

# Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

**Date: Tuesday, 07 June 2016**

**Time: 19:15**

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

## **Membership:**

Councillor R Bolton

Councillor K Bowers

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor Mrs W Scattergood (Chairman)

Councillor P Schwier

Councillor Mrs G 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 24th May 2016 (copy to follow).

### **4 Public Question Time**

(See paragraph below)

## **5 Planning Applications**

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

### **PART A**

Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 16 00006 FUL - The Vine Public House, Vine Street, GREAT BARDFIELD</b> | <b>5 - 14</b>  |
| <b>5b</b> | <b>Application No. 16 00007 LBC - The Vine Public House, Vine Street, GREAT BARDFIELD</b> | <b>15 - 19</b> |
| <b>5c</b> | <b>Application No. 15 01588 FUL - Builders Yard at Pineside, Ashen Road, RIDGEWELL</b>    | <b>20 - 29</b> |

### **PART B**

Minor Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5d</b> | <b>Application No. 16 00673 FUL - Leppingwells Farm, School Road, LITTLE MAPLESTEAD</b> | <b>30 - 35</b> |
| <b>5e</b> | <b>Application No. 16 00674 LBC - Leppingwells Farm, School Road, LITTLE MAPLESTEAD</b> | <b>36 - 38</b> |
| <b>5f</b> | <b>Application No. 16 00597 FUL - 5-6 School Barn Cottages, School Road, PENTLOW</b>    | <b>39 - 46</b> |
| <b>5g</b> | <b>Application No. 16 00281 FUL - 25 Francis Way, SILVER END</b>                        | <b>47 - 53</b> |
| <b>6</b>  | <b>Planning and Enforcement Appeal Decisions - April 2016</b>                           | <b>54 - 62</b> |

## **7 Urgent Business - Public Session**

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

**8 Exclusion of the Public and Press**

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

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

**PRIVATE SESSION**

**9 Urgent Business - Private Session**

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

Cont'd

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](mailto: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](mailto:demse@braintree.gov.uk) at least 2 working days prior to the meeting.

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

**Health and Safety**

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

**Mobile Phones**

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

**Comments**

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

Please let us have your comments setting out the following information

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

Comment .....

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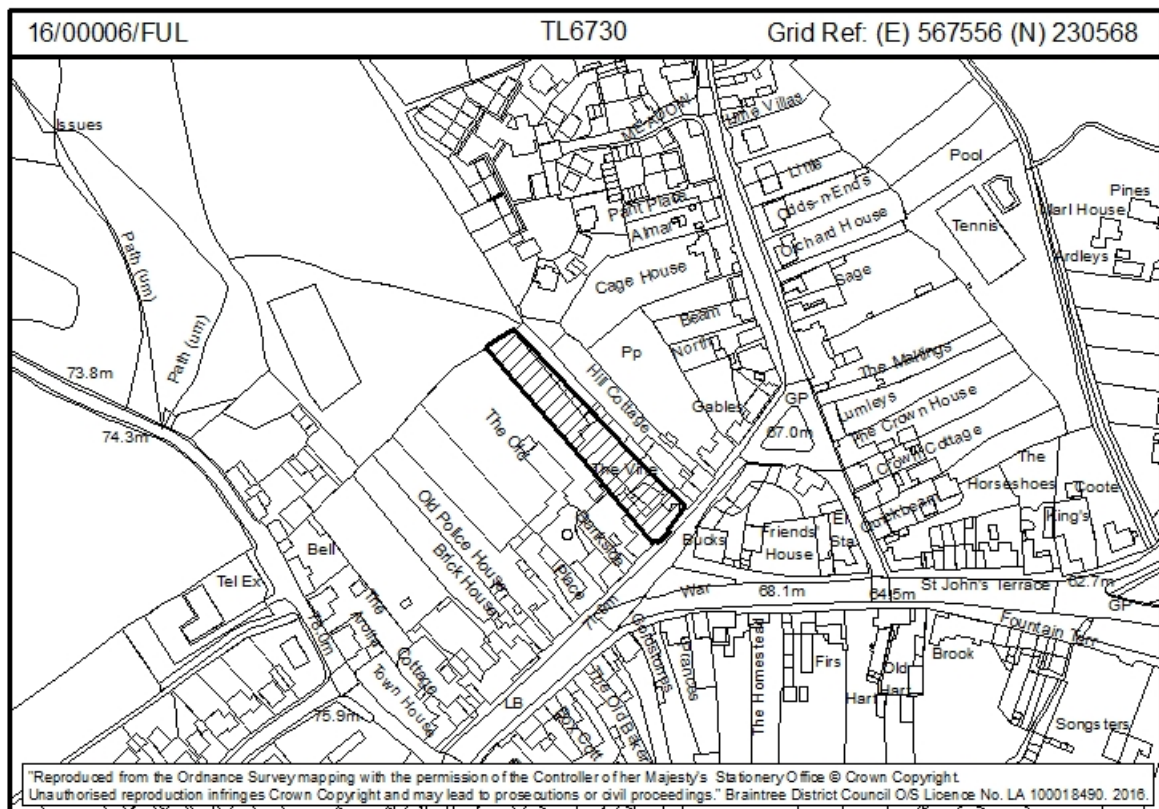
Contact Details: .....

## AGENDA ITEM NUMBER 5a

### PART A

APPLICATION NO: 16/00006/FUL  
 DATE: 27.01.16  
 VALID:  
 APPLICANT: The Vine Of Great Bardfield Ltd  
 Mr Paul Atkins, The Vine, Vine Street, Great Bardfield,  
 Braintree, Essex, CM7 4SR  
 AGENT: Edward Parsley Associates Ltd  
 Mr Dave Farrow, West End Barn, The Street, Rayne,  
 Essex, CM77 6RY  
 DESCRIPTION: Proposed conversion of existing barns into holiday lets  
 LOCATION: The Vine PH, Vine Street, Great Bardfield, Essex, CM7  
 4SR,

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



## SITE HISTORY

15/01356/FUL	Erection of steel staircase to allow better access to loft space above commercial kitchen and enlarge current opening to full size external door.	Granted	02.02.16
16/00007/LBC	Proposed conversion of existing barns into holiday lets	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS9	Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
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
RLP146	Tourist Accommodation

## INTRODUCTION

This application is being reported to the Planning Committee for determination due to the objection received from Great Bardfield Parish Council, which is contrary to officer recommendation.

## SITE DESCRIPTION

The site comprises an existing barn to the rear of The Vine public house in Great Bardfield. The barns themselves are of sixteenth century origin, with

later phases of alteration, and are Grade II Listed. The barn is situated adjacent to the North East boundary of the site and is accessed from the existing car parking area. The site is located within Great Bardfield Conservation Area.

## PROPOSAL

The proposal comprises the conversion of the Grade II listed barn to form five holiday lets. The holiday lets would each comprise one bedroom, a living area and a toilet/shower. The rationale is to utilise the existing bays of the building to form the units without significant alteration to the Listed Building. 5 existing car parking spaces from the public house would be assigned to the holiday let accommodation.

## CONSULTATIONS

Essex County Council Highways Officer:

No objections received.

Essex County Council Public Right of Way Officer:

Footpath 5 as shown on the definitive map runs through the car park of the pub. The barn itself does not directly affect the footpath, but it is likely that during works the footpath will be obstructed. Providing that the route of footpath 5 is safeguarded against obstruction, the proposed holiday lets do not give rise to any concerns.

An informative has been attached to ensure that the PROW remains open and unobstructed.

Braintree District Council Environmental Health Officer:

No objection subject to conditions relating to hours of work and no burning.

Essex County Council Archaeological Officer:

No objection to the proposal subject to conditions relating to building recording and a written scheme of investigation prior to works commencing.

Essex County Council Historic Buildings Consultant:

No objection to the proposal subject to conditions relating to details of windows and doors, new staircases, materials, internal finishes, hard and soft landscaping and no additional flues.

Braintree District Landscape Services:

No objection to the proposal.

Great Bardfield Parish Council:

Provided generally positive comments about the preservation of the barn but raised concerns with regard to:

- Inclusion of metal framed windows and doors
- Car parking will be displaced from the pub forcing more on-street parking

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours notified. One general comment has been received stating the following summarised points:

- Existing holiday lets in area under-utilised already
- Loss of parking for those people who rent out the barn to park as existing
- Timber should be used opposed to aluminium

## REPORT

### Principle of Development

The National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, including sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. It must however respect neighbouring amenity (Paragraph 28).

Policy RLP146 of the Braintree District Local Plan Review refers to tourist accommodation and states that proposals for hotels or bed and breakfast accommodation will be permitted within village envelopes and town development boundaries if the character and appearance of the locality will not be adversely affected. This applies to new building, change of use of an existing building or extension to existing accommodation. Large scale development proposals which are out of character with the rural areas will be resisted.

A representation was received suggesting that there is no demand for additional tourist accommodation in this area. However, the National Planning Policy Framework is very clear in its encouragement of rural business, especially with a focus on tourist accommodation in sustainable locations. This site is located within a village envelope and would involve the conversion of an existing building. Taking into account the small scale nature of the proposal it is considered that the location can be considered as sustainable for the proposed holiday let accommodation.

The above policies clearly provide support for the conversion of existing buildings in the village envelope for tourist accommodation which would be a form of business use, providing economic benefits to the District. The proposal involves the conversion of an existing building which is served by an existing vehicular access. Sufficient space is available within the site for parking and it is not considered that such a proposal would give rise to a level of traffic movements which would have an unacceptable impact upon the road system.

A key consideration in this case is the preservation of the heritage asset. The Grade II Listed Barn is of 16th century origin with later phases of alteration. The current use of the building has been for ancillary storage and vehicle parking but this is a use which has not promoted continued maintenance of the barn and as such has been allowed to decline for some time. The proposed conversion would ensure the longevity of the Listed Building and bring it out of a worsening state of disrepair.

Subject to the acceptability of the detailed works proposed to the listed building, which are discussed in more detail below, it is considered that the principle of the use of the building for holiday lets would comply with both national and local policies. A condition is however recommended to ensure that the accommodation is only used for holiday lets and not for general residential use.

#### Impact upon Character and Appearance of the Listed Building and Conservation Area

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development, and the protection and enhancement of the historic environment, in order to respect and respond to the local context, especially in areas of highest landscape sensitivity.

Policy RLP95 of the Braintree District Local Plan Review states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Furthermore, Policy RLP100 of the Braintree District Local Plan Review states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes. 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 Grade II Listed Barn is of 16<sup>th</sup> century origin with later phases of alteration. The current use of the building has been for ancillary storage and vehicle parking but this is a use which has not promoted continued maintenance of the barn and as such has been allowed to decline for some time.

The proposal to convert the barn to holiday lets comprises the insertion of a mezzanine level to facilitate sleeping accommodation. Listed barns traditionally are open linking back to their historic character. As such, the insertion of a mezzanine floor in most circumstances would be resisted. However in this case, the Historic Building Consultant acknowledges that major elements of the roof structure have been replaced in large numbers in the 20<sup>th</sup> century. As such, this negates this particular concern. To mitigate this impact, it is proposed that the modern softwood insertions would be replaced with oak which is considered would be more in keeping with the historic and architectural character of the listed building.

The other works would require little removal of historic fabric, and the new layout and apertures follow the existing structure to make use of the areas of modern fabric, such as the location of the dormer windows. It is therefore considered that the proposal would result in a positive approach to utilising the building and bringing it back into a use which will secure its longevity. On this basis, the Historic Buildings Consultant has raised no objections to the proposal subject to a number of conditions.

The Parish Council have raised concerns with regards to the insertion of aluminium windows on the listed barn, stating that timber should be the preference. While these concerns are noted, a barn would not traditionally have windows. As such the insertion of windows, whether aluminium or timber frame, would be perceived as a modern insertion to the barn. The Historic Buildings Consultant contends that the harm of inserting windows into the barn would be outweighed by the re-use and future longevity of the listed barn. Moreover, aluminium windows are likely to have a slightly thinner profile than timber windows resulting in a less intrusive addition to the barn. As such, there is no objection to the insertion of aluminium windows.

### Impact upon Neighbouring Amenity

Policy RLP90 states that there should be no undue or unacceptable impact upon neighbouring residential amenity.

The rear (North East) elevation of the barn in this case directly adjoins the boundary with Dixon House and Hill Cottage. The barn is not proposing to increase in size or scale and the only fenestration detail proposed is a small roof light in this elevation. The front (South West) elevation would face into the car park of the Vine Public House and further away (16m) onto the side of The Old Brewery. As such, having regard to the proposed works, it is considered that the proposal would not have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

### Highway Issues

Policy RLP56 of the Braintree District Local Plan Review states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009 and stipulates that 1 space should be provided per bedroom. As such, the proposal in this case would generate the requirement for 5 car parking spaces to be provided.

Following the submission of the original planning application, a parking plan was requested by Essex County Council Highways to ascertain the existing number of parking spaces within the application site. The submitted parking plan illustrates that the site currently benefits from 18 parking spaces. The proposal is to utilise 5 of the 18 parking spaces for the proposed holiday lets, one space per unit which would accord with the abovementioned standards.

Concerns have been raised within the representations and by the Parish Council that the subsequent lack of allocated parking for the public house that would then require patrons of the public house to park on the street, to the detriment of highway safety. While these concerns are noted, in this case the proposal would provide sufficient parking spaces on site in accordance with the adopted standards. Taking into account the existing public house use, it is considered that some overspill and on-street parking already occurs within the locality. Having regard to the scale of the proposal, it is not considered that the proposal would have a detrimental impact upon on-street parking within the village. Essex County Council has raised no objections to the proposal. As such, the proposal is considered to be satisfactory in this regard.

### Landscape and Ecology

Policy CS8 of the Braintree District Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally

distinctive character of the landscape in accordance with the Landscape Character Assessment.

A Norway Maple is situated adjacent to the boundary with its canopy overhanging the barn. The application submission was accompanied by an arboricultural method statement and tree protection plan. As part of the development, the foundations of the barn may be required to be re-dug. However, it has been confirmed that where the tree canopy exists, a no-dig raft type construction method will be utilised, which would negate any damage to the root protection of the tree. The Council's Landscapes Officer has no objection to this approach, but requests informatives are attached to the any planning permission.

A protected species survey was submitted which found no evidence of nesting species in the barn. As such, the Landscapes Officer advised that no additional mitigation or surveys would be required.

### CONCLUSION

The proposal comprises the renovation and re-use of an existing Grade II Listed Barn to form 5 holiday lets. National and Local policy both promote rural tourism and as such the principle of development is considered to be acceptable. The works to the Listed Building are considered to be acceptable and moreover would safeguard the Listed Building and ensure that it does not fall into further disrepair. The proposal would not have a detrimental impact upon the amenity of any neighbouring properties. The proposal would provide sufficient parking in accordance with adopted standards and would not result in any detrimental impacts upon highway safety. As such, it is considered that the proposal complies with both national and local policies and should be granted planning permission in accordance with the presumption in favour of sustainable development.

### 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

Tree Plan	Plan Ref: TH/A3/1135/TPP
Location Plan	Plan Ref: 01
Existing Floor Plan	Plan Ref: 03
Existing Elevations	Plan Ref: 04
Frame Survey	Plan Ref: 05
Proposed Floor Plan	Plan Ref: 06 A
Proposed Elevations	Plan Ref: 07 A
Section	Plan Ref: 08
Block Plan	Plan Ref: 02A

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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 The accommodation hereby permitted shall be used for holiday accommodation purposes only and shall not be occupied by any guest for a period exceeding 28 days consecutively.

Reason

To prevent permanent residential development occurring at the site which would require a separate planning application.

- 4 No demolition/ conversion shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted to, and approved in writing by the local planning authority.

Reason

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

- 5 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological fieldwork in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason

The site may be of archaeological interest.

- 6 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

- 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, Public and Bank Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

- 8 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Trevor Heaps Arboricultural Consultancy LTD dated 11th November 2015.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 9 The parking spaces shown at No. 14-18 on Block Plan No. 02A shall be used for the purposes of parking in connection with the development hereby approved and for no other purpose.

Reason

To ensure that sufficient off street parking provision is available to serve the development, in the interests of highway safety.

INFORMATION TO APPLICANT

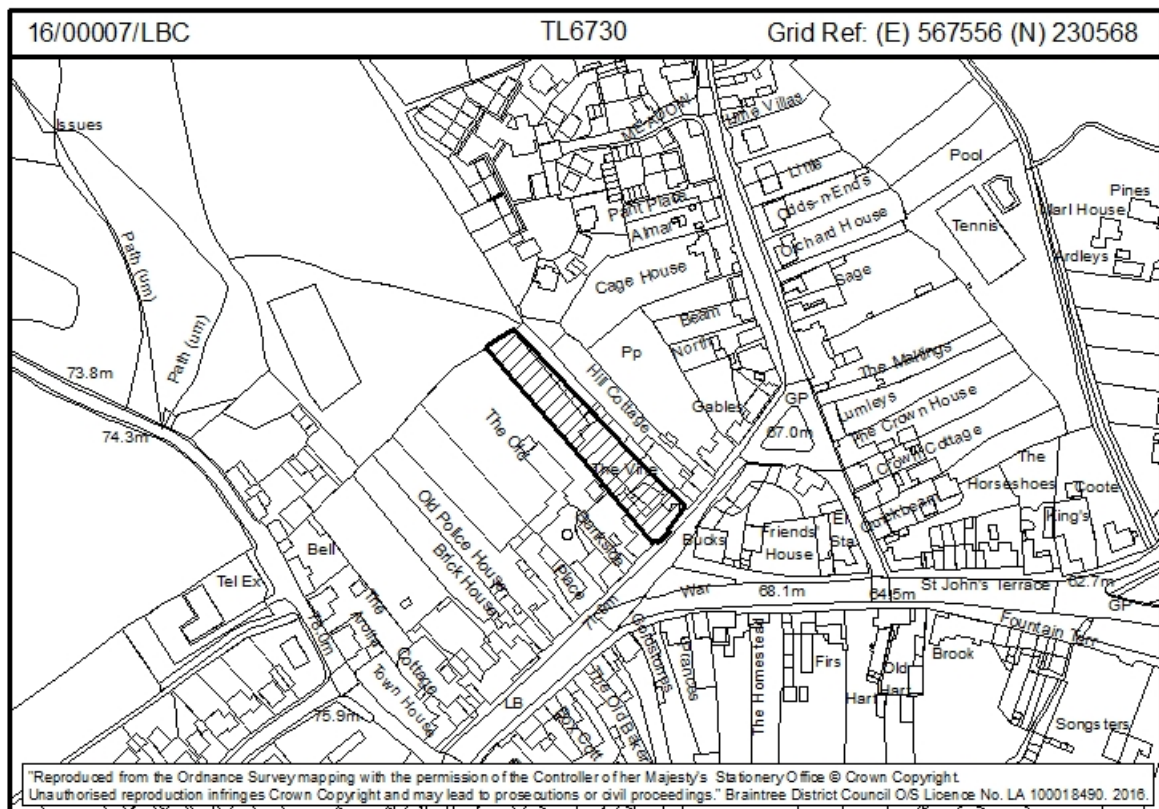
- 1 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 2 All tree works as specified in the Arboricultural Method Statement should be carried out before any other work commences on site. If any major roots of 25mm diameter or larger are found during demolition or construction they should not be cut. If they are interfering with the works the Arboricultural Consultant should advise as to how to proceed.

TESSA LAMBERT  
DEVELOPMENT MANAGER

## PART A

APPLICATION NO:	16/00007/LBC	DATE VALID:	27.01.16
APPLICANT:	The Vine Of Great Bardfield Ltd Mr Paul Atkins, The Vine, Vine Street, Great Bardfield, Braintree, Essex, CM7 4SR		
AGENT:	Edward Parsley Associates Ltd Mr Dave Farrow, West End Barn, The Street, Rayne, Essex, CM77 6RY		
DESCRIPTION:	Proposed conversion of existing barns into holiday lets		
LOCATION:	The Vine PH, Vine Street, Great Bardfield, Essex, CM7 4SR		

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



## SITE HISTORY

15/01356/FUL	Erection of steel staircase to allow better access to loft space above commercial kitchen and enlarge current opening to full size external door.	Granted	02.02.16
16/00006/FUL	Proposed conversion of existing barns into holiday lets	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

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

## INTRODUCTION

This application is being reported to the Planning Committee for determination due to the objection received from Great Bardfield Parish Council, which is contrary to officer recommendation.

## SITE DESCRIPTION

The site comprises an existing barn to the rear of The Vine public house in Great Bardfield. The barns themselves are of sixteenth century origin, with later phases of alteration, and are Grade II Listed. The barn is situated adjacent to the North East boundary of the site and is accessed from the existing car parking area. The site is located within Great Bardfield Conservation Area.

## PROPOSAL

The proposal comprises the conversion of the Grade II listed barn to form five holiday lets. The holiday lets would each comprise one bedroom, a living area and a toilet/shower. The rationale is to utilise the existing bays of the building to form the units without significant alteration to the Listed Building. 5 existing

car parking spaces from the public house would be assigned to the holiday let accommodation.

### CONSULTATIONS

Please see previous report.

### REPRESENTATIONS

Please see previous report.

### REPORT

Please see previous report.

### CONCLUSION

The proposal comprises the renovation and re-use of an existing Grade II Listed Barn to form 5 holiday lets. National and Local policy both promote rural tourism and as such the principle of development is considered to be acceptable. The works to the Listed Building are considered to be acceptable and moreover would safeguard the Listed Building and ensure that it does not fall into further disrepair. The proposal would not have a detrimental impact upon any neighbouring properties. The proposal would provide sufficient parking in accordance with adopted standards and would not result in any detrimental impacts upon highway safety. As such, it is considered that the proposal complies with both national and local policies and should be granted planning permission in accordance with the presumption in favour of sustainable development.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: 01
Block Plan	Plan Ref: 02
Existing Floor Plan	Plan Ref: 03
Existing Elevations	Plan Ref: 04
Frame Survey	Plan Ref: 05
Proposed Floor Plan	Plan Ref: 06 A
Proposed Elevations	Plan Ref: 07A
Section	Plan Ref: 08

- 1 The works hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

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

Reason

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

- 3 No works shall commence until drawings showing the proposed new windows, doors, and dormer windows in section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall only be carried out in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing on this listed building and within the wider Conservation Area.

- 4 No works shall commence until drawings showing the proposed new staircases at a scale between 1:1 and 1:20 have been submitted to and approved in writing by the Local Planning Authority. Works shall only be carried out in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 5 No works shall commence until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The works shall only be carried out in accordance with the approved details.

Reason

To ensure the use of appropriate detailing on this listed building and within the wider Conservation Area.

- 6 No works shall commence until details of all internal finishes have been submitted to and approved in writing by the Local Planning Authority. Works shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 7 Works shall not commence until drawings showing proposed hard and soft landscaping have been submitted to and approved by the Local Planning Authority. Works shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 8 No additional soil ventilation pipes, air extraction pipes, boiler flues or ducting shall be fixed to the fabric of the building.

Reason

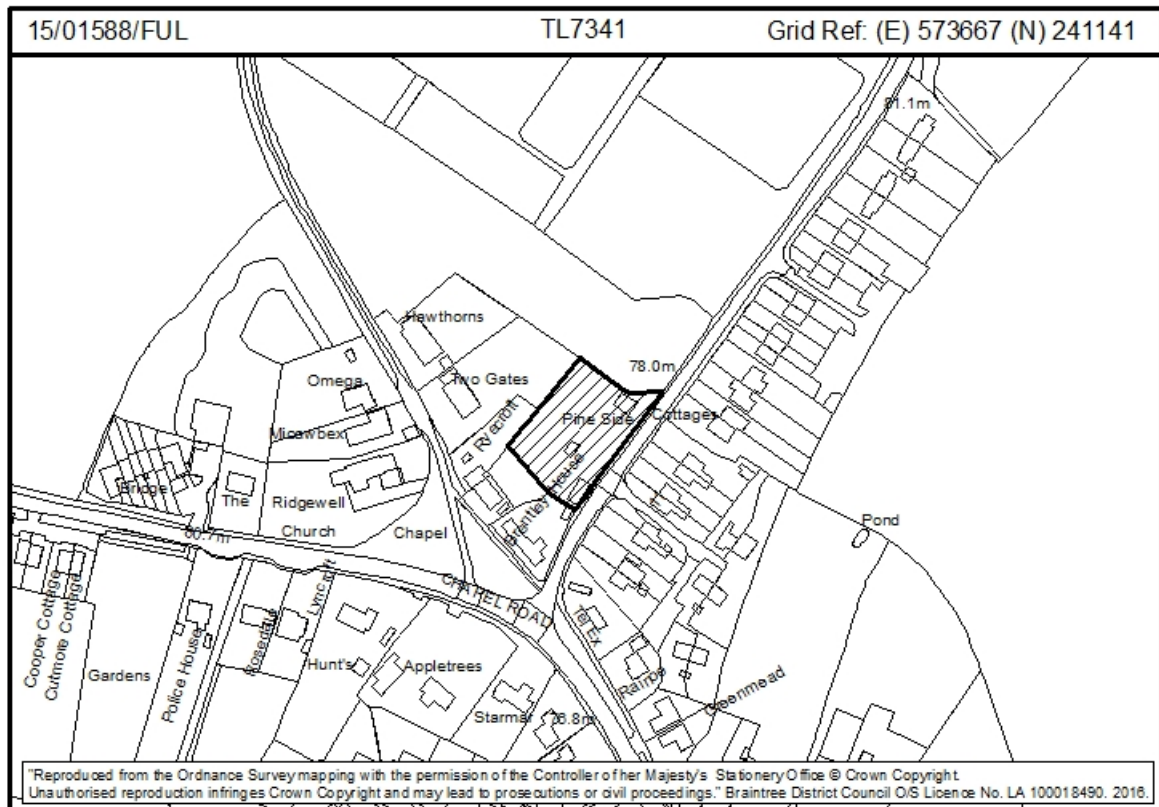
To ensure the use of appropriate detailing on this listed building and within the wider Conservation Area.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01588/FUL DATE: 28.01.16  
 VALID:  
 APPLICANT: Mr Derek Mason  
 Pine Side, Ashen Road, Ridgewell, Halstead, Essex, CO9 4RP  
 AGENT: Mr Michael Aves  
 Mill Cottage, Yeldham Road, Belchamp Walter, Sudbury, Suffolk, CO10 7BB  
 DESCRIPTION: Proposed redevelopment of existing builder's yard with 4 houses  
 LOCATION: Builders Yard At Pine Side, Ashen Road, Ridgewell, Essex

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



## SITE HISTORY

13/00288/ELD – Application for a Lawful Development Certificate for an existing use – The use of land within the orange line as a builders yard including (a) the storage of building materials on the land coloured pale green to a height not exceeding 2 metres (b) the use of building A as office and storage ancillary to the builders yard use; (c) the use of the storage containers B, C and E for storing building materials and equipment; (d) the use of shed D for storage and the maintenance of machinery and equipment; (e) the use of sheds F, G, H, I, J and K for storing building materials and equipment; (f) the use of portakabin L for storing building materials and equipment; (g) the parking of up to 6 motor vehicles and 4 trailers associated with the builder's yard; and (h) boundary hedge on the land edged in orange. – Approved 28.10.2014

## 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
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS2	Affordable Housing

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP56	Vehicle Parking
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP138	Provision of Open Space in New Housing Developments
RLP95	Preservation and Enhancement of Conservation Areas

## INTRODUCTION

This application is brought before Committee as the Parish Council support the scheme contrary to officer recommendation for refusal.

## SITE DESCRIPTION

The application site is located to the northern side of Ashen Road within the settlement of Ridgewell. The site is currently used as a builder's yard and comprises a detached single storey site office positioned abutting the site

boundary with Ashen Road and some 11 other sheds and/or storage containers. The site is bound to Ashen Road with a dense hedgerow. The site is screened to the north and east by way of leylandi hedging.

The site sits alongside a collection of residential properties, which front Meeting Lane and Ashen Road. The properties along Meeting Lane are predominantly detached and of varying styles and designs. In contrast the existing properties along Ashen Road are mainly of the post war era, semi-detached in form and of a uniform design and appearance.

The site is located just outside of the Ridgewell Conservation Area. The Conservation Area boundary runs immediately to the rear of three dwellings on Meeting Lane.

## PROPOSAL

The application seeks planning permission for the demolition of the existing structures within the site and the erection of 4no. detached dwellings. The proposed properties would be accessed via a new single vehicular access positioned along Ashen Road. The dwellings are set back in the site and served by a shared driveway. Each property has a detached garage which is positioned to the other side of the shared driveway, abutting the Ashen Road frontage. The existing hedging along Ashen Road would be removed in order to facilitate the development and to achieve the required visibility from the access.

The leylandi hedge along the side and rear boundary is proposed to be removed and replaced.

## CONSULTATIONS

Ridgewell Parish Council – No objections. Concerned with regards to the size of the gardens and would wish to see adequate landscaping to the front of the site.

Housing Research and Development – Request a contribution of £40,000 in lieu of affordable housing

ECC Archaeology – No objections. Recommend a condition requiring a programme of archaeology fieldwork to be undertaken.

BDC Engineers – No objections

BDC Environmental Health – No objections

ECC Highways – No objections

12 letters (2 in objection and 10 in support) have been received in response to the public consultation, the contents of which are summarised below.

#### Objections:

- The development will cause overlooking
- The development will add noise in terms of vehicle movements and domestic activity
- Must consider the responsibilities under the Human Rights Act
- The design is not in keeping with the character of other properties in the village
- The gardens are not proportionate in size to the proposed building
- Will affect local wildlife

#### Support

- The plot lends itself well to housing
- There has been an increase in work vans and cars parked on the road
- The proposal has good off road parking, which will remove the on street car parking
- The design is modern and eco friendly
- The builders' yard is nothing but hassle for road users and residents
- The development would be better for the village
- Would prefer to see residential development and not the expansion of the existing commercial operation

### REPORT

#### Principle of Development

The application site is located outside of any defined development boundary/village envelope in the adopted Local Plan and is therefore considered to be within the countryside. Policy RLP 2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy states that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate to the countryside location, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Notwithstanding the above, the site has been put forward in the Call for Sites as part of the new Local Plan. The site was considered by the Local Plan Sub Committee on the 16<sup>th</sup> March 2016 and the Sub Committee resolved that the site be included in an extension to the Village Envelope, whereby residential development would be acceptable in principle. Although the proposed allocations are still subject to public consultation and will not form part of the development plan until a new Local Plan is adopted, the decision of the Local Plan Sub Committee indicates the approach to development in the Village.

The site benefits from a lawful development certificate (13/00288/ELD) for the existing use and can be considered to be previously developed. In this regard the proposal would encourage the effective use of land by reusing that which has been previously developed, as advocated by the NPPF.

Policy RLP35 of the Local Plan Review states that planning permission will be granted for the redevelopment of sites where industrial or commercial uses are the cause of disturbance to neighbouring residential areas or which seriously detract from the character of their surroundings. Although no concerns with regards to noise, pollution and such like have been raised, local residents, as noted above, have highlighted issues caused from on street car parking as a consequence of the existing use.

Consideration is given below to policy RLP90 of the Local Plan Review and CS9 of the Core Strategy which seek to secure high quality design and layout in all developments.

### Design, Appearance and Layout

The NPPF requires, as a core planning principle that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design is a key aspect of achieving sustainable development. The NPPF is clear that local distinctiveness should be reinforced. The National Planning Practice Guidance (NPPG) advises that the successful integration of all forms of new development with their surrounding context is an important design objective.

Policy RLP90 of the Local Plan Review and CS9 of the Core Strategy require a high standard of design in all developments. Policy RLP90 of the Local Plan Review advises that development should be of a scale, height and massing to reflect local distinctiveness and should be in harmony with the character and appearance of the surrounding area. The layout, height, mass and overall elevational design of the buildings shall be in harmony with the character and appearance of the surrounding area, including their form and scale.

The scheme proposes four large detached houses which are arranged in linear form along Ashen Road, albeit set back in to the site. The linear arrangement is considered to follow the existing pattern of development along the opposite side of Ashen Road and is therefore considered to be the most appropriate approach.

Given the size of the properties, the built development consumes the site, which results in an overly dense urban appearance. The development achieves the required garden sizes; however the properties are sited very close to each other with little space between, which restricts any appreciation of the countryside beyond the site and reinforces the cramped nature of the development and its harshness alongside open countryside. This is in contrast to the spacing and rhythm of the dwellings on the opposite side of Ashen Road. As a consequence the development appears uncharacteristic and thus detracting from the character and rhythm currently afforded to development on Ashen Road.

The existing hedgerow along Ashen Road is to be removed to accommodate the four garages which are to be sited with their rear elevation abutting the Ashen Road frontage. The garages have an asymmetrical roof design, reaching a ridge height of 5.5m. Three of the garages are linked by way of walling. This approach is in stark contrast to the distinctive pattern of development already established along Ashen Road, whereby there are strong building lines and setbacks from the road. Although a verge is retained between the highway and the garages/wall, built development within such close proximity to the street and to the height of 5.5m would appear harsh, starkly uncharacteristic and detracting from the current visual amenity afforded to this established street scene.

In respect of the building design, the scale, form and appearance of the properties fail to relate in any way to their surroundings. The proposed properties are not designed to reflect the surrounding properties nor the village more widely. For example the asymmetrical roof design to both the dwellings and the garages, which is a perceptible part of the design, is at odds with surrounding properties and clearly distinguishes this scheme from existing development. The single style of property used at all four plots has little in common with the simple forms that define the character of the area. The size of the dwellings and the two and a half storeys at a height of 8.9m would be overly dominant, exacerbating the tight spacing and dense appearance of the layout. The properties are also overly fenestrated which makes for fussy and confusing elevations. Although variety is encouraged and innovation or originality should not be stifled, the development has been designed with no evident reference to nearby development, such it appears as an alien and uncharacteristic scheme, which would detract from the established street scene afforded to Ashen Road.

The above mentioned policies and advice are clear that a key aspect of good design is ensuring that new and existing buildings relate well to each other and that developments are accommodated into existing settlements in a manner that would promote and reinforce local distinctiveness. It is Officer's opinion that the proposed development fails to satisfy the requirements of the NPPF, policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy in respect of design and therefore should be refused on this basis.

The site is located within close proximity to the Conservation Area boundary. The site will be visible from within the Conservation Area and also in views into the Conservation Area from outside the boundary. As such the site will be viewed in association with the setting of the Conservation Area. The NPPF places importance on the conservation of heritage assets. Policy RLP95 of the Local Plan Review states that the Council will preserve and encourage the enhancement of the character and appearance of Conservation Areas and their setting and views into the designated area.

The proposal, for the reasons already mentioned above in respect of the design of the buildings, layout of the site and the resultant impact upon the appearance of the street would also, by way of the alien form of development,

impinge upon the character of the Conservation Area, in conflict with the aforementioned policies.

### Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Local Plan Review requires there to be no undue or unacceptable impact on the amenity of any nearby residential properties.

The dwelling at plot 1 would be located within close proximity to the shared boundary with the neighbouring properties at Brentley House and Chapel Cottage. There are existing trees on this boundary, which are within the control of the neighbouring residents. Facing on to the neighbouring properties would be a window at first floor level serving bedroom 5 and a roof light serving bedroom 3. The ground floor windows would be screened by the boundary treatment and thus will not give rise to any unreasonable overlooking.

The window at first floor is at a high level, in that it is positioned 1.7m above the finished floor level. This is considered to be of sufficient height above the floor level to prevent any unreasonable overlooking towards the adjacent properties. It would be possible to attach a condition to any grant of consent to require obscure glazing of this window. Bedroom 5 is served by two rooflights also, so the internal environment would not be unacceptable.

The plans suggest that it would be possible to look out of the roof light to bedroom 3, which may give rise to some overlooking. On balance however, this window would serve a bedroom, whereby it is unlikely that protracted periods of time will be spent throughout the day such to give rise to an unacceptable or unreasonable level of overlooking to the neighbouring properties. In addition the existing trees along the boundary will obscure any possible view.

Although the loss of the existing leylandi hedge along the rear boundary of the site is unfortunate, especially given its height and the screening it provides, a suitably worded planning condition could ensure the replacement with a boundary treatment which would protect the amenity of the residential properties to the north west of the site.

The proposed development is not considered to give rise to any unacceptable harm to the amenities of neighbouring properties, in accordance with policy RLP90 (iii) of the Local Plan Review.

### Highway Issues

The site currently benefits from an access on to Ashen Road; however it is proposed to re-locate this further south west along the same boundary. The Highways Authority are satisfied that the proposed access conforms to their standards and can achieve the required visibility. It is recommended that

conditions be attached to any grant of consent which secures the visibility splays, surface material, a scheme for the discharge of surface water and to ensure that the existing access is closed.

The adopted car parking standards require car parking for residential schemes to be provided at two spaces for each dwelling with more than two bedrooms and 0.25 visitors' spaces per unit. Each car parking space must meet the dimensions of 2.9m x 5.5m. If a garage is to be classed as a parking space, this must have internal dimensions of 3m x 7m.

The proposed site plan shows each property being served with two off street car parking spaces, one of which is shown within a garage. The garages at 5.8m in depth do not meet the required 7m and therefore the proposal fails to satisfy the parking standards in this regard. Although there is space for the garages to be increased in size, given the concern raised above in relation to impact of the garages upon the visual amenity of the street scene, officers would not recommend they are made any larger as this would increase their presence and subsequently exacerbate their impact on the street scene.

The site would need to provide one visitor space and consideration must be given to the fact that the houses are all five bedroomed, such it is reasonable to consider that the properties will demand space for more than 2 off street car parking spaces. No visitor car parking is proposed and thus the proposal fails on this basis also.

## OTHER MATTERS

### Public Open Space/Affordable Housing

Policies RLP138 of the Local Plan Review and Policy CS10 of the Core Strategy require new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space, in accordance with SPD Open Space. In this case there is no scheme within the Open Spaces Action Plan which is within the Parish and in public ownership, for which a contribution could be sought. As such a contribution is not justified in this case.

Policy CS2 of the Core Strategy seeks a target of 40% affordable housing in rural areas on schemes of more than 5 dwellings or with a site area of 0.16ha or more. The Councils Housing Development team have advised that the scheme is not suitable for on-site provision and therefore request a commuted payment of £40,000 in lieu of affordable housing.

In respect of the potential affordable housing contribution, on 11<sup>th</sup> May 2016 the Court of Appeal issued a decision which overturned an earlier High Court decision relating to a challenge to a change in the National Planning Practice Guidance concerning the scope for Local Planning Authorities to secure planning obligations for smaller residential developments (10 units or less). The effect of this court decision is that Local Planning Authorities are more restricted in their efforts to secure such obligations. Government Guidance

has now been changed in light of the Court of Appeal decision. Accordingly Officers have not included the lack of an agreement to secure a payment in lieu of affordable housing as a reason for refusal.

### Trees and Ecology

The application is supported by an Arboricultural Impact Assessment and a Phase I Habitat Survey.

In order to accommodate the proposal 13 trees would be removed. One of these is a category B tree, six are category C trees and six are category U trees. Although the loss of existing trees is unfortunate, albeit a number of these are in a poor condition, it is considered that this could be mitigated by way of a detailed landscaping scheme, which could be sought by condition on any grant of consent.

The ecology survey concludes that no badger sett was found on site, no trees with roosting potential would be lost, there was no evidence of bats and the site does not provide a suitable habitat for great crested newts or reptiles. As such no protected species are considered likely to be harmed as a consequence of the development. A condition could be attached to any grant of consent which required ecology enhancement by way of the provision of habitat boxes.

### CONCLUSION

In conclusion, the decision of the Local Plan Sub Committee to include this site within the Village Envelope highlights the Council's approach to the residential development of this site and although at an early stage of preparation some weight must be applied to this draft realignment of the village envelope to include this site. Notwithstanding this it is Officer's opinion that the development, by way of its layout, scale, height and design fails to be in harmony with the surrounding development. The proposal would result in alien form of development which would appear starkly uncharacteristic and detracting from the current amenity afforded to this established street scene and thus would fail to reinforce or reflect local distinctiveness. In addition, the proposal would impinge upon the setting afforded to the Conservation Area. The development is considered to be contrary to the NPPF, policies RLP90 and RLP95 of the Local Plan Review and policy CS9 of the Core Strategy.

### RECOMMENDATION

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

- 1        The NPPF requires as a core principle for planning to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design is a key aspect of achieving sustainable development.

Policy RLP90 of the Local Plan Review and CS9 of the Core Strategy require a high standard of design in all developments. Policy RLP90 of the Local Plan Review advises that development should be of a scale, height and massing to reflect local distinctiveness and should be in harmony with the character and appearance of the surrounding area. The layout, height, mass and overall elevational design of the buildings shall be in harmony with the character and appearance of the surrounding area, including their form and scale.

Policy RLP95 of the Local Plan Review states that the Council will preserve and encourage the enhancement of the character and appearance of its Conservation Areas and their setting and of views in to and from the designated area.

The proposal by way of the layout, scale, height and design fails to be in harmony with the surrounding development. The proposal, given the size, scale and design of the properties appears cramped, oppressive and overly urban resulting in an alien form of development which would appear at odds with the established pattern and rhythm of the existing street scene and present a harsh edge to development in the approach to the village along Ashen Road. The proposal fails to reinforce or reflect local distinctiveness and would also impinge upon the setting and character of the adjacent Conservation Area. For this reason the development is considered to conflict with the above mentioned policies.

- 2 The proposal by way of the undersized garages and lack of provision for visitor car parking fails to provide adequate off street car parking to satisfy the adopted car parking standards as set out with Supplementary Planning Document 'Parking Standards Design and Good Practice' 2009. This under provision of car parking results in a poor level of amenity for future occupiers, the potential for ad hoc car parking and the displacement of vehicles on to the street, of harm to residential and visual amenity and highway safety.

#### SUBMITTED PLANS

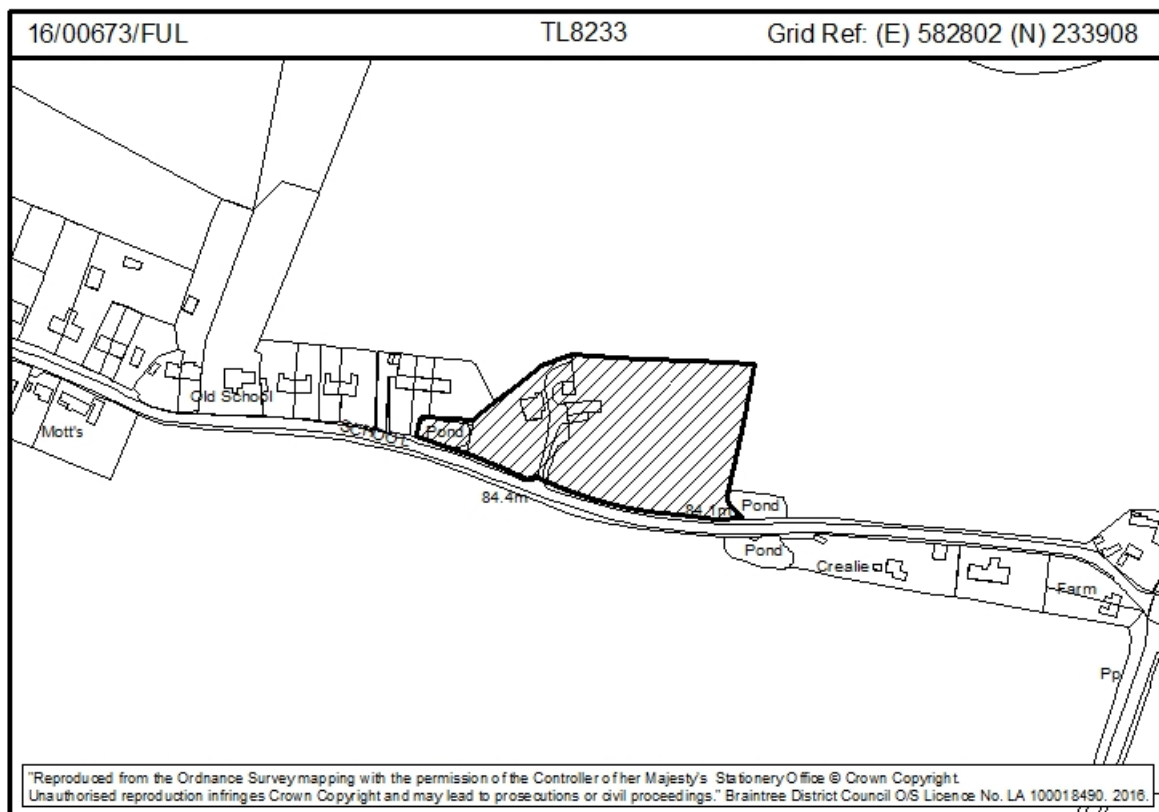
Landscaping	Plan Ref: TH/A2/1153/AJP
Tree Plan	Plan Ref: TH/A2/1153/TSP
Location Plan	Plan Ref: 14046-01
Proposed Plans	Plan Ref: 14046-07
Proposed Site Plan	Plan Ref: 14046-06B

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 16/00673/FUL DATE 20.04.16  
 NO: VALID:  
 APPLICANT: Mr T Bates  
 Leppingwells Farm, School Road, Little Maplestead, Essex,  
 CO9 2RY  
 AGENT: Whymark & Moulton Ltd  
 14 Cornard Road, Sudbury, Suffolk, CO10 2XA  
 DESCRIPTION: Revise approved application for detached outbuilding  
 (15/00309/FUL and 15/00310/LBC) by raising roof height by  
 750mm  
 LOCATION: Leppingwells Farm, School Road, Little Maplestead, Essex,  
 CO9 2RY

For more information about this Application please contact:  
 Mrs H Reeve on:- 01376 551414 Ext. 2503  
 or by e-mail to: [helen.reeve@braintree.gov.uk](mailto:helen.reeve@braintree.gov.uk)



## SITE HISTORY

15/00309/FUL	Erection of detached outbuilding	Granted	01.05.15
15/00310/LBC	Erection of detached outbuilding	Permission not Required	01.05.15
16/00674/LBC	Revise approved application for detached outbuilding (15/00309/FUL and 15/00310/LBC) by raising roof height by 750mm	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## INTRODUCTION

This application is brought before Planning Committee due to the Parish Council raising objection to the proposal, contrary to officer recommendation.

## SITE DESCRIPTION

The site is located within the southern-most part of Little Maplestead, largely within the village development boundary, but with the eastern half of the site outside the development boundary. The site comprises Leppingwells, a Grade II Listed Building and an existing garage, located approximately 10 metres to the east of the dwelling. The site is large, measuring approximately 160 metres length and 75 metres wide.

## PROPOSAL

The proposal is for the erection of a detached multi-purpose outbuilding, located approximately 10 metres to the east of the main dwelling and would measure 17 metres long, 7.2 metres wide with a ridge height of 7 metres. The external materials would be black featheredge weatherboarding, red brick plinth and clay pantiles

This application seeks an alteration to a previous planning permission, reference 15/00309/FUL; the alteration proposes an increase in height of 750 mm to allow for storage space at first floor. The proposed window in the first floor gable end facing east would be slightly larger to enable means of escape. The overall footprint and siting would remain as per the previous planning permission, with ground floor use being the same, - a double garage, store area, tack room and stable.

## CONSULTATIONS

Historic Buildings Adviser – No objection to the principle of development. “Leppingwells is a grade II listed timber framed house which dates from the 16<sup>th</sup> Century. Permission was obtained in 2015 for an outbuilding with garaging and stabling on the footprint of a building which blew down in 1987. This application is for a revision to that scheme, the roof being raised by 705mm. I have no objection to the principle of this. It would be an opportunity to give the gable on the front of the building a steeper pitch and with this amendment, I would recommend approval with conditions to cover materials and joinery.”

## REPRESENTATIONS

Little Maplestead Parish Council have raised objection to the proposal, on the basis that raising the roof height indicates that there may be plans in the future at some time in the future to create living accommodation in this building.

## REPORT

### Principle of Development

The principle of this development has already been accepted with the granting of planning permission under 15/00309/FUL. It is therefore considered appropriate to assess the amendments to the proposal, which involve the increase in height, with a resultant slight change to the overall appearance to the roof. The pertinent issue is considered to be one of design and appearance which is discussed below.

The Parish Council's concerns are noted, however the application must be assessed on its individual merits and conjecture over future use cannot form part of the assessment. The application is being assessed as it has been put

forward and described. It is, however, considered appropriate to impose a condition requiring the outbuilding to remain incidental to the main dwelling and not to be sold, transferred, leased or otherwise disposed of as an independent unit.

### Design, Appearance and setting of Listed Building

RLP 100 states that development will only be permitted if proposals do not harm the setting and character of listed buildings and the Council will seek to preserve and enhance the setting of listed buildings by appropriate control over the development, design and use of adjoining land.

RLP 17, although refers to extension to dwellings, is considered to be an appropriate material consideration and states that the siting, bulk, form and materials should be compatible with the original dwelling and there should be no material impact on the identity of the street scene, scale and character of the area.

It is not considered that the increase height would have a notable impact on the overall appearance of the proposed outbuilding – it is a large building, but historically, one has been in situ. For this reason, it is not considered that the setting of the listed building would be affected and the Council's Historic Buildings Adviser raises no objection to the increase in roof height. The Historic Building's Adviser's comments are noted concerning the pitch on the gable on the front of the building. However, the pitch has not altered from the previous approval, being 40 degrees, and it is not considered necessary to require this and the comments are suggestions rather than a requirement to ensure the development is acceptable.

### Impact on Neighbour Amenity

In this case, there are no neighbours in close proximity to this part of the site and therefore no neighbours have been notified. A site notice has been placed on the front gate fronting the site.

### Highway Issues

Adopted Parking Standards (2009) require that the internal measurements of garages should be 3 m x 7 m in order to be accepted as a garage. The double garage element has internal dimensions which exceed width requirements but fall short in terms of length. This is not considered to have implications in terms of off street parking provision - there is ample room on site for parking.

### Listed Building Consent

Leppingwells was first listed in 1986. The listing makes no reference to the outbuilding which was demolished and is now proposed to be rebuilt. The proposed outbuilding would not be directly attached to the listed building (Leppingwells) and therefore listed building consent is not required.

## CONCLUSION

It is considered that the proposed increase in height together with minor alterations to the roof and the provision of a larger window on the side gable end, accord with relevant policy criteria and as such planning permission should be granted.

## 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

Floor Plan	Plan Ref: 16/037001C
Proposed Plans	Plan Ref: 16/037-02A

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

### 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 The outbuilding hereby permitted shall not be occupied and/or used at any time other than for purposes ancillary to the residential use of the dwelling known as Leppingwells. It shall not be sold, transferred, leased, or otherwise disposed of as an independent unit without first obtaining planning permission from the local planning authority.

### Reason

In order to enable to local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

- 4 Construction of the outbuilding shall not commence until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approval details and shall be maintained as such thereafter.

### Reason

To ensure the use of appropriate materials having regard to the listed

building on this site.

- 5 Prior to installation, additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing, having regard to the listed building on this site.

INFORMATION TO APPLICANT

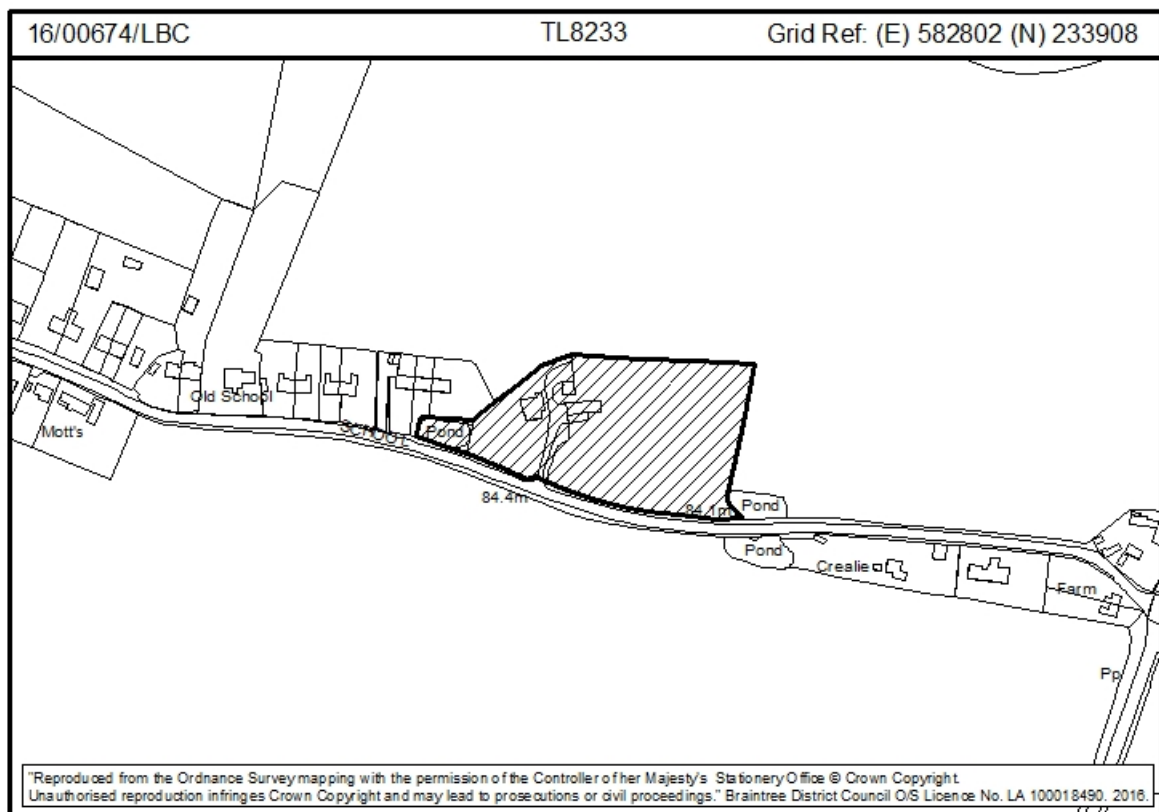
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk).

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/00674/LBC DATE: 20.04.16  
 VALID:  
 APPLICANT: Mr T Bates  
 Leppingwells Farm, School Road, Little Maplestead, Essex,  
 CO9 2RY  
 AGENT: Whymark & Moulton Ltd  
 14 Cornard Road, Sudbury, Suffolk, CO10 2XA  
 DESCRIPTION: Revise approved application for detached outbuilding  
 (15/00309/FUL and 15/00310/LBC) by raising roof height by  
 750mm  
 LOCATION: Leppingwells Farm, School Road, Little Maplestead, Essex,  
 CO9 2RY

For more information about this Application please contact:  
 Mrs H Reeve on:- 01376 551414 Ext. 2503  
 or by e-mail to: [helen.reeve@braintree.gov.uk](mailto:helen.reeve@braintree.gov.uk)



## SITE HISTORY

15/00309/FUL	Erection of detached outbuilding	Granted	01.05.15
15/00310/LBC	Erection of detached outbuilding	Permission not Required	01.05.15
16/00673/FUL	Revise approved application for detached outbuilding (15/00309/FUL and 15/00310/LBC) by raising roof height by 750mm	Pending Decision	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

N/A

### Braintree District Local Plan Review

N/A

## INTRODUCTION

This application has been submitted to accompany planning application reference 16/00673/FUL. The proposed garage is not attached to the listed building on site and as such, Listed Building Consent is NOT REQUIRED.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application NOT REQUIRED.

### Reason

The proposed garage is not attached to the Grade II Listed Building known as Leppingwells on this site and therefore Listed Building Consent is not required.

## INFORMATION TO APPLICANT

- 1 The proposed garage requires planning permission and the relevant planning permission reference is 16/00673/FUL.

SUBMITTED PLANS

Floor Plan  
Proposed Plans

Plan Ref: 16/037-01C  
Plan Ref: 16/037-02A

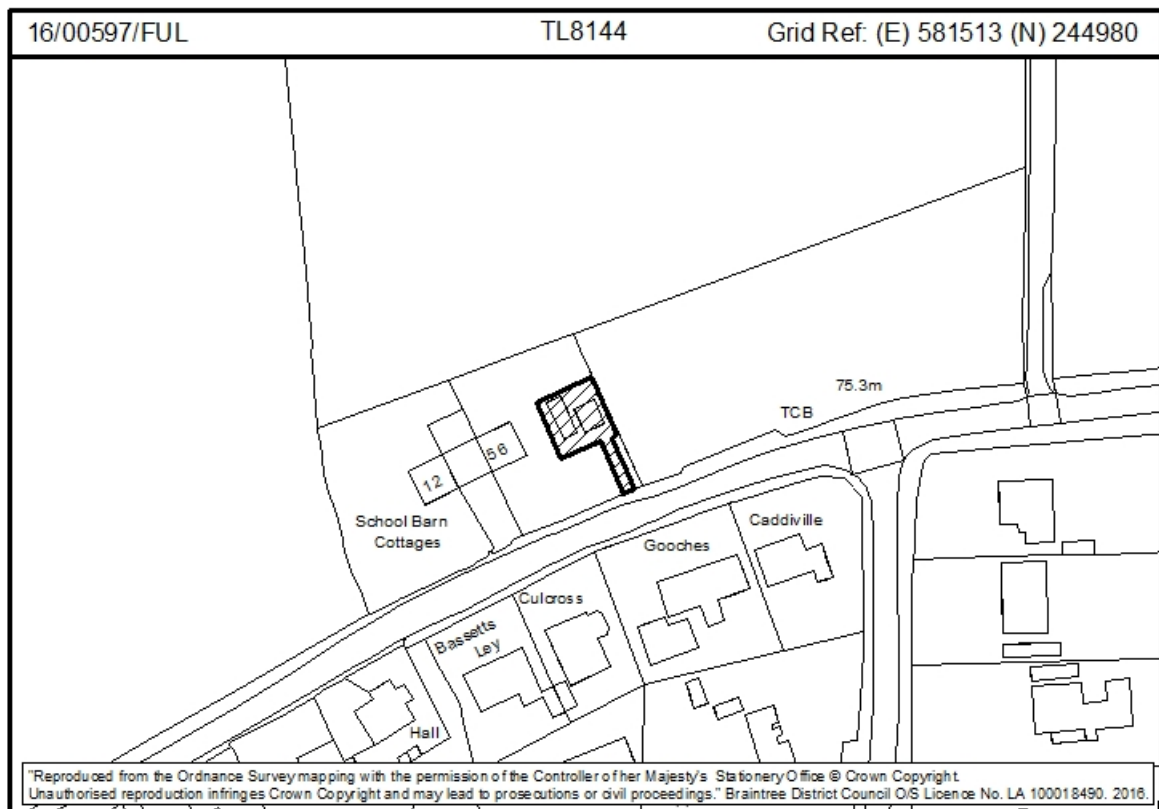
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 16/00597/FUL  
DATE VALID: 19.04.16  
APPLICANT: Mr William Walker  
5 - 6 School Barn Cottages, School Road, Pentlow, Essex,  
CO10 7JN  
DESCRIPTION: Proposed replacement and conversion of existing garages  
to provide a single storey annexe for use as a home based  
childcare setting for 10 children  
LOCATION: 5 - 6 School Barn Cottages, School Road, Pentlow, Essex,  
CO10 7JN

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



## SITE HISTORY

08/00276/FUL	Erection of two storey rear extension and single storey side porch	Granted	27.03.08
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS9	Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

## INTRODUCTION

This application is brought before Committee at the request of the Chair and Vice Chair of the Planning Committee as the effects of the development are considered to be significant.

## SITE DESCRIPTION

The application site is located to the northern side of School Road within the settlement of Pentlow. The site comprises an end of terrace house, a single timber garage and a double garage. The dwelling is located approximately centrally within the plot such the site benefits from a good sized front and rear garden area. Vehicular and pedestrian access is provided off School Road to the south eastern corner of the site. A hard standing is already in place for car parking.

To the southern side of School Road, opposite the site are a collection of residential properties. The site is bound to the north and east by open fields/agricultural land.

## PROPOSAL

Planning permission is sought for the demolition of the existing detached garages on site and the replacement of these with a detached building to be used to provide a home based childcare business, for a maximum of 10

children, between 2-5 years old. The applicant already runs a childminding business from the property, which has been in operation since 2008. Currently the applicant can offer 3 childcare places.

The proposed building would be sited in the same position as the existing garages, within close proximity to the eastern boundary. The building takes an 'L' shaped plan form, extending to a maximum depth of 9.3m by a width of 10.1m. The building reaches a maximum ridge height of 4.8m.

Access to the proposed building would be taken from the existing access in to the site. The site plan indicates that it is proposed to increase the current car parking area in order to accommodate additional car parking space for parents dropping off and collection their children.

### CONSULTATIONS

Pentlow Parish Council – Supports the application

BDC Environmental Health – No objections

One letter has been received in support of the application, the contents of which are summarised below:

- Living in Belchamp St Paul it is invaluable to have good childcare available locally without having to drive longer distances to one of the towns
- The countryside setting is beneficial to the children
- The modest proposals will improve the facilities for the children
- Several families rely on this business and it is important to encourage small businesses to operate within the villages

Any further representations received will be reported to the Committee.

### REPORT

#### Principle of Development

The application site is located outside of any defined development boundary/village envelope and is therefore considered to be within the countryside for the purposes of planning. Policy RLP 2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy states that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate to the countryside location, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP36 of the Local Plan Review advises that planning permission will not be granted for new development, which would have an unacceptable

impact on the surrounding area as a result of, for example, noise, health and safety, visual impact or traffic generation.

The NPPF advises that to deliver the social, recreational and cultural facilities and services the community needs, planning should plan positively for the provision and use of shared space, community facilities and other local services to enhance sustainability of communities and residential environments. It is considered that in such a remote location a childcare facility would constitute a local service of benefit to the residents of Pentlow and nearby villages.

There is no national or local planning policy that deals directly with the development proposed; such there is no reason to consider it objectionable in principle. The site is within a countryside location and thus the potential harm of the building and proposed use must be balanced against the benefits of an improved local service. The applicant's supporting statement highlights that in 2008 there were 6 other childminders offering fulltime care in the nearby villages of Cavendish, Glemsford, Clare and Belchamp St Paul, however these have all now closed and as such the applicant is seeing demand for double the spaces she can offer at the current time. The proposal would enable an additional 7 spaces to be provided and the employment of a full time assistant.

The site is not within in a sustainable location; however consideration must be given to the existing child-minding service already taking place at the site. In addition it is commonplace for parents/carers to take their children to nursery/childminders by car generally regardless of how far they travel. It is considered that the proposal would satisfy the social role of sustainable development, by providing an improved service that supports and benefits the local community and will offset the need for residents of small settlements in the local area to use nurseries in larger towns which are further afield. In addition the use would generate an employment opportunity, which although small, would see an economic benefit.

#### Design, Appearance and Layout

Policy RLP90 of the Local Plan Review and CS9 of the Core Strategy require a high standard of design in all developments. Policy RLP90 of the Local Plan Review advises that development should be of a scale, height and massing to reflect local distinctiveness and should be in harmony with the character and appearance of the surrounding area.

The NPPF requires planning to recognise the intrinsic character and beauty of the countryside.

The proposed building will replace the existing garages, thus consideration should be given to any additional harm that would result from the proposed building. The proposed building is larger in footprint than the existing garages, albeit not significantly, being 0.2m greater in overall depth and 0.25m greater in width. The existing single garage has a shallow pitched roof, which keeps

the overall height of this building relatively low. The double garage has steeper pitch and a greater ridge height at 4m. The proposed building is designed with a part front facing gable, which has a pitched roof running on a north to south axis to a height of 4.8m and an attached side wing which extends towards the eastern boundary, with a pitched roof which runs on an east to west axis to a ridge height of 4m. The proposed development is larger than the existing garages by way of its design and that part of the roof is 0.8m greater in height, however in comparison the proposed building is not materially greater in scale, size or height than those which already exist on site. In officers opinion the proposed building would not give rise to a materially greater degree of harm on the amenity afforded to the street scene or wider countryside such it would be justified to refuse the application on this basis.

The building has been designed to respect its rural location and the proposed materials which consist of a brick plinth, weatherboarding and slate roof tiles are acceptable in this location.

The proposed development is considered to comply with policy RLP90 of the Local Plan Review and policies CS5 and CS9 of the Core Strategy.

#### Impact on Neighbour Amenity

The NPPF requires a good standard of amenity of all existing and future occupiers of land and buildings. Policy RLP90 of the Local Plan Review requires there to be no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed use will increase the potential number of children by 7 to a maximum of 10. The current childminding business operates from within the dwelling, whereas the proposed use would operate in a detached building further away from the neighbour at no. 3/4 School Barn Cottages. The proposed arrangement is therefore considered favourable in terms of potential noise and disturbance on the amenities of the immediately adjoining property. In the main, the use will be contained within the proposed building, however it is to be expected that the children will use the garden, albeit weather permitting, and this is likely to give rise to some noise. This noise would not however be continuous, at unsociable times of the day or at the weekends. Officers do not consider the use to be harmful upon residential amenity to an extent which would justify withholding planning permission.

The proposed use will see an increase in people coming and going from the site, especially at drop off/pick up times, however given that only 10 children are to be accommodated; this is not considered unreasonable or likely to cause detrimental harm to the amenity of nearby properties.

No comments have been received from local residents in respect of the proposal. The Council's Environmental Health department has not raised an objection to this application.

On balance, officers do not consider that the proposed use will give rise to any unreasonable harm to the amenities of nearby residential properties that would justify a refusal of planning permission on this basis. The proposal is considered to comply with the NPPF and policies RLP90 and RLP36 of the Local Plan Review in this regard. It would be reasonable to attach conditions to any grant of consent which limits the number of childcare places which can be provided and also to control the opening/operating hours of the business. The application form proposes opening hours of between 07:30 and 18:30 Monday to Friday, which are considered reasonable for such a use. A condition has been attached to restrict opening hours to those proposed.

### Highway Issues

The site currently benefits from a driveway and parking areas which can accommodate 5 cars off the highway. The proposed site plan shows the car parking area enlarged, which will provide space for an additional 2 cars. The adopted car parking standards specify that for a D1 use, car parking should be provided at 1 space per full time equivalent staff and drop off/pick up facilities.

The nature of the use is such that car parking will only be required for parents when dropping off and picking up their children. This is unlikely to occur at the same time for all 10 children. Given the number of children will be limited to 10 and that drop off/pick times are likely to vary; it is considered that sufficient space can be accommodated within the site to satisfy car parking requirements for parents. In addition there will be two car parking spaces available for staff throughout the day. The proposal is considered to comply with the adopted car parking standards and will not result in an unreasonable displacement of cars on to the highway.

### CONCLUSION

In conclusion the proposal is considered to promote the provision of a local service within the area and will enhance an existing childcare facility. The site is located within the countryside, whereby strict limits are placed on development in order to protect and enhance the amenity of such locations. The proposed building, although slightly larger than the existing two garages would not give rise to a materially greater development on site, therefore it is not considered that the street scene or wider countryside location would be adversely harmed as a result. In terms of the proposed use the business is small scale in nature, will be connected to the residential use of the wider site and this can reasonably be controlled by condition, such in officers opinion it would not be objectionable in this location. Officers would recommend, in addition to that discuss in the report above that a condition is attached to any grant of consent which prevents the building being sold, transferred, leased or otherwise disposed of separate from the dwelling, such the building/use remains associated with the residential use of the wider site. This will enable the Local Planning Authority to retain control over any future subdivision of the site.

No unreasonable harm is considered likely to result to nearby residential properties and the site can accommodate car parking to meet the adopted standard.

### 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

Block Plan	
Site Plan	Plan Ref: 2016-104
Proposed Floor Plan	Plan Ref: 2016-106
Elevations	Plan Ref: 2016-107
Elevations	Plan Ref: 2016-108
Elevations	Plan Ref: 2016-109
Elevations	Plan Ref: 2016-110
Location Plan	

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

#### 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 The external materials and finishes shall be as indicated on the application form unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 Prior to the first use of the building hereby approved the car parking area shall be enlarged as shown on drawing no. 2016-104, made available for use and thereafter retained in the approved form and use solely for the parking of vehicles and no other purpose that would impede vehicle parking.

Reason

In order to ensure adequate car parking facilities are available prior to the first use of the building and thereafter retained in the interests of satisfying policy RLP56 of the Local Plan Review.

- 5 The use hereby permitted shall not operate outside the hours of 07:30 - 18:30 Monday to Friday.

Reason

In the interests of residential amenity.

- 6 The building hereby permitted shall only be used as a childminding/childcare facility and for no other purpose, including any use otherwise permitted within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.

Reason

To enable the Local Planning Authority to retain adequate control over the use of the building in the interests of the countryside location and residential amenity.

- 7 The building hereby permitted shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans.

Reason

To ensure the use remains associated with the residential unit of 5/6 School Barn Cottages and in order for the Local Planning Authority to give consideration to any subdivision of the site, in the interests of residential amenity and the countryside location.

- 8 The building hereby permitted shall be used as a childminding/childcare facility for a maximum of 10 children.

Reason

In the interests of residential amenity and the amenity afforded to the countryside location.

- 9 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, Public and Bank Holidays - no work

Reason In the interests of the amenity of residents of the locality.

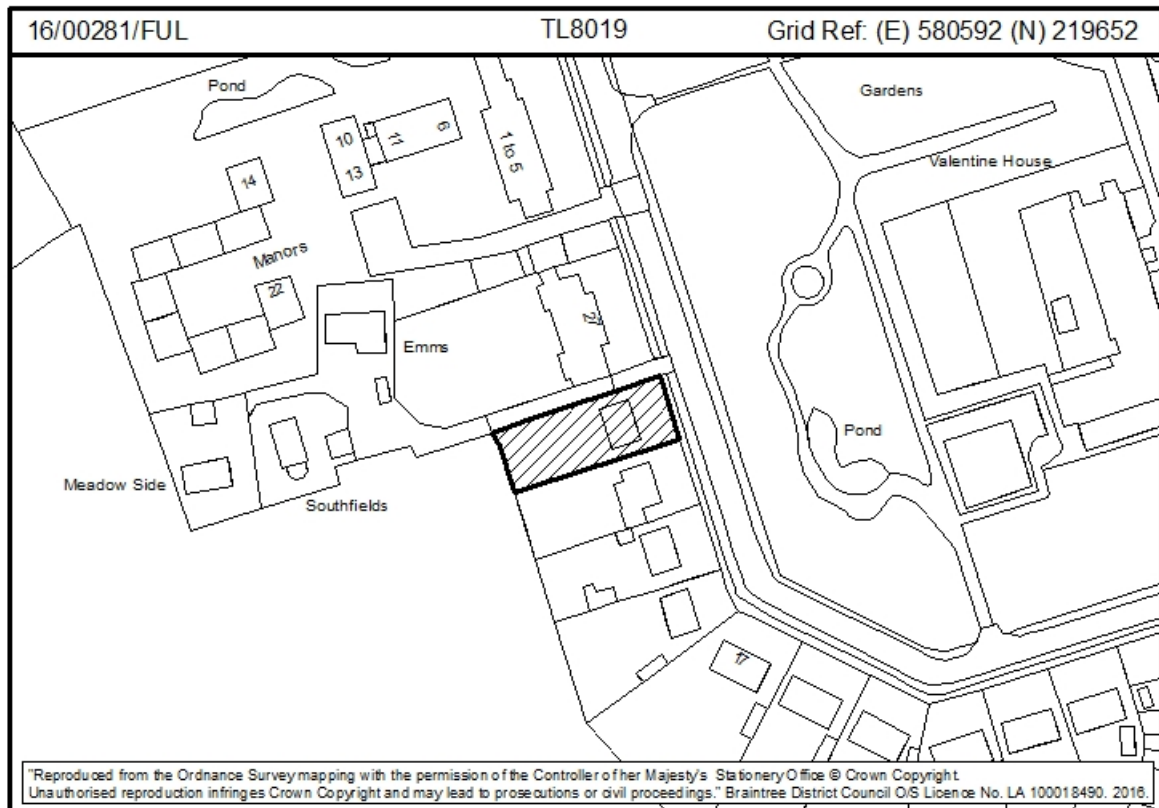
TESSA LAMBERT - DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION 16/00281/FUL DATE 22.02.16  
NO: VALID:  
APPLICANT: Mr John Bailey  
25 Francis Way, Silver End, Essex, CM8 3QX,  
DESCRIPTION: Erection of two storey rear extension  
LOCATION: 25 Francis Way, Silver End, Essex, CM8 3QX,

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



## SITE HISTORY

15/00178/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Remove row of Conifers	Granted	28.07.15
15/01243/FUL	Replacement of 5 no. windows to the front and 4 no. windows to the side	Granted	08.12.15

## 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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

## INTRODUCTION

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the applicant is an employee of Braintree District Council.

## SITE DESCRIPTION

The site comprises a two storey dwelling on Francis Way in Silver End. The site is located within Silver End Conservation Area and within the Silver End Article 4 area. The dwellinghouse is one of four on Francis Way of the same character and appearance.

## PROPOSAL

The proposal comprises the erection of a two storey extension at the rear of the property measuring 3.6m in depth, 5m in length (from the North side elevation) and 6.7m in height to ridge. The extension is hipped at the front and

as such slopes down to the eaves height of 5m. The materials proposed are brickwork to match existing and weatherboard above.

## CONSULTATIONS

Essex County Council Historic Buildings Consultant:

The Historic Buildings Consultant commented as follows: “the masterplan Silver End was set out under the auspices of the Crittall family in the late 1920s and 1930s, and is an early example of the ‘Garden Village’ movement. The entirety of this phase of Silver End was laid as a single considered development, with different architects tasked with designing the houses for different sections of the settlement. As such the urban design of Silver End, down to the rhythm and design of the houses, and the spaces in between, is key to the character and appearance of the settlement, and therefore integral to the character and appearance of the Conservation Area.

The section of Silver End in which this building is located was designed by the Silver End Development Company and is characterised by detached houses of Fletton brick. This uniformity is integral to establishing the character and appearance of this section of the Conservation Area, and therefore the erection of a two storey rear extension, which would break this uniformity, is in principle harmful to the character and appearance of the heritage asset. In this instance such harm is only exacerbated by the fact that the rear elevation can be seen prominently from the side road, and the extension would also probably be partially visible in oblique views between the houses. It should also be noted that the proposed extension envisions a substantial increase to the footprint, in a manner which cannot be considered subservient to the host building”.

The Historic Buildings Consultant objects to this application in principle and considers that the proposal constitutes harm, as per paragraph 134 of the NPPF. On this basis, the Historic Buildings Consultant recommends the application is refused on the basis that it is contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy RLP95 of the Braintree District Local Plan Review

Silver End Parish Council:

No response received.

## REPRESENTATIONS

A site notice was displayed at the front of the property. No letters of representations have been received in connection with this application.

## REPORT

### Principle of Development

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area. Moreover, paragraph 133 stipulates that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.

Policy RLP2 of the Braintree District Local Plan Review states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. In this case, the application site is located within the Silver End Village Envelope and within the Silver End Conservation Area.

The key issue in this case is considered to be the impact of the proposal upon the character and appearance of the Conservation Area and the character and appearance of Silver End.

### Impact Upon the Character and Appearance of the Conservation Area

Policy RLP3 of the Braintree District Local Plan Review states that within village envelopes and town development boundaries residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP3 also states that proposals for development should inter alia: seek to protect the character of the existing street scene, the setting of attractive buildings and historic interest of the locality and generally to ensure that new development does not materially detract from the character of the settlement; seek to ensure that in the development of infill plots, the scale, design and intensity of any new building is in harmony with existing surrounding development; and seek to protect the character and historic interest of the locality.

Policy RLP9 of the Braintree District Local Plan Review states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP10 of the Braintree District Local Plan Review specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development. RLP90 of the Braintree District Local Plan Review states that the Council will only

accept high quality development that harmonises with its surroundings in terms of character, appearance and density.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to inter alia: respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas.

Policy RLP95 of the Braintree District Local Plan Review states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

In this case, it is considered that the key consideration is the impact of the proposal upon the character and appearance of the Conservation Area. As detailed within the Historic Building Consultant's consultation response, the entirety of this phase of Silver End was built as a single considered development. As such, the rhythm and design of the houses are critical to the character and appearance of the locality and are therefore integral to the character and appearance of the Conservation Area.

The site in this case has prominence on Francis Way and is one of four dwellinghouses of identical character and appearance. To the North of the site is a gap between the site and an existing modern bungalow. This gap facilitates an access road into a small cul-de-sac of backland development at the rear. These factors cumulatively therefore mean that the side aspect of No.25 would be visible within the context of the Conservation Area.

The proposed two storey rear extension would break the uniformity that exists between houses of this part of the Conservation Area. As identified above, it is considered that this uniformity is critical to the character and appearance of the Conservation Area. There is therefore an in principle objection to the proposed two storey extension.

In addition to the above, it is considered that the extension would represent a large addition to the host dwelling. The external finishes would comprise a mixture of brick (to match existing) and weatherboarding including fenestration on the North and West aspect. The matching brickwork would be appropriate in the context of the Conservation Area, however, it is considered that the proposed weatherboarding would be out of keeping with the character and appearance of the locality. Furthermore, the high solid to void ratio and positioning of the fenestration on the rear elevation also raises objection on design grounds.

It is therefore considered that the proposed two storey extension would erode the uniformity that exists between houses situated within this part of the Conservation Area. In addition, it is considered that the design and external appearance of the extension would be out of keeping with the host dwelling and the character and appearance of the locality. The proposal therefore constitutes harm, as per paragraph 134 of the NPPF and would have a detrimental impact upon the character and appearance of the Conservation Area and would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP90 and RLP95 of the Braintree District Local Plan Review.

#### Impact Upon Neighbouring Amenity

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

In this case, it is considered that the extension by virtue of its size, scale and location would not have a detrimental impact upon neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking. The proposal is therefore considered to be satisfactory in this regard.

#### Highway Issues

The proposed extension would not result in any material changes to the access, or parking at the site. As such, it is considered that there are no highway, or parking issues associated with the application.

#### Conclusion

It is considered that the proposed two storey extension would erode the uniformity that exists between houses situated within this part of the Conservation Area. In addition, it is considered that the design and external appearance of the extension would be out of keeping with the host dwelling and the character and appearance of the locality. The proposal therefore constitutes harm, as per paragraph 134 of the NPPF and would have a detrimental impact upon the character and appearance of the Conservation Area and would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP90 and RLP95 of the Braintree District Local Plan Review.

#### RECOMMENDATION

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

- 1 The site is located on Francis Way in Silver End situated within Silver End Conservation Area and within the Silver End Article 4 area. The entirety of this phase of Silver End was built as a single considered development. As such, the rhythm and design of the houses are critical to the character and appearance of the locality and are therefore integral to the character and appearance of the Conservation Area. The application site comprises a two storey dwellinghouse, and is one of four dwellinghouses on Francis Way of identical character and appearance.

In this case, the proposed erection of a two storey rear extension would erode the uniformity that exists between houses situated within this part of the Conservation Area. In addition, it is considered that the design and external appearance of the extension would be out of keeping with the host dwelling and the character and appearance of the locality. The proposal therefore constitutes harm, as per paragraph 134 of the NPPF and would have a detrimental impact upon the character and appearance of the Conservation Area and would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP90 and RLP95 of the Braintree District Local Plan Review.

#### SUBMITTED PLANS

Location Plan

Block Plan

Existing Floor Plan                      Plan Ref: 100

Proposed Floor Plan                      Plan Ref: 101

Proposed Floor Plan                      Plan Ref: 102

Existing Elevations                      Plan Ref: 103

Proposed Elevations                      Plan Ref: 104

TESSA LAMBERT

DEVELOPMENT MANAGER

Monthly Report on Planning and Enforcement Appeal Decisions Received – April 2016		Agenda No: 6
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure	
Report presented by:		
Report prepared by:	Liz Williamson – Planning Technician	
Background Papers:	Public Report	
Appeal decisions summary	Key Decision: No	
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Recommended Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		
Corporate Implications		
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:	Planning Technician	
Ext. No:	2506	
E-mail:	lizwi@braintree.gov.uk	

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **April 2016**.

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

1.	<b>Application No/Location</b>	15/00965/FUL – 75 London Road, Kelvedon
	<b>Proposal</b>	Proposed single storey rear orangery
	<b>Council Decision</b>	Refused under delegated authority - CS5, CS9 and RLP18 and 90
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	1. The main issue is the effect the proposed extension on the character and appearance of the appeal property.
	<b>Inspector's Conclusion</b>	<p>The Inspector described the appeal site as a property located in a ribbon of semi-detached houses of the same regional design on an approach road to the village. A number of the dwellings in this group have been extended. The appeal property is located outside of the village envelope and Policy RLP advised that permission will be granted for an extension in the countryside subject to siting, design and materials being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. It advises that extensions are required to be subordinate to the existing dwelling in terms of bulk, height, width and position. RLP 18 calls for the proposal to be considered in the context of the existing building rather than the original property. The Inspector considered that the proposal would appear subordinate to the footprint of the existing property, however, the cumulative depth of the proposal and the existing rear extension would create a disproportionate single-storey element to the building that would be out of keeping with the form of the existing house. The Inspector notes the aim to create an integrated design by extending the proposed roof lantern above the existing flat-roofed extension. The partly glazed design would not compensate for the bulk of the addition. The Inspector notes the position of the proposal away from the party boundaries would aid the impact on neighbouring residents, but this would not justify the proposal. The Inspector therefore concludes that the proposal would be detrimental to the character and appearance of the property and would conflict with the design aim of Local Plan Policies RLP18 and RLP90.</p>

2	<b>Application No/Location</b>	15/00831/FUL – Grove House, Cross End, Pebmarsh
	<b>Proposal</b>	Erection of first floor side extension
	<b>Council Decision</b>	Refused under delegated authority – CS9 and RLP3, RLP17 and RLP90
	<b>Appeal Decision</b>	Dismissed -
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the proposal of the character and appearance of the appeal property and the street scene;</li> <li>2. The living conditions of the occupants of 1 Le Mote Cottages with particular reference to privacy</li> </ol>
	<b>Inspector's Conclusion</b>	<p><u>Character and Appearance</u></p> <p>The Inspector confirmed that the appeal property is a detached house set within a road where a number of properties share the same general design and form. Although a number of dwellings in the group have been extended a sense of space is retained between buildings at first-floor level as a result of gaps to boundaries, and/or above single storey garages or extensions. The site is located within the village envelope of Cross End. There is no objection in principle to the addition of a first floor extension, however RLP17 requires, amongst other criteria regarding plot boundaries and the impact on the street scale and scale and character of the area. It also requires the siting, bulk, form and materials of an extension to be compatible with the original dwelling. Given the overall size of the site, the Inspector considers that the site would not be over-developed, but the resultant building would nonetheless appear cramped in relation to the boundaries and more spacious street scene. The Inspector also considered that the extended building would appear overly dominant when viewed within the confines of the plot width and the wider development pattern. The Inspector considered that in architectural terms, the detailed design of the proposal would respect the character and appearance of the building and would be compatible in its form and materials. However, in view of the proposed scale and siting, the Inspector concludes that the proposal would adversely affect the character and appearance of the appeal property and the street scene and conflict with RLP 17 and RLP 90 and with Policy RLP3 which requires residential development to seek to protect the character of the existing street scene and to ensure that the proposal does not materially detract from the character of the settlement.</p> <p><u>Living Conditions</u></p> <p>The appeal property would be extended close to the boundary with 1 Le Mote Cottages and a rear-facing first floor window would be positioned such that it would enable</p>

		views down the garden of that property. However, the relative positions of the proposed extension and the neighbouring house means that views of the garden directly behind the house would therefore be restricted. The Inspector concludes that the privacy for the occupants of 1 Le Mote Cottages would not be affected to an extent that living conditions would be harmed, and therefore the proposal would comply with the requirements of RLP 17 and RLP90, that there should be no unacceptable adverse impact on the amenities of the adjoining residential properties. However, the Inspector states that this does not alter the conclusion on the first main issue.
3	<b>Application No/Location</b>	14/00922/FUL – Kentishes Farm, Stisted
	<b>Proposal</b>	Change of use of land from agriculture to mixed use for agriculture and use for the generation of renewable energy (solar)
	<b>Council Decision</b>	Refused under delegated authority – CS5, CS8, CS9, RLP2, RLP36, RLP62, RLP69, RLP90, RLP81, RLP83, RLP84, RLP87, RLP90, RLP100, RLP105
	<b>Appeal Decision</b>	Allowed
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. Whether the use of agricultural land for the proposal would be acceptable</li> <li>2. The effect of the proposal on landscape character and visual amenity; and</li> <li>3. Whether any harm arising from the proposal would be outweighed by its benefits.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The Inspector states that the Council's development plan makes little detailed provision in relation to renewable energy. Saved Policy RLP76 of the Local Plan Review states that renewable energy schemes will be encouraged and permitted where no demonstrable harm is caused to landscape, nature conservation or historic features within or immediately adjacent to the site. However, whilst the provision made in relation to renewable energy schemes by Policy CS9 of the Core Strategy is similarly structured, this Policy takes a more permissive approach, stating that proposals will be supported where impact in amenity, wildlife, heritage assets and landscape are acceptable. The standards applied by the Policies are not consistent. The Inspector therefore has assessed this proposal against the requirements of Policy CS9. Also of relevance to the proposal is Policy CS8 of the Core Strategy which states that development should protect the best and more versatile agricultural land, that development must have regard to the character of the landscape and its sensitivity to change and the development should enhance the locally distinctive character of the landscape.</p> <p><u>Effect on Agricultural Land</u></p>

	<p>The Guidance sets out various factors which a local planning authority will need to consider where a large scale solar farm is proposed. The Inspector states that the evidence submitted indicates that data on the availability of previously developed and non-agricultural land within the Council's area is very limited. The LPA has not provided any detailed information and the delegated report accepts that there are relatively few brownfield sites in the Council's area and that where they exist their location will often mean that residential employment or other forms of development will be preferable. The appellant refers to the Office for National Statistics data relating to vacant land to unused land that may be suitable for redevelopment. However the data related to the tactility of the Council's area, and there appears to be no detailed information as to the location of such land in relation to grid connections, or the size and proximity of individual parcels. There is no evidence to contradict the appellant's statement, similarly, the Council has presented no evidence regarding opportunities for use of roofspace for solar energy within the Council's area. Whilst the appellant does not appear to have investigated the availability of roofspace sites. The Inspector concludes that it would seem unlikely that such sites would be available for a scheme as large as that proposed. Overall, the Inspector considers that based on the evidence presented, it would not be reasonable to require the proposal to be located on previously developed or non-agricultural land. The Inspector notes that whilst the appeal site would be available for arable production as it is at present, it would not be wholly removed from agricultural use. It is proposed that the site would be used for grazing sheep between the arrays, which could be secured by condition. Furthermore, although it is proposed that the arrays and other apparatus would be in place for 25 years, it is the case that the land would not be permanently removed from arable production. The Inspector notes that proposed border around the arrays and the site would be seeded with grass and wildflower mix and only a limited percentage of the site would be oversailed by the arrays. This and the new hedgerow and other boundary plants also proposed have the potential to result in material and biodiversity and ecological benefits. Taking into account all of the above matters, the Inspector concludes that the overall use of agricultural land for the proposal would be acceptable and would not conflict with Policy CS8, nor would there be conflict with national policy.</p> <p><u>Effect of the Proposal on Landscape Character and Visual Amenity</u></p> <p>The appeal site measures some 16.90 hectares consisting of an undivided arable field. It has an isolated rural location</p>
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	<p>to the north west of Kentishes Farm. The nearest roads are some distance away across the fields, although public rights of way pass in close proximity to the west and south boundaries of the site. The site lies within the High Garrett/Markshall Wooded Farmland character area identified by the Braintree Landscape Character Assessment. The panels would only be 1.7m high and would follow the form of the land. The associated substation, enclosures and cabinets would be of modest scale. Nonetheless the proposal as a whole would comprise a very large mass of resolutely contemporary engineered structures. Whilst power lines mounted on poles run across the eastern boundary of the site, there are no buildings or other structures in the immediate vicinity of the site and the proposal would read clearly as an uncharacteristic element in the landscape. However, the strongest features of the landscape adjoining the site are the several areas of established deciduous woodland adjacent to the site. These features not only dominate the landscape but also serve to substantially contain and isolate the site. The Inspector therefore considers that whilst the proposal would cause a pronounced change in the character of the site itself, this would have only a very localised effect on the surrounding landscape, whose integrity would not be significantly diminished. There would be some closer views of the proposal from public rights of way which pass close to the site and also a byway which proceeds along the western boundary of the site for quite a long distance. The Inspector therefore concludes that the proposal's impact on landscape character and visual amenity would be very limited and localised. It would be acceptable for the purposes of Policy CS9, and the proposed would therefore comply with this policy. The proposal would also conform with national policy in this respect, according in this respect with the policy as set out in paragraph 97 of this Framework that an application should be approved if its impacts can be made acceptable. There would however be no conflict with Policy CS8 as the proposal would not serve to enhance the locally distinctive character of the landscape.</p> <p><u>Other Matters</u></p> <p>The Inspector is aware of the presence of designated heritage assets in the area of the site. However, the Stisted Village Conservation Area is around some 1.5km away, and there is no intervisibility between the site and the Conservation Area of the Grade II listed barn adjacent to Woolmer Green Farmhouse. Boulthwoods Farm and Kentishes Farm are all Grade II listed buildings but there is significant visual separation between these and the site. The Inspector therefore considers that the proposal would</p>
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		<p>not be harmful to the settings of heritage assets.</p> <p><u>Benefits of the Proposal</u></p> <p>The proposal would have an output of 12.67MW, generating sufficient electricity to power about 2,850 homes and carbon dioxide savings of 175,000 tonnes over the intended lifetime of the proposal. There would also be employment and other economic benefits, particularly during the construction and decommissioning phases.</p> <p><u>Planning Balance</u></p> <p>The Inspector has concluded that the proposed use of agricultural land would be acceptable and the proposal conforms with the development plan and national policy in this respect. The Inspector has also concluded that the proposal's impact on landscape character and visual amenity would be very localised and limited, such that there would not be conflict with national policy. The Impact of the proposal would also conform with Policy CS9 and although the Inspector has identified conflict with Policy CS8, the Inspector accords more weight to the conformity with CS9 given that this policy relates specifically to renewable energy proposals. The conflict with Policy CS8 is in any case outweighed by the substantial benefits of the proposal that have been identified, these carrying significant weight in the context of the general encouragement of renewable energy proposals provided by Policy CS9.</p>
4	<b>Application No/Location</b>	14/01481/OUT – Land adj Walnut Tree Cottage, The Street, Hatfield Peverel
	<b>Proposal</b>	Erection of three detached dwellings with associated access
	<b>Council Decision</b>	Refused under delegated authority CS5, CS8, CS9 , RLP2, RLP8, RLP9, RLP56, RLP62, RLP63, RLP64, RLP69, RLP70, RLP74, RLP76, RLP80, RLP81, RLP84, RLP90, RLP100
	<b>Appeal Decision</b>	Dismissed
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effects of the proposal in relation to the living conditions of future residents in relation to noise and air quality.</li> <li>2. The effects of the proposal in relation to the development boundary</li> <li>3. The implications of the Council's position in relation to Housing Land Supply.</li> </ol>
	<b>Inspector's Conclusion</b>	<p><u>The Effects of the Proposal in Relation to the Living Conditions of Future Residents</u></p> <p>The Inspector had received a copy of a Noise Assessment with the appeal which was not submitted with the planning</p>

	<p>application. The document assesses the noise environment of the appeal site, which is affected by noise from the surrounding roads, most notably from the A12 which bounds the site. Whilst the appeal site does adjoin the strategic transport network, it is not in a city centre or an urban area where there may be the convenience of living in such a location as stated in the British Standard BS 8223:2014 'Guidance on sound insulation and noise reduction for buildings' which the LPA and the appellant refer. Therefore, after taking into account the noise levels supplied by the appellant and having regard to BS 8223 the Inspector concludes that the future residents of the scheme would be subjected to an unreasonable level of noise which would have an unacceptable effect on their living conditions contrary to RLP62 of the Braintree District Local Plan Review. With regard to air quality and taking into account the figures presented and all of the evidence presented. The Inspector concluded that it had not been satisfactorily demonstrated that future residents would not be subjected to unreasonable levels of air quality. Therefore, this added to the previous concerns of the Inspector, the scheme is contrary to the provisions of Policy RLP63 of the Local Plan and CS9 of the Core Strategy.</p> <p><u>The Effects of the Proposal in Relation to the Development Boundary</u></p> <p>Policy RLP2 of the Braintree District Local Plan relates to development boundaries and village envelopes and requires that new development shall be confined to areas within the boundaries and envelopes and that outside them the countryside policies will apply. Policy CS5 of the Core Strategy relates to the countryside and states that development outside boundaries and envelopes will be strictly controlled to uses appropriate to the countryside in order to protect and enhance the landscape character, biodiversity, geodiversity and amenity of the countryside.</p> <p>Taking this into account the Inspector concludes that there is no dispute that the proposal indicates residential development outside the development boundary. This is contrary to the provisions of Policies RLP2 and CS5.</p> <p><u>The Implications of the Council's Position in Relation to Housing Land Supply</u></p> <p>The Inspector concludes from the evidence provided that the Council cannot demonstrate a five-year supply of deliverable housing sites. As a consequence, relevant policies for the supply of housing cannot be considered up-to-date and as a result the Inspector finds that there are</p>
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		<p>material considerations would outweigh the conflict with the Council's policies in relation to housing supply, including RLP2 and CS5.</p> <p><u>Conclusion</u></p> <p>It is the Inspectors opinion that the proposal does not represent a sustainable form of development and conflicts with the Council's policies, as set out above. Therefore the appeal is dismissed.</p>
5.	<b>Application No/Location</b>	15/01359/FUL - 6 Church Road, Hatfield Peverel
	<b>Proposal</b>	Erection of a two-storey side extension and single storey front extension
	<b>Council Decision</b>	Refused under delegated authority – CS9, RLP3, RLP17 and RLP90
	<b>Appeal Decision</b>	Allowed
	<b>Main Issue(s)</b>	1. The effect of the development on the character and appearance of the property and on that of the surrounding area.
	<b>Inspector's Conclusion</b>	<p>The site is within the village of Hatfield Peverel. It would extend the property to the side at two storey level. A single storey extension would project forward by about 1.4 metres and extend along the front elevation. The extensions would provide additional living accommodation and a garage. The area of Church Road is predominantly residential and contains a variety of buildings in terms of layout, scale and materials. The appeal dwelling is one of four semi-detached houses of similar appearance. The LPA's reasons for refusal do not refer to the single storey front extension. While neighbouring properties not have such extensions, it would not project forward unduly and would be a minor addition. It would not result in material harm. The two storey element would also be set back from the existing front elevation to a degree at first floor level. The extension would be a significant addition but would not be an unduly dominant element of the front elevation when seen from public viewpoints on Church Road. When considered in the context of the varied local character of this part of Church Road it would have only limited effect on the street scene and would not result in material harm to the character and appearance of the area or to that of the existing dwelling. Therefore the Inspector concludes that the proposal would not conflict with Policy CS9 of the Core Strategy and Policy RLP17 and RLP90 of the Braintree District Local Plan Review. Therefore the appeal is allowed.</p>