

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 23 May 2017 at 07:15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
*(Please note this meeting will be webcast and audio recorded)*  
[www.braintree.gov.uk](http://www.braintree.gov.uk)

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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray (Vice Chairman)
Councillor Lady Newton	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

N BEACH  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)**

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Public Question Time – Registration and Speaking on a Planning Application/Agenda Item**

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**WiFi:** Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

**Health and Safety:** Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

**Mobile Phones:** Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

**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 9th May 2017 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

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

Where it has been agreed that applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

**PART A**

Planning Applications:-

- |           |  |                |
|-----------|--|----------------|
| <b>5a</b> | <b>Application No. 16 01227 FUL - Cullen Mill, 49 Braintree Road, WITHAM</b>             | <b>5 - 15</b>  |
| <b>5b</b> | <b>Application No. 16 01228 LBC - Cullen Mill, 49 Braintree Road, WITHAM</b>             | <b>16 - 22</b> |
| <b>5c</b> | <b>Application No. 17 00582 OUT - Land rear of Windy Ridge, Colne Road, BURES HAMLET</b> | <b>23 - 48</b> |

**PART B**

Minor Planning Applications:-

- |           |  |                |
|-----------|--|----------------|
| <b>5d</b> | <b>Application No. 17 00400 FUL - Annexe at Fieldside Lodge, Dyers End, STAMBOURNE</b> | <b>49 - 54</b> |
|-----------|--|----------------|

<b>5e</b>	<b>Application No. 17 00426 FUL - Khan's View, Bridge Street, GREAT BARDFIELD</b>	<b>55 - 61</b>
<b>6</b>	<b>Planning and Enforcement Appeal Decisions - April 2017</b>	<b>62 - 65</b>
<b>7</b>	<b>Urgent Business - Public Session</b> 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.	
<b>8</b>	<b>Exclusion of the Public and Press</b> 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**

**Page**

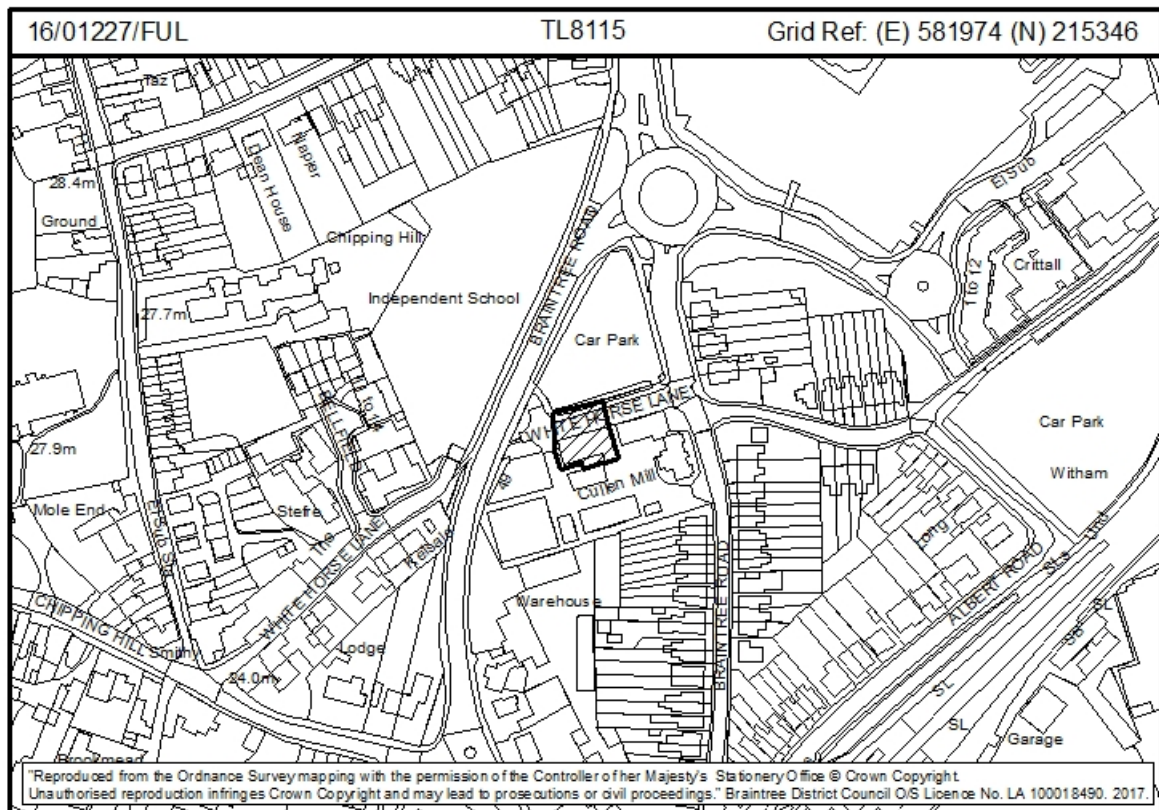
<b>9</b>	<b>Urgent Business - Private Session</b> To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.
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# AGENDA ITEM NUMBER 5a

## PART A

APPLICATION NO: 16/01227/FUL  
 DATE: 08.08.16  
 VALID:  
 APPLICANT: 1979 Ltd  
 C/o Agent  
 AGENT: Refine & Resolve Architects Ltd  
 Mr Russell Barnes, Black Box Studio, 2 Raymonds Drive,  
 Thundersley, Benfleet, Essex, SS7 3PL  
 DESCRIPTION: Change of use from B1 to C3 creating 9 no. 2 bedroom flats  
 LOCATION: Cullen Mill, 49 Braintree Road, Witham, Essex, CM8 2DD

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



## SITE HISTORY

88/02544/P	Erection Of Free Standing Illuminated Sign	Granted	22.02.89
80/00637P	Demolition of warehouse (Building no. 12) and sheds (Building nos. 11, 14 _ 15) and erection of warehouse for the preparation, storage and packaging of seeds.	Refused	
80/00638P	Demolition of warehouse (Building no. 12) and sheds (Building nos. 11, 14 _ 15) and erection of warehouse for the preparation, storage and packaging of seeds.	Refused	
83/00264P	Change of use, conversion and sub-division of seed merchants and processors premises to use as light industrial warehousing, retail and office units, including use of existing office building as veterinary surgery with ancillary residential accommodation. Demolition of building no. 6 to provide additional car parking facilities.	Granted	
83/00834P	Change of use of part of first floor and second floor of warehouse building to school of dancing for teaching ballroom dancing (unit 2).	Granted	
84/00282P	Change of use of seed merchants to retail.	Granted	
84/00387P	Variation of condition 6 attached to Planning Permission BTD/263/83. Use of ground floor for Class 1 retail use.	Granted	
84/00977P	Conversion of existing mill into 'I' Tec Centre.	Granted	
84/01504P	Non-illuminated lettering on front elevation of existing building.	Granted	
85/00190P	Change of use from light industrial to private pool club.	Refused	

85/00975/P	Change of use from public highway to car parking and public footpath. (Part White Horse Lane)	Granted	
16/00440/COUPA	Notification for prior approval for a proposed change of use of a building from office use Class B1(a) to a dwellinghouse Class C3 - Existing 2no. established office blocks to be converted to 16no. 2 bedroom dwelling units, the proposal will make use of the existing parking on site.	Prior approval required, not given	05.05.16
16/00677/FUL	Additional windows and doors to existing building with new access stairways and gantry/balcony	Granted	27.06.16
16/00678/FUL	Additional windows and doors to existing building with new access stairways and gantry/balcony	Withdrawn	27.06.16
16/00982/COUPA	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use Class B1(a) to a Dwellinghouse Class C3 - Existing 2 no. established office blocks to be converted to 16 no. 1 or 2 bedroom dwelling units	Prior Approval Required and Given	01.08.16
16/01228/LBC	Change of use from B1 to C3 creating 9 no. 2 bedroom flats	Pending Decision	
17/00449/FUL	Change of use of A3 Cafe to 2no. C3 Dwellings	Pending Consideration	

### POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

#### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings



## Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Place Shaping Principle
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and Their Settings
LPP51	Demolition of Listed Buildings or Structures
LPP46	Layout and Design of Development

## Supplementary Planning Guidance

Essex Parking Standards Design and Good Practice 2009  
The Essex Design Guide

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been brought to the Planning Committee as Witham Town Council has objected to the proposals, contrary to the Officer's recommendation.

## SITE DESCRIPTION

The application site is part of the former Cullen Mill sited at 49 Braintree Road in Witham. It is one of a number of buildings on the site which have been utilised for a variety of uses within Class B1 (light industrial/office), A3 (restaurants and cafés) and D1 (Education). The application building and the adjacent timber clad building, which both face onto White Horse Lane, are Grade II Listed. There are two small 2-storey un-listed timber buildings to the rear which have been converted to residential use via the 'prior approval' procedure (application reference 16/00982/COUPA). The modern buildings to the west of the site are not within the red line plan and will continue with their current B1 uses. The converted bungalow to the east of the site is currently used as a restaurant/café, however, a planning application to convert it into two residential units has been submitted and is pending consideration, (application reference 17/00449/FUL).

The building proposed for conversion is a brick built former factory building associated with Thomas Cullen and Sons, constructed between 1897 and 1920, is listed Grade II for its architectural and historic significance. The adjacent timber-clad building was constructed in the late nineteenth century. The two buildings are connected at second and third floor via metal bridges. The site is in a sustainable location within the established Town Development Boundary and is within close proximity (less than 250m walk) to the railway station, Morrisons superstore and the town centre. There are residential properties to the south and east and a carpet warehouse to the south-west.

## PROPOSAL

This application seeks planning permission to change the use of the building to residential, together with the associated operational development. There is also a separate application for listed building consent (application reference 16/01228/LBC). Revised plans have been submitted to address concerns regarding the internal layout of the units proposed and minor design details. With regard to the external appearance of the building, the proposed conversion would affect the rear elevation only. It will involve the removal of the external open iron stair case, the removal of the existing rear door, to be replaced by a window, and the replacement of one of the ground floor windows with a new entrance door. This is required to facilitate a second stair core within the building to ensure that each of the flats proposed have a dual aspect. Internally, only existing modern partitioning would be removed and new partitions installed to provide 3 flats on each floor. The internal cast iron pillars are proposed to be retained. A small modern single storey shed adjacent to the south-east corner of the building is proposed to be demolished. Each dwelling would be provided with one car parking space to the front of the building on White Horse Lane. No details have been submitted regarding the setting out of amenity areas, however, it is noted that there is space around the building to provide some communal space. The application is accompanied by a combined Design and Access/Heritage Statement and a Transport Statement. The Transport Statement sets out the case for a reduction in the amount of vehicle parking provision given the site's sustainable location in relation to public transport links.

## CONSULTATIONS

ECC Highways - comment that given the existence and previous use of the unit as B1, the location with good access to frequent and extensive public transport, the existence of on-street waiting restrictions around the site, public car parks and Braintree District Council's adopted parking standards, no objection is raised, subject to conditions.

ECC Historic Buildings Consultant – revised plans have addressed initial concerns, therefore no objection is raised, subject to conditions.

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

BDC Environmental Health – raise no objections, subject to a condition controlling hours of work during the construction phase and requiring details of any external lighting proposed.

## REPRESENTATIONS

Witham Town Council objects to the proposal on the grounds of the lack of vehicle parking, cycle parking and bin storage.

A resident of Witham also objects to the lack of secure cycle storage provision.

## REPORT

At the heart of Government advice contained within the National Planning Policy Framework is the presumption in favour of sustainable development. Proposals that accord with the local authority's development plan should be approved without delay. Policy RLP3 of the Braintree District Local Plan Review states that development within existing Town Development Boundaries and Village Envelopes will be permitted where it satisfies various criteria such as amenity, design and environmental criteria and where it can take place without material detriment to the existing character of the area. The site is in a sustainable location, within the established Town Development Boundary for Witham.

Whilst the development can be considered to be acceptable in principle regard must first be had to Section 66(1) of The Planning (Listed Buildings and Conservation Areas Act) 1990. This imposes on the local planning authority a duty to "...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The National Planning Policy Framework (NPPF) identifies the protection and enhancement of the historic environment as an important element of sustainable development and whilst it establishes a presumption in favour of sustainable development, it states that the significance of a heritage asset can be harmed or lost as a result of development within its setting (para 132). Paragraph 128 requires developers to provide sufficient detail to describe the significance of any heritage assets affected in order to understand the potential impact of the proposal on their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused.

Policy CS9 of the Braintree District Local Development Framework Core Strategy and RLP90 of the Braintree District Local Plan Review seek the highest possible standards of design and layout in all new development inter alia to ensure that development responds to local context, especially where it affects the setting of historic or important buildings.

Policy RLP99 states that the demolition of listed buildings will only be granted in exceptional circumstances where inter alia redevelopment would produce substantial benefits which would outweigh the loss resulting from the demolition.

Policy RLP100 states that development involving internal or external alterations, extensions and partial demolitions to a listed building or structure (including any structures defined as having equivalent status due to being situated within its curtilage), and changes of use will only be permitted if the proposed works or uses;

- (i) do not harm the setting, character, structural stability and fabric of the building (or structure); and
- (ii) 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.

Regard must also be had for the Council's adopted standards set out in The Essex Design Guide, in terms of amenity space provision, and Essex County Council Vehicle Parking Standards. The Essex Design Guide recommends that amenity space in the region of 25sqm is provided for flats. The Vehicle Parking Standards require that a minimum of 1 space is provided for 1-bed units with 2 spaces for 2-bed+ units, however, these Standards can be relaxed in sustainable locations. Secure cycle parking provision should be provided at a ratio of 1 covered space per unit.

As referred to above, ECC Highways and the Historic Buildings Consultant have raised no objections to the conversion of the building and there is no objection to the removal of the modern single storey shed. It is acknowledged that the proposed development does not meet the above Standards in terms of amenity space and vehicle parking provision. However, this proposal is for the conversion of a listed building, involving minimal alterations to the historic fabric and it is in a highly sustainable location. It is also relevant to note that the two buildings to the rear have changed use via 'prior approval procedure' under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 3, Class 'O' (application reference 16/00982/COUPA). This proposal, unlike the 'COUPA' application will have parking provision for each unit. In addition, the flats are spacious and well designed with front and rear aspects, providing a good standard of accommodation for the potential occupants. There is also scope to create some usable outdoor space at the rear, which can be secured by condition. A condition requiring details of secure cycle parking is also recommended. As such, subject to these conditions it is considered that the proposal can be supported and moreover that the application represents a sustainable and sensitive re-use of a listed building.

### Conclusion

On balance therefore this proposal is considered to be acceptable as it represents a reasonable compromise between the likely impact of the proposal on the listed building weighed against the economic and social benefits of providing 9 units of residential accommodation. The proposal will therefore secure the future viability of the building with a minimal impact on

the local environment.

## RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan	Plan Ref: 002.A.01.1
Existing Floor Plan	Plan Ref: 103.A.01.G
Existing Floor Plan	Plan Ref: 104.A.01.G
Existing Elevations	Plan Ref: 105.A.01.G
Proposed Floor Plan	Plan Ref: 311.E.01.G
Proposed Floor Plan	Plan Ref: 314.F.01.G
Proposed Floor Plan	Plan Ref: 315.F.01.G
Proposed Elevations	Plan Ref: 316.F.01.G

- 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 All new pipe, electrical and soil runs are to utilise existing runs and external stacks.

### Reason

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

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

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

Any planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding

seasons after the commencement of the development.

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

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

- 5 Prior to the occupation of the development the details of the number, location and design of a covered parking facility for powered two wheelers and bicycles shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The approved facility shall be provided prior to the first occupation of the development and thereafter retained as approved.

Reason

To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Council's adopted Parking Standards.

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

Reason

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

- 7 Prior to occupation of the development, details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter retained as approved.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 8 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack to each of the dwellings hereby approved. The Information Pack shall have been previously submitted to and approved in writing by the Location Planning Authority.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 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

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

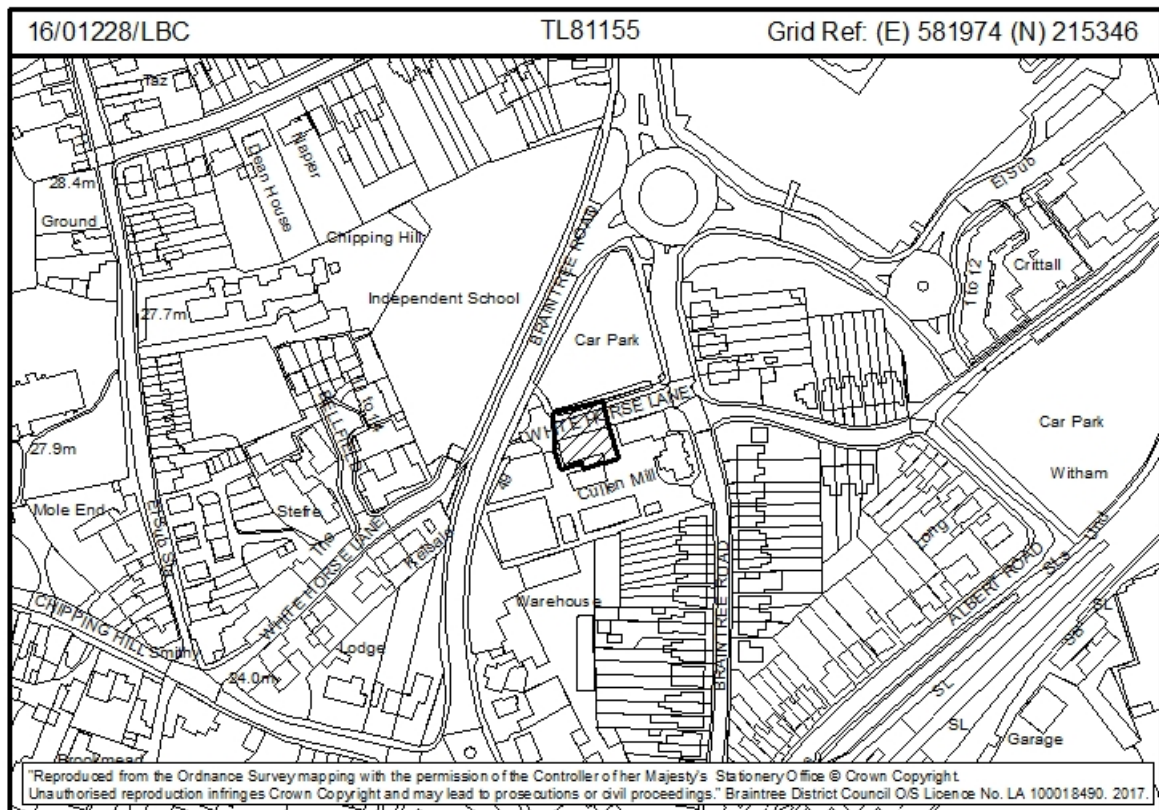
TESSA LAMBERT  
DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 5b

## PART A

APPLICATION NO: 16/01228/LBC  
 DATE: 08.08.16  
 VALID:  
 APPLICANT: 1979 Ltd  
 C/o Agent  
 AGENT: Refine & Resolve Architects Ltd  
 Mr Russell Barnes, Black Box Studio, 2 Raymonds Drive,  
 Thundersley, Benfleet, Essex, SS7 3PL  
 DESCRIPTION: Change of use from B1 to C3 creating 9 no. 2 bedroom flats  
 LOCATION: Cullen Mill, 49 Braintree Road, Witham, Essex, CM8 2DD

For more information about this Application please contact:  
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*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

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#### 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

RLP99        Demolition of Listed Buildings  
RLP100       Alterations and Extensions and Changes of Use to Listed  
Buildings and their settings

## Braintree District Draft Local Plan

- LPP42 Built and Historic Environment
- LPP50 Alterations, Extensions and Changes of Use to Heritage Assets and Their Settings
- LPP51 Demolition of Listed Buildings or Structures

## Supplementary Planning Guidance

Essex Parking Standards Design and Good Practice 2009  
The Essex Design Guide

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been brought to the Planning Committee as Witham Town Council has objected to the proposals, contrary to the Officer's recommendation.

## SITE DESCRIPTION

The application site is part of the former Cullen Mill sited at 49 Braintree Road in Witham. It is one of a number of buildings on the site which have been utilised for a variety of uses within Class B1 (light industrial/office), A3 (restaurants and cafés) and D1 (Education). The application building and the adjacent timber clad building, which both face onto White Horse Lane, are Grade II Listed. There are two small 2-storey un-listed timber buildings to the rear which have been converted to residential use via the 'prior approval' procedure (application reference 16/00982/COUPA). The modern buildings to the west of the site are not within the red line plan and will continue with their current B1 uses. The converted bungalow to the east of the site is currently used as a restaurant/café, however, a planning application to convert it into two residential units has been submitted and is pending consideration, (application reference 17/00449/FUL).

The building proposed for conversion is a brick built former factory building associated with Thomas Cullen and Sons, constructed between 1897 and 1920, is listed Grade II for its architectural and historic significance. The adjacent timber-clad building was constructed in the late nineteenth century. The two buildings are connected at second and third floor via metal bridges.

## PROPOSAL

Please see previous report.

## CONSULTATIONS

Please see previous report.

## REPRESENTATIONS

Please see previous report.

## REPORT

Please see previous report.

## Conclusion

This proposal will involve minimum intervention to the structure of this building and will secure its future viability.

## RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan	Plan Ref: 002.A.01.1
Existing Floor Plan	Plan Ref: 103.A.01.G
Existing Floor Plan	Plan Ref: 104.A.01.G
Existing Elevations	Plan Ref: 105.A.01.G
Proposed Floor Plan	Plan Ref: 311.E.01.G
Proposed Floor Plan	Plan Ref: 314.F.01.G
Proposed Floor Plan	Plan Ref: 315.F.01.G
Proposed Elevations	Plan Ref: 316.F.01.G

- 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 The conversion shall not be commenced until additional drawings that show details of any 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. Works shall be implemented in accordance with

the approved details and shall be permanently retained as such.

Reason

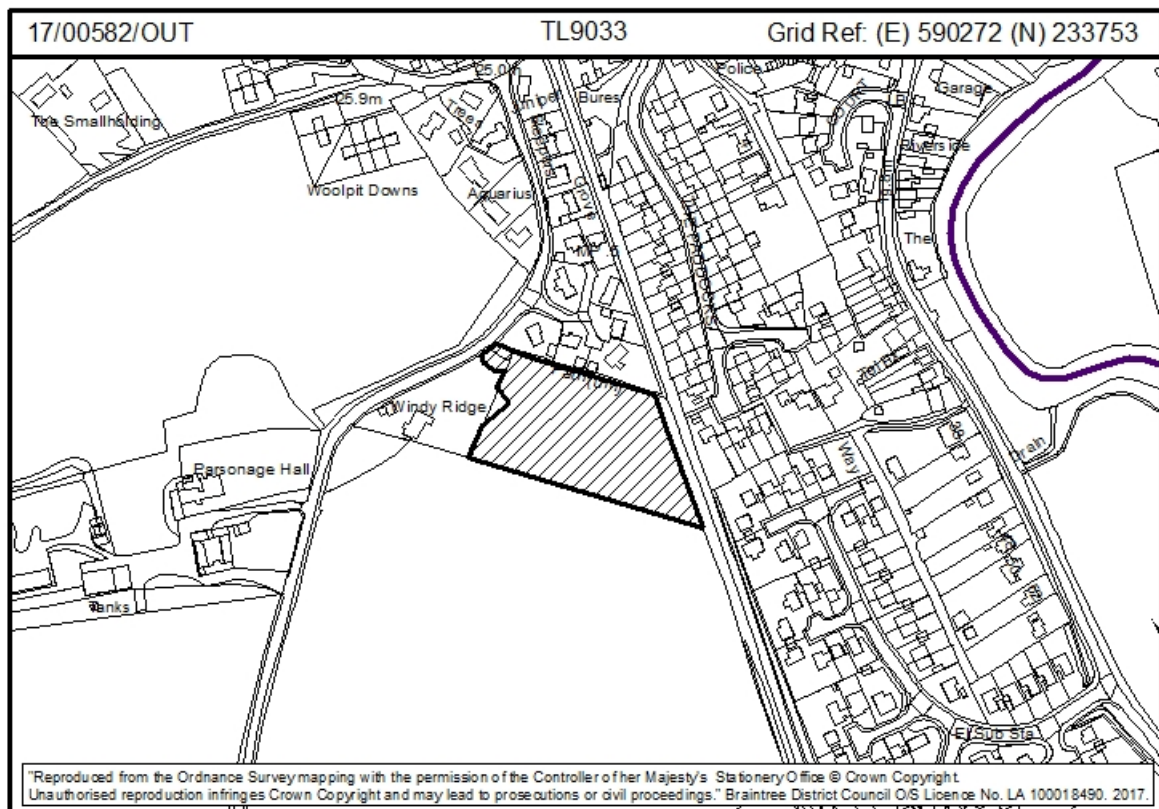
To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00582/OUT DATE: 04.04.17  
 VALID:  
 APPLICANT: Balkerne Gate Developments (South East) Ltd  
 Mr Syrett, 33 Barrack Street, Colchester, CO1 2LL  
 AGENT: Pomery Planning Consultants Ltd  
 Mr Robert Pomery, Pappus House, Tollgate West,  
 Stanway, Colchester, CO3 8AQ  
 DESCRIPTION: Outline planning application for the erection of 9 no.  
 detached dwellings with all matters reserved except access  
 LOCATION: Land rear of Windy Ridge, Colne Road, Bures Hamlet,  
 Essex

For more information about this Application please contact:  
 Katie Towner on:- 01376 551414 Ext. 2509  
 or by e-mail to: [katie.towner@braintree.gov.uk](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

15/00195/FUL	Erection of shed for storage	Granted	15.05.15
Adjacent site: 15/01020/FUL	Erection of 3no. dwellings	Refused but Allowed on appeal	16.08.16
16/01680/FUL	Erection of 2no. dwellings	Granted	09.12.16

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.



It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

### Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP46	Layout and Design of Development
LPP59	Landscape Character and Features

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as in consultation with the Chairman and Vice Chairman the proposal was considered potentially significant in its impacts.

### SITE DESCRIPTION

The application site is located to the eastern side of Colne Road, immediately south of the built up area/village envelope of Bures Hamlet. The site rises

from north to south. The site measures approximately 0.74 hectares and is currently scrubland with planted boundaries.

Immediately abutting the northern boundary of the site is a Public Right of Way, which runs between Colne Road and the railway line and then continues further east towards Colchester Road.

## PROPOSAL

The application seeks outline planning permission for the erection of 9no. detached dwellings. The application is made with some matters reserved. This application will consider the principle of the development and access. Matters pertaining to appearance, layout, scale and landscaping are reserved and are not to be considered as part of this application.

Access to the site will be taken from Colne Road, shared with the adjacent site, Windy Ridge.

The application is supported by an indicative layout which shows the no.9 units each served with car parking spaces and rear garden areas.

## CONSULTATIONS

BDC Landscape Services – No objection subject to a suitable landscaping scheme

BDC Environmental Health – No objection subject to conditions.

BDC Engineers – No objections. A SUDS scheme should be secured.

BDC Waste – The roads need to be able to accommodate turning movements for waste collection vehicles. If the roads are to be private, residents will need to present bins at a suitable location near the highway.

ECC Archaeology – No objections. Recommend conditions in respect of archaeological evaluation and excavation.

ECC Highways – No objections subject to conditions.

## REPRESENTATIONS

6 letters of objection and 2 letters of comments have been received in response to the public consultation, the contents of which are summarised below:

- Wildlife would be affected
- Countryside land is not suitable for development
- The site was not submitted for consideration in the recent call for sites
- The site is outside of the village envelope

- The new Windy Ridge was a replacement home and it cannot be reasonable to use arguments employed to gain permission for one additional home to extend to an adjacent site and nine further properties
- Highways safety issues
- Village infrastructure cannot support any further development
- There are no cycle ways and no street lighting
- There is no footpath to the village
- The primary school is full
- There is a lack of job opportunities and shops in the village
- The doctors surgery is already over stretched
- The site is within the aspiration area of the extension of the Dedham Vale AONB.
- New houses would overlook 7 Parsonage Grove
- Why haven't neighbours in Parsonage Hill been notified?
- Air pollution from the railway

## REPORT

### Principle of Development

As referred to above the application is made in outline form with some matters reserved. This assessment below will consider the principle of residential development and also access to the site. Matters pertaining to appearance layout, scale and landscaping would be considered at the reserved matters stage should planning permission be granted.

In accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, the starting point when considering development proposals is the adopted development plan. It states "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is also set out in paragraph 11 of the National Planning Policy Framework.

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). In addition the Council consider that the development management policies of the Pre-Submission Site Allocations and Development Management Plan (ADMP) which are now subsumed within the draft Local Plan are also relevant in the determination of planning applications.

Policy RLP2 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 specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the

landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently preparing a new Local Plan which will replace the Core Strategy and Local Plan Review and will be used to guide development up to 2033. The plan will set out the housing requirements for the District, allocate sites for new housing development and set out strategic and detailed planning policies. This it seeks to achieve by concentrating growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. It is anticipated that it will be submitted to the Planning Inspectorate later in 2017, followed by public examination. Having regard to Para.216 of the NPPF, it is considered that some weight should be afforded to the principles and strategies set out in the draft Plan.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. They do also refer to the supply of housing. Para.49 of the NPPF states that relevant policies for the supply of new housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites. The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF.

It is considered (and acknowledged on appeal) that Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy are broadly consistent with the NPPF, which seeks to encourage development that supports the vitality of rural areas, recognising the intrinsic character and beauty of the countryside and promotes travel choice. These policies however relate to the supply of housing as they aim to restrict new homes outside of settlement boundaries and as the Council cannot demonstrate a five year housing land supply, the policies relating to the supply of housing in the development plan are out of date. Accordingly applications must be determined in accordance with Paragraph 14 of the NPPF which indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development that are outweighed by any identified adverse impacts of the proposed development. In this regard the 'planning balance' must be undertaken.

Para. 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Para.55 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements,

development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances. In a recent appeal an Inspector noted that the NPPF does not define or limit the meaning of 'isolated' but considered that there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.

The hierarchy within the draft Local Plan also identifies 5 Service Villages which act as local centres for their surrounding rural areas. Bures Hamlet is not one of these villages. The application site is located in the countryside, which is at the bottom of the settlement hierarchy identified in the Core Strategy and draft Local Plan. The site is immediately adjacent to a defined settlement boundary; and thus it would be well connected to the existing group of housing in Parsonage Grove.

Of relevance to this application is a recent appeal decision on the adjacent site (ref: 15/01020/FUL and appended to this report), which considered 3no. houses. This appeal was allowed and the conclusions of the Inspector are pertinent in this case. The Inspector commented that although the intention of the settlement hierarchy is to direct the majority of new development to main towns and key services villages, the settlement hierarchy does not preclude development in other settlements.

The Inspector commented that the site was located on the edge of the settlement, but it was not so remote that the central part of the village could not easily be accessed on foot. It was noted by the Inspector that Bures railway station is within close proximity which has regular services to larger towns and that there are bus stops with services to Colchester and Sudbury. The Inspector concluded that it was inevitable that there will be journeys undertaken by car, but residents would not necessarily be totally dependent on private car to meet their needs. The development would meet the environmental dimensions of sustainable development in this respect.

Officers acknowledged that future occupiers are unlikely to seek employment within the village and there is limited retail offer, however the Inspector concluded that it is not a requirement that development provides significant support to the local economy, rather it should contribute to building a strong, responsive, competitive economy and even a small amount of spending in the local economy would help to sustain existing shops and services. The proposed development would contribute during the construction phase and thereafter more so than the development subject to the appeal, given the greater number of units. The development would meet the economic dimension of sustainable development.

The proposed development would make a contribution, albeit modest, to meeting the undersupply of housing which would be a social benefit.

Officers acknowledge that the site is not within the most sustainable location for development of this nature and the benefits of the development are limited

given its scale, however on the basis of the conclusions drawn by the Inspector on an adjacent site for a development of a lesser number of units, it would be difficult to defend a reason for refusal for the principle of development.

### Design, Appearance and Layout

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage. The layout provided is indicative only and subject to change at the detailed application stage (Reserved Matters or full application).

Notwithstanding this it is prudent to consider whether the number of units proposed can satisfactorily be accommodated on site. The indicative layout does provide sufficient detail to be satisfied that in principle this number of dwellings can be accommodated on the site in an acceptable manner. The proposed dwellings shown are large and set within generous plots; however this density assimilates appropriately to the locality. Detailed design matters will be addressed at Reserved Matters stage.

Policy CS8 of the Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change. The site is in a relatively sensitive location, on the edge of the Village Envelope, however it is well contained by existing planting such Officers do not consider that the development would be visually intrusive within the landscape, especially given that it is set against the backdrop of existing development. The landscaping scheme necessary as part of any reserved matters would ensure reinforcements to the existing boundaries if necessary.

### Impact on Neighbour Amenities

As stated above, the siting and size of the dwellings is only indicative at this stage and detailed elevations are not required to be submitted. Therefore it is not possible to assess the impact on neighbouring amenities at the present time. This will be a matter for consideration at the detailed application stage.

It is considered from the layout provided however, that it would be possible to ensure that the amenities of the dwellings in Parsonage Grove are protected, by way of attention to window placement and internal arrangement.

### Highway Issues

Para.32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The site access is to be shared with the existing vehicle access to the neighbouring site Windy Ridge. The access will be upgraded slightly to achieve visibility splays of at least 2.4m x 45m to the east and 2.4m x 85m to the west. The Highways Authority raise no objections to the proposed access.

There is an existing Public Right of Way which abuts the northern boundary of the site. The Highway Authority is satisfied that there would not be any conflict between this and the site access.

The indicative layout suggests that development can accommodate car parking to meet the adopted car parking standards.

### Other Matters

#### Consultation

One resident has queried why residents in Parsonage Hill (further north along Colne Road) were not notified. The Local Planning Authority's practice is to notify neighbouring properties that directly abut the application site and this has been duly undertaken. A site notice was also erected at the front of the site. This practice more than meets the statutory requirements for the publicity of applications.

#### Ecology

The application is supported by an Extended Phase I Habitat Survey. This recommends that further surveys be undertaken in respect of reptiles and badgers. In respect of reptiles, there is a risk that grass snakes, slow worms and/or common lizards may be using the site and as such a further survey would establish whether they are present and would determine the level of mitigation required. With regards to badgers, activity was identified within the site boundary, close to the site boundaries. No setts were identified within or close to the site itself such it is likely that badgers pass through the site whilst commuting between foraging areas. A further survey would identify how badgers use the site and inform a mitigation strategy. It is likely that with an appropriate landscape scheme badgers could continue to move through the site. Both of the above mentioned surveys could be required by condition.

It is also recommended that conditions are attached to any grant of consent in respect of nesting birds/roosting bats within Walnut tree T7 and a survey undertaken to ensure that invasive species have not colonised the site.

#### Contamination

The site is not known to be contaminated, however given the proposal for residential use, it is considered reasonable to attach a condition which requires contamination to be reported immediately to the Local Planning Authority if any evidence of it is found during the construction phase together with a strategy for remediation.

#### Archaeology

Essex County Council advises that the site lies within a landscape containing a number of cropmark features recorded through aerial photography that are

suggestive of prehistoric burial features. Ring ditches are known to occur along the margins of the River Colne and these areas are thought to have been significant in prehistoric ritual burial practices. To the north lies the historic settlement of Bures which originated in the medieval period and less than 200m directly west lies Parsonage Farm, a 15th century hall house which is a Grade II\* listed building. The house would have probably been built on the site of the medieval manor which may have been earlier in origin. As such there is potential for the development to impact on prehistoric and medieval remains.

It is recommended that a condition is attached to any grant of consent which requires archaeological evaluation and excavation.

## CONCLUSION

Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted.

It is acknowledged that the provision of market housing would bring social and economic benefits which would also contribute towards the District's 5 year housing supply. In addition the development would provide jobs during the construction stage and some increased demand for local services. Such benefits would be consistent with the social and economic dimensions of sustainable development; however they would be limited due to the scale of the development. The development is within the countryside; however given its containment and siting immediately adjacent to the existing settlement boundary, it does not give rise to any significant visual harm to the landscape character or setting. In this case the adjacent site was subject to an appeal which was allowed (for a lesser number of units) and the conclusions of the Inspector in respect of the principle of residential development in this location, including sustainability, are pertinent in this case.

When considering the planning balance, having regard to the requirements of the NPPF as a whole and the appeal decision for the adjacent site, Officers have concluded that the harm of residential development within the countryside, does not significantly and demonstrably outweigh the acknowledged benefits which have been discussed above. On this basis and in accordance with the NPPF, planning permission should be granted.



## RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: POS-1101
Location Plan	Plan Ref: POS-1102
Access Details	Plan Ref: IT1736_SK_01

- 1 Details of the:-
  - (a) scale, appearance and layout of the building(s); and the
  - (b) and the landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than [3] years from the date of this permission. The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.

### Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

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

### Reason

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

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

### Reason

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

- 4 Each property shall be served within a minimum of two off street car parking spaces to dimensions of 2.9m x 5.5m. If car parking is to be

provided in a garage each single garage shall have internal dimensions of 3m x 7m (double garages must be 6m x 7m). The car parking spaces/garages shall be kept available for the parking of motor vehicles at all times. The garage(s) / car parking space(s) shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

#### Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 5 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes (including existing trees that are to be retained), plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

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

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

#### Reason

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

- 6 No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
  - A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
  - Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

Reason

To enable the Local Planning Authority to retain control over the levels of the site, in the interests of visual and residential amenity.

- 7 The principal access to serve the development hereby permitted shall be constructed in accordance with the details as shown on drawing no. IT1736\_SK\_01 and provided with clear to ground visibility splays of 2.4m x 43m to the east and 2.4m x 45m to the west as measured from and along the nearside edge of the carriageway, prior to the first occupation of any of the dwellings.

Reason

In order to ensure that an adequate access, with sufficient visibility is provided to serve the dwellings

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - Safe access to / from the site including the routeing of construction traffic;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing and underbody washing facilities;
  - Measures to control the emission of dust, dirt and mud during construction;
  - a scheme to control noise and vibration during the construction phase, including details of any piling operations;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition and construction working hours.
  - details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. This matter must be dealt with prior to commencement of development as it relates to measures that will need to be in place before construction works take place.

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

Reason

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

- 10 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, which shall have been previously been submitted to and approved in writing by the Local Planning Authority.

Such Packs are to be provided to the first occupiers of each new residential unit on the development site.

Reason

In the interests of promoting sustainable modes of transport.

- 11 Development shall not be commenced, nor shall any site clearance be undertaken or any archaeological investigations be undertaken as required by condition 16 of this permission, until surveys of the application site in respect of Reptiles and Badgers have been carried out. The details of the methodology, findings and conclusions of the surveys together with any necessary mitigation/compensation works shall be submitted to the Local Planning Authority for approval prior to the commencement of development/clearance of the site. Mitigation/compensation works shall be carried out in accordance with the details agreed prior to the commencement of development/clearance of the site.

Reason

To safeguard any protect protected species that could be present on the site when construction commences and to ensure all impacts resulting from development are taken into account and mitigated. It will be necessary for this information to be supplied and agreed prior to the commencement of site clearance or development otherwise there would be a danger that valuable habitats used by protected species could be removed or irrevocably damaged.

- 12 Should the Walnut tree (shown as T7 within the Tree Survey Schedule undertaken by SD Arboriculture, dated 19th February 2017) be proposed to be felled/removed, prior to its felling/removal a survey shall be undertaken and submitted to the Local Planning Authority for approval of the tree to identity the presence of nesting/roosting birds/bats. The details of the methodology, findings and conclusions of the survey together with any necessary mitigation/compensation works shall be submitted to the Local Planning Authority for approval prior to the removal of the tree.

Mitigation/compensation works shall be carried out in accordance with the details agreed prior to the removal of the tree.

Reason

To safeguard nesting/roosting birds that could be present within the tree.

- 13 Prior to the commencement of development, a Wildlife Protection Plan shall be submitted to and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats. The plan shall include:
- a) An appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
  - d) Details of the person responsible for:
    - (i) compliance with legal consents relating to nature conservation;
    - (ii) compliance with planning conditions relating to nature conservation;
    - (iii) installation of physical protection measures during construction;
    - (iv) implementation of sensitive working practices during construction;
    - (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - (vi) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason

In the interests of protecting and enhancing biodiversity.

- 14 Development shall not be commenced, nor shall any site clearance be undertaken or any archaeological investigations be undertaken as required by condition 16 of this permission, until a survey to investigate whether an invasive species have colonized the site has been carried out and submitted to the Local Planning Authority for approval. The details of the methodology, findings and conclusions of the survey together with any necessary mitigation/compensation works shall be submitted to the Local Planning Authority for approval prior the commencement of the development. Mitigation/compensation works shall be carried out in accordance with the details agreed prior to commencement of the development.

Reason

In order to ensure that any invasive species which have colonized the site are dealt with appropriately. It will be necessary for this information to be

supplied and agreed prior to the commencement of site clearance or development as a mitigation strategy will need to be known before the site can be cleared/works commenced.

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

Reason

To minimise pollution of the environment, impact on ecology and to safeguard the amenities of the locality and the appearance of the development.

- 16 No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching and palaeoenvironmental investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits or palaeoenvironmental deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest.

- 17 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as

such.

Reason

In the interests of visual and residential amenity.

- 18 Prior to construction details of the location and design of refuse bin storage, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity. This matter must be dealt with prior to commencement of development as it relates to details that will need to be known at the construction stage.

- 19 Prior to construction a scheme for the provision and implementation of surface water drainage shall be submitted and approved, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development and permanently maintained as such.

Reason

To ensure a satisfactory method of surface water drainage. This matter must be dealt with prior to construction as it relates to details that will need to be known at the construction phase.

- 20 During development, should any evidence of ground contamination be found, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. (Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers') and a report and remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed, and a validation report provided to the Local Authority from a competent person confirming this, prior to the first occupation of any parts of the development.

Reason

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

## 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)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.  
  
The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ
- 4 Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.



- 6 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at [www.braintree.gov.uk/streetnaming](http://www.braintree.gov.uk/streetnaming). Enquiries can also be made by emailing [streetnaming@braintree.gov.uk](mailto:streetnaming@braintree.gov.uk).

TESSA LAMBERT  
DEVELOPMENT MANAGER

# Appeal Decision

Site visit made on 12 July 2016

**by John Dowsett MA DipURP DipUD MRTPI**

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

**Decision date: 16 August 2016**

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**Appeal Ref: APP/Z1510/W/16/3147014**

**Windyridge, Colne Road, Bures Hamlet, Essex CO8 5DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by RBH Limited against the decision of Braintree District Council.
  - The application Ref: 15/01020/FUL, dated 30 July 2015, was refused by notice dated 19 October 2015.
  - The development proposed is demolition of existing dwellinghouse and outbuildings and erection of 3 new dwellinghouses with associated external works.
- 

## Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwellinghouse and outbuildings and erection of 3 new dwellinghouses with associated external works at Windyridge, Colne Road, Bures Hamlet, Essex CO8 5DH in accordance with the terms of the application, Ref: 15/01020/FUL, dated 30 July 2015, subject to the conditions in the attached schedule.

## Procedural matter

2. The second reason for refusal given by the Council related to the lack of a financial contribution towards provision of open space. After the Council had issued the decision notice, the Court of Appeal issued its judgement on the case of *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* which had the effect of amending national planning policy with regard to tariff based contributions towards open space and other infrastructure provisions. The Council has confirmed in its statement of case that, following this judgement, it would no longer be seeking a contribution towards the provision of open space. I have consequently determined the appeal on this basis.
3. I saw on my site visit that the appeal site has been cleared, the original dwelling demolished, and a new dwelling was in the course of construction. This is located on Plot C shown on the drawings submitted with this proposal and the dwelling that is being built corresponds with the drawings submitted for Plot C. I understand, however, that this is being constructed under a separate planning permission for a replacement of the previous dwelling.

## Main Issue

4. The main issue in this appeal is whether the site is a suitable location for housing having regard to the development plan and the principles of sustainable development.

## Reasons

5. The appeal site is a roughly triangular parcel of land located on Colne Road immediately to the south of the built up area of Bures Hamlet. The site rises from north to south and has arable fields to the south and west. The access to the site is within the 30 miles per hour speed limit of the village.
6. The site lies outside, but immediately adjacent to, the defined settlement limit for the village. Saved Policy RLP2 of the Braintree District Local Plan Review 2005 (DLP) and Policy CS5 of the Braintree District Council Local Development Framework Core Strategy 2011 (Core Strategy) seek to restrict development beyond the settlement limits to uses that are appropriate to the countryside.
7. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration and this sets out that there is a presumption in favour of sustainable development. However, the Framework is also clear that it does not change the statutory status of the development plan as the starting point for decision making and that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise.
8. It is no longer in dispute between the parties that the Council cannot identify a deliverable five year housing land supply. Paragraph 49 of the Framework requires proposals for housing development to be considered in the context of the presumption in favour of sustainable development, and states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing land. In so far as DLP Policy RLP2 and Core Strategy Policy CS5 are aimed at preventing new housing in all locations outside settlement boundaries, they are relevant policies for the supply of housing as referred to in the Framework. In the absence of a five year housing land supply Policies RLP2 and CS5 cannot be considered up to date and can only be afforded limited weight.
9. The presumption in favour of sustainable development is set out in Paragraph 14 of the Framework which states that, where relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Paragraphs 7 and 8 of the Framework set out the three dimensions to sustainable development; economic, social and environmental, and state that these are mutually dependent.
10. The development would result in some jobs in construction being created or maintained during the construction period, although this economic benefit would be small in scale due to the limited size of the scheme. The new occupiers would also generate some additional spending on goods and services in the local economy. I note the Council's point that there are few local employers in the area. However, it is not a requirement that a development provides significant support to the local economy, rather it should contribute to building a strong, responsive and competitive economy. Even a small amount of additional spending in the local economy would help sustain the existing

shops and services. Therefore, the development would meet the economic dimension of sustainable development.

11. It is not in dispute that the site is deliverable, which is in its favour. I have no evidence before me in respect of either the level of undersupply or predicted housing delivery. However, as it is common ground that a five year housing land supply cannot be demonstrated, I conclude that the proposed houses would make a contribution, albeit modest, to meeting the undersupply of housing which would be a social benefit.
12. Although the appeal site is located on the edge of the settlement, it is not so remote that the central part of the village cannot be easily accessed on foot utilising properly surfaced roads. The location of the appeal site would not, in my view, prevent the future occupiers from playing an active part in the local community.
13. A small range of services and employment opportunities are available in Bures Hamlet and the adjacent settlement of Bures St Mary. Although these services and employment opportunities do not represent a full range, they could be accessed on foot using properly surfaced roads and footways, or by cycle, as despite the appeal site being located on the edge of the settlement, it is only approximately 500 metres to the village centre.
14. In addition, Bures railway station is approximately 350 metres from the appeal site which has regular services to larger towns. There are also bus stops at a similar distance with a number of services at day to Colchester and Sudbury. Although it is perhaps inevitable that there will be some journeys by car, occupiers would not necessarily be totally dependent on private car to meet their needs. The development would therefore meet the environmental dimension of sustainable development through reduced car dependency and thus help move towards a low carbon economy.
15. The site was previously occupied by a dwelling with its associated garden and residential curtilage and consequently there would no further encroachment into countryside. Screening from trees and new hedge planting to front of site and its location next to existing built up area would prevent any harm to the appearance of the area. I note that Council have no objection to the proposal in this respect.
16. I note the Council's settlement hierarchy policy and its intention to direct the majority of new development to main towns and key service villages. Bures Hamlet is not a key service village but I am mindful that the settlement hierarchy does not preclude development in other settlements. The provision of two additional dwellings would not prejudice the overall implementation of this policy.
17. My attention has also been drawn to two other developments for which permission has been granted outside of development limits. I do not have full details of these schemes and so cannot be certain that the circumstances are the same. In any event I have determined the appeal on its own merits.
18. The development therefore meets the three dimensions of sustainable development and within this context, although the appeal site is located outside of the built up area of the settlement, in my opinion, it is not so isolated that it is an unsuitable location for dwellings.

19. The proposed development does not comply with Saved Policy RLP2 of the DLP and Policy CS5 of the Core Strategy. However, in the absence of an identified and deliverable five year housing land supply, these policies cannot be considered up to date and the presumption in favour of sustainable development is engaged. I have found that the development would satisfy the three dimensions of sustainable development. In this case, on the evidence before me, the presumption in favour of sustainable development set out in the Framework is a material consideration that justifies a conclusion other than in accord with Saved Policy RLP2 and Policy CS5. I therefore conclude that the site is a suitable location for housing having regard to the principles of sustainable development.

### **Conditions**

20. I have had regard to the list of conditions that have been suggested by the Council. In order to provide certainty as to what has been approved I have attached a condition specifying the approved drawings. As only general details of the proposed materials and boundary treatments have been provided it is necessary in the interests of the appearance of the area to attach conditions requiring that these be submitted for approval. Similarly, as only general details of landscaping have been provided it is necessary in the interests of the appearance of the area to require fuller details to be submitted for approval. I have amended the wording suggested by the Council to simplify the condition but achieve the same objectives.
21. The site also contains a number of established trees which it is proposed to retain. In order to ensure that these are adequately protected during the construction process it is necessary to attach a condition requiring details of the protection to be provided and site working methods. As these works need to be in place for the duration of the development it is necessary for this condition to be pre-commencement on Plots A and B.
22. The site is located adjacent to existing residential properties. In order to ensure that the living conditions of the occupiers of these properties are not adversely affected during the construction period it is necessary to attach conditions restricting times construction work can be carried out at the site. It is also necessary in order to protect the living conditions of adjoining occupiers to require dust mitigation to be agreed. As this scheme needs to be in place for the whole duration of the works, this must necessarily be a pre-commencement condition. Due to the sloping nature of the highway adjacent the site, in the interests of the safety of other road users it is necessary to attach conditions to ensure that mud and debris is not deposited on the highway during the construction process and that surface water runoff from the site does not discharge onto the highway once the development is completed.
23. To achieve a safe and suitable access to the site, and in the interests of highway safety, it is necessary to attach a condition requiring that the visibility splay at the access point is provided before the dwellings are occupied.
24. The Council have suggested a condition is required to remove permitted development rights from the new dwellings for the erection of extensions, roof alterations and the erection of curtilage structures. The National Planning Practice Guidance states that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. Whilst the dwellings are on

the edge of the settlement, I have no substantive evidence before me to show why this condition is necessary or that exceptional circumstances exist that would warrant the removal of permitted development rights and, consequently, I have not imposed this condition.

25. The Council have suggested that it is necessary to impose a condition to prevent the burning of waste materials on the site. Such matters are covered by other environmental legislation which makes it illegal to burn most types of waste. Where a matter is covered under another head of legislation it is not necessary to duplicate this with a planning condition. The Council have also suggested a condition that prevents unbound materials from being used on the first six metres of the private driveway. As hard surfaces and vehicles circulation areas are required to be approved as part of the landscaping scheme, this condition would duplicate the requirements of the landscaping condition and is not necessary.
26. Finally, it has been suggested a condition is required in respect of noise from piling operations. I have no substantive evidence before me to suggest that it is necessary to construct piled foundations and I have therefore not attached that condition.

### **Conclusion**

27. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*John Dowsett*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13614/OG/1A; PL01; PL/02 rev C; PL/03; PL/04; PL/05 and PL/06.
- 3) Development shall not be commenced in respect of Plots A and B until a dust and mud control management scheme has been submitted to, and approved in writing by, the local planning authority. Thereafter the approved scheme shall be adhered to throughout the site clearance and construction process.
- 4) No site clearance, preparatory work or development shall take place in respect of Plots A and B until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent

British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved prior to the commencement of any subsequent site clearance, preparatory work or development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 5) No construction work above damp proof course level shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall be carried out in accordance with the approved details/samples.
- 6) Prior to their installation, details of all gates/fences/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of the buildings hereby approved and shall be permanently retained as such.
- 7) Prior to the occupation of the development hereby approved, details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) a detailed specification including plant/tree types and sizes and planting densities;
  - ii) soil specification;
  - iii) seeding and turfing treatment;
  - iv) vehicle parking layouts;
  - v) other vehicle and pedestrian access and circulation areas;
  - vi) hard surfacing materials;
  - vii) details for the management of the hedge at the front of the site; and
  - viii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

- 8) Prior to occupation of the development, the access from Colne Road at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 85 metres to the West and 2.4 metres by 45 metres to the North East, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
- 9) Prior to occupation of the development details shall be submitted to, and approved in writing by, the Local Planning Authority showing the means

to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

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

Monday to Friday 0800 hours - 1800 hours;

Saturday 0800 hours - 1300 hours; and

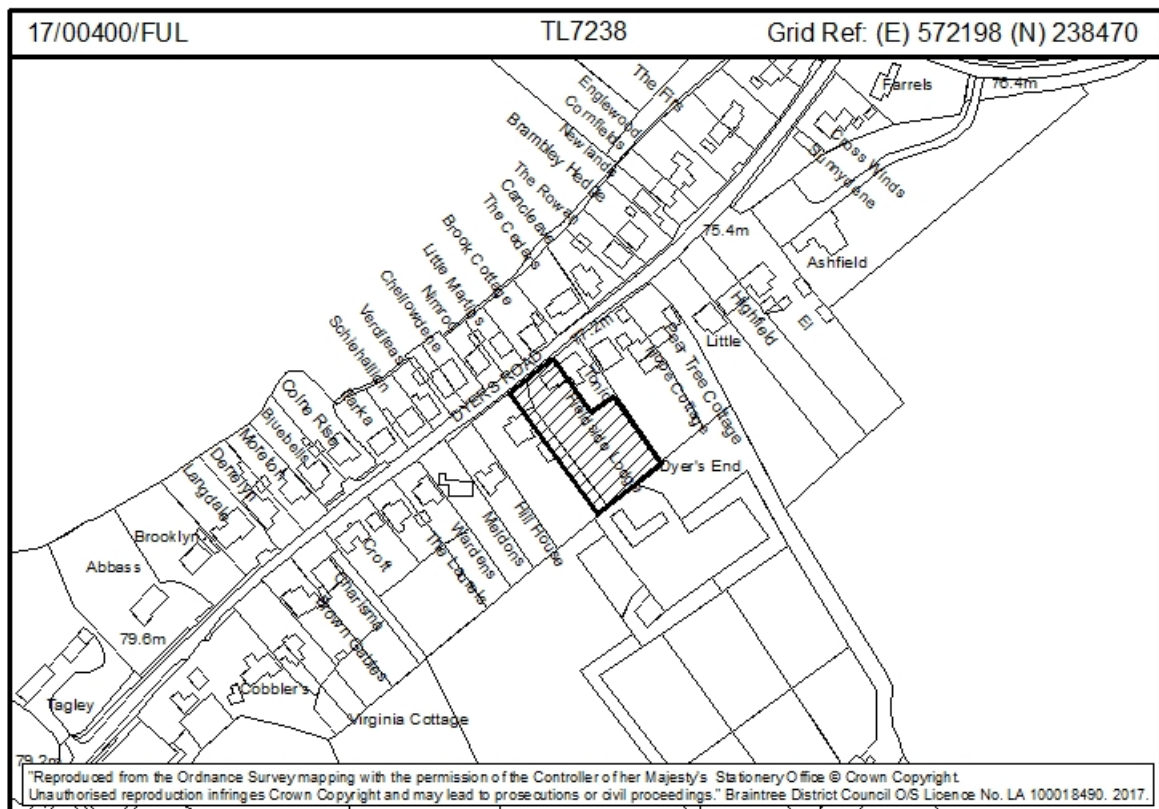
Sundays, Public and Bank Holidays - no work.



PART B

APPLICATION NO: 17/00400/FUL  
 DATE: 08.03.17  
 VALID:  
 APPLICANT: Mr & Mrs Monk  
 Annexe At Fieldside Lodge, Dyers End, Stambourne,  
 Essex, CO9 4NE  
 AGENT: Oswick Ltd  
 Mr Damian Lockley, 5/7 Head Street, Halstead, Essex, CO9  
 2AT  
 DESCRIPTION: Erection of side extension to existing annexe  
 LOCATION: Annexe At Fieldside Lodge, Dyers End, Stambourne,  
 Essex, CO9 4NE

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



## SITE HISTORY

14/00574/FUL                      Erection of granny annexe                      Granted                      24.06.14

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Development Framework Core Strategy

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

## Braintree District Local Plan Review

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

## Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Place Shaping Principle
LPP29	Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being heard at Planning Committee due to Stambourne Parish Council raising an objection, which is contrary to Officer recommendation.

## SITE DESCRIPTION

Fieldside Lodge is an end of terrace one and a half storey dwellinghouse located along Dyers End. Most of the site is situated within the village envelope of Stambourne, however some, including the location of the proposed extension, would be outside the village envelope. The building has a relatively large rear garden, which contains a single storey annexe. The annexe is used by the parents of the occupiers of the main dwellinghouse.

## PROPOSAL

The application proposes the erection of a side extension to an existing annexe in the garden of Fieldside Lodge. The extension would measure 4 metres in its depth and 4 metres in its width. It would be set lower than the ridge of the annexe. The submitted information indicates it would be used for dining space.

## CONSULTATIONS

Parish Council – Object on grounds of overdevelopment of the site; the layout and density of the site; rural development; the possibility of the site becoming

a separate dwellinghouse; and the proposal being contrary to Draft Local Plan Policy LPP 30.

## REPRESENTATIONS

A site notice was erected outside the application site and neighbours were notified by letter. No representations had been received at the time of writing the report.

## REPORT

### Principle of Development

Part of the Parish Council's objection related to the proposal's non-compliance with the Draft Local Plan. This policy should be afforded less weight than the Council's latest adopted Local Plan; the Local Plan Review within which RLP18 will be most relevant.

The part of the site which would be extended would be just outside the village envelope. Policy RLP18 allows for the provision of self-contained annexes to meet the needs of dependent relatives, where the building would be in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands, and subordinate to the existing dwelling in terms of bulk, height, width, and position. It would be necessary to ensure that it will remain solely as ancillary accommodation, to be occupied in association with the main dwelling. The Council will have regard to the cumulative impact of development on the original character of the property and its surroundings.

From the Draft Local Plan, Policy LPP30 states planning permission will be granted for the extension of a habitable, permanent dwelling in the countryside and for the erection of outbuildings ancillary to the residential use, provided that they meet all the following criteria:

- d) The siting, design and materials must be in harmony with the countryside setting;
- e) They are compatible with the scale, appearance character of the original dwelling;
- f) Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height, width and position;
- g) New outbuildings should be well related to the existing development on the site;
- h) There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light or an overbearing impact. The Council will have regard to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings.

The annexe which currently exists has an obvious physical and functional relationship with the host dwelling. The annexe building is already being used

for purposes incidental to the enjoyment of the host dwelling and is currently occupied by a dependent relative (the parents of the occupiers of the house). The proposed extension would be minor in nature and wouldn't alter the way the annexe is used. Therefore, Officers consider the proposal is acceptable in principle.

#### Design, Appearance and Layout

The NPPF states that new development should seek to improve "streetscapes and buildings to create attractive and comfortable places" by using design which reflects "local character and history, and reflect the identity of local surroundings and materials", thereby resulting in a form of development which is "visually attractive as a result of good architecture and appropriate landscaping." In addition to this, policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

The proposed extension would be designed to be sympathetic to the existing annexe. The annexe is of a good quality design and would use matching materials. It would remain subordinate in terms of its appearance to the host dwelling and the extension in this location would retain a good relationship with the host dwellinghouse.

Officers consider that the design of the proposed extension would be acceptable.

#### Impact on Neighbour Amenity

The application site is adjacent to a residential garden on one side. On the other side there is a private track leading to stables to the rear of the site.

Due to the size, siting and design of the proposal the single storey extension would not result in adverse harm to neighbouring amenities that would justify refusal of the application. The proposal would not increase the intensity of use of the annexe minimising impacts on neighbours.

#### Highway Issues

An annexe is treated as the same planning unit as the existing house therefore no additional parking is required. Notwithstanding this, the proposal would not alter the existing parking or access arrangements. It is therefore considered that there are no material highway issues associated with this application

## CONCLUSION

In conclusion, it is considered that the extension of an existing annexe in the garden of a residential dwelling would be acceptable in principle. The design of the extension would be sympathetic to its surroundings, and there would be no unacceptable impacts on neighbouring residential amenities.

For these reasons, Officers consider that the planning application should be approved.

## RECOMMENDATIONS

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

### APPROVED PLANS

General Plans & Elevations

Plan Ref: 14-060-AS-4

- 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 annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Fieldside Lodge. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

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

- 4 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

Reason

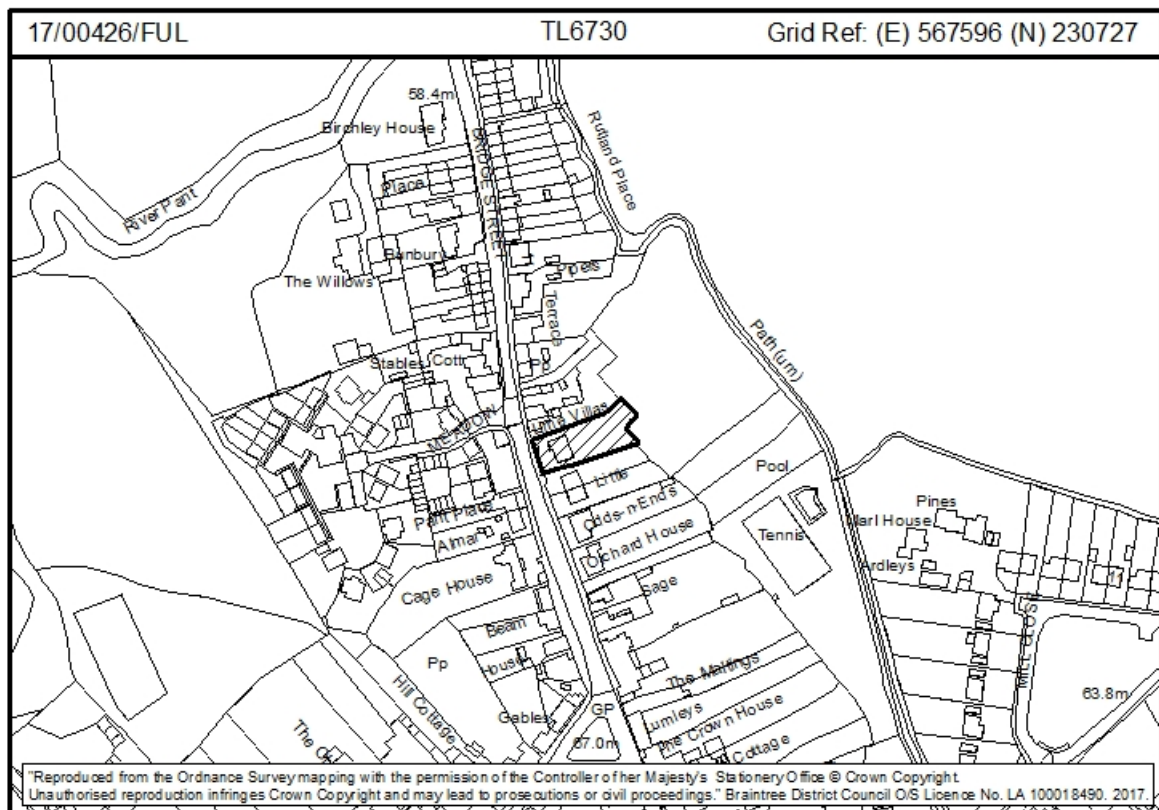
To conform with the pattern of the existing development in the locality.

TESSA LAMBERT - DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/00426/FUL  
 DATE: 22.03.17  
 VALID:  
 APPLICANT: Mr Mark Brown  
 Khan's Vlew, Bridge Street, Great Bardfield, Essex, CM7 4ST  
 DESCRIPTION: Installation of dropped kerb  
 LOCATION: Khan's Vlew, Bridge Street, Great Bardfield, Essex, CM7 4ST

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



## SITE HISTORY

12/01098/FUL	Erection of two storey rear extension and first floor front extension and changes to dormer windows.	Granted	08.11.12
12/00247/DAC	Application for approval of details reserved by condition no. 3 and 4 of approval 12/01098/FUL	Granted	03.09.13
13/00334/FUL	Erection of garage/store	Granted	14.05.13
16/00068/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Fell 1 Fir tree	Granted	13.04.16

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date



Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### 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

RLP18        Extensions to Existing Dwellings in the Countryside  
RLP56        Vehicle Parking  
RLP90        Layout and Design of Development

#### Braintree District Draft Local Plan

SP1          Presumption in Favour of Sustainable Development  
SP5          Place Shaping Principle  
LPP50        Alterations, Extensions and Changes of Use to Heritage Assets  
                 and their Settings

#### Other Material Considerations

Great Bardfield Village Design Statement

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application seeks permission for the creation of an additional access onto Bridge Street, in the village of Great Bardfield. The proposal is supported by Essex County Council Highways Department, but has received objections from Great Bardfield Parish Council. Therefore, in accordance with the current Scheme of Delegation, the case is brought before the Planning Committee.

#### SITE DESCRIPTION

Khan's View is a new build dwelling which is located along Bridge Street. It currently enjoys an existing dropped kerb provision which allows access to off street parking on its frontage.

The site is located within the Great Bardfield Conservation Area and is within the settlement boundary.

## PROPOSAL

This application proposes an additional access to provide safer exit onto Bridge Street. The current dropped kerb is shared with the neighbour.

## CONSULTATIONS

Essex County Council Highways Department - No objections subject to conditions relating to loose material and width of access.

Essex County Council Historic Buildings Consultant – The property is already serviced by a dropped kerb and the installation of a second dropped kerb in such close proximity would raise concerns of an over-proliferation of these features, to the detriment of the visual character of the Conservation Area, however, the harm would be minor and as a result they are supportive of the application as it currently stands.

## REPRESENTATIONS

### Great Bardfield Parish Council

Objection on the grounds that the proposal is to create an additional egress purely for the convenience of the applicant. This area of the village is particularly congested with on a few houses having off street parking and narrowing down to alternate passing.

1 neighbour objection from 3 Maltings Terrace, Bridge Street – Raised concern with the loss of on street parking as a result of the creation of an additional dropped kerb.

## REPORT

### Principle of Development

The application site is situated inside of the Village Boundary of Great Bardfield whereby Policy RLP90 of the Braintree District Local Plan Review states that in such locations the principle of development is acceptable where the proposal incorporates appropriate design and materials, does not result in an unacceptable impact on neighbouring residential amenities and where it can satisfy highway criteria.

In addition, Policy RLP56 of the Braintree District Local Plan Review states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.

The creation of a dropped kerb is considered to be acceptable in principle subject to compliance with the abovementioned criteria.

### Impact upon Street Scene

In terms of impact on street scene, the dropped kerb will have limited visual impact and as such it is considered that the proposal would not have a detrimental impact upon the character and appearance of the street scene or the wider area.

### Highway Issues

Khan's View is a replacement dwelling located along Bridge Street which has two off street parking spaces accessed via the original dropped kerb. This allows for the parking of two cars clear of the highway. The vehicles are then required to reverse out onto the highway, beyond cars which are parked on the street.

In providing an additional dropped kerb access to allow vehicles to leave the frontage of Khans View in a forward gear, the available car parking along the highway in front of this dwelling would be removed.

It should be noted that the Great Bardfield Village Design Statement identifies that there is an issue with on street parking along Bridge Street and states the following: *"Generally along Bridge Street, the greatest problem is on-street parking which reduces the road leading from the village centre to the bridge to a single vehicle width"*. And in an effort to control on-street parking within the village, the design guidelines within this statement suggest that *"More off street parking is desirable but should be designed to have minimum visual impact"*. *"Any new development must include provision for off street parking in accordance with the Essex Vehicle Parking Standards 2001 (or any subsequent legislation)"*.

Whilst the Great Bardfield Village Design Statement highlights the issue of parking along Bridge End, there are no parking controls currently in place along this part of Bridge Street to restrict resident parking. The provision of off street parking will always be to the detriment of on-street parking and whilst the loss of on-street parking is regrettable, Essex County Council Highways do not raise any highway objections to the additional dropped kerb in terms of highway safety. It is therefore considered that the proposal would be difficult to resist purely on grounds that the existing on-street parking would be reduced.

### Impact on Neighbour Amenity

There will be no impact on neighbour amenity. One letter of objection has been received which is concerned with the loss off on street parking, however, whilst this is an amenity issue, the reduction in on street parking is not a valid reason to refuse planning permission when there are no concerns from a highway safety perspective.

## CONCLUSION

It is therefore concluded that the request of a second dropped kerb at the property is a reasonable request, albeit for the convenience of the occupier, and the benefits of a safer means off exiting the site outweighs the loss of on street parking caused by its installation. Therefore it is officers opinion that the proposal would be compliant with the abovementioned policies.

## RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan  
Block Plan

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

Reason

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

- 4 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge

Reason

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

INFORMATION TO APPLICANT

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

TESSA LAMBERT  
DEVELOPMENT MANAGER

<b>Monthly Report of Planning and Enforcement Appeal Decisions Received</b>		<b>Agenda No: 6</b>
<b>Portfolio</b> Planning and Housing <b>Corporate Outcome:</b> A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure <b>Report presented by:</b> <b>Report prepared by:</b> Liz Williamson – Planning Technician		
<b>Background Papers:</b>		Public Report
Appeal decisions summary		Key Decision: No
<b>Executive Summary:</b>  This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
<b>Recommended Decision:</b>  That the report be noted.		
<b>Purpose of Decision:</b>  To note a report on appeal decisions.		
<b>Corporate Implications</b>		
<b>Financial:</b>	N/A	
<b>Legal:</b>	N/A	
<b>Safeguarding:</b>	N/A	
<b>Equalities/Diversity:</b>	N/A	
<b>Customer Impact:</b>	N/A	
<b>Environment and Climate Change:</b>	N/A	
<b>Consultation/Community Engagement:</b>	N/A	
<b>Risks:</b>	N/A	
<b>Officer Contact:</b>	Liz Williamson	
<b>Designation:</b>	Planning Technician	
<b>Ext. No:</b>	2506	
<b>E-mail:</b>	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 2017**.

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>	16/00392/FUL – Land east of Aster Cottage Sudbury Road Little Maplestead
	<b>Proposal</b>	Erection of a dwelling
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP16, RLP56, RLP90, RLP138
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. Whether the appeal site would be a suitable location for housing with particular reference to local settlement policy and the accessibility of services and facilities;</li> <li>2. The effect of the proposal on highway safety</li> </ol>
	<b>Inspector's Conclusion</b>	<p>As residential development outside the village envelope, the appeal scheme would be contrary to the strategy for housing on the development plan. Saved Policy RLP2 of the Local Plan and Policy CS5 of the Core Strategy are broadly consistent with the Framework, which seeks to encourage development that supports the vitality of rural areas, prevent isolated homes in the countryside and promote travel choice. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>However, the Council cannot demonstrate a 5 yr housing land supply. This is significant as Policies RLP2 and CS5 relate to the supply of housing as they aim to restrict new homes outside of settlement boundaries. As a consequence, these policies are out of date. As the settlement policies are failing to provide an adequate supply of housing the conflict with the strategy for housing set out in the development plan is afforded limited weight. Nevertheless, when applying the policies in the Framework as a material consideration, the proposal would result in an isolated dwelling with inherent and significant harm.</p> <p>The construction of the dwelling would provide some economic benefits to the construction industry but these would be modest in scale and for a limited time. Given the small scale of the development the contribution to the vitality of the rural community, including the protection of</p>

		<p>local bus services, from future occupants is unlikely to be significant. The proposal would use land more efficiently, add to the cumulative supply of rural dwellings, boost housing choice and contribute to the Council's five year housing land supply but these would be limited benefits given the proposal's modest scale.</p> <p>The appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. The proposal would be contrary to the settlement policies in the development plan. More significantly in this instance, the proposal would be contrary to the Framework and would not amount to sustainable development.</p>
2.	<b>Application No/Location</b>	16/01113/FUL – Land adj Craig Meadow, Sturmer Road, New England
	<b>Proposal</b>	Retrospective planning application for works associated with the stable block as approved under planning application 14/01307/FUL comprising; removal of concrete ramp, provision of a concrete service yard and regularising of site levels
	<b>Council Decision</b>	Refused under delegated authority RLP2, RLP80, RLP85, RLP90
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	1. The effect of the development on the landscape character of the countryside and the setting of the locality.
	<b>Inspector's Conclusion</b>	<p>Planning permission was granted in 2015 for the erection of stables on this site in the countryside. However, rather than the service yard in front of the stables being level with the surrounding ground as indicated in the approved drawings, it is higher than the ground by 0.5m on its north-east and south-east edges, and includes a ramp down from the yard level to the level of the paddock.</p> <p>The appeal building stands in a roughly rectangular field in the countryside off Sturmer Road, with large detached houses along both its sides, and with woodland beyond. Its boundaries are enclosed by timber post and rail fencing. The character of the land is equine with the field divided into two paddocks accessed directly from the stables, which at the time of my visit, were occupied by two horses. The raising of the yard makes it more prominent in the field in views from the north-east and south-east, its extent is confined to being broadly within the apron of the building. To the opposite side, to the north-west, the yard blends into the ground. The concrete ramp has been replaced by a grass surface supported by</p>



		a sub-surface grid and retained by timber sleepers with post and rail fencing. The appellant has submitted a drawing which shows a screening hedge around the raised ground and its fence which would screen the difference in level. However, for the reasons above the Inspector concludes that proposal would not result in harm to the landscape character of the surrounding countryside or to the setting of the locality.
3.	<b>Application No/Location</b>	16/01020/FUL – 1 Park Drive, Braintree
	<b>Proposal</b>	Erection of a new dwelling
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP3, RLP9, RLP10, RLP56, RLP69, RLP70, RLP74, RLP77, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	1. The effect of the proposed development on the character and appearance of the area
	<b>Inspector's Conclusion</b>	<p>The appeal site encompasses a parcel of land located to the north of a terrace of houses. It forms part of the garden of 1 Park Drive but has been subdivided from the rest of this property by a close boarded fence. The appeal scheme would involve the erection of a two storey dwelling attached to the gable of 1 Park Drive. It would retain the same materials, ridge height and building line but would be notably narrower than 1 Park Drive with a different pattern of fenestration that would give an incongruous solid to void ratio when viewed in the context of the existing terrace. The proposed dwelling would have smaller proportions as a response to the restricted width of the plot. This would result in it appearing uncharacteristically narrow and undersized relative to the rest of the terrace. The appeal scheme would also erode the space to the side of 1 Park Road, which to a lesser extent, would compound the cramped appearance of the proposal regardless of whether the site is enclosed by a fence at a later date. Consequently, the proposed dwelling would have a discordant presence in the street scene and would give the impression it was squeezed into the appeal site rather than being a natural and harmonious infilling. Therefore, the Inspector would conclude that the proposal would harm the character and appearance of the area and would be contrary to relevant policies in the Local Plan. The proposal would also be contrary to the design policies of the Framework. The adverse impacts which have been identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme. As such, the proposal is not sustainable development.</p>