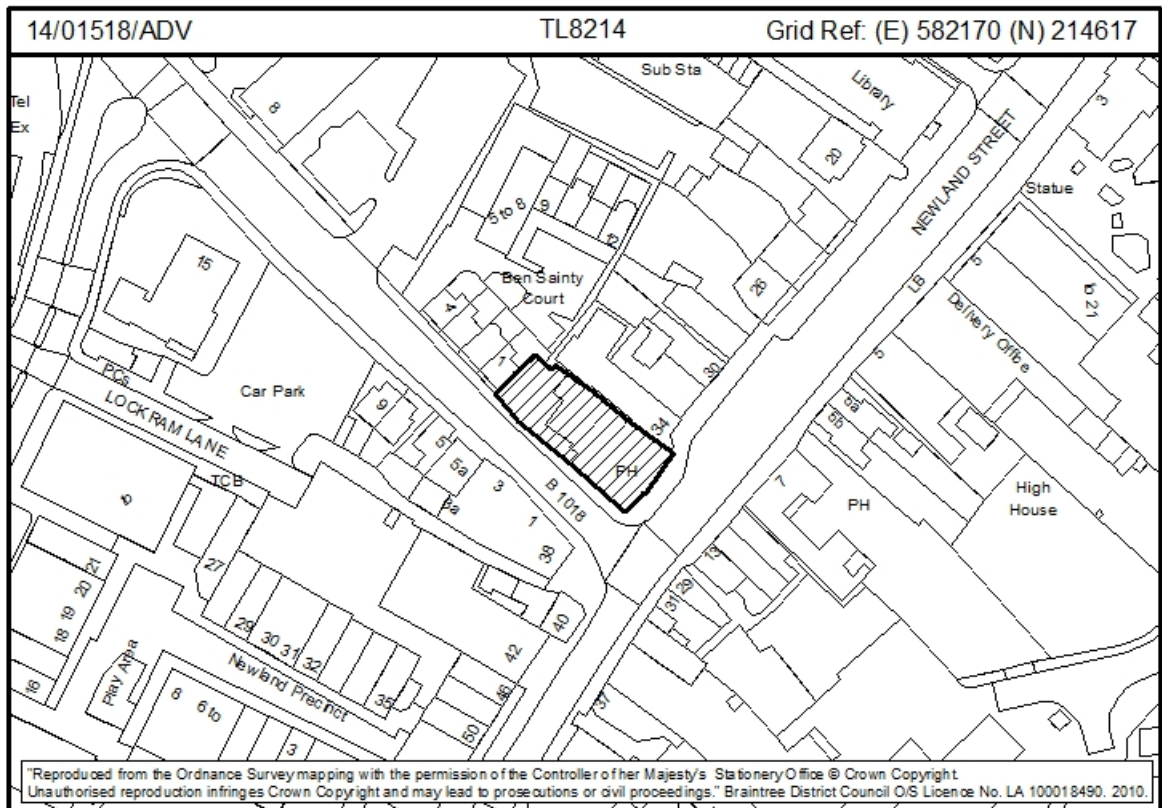
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6j

PART B

APPLICATION NO: 14/01518/ADV DATE: 24.11.14
 VALID:
 APPLICANT: Hawthorn Leisure
 47 Park Lane, London, W1K 1PR
 AGENT: Insignia Signs And Services
 7 Albion Park, Albion Way, Leeds, LS12 2EJ
 DESCRIPTION: Two fascia signs, one gable sign, one hanging sign,
 amenity boards and lighting
 LOCATION: The George, 36 Newland Street, Witham, Essex, CM8 2AQ

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



SITE HISTORY

77/00071/A	Erection and display of two directional signs.	Granted	05.12.77
11/01588/ADV	Application for internal and external illuminated signage and repaint building	Granted	17.02.12
11/01589/LBC	Application for internal and external illuminated signage and repaint building	Granted	17.02.12
12/00048/DAC	Application to discharge condition nos. 2 and 3 of approved application 11/01588/ADV - Application for internal and external illuminated signage and repaint building	Granted	26.03.12
14/01519/LBC	Two fascia signs, one gable sign, one hanging sign, amenity boards and lighting	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP107 Outdoor Advertisements
RLP108 Fascias and Signs in Conservation Areas

National Planning Guidance

National Planning Policy Framework
Planning Practice Guidance

REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to an objection raised by Witham Town Council.

SITE DESCRIPTION

The George Public House is a Grade II Listed Building sited at the prominent junction of Collingwood Road with Newland Street. It is within the Newland Street Conservation Area and in the Town Centre of Witham, on land defined in the Local Plan Review Proposals map as a Primary Shopping Area and within an area identified for Environmental Improvements.

PROPOSAL

Advertisement Consent is sought for two fascia signs, one gable sign, one hanging sign, amenity boards and lighting. The design of the lighting has been amended following the comments of the original Historic Environment Consultant: the lanterns originally proposed to be located by both main entrance doors have been omitted with 2no additional LED floodlights now proposed in these locations.

The proposal accompanies the application for Listed Building Consent reference 14/01519/LBC.

CONSULTATIONS

Witham Town Council – object to the proposal on the basis of non-traditional materials being used, being inappropriate to the building and its setting in the conservation area.

Historic Environment Consultant – raise no objection to the use of aluminium signs with applied foamex lettering, overall the proposal has the potential to improve the appearance of the listed building.

Following the amendments to the proposed lighting, the Historic Buildings Consultant states that the proposals successfully address the concerns raised by the previous Historic Environment Consultant and so the scheme is now acceptable.

REPRESENTATIONS

None received.

REPORT

The Planning Practice Guidance states that applications for advertisement consent shall be considered in relation to their impact on visual amenity and public safety only. Factors relevant to visual amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and the harmony of the proposal with that context.

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built

and natural environment'. It goes on to state that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts (Paragraph 67).

In this regard policy RLP107 of the Local Plan outlines that the Council shall take all matters relating to visual amenity into account in the determination of applications for advertising consent.

Furthermore, Policy CS9 and Saved Policy RLP100 state that any external alterations or works to a listed building will only be permitted if the proposed works do not harm the setting, character, structural stability and fabric of the building; and the use of appropriate materials and finishes is proposed.

It is considered that the proposed advertisements meet the relevant criteria under the Regulations – they are relevant to the building on which they are applied and form part of the established street scene.

In terms of public safety, this is a central location, close to a busy junction where drivers are generally driving slowly. Given the established presence of the building and expected signage, the adverts are not considered to cause issues in terms of distraction or obstruction.

Therefore, notwithstanding the concerns of the Town Council, in the light of the comments raised by the Historic Buildings Consultant, it is considered that the revised design of the proposal in terms of the materials, size, scale and positioning of the signage and lighting, will be appropriate to the Conservation Area.

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

Lighting Plan
Photograph
Elevations
Location Plan
Section

Plan Ref: TROUGH LIGHTING

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:
 - (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (ii) No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

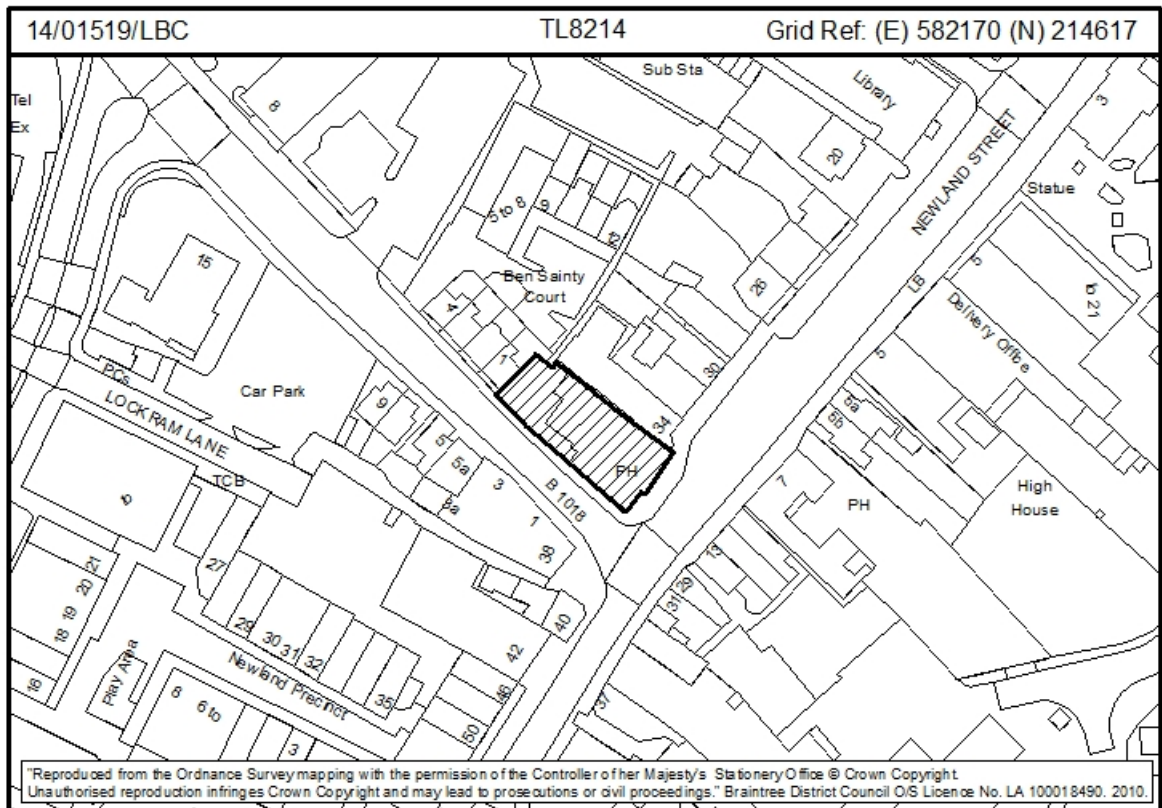
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6k

PART B

APPLICATION 14/01519/LBC DATE 24.11.14
 NO: VALID:
 APPLICANT: Hawthorn Leisure
 47 Park Lane, London, W1K 1PR
 AGENT: Insignia Signs And Services
 7 Albion Park, Albion Way, Leeds, LS12 2EJ
 DESCRIPTION: Two fascia signs, one gable sign, one hanging sign,
 amenity boards and lighting
 LOCATION: The George, 36 Newland Street, Witham, Essex, CM8 2AQ

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



SITE HISTORY

77/00071/A	Erection and display of two directional signs.	Granted	05.12.77
11/01588/ADV	Application for internal and external illuminated signage and repaint building	Granted	17.02.12
11/01589/LBC	Application for internal and external illuminated signage and repaint building	Granted	17.02.12
12/00048/DAC	Application to discharge condition nos. 2 and 3 of approved application 11/01588/ADV - Application for internal and external illuminated signage and repaint building	Granted	26.03.12
14/01518/ADV	Two fascia signs, one gable sign, one hanging sign, amenity boards and lighting	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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

National Planning Guidance

National Planning Policy Framework
Planning Practice Guidance

REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to an objection raised by Witham Town Council.

SITE DESCRIPTION

The George Public House is a Grade II Listed Building sited at the prominent junction of Collingwood Road with Newland Street. It is within the Newland Street Conservation Area and in the Town Centre of Witham, on land defined in the Local Plan Review Proposals map as a Primary Shopping Area and within an area identified for Environmental Improvements.

PROPOSAL

Listed Building Consent is sought for two fascia signs, one gable sign, one hanging sign, amenity boards and lighting. The design of the lighting has been amended following the comments of the original Historic Environment Consultant: the lanterns originally proposed to be located by both main entrance doors have been omitted with 2no additional LED floodlights now proposed in these locations.

The proposal accompanies the application for Advertisement Consent reference 14/01518/ADV.

CONSULTATIONS

Witham Town Council – object to the proposal on the basis of non-traditional materials being used, being inappropriate to the building and its setting in the conservation area.

Historic Environment Consultant – raise no objection to the use of aluminium signs with applied foamex lettering, overall the proposal has the potential to improve the appearance of the listed building.

Following the amendments to the proposed lighting, the Historic Buildings Consultant states that the proposals successfully address the concerns raised by the previous Historic Environment Consultant and so the scheme is now acceptable.

REPRESENTATIONS

None received.

REPORT

Policy CS9 and Saved Policy state that any external alterations or works to a listed building will only be permitted if the proposed works do not harm the setting, character, structural stability and fabric of the building; and the use of appropriate materials and finishes is proposed.

It is considered that notwithstanding the concerns of the Town Council, in the light of the comments raised by the Historic Buildings Consultant, that the revised design of the proposal in terms of the materials, size, scale and

positioning of the signage and lighting, will not over-dominate the special character of the building or its context within the Conservation Area.

Therefore the works will not result in harm to the listed building and would preserve the character and appearance of the Conservation Area.

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

Lighting Plan	Plan Ref: TROUGH LIGHTING
Photograph	
Elevations	
Location Plan	
Section	

- 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

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

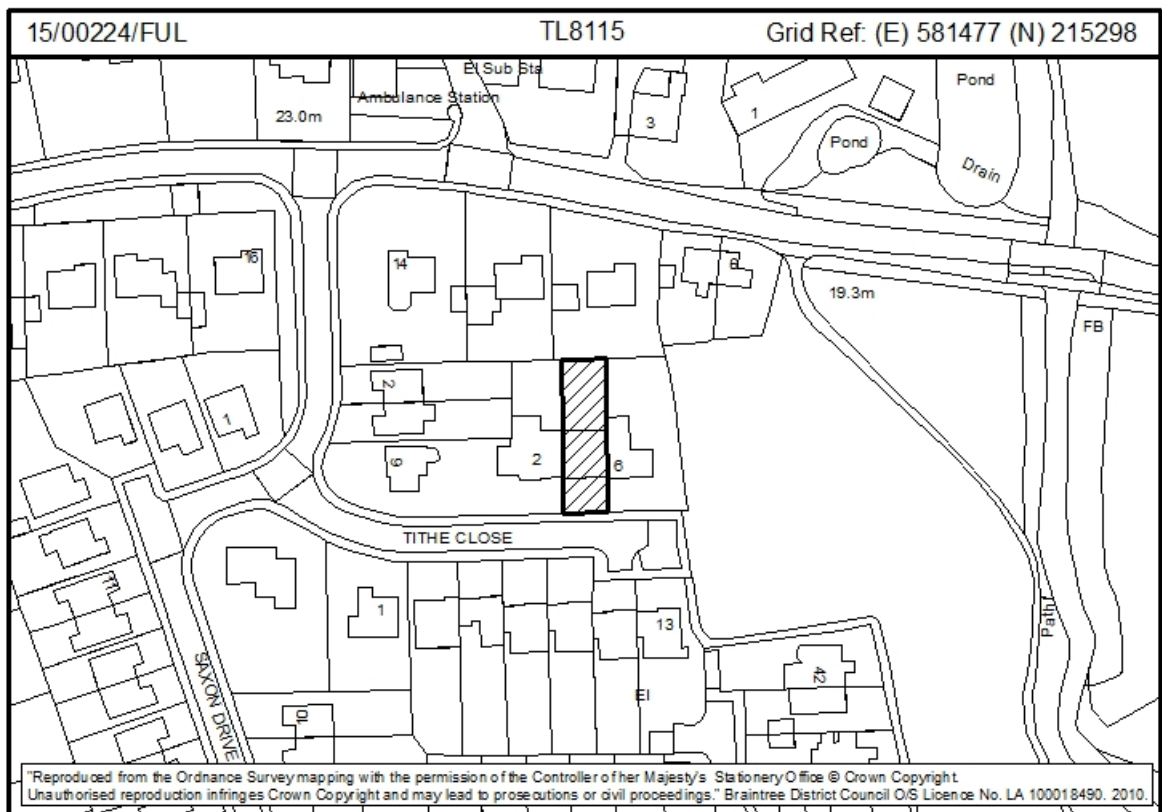
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6I

PART B

APPLICATION 15/00224/FUL DATE 23.02.15
NO: VALID:
APPLICANT: Mrs Victoria Thompson
4 Tithe Close, Witham, Essex, CM8 2HN
DESCRIPTION: Erection of two storey side and rear extension and roof top
terrace over existing garage
LOCATION: 4 Tithe Close, Witham, Essex, CM8 2HN

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



SITE HISTORY

05/01714/FUL	Erection of first floor side extension	Granted	30.09.05
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

INTRODUCTION

This application is reported to the Committee because the Town Council has expressed a view which is contrary to the recommendation of Officers.

SITE DESCRIPTION

The application site comprises a link-detached two storey dwelling situated within a residential estate of properties of a similar age and design. It is set quite well back from the road, with the main range comprising gabled features which are aligned from front to back. An attached single storey flat roof garage is built off of its eastern flank, which is attached to 6 Tithe Close, a dwelling that has already been extended over both floors.

PROPOSAL

Planning permission is sought for the erection of a two storey side and rear extension, as well as a roof-top terrace over the existing garage.

The side element of the extension would be set back from the original front gable elevation by approximately 4.7m, and would be approximately 8.6m deep, extending from the original rear gable by 3.35m. This element would be of the same height as the main roof (6.3m), albeit with the ridge running at right angles to it. The extension would be finished in facing brick work to its flank elevation to match the existing, with a render finish to the other elevations.

The proposal also seeks permission to create a roof-top terrace over the existing garage, which would be enclosed by a glass balustrade to the front of the property. This would be accessed by a pair of French doors from one of the bedrooms, which would be installed in lieu of an existing window.

CONSULTATIONS

Witham Town Council – Object to the proposal on the grounds of loss of neighbouring amenity and detrimental impact on the street scene.

REPRESENTATIONS

Three letters of objection have received, raising the following issues:

- Loss of privacy
- Noise
- Precedent
- Visual impact
- Property values

REPORT

Principle

One of the core principles of the National Planning Policy Framework (NPPF) is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy Policy CS9 seeks to promote the highest possible standards of design and layout in all new development, in order to, amongst other things, respect and respond to the local context and create good quality environments.

Local Plan Policy RLP 3 allows for residential development within town development boundaries only 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. Proposals for development should, inter alia, seek to protect the character of the existing street scene.

Local Plan Policy RLP 17 allows for the extension of an existing dwelling, provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, there should be no unacceptable adverse impact on the amenities of adjoining residential properties and there should be no material impact on the identity of the street scene, scale and character of the area. This is reflected within Policy RLP90 which seeks a high standard of layout in all developments, large and small.

Therefore there is no objection in principle to residential extensions, subject to an assessment of all material considerations.

Design and Appearance

By virtue of the scale, design, layout and facing materials of the proposed two storey extensions, they are considered to be subordinate in appearance t, and in keeping with the host property.

The key concerns from the third parties stem from the proposed first floor terrace to the front of the dwelling. Whilst a slightly unusual feature in the locality, the host property and its immediate neighbours were designed in a manner which were contemporary of their time. The use of a glass balustrade, along with the other alterations to the property, would be befitting of the site's context and would not jar with its architectural detailing, particularly when read against the backdrop of the proposed extension, within an existing recess.

From this basis it is considered that the proposals would be of an acceptable design and appearance that would protect the character and appearance of the area.

Impact on Neighbouring Residential Amenity

The balustrade of the proposed terrace would be set about 0.5m back from the main front elevation of the main dwelling, thereby leaving a minimum gap to the houses opposite (nos 9 & 11) of at least 35m. This degree of separation is such that it exceeds advisory standards set within the Essex Design Guide for Residential Mixed Use and Mixed Use. Whilst it is acknowledged that the terrace could be more intensively used than a typical first floor bedroom, being on the front of the property and within a public area would not give rise to a material loss of amenity through overlooking.

Further, with respect to matters of noise, the use of the terrace would not be significantly different in nature to that of a private rear patio or balcony for that matter. It is noted that the balustrade would be set away from the western flank wall of no 6, which would ensure that any activity would be kept away from the wall and the living room of that neighbouring property below. It is also likely that the existing roof would need to be strengthened/ decked to comply with Building Regulations, and therefore any noise impacts from user's movements would be minimised. Concerns with regard to precedent are noted, but each planning application must be assessed on its own merits, in addition the effect of proposals upon property values are not a determining factor.

With respect to the two storey extension, the proposal to extend the dwelling would enable an adequate gap between it and the neighbouring property to be maintained. Further, no material overshadowing, overlooking or overbearing effect would be caused.

Consequently the impact of the proposal upon the living conditions of occupants of neighbouring residential properties would be acceptable.

Highway Considerations

The property would provide adequate space for the off-street parking of vehicles, in accordance with the adopted standards.

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
Elevations
Elevations
Elevations
Floor Plan
Floor Plan
Materials Details

- 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