

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 21 July 2015

Time: 19:15

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

Membership:

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

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

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

Page

PUBLIC SESSION

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 23rd June 2015 (copy previously circulated).

4 Public Question Time

(See paragraph below)

5 Deferred Item - Application No. 15 00068 FUL - Land Adjacent to 72 Mill Lane, CRESSING 5 - 17

6 Planning Applications

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

PART A

Planning Applications:-

- | | | |
|-----------|---|----------------|
| 6a | Application No. 15 00337 FUL - Workshop at The Bungalow, BULMER TYE | 18 - 23 |
| 6b | Application No. 15 00225 FUL - Land Adjacent to 24 The Westerings, CRESSING | 24 - 30 |
| 6c | Application No. 15 00323 FUL - Bardfield Centre, Braintree Road, GREAT BARDFIELD | 31 - 42 |
| 6d | Application No. 15 00462 FUL - Land Adjacent to 63 Kings Road, HALSTEAD | 43 - 53 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|--|----------------|
| 6e | Application No. 15 00088 FUL - 36 Challis Lane, BRAINTREE | 54 - 60 |
| 6f | Application No. 15 00543 FUL - 148 Mill Park Drive, BRAINTREE | 61 - 63 |
| 6g | Application No. 15 00746 FUL - 21-29 Upper Holt Street, EARLS COLNE | 64 - 71 |
| 6h | Application No. 15 00421 FUL - The Co-Op, The Street, HATFIELD PEVEREL | 72 - 76 |
| 6i | Application No. 15 00519 ADV - Plot 15, (Aldi Store), Land South of Maltings Lane, WITHAM | 77 - 83 |
| 7 | Planning and Enforcement Appeal Decisions - June 2015 | 84 - 91 |

8 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.

9 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

10 Urgent Business - Private Session

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

E WISBEY
Governance and Member Manager

Contact Details

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

Question Time

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

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

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

Health and Safety

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

Mobile Phones

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

Comments

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

Please let us have your comments setting out the following information

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

Comment

.....
.....
.....
.....
.....
.....
.....
.....
.....

Contact Details:

AGENDA ITEM NUMBER 5

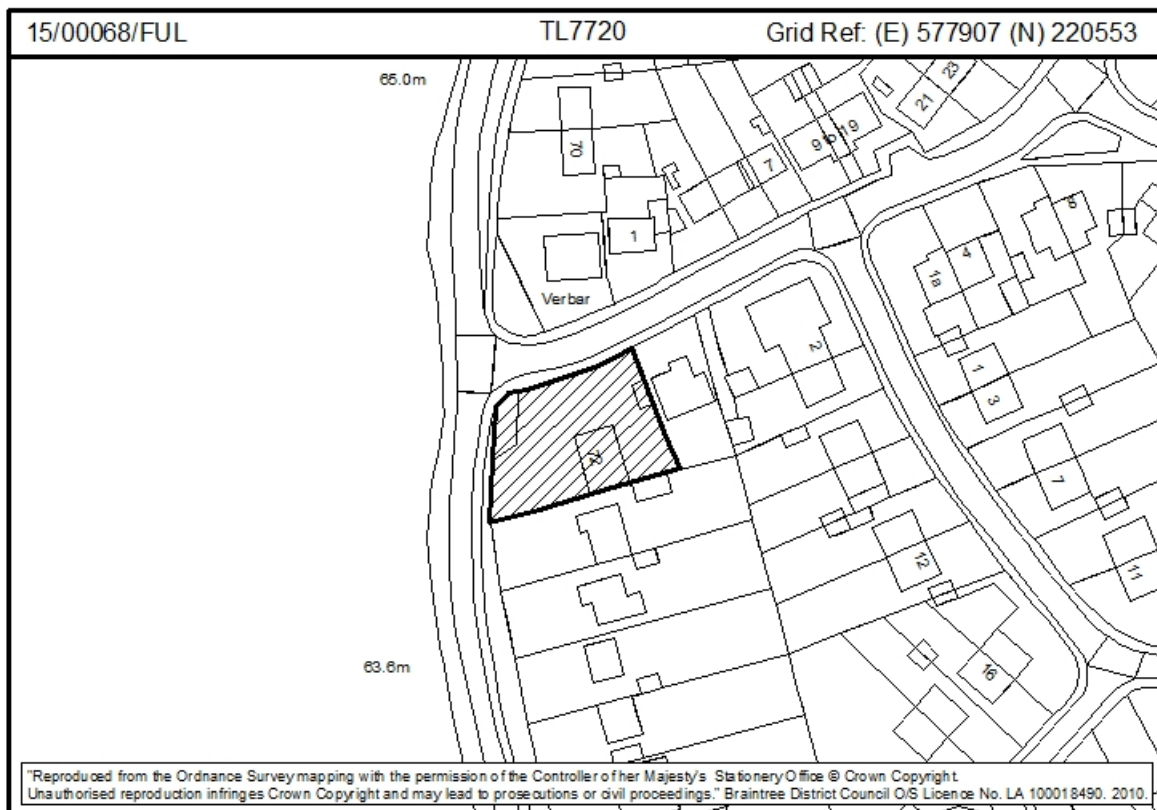
DEFERRED ITEM

APPLICATION NO: 15/00068/FUL DATE: 27.01.15
VALID:
APPLICANT: Mr D Savio
10B Horn Lane, Woodfrond Green, Essex
AGENT: Mr R Caryl
R D Caryl Consultants Ltd, 19 Appletree Walk, Braintree,
Essex, CM7 1EE
DESCRIPTION: Erection of 1 no. four bedroom dwelling
LOCATION: Land Adjacent, 72 Mill Lane, 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

None.

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Supplementary Planning Guidance

The Essex Design Guide 2005 and Urban Places Supplement
ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This planning application was originally presented to Planning Committee on Tuesday 28th April 2015 where Members agreed to defer the application pending consultations with ECC Highways regarding the creation of a new access. (The original committee report is appended at Appendix A).

CONSIDERATION

Set out below is ECC Highways response to the application.

1. The proposal encroaches and encloses highway land which forms the visibility splay at the junction of Mill Lane with Jeffrey's Road causing an obstruction to the detriment of all users of the highway and excludes the public from being able to pass and re-pass over it. This proposal would therefore be contrary to policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Note – Were amended plans to be submitted showing all development clear of the highway land, the Highway Authority would reconsider the application. This includes the boundary wall, vehicular parking and private garden being clear of highway land.

Since receiving that above response, the applicant has submitted revised plans omitting the new access that had previously been proposed on Mill Lane and retaining the existing hedge. There is an existing vehicular access and garage at the end of the garden of the proposed dwelling which will be retained in this revised proposal. A pedestrian gate to the new dwelling (to be created within the existing front hedgerow) is shown on the revised plans. The existing bungalow will retain sufficient space to park at least two vehicles.

ECC Highways has stated that they have no objection to the proposal subject to all works being clear of highway land and that gates which are shown to open over the footway are removed. The applicant is agreeable to this point which will be secured by a suitable condition.

CONCLUSION

The proposal complies with the aims of the National Planning Policy Framework and the Council's adopted policies. The design of the scheme has been revised to ensure that it can take place without detriment to existing neighbouring amenity or the character of the street scene, therefore approval is recommended subject to the conditions set out below.

RECOMMENDATION

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

APPROVED PLANS

Location Plan		
Block Plan	Plan Ref: 14-216-100	Version: B
Proposed Floor Plan	Plan Ref: 14-216-101	Version: C
Elevations	Plan Ref: 14-216-102	Version: C
Street elevation	Plan Ref: 14-216-201	

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

Reason

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

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

Reason

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

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

Reason

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

- 4 Construction of the dwelling shall not be commenced until a schedule of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.

Reason

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

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

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

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

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

Reason

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

- 6 The works as approved shall be carried out clear of highway land and the gates which are shown to open over the footway shall be removed.

Reason

In the interests of highway safety.

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

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

INFORMATION TO APPLICANT

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

details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

- 3 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

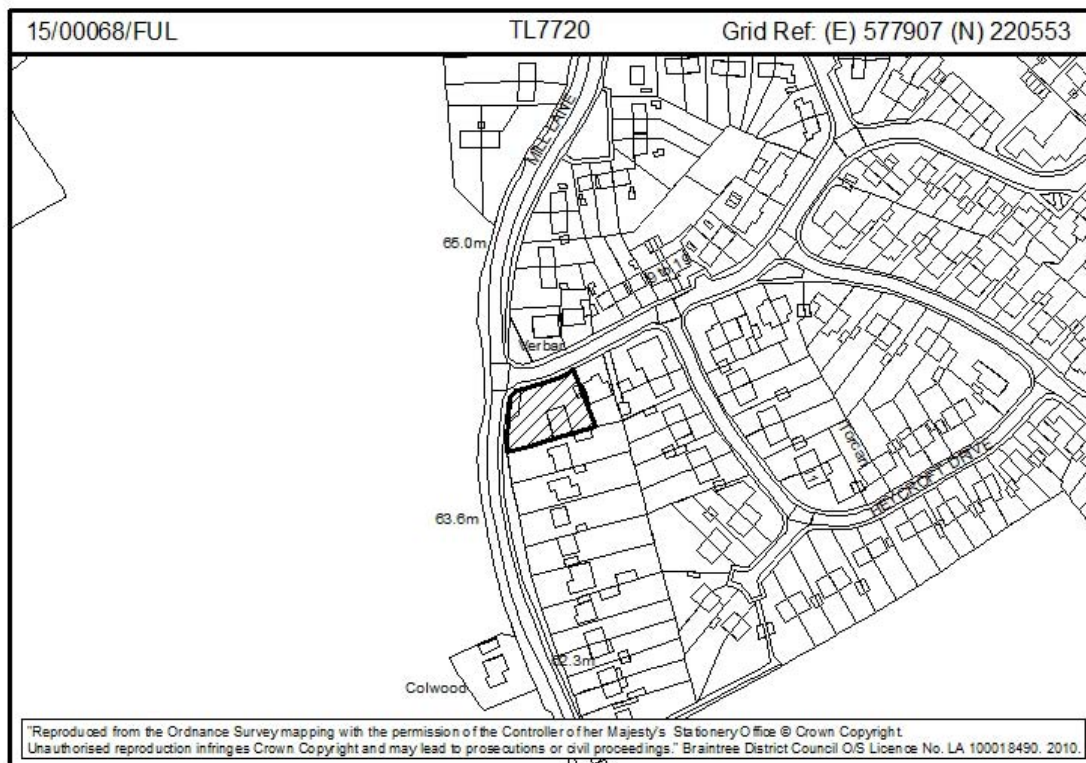
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 15/00068/FUL DATE: 27.01.15
 VALID:
 APPLICANT: Mr D Savio
 10B Horn Lane, Woodfrord Green, Essex
 AGENT: Mr R Caryl
 R D Caryl Consultants Ltd, 19 Appletree Walk, Braintree,
 Essex, CM7 1EE
 DESCRIPTION: Erection of 1 no. four bedroom dwelling
 LOCATION: Land Adjacent, 72 Mill Lane, 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

None

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Supplementary Planning Guidance

The Essex Design Guide 2005 and Urban Places Supplement
ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to objections received from neighbouring residents, which is contrary to the officer recommendation.

SITE DESCRIPTION

No. 72 Mill Lane, Cressing is a detached bungalow, set in a large corner plot, measuring approximately 875sqm in area. There is a garage building in the south-east corner of the plot which will be retained. It is set at the end of a row of similar properties, constructed around the 1960s. The building line is staggered following the natural curve of the road. There are residential dwellings to the rear and to the north, on the opposite corner in Jeffreys Road, and to the south. There is a laurel hedge at the front boundary and wooden fence to the rear. The dwelling does not appear to have been altered or extended since its construction, however, the bungalows to the south have been altered in various ways, including front gable projections and roof extensions. There also appears to have been some sub-division of plots within the locality including adjacent to the east of the site and on the opposite

corner of Jeffreys Road. It is set within the Village Envelope looking towards open countryside.

PROPOSAL

This proposal is for the erection of a detached four bedroom chalet bungalow, which will be set slightly forward of the existing dwelling, within a plot of approximately 400sqm. Revised plans have been submitted at the request of officers following concerns regarding impact on the street scene and potential over-development. It will measure approximately 6.1m in height to the ridge. It is designed in a simple rectangular form with a projecting gable front and rear. It features one small gable dormer in the north elevation facing towards Jeffreys Road, and a similar dormer in the front. The accommodation is set out over two floors. One parking space is shown at the front of the dwelling, with a second space to the rear, off Jeffreys Road. Amenity space of 100sqm is also proposed. Parking spaces for at least two vehicles will be retained for the existing house and rear amenity space in the region of 100sqm. The materials proposed are similar colour bricks to No. 72, with concrete interlocking tiles, aluminium windows and timber doors. The boundary treatment proposed will involve the removal and replanting of the front hedge, a 2m brick wall between the new and proposed dwelling and a timber fence to the road side and rear.

CONSULTATIONS

BDC Engineers comment that they are unaware of any surface water issues affecting the area.

REPRESENTATIONS

Three representations have been received, which object to the proposal, summarised as follows:

- Over-development;
- Over-shadowing;
- Highway safety;
- The dwelling is two-storey within a row of bungalows;
- It sits forward of the present building line;
- Demolition of the garage;
- Parking issues.

REPORT

The site is within the Cressing Village Envelope. New residential development is acceptable in principle in accordance with Policy RLP2 of the Braintree District Local Plan Review, subject to other relevant policy criteria.

Policy RLP3 of the Braintree District Local Plan Review requires that residential development is only acceptable if it satisfies amenity, design, environmental and highway criteria and where it can take place without

material detriment to the existing character of the settlement. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities. Policy CS9 of the LDF Core Strategy and Policy RLP90 of the Local Plan Review seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. Policy RLP9 requires that the design and layout of new developments shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development. Recommendations set out in the Essex Design Guide state that dwellings with three bedrooms or more should benefit from a minimum of 100sqm of private garden space.

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted parking standards (2009). For dwellings with two bedrooms or more a minimum of two parking spaces should be provided. Each parking space should measure 5.5 metres in depth by 2.9 metres in width.

The dwelling is 6.1m in height and will have rooms in the roof as do other dwellings in this part of the road. Sufficient off-street vehicle parking spaces (two for each dwelling) will also be provided. In relation to the relevant criteria which set out to achieve a good level of amenity for existing residents and that of the potential residents, it is considered that the proposal conforms with the relevant standards. Whilst the concerns expressed are noted, it is considered that the design, height, bulk and layout of the new dwelling and its relationship to existing properties and plot boundaries is reflective of the pattern of the development in the area and is such that unacceptable overlooking or overshadowing will not occur. In relation to highway safety and parking issues, an additional dwelling in this locality is unlikely to have an impact on the road network and as adequate parking is provided in accordance with Standards, it is concluded that the proposal is acceptable.

CONCLUSION

The proposal complies with the aims of the National Planning Policy Framework and the Council's adopted policies. The design of the scheme has been revised to ensure that it can take place without detriment to existing neighbouring amenity or the character of the street scene, therefore approval is recommended 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

Location Plan

Proposed Floor Plan

Plan Ref: 14-216-101

Version: C

Elevations

Plan Ref: 14-216-102

Version: B

Proposed Block Plan

Plan Ref: 14-216-103

Version: A

Block Plan

Plan Ref: 14-216-100

Version: B

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

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

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

Reason

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

- 6 The driveway shall be constructed using permeable block paving on a porous base and maintained as such.

Reason

To reduce the risks of flooding.

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

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

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 3 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

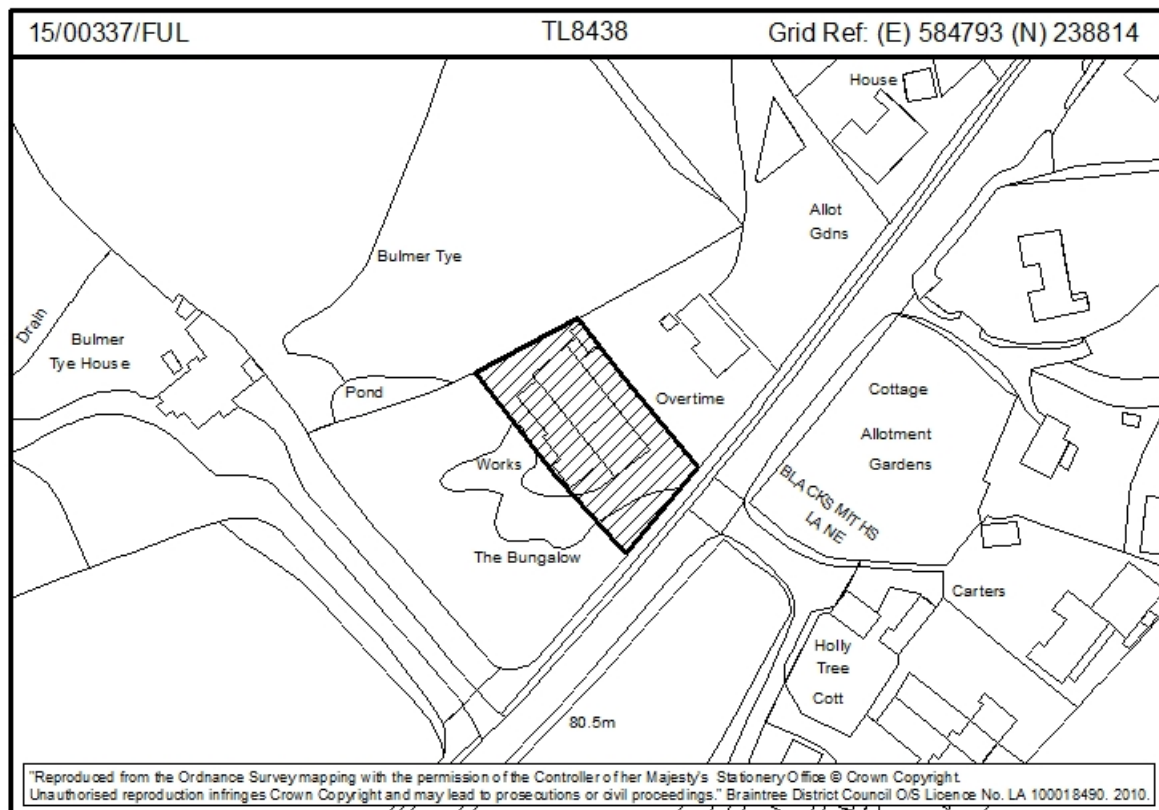
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6a

PART A

APPLICATION NO: 15/00337/FUL DATE: 17.03.15
 VALID:
 APPLICANT: Mr & Mrs W Dixey
 C/o Agent
 AGENT: Mr C Loon
 Springfields Planning & Development, 15 Springfields,
 Great Dunmow, Essex, CM6 1BP
 DESCRIPTION: Change of use of workshop complete with alterations,
 partial demolition and external works to form 3 no. two bed
 dwellings with related gardens, parking and infrastructure
 LOCATION: Work Shop At The Bungalow, Bulmer Tye, Bulmer, Essex,
 CO10 7ED

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

02/01424/OUT	Erection of one single storey detached dwelling	Granted	18.10.02
03/00827/REM	Erection of one single storey detached dwelling	Granted	22.07.03
06/00040/FUL	Erection of extensions and alterations	Granted	06.03.06
08/00585/FUL	Erection of a conservatory	Granted	28.04.08

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP38 Conversion of Rural Buildings
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is brought to Planning Committee as the Parish Council have indicated that they support the application, contrary to Officer's recommendation.

SITE DESCRIPTION

The site is located on the main road through Bulmer Tye, outside the village envelope. A mature hedge forms the boundary of the site to the road. To the east is the closet neighbour, the Bungalow, approximately 15m from the site boundary.

The site consists of a traditionally constructed brick, single storey building used as a workshop and builder's yard. The building is orientated perpendicular to the A131, the main road between Halstead and Sudbury. The red line of the application extends beyond the building to provide residential curtilage for the application. The applicant owns adjoining land to the south western side of the application site, some of which is used in connection with the builder's yard use.

PROPOSAL

The applicant seeks to convert the workshop building into 3 two bedroom dwellings and create residential curtilage and parking in association with the dwellings.

CONSULTATIONS

The Parish Council support the application as they consider it will provide smaller, cheaper housing than is otherwise unavailable in the village.

The Highway Authority does not object to the application subject to conditions concerning the access surface treatment, drainage and the size of parking spaces.

Essex Archaeology does not require investigative reports.

BDC Engineers have no objection in relation to surface water issues.

BDC Environmental Health does not object subject to conditions relating to the potential for amenity impacts during construction.

REPRESENTATIONS

The neighbour at the Bungalow, the closest residential premises to the site comments without support or objection.

REPORT

Principle of Development

Policy RLP2 of the Local Plan Review directs development to within the development limits and established boundaries of towns and villages. Outside these limits policy CS5 protects the countryside stating:

Development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The conversion and change of use of the workshop to residential units is considered within policy RLP38 (Conversion of Rural Buildings) of the Local Plan Review. The policy states that conversion to residential use will only be acceptable where:

i) The applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made;

Or

- ii) Residential conversion is a subordinate part of a scheme for business reuse of the building ; and
- iii) In either case the conversion will need to meet criteria relating to the suitability of the building for conversion; the impact on the character of the landscape; and the adequacy of the site in terms of access, car parking and residential amenity.

In this case the applicant has not produced any evidence to show that the site has been marketed for commercial purposes.

The Planning Statement submitted with the application acknowledges the relevance of Policy RLP38 and other policies concerning new residential development. The Statement notes the national need to boost housing supply (identified in the NPPF) and contends that the expected significant increase in the District Council's housing delivery targets could render adopted policy out of date, meaning that the provision of the proposed 3 dwellings should be given greater weight. The NPPF requires development to be considered sustainable in terms set out in the NPPF.

Design, Appearance and Layout

The proposals include the conversion of the building into a “terrace” of three 2-bed units, each with a front door and windows on the eastern face of the building and other openings on the western face of the building. Side windows are also proposed for the two end units.

The conversion involves little change to the appearance of the building. The series of garage doors on the south and east elevations would be replaced with boarding and windows that reflect the original character. On the west elevation, to the proposed gardens, new fenestration is created that has a more domestic appearance and includes patio doors.

The properties are provided with rear gardens to the appropriate standards. Amendments to the layout have been produced to create front gardens to the dwellings which also improve upon the relationship to the neighbour in the layout.

Parking has been provided as 6 spaces in a small court adjacent to the entrance of the site and screened from the road by new hedge planting. An existing former rail carriage and outbuilding alongside the road frontage are to be removed.

Impact on Neighbour Amenity

It might be considered that the proposals may represent an improvement over the existing in terms of the relationship to the residential use adjacent, in that the workshop could be considered an unsuitable neighbour. However, it is not clear from the application what the plans might be for the future use of the area of land (partly used by the building firm) to the south west of the site. If the builder's yard use is lawful on that land, its continued use as such could

not be controlled and could be continued and these proposals do not appear to prevent the use being served by the existing vehicle access. In such circumstances, the proposed residential units would be sited in close proximity to the builder's yard and the quality of their general amenity would be compromised as a result.

Highway Issues

The Parish Council consider there is a highway safety issue in this location. The Highway Authority has not objected to the application. However, as noted above, there is potential that a builder's yard use could be continued on the land to the south west of the site. In such circumstances, the introduction of additional vehicle movements (associated with the proposed dwellings) has the potential to intensify the use of an existing access onto a Strategic Route between defined settlement areas, contrary to policy DM2 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

CONCLUSION

The conversion of rural buildings is acceptable in principle subject to the applicant demonstrating that every reasonable effort has been made to secure suitable employment or community re-use. No evidence has been submitted to establish whether an appropriate rural use for the building can be found. Reference has been made by the applicant to the weight that could be afforded to the provision of dwellings if the Local Planning Authority (LPA) cannot meet its 5 year housing land supply. The LPA considers that it can meet its housing supply target, and, in any event, three dwellings in a location with limited access to facilities provides no material benefit to the delivery of housing for the District as a whole.

RECOMMENDATIONS

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

- 1 The conversion and change of use of the workshop to residential units is considered within policy RLP38 Conversion of Rural Buildings. The policy states that conversion to residential use will only be acceptable where:
 - i) The applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made;
 - Or
 - ii) Residential conversion is a subordinate part of a scheme for business reuse of the building; and
 - iii) In either case, the conversion will need to meet criteria relating to the suitability of the building for conversion; the impact on the

character of the landscape; and the suitability of the site in terms of access, car parking and residential amenity.

In this case the applicant has not produced any evidence to show that the building and site has been marketed for suitable employment or community re-use and its conversion to residential would, therefore, be contrary to the requirements of Policy RLP38. There are not considered to be any other material considerations that would outweigh that conflict with policy.

- 2 The application site forms part of a site currently operating as a builder's yard. In the absence of any information to indicate clearly the future use of the remainder of the builder's yard site, the proposals have the potential to introduce three residential dwellings in a location where the proximity to a continued builder's yard use would not provide an unacceptable level of amenity for prospective occupants, contrary to policies RLP38 and RLP90 of the adopted Local Plan. In addition, in circumstances where the builder's yard use were to continue, the proposals have the potential to intensify the use of an existing access on to a Strategic Route (A131), contrary to policy DM2 of the Highway Authority's Development Management Policies, February 2011.

SUBMITTED PLANS

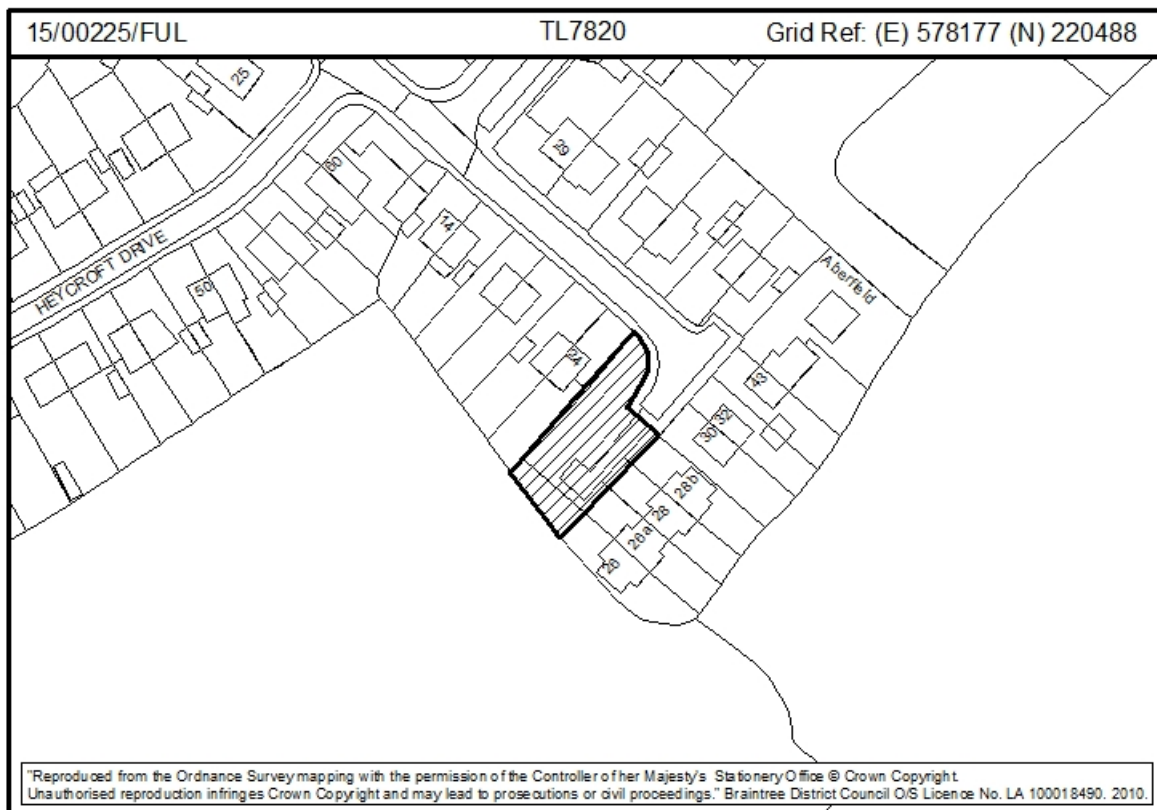
Location Plan	Plan Ref: J.625D1
Block Plan	Plan Ref: J.625D2
Proposed Plans	Plan Ref: J.625D3

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00225/FUL DATE: 23.02.15
 VALID:
 APPLICANT: Rollings Commercial Limited
 Baltic House, Station Road, Maldon, Essex, CM9 4LQ
 AGENT: Petro Designs Limited
 Mr Peter Ottley, 20 West Station Yard, Spital Road, Maldon,
 Essex, CM9 6TS
 DESCRIPTION: Erection of single detached dwelling
 LOCATION: Land Adjacent 24, The Westerings, 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

None relevant.

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

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

RLP9 Design and Layout of Housing and Mixed Use Areas

RLP10 Residential Density

RLP56 Vehicle Parking

RLP90 Layout and Design of Development

Supplementary Planning Guidance

The Essex Design Guide 2005 and Urban Places Supplement
ECC Parking Standards – Design and Good Practice, September 2009
Rayne Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to objections and comments received from neighbouring residents. The application was received before the recent changes to the Scheme of Delegation and although it would not now require referral to Planning Committee, those who made representations has been advised that it would be considered by committee.

SITE DESCRIPTION

No. 14 The Westerings is a semi-detached dwelling constructed during the 1960s/early 1970s on a development of similar properties, within the Cressing Village Envelope. It is sited on the southern side of the cul-de-sac to the north west of the hammer-head. There is a row of terraced and semi-detached dwellings facing towards the hammer head, and dwellings on the opposite side of the road. There is an area of undeveloped land to the south east of

No. 14 The Westerings, which is the subject of this proposal. The rear of the site looks onto open fields. The site is roughly rectangular in shape and includes an existing concrete hardstanding which leads onto the highway. The area has been enclosed by a fence. There are highway site lines diagonally across the front of the site.

PROPOSAL

This proposal is for a new detached 3 bed dwelling positioned roughly level with No. 14. The dwelling is designed in a simple form with gable ends and a single storey projection at the front. There are first-floor windows shown of both side elevations, one of which will be obscure glazed as it serves a bathroom, the other being a landing window. The existing concrete hard standing will be extended to allow access to the two parking spaces proposed at the foot of the garden. Rear amenity space is provided measuring 120sqm which will be enclosed by a 2m close boarded fence. The front garden will be 'open plan' in accordance with prevailing character of the area. The materials are facing brick and colour coated shiplap boarding with tiles for the roof and UPVC double glazing.

CONSULTATIONS

ECC Highways raise no objections to the proposal, subject to no development taking place on the area affected by the highway site lines.
BDC Engineers are unaware of any surface water issues affecting the site.

REPRESENTATIONS

Parish Council – no response received

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

- The proposal will exacerbate the existing shortage of vehicle parking in the area;
- The existing hard-standing within the site should not be included as it has been maintained by the Owner of No. 24 The Westerings. This will result in the loss of a turning area for existing residents and cause them to have to reverse onto the highway;
- There is a boundary dispute as to the extent of the application site. It is considered that the developer is extending beyond the site;
- The site floods during significant rain, a new dwelling will increase this risk;
- Increased density and over-development of the area;
- Loss of outlook/view;
- Maintenance of access road;

REPORT

The site is within the Cressing Village Envelope. New residential development is acceptable in principle in accordance with Policy RLP2 of the Braintree District Local Plan Review, subject to other relevant policy criteria.

Policy RLP3 of the Braintree District Local Plan Review requires that residential development is only acceptable if it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities. Policy CS9 of the LDF Core Strategy and Policy RLP90 seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. Policy RLP9 requires that the design and layout of new developments shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development.

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. For dwellings with two bedrooms or more a minimum of two parking spaces should be provided. Each parking space should measure 5.5 metres in depth by 2.9 metres in width.

Recommendations set out in the Essex Design Guide state that dwellings with two bedrooms should benefit from 50sqm private garden space and dwellings with three bedrooms or more should benefit from 100sqm private garden space.

In relation to relevant standards required to achieve a good level of amenity for the future occupier, it is considered that the proposal satisfies the relevant policy criteria and adopted standards set out above.

The dwelling is well designed to respect the existing context and, due to its orientation and fenestration treatment, it will not result in harm to residential amenity in terms of overlooking or overshadowing.

The concerns of the residents regarding the existing concrete access which is evidently used by them to access their dwellings are noted. This hardstanding is included within the red line plan which is prima facie evidence that, whilst the land is used by the existing residents, it is owned by the applicant and the relevant certificate of ownership has been served on interested parties. It is also not identified as being highway land, or subject to any highway restrictions. In any event, the block plan included with the application indicates that there is no intention to prevent access. This issue is

therefore, a private civil matter between the parties concerned and would not in itself be a reason to withhold planning permission. The other issues raised are either outside the scope of planning control or can be addressed by appropriate conditions.

CONCLUSION

The proposal complies with the aims of the National Planning Policy Framework and the Council's adopted policies. The design of the scheme is acceptable and approval is recommended, subject to the conditions set out below.

RECOMMENDATION

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

APPROVED PLANS

Proposed Plans	Plan Ref: 01	Version: C
Location Plan	Plan Ref: 02	
Existing Plans	Plan Ref: 03	

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

Reason

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

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

Reason

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

- 3 Construction of the dwelling shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the

dwelling-house / alteration of the dwelling-house, as permitted by Class A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 5 All new hardstandings shall be constructed using permeable surface on a porous base and maintained as such, unless otherwise agreed in writing with the local planning authority.

Reason

To reduce the risks of flooding.

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

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

- 8 No development shall take place on the area of highway land fronting the proposed dwelling where there are highway site lines.

Reason

In the interests of highway safety.

INFORMATION TO APPLICANT

- 1 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of

works. An application for the necessary works should be made to development.management@essexhighways.org or SM01 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO4 9YQ.

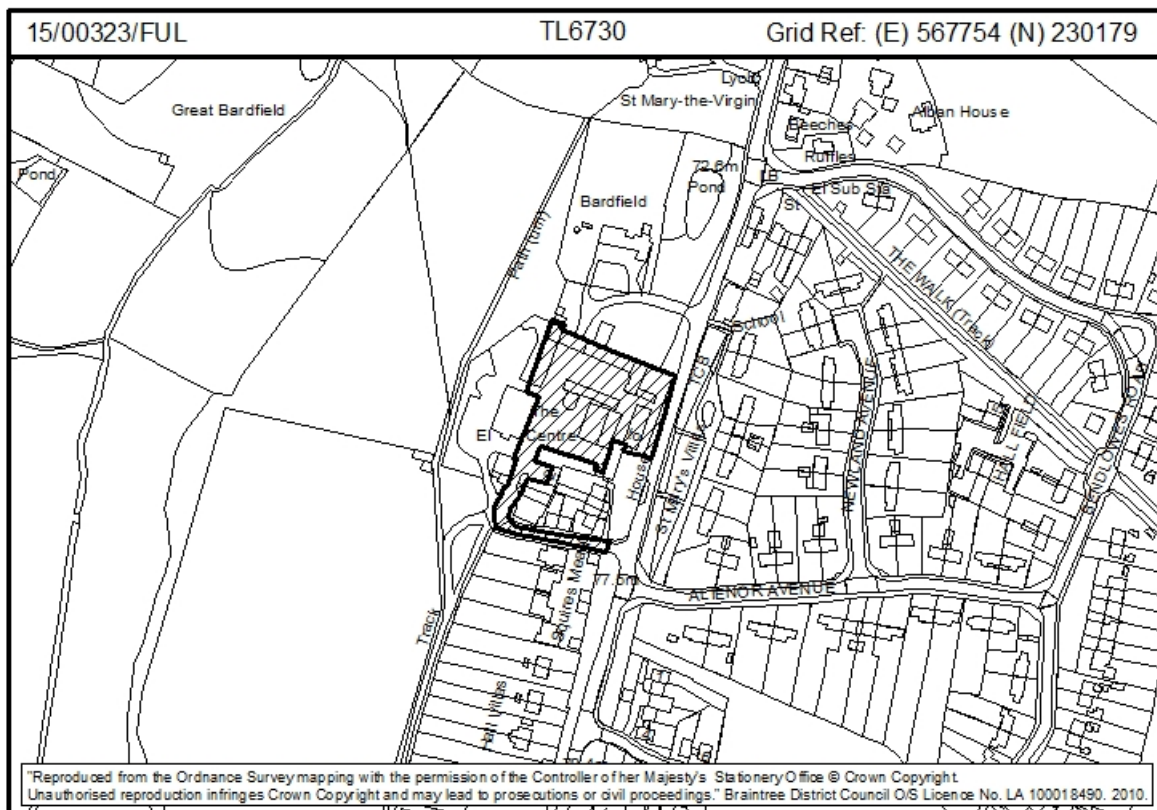
- 2 Your attention is drawn to Condition 4 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 3 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00323/FUL DATE: 02.04.15
 VALID:
 APPLICANT: Bedlars Holdings
 C/o Agent
 AGENT: Mr K Scott
 Kevin Scott Consultancy Ltd, Centaur House, Ancells
 Business Park, Ancells Road, Fleet, Hampshire, GU51 2UJ
 DESCRIPTION: The conversion of existing commercial buildings to form 10
 no. residential units with associated landscaping, creation of
 vehicular access and demolition of Unit 13 and a storage
 building to facilitate amended car parking provision
 LOCATION: Bardfield Centre, Braintree Road, Great Bardfield, Essex

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

12/00834/FUL	Addition of dormer windows to the first floor office level	Granted	03.08.12
13/00011/COUPA	Prior approval for the change of use of an office building to residential use.	Permission not Required	26.11.13
14/00001/COUPA	Prior approval for the change of use of an office building to residential use	Planning Permission Required	16.05.14
14/00002/COUPA	Prior approval for the change of use of an office building to residential use	Planning Permission Required	16.05.14
14/00003/COUPA	Prior approval for the change of use of an office building to residential use	Planning Permission Required	16.05.14

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Technical Housing Standards, nationally described Space Standards (DCLG, Mar 2015)

Braintree District Local Development Framework Core Strategy

CS2	Affordable Housing
CS5	The Countryside
CS9	Built and Historic Environment
CS4	Provision of Employment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
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

Supplementary Planning Guidance

Essex Design Guide
Parking Standards: Design & Good Practice

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is referred to the Planning committee due to the Parish Council supporting the application, contrary to the recommendation of officers.

SITE DESCRIPTION

The Bardfield Centre is a commercial/business centre located outside the village envelope as designated in the Local Plan Review but within the Great Bardfield Conservation Area. The site is a complex of converted rural buildings, mostly single storey, small scale, of late 20th Century origin. There are two larger buildings within the complex which are also used for commercial uses.

Directly on the boundary of the site is the Grade II* listed High Barn. At the time of the Officer's site visit the building appeared to be vacant but the last use of this building was as a music venue. There are no boundaries between the barn building and the application site. Beyond the northern units on the site is the Grade II listed Great Bardfield Hall.

Braintree Road runs past the Eastern side of the site, alongside which a native hedge has been planted and this, together with a small verge contributes towards a rural sense of place on the edge of the village.

The western boundary is formed by High Barn and its large, gravel car park. This car park abuts the application site directly behind three of the commercial units proposed for residential conversion. To the south is the entrance drive to the site and beyond this a row of small houses fronting Braintree Road.

PROPOSAL

This application seeks planning permission for the conversion of part of the complex to create 10 residential units and the demolition of two further buildings in the centre of the Bardfield Centre to accommodate car parking for the proposed residential use. The proposed conversions are all within buildings on the northern end of the site with the southern end and the eastern side remaining as commercial units, Bardfield House, also on the eastern side of the site has been previously converted to residential use with four flats.

The conversion would create 7 x No 1 bedroom units and 3 x No 2 bedroom units. All the units, except one, would be single aspect (only have windows on one side of the building) and have no private amenity space. Between the units it proposed to have a footpath access and hard landscaping which is subdivided into patio areas and public access. A large steel clad barn is demolished in the centre of the site and a large parking area is created in front of the Grade II* listed building. A retained commercial building is 'cut off' from the existing circulation area by the proposed residential conversions. To

provide access to this commercial unit and a further building converted to residential (known as Bardfield House) a new access is proposed onto Braintree Road. The other retained commercial units, named as communal buildings on the plans, and the proposed new residential units are served from the original access off Braintree Road via a private drive into the site.

The conversion works involve relatively minor alteration to the external appearance of the buildings.

CONSULTATIONS

Society for the Protection of Ancient Buildings offers no comment

Historic England offer no comments. Recommend that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's Specialist Conservation advice allow the application to be determined locally

Historic Buildings Advisor ECC – generally supportive but the central parking court negatively affects the Grade II* listed Building.

Education Authority does not require financial contributions towards school provision

BDC Housing Research will not require affordable housing provision.

ECC SUDS no comment on small schemes

BDC Landscape Officer would require conditions relating to protected species on any grant of permission.

BDC Environmental Health no principle objection but notes that the music venue is only a few metres from the proposed residential uses and has the potential for unneighbourly uses without requiring planning permission should a new occupant be found.

Essex Highways do not object subject to conditions attached to any grant of permission.

The Parish Council welcomes the introduction of small homes into the village but regret the loss of rural employment. They also raise concerns regarding traffic management at the entrance to the site.

REPRESENTATIONS

An occupant of the commercial centre supports the proposals, stating that the location is unsuited to modern business needs whilst there is a need for new small residential units.

Two residents raise no objection but comment on potential drainage, traffic and parking issues.

REPORT

Principle of Development

Policy CS4 is concerned with the provision of employment land. It states that employment sites in current or recent employment use in sustainable location will be retained for employment uses. While the site is situated outside a designated development boundary, it is located next to a village which contains services and provides local people with the opportunity for employment.

The National Planning Policy Framework (NPPF) when referring to Sustainable Development refers to the '**economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements'. As well as an economic role the NPPF also refers to a '**social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'. Whilst national planning policy seeks to significantly increase the supply of housing Officers believe that these references to strong vibrant communities and meeting a community's needs for social well-being are of relevance to this case and mean that local planning authorities should ensure the provision of appropriate and accessible employment.

Paragraph 55 of the NPPF supports the conversion of rural buildings where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. The Bardfield Centre does not appear to be redundant or disused to an extent which would have an impact on its immediate setting and as such the proposal could not draw support from this policy.

Paragraph 22 states that '*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*'. It goes on to state that '*where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*'.

It can be considered that the provisions of the NPPF broadly support the Council's Development Plan policies which seek to retain employment land in suitable and sustainable locations. In light of the aforementioned policies Officers would object to the complete loss of employment use in this location,

or the partial loss of employment land without adequate marketing demonstrating that the site is no longer viable.

Although the Parish Council refer to the site as being within the village envelope it is actually outside the village envelope and as a result countryside planning policies apply. Policy CS5 of the Core Strategy states that development in the countryside should be strictly controlled to uses appropriate to the countryside.

Policy RLP38 does however, allow for the conversion of rural buildings to residential uses but only where the applicant can demonstrate they have made every possible effort to secure suitable employment or community use and the application is supported by a statement of the efforts that have been made, or that residential conversion is a subordinate part of the scheme for business reuse of the building. Policy RLP 38 also requires consideration that is given to the reuse of rural buildings for community uses, but the applicant has reported that the Parish Council are not seeking a community use on the site.

The applicant has submitted a marketing report with the application. In considering the information provided it is considered that the applicant has not demonstrated that every reasonable effort has been made to secure continued commercial use. It was noted that there was a substantial occupancy rate across the whole site when the case officer visited the site including many of the units that are proposed for residential conversion.

The marketing report does not provide evidence to demonstrate that the units cannot be let at a realistic market rent. There is no evidence of financial incentives being offered to new tenants such as rent free introductory periods, short term leases or discounted initial periods. The marketing also references periods when the recession when economic activity was globally reduced and this is not considered to be a reasonable comparison. The level of occupancy at this time would also appear to contradict the marketing report. For these reasons Officers are unable to support the application as it has not been demonstrated that every reasonable effort has been made to find alternative employment uses and that the units are redundant.

Design, Appearance and Layout

One of the Core principles of the National Planning Policy Framework (Paragraph 17 bullet point four) 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'.

Policy RLP 90 states that the council seeks a high standard of layout and design in all developments, large and small within the District.

The proposals provide no private amenity space for any of the proposed dwellings, although the standards within the Essex Design Guide state that private amenity space of 50m² should be provided for both the one and the

two bedroom dwellings. The only amenity space provided is in front of the dwellings and these are publicly accessible and overlooked and some of these are also adjacent to the car parking area.

The applicant contends that the dwellings should be considered as apartments which could be provided with a communal amenity area. Whilst this is debateable (as the proposed dwellings are more readily identified as bungalows), if this were to be accepted, the Essex Design Guide would require the proposals to include 250m² of shared communal space that was still distinct from and separate from the public realm. The application contains a shared public realm in which there is no private amenity space. The 'common areas' as referred to in the planning statement will be managed by a private company.

In considering the proposals the two bedroom units could potentially be let or sold to families, this would potentially increase the demand and need for private amenity areas. The other, single aspect dwellings have one bedroom, but they will all address a common public area and for the majority of the units the outlook is directly into another unit approximately 11metres away. The Essex Design Guide requires a distance of 25 metres to protect the privacy of sitting out areas.

In respect of the living conditions for future residents, officers are also concerned about the size of the units' internal space. The Government has published new national minimum space (Technical housing standards – nationally described space standard; March 2015; Department for Communities and Local Government). The specified minimum space standard for a 1 bedroom two person dwelling is 50m². The application provides four of the 7 one bedroom units at below the minimum standard. The same government standards suggest a minimum standard for 2 bedroom 4 person dwellings of 70m². The application has two of these units as described in the Planning Statement, one of which falls below the standard. It should be noted that a two bedroom 4 person dwelling is intended for family use.

It is evident that the applicant does not wish to alter the existing fabric or introduce new build to overcome the lack of amenity both internally and externally. This fixed position and the resulting poor amenity proposed does not accord with the core principles of the NPPF.

The issue of amenity provision must also consider the proximity and use of the High Barn which can be reopened without planning permission and used as an entertainment venue. Given that this is an existing use, not in the control of the applicant, it can be seen that the proposed residential uses would be located next to an existing incompatible use. It should also be considered that allowing additional residential uses in the proximity of the existing commercial buildings and uses can also create poor amenity standards for future residents of the proposed units.

The Council's Historic Buildings Advisor acknowledges that the proposals for residential use would remove some of the signage and advertisements from the Conservation Area and that this would be a positive attribute of the proposals.

Setting of Conservation Area and Listed Buildings

The application site is within the Great Bardfield Conservation Area and adjoins the curtilage of the Grade II* High Barn. Policies CS9, RLP95, RLP97 and RLP100 seek to control development affecting heritage assets. Policy RLP 95 allows development within or adjacent to conservation areas stating;

'Development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings'.

Policy RLP100 protects Listed Buildings stating that; 'the council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.'

The applicant proposes the demolition of a substantial building in the centre of the site and the creation of a larger joint commercial and residential car park. The arrangement of parking in the setting of the Grade II* High Barn neither preserves nor enhances the setting of the barn. It can be seen that in the existing situation the barn has a stronger relationship to the grouping of buildings in the Centre. The demolition of the central building and its replacement with a larger parking area is detrimental to the setting of this important heritage asset and correspondingly detrimental to the character of the Conservation Area.

The proposed new vehicular access would be subject to a condition requiring appropriate sized sight spays to achieve highway safety standards. The transport statement details inaccurate sight spays in the appendices and when considered at the correct length and depth the sight spays would result in the removal of the entire hedge that forms the existing boundary to Braintree Road. This would be detrimental to the character of the Conservation Area; urbanising the rural character that is outside the settlement boundary.

Impact on Neighbour Amenity

The new dwellings would not result in overlooking of existing, nearby dwellings or unacceptable disturbance, so there are no significant adverse effects on existing residential amenity.

Highway Issues

The Highway Officer has recommended conditions to be attached to any grant of permission. The requirement for adequate visibility spays and an

appropriately wide access at the proposed new entrance will result in the removal of a substantial amount of hedgerow to the site frontage on to Braintree Road. It can be considered that this is a detrimental impact on the rural qualities of the Conservation Area. The Council's Landscape Officer and the Historic Buildings Officer have both stated that the new entrance is to the detriment of the Conservation Area, and the general appearance of the area.

The parking provision within the application site has not been created to the standards required. The parking spaces are too small; not meeting the minimum required size of 2.9 x 5.5 metres as specified in the Council's Parking Standards. Furthermore the Council's Parking Standards state that end bays adjacent to solid features (such as walls or fences) should be increased in width by 1m to allow for improved manoeuvrability and entry/exit of people to/from vehicles. The retained B1 unit in the northeast corner of the site has not been allocated parking. Were these aspects addressed the proposed car park in the centre of the site would need to be larger. This would have an even greater detrimental effect on the setting of the Grade II* listed High Barn.

The application has not provided bicycle parking for the residential conversions. The adopted standards used by the Council dictate that one secured, covered space per dwelling should be provided where no garage exists.

There is also no provision of disabled parking within the commercial or residential allocations, but the Council's Parking Standards specify that for the retained commercial units there should be two disabled bays.

Parking is not provided for the retained B1 use in the northeast corner of the site where the new entrance to serve other residential uses has been created. Where, previously, Bardfield House had parking provided for its use as a B1 unit, the new entrance requires the parking for the now residential use to be relocated. This parking has been created in the courtyard of a retained B1 unit which would mean that if this unit was occupied the demand could lead to parking outside the site or in the residential parking bays in the site.

Although they are not provided to the correct size the proposed residential units have the correct number of spaces required by the adopted parking standards. The provision of spaces for the retained commercial units is under the maximum standard set by the Council's Parking Standards, noting that the retained commercial unit in the north of the site has not been provided with easily accessible parking and relies on the more remote allocation within the central parking area.

Other Considerations

Section 106 Contributions

In November 2014 the Government changed National Planning Policy and the threshold to contribute towards the provision of affordable housing in this

location begins at over 10 units. This proposal does not, therefore, generate the need for a contribution towards affordable housing. The Education Authority has not requested a contribution towards school provision. A financial contribution towards public open space is not due because the threshold for contributions begins at above 10 units as detailed in the Planning Practice Guidance of April 2015.

CONCLUSION

The applicant proposes the minimal amount of change to the external fabric of existing buildings in order to convert a series of business units to residential use although the majority have tenants in occupation. The scheme has not been marketed adequately to justify the conversion to residential, in accordance with Policy RLP38. The proposed scheme creates 10 residential units that lack appropriate external and, in some units, internal amenity for future residents. The impact of the proposal on the Conservation Area and the setting of a significant Grade II* heritage asset is detrimental, failing to preserve or enhance the character and setting of the building and the area. The scheme has insufficient parking of substandard size and does not provide disabled parking or bicycle parking, and for these reasons is considered contrary to policy. Accordingly refusal of the application is recommended.

RECOMMENDATIONS

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

- 1 Policy RLP38 of the Local Plan Review allows for the conversion of rural buildings to residential use provided the applicant has made every reasonable effort to secure suitable employment or community reuse and the application is supported by a statement of the efforts that have been made.

In this case the occupancy rates evident at the site suggest that there remains a demand for this type of commercial space, certainly beyond that suggested in the evidence for residential conversion. Indeed a number of the units proposed for conversion are currently occupied by businesses. It is also considered that the marketing strategy does not evidence that every reasonable effort has been taken to find tenants.

- 2 The Core Principles of the National Planning Policy Framework (Paragraph 17 bullet point four) state 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'.

Policy RLP 90 of the Local Plan Review states that the council seeks a high standard of layout and design in all developments.

In this case the proposals would not create an acceptable level of amenity for prospective occupants. The dwellings have no external

private amenity space and the single aspect dwellings are provided with a limited and close quarter outlook onto each other. Internally some of the dwellings do not meet the minimum size required by the Technical Housing Standards - nationally described space standard; March 2015. The application proposes new residential units in close proximity to an existing unneighbourly use over which the applicant has no control. Whilst unoccupied at present the reuse of the building could result in unacceptable impacts on the amenity of the future occupiers of the proposed residential units. On this basis the proposed development would fail to secure decent amenity and living conditions for future occupants contrary to the aforementioned policies.

- 3 Policy RLP56 of the Local Plan Review requires development to provide parking in accordance with Councils Adopted Parking Standards.

In this case the applicant has not provided any parking for bicycles within the development which will not encourage residents to use bicycles and reduce reliance on the private car, thus failing to promote sustainable development.

The applicant has not provided disabled parking in accordance with the Councils Adopted Parking Standards. The parking spaces provided are not to the sizes requires by the Councils Adopted Parking Standards.

Insufficient parking has been created/retained for the retained buildings which will lead to unnecessary pressure on the car parking area that has been provided and could also lead to uncontrolled parking outside the site. This could potentially obstruct the public highway to the detriment of highway safety.

- 4 Policy RLP95 of the Local Plan Review protects Conservation Areas from development that does not preserve or enhance the character and appearance of the area. Policy RLP100 of the Local Plan Review protects the setting of Listed Buildings from development that does not preserve or enhance the setting of Listed Buildings.

In this case the proposals will require the removal of the hedge to Braintree Road to achieve the visibility splays required for safe access into the site. The proposal will adversely affect the character and appearance of the Conservation Area, removing aspects of its rural character. Furthermore the creation of a large car park in the setting of the Grade II* High Barn is considered detrimental to the setting of this heritage asset, contrary to the policies referred to above.

SUBMITTED PLANS

Location Plan	Plan Ref: 21736B
Proposed Floor Plan	Plan Ref: 21736B

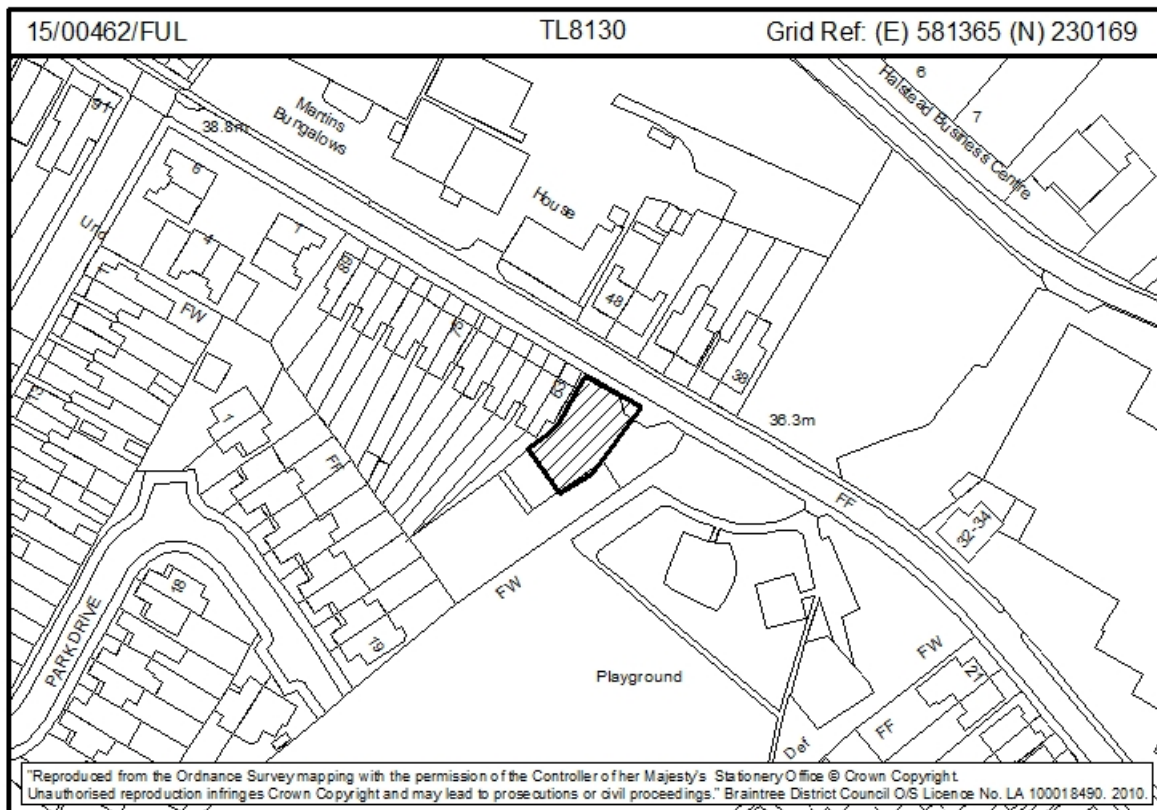
Existing Site Plan	Plan Ref: 21736B/001
Existing Sections	Plan Ref: 21736B/002
Existing Sections	Plan Ref: 21736B/003
Proposed Floor Plan	Plan Ref: 21736B/005
Proposed Sections	Plan Ref: 21736B/010
Proposed Sections	Plan Ref: 21736B/001
Proposed Sections	Plan Ref: 21736B/015
Perspective	Plan Ref: 21736B/020

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00462/FUL
 DATE: 14.04.15
 VALID:
 APPLICANT: Mr G Kent
 Brands Direct Barbados Ltd, The Barn, Felsted Business Centre, Felsted, Essex, CM6 3LY
 AGENT: Andrew Stevenson Associates
 21A High Street, Great Dunmow, Essex, CM6 1AB
 DESCRIPTION: Redevelopment of front part of site to provide 2 no. one bedroom cottages including associated landscaping and parking
 LOCATION: Land Adj. 63 Kings Road, Halstead, Essex, CO9 1HA

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

13/00588/FUL	Partial demolition of existing retail facility and associated building remodelling to form refurbished premises for Brands Direct Barbados Limited (Class D1). Proposed erection of three no. two bedroom cottages associated landscaping and parking	Refused	16.10.13
13/01331/FUL	Partial demolition of existing retail facility and associated building remodelling to form refurbished premises for Brands Direct Barbados Limited (Class B1). Proposed erection of three no. one bedroom cottages associated landscaping and parking	Refused then dismissed on appeal	17.01.14

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought to the Planning committee due to the receipt of an objection to the proposal from Halstead Town Council contrary to the officer recommendation. The Town Council has objected to the application on the grounds of overdevelopment of the site and the potential increase in traffic on Kings Road.

SITE DESCRIPTION

The site is located within the Town Development Boundary of Halstead. The site fronts Kings Road and sits in front of a recently refurbished office building. The office and its curtilage are shown as blue land in the application submission, that is, in the ownership of the applicant.

The site is currently vacant and cleared and was last used for retail/commercial use. To the northwest of the site is a row of traditional terraced houses, fronting Kings Road. There are residential properties also fronting Kings Road opposite the site and to the southeast there is a Public Park.

PROPOSAL

The proposal is to construct a pair of semi-detached one bedroom houses in a continuation of the building line of the established terrace adjoining the site. These units would have a single parking space each, as required by the adopted parking standards. These spaces are located to the front of each unit with a recess in the elevation to partly accommodate the car and place the vehicle off the street.

Each unit has a garden area which is accessed from the down stairs bedroom and the upper storey living room via an external staircase. The garden areas are of appropriate size for one bedroom houses.

CONSULTATIONS

BDC Engineers do not object.

BDC Environmental Health does not object subject to conditions to control construction times, movements and noise.

Highways have withdrawn their original objection to the proposals after further consideration of the impacts.

REPRESENTATIONS

The Town Council has objected to the application on the grounds of overdevelopment of the site and the potential increase in traffic on Kings Road.

One neighbour has objected to the development on the basis that previously the office refurbishment caused considerable inconvenience.

REPORT

Principle of Development

The principle of residential development on the site is considered within policies RLP 3 and CS9. Both policies provide for the principle of development. Policy RLP3 specifically provides for infill development where it is in harmony with the surrounding area and respects neighbouring amenities.

The site has been cleared and levelled for considerable time, following the refused application and subsequent dismissed appeal for a larger application that included a terrace of three houses on the site - 13/01331/FUL. The site has been fenced off and not included within the building refurbishment and use to the rear of the site. In this regard the site can be considered an infill plot.

Design, Appearance and Layout

The pair of houses is of a simple, traditional style and considered to be in keeping with the loose but traditional character of the area. The building line of the street has been followed with the dwellings set with their frontage consistent with the terrace to the west.

The palette of materials proposed (red brick and slate) is appropriate to the character of the area and detailing is traditional and similarly appropriate. There is a recessed area in the front of each house that is 2.3metres deep. They provide space to park cars off the highway whilst respecting the building line in the street scene. Whilst unconventional, the recesses are not considered to adversely affect the character of the area and have a similar appearance to carriage arches.

The previous refusal and dismissed appeal had three houses which had a more contemporary style with features considered alien to the context. It was also considered that the amenity space provision was inadequate. It can be considered that the current application has provided a more appropriate character and architectural style which, together with an appropriate standard of amenity space, has overcome the previous reasons for refusal. A copy of the appeal decision is appended to the report at Appendix B.

Impact on Neighbour Amenity

There are no impacts on the amenities of neighbours caused by the proposals. The proposed layout is unusual in that the bedroom is on the ground floor and living rooms and kitchens are on the first floor. The design incorporates a rear balcony and external staircase from the balcony to the garden. The balconies do not overlook the sitting out areas of the neighbouring dwellings and the proposals are considered acceptable in amenity terms.

Highway Issues

The proposed residential use of the site is considered to be a less intense use of the site than the previous historic use as a DIY store. The parking for each dwelling has been provided in accordance with the adopted parking standards and policy RLP 56.

CONCLUSION

The proposal provides two dwellings that are sympathetic in character to the street. The provision of amenity space and car parking are in accordance with the standards of the Council.

RECOMMENDATION

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: 201	Version: A
Proposed Elevations	Plan Ref: 202	Version: A

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

Reason

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

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

Reason

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

- 3 Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason

For the avoidance of doubt and to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

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

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

Reason

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

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 7 At no point shall gates be provided at the vehicular access points. The access shall remain open and free for use in perpetuity

Reason

To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8 Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Class A and E; of Part 1; of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 29 July 2014

by Nigel Burrows BA MRTPI

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

Decision date: 8 October 2014

Appeal Ref: APP/Z1510/A/14/2214999

Mellons DIY, Kings Road, Halstead, Essex, CO9 1HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr G Kent against the decision of Braintree District Council.
- The application Ref 13/01331/FUL, dated 19 November 2013, was refused by notice dated 17 January 2014.
- The development proposed is described as 'Partial demolition of existing building and associated remodelling. Change of use of site from A1 to part C3 (Dwelling Houses) and part B1 (Business). Works to incorporate the construction of three cottages, associated parking, alterations to access and conversion of rear building to create business suite'.

Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues in this appeal. The first is the effect of the development on the character and appearance of the area. The second is the adequacy of the parking arrangements intended to serve the development and the implications for highway safety and free flow of traffic. The third is whether the proposal would be acceptable having regard to the Council's policies concerning the provision of public open space.

Issue 1: Character and Appearance

3. The appeal site is situated on the south west side of Kings Road within Halstead. The site frontage has been cleared and fenced. The commercial building to the rear appears to have been redeveloped for Class B1 (Business) purposes and now appears to be occupied. The forecourt has also been laid out to provide parking and turning facilities.
4. The Council has not raised any specific planning objections to the redevelopment of the commercial building for B1 purposes - other than the intended parking arrangements. In the context of the first issue, I will therefore focus on the residential element of the scheme.
5. The scheme involves the erection of 3 two-storey terraced houses of about 55m² upon the cleared part of the site frontage. The indications are these units are intended to be 1-bedroom starter homes. The dwellings would project slightly forward of the Victorian terraced housing to the west. Their facades would incorporate porches under lean-to-style tiled roofs. The houses would have modest rear gardens, the boundaries of which would be angled to reflect the alignment of the main boundaries of the wider site.
6. The site lies within a mixed use area on the periphery of the town centre. However, it contains a significant residential component, including the extensive terrace of Victorian housing to the west. The uniformity of the design and appearance of these terraced properties and their small front gardens are distinctive features of the street scene. The

housing on the opposite side of the road is more mixed in character. The site is also bounded to the east by an extensive area of public open space together with a play area.

7. The block of new houses would have a horizontal emphasis, partly due to the form and disposition of the windows on their facades and the proportions of their elevations and roofs. The architectural composition of the units, including their eaves heights and front porches, would set them apart from the terraced housing in the vicinity. The scheme would not harmonise with the existing Victorian housing, nor would it stand alone as an example of high quality contemporary design. The outcome would be the introduction of a small block of terraced housing that would significantly disrupt the overall rhythm and continuity of the street scene and which would be inappropriate to its context.
8. The appellant suggests the front porches could be the subject of a planning condition to limit their size, or even removed. However, these steps would not address the overall concerns about the architectural composition of the development and its incompatibility with the prevailing character of the existing terraced housing. The scope to re-site the dwellings would also appear to be constrained by the small size of the cleared site.
9. The Council is concerned about the visual impact of the parking spaces proposed within the main access to the site and also the bin store on the frontage. However, I find the disruptive visual impact of the new block is a more decisive objection to the scheme.
10. The Council also indicates the size of the private amenity space to each unit falls well below the standard recommended in the Essex Design Guide. Be that as it may, the private amenity spaces appear adequate to meet the basic daily needs of the potential occupiers of these units. The houses are also close to an area of public open space. Moreover, any shortfall in amenity space is a less critical shortcoming in non-family sized accommodation.
11. Nonetheless, for the reasons given above, I conclude the scheme would harm the character and appearance of this area. In this respect, it conflicts with the aims of policy CS9 of the Council's Core Strategy¹ and 'saved' policies RLP 3, RLP 9 and RLP 90 of its Local Plan², which seek to create good quality built environments, protect the character of the street scene and require development to reflect or enhance local distinctiveness.

Issue 2: Parking

12. 'Saved' Local Plan policy RLP 56 requires off-street parking in accordance with the Council's adopted standards. The Council argues the proposal is an overdevelopment of the site with inadequate off-street parking and manoeuvring space to serve the needs of future users. The Council calculates a maximum of 18 spaces should be provided in connection with the refurbished commercial building, albeit only 6-7 are proposed. The parking spaces shown on the relevant drawings are also considered to be sub-standard.
13. The appellant's stance is the majority of employees live within the local area and have the option of walking or cycling to work. A cycle parking facility has been provided on the site. According to the appellant, the employees also wish to save travel costs by commuting responsibly, including the use of car sharing and public transport.
14. The appellant's submissions also state; *"For the limited number of times that on occasion we require additional Car spaces, this has been addressed by entering into a long term agreement with a local business for the provision of extra vehicle parking at their facility that has excess free space during daytime hours. Many companies operate in this manner and are often found for example in areas near Train Stations where Private Parking facilities are offered to daily commuters. "*
15. However, no firm evidence has been provided to confirm the geographic distribution of employees, or demonstrating the extent to which a 'Green Travel' policy might be feasible. The Council says that Halstead has a limited bus service and does not have a

¹ Braintree District Council Core Strategy (2011)

² Braintree District Local Plan Review (2005)

railway station; it is therefore unlikely that staff living outside Halstead will use public transport. The appellant refutes the Council's concerns. In any event, to my mind, the likelihood of staff walking or cycling to work is uncertain, especially during inclement weather. The fact the appellant has thought it necessary to secure overspill parking provision elsewhere in the vicinity also casts doubt upon the adequacy of the on-site arrangements. The precise nature of the agreement is also unclear. There is no firm evidence to show the future availability of any overspill parking facilities can be guaranteed. Whilst reference is made to the availability of parking provision within the town, it is by no means clear whether this provision is conveniently located to the site.

16. The appellant alleges the former use of the site as a DIY and garden centre is likely to have generated parking on the nearby roads. It is also argued there would have been frequent deliveries to and from the site, including HGV's and other commercial vehicles. The appellant's stance is the Council has not taken into account the 'parking demand profiles' from different uses. The inference seems to be the scheme would create less parking and servicing problems than the former use of the site. However, the appellant's assertions do not appear to be based on any detailed analysis of their respective vehicular and servicing movements³. I am unable to give any significant weight to these assertions.
17. It is reasonable to assume the parking demand generated by the commercial building⁴ and housing on the appeal site would not be insignificant. There is a clear risk the capacity of this site to accommodate staff, visitor and residents parking might be exceeded at certain times. According to a local resident, there are 'massive' parking problems in the road. The fact that Kings Road is part of a one-way traffic system within Halstead also suggests to me that, historically, there have been traffic problems within the area. The development could potentially increase the demand for on-street parking to the detriment of the free-flow of traffic and highway safety within this locality. In this respect, I conclude the development would be inconsistent with the underlying aims of policy Local Plan RLP 56.

Issue 3: Provision of public open space

18. Policy CS11 of the Core Strategy and 'saved' Local Plan policy RLP 138 require that new housing development should contribute to improvements in infrastructure and community facilities appropriate to their location. The Council has also adopted an Open Space Supplementary Planning Document. According to the Council, a financial contribution of £2661.21 will be required in this instance, via a unilateral undertaking.
19. The Council indicates that a completed undertaking was not submitted with the planning application (albeit the appellant was apparently willing to provide this). A completed obligation has now been forwarded with the appeal submissions. The obligation undertakes to provide the contribution required by the Council towards open space provision. I consider the obligation would be necessary to make the development acceptable in planning terms. It is also directly related to the development and fairly and reasonably related in scale and kind to the proposal⁵. I am therefore satisfied that adequate provision would be made for a contribution to public open space provision.

Summary

20. I have found in the appellant's favour on the third issue. However, my overall conclusion is that this consideration is outweighed by the adverse effect the development would have on the character and appearance of the area and the prevailing highway conditions.
21. The Council's concern to achieve high quality design and to protect the built environment of the District is consistent with the Government's objectives for the planning system. Paragraph 14 of the National Planning Policy Framework (March 2012) sets out the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development should be addressed. Paragraph 9 also makes it

³ Albeit the application included a parking and servicing statement with trip generation forecasts for the B1 use

⁴ Which according to the Council is about 530m². The appellant's parking statement indicates it is 490m²

⁵ As such it meets the policy 'tests' in paragraph 204 of the National Planning Policy Framework

clear that pursuing sustainable development includes seeking positive improvements in the quality of the environment. The proposal is generally inconsistent with these objectives.

22. The objections to this development could not be overcome by any planning conditions. I have taken into account all the other matters raised in the written representations, including the perceived benefits of the scheme to redevelop the appeal site. However, I find they do not alter or outweigh the main considerations that have led to my decision.

Nigel Burrows

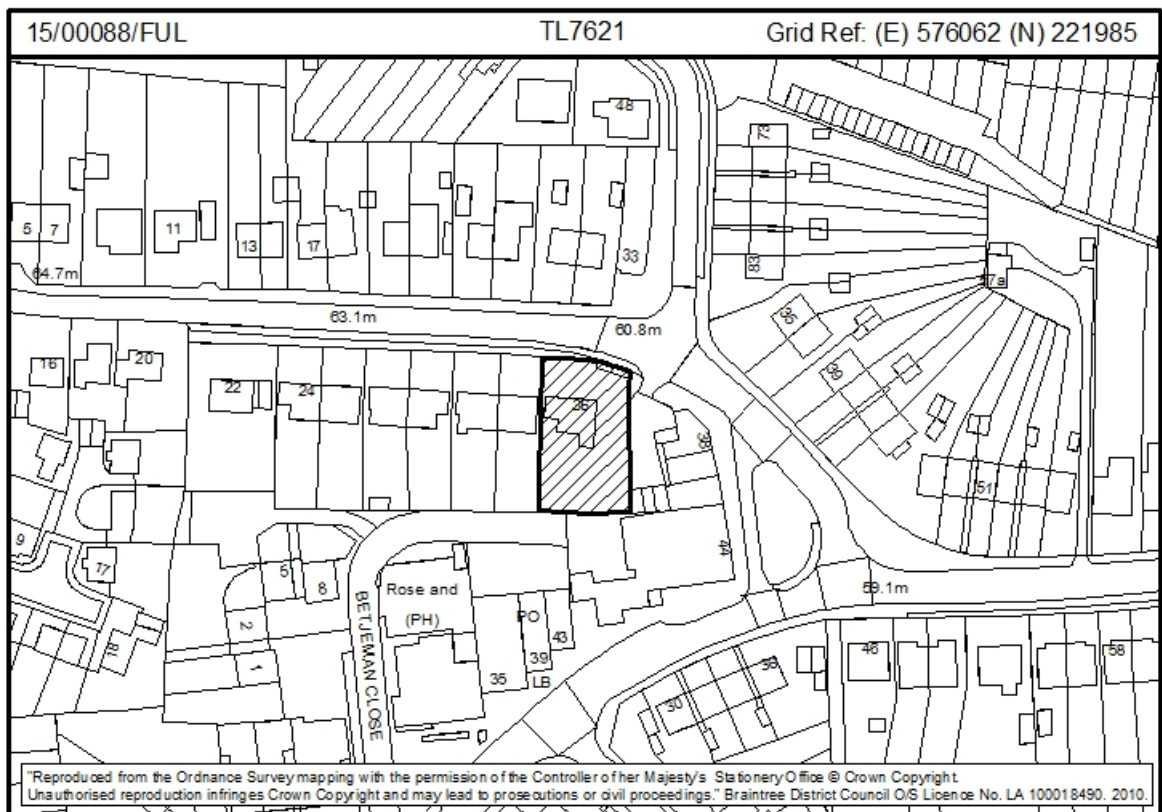
INSPECTOR

AGENDA ITEM NUMBER 6e

PART B

APPLICATION 15/00088/FUL DATE 23.01.15
NO: VALID:
APPLICANT: Mr M Reed
Kyra, Hall Road, Panfield, Braintree, Essex, CM7 5AW
DESCRIPTION: Amendment to planning application 14/01490/FUL, erection
of first floor rear extension
LOCATION: 36 Challis Lane, Braintree, Essex, CM7 1AN

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

13/00403/FUL	Erection of extensions and alterations and conversion to create 6 no. 1 bedroom flats	Withdrawn	24.06.13
13/01206/FUL	Proposed alterations and extensions to existing dwelling to create two no. 1 bedroom dwellings, associated parking and landscaping	Granted with S106 Agreement	10.01.14
14/01490/FUL	Proposed conversion of existing dwelling and rear extensions to form 2 no. 1 bedroom dwellings	Granted	08.01.15

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP3 Development within Town Development Boundaries and Village Envelopes
RLP10 Residential Density
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Supplementary Planning Guidance

The Essex Design Guide 2005 and Urban Places Supplement
ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought due to objections received from neighbouring residents. Although an application that could now be determined under delegated authority, neighbouring residents were advised, prior to the change in the Scheme of Delegation, that the matter would be considered by Committee.

SITE DESCRIPTION

The application site is located to the South of Challis Lane, within the Town Development Boundary of Braintree. The site measures approximately 32m deep and 19m wide. The original dwelling is set level with the prevailing building line with its rear aspect facing south.

PROPOSAL

Planning permission was granted in 2013 for alterations and extensions to the existing detached dwelling to create two No. 1 bed dwellings in addition to the existing, reference 13/01206/FUL. This permission was then modified to subdivide and extend the existing dwelling to form two 1 bed dwellings, reference 14/01490/FUL, resulting in a total of 4 units. The rear garden has been subdivided to provide amenity space of between 57sqm and 90sqm which is sufficient in accordance with the Essex Design Guide. The design and appearance is therefore acceptable. A total of 5 parking spaces were also proposed, which was in excess of the requirements in the Vehicle Parking Standards.

This application proposes a further sub-division and first floor extension of the original house to provide an additional bedroom for each dwelling. The extension is in the form of a double gable over the existing single storey extension. The development has commenced, but has not been completed. Six vehicle parking spaces are proposed.

CONSULTATIONS

BDC Engineers comment that they are unaware of any surface water issues affecting this site.

REPRESENTATIONS

Four representations have been received objecting to the proposal on the following grounds:

The developer has already constructed the extension and advertised the units for sale;
Impact on on-street vehicle parking and highway safety;
Loss of amenity.

REPORT

The site is within the Town Development Boundary. New residential development is acceptable in principle in accordance with Policy RLP2 of the Braintree District Local Plan Review, subject to other relevant policy criteria.

Policy RLP3 of the Braintree District Local Plan Review requires that residential development is only acceptable if it satisfies amenity, design,

environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities. Policy CS9 of the LDF Core Strategy and Policy RLP90 of the Local Plan Review seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. Policy RLP9 requires that the design and layout of new developments shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development. Recommendations set out in the Essex Design Guide state that dwellings with two bedrooms or more should benefit from a minimum of 50sqm of private garden space.

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards 2009. For dwellings with two bedrooms or more a minimum of two parking spaces should be provided. Each parking space should measure 5.5 metres in depth by 2.9 metres in width. The proposal accords with the Standards.

Whilst it is evident that the applicant has commenced the work before permission has been granted, the local planning authority must judge the proposal on its merits. The principle of 4 residential dwellings has been accepted following the grant of planning permission reference 14/01490/FUL. The first floor extension is being created above an existing single storey projection, therefore, the footprint is not increasing. The building itself sits slightly forward of the rear elevation of the next-door property, however, the buildings face south and there is an outbuilding in the neighbouring premises that provides a visual break. It is not considered therefore that the proposal will result in an unacceptable loss of amenity for the neighbouring premises in terms of being overbearing, overlooking or overshadowing. As the property also looks towards the rear service yards of the nearby shops, it is not considered that an increase in overlooking will occur.

Sufficient off-street parking and amenity space will be provided in accordance with the Standards

CONCLUSION

It is concluded that the proposal is acceptable in regards to the above-mentioned policies and will not result in demonstrable harm to neighbouring residential amenity. Approval is therefore recommended subject to the conditions set out below.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 005	
Block Plan	Plan Ref: 006	
Proposed Site Plan	Plan Ref: 007	Version: A
Proposed Floor Plan	Plan Ref: 008	Version: C

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A, B and C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

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

Reason

In the interests of promoting sustainable forms of development.

- 5 Prior to installation, details of the gates/fences or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The gates/fences as approved shall be provided prior to the first occupation of either of the residential units hereby approved

and shall be permanently maintained as such.

Reason

The screen walls and/or fences as indicated on the approved layout plan shall be erected before the dwellings are occupied and shall be permanently maintained as such.

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

Reason

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

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

Reason

To ensure uninterrupted flow of water and reduce the risk of flooding of the highway.

- 8 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres and shall be permanently maintained as such.

Reason

To ensure adequate space for parking off the highway is provided in the interests of highway safety and in accordance with the Council's adopted Parking Standards.

- 9 Prior to the first occupation of the development hereby approved details of
 - (a) the location and design of refuse bin and recycling materials storage areas and collection points,

(b) any proposed external lighting to the site

shall be submitted to and approved in writing by the local planning authority.

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

Reason

In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Bank Holidays and Public Holidays - no work

Reason

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

INFORMATION TO APPLICANT

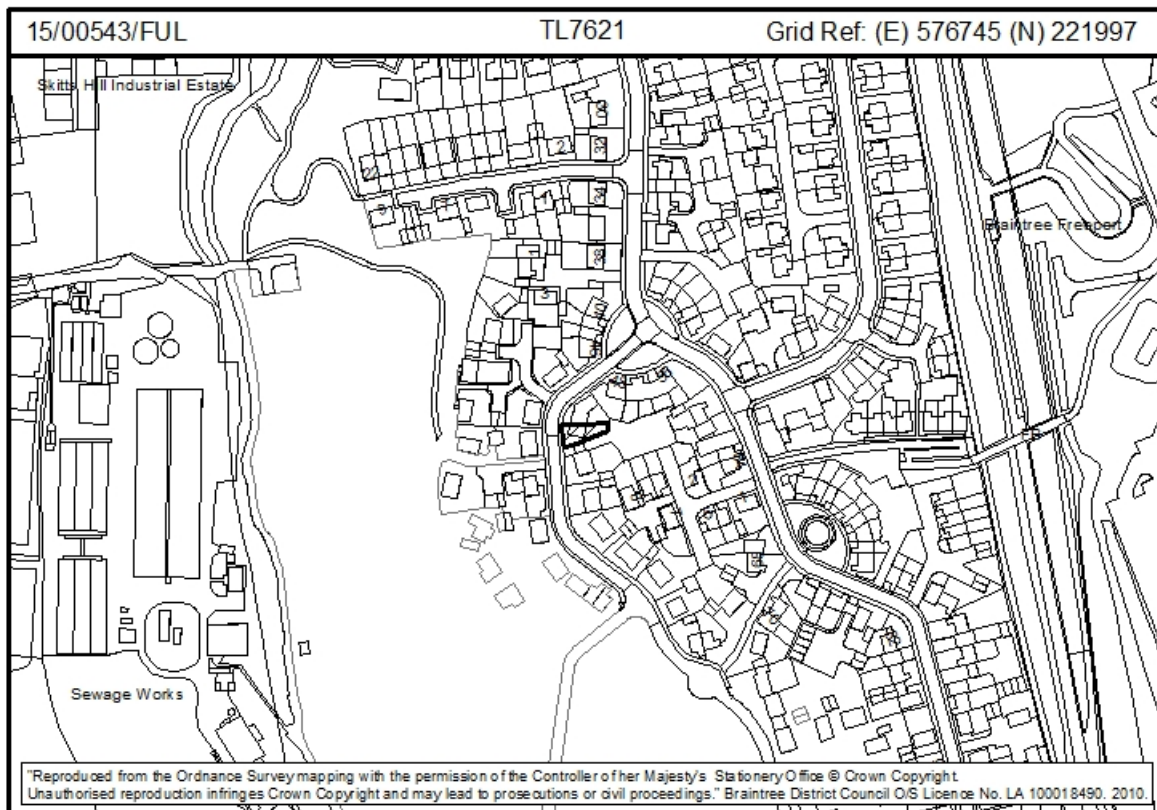
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.
- 3 In respect of Condition 9 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.
- 4 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 15/00543/FUL DATE 29.04.15
NO: VALID:
APPLICANT: Miss Louise Costin
148 Mill Park Drive, Braintree, Essex, CM7 1XF,
DESCRIPTION: Erection of rear conservatory
LOCATION: 148 Mill Park Drive, Braintree, Essex, CM7 1XF

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



SITE HISTORY

07/00985/FUL	Erection of 109 no. dwellings including 82 no. new houses and re-siting of 27 previously approved dwellings	Granted with S106 Agreement	08.08.07
--------------	---	-----------------------------	----------

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

Supplementary Planning Guidance

Site Allocations and Development Management Plan

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to committee as the applicant is a member of staff at Braintree District Council.

SITE CONSIDERATIONS AND CONTEXT

Recently built two storey semi-detached dwelling-house located in Mill Park development.

PROPOSAL

The application seeks to erect a single storey conservatory at the rear of the property.

SUMMARY OF CONSULTATION RESPONSES

Neighbour Representations

Neighbours were consulted and a site notice was displayed on site. No representations were received.

ASSESSMENT

Permission is required for the proposed conservatory because permitted development rights have been removed (by planning condition) from the Mill Park Drive development. The proposed conservatory would use matching materials, and feature a glass roof. It would be lean to in style, measuring a maximum height of 2.8m and a depth of 3.5m. It is considered there would be no impact on neighbouring residential amenities.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Floor Plan
Existing Plans
Elevations
Elevations

- 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

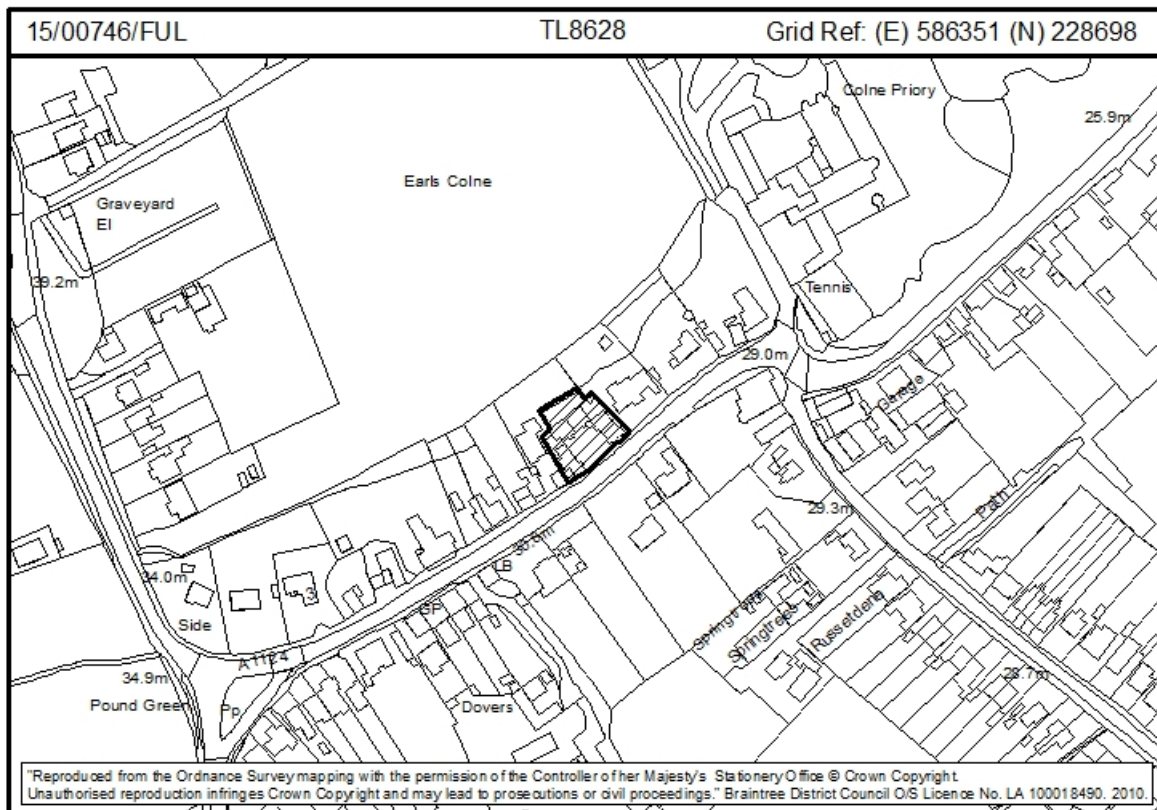
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 15/00746/FUL DATE 10.06.15
 NO: VALID:
 APPLICANT: H W Bone & Co. UK Ltd
 C/o Percival & Company, High Street, Earls Colne, Essex,
 CO6 2RN
 AGENT: Nick Peasland Architectural Service
 Mr N Peasland, 2 Hall Cottages, Assington Park, Assington,
 Sudbury, Suffolk, CO10 SLQ
 DESCRIPTION: Proposed new vehicular access together with parking and
 turning area
 LOCATION: 21 - 29 Upper Holt Street, Earls Colne, Essex, CO6 2PG

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



SITE HISTORY

02/01608/FUL	Proposed vehicular access together with parking and turning area	Refused then dismissed on appeal	22.10.02
82/01305/P	Erection of extensions and alterations to bungalows (23 and 29)	Granted	22.02.83
85/00195/P	Proposed rear single storey extensions and front porches to convert one dwelling to two single bedroom bungalows	Granted	26.03.85
96/00157/FUL	Demolition of rear projection and roadside wall and proposed erection of new rear extension and rebuilding roadside wall	Granted	26.03.96
96/00158/CON	Demolition of rear projection and roadside wall	Granted	26.03.96
13/01490/FUL	Proposed new vehicular access together with parking and turning area	Refused	10.03.14

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas

Other Guidance

Earls Colne Village Design Statement
Development Management Policies

Council's Adopted Parking Standards (2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is presented to the Planning Committee due to an elected Member calling it in.

SITE DESCRIPTION & APPLICATION CONTEXT

The application site is located within the village envelope and designated Conservation Area of Earls Colne. Within the site is a group of four 19th Century bungalows, which were formerly alms-houses. The bungalows make up four sides of an attractive square front garden area, and the site is enclosed by black iron railings with privet hedges either side.

The site fronts the A1124, a Classified 'A' Road. There is a public bus stop adjacent to the site to the north-east. The buildings along Upper Holt Street are varied in age and style. The garden area which is the subject of this application is one of the most significant open spaces within the street scene on the side of the road. It contrasts with the strong enclosures on the opposite side of the road and is considered to be of particular importance to the character and appearance of the Conservation Area as well as the setting of this group of dwellings.

PROPOSAL

This application seeks planning permission for the creation of a new vehicular access off Upper Holt Street leading to a proposed parking for four cars and turning area in place of the current communal garden to provide off-street parking to the houses. The parking area would be constructed using "Grasscrete" (concrete cast in situ in a cellular arrangement leaving voids which can be filled with soil and seeded with grass). The access would be provided by removing a section of railing, and measure 3m in width.

It is important to note that this application is identical to the proposal refused on 10 March 2014 (ref. 13/01490/FUL).

CONSULTATIONS

Statutory Consultations

Highways Authority

No comments received at time of writing report. If comments are received, they will be made available to the committee.

Internal Consultations

Conservation Consultant

Objects to the removal of the landscaped area, as it would not preserve or enhance the Conservation Area.

REPRESENTATIONS

District Councillor

Member call in by Cllr. Siddall. Reasons include: Improving traffic flow, enhance conservation area by removing parked cars from street scene, improve off-street parking, and improve pedestrian safety.

Earls Colne Parish Council

Support application, although no planning reasons given.

27 Upper Holt Street, Earls Colne

Letter received in support of application, due to the alleviation of parking on street. The representee does not consider the proposal would be detrimental to the appearance of the area.

REPORT

Principle of Development

The site is located within the village development boundary as designated within the Braintree District Local Plan Review. In accordance with Policy RLP3 of the Local Plan Review the principle of residential development is acceptable, but only where it satisfies amenity, design, environmental and highway safety criteria, and where it can take place without detriment to the character of the settlement. The policy goes on to specify that proposals for development must seek to protect the character and historic interest of the locality along with the character of the street scene and the setting of attractive buildings.

The site is also located within the Earls Colne Conservation Area where there is a statutory duty on planning authorities to ensure that developments within such areas preserve or enhance the character or appearance of the Conservation Area. Policy RLP95 of the Local Plan Review sets out how the Council will seek to fulfil this duty. It states that new developments must not detract from the character and appearance of the essential features of the Conservation Area and must appear in harmony with the existing streetscene.

RLP90 requires a high standard of design in all developments large and small in the District. Proposals should recognise and reflect local distinctiveness

and be sensitive to the need to conserve local features of architectural, historic and landscape importance particularly within Conservation Areas.

The Council's development management policies sets out the issues the Highway Authority will consider when assessing new proposals to ensure highway safety is not compromised.

It is noted that the Earls Colne Village Design Statement makes no specific recommendations relating to Upper Holt Street that are relevant to the application. The document does however highlight the importance of the village's Open Spaces and that these should be retained where possible.

Design, Appearance and Layout and Impact on Conservation Area

The Council's Historic Buildings Advisor considers that the existing arrangement of Victorian single storey cottages around a courtyard garden form a distinctive and attractive feature of the Conservation Area. This is consistent with advice received from the then Historic Buildings Advisor when an identical application was made in 2013, which was refused by the planning committee, as well as the judgement of the Planning Inspector when a similar application was dismissed at appeal in 2002 (ref. 02/01608/FUL). A copy of the appeal decision is appended to this report (Appendix A). Whilst it is acknowledged that the applicant proposes to retain most of the railings that front onto Upper Holt Street and the cast iron lamp standard, it remains the case that the proposal would create a 3m wide opening in the railings and replace the attractive existing courtyard garden with a hardstanding. The use of *Grasscrete* is a non-traditional material and it is not always successful in establishing and maintaining the grass that is intended to soften the appearance of the hardstanding. Regardless of the surface treatment that is proposed the fact remains that if allowed the application would result in cars being parked directly in front of these attractive properties. For these reasons it is recommended that the application is refused for failing to preserve or enhance the setting of this attractive group of buildings and the contribution that this group makes to the character and appearance of the Conservation Area.

The loss of the garden in the Conservation Area and its replacement with a hard surfaced parking area would compromise the character, setting and distinctive appearance of the Earls Colne Conservation Area, contrary to the policies outlined from the Braintree District Local Plan Review.

Impact on Neighbour Amenities

None.

Highway Issues

As outlined above, the proposal fails the visibility splays standard at the proposed new entrance. Furthermore, the applicant falls some way short of meeting the required parking bay size standards applied to new parking

areas. At the time of writing the committee report, the Highways Authority had not yet commented on the application. However, given neither the proposal nor highway policy has changed in any way since the last submission in 2013, the previous comments are considered to be relevant. The Area Highways Officer recommended refusal as the proposal would result in sub-standard parking spaces as well as not achieving the minimum visibility criteria for vehicles entering and leaving a public highway from a privately owned residential complex. These deficiencies would create highway safety issues in their own right with drivers not being able to use the access safely, not least because of the busy nature of Upper Holt Street. Given the size of the spaces to be provided it also questioned whether they would be usable in practice.

It is noted that the Parish Council and some local residents have supported the application stating there is a need for more off street parking and that this would improve highway safety. The Highway Authority does not share this view. Whilst numerous other properties nearby do have off street parking and it is generally desirable, in this particular instance any potential benefits are outweighed by the harm referred to above. It should also be noted that the planning inspector reached the same conclusion in 2003.

CONCLUSION

In conclusion these proposals will have a damaging effect on the Conservation Area by the loss and replacement of a well landscaped courtyard garden that is a positive feature in the Conservation Area with hardstanding and punctuated railings. This loss would be exacerbated by the parking of cars in close proximity to these Victorian dwellings which would detract from their setting and appearance and also be detrimental to the setting and appearance of the Conservation Area.

Furthermore, the proposed new access to the parking area cannot be provided with adequate visibility splays to allow users safe entry and egress from the site. This would be detrimental to highway safety and contrary to the Local Planning Authority's and the Highway Authority's development management policies.

Finally, the dimensions of the area are such that the parking bays would be smaller than the minimum bay sizes specified in the Council's adopted parking standards, making it less likely that they will be useable in the manner intended.

The proposal is identical to that previously refused by this Authority and therefore the previous reasons for refusal have not been overcome, nor have policies changed to enable Officers to come to a different conclusion to that previously reached. Accordingly, refusal of this application is recommended.

RECOMMENDATIONS

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

- 1 The site lies with the Earls Colne Conservation Area wherein it is the policy of the Council as set out in the Core Strategy CS9 and the Braintree District Local Plan Review Policies RLP90 and RLP95 to ensure that all new development will either preserve or enhance the character and appearance of the Conservation Area and its essential features including the buildings, open spaces and historic features. Building materials used should be authentic and complementary.

The proposed development is considered to have a damaging effect on the character and appearance of the Conservation Area by destroying a well landscaped courtyard garden that is a positive feature of the Conservation Area and replacing it with punctuated railings and a stark engineered hardstanding which would be contrary to the aforementioned policies. It would also result in cars being parked in close proximity to this attractive group of Victorian dwellings which would detract from their setting and character and, as a result, also be detrimental to the character and appearance of the Conservation Area.

- 2 The proposed development would create a new vehicular access onto Upper Holt Street, a busy classified road. When considering such a proposal the Local Planning Authority must have regard to relevant adopted highway safety policy.

Policy DM1 of the Highway Authority's Development Management Policies 2011 seeks to ensure, amongst other things, that proposals will not create a significant potential risk or be detrimental to the safety of the highway network. In addition, the Local Planning Authority has adopted Parking Standards (Parking Standards, Design and Good Practice, September 2009) which seek to ensure the provision of sufficient off-street parking for new development with parking spaces achieving minimum length and width dimensions.

So far as can be determined from the submitted plans the proposed new access cannot be provided with adequate visibility splays to allow users of the access to enter and leave the site in a safe manner and without danger to them, or other highway users. The access would therefore be detrimental to highway safety contrary to Policy RLP3 and RLP56 of the Braintree District Local Plan Review and Policy DM1 of the Highway Authority's Development Management Policies.

Furthermore, the four parking spaces proposed would be significantly smaller than the minimum bay sizes specified in the Council's adopted parking standards. Such provision would be likely to result in the spaces not being useable in the manner intended and is therefore likely to result

in cars parking in a haphazard manner or even being unable to use all the spaces as intended. Any claimed benefit through the provision of off-street parking would not, in the Local Planning Authority's view, override the detriment to the character of the Conservation Area as set out in reason 1 above.

SUBMITTED PLANS

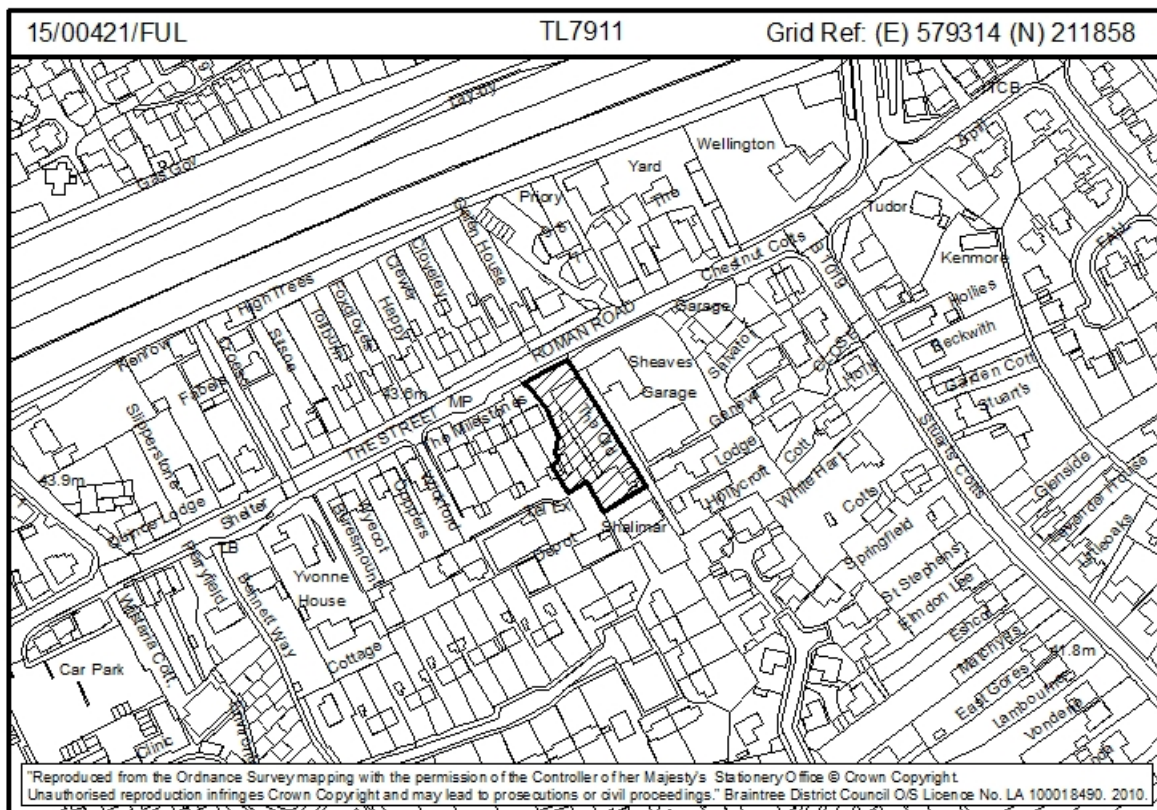
Proposed Plans Plan Ref: 2348/01
Photograph

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 15/00421/FUL DATE: 07.04.15
 VALID:
 APPLICANT: East Of England Co-operative Society
 Wherstead Park, Wherstead, Ipswich, Suffolk, IP1 2BJ
 AGENT: Mrs C Pollard
 Boyer Planning Ltd, 14 De Grey Square, De Grey Road,
 Colchester, Essex, CO4 5YQ
 DESCRIPTION: Variation of Condition 17 of planning permission reference
 08/00066/FUL to permit opening hours Monday to Saturday
 07.00 - 22.00 hours and Sunday and Bank Holidays 07:00 -
 22:00 hours
 LOCATION: The Co-op, The Street, Hatfield Peverel, Essex, CM3 2EH

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

06/01062/FUL	Retail outlet for East of England Co-Operative Society with 4 no. flats at 1st floor level	Refused	14.07.06
08/00066/FUL	Demolition of existing buildings and erection of part two storey, part single storey building containing retail use at ground floor and three no. apartments above	Granted	22.02.08
09/01154/ADV	Display of illuminated signage	Granted	23.10.09

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
RLP126 Local Shopping Facilities

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Committee following an objection received from the Parish Council, contrary to officer recommendation.

SITE DESCRIPTION

The site is an existing retail premises (the Co-Op) on the south side of The Street within the Hatfield Peverel Village Envelope. There are residential properties to the west and north, commercial development to the east and a mix of both to the north east. The current building replaced an earlier retail premises and was granted planning permission in 2008, reference 08/00066/FUL. That permission included the following condition:

The A1 retail premises shall not be open for business hours outside the following hours:

Monday to Saturday 07.00hrs – 22.00hrs
Sunday and Bank Holidays 07:00 – 18.00hrs

Reasons: in the interest of residential amenity.

PROPOSAL

This proposal is to vary the approved opening hours on Sundays and Bank Holidays from 07:00hr – 22.00hrs. The supporting letter submitted with the application states that the increase in hours is required for the benefit of their customers and due to the store's location the additional hours would not adversely impact upon the amenities of adjoining residents.

CONSULTATIONS

BDC Environmental Health raise no objections, but would remind the applicant that the variation would apply to opening hours only and that there would still be a restriction on delivery times on Sundays and Bank Holidays. The Environmental Health officer notes that if permission is granted and complaints are received regarding noise, this will be investigated by Environmental Health under the provisions of statutory nuisance and anti-social behaviour legislation.

REPRESENTATIONS

The Parish Council objects to the application, stating that the current opening times are satisfactory and are concerned at noise and disturbance to neighbouring property late at night.

Two letters of representation has been received from a local resident stating that the Council should support other local businesses that provide a valuable service to the local community. They continue to struggle and rely on some trade after the applicant has closed for business. The representation also remind the Council of the reason for the condition; namely in the interests of residential amenity.

REPORT

The application site is an existing premises situated within the Hatfield Peverel Village Envelope.

The principle for this development has already been established by planning permission reference 08/00066/FUL with this proposal seeking only to extend the hours of opening of the shop for an additional 4 hours on a Sunday and Bank Holidays. No external alterations are proposed, therefore, in principle the proposed development is considered to be acceptable.

Policies RLP3 and RLP90 of the Braintree District Local Plan Review require that new development shall have no undue or unacceptable impact on the amenity of nearby residential property.

The site is located on a busy street through the Village. The immediate area also includes a number of commercial properties at ground floor level with flats above. The Parish Council's comments are noted, however, the Environmental Health Officer has indicated that there have been no complaints from neighbouring residential premises regarding the existing operation of the shop, therefore, there is no evidence that the premises cause a problem at present. She also points out that if there should be an issue as result of the change, there is other legislation that can deal with such a problem. The letter of representation from the local resident alludes to the fact that other retail premises in the local area are open beyond the hours permitted for the Co-op, therefore, on this basis it would seem unreasonable to withhold consent for the change in hours proposed here. The conditions regarding deliveries would still remain in force.

Taking into account the above it is considered that the proposal would be appropriate and acceptable in terms of its impact on residential and public amenity, in compliance with relevant policies of the NPPF, Braintree District Core Strategy and the Braintree District Local Plan Review.

CONCLUSION

The proposal is reasonable and is acceptable in accordance with relevant policy criteria. Approval is therefore recommended.

RECOMMENDATION

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

APPROVED PLANS

Site Plan Plan Ref: M547

- 1 The A1 retail premises shall not be open for business outside the following hours:

Monday to Saturday 07.00hrs - 22.00hrs
Sundays and Bank Holidays 07.00hrs - 22.00hrs

Reason

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

INFORMATION TO APPLICANT

- 1 You are advised that this approval relates solely to the shop opening hours only. The other conditions attached to planning permission reference 08/00066/FUL remain applicable.

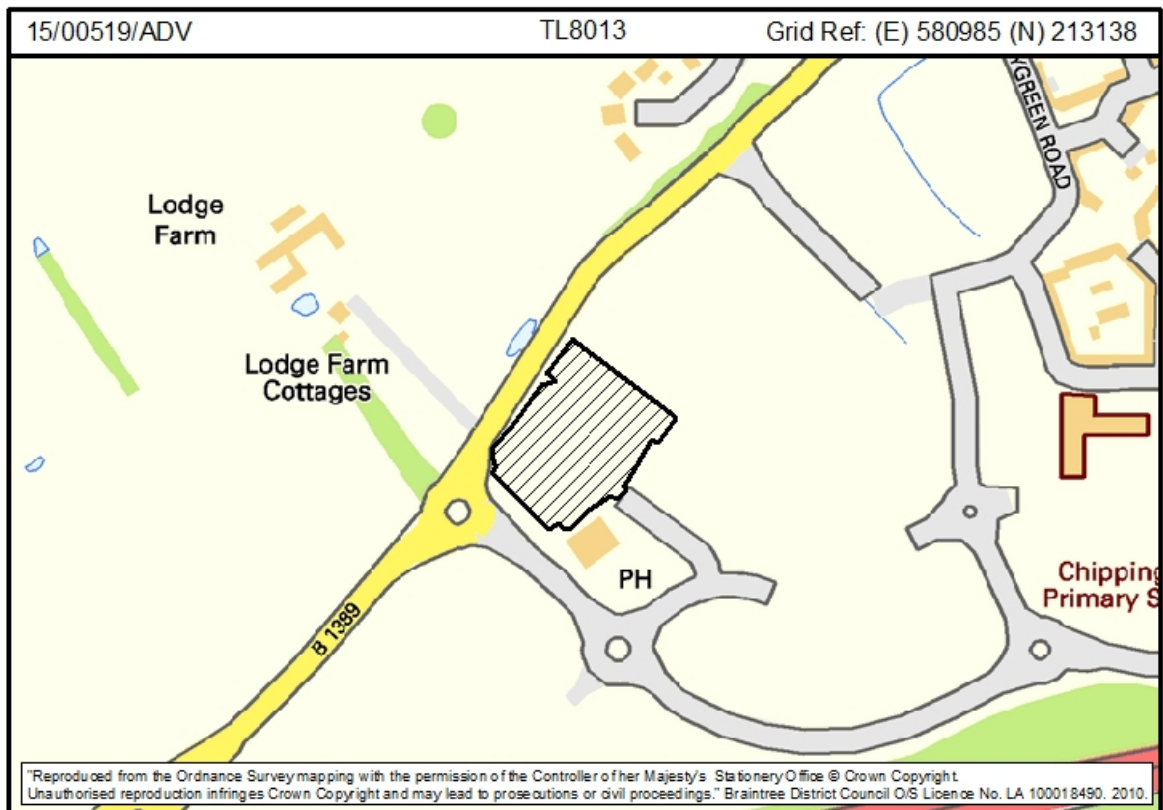
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6i

PART B

APPLICATION NO: 15/00519/ADV DATE: 26.05.15
VALID:
APPLICANT: Aldi Stores Ltd
Sheepcotes, Springfield Business Park, Chelmsford, Essex,
CM2 5AS
AGENT: The Harris Partnership
The Old Rectory, 79 High Street, Newport Pagnell,
Buckinghamshire, MK16 8AB
DESCRIPTION: Display of 1 x Non-illuminated, 1 x externally illuminated,
and 4 x internally illuminated signage
LOCATION: Plot 15 Land South Of, Maltings Lane, Witham, Essex

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



SITE HISTORY

06/01143/OUT	Erection of approx. 268 Dwellings, B1 business park, primary school, neighbourhood centre, community facilities, open space, landscaping and ancillary infrastructure	Granted with S106 Agreement	28.11.08
12/01071/OUT	Revised masterplan for a mixed use development comprising a commercial area for employment, neighbourhood centres, community facilities including food retail, non-food retail, a pub/restaurant, Class B1 office, retail warehousing, other uses within Classes A1 to A5, children's day nursery, health centre, sports facilities, residential dwellings, open space, landscaping and ancillary infrastructure at land to the south of Hatfield Road forming part of the Maltings Lane development	Granted with S106 Agreement	26.07.13
13/00935/REM	Approval of Reserved Matters application for the erection of an Aldi Retail Store at the northern corner of Gershwin Boulevard and Hatfield Road	Refused then dismissed on appeal	11.11.13
14/00918/REM	Approval of reserved matters for a foodstore at junction of Hatfield Road and Gershwin Boulevard	Granted	18.11.14

MATERIAL 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
RLP107	Outdoor Advertisements

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is presented to the Planning Committee as Witham Town Council have objected to the proposal, which is contrary to Officer recommendation.

SITE DESCRIPTION

The site is located on the corner of Hatfield Road and Gershwin Boulevard. At present, a retail food store is being constructed, which will be occupied by 'Aldi'. It is set back from Hatfield Road, and eventually will be screened by hedgerows.

PROPOSAL

The application seeks advertisement consent for the display of one non-illuminated vinyl sign on the south-west elevation, one externally illuminated 'H' style sign on the roadside, and 4 internally illuminated signs displaying the company logo on the building.

CONSULTATIONS

Highways Authority – No Objections subject to condition restricting luminance.

Town Council – Object to the number of signs, as they consider them to be out of keeping with the countryside and rural context.

REPRESENTATIONS

A site notice was displayed at the site. No letters of representation have been received as a result.

REPORT

Principle of Development

Applications for Advertisement Consent are considered under a separate statutory control from other forms of development; The Town and Country Planning (Control of Advertisements) Regulations 2007. The regulations state when considering applications for Advertisement Consent they shall be

considered in respect only of visual “amenity” and “public safety”. No other matters can be considered as relevant, therefore there are no grounds to object to the principle of the proposed development.

Visual Amenity and Highway Safety

The visual amenity of an area where signs are to be displayed is a material consideration as set out in Regulation 3 of Advertising Regulations 2007. The site is located on a gateway entrance into Witham, from one of the main roads into the Town Centre, the A12.

The Council has a number of local planning policies which can be considered as material considerations in the determination of the application. Policy RLP90 states that permission will only be granted for development where it satisfies amenity, design, environmental and highway criteria and where it can take place without detriment to the existing character of the locality.

RLP107 of the Braintree District Local Plan Review permits outdoor advertisements providing that the advertisement is displayed in close proximity to the activities they are advertising; the area of display of an advertisement should be visually subordinate to the feature of the building on which it is located; there is not a proliferation of advertisements on the building/site; issues of public safety, including traffic safety have been taken into account. Additionally particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas.

The site is located on a prominent corner in an area which could be classed as ‘urban fringe’, given its location on the edge of Witham, although the surrounding area is currently being developed. The application proposes a total of six signs, and for simplicity, will be grouped together and addressed in categories according to their illumination.

Signs 1 & 2

Originally, a freestanding internally illuminated sign containing two signs was proposed on Hatfield Road, which was found to be unacceptable due to the impact on visual amenity given the lack of internal illumination in the area and the potential impact on highway safety given its proximity to the road.

The plans were revised to remove Sign 2 and the internal illumination, and replace it with downward facing external ‘trough’ lighting. This is used in the area with good effect, and it is considered acceptable in terms of visual amenity. The sign would be located on the roadside, although the Highway Authority did not raise any objection to the application on highway safety. Officers consider the illumination of the sign appropriate given the low level of illumination and that it would project directly onto the sign; thus resulting in no light spillage. Given it would be externally illuminated and thus less distracting than internal illumination, Sign No. 1 on the plans is considered acceptable.

Sign 4

Sign 4 would be a non-illuminated vinyl sign displaying Aldi's logo. Given its location in relation to the public highway and non-illumination, this sign is considered acceptable.

Signs 3, 5, 6 & 7

These signs would be internally illuminated, and displayed on the side of the building. Sign 3 would be displayed above Sign 4, on the elevation facing Gershwin Boulevard. Signs 5 and 6 would be located on the elevation fronting Hatfield Road, and Sign 7 would be located on the rear of the building – facing the access road into the car park.

Signs 3, 5, 6 and 7 would measure 2.47m x 2.07m, thus an area of 5.1m². The method of illumination would be internal, and the maximum amount of luminance would be 55.7cd/m². In an area such as this, which the Institution of Lighting Engineers Technical Report No. 5 stipulates is an 'E3', the maximum amount of luminance for a sign of less than 10m² shall be 800cd/m². The Highways Authority raised no objection to the signs, subject to a condition restricting the luminance to a maximum of 800cd/m², in order to protect public safety. This is acknowledged, but given the application seeks only a maximum luminance of 55.7cd/m², there are no highway safety concerns and also protect visual amenity. A condition restricting the hours of illumination, is recommended as it would be unnecessary to have them illuminated at all hours. Therefore subject to the recommended conditions, these signs are considered acceptable.

Town Council Objection

Witham Town Council objected to the plans, on the basis that the number of signs would be out of keeping with the rural entrance to the town.

The Town Council refers to the site as being part of the 'rural entrance to the town' as a reason for their objection. It is noted that the site is currently abutted by a field on the other side of the roundabout; however the area is currently being developed by what is collectively known as the Maltings Lane development. The field between the site and the Hatfield Road Service Station is allocated to contain four 'non-food retail' buildings. Therefore whilst at present the area is a rural entrance, it is more than likely in the near future the site will be developed and the rurality removed.

Originally, 7 signs in total were proposed, however after the removal of sign 2 as shown on the revised plans the total now proposed is down to 6. The freestanding 'H' sign, whilst clearly associated with the building it is advertising, would appear as its own entity as a result of it being near the highway. The non-illuminated vinyl advert would be relatively small in size, and therefore wouldn't appear excessive.

There would be four signs in total attached to the building. Given the site is visible from 3 directions, it is considered reasonable that there should be advertisements on these 3 elevations. The two signs on the elevation fronting Hatfield Road may seem excessive on plan; however it's difficult to appreciate the size of the building in plan form. The 2 signs would serve an elevation which measures approximately 223.5m², which is considered to be appropriate. The illumination being at such a low level will also help keep the impact on visual amenity at a minimum.

CONCLUSION

It is considered that on balance, the application is acceptable and it is recommended it be approved.

RECOMMENDATIONS

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

APPROVED PLANS

Location Plan	Plan Ref: 0778/CHE/100	Version: A
Block Plan	Plan Ref: 0778-CHE-150	Version: A
Signage Details	Plan Ref: 0778/CHE/151	Version: A

- 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.

- 3 The average maximum luminance of the signs marked Signs 1, 3, 5, 6 and 7 shall not exceed 55.71 Candelas/m².

Reason

To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety, and in the interests of visual amenity.

- 4 The signs hereby approved shall only be illuminated during the opening hours of the store, including 1 hour before opening, and 1 hour after closing, unless otherwise agreed in writing by the Local Planning

Authority.

Reason

In the interests of visual and residential 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.
- 2 Except when it is otherwise directed by the local planning authority when granting consent, or where renewal of consent is applied for and refused, advertisements displayed with express consent granted under the Town and Country Planning (Control of Advertisements) Regulations 1992 may, on the expiry of the term thereof, continue to be displayed, subject to the power of the local planning authority to require the discontinuance of the display under Regulation 8.
- 3 No part of any sign, including any foundations required, shall be erected on covered by highway rights, as this would constitute a breach of the Highways Act 1980.

TESSA LAMBERT
DEVELOPMENT MANAGER

Monthly Report on Planning and Enforcement Appeal Decisions Received - June 2015		Agenda No: 7
Corporate Priority:		
Report presented by:		
Report prepared by: Liz Williamson Validation Officer/Appeals Co-ordinator		
Background Papers:		Public Report
Appeal decisions summary		
Options:		Key Decision: No
Information only		
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		
Corporate implications [should be explained in detail]		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Validation/Appeals Officer	
Ext. No.	2506	
E-mail:	lizwi@braintree.gov.uk	

PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a summary of the outcome of each appeal decision received during the month of June 2015.

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

1.	Application Ref/Location	BDC application ref: 14/01379/FUL – 22 Augustus Way Witham
	Proposal	Erection of first storey extension over garage
	Council Decision	Refused under delegated authority (11.12.14) – CS9, RLP2, 3, 17, 56 and 90
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the development on the character and appearance of the surrounding area, and on the living conditions of neighbouring occupiers
	Inspector's Conclusion	<p>The Inspector stated that the proposal would involve the erection of an extension over the garage and part of the driveway. It would be open to the front with brick piers and a pitched roof. The overall height of the extension would be below the ridge height of the main dwelling, but the eaves height would not be subordinate to the host property and the excessive width and depth of the extension would significantly enclose the gap between the appeal property and No. 24. This would be at odds with the spacious character of the surrounding area.</p> <p>The Inspector also expressed concerns that the development would set a precedent for similar development in the locality. The Inspector noted that each application had to be dealt with under its own merits, but, given the presence of a number of dwellings with a similar layout, there would be scope for similar development and that allowing the appeal would make it more difficult for the Council to resist such applications.</p> <p>Whilst no daylight or sunlight assessment had been provided with the application, the Inspector considered that the development would cause significant overshadowing of a substantial proportion of the rear and side garden, particularly during the late afternoons and evenings, due to its location south west of No. 24. In addition the dining room window within the main rear elevation of No. 24 is less than 3 metres from the garage. The height, and size of the proposed extension, together with its proximity to the rear main wall of No. 24, would have a significantly detrimental impact on the</p>

		<p>outlook from the rear glazed doors of the dining room, the sole source of light to that room and the area of garden immediately adjacent to the dining room, which would be likely to be used for sitting outside, particularly during the summer months.</p> <p>For the reasons stated, the Inspector concluded that the development could lead to material harm to the character and appearance of the surrounding area and that the proposed extension by reason of its height, size and proximity to the common boundary with No. 24 would cause material harm to the living conditions of the occupants.</p>
--	--	--

2.	Application Ref/Location	BDC Application ref: 14/00022/COUPA – Hulls Mill Farm Barn, Hulls Mill Lane Great Maplestead
	Proposal	Proposed change of use of agricultural building to a dwellinghouse (use Class C3) and for associated operational development.
	Council Decision	Planning Permission is Required
	Appeal Decision	Dismissed
	Main Issue(s)	
	Inspector's Conclusion	<p>Class Q of the GDPO permits developments consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to use falling within Class C3 of that Schedule.</p> <p>The proposal concerns a large timber barn which, apart from some vertical wooden slats to part of the structure, is otherwise open on three sides. The barn is currently used for agricultural storage at Hulls Mill Farm. The parties agree that the building forms part of this established agricultural unit.</p> <p>Advice on the building works allowed under Class Q is contained within paragraph 105 of the national Planning Practice Guidance. Amongst other things, this states that “It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.”</p> <p>The appellant argues that this advice is not reflected in the wording of Class Q. It is clear from Class Q.1(i) that it does not permit building operations other than those listed in that paragraph. The appellant has identified windows, doors, roof and exterior walls as the only building operations. There is no guidance on when building operations are ‘reasonably necessary’, but those works would still need to fall within the operations permitted under Q.1(i). Taking into account the sparse and crude nature of the existing structure with the roof</p>

		<p>supported by poles, it does not appear to form a robust basis for conversion into a dwelling, particularly as a new roof and first floor would be added.</p> <p>No evidence has been submitted to establish that the barn is structurally sound for the intended works without other new structural elements besides external walls. Structural alterations would clearly be a 'building operation'. The absence of any detailed information on the works proposed and the condition of the barn precludes an assessment of whether the building operations would exceed those in Q.1(i).</p> <p>The is reasonable doubt from the information submitted that the Inspector could not be satisfied that building operations would be limited to those in Q.1(i).</p> <p>As development is only permitted under Class Q 'to convert the building', in the Inspectors view the building would be required to be sufficiently substantial to be capable of accommodating the works proposed without being re-built. Similarly, those works should not be so extensive as to amount to re-building rather than conversion.</p> <p>In conclusion, the Inspector states that there is insufficient information to demonstrate that this barn is capable of conversion to a dwelling under Class Q whilst fulfilling the requirements of paragraph Q.1(i). Therefore the Inspector states that she is not persuaded that the proposed development benefits from permitted development rights under the provisions of the GDPO.</p>
--	--	---

3.	Application Ref/Location	BDC application ref: 14/00992/FUL – Honeywood Yard Little Maplestead Road, Gestingthorpe
	Proposal	Erection of a replacement dwelling
	Council Decision	Refused under delegated authority (18.09.14)
	Appeal Decision	Allowed
	Main Issue(s)	Whether the proposal would amount to a replacement dwelling in the countryside for the purposes of local planning policy
	Inspector's Conclusion	<p>The Inspector began his report by stating that the appeal site is currently occupied by two former mobile homes positioned alongside each other and forged together by a central structure to create a single unit of accommodation. In 2005, the Council issued a Certificate of Lawfulness of Existing Use or Development for the "use of land as a dwelling house". The proposal is to replace the dwelling with a bungalow of comparable size and shape footprint. The appeal site is outside any development boundary and is therefore in the countryside for the purposes of planning policy.</p> <p>Policy RLP15 of the Braintree District Local Plan Review (LP), 2005 allows the replacement of dwellings in the countryside provided certain prescribed criteria are met. These include the existing dwelling being a habitable, permanent dwelling of</p>

	<p>conventional construction. The Council maintains that the existing dwelling is not of 'conventional construction' due to it being of temporary construction comprising two caravans with additions.</p> <p>The Inspector continues by saying that from the wording of the Certificate of Lawfulness, the Council must have been satisfied that it was a dwelling house. Clearly, land cannot be used as a dwelling house unless a dwelling house exists. The description identifies the application as being for the 'permanent residency of mobile home' and the term 'mobile home' appears in the address. However, the Certificate was issued for use of the land as a dwelling house, the Council having concluded that the use as a single storey dwelling house began more than four years previously. By definition, a mobile home is distinct from a dwelling house which is a building. Thus, the Council granted a permanent residential use of the land for a dwelling house rather than the stationing of a temporary mobile home to be used for permanent residential purposes.</p> <p>It is unclear what is meant by the term 'conventional construction' and the supporting text to Policy RLP15 does not elaborate on the purpose of the wording or how it should be applied. In the absence of a definition or other guidance, it cannot be discerned that the structure is not of 'conventional construction'.</p> <p>A further criterion is that the replacement dwelling must not have a greater impact or be more intrusive in the landscape than the original dwelling by virtue of its siting, scale, height, character and design. The proposal is for twin pitched roofs. They would not be visible from the lane due to a high boundary fence and intervening workshop structures at the appeal site. The other boundaries are also well screened by fencing and some planting. There are open fields behind the appeal site from where the top of the roof would be slightly more visible above the boundary fencing, however, the landscape impact would be negligible provided the roofing materials and finishes are controlled by condition. The Council argues that any impact whatsoever would contravene the criterion of RLP15. In this particular instance, the Inspector concluded that the impact would be so minor that no material harm would arise to the landscape.</p> <p>To include the Inspector considered that the prescriptions of Policy RLP 15 would be met for the proposal to be a replacement dwelling in the countryside pursuant to this policy. Accordingly the proposal would accord with the development plan.</p> <p><u>Application for Costs</u></p> <p>Application for Costs – ALLOWED</p>
--	---

		The Inspector stated that unreasonable behaviour had resulted in unnecessary or wasted expense, as described in the PPG, had been demonstrated and a partial award of costs is justified. Therefore the appellant is invited to submit to Braintree District Council, details of those costs with a view to reaching an agreement of the amount.
--	--	--

4.	Application Ref/Location	BDC application ref: 12/01000/FUL – Pods Brook Road Braintree
	Proposal	Demolition of existing industrial terrace buildings and redevelopment of site for a new Sainsbury's Superstore (Use Class A1), with ancillary customer restaurant and automatic teller machines, goods online service, surface level car parking area, refurbishment/redevelopment of retained industrial building (Use Class B1, B2 & B8) with ancillary trade counters and associated works and change of use from highway land to private
	Council Decision	Refused at Committee (19.11.13)
	Appeal Decision	Dismissed
	Main Issue(s)	To consider a report which was submitted by Inspector K G Smith who held a public local inquiry on 7 days between 9 December 2014 and 7 January 2015. On 17 November 2014 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves proposals which involve any main town centre use of uses where that use or uses comprise(s) over 9.000m2 gross floorspace (either as a single proposal or as part of or in combination with other current proposals) and which are proposed on a site in an edge-of centre or out of centre location that is not in accordance with an up-to-date development plan document.
	Inspector's Conclusion	<p>As the proposal conflicts with the development plan as a whole the Secretary of State has gone on to consider whether there are any material considerations which indicate that the appeal should be allowed.</p> <p>The Secretary of State has given careful consideration to the Inspector's conclusion and agrees that the proposal would secure the redevelopment of a largely vacant industrial site and there would be a substantial improvement to the appearance and character of the area through rejuvenation of a brownfield site. Other benefits of the scheme have been identified and the retention and refurbishment of one of the existing units is another positive factor.</p> <p>However, when combined with existing retail commitments, the impact of the proposal on Braintree Town Centre would likely be significantly adverse. Paragraphs 26-27 of the National Planning Policy Framework are clear that where an application is likely to have significant adverse impact on a town centre, it should be refused.</p>

		<p>Overall the Secretary of State considers that the proposal conflicts with the development plan and the Framework, and that its benefits are outweighed by the significant adverse impact on Braintree Town Centre. The Secretary of State concludes that there are no material circumstances that indicate the proposal should be determined other than in accordance with the development plan.</p> <p>The Inspector concluded that the scheme posed an adverse impact on Braintree town centre and was contrary to both the development plan and the policies in the National Planning Policy Framework (NPPF).</p> <p>For more information please view the Secretary of State's Decision which can be located on the Council's website.</p>
--	--	--

5.	Application Ref/Location	BDC application ref: 13/00832/FUL – Big Deere Lodge Field Belchamp St Paul
	Proposal	Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverters, switchgear, access tracks, security fencing and pole mounted security cameras and ecological enhancement
	Council Decision	Refused under delegated authority (17.04.14) Cs5, 8, 9 and RLP2, 36, 62, 65, 69, 76, 80, 81, 83, 84, 90, 95, 100 and 105
	Appeal Decision	Dismissed
	Main Issue(s)	That the development proposed would take place on greenfield land, most of which constitutes best and most versatile (BMV) agricultural land, and it is this consideration which formed the basis of the Council's reason for refusing planning permission. That is the main issue of the appeal, but it is also necessary to take into account the other "particular planning considerations that relate to large scale ground-mounted solar farms".
	Inspector's Conclusion	<p>The Inspector stated that the Council's delegated report on the proposed development, was admirably detailed and a well-argued exemplar of the form, gave very careful consideration to all of the relevant concerns raised at application stage and therefore the Inspector was confident that the concerns of the local community have been properly heard in this case.</p> <p>The Inspector continued by saying that the Council's assessment of the proposed development concluded that it would be in overall accordance with the Development Plan for the area, and he shared the same view. However, compliance with the Development Plan is not the end of the matter: planning law requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.</p> <p>National planning policy is a significant material consideration. As the Council fairly acknowledges, the renewable energy policies in the Development Plan pre-date the National Planning Policy Framework (NPPF), and do not reflect its approach of focusing solar energy installations on previously-</p>

		<p>developed and non-agricultural land. While the use of greenfields sites and BMV agricultural land are not ruled out the Written Ministerial Statement of 25 March 2015 makes it clear that any proposals involving the latter now need to be supported by “the most compelling evidence”</p> <p>The Inspector was not convinced that the evidence in the current case reaches that very high bar. There are two main reasons for this.</p> <p>Firstly, the appellant’s analysis concluded that apart from Gosfield Airport, which already has permission for a solar farm, the District contains no available area of previously-developed land suitable to accommodate a solar array. However, details of the assessment which informed this conclusion are not clear. Prerequisites for suitability appear to have included that potential site be “large” and “near to suitable power lines”, but how large is not specified. As to grid connection, the assertion that capacity for export is limited to a small fraction of the District in the South assumes that areas identified as “highly utilised” in the UKPN Export Capacity Map have no further capacity at all, which is not necessarily the case.</p> <p>Secondly, the Inspector stated that there was no information as to how much of the district’s large expanse of Grade 3 land is classified 3a (that is, BMV land) and how much is 3b (that is, not BMV land). That being the case, the Inspector could not discount the possibility that there may well be suitable alternative sites which are not BMV land, or at least involve a smaller amount than the 85% contained in the appeal site.</p> <p>The Inspector concluded by saying that there are a number of factors that weigh in favour of the proposed solar farm. It would provide considerable benefits in terms of energy and ecology and, unusually in his experience, would not conflict with the local Development Plan Policies aimed at protecting the character and appearance of the countryside, residential amenity and heritage assets. However, the proposal would clearly conflict with current national policy, which has consistently set out the Government’s aim of focusing such development on previously-developed and non-agricultural land, recently re-emphasised in the Written Ministerial Statement of 25th March 2015. For the reasons set out above, the Inspector found that the information provided to justify the use of the site that is 94% BMV land does not meet the high standard of being “the most compelling evidence”, in the terms used by the Written Ministerial Statement, and the Inspector considers this to be a material consideration of overriding weight.</p> <p>For more information, please view the Inspectors decision which can be located on the Council’s website.</p>
--	--	--