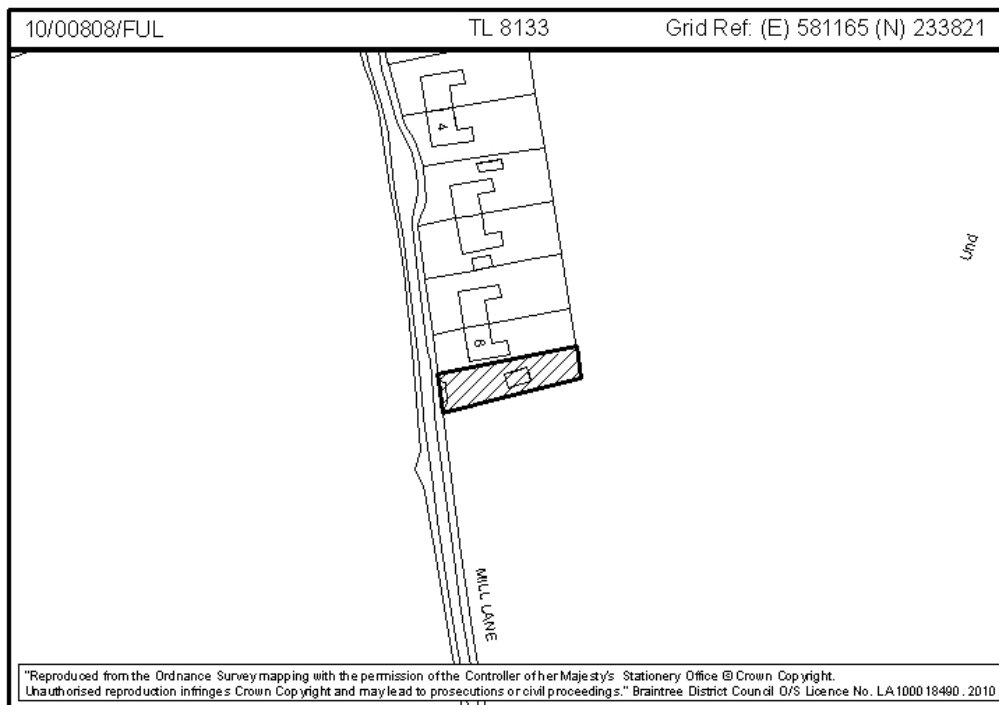


AGENDA ITEM NUMBER
PART A

APPLICATION NO: 10/00808/FUL **DATE VALID:** 24.06.10
APPLICANT: Mr J Wicks
129 Kings Road, Halstead, Essex, CO9 1HJ
AGENT: Damian Lockley ICIOB
5/7 Head Street, Halstead, Essex, CO9 2AT
DESCRIPTION: Erection of a two storey three bedroom detached house
with additional parking for no. 8
LOCATION: Land Adjacent 8 Mill Lane, Great Maplestead, Halstead,
Essex, CO9 2RA,

For more information about this Application please contact:
Miss S Ennos on:- 01376 551414 Ext. 2522
or by e-mail to: susanne.ennos@braintree.gov.uk



SITE HISTORY

89/00451/E	Proposed Erection Of Dwelling	REC	
07/02307/FUL	Erection of three bedroom detached house with 2 no. parking spaces together with 2 no. additional parking spaces for no. 8 Mill Lane	PER	20.12.07

POLICY CONSIDERATIONS

Government Guidance

Planning Policy Statement No. 1 – Delivering Sustainable Development
Planning Policy Statement No. 3 – Housing

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP10	Residential Density
RLP56	Vehicle Parking
RLP65	External Lighting
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP90	Layout and Design of Development
RLP137	Open Space Standards
RLP138	Provision of Open Space in New Housing Developments

Supplementary Planning Guidance/Documents

SPD Open Space (adopted November 2009)

PROPOSAL AND SITE DESCRIPTION

This application seeks planning permission for the erection of a two storey three bedroom detached dwelling on Land Adjacent to No. 8 Mill Lane, Great Maplestead. It follows a previous application which granted permission (application no. 07/02307/FUL) for a three bedroom detached house, with two no. parking spaces together with 2 no. additional parking spaces for no. 8 Mill Lane.

This proposal differs from that granted permission for the following reasons:

- The depth of the proposed dwelling has been increased by 0.6 metres
- Position of windows have been altered and additional ones added.
- The roof material is proposed to be sandtoft county pantiles rather than concrete tiles as previously proposed, but a condition was imposed suggesting the use of clay pantiles or slate
- Increased size of parking spaces

The following windows have been added:

- Three windows on the side (south facing) elevation; two at ground floor level and one at first floor level
- One window at ground floor level on the rear elevation

The site is located on the edge of a row of semi-detached properties in Great Maplestead. It is in an elevated position; therefore the site is prominent when viewed from further along Mill Lane and the Countryside beyond. The site is currently used as a garden and driveway area for No. 8 Mill Lane and is enclosed by a post and rail fence.

This application is brought before the Planning Committee as two letters of objection have been received.

CONSULTATIONS

Environmental Health – no objections subject to conditions to minimise disturbance to nearby residents during construction.

Engineers – no comments.

REPRESENTATIONS

Great Maplestead Parish Council – raise no objections.

Two letters of objection have been received which raise the following concerns:

- The building is not in keeping with the existing houses along the lane
- The building is set back from the building and extends well into the back garden
- The building is out of proportion to the size of the site
- Increase in overlooking
- Loss of light and vision
- Would be a blemish on the skyline
- Infrastructure cannot cope with further development
- Necessary vehicular movements required to construct the proposal will result in long delays and inconvenience in the lane
- Building is in close proximity to the grazed paddocks.

REPORT

Principle

The principle of a dwelling on this site has been established by the granting of application 07/02307/FUL, which could, at present still be implemented.

Design and Appearance

Policy RLP90 states that the Council seeks a high standard of layout and design in all development. This means that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness.

The alterations proposed under this application do not significantly alter the character and appearance the dwelling previously granted, which could still be constructed. Whilst it is increasing in depth by 0.6 metres, it is not considered that this would have a significant detrimental impact.

Impact on Neighbours Amenities

Policy RLP90 states that development will only be granted when there is no undue or unacceptable impact on the amenity of any nearby residential properties.

Concern has been raised about the impact of the proposal in terms of overlooking and loss of light. In terms of overlooking the windows proposed on the side (north elevation) which faces towards no. 8 Mill Lane are proposed to be obscure glazed as they serve a bathroom and en-suite. A condition is recommended to ensure that they are maintained as obscured.

The increase in the number of windows on the south (side) elevation will result in an increase in overlooking; however, immediately adjacent to the site in this location are paddocks; the nearest residential property is in excess of 100 metres away. This is considered to be sufficient distance not to create direct overlooking. Furthermore, the existing dwelling No. 8 Mill Lane has windows on the side elevation.

The dwelling has not been repositioned, only increased in depth by 0.6 metres. Whilst the proposed dwelling would result in loss of light to No. 8 Mill Lane, this was not considered to be sufficient to warrant a reason for refusal and it is considered that a further 0.6 metres would not be significantly detrimental to the amenities of the neighbouring residents.

Sustainability

Submitted as part of the application was a Sustainable Design and Construction Checklist, whilst this has been completed, no details of specific measures have been included. It is recommended that a condition be imposed to cover this issue.

Other Issues

The parking sizes proposed have been increased; this is in order to meet the Council's Adopted Parking Standards.

In accordance with the Council's Supplementary Planning Document a financial contribution of £1,570.63 is required towards the enhancement and provision of open space within the surrounding area. The applicant has agreed to pay this.

CONCLUSION

It is considered that the alterations proposed under this application, do not significantly alter the character, appearance or impact that the scheme previously approved and is therefore recommended for approval.

RECOMMENDATION

Subject to the applicant's agreement to the terms of a legal agreement as set out below, this is considered to be an acceptable form of development. This site would contribute to the supply of housing within the existing urban area.

It is therefore **RECOMMENDED** that approval is granted for the development, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover a contribution of £1,570.63 towards the provision of open space and sport and recreation facilities in the local area.

The Development Director be authorised to **GRANT** planning permission under powers delegated to him, subject to the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed by the target date for determining the application, the Development Director be authorised to **REFUSE** the grant of planning permission.

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

- 1** The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2** The development hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3** The windows on the north facing elevation shall be glazed with obscure glass and shall be so maintained at all times.
- 4** Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house, as permitted by Classes A, B, C and D of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 5** The development shall not be occupied until the car parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times.
- 6** Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been 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 building(s) hereby approved and shall be permanently maintained as such.
- 7** Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
 - (a)** water efficiency, resource efficiency, energy efficiency and recycling measures, during construction
 - (b)** measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development
 - (c)** measures for the long term energy efficiency of the building(s), and renewable energy resources

(d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

(e) details of any proposed external lighting to the site.

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

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

Monday to Friday 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Sundays and Bank Holidays - no work.

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

10 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

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

REASONS

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

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

3 In order to safeguard the privacy of adjoining occupiers.

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

5 To ensure adequate parking space is provided.

- 6 **In order to secure the satisfactory development of the site and in the interests of visual amenity.**
- 7 **In the interest of promoting sustainable forms of development.**
- 8 **To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 9 **To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 10 **To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 11 **To reduce the risks of flooding.**

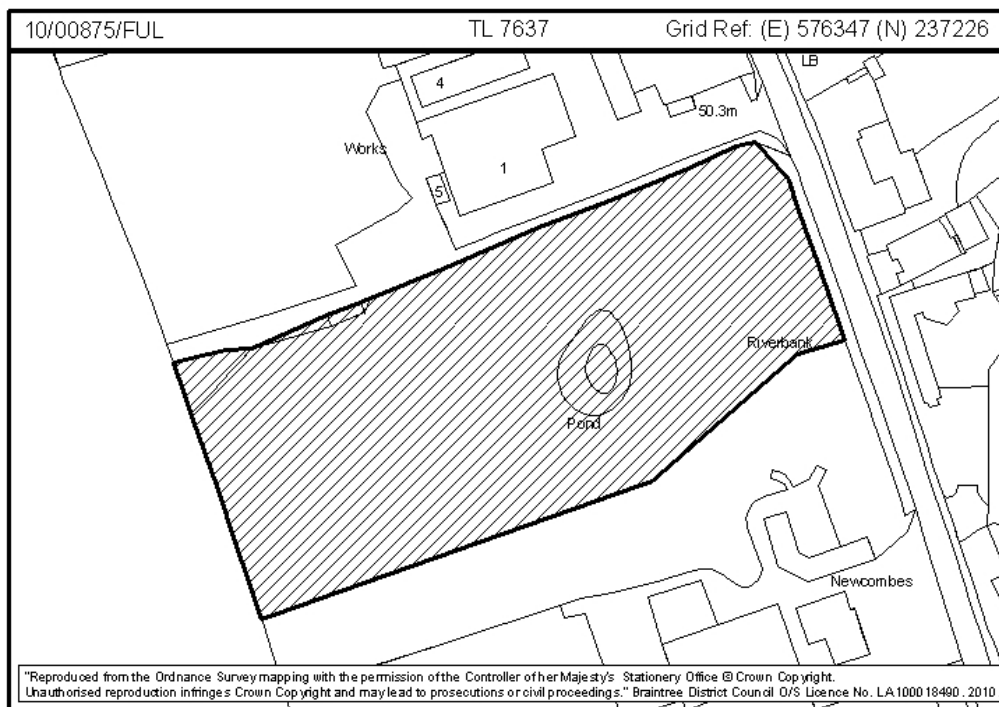
APPROVED PLANS

General Plan Ref: 1431-12321-1

PART A

APPLICATION NO: 10/00875/FUL **DATE VALID:** 25.06.10
APPLICANT: Mr R Oliver
Newcombes, Poole Street, Great Yeldham, Halstead,
Essex, ,
AGENT: Linda S Russell
Mrs S Smith, 57 North Hill, Colchester, Essex, CO1 1PX
DESCRIPTION: Erection of detached dwelling and outbuilding
LOCATION: Land Adjoining Newcombes, Poole Street, Great
Yeldham, Halstead, Essex, ,

For more information about this Application please contact:
Miss S Ennos on:- 01376 551414 Ext. 2522
or by e-mail to: susanne.ennos@braintree.gov.uk



SITE HISTORY

09/00011/REF	Erection of detached dwelling and outbuilding	DISMIS	26.06.09
08/02296/FUL	Erection of detached dwelling and outbuilding	REF	03.02.09
09/01145/FUL	Erection of detached dwelling and outbuilding	REF	03.11.09

POLICY CONSIDERATIONS

Government Guidance

Planning Policy Statement No. 1 – Delivering Sustainable Development
Planning Policy Statement No. 3 - Housing
Planning Policy Statement No. 7 - Sustainable Development in Rural Areas

Braintree District Local Plan Review

RLP 2	Town Development Boundaries and Village Envelopes
RLP 9	Design and Layout of Housing and Mixed Use Areas
RLP12	Permanent Agricultural Dwellings
RLP 16	Hamlets and Small Groups of Dwellings
RLP 56	Vehicle Parking
RLP 70	Water Efficiency
RLP 74	Provision of Space for Recycling
RLP 77	Energy Efficiency
RLP 78	Countryside
RLP 79	Special Landscape Areas
RLP 90	Layout and Design of Development
RLP 137	Open Space Standards
RLP 138	Provision of Open Space in New Housing Development

BACKGROUND

Application No. 08/02296/FUL sought permission for the erection of a detached dwelling and out building on Land Adjoining Newcombes, Poole Street, Great Yeldham. This was refused for the following reasons:

- Unjustified intrusion in the countryside to the detriment of its rural character, as it is in an area of Countryside and failed to meet the criteria set out in Policy RLP16 (Hamlets and Small Groups of Dwellings)
- Unsustainable location
- Would set a precedent for other dwellings in the Countryside
- Detrimental impact on the Special Landscape Area by virtue of scale, bulk and design of the dwelling in relation to the surrounding area

- The creation of an access on a stretch of classified highway would lead to conflict and interference with the passage of through vehicles to the detriment of highway safety.

The decision was appealed (see appendix A for appeal decision) and the Inspector concluded that although the criteria set out in Policy RLP16 would apply and safe access could be provided, the appeal should be dismissed for the following reasons:

- The gap is capable of accommodating two dwellings at a similar roadside grain as exists in other places in the group.
- The substantial gap between the appeal building and Newcombes would tend to make this proposal appear isolated and not readily linked to the general run of development along the road with a weak link to the built form to both the north and south.
- The outbuilding and the possibility of additional domestic paraphernalia; would appear as an intrusion of domestic character and appearance into the Countryside, causing harm.
- The formation of the access and sightlines would cause harm to the character and appearance of the area through the location of built form and separate domestic activity poorly related to the group.

The decision makes reference to the fact that the gap is not between existing dwellings, but states that due to another appeal decision, where a commercial use was considered as a suitable neighbour to the gap for the purposes of Policy RLP16, does not discount the acceptability of this situation.

A subsequent application (09/01145/FUL) sought permission for a dwelling which was refused.

SITE DESCRIPTION

The site currently forms part of the extensive garden area for Newcombes; dense vegetation exists along the northern and eastern boundaries which screen the site from wider views. The surrounding area is mixed in character and is defined by a group of development which forms a ribbon along both sides of the road. It comprises detached and semi-detached dwellings of a variety of sizes, ages and designs. An industrial estate is located immediately to the north of the application site which comprises large utilitarian buildings.

PROPOSAL

This application seeks permission for a detached dwelling and outbuilding. It seeks to overcome the previous reasons for refusal. The application is accompanied by a unilateral undertaking which includes an agreement not to develop part of the site and to pay the open space contribution. It is also accompanied by an extensive report which sets

out the background and provided supporting justification for the proposal.

The other alterations made since the previous refusal are the change in position of the driveway and garaging and increased the amount of tree/hedge retention along the front boundary of the site. The size and position of the dwelling has not been altered.

This application is brought before the Planning Committee at the request of Councillor McCrea as “officers have prejudged the application and communicated this to the applicant’s representative before the end of the consultation period. Furthermore I consider this application could be allowable as reasonable infilling, notwithstanding the location outside the village envelope. It is hardly in open countryside”.

CONSULTATIONS

Environmental Health – no objections subject to conditions to minimise disturbance to nearby residents during construction.

REPRESENTATIONS

The site notice was displayed on a stake to the front of the site and the neighbouring residents were notified by letter. No responses have been received.

Great Yeldham Parish Council have stated that the Council thinks that the application is outside the village envelope.

REPORT

1. Principle of Development

The site is located within the Countryside and an area designated as being of Special Landscape Value, where Policies RLP78 and RLP79 state that the Countryside will be protected for its own sake. This will be achieved by the restriction of new uses to those appropriate to a rural area and the strict control of new building in the Countryside outside existing settlements to that required to support agriculture, forestry or other rural uses or development. Furthermore, the Policy states that any development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

Policy RLP16 states that where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made to Countryside policies for the filling of a gap, for a single dwelling, between existing dwellings, in hamlets and small groups of

dwelling. This policy will not apply to proposals for individual isolated dwellings, or the extension of ribbon development, and will not apply to gaps, which could accommodate more than one dwelling. Furthermore, proposals which will set a precedent for the consolidation of sporadic or ribbon development or for the further infilling of large gaps will be resisted.

The appeal decision for this site is a material consideration for this current application. It was the Inspector's view that the site, due to its size and particularly its width, could accommodate more than one dwelling and was therefore contrary to the above policy. As part of the application, the applicants have submitted information to demonstrate that this is not the case, given the pattern of the surrounding development. Evidence has also been submitted of other examples within the District (see below for comments), where the Hamlet Policy has been applied.

The applicants have provided dimensions of all plots in the surrounding area (Poole Street) which range from 160 metres to 30 metres in width, resulting in an average of between 75.67 metres and 68.66 metres dependant on whether Lovingtons, which is on the edge of the 'hamlet', is included or not. The proposed plot width is 66 metres, with a plot width of 66 metres remaining for Newcombes. It is accepted that the proposed plot width is close to the average, however, as demonstrated by the analysis of the plots in the area, there is a wide range of plot widths. Given the wide range of plot widths in the area and the lack of defined 'grain', the site could equally accommodate narrower plots and still be in keeping with the surrounding area. Furthermore, the appeal decision must be a material consideration and whilst additional information has been received the fundamentals of the proposal have not been altered. The Inspector concluded that the site is capable of accommodating two dwellings at a similar roadside grain as exists in other places in the group.

The gap in which the proposed dwelling is to be located is not 'between existing dwelling' as required in RLP 16 as the site is adjacent to the Woodpecker Court Industrial Estate. In the appeal decision for this site the Inspector accepted, due to a previous appeal decision in the district, that he did not "discount the acceptability of this situation". However, he went on to say that "The lack of a neighbouring dwelling, but more particularly, the predominantly set back form and large area of hardstanding of those commercial buildings adds to my view that the neighbouring use substantially reduces the appearance, as well as the fact, of this being a gap within a group of dwellings, and that the insertion of the proposed dwelling, with the substantial gap between the appeal building and Newcombes referred to previously would tend to make this proposal appear isolated and

not readily linked to the general run of development along the road with a weak link to the building form to both the north and south”.

In this current application the proposed dwelling has been located much closer to Newcombes, accordingly the proposed dwelling would not appear isolated in terms of its relationship with Newcombes. However, the siting of the proposed dwelling leaves a substantial gap between the proposed dwelling and the industrial estate. This gap, together with the Inspector’s concerns regarding the neighbouring use, its set back form and hardstanding make the proposed dwelling appear more as ribbon development rather than “the filling of a gap”.

The applicants have submitted a Section 106 agreement not to develop part of the site between the proposed dwelling and the industrial estate. The fact that they have done this indicates that the site “could accommodate more than one dwelling” contrary to RLP 16. The Inspector concluded in the appeal decision that the “nature and size of the gap results in there being room for more than one dwelling” and it is Officer’s opinion that the applicant’s suggestion of a S106 agreement (effectively choosing to only build one dwelling) in no way overcomes this policy objection.

Accordingly, the proposal is considered under the countryside policies which seek to protect the countryside for its own sake, restricting new uses to those appropriate to the rural area. The proposal would introduce new housing development beyond the defined settlement limits and would be contrary to the objectives of securing sustainable patterns of development and the protection of the character of the countryside.

2. **Design and Appearance**

In design terms the proposed dwelling replicates that of Newcombes, this is considered to be acceptable.

3. **Impact Upon Neighbouring Residential Amenity**

Policy RLP 90 also states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

It is accepted that by virtue of the distance between the proposed dwelling and the existing neighbouring dwellings, and the existing landscaping (which will be retained), this proposal would not result in an unacceptable impact on neighbouring residential amenity.

4. Car Parking and Highway Considerations

Policy RLP 56 states that parking provision should be provided in accordance with the Council's adopted parking standards as set out in Appendix 3 of the Local Plan Review. This advocates an average off-street parking provision of three spaces. Sufficient space would be available within the site to achieve this.

5. Sustainable Design

The Sustainable Design and Construction Checklist has been submitted as part of the application. This indicates the possible use of a ground source heat pump although the Code for Sustainable Homes is unknown at present. Such issues could be covered by the imposition of planning conditions if the proposal were considered acceptable in all other respects.

6. Landscapes

The site contains a number of trees, some of which will be effected by the proposal, but there would be no detrimental effect on public visual amenity as the trees are well-screened by the hedge to the front of the site which should be retained.

7. Other Applications raised by Applicant

The applicants have provided details of numerous other applications in the district which they consider to be relevant to this application. Although these applications can be considered they do not set a precedent as each application has to be considered on its own merits. Furthermore, regardless of other applications in the district, a material consideration in this case is the previous decisions, in particular the appeal decision, for the application site itself.

The application the applicants consider most relevant to the current application Land South of Little Stocks, Braintree Green, Braintree (06/02259/OUT). It is accepted that this proposal has many similarities to the current application, although this site was not in a Special Landscape Area.

The application was granted under delegated authority subject to a Section 106 agreement which required the following:
"Not to construct or allow permit or cause to be constructed more than one single dwelling house on the site...".

In this case the Planning Policy Manager advised in her consultation response that the gap would be small enough to accommodate one dwelling. Accordingly, there was no policy objection provided that the proposed dwelling was of a size large

enough and located in such a way as to preclude the development of a further dwelling on the plot. On this basis it was considered appropriate to grant the application subject to the Section 106 agreement. The current application is, due to its size, capable of accommodating more than one dwelling.

CONCLUSION

Although some of the detail of the proposal has been amended following the previous decision the point of principle remains the same i.e. whether the erection of a dwelling in this site is in accordance with Policy RLP16. The conclusion of the Inspector on the previous application was that this site is capable of accommodating two dwellings at a similar roadside grain as exists in other places in the group. It is considered that this is not overcome by the submission of a unilateral agreement stating that only one dwelling will be constructed as the site, due to its size, is still capable of accommodating more than one dwelling. The Section 106 agreement is merely the applicants' choice to restrict development to one dwelling in an attempt to overcome the policy objection. The site is also within a Special Landscape Area and the erection of a new dwelling on this site would be detrimental to the character of the surroundings.

RECOMMENDATIONS

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

- 1** Policy RLP2 of the Braintree District Local Plan states inter alia that development will be focused within the defined Town Development Boundaries and Village Envelopes. In addition to this, policies RLP78 and RLP79 outline that the countryside will be protected for its own sake though the restriction of new uses to those appropriate to a rural area and the strict control of new building in the countryside to that required to support agriculture, forestry or other rural uses. From this basis it is also relevant that policy RLP90 states that developments should maximise the most sustainable forms of transport.

Policies RLP78 and RLP79 also outlines an expectation that development shall be well related to existing patterns of development and of a scale, siting and design that is sympathetic to the rural landscape character. These points are replicated by policy RLP90 which seeks a high standards of layout and design in all developments, particularly through the layout, height, mass, and overall elevational design of buildings harmonising with the character and appearance of the surrounding area.

In this instance it is considered that the introduction of new housing development beyond the defined settlement limits would be contrary to the objectives of securing sustainable patterns of development and the protection of countryside character. The proposed dwelling would undermine the Council's objectives towards securing the more efficient use of existing urban land in locations with better access to local facilities and services. As such the proposed new dwelling would be contrary to the sequential approach to the location of new housing.

Furthermore, Policy RLP16 of the Braintree District Local Plan states that where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made to Countryside policies for the filling of a gap, for a single dwelling, between existing dwellings, in hamlets and small groups of dwellings. This policy will not apply to proposals for individual isolated dwellings, or the extension of ribbon development, and will not apply to gaps, which could accommodate more than one dwelling. Furthermore, proposals which will set a precedent for the consolidation of sporadic or ribbon development or for the further infilling of large gaps will be resisted.

It is considered that the gap is capable of accommodating more than one dwelling at a similar roadside grain as exists in other places in the group and the development of a dwelling on this site would be detrimental to the character of the surroundings.

For these reasons it is considered that the proposal does not comply with policy RLP16 and as such there is no reason to deviate from the policies outlined above.

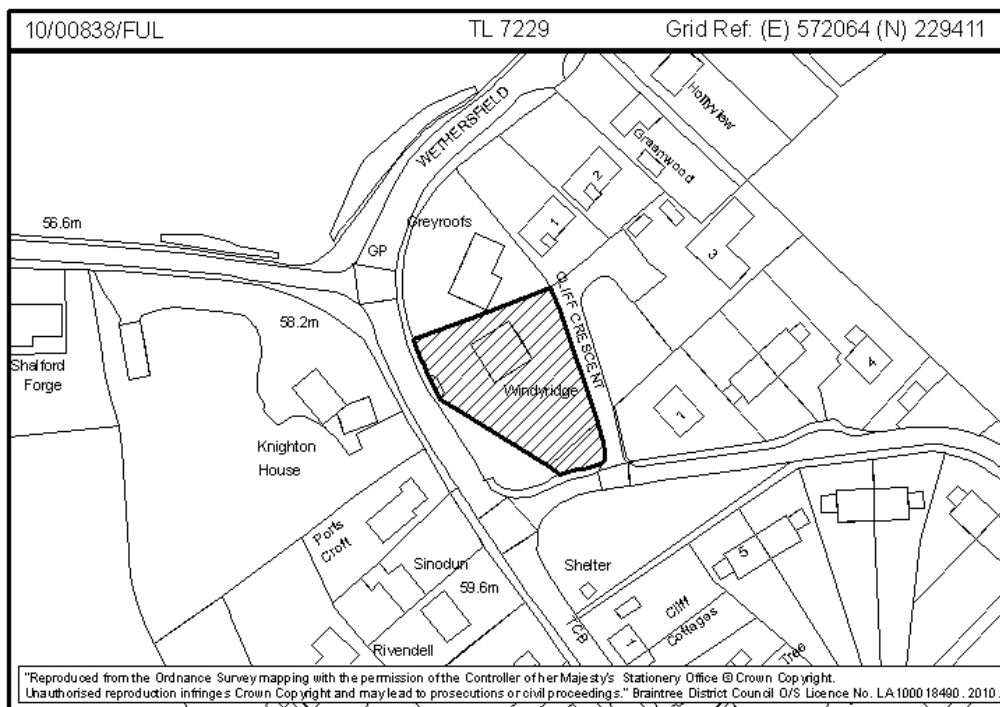
SUBMITTED PLANS

Elevations	Plan Ref: 010/02 REV B
Landscaping	Plan Ref: 010/03 REV A
Block Plan	Plan Ref: 010/04 REV A
Landscaping	Plan Ref: 010/06 REV A
Block Plan	Plan Ref: 010/07 REV A
General	Plan Ref: 010/05 REV A
Street elevation	Plan Ref: 010/08
Floor Plan	Plan Ref: 010/01 REV A

PART A

APPLICATION NO: 10/00838/FUL **DATE VALID:** 01.07.10
APPLICANT: Mr T Smith
Windyridge, Cliff Crescent, Shalford, Braintree, Essex, CM7 5HR,
DESCRIPTION: Erection of 1 no. chalet style house and garage
LOCATION: Windyridge, Cliff Crescent, Shalford, Braintree, Essex, CM7 5HR,

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



SITE HISTORY

02/01990/FUL	Erection of conservatory and detached workshop	PER	09.12.02
87/01424/P	Erection of garage.	PER	13.11.87
83/00740/P	Proposed bungalow and garage.	REF	31.08.97
89/01444/P	Erection Of Double Garage	REF	14.08.89
97/00462/FUL	Extension in roof space	PER	23.05.97
10/60012/PAM	Proposed new dwelling	CLOSED	11.06.10

POLICY CONSIDERATIONS

National Guidance

Planning Policy Statement No. 1 – Delivering Sustainable Development
Planning Policy Statement No. 3 – Housing

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP70	Water Efficiency
RLP77	Energy Efficiency
RLP90	Layout and Design of Development

Other Guidance

Open Space Supplementary Planning Document

The Essex Design Guide

Parking Standards – Design and Good Practice, September 2009, ECC

INTRODUCTION

The application is being presented to the Planning Committee as objections have been received from the Parish Council and local residents.

DESCRIPTION OF PROPOSAL

This application seeks approval for the erection of a detached dwelling and garage on land adjacent 'Windyridge', Cliff Crescent, Shalford. Windyridge currently benefits from a large garden to the side of the

dwelling, which would be sub-divided to accommodate the proposed dwelling.

The dwelling would be of a chalet style with dormers and windows within the roof slope. The width of the dwelling would measure approximately 14 metres. It would have front and rear facing gables which would measure approximately 10 metres in depth at the deepest point. The height would measure approximately 6.8 metres to the ridge. The external materials would comprise brick plinth, rendered walls, clay plain tiles to the roof and softwood joinery.

Access to the site would be via Cliff Crescent, a private access road. A detached garage is proposed to the northern side of the proposed dwelling. This would measure approximately 4.1 metres by 7 metres and 4.3 metres to the ridge. The external materials would comprise black weatherboarding with slate to the roof.

SITE DESCRIPTION

The site is located to the north of Shalford and falls within the village envelope. It currently forms part of the garden of 'Windyridge' which is located on the corner of Braintree Road and Clifffield. Windyridge is a detached dwelling accessed via Cliff Crescent, a private road. To the rear of the dwelling is a detached garage and partly constructed outbuilding.

The area is characterised by a mix of styles and types of residential dwellings. To the east of the site on the opposite side of the access road is a grassed area of amenity space. On the corner of Clifffield beyond the site boundary is an area landscaped with grass and trees which is defined as a 'Visually Important Space' in the Local Plan Review.

CONSULTATIONS

Parish Council – Recommend refusal of the application due to overdevelopment of the plot and out of keeping with the street scene.

Environmental Services – No objection subject to conditions to protect neighbouring amenity during construction.

Engineers – Unaware of any surface water issues affecting this site.

REPRESENTATIONS

A site notice was displayed on the telegraph pole to the front of the site and neighbouring properties were notified by post. Five letters of representation have been received raising the following points:

- Would impact upon the amenity of 1 Clifffield in terms of overlooking, loss of privacy and loss of sunlight;

- Cliff Crescent is privately owned and maintained by No's 1, 2 and 3 Cliff Crescent with access over part of it for Windy ridge;
- No's 1, 2 and 3 Cliff Crescent have the right to erect and maintain a fence on the eastern boundary of the site;
- Planning permission was refused in the 1960s and 1980s for additional dwelling(s) in Cliff Crescent for highways reasons. There is now a large increase in parked vehicles and traffic volume;
- Comments regarding the intentions of the applicant;
- Reference to recent Government policy regarding 'garden grabbing';
- The drawings do not show where the access to the building will be;
- Increased traffic on Cliff Crescent will have an effect on accessibility for services;
- Dwelling is too large for the site and would be out of character with the village;
- Would provide minimal garden space;
- Would increase surface water run-off.

REPORT

1. Principle of Development

National planning policies seek to ensure sustainable forms of residential development take place on land within existing towns and villages. Policy RLP 2 of the Braintree District Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. The site falls within the village envelope and has no specific land-use designation in the Local Plan Review.

In June 2010 the Government implemented the commitment made in the Coalition Agreement to decentralise the planning system by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden grabbing', and introduced changes to Planning Policy Statement 3: Housing. One of the changes now excludes private residential gardens from the definition of previously developed land. This change is a material consideration to the determination of this application.

It is accepted that this proposal presents the development of part of an existing garden. The changes to the policy set out above do not strictly prevent the development of such sites, but give Local Authorities the opportunity to refuse such applications where they consider it appropriate.

Officers are of the opinion that this proposal represents the infill of a site adjacent an existing dwelling and which falls within the village envelope. It is not a case of inappropriate backland development. It is considered that in this case the principle of development on this site is acceptable providing it satisfies amenity, design, environmental and highway criteria as set out in Policy RLP 3, and subject to compliance with other relevant local plan policies, as discussed below.

2. **Design and Appearance**

PPS 1 is concerned with delivering high quality and inclusive design which integrates into the existing urban form. PPS 3 indicates that consideration should be given to using land effectively and efficiently, the suitability of a site for housing and achieving high quality housing.

Policies RLP 3, 10 and 90 seek to protect the existing character of the settlement and the street scene. The layout, design and density should be in harmony with the surrounding area. Policy RLP 90 in particular states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. There should be no unacceptable impact on neighbouring amenity and it should be ensured that car parking and open space standards can be achieved.

The area is characterised by a mix of types and styles of dwelling and there is not a prevailing character to the area. The proposed dwelling would be greater in scale than 'Windyridge', and the dwelling and garage would occupy the majority of the width of the site. However this is not dissimilar to sites to the north and south. It would have an impact upon the street scene, but would be no greater in size or height to dwellings on the opposite side of Braintree Road. The garden size would exceed the minimum size advocated in the Essex Design Guide. No objection is raised to the elevational design or the proposed materials. On balance, it is considered that the proposal is acceptable.

3. **Impact Upon Neighbouring Residential Amenity**

Policy RLP 90 states that there should be no undue or unacceptable impact on the amenity of any nearby residential properties.

Concerns have been raised in the letters of representation regarding impact upon the amenity of the occupants of 1 Clifffield and 1 Cliff Crescent.

The position and orientation of the proposed dwelling, and the relationship with the existing surrounding dwellings, is such that it would not result in the overlooking of rear gardens. Views would be possible of some neighbouring front gardens but this is not an unusual relationship and less protection is afforded to front gardens.

1 Clifffield is a bungalow to the east which is set at a lower ground level than the site, however it is positioned at an oblique angle to the site and the proposed dwelling would not directly face this bungalow. It is also located on the other side of the access road. Furthermore, to the side of the bungalow, set forward of the front elevation and positioned on slightly higher ground than the bungalow is a carport which obscures some views towards the site. It is considered due to the position and orientation of 1 Clifffield and its distance from the site, the proposed dwelling would not result in an unacceptable impact upon the amenity of the occupants of the bungalow to such an extent that could substantiate refusing this application.

1 Cliff Crescent is located to the north of the proposed dwelling. As above, by virtue of the distance between the dwellings and their orientation, the proposed dwelling would not have an unacceptable impact upon residential amenity. The same can be said for all the existing dwellings at Cliff Crescent.

The proposed dwelling would have the closest relationship with Windyridge and consideration should be given to its impact upon the amenity of this dwelling. Windyridge benefits from a large dormer of the side roof slope, facing the proposed dwelling. However, all the windows within this dormer are obscure glazed. The proposed dwelling would have one window at first floor level on the side elevation facing Windyridge. However this would serve a bathroom and could be conditioned to be obscure glazed. A distance of 8 metres would separate the two dwellings and a fence and garage would intervene. It is not considered that the proposed dwelling would have an unacceptable impact upon the amenity of the occupants of Windyridge.

4. **Highway Considerations**

Policy RLP 56 states that parking should be provided in accordance with the Council's adopted parking standards. For new dwellings with two bedrooms or more the standards indicate that a minimum of two parking spaces should be provided which should each measure 5.5 metres by 2.9 metres.

This proposal would provide for parking within the proposed garage and space for an additional two off road parking spaces and therefore accords with the above guidance.

It is noted that Cliff Crescent is a privately owned road. Any issues regarding access or rights of way are a legal issue and would need to be resolved between the applicant and the owners of the road, with legal advice if necessary.

It is not considered that the development of one dwelling would result in such a significant increase in traffic that would be detrimental to highway safety. As stated above, sufficient off-road parking would be provided and there is no reason to believe that the proposal would restrict access for service/emergency service vehicles.

5. Landscape Considerations

There are a number of trees within the site along the south-eastern boundary. It is proposed that five of these would be removed and replaced. None of these are protected by Tree Preservation Orders. Subject to the protection of the trees that would remain (during construction) and an acceptable landscaping scheme being agreed, no objection is raised.

There are a number of trees on the grass verge on the corner of Clifffield which provide an element of screening to the site. These fall outside of the applicant's ownership and would therefore remain.

6. Sustainability

Policies RLP 9, 70 and 77 state that new developments shall demonstrate water and energy conservation and efficiency measures. Policy RLP 74 indicates that space should be provided for the separation, storage and collection of recyclable waste.

Details to ensure that sustainable and energy efficient techniques will be employed can be dealt with by way of condition. A condition can also be imposed to ensure that all areas of hardstanding are constructed of a porous material in order to minimise surface water run-off.

7. Other Issues

Reference is made in the letters of representation to the intentions of the applicant. This is not a material planning consideration or an issue for the Local Planning Authority to concern itself with.

The applicant has been requested to make an Open Space contribution in accordance with the Council's adopted Open Space Supplementary Planning Document. This would be in the form of a Unilateral Undertaking (UU) which should be signed and

completed before the determination date of the application. The applicant has indicated in the Planning Statement that he is willing to pay the contribution. However, at the time of writing the UU had not been signed.

8. Conclusion

The site is located within the village envelope where the principle of development is acceptable. The proposal is for the infill of a site with one dwelling, adjacent an existing dwelling. The site is capable of accommodating a dwelling of the proposed size, providing adequate amenity space for both the existing and proposed dwellings and two off-road parking spaces in accordance with the Council's adopted standards. The design of the dwelling would not have a detrimental impact on the character of the area and the dwelling would not have an unacceptable impact on neighbouring residential amenity. The proposal complies with the aforementioned planning policies.

RECOMMENDATION

Subject to the applicant's agreement to the terms of a legal agreement as set out below, this is considered to be an acceptable form of development. This site would contribute to the supply of housing within the existing urban area.

It is therefore **RECOMMENDED** that approval is granted for the development, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover a contribution of £2,290.51 towards the provision of open space and sport and recreation facilities in the local area.

The Development Director be authorised to **GRANT** planning permission under powers delegated to him, subject to the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed by the target date for determining the application, the Development Director be authorised to **REFUSE** the grant of planning permission.

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any

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

- 4 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.**
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no additional or enlargement of windows, doors, rooflights, voids or openings, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be placed or formed in the walls or roof of the dwelling hereby permitted without first obtaining planning permission from the local planning authority.**
- 6 The bathroom window on the north-west (side) facing elevation shall be glazed with obscure glass and shall be so maintained at all times.**
- 7 Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.**

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

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

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

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

- 8 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.**

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

- 9 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-**

(a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction

(b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development

(c) measures for the long term energy efficiency of the building(s), and renewable energy resources

(d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

(e) details of any proposed external lighting to the site.

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

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

REASONS

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**
- 2 For the avoidance of doubt and in the interests of proper planning.**
- 3 In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.**
- 4 To ensure that the development does not prejudice the appearance of the locality.**
- 5 In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.**
- 6 In order to safeguard the privacy of adjoining occupiers.**
- 7 To enhance the appearance of the development and in the interests of amenity and privacy.**
- 8 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 9 In the interest of promoting sustainable forms of development.**
- 10 In the interests of the amenity of residents of the locality.**

APPROVED PLANS

Location Plan	Plan Ref: WR109-1 Version:
Existing Plans	Plan Ref: WR208-1 Version:
Proposed Plans	Plan Ref: WR207-1 Version:
Street elevation	Plan Ref: WR204-1 Version:
Street elevation	Plan Ref: WR211-1 Version:
Landscaping	Plan Ref: WR210-1 Version:
Proposed Plans	Plan Ref: WR201-1 Version:
Proposed Plans	Plan Ref: WR202-1 Version:
Floor Plan	Plan Ref: WR205-1 Version:
Other	Plan Ref: WR203-1 Version:

INFORMATION TO APPLICANT

- 1 Discharge of Conditions fee**
- 2 Discharging Conditions**
- 3 Noise and Pollution Code of Practice**

SITE HISTORY

09/00605/FUL	Change of use of "The Dog Inn" to residential use to form 2 no. two bed flats, 4 no. one bed flats, 1 no. two bed duplex and 1 no. bungalow	WDN	03.07.09
09/00606/LBC	Change of use of "The Dog Inn" to residential use to form 2 no. two bed flats, 4 no. one bed flats, 1 no. two bed duplex and 1 no. bungalow	WDN	03.07.09
09/01003/FUL	Change of use of "The Dog Inn" to residential use to form 2 no. two bed flats, 4 no. one bed flats, 1 no. two bed duplex and 1 no. bungalow	REF	16.09.09
09/01004/LBC	Change of use of "The Dog Inn" to residential use to form 2 no. two bed flats, 4 no. one bed flats, 1 no. two bed duplex and 1 no. bungalow	PER	16.09.09
10/00857/LBC	Change of use of "The Dog Inn" to form a single dwellinghouse and erection of bungalow at rear of car park	PER	03.08.10

POLICY CONSIDERATIONS

National Guidance

Planning Policy Statement No. 1 – Delivering Sustainable Development
Planning Policy Statement No. 3 – Housing
Planning Policy Statement No. 5: Planning for the Historic Environment

Braintree District Local Plan Review

RLP22	Accessible Housing and Lifetime Housing
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP11	Changes of Use Affecting Residential Areas
RLP51	Cycle Parking
RLP56	Vehicle Parking

RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP137	Open Space Standards
RLP151	Protection of Community Services
RLP163	Infrastructure and Community Facilities

Other Guidance

Open Space Supplementary Planning Document

The Essex Design Guide

Parking Standards – Design and Good Practice, September 2009, ECC

INTRODUCTION

The application is being presented to the Planning Committee due to the receipt of objections from local residents.

An application for Listed Building Consent (10/00857/LBC) has also been submitted. No objections have been received in respect of that application and can therefore be dealt with under delegated powers. This will presumably be completed prior to the committee meeting at which this application will be discussed. The determination of that application on the grounds of the impact on the listed building, does not prejudice the ability to consider the planning merits of this application.

SITE DESCRIPTION

The application site is formed of two parcels of land located either side of Dog Chase which is a one-way street that runs North off High Street, Wethersfield.

Half of the site is formed by the former public house of The Dog Inn which is a disused two-storey public house with an ancillary basement and two-storey and single-storey outbuildings at the rear of the site which are used for purposes ancillary to the operation of the public house. The building is a Grade II Listed Building.

The application site also includes the public house car park which measures 38 metres deep with a minimum width of 10.4 metres and a maximum width of 17 metres. The site is currently used for car parking without any formal delineation.

DESCRIPTION OF PROPOSAL

The application outlines the proposal to convert the existing public house to a 5 bedroom dwelling, which would be served by amenity space and 2 parking spaces that would be provided within the car park that serves existing public house.

The application also proposes the erection of a 2 bedroom bungalow in the existing car parking area. The proposed dwelling would have a footprint of 78 square metres, with a ridge height of 5.8 metres and an eaves height of 2.3 metres. The originally submitted plans have been amended following consultation with the Historic Building Advisors of Essex County Council, to increase the pitch of the roof to the abovementioned height. As a compromise, to reduce the impact on the adjacent property of Wethersfield Barn, the garage adjacent to that plot has been removed.

CONSULTATIONS

The Historic Building Advisors of Essex County Council raised no objection to the conversion of the public house on the grounds that the proposals are suitably sympathetic. Although there was no objection to the principle of erecting a dwelling in the car park, it was considered that the design was objectionable as the design and roof pitch did not reflect the traditional form of buildings that should be aspired to in the Conservation Area. Following amendments, the objection has been withdrawn subject to the imposition of conditions relating to the detail of the building and the repositioning of the chimney.

The Highway Authority raised no objection to the proposal subject to the imposition of conditions. These conditions will be discussed in more detail below.

The Council's Environmental Services Department have raised no objection to the proposal subject to the imposition of conditions to protect neighbouring amenity during construction.

The Council's Engineers stated that they have no comment to make in respect of the proposal.

REPRESENTATIONS

A site notice was displayed on the telegraph pole to the front of the site and neighbouring properties were notified by post. Five letters of representation have been received which have objected on the following grounds:

- The proposal would cause an added strain on car parking.
- The proposal would have a detrimental impact on ecology and 'should be left to the natural state.'

- The development would cause disruption during construction
- The dwellings would overlook and overshadow neighbouring properties
- The proposed rubbish collection point is poorly located
- The proposed dwellings would be served by insufficient amenity space.
- The proposal would result in the loss of a public house
- The proposal is impacted by an easement that affects the car park.

Wethersfield Parish Council stated that they had no comment or objection to make in respect of the proposal.

REPORT

5. Principle of Development

The site is located within a Village Envelope and it is therefore relevant to note that residential development is encouraged under the terms of policies RLP2 and RLP3 of the Braintree District Local Plan Review, subject to the proposal complying with the following considerations.

Notwithstanding the general support for the principle of the provision of additional residential accommodation, RLP151 states that proposals that would result in the loss of key community facilities or services outside the urban areas will be resisted unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good or more sustainable location.

In the consideration of the previous applications that proposed the conversion of the public house, it was concluded that insufficient evidence was submitted to prove that the continued use of the premises as a public house is not viable. From this basis it was considered that there was insufficient information to prove that the existing community facility was not viable and that the facility has been replaced by a more appropriate community facility. It was therefore concluded that the proposal failed to comply with the abovementioned policy on the grounds of the unjustified loss of a potentially valuable community facility.

To address this objection the applicant has provided detailed accounts of the costs of reintroducing the public house use to the property and financial appraisals of a potential public house operation. In this instance, Officers accept that the submitted appraisals clearly indicate that the use of the property as a public house would not be viable. It is relevant to note that the ability to operate a public house is strongly affected by the fact that when the current owner re-claimed the property from previous tenants, it was left in no state to be operational and significant investment would be required to be functional, yet alone successful.

Turning to the issue of whether the community facility has been adequately replaced, it is relevant to note that the other public house in Wethersfield (The Brewery Tavern) has also ceased trading. Notwithstanding this, it is known that the 'Wethersfield Club' operates as a premises of similar function as a public house. Furthermore, Wethersfield is well served by community facilities in terms of the provision of a village hall and a pavilion at the Derek Flannery Playing Field available for community use is forthcoming. The potential for community groups to use the premises of the local churches and schools within Wethersfield is also of relevance as this reduces the community function of the public houses, and inevitably has an affect on their viability.

The applicant has also highlighted the general decline of the public house trade, the impact of the closure of the U.S. air base and the smoking ban and the view that Wethersfield is not a strong tourist destination unlike other villages within the area. Each of these considerations support the argument that there is a reduced demand for public houses generally and within Wethersfield. Therefore, it is considered that it is appropriate to be supportive of the general principle of converting the public house as it would introduce a use to a listed building, without harming community facilities to an extent that would justify the refusal of the application on those grounds.

6. Design and Appearance

The existing public house is a Listed Building and it is therefore relevant to note the content of policy RLP100 which outlines that developments will not be approved that does not maintain or enhance the character, setting or fabric of the Listed Building. Similarly, in the context of the sites location within a Conservation Area, policies RLP95 and RLP97 outline that developments and changes of use of existing buildings will only be permitted where the character, appearance and setting of the Conservation Area and the existing buildings is maintained or enhanced. These points are replicated by PPG15.

The Historic Buildings Advisors of Essex County Council have outlined general support for the proposed development following extensive discussions and negotiations prior and during the consideration of the application, therefore they have outlined that they are satisfied with the proposal.

The proposed dwelling would be of simple design, of appropriate size and suitable positioning and it is therefore considered that the development would not harm the character or appearance of the site, the street-scene of Dog Chase, or the Conservation Area to an extent that would justify the refusal of the application on those grounds.

The application involves the smallest possible number of works to the Listed Building and as such the Historic Buildings Advisor is satisfied that the works would not harm the fabric, character or setting of the Listed Building to an extent that would justify the refusal of the application on those grounds.

7. Impact Upon Neighbouring Residential Amenity

Policy RLP90 outlines that development will only be approved where it has no undue or unacceptable impact on the amenity of nearby residential properties. Furthermore, policy RLP3 outlines that the Council will seek to ensure that new development respects neighbouring amenities.

The Essex Design Guide recommends that a minimum distance of 25 metres is provided between properties to ensure that developments do not result in a loss of privacy within the neighbouring property. It is noted that this recommended distance can be reduced where there are oblique views, however the Local Planning Authority should still make efforts to safeguard against the loss of privacy.

The proposal to erect a dwelling within the car park has previously been objected to on the grounds of overlooking of the property of Wethersfield Barn. To address this, the proposal has been amended to provide accommodation over a single storey, thereby ensuring that all windows are at a low level. Furthermore, the building is orientated so that no windows face that property. It is noted that the built form has been rearranged at the site to be closer to that property, however, as the height of the built form has been reduced and the issue has been suitably mitigated, it is considered that the proposed development will not cause overlooking to an extent that would justify the refusal of the application on those grounds. It is noted that the height of the building has increased from the plans that were originally submitted (appropriate re-consultation has taken place) however as a compromise to reduce the impact of this on the outlook of Wethersfield barn, the garage has been removed thereby reducing the impact of the built form.

The conversion of the existing building would be dependent on the use of the existing windows to provide outlook and light to the proposed accommodation. Whilst it is inevitable that the use of these windows impacts upon the amenity of neighbouring residents, it is considered that the use of the windows would not be materially worse than the existing situation, as the existing windows serve rooms that have been used for a variety of residential and commercial purposes. From this basis it is considered that the impact of the residential conversion would not cause an unacceptable increase in the overlooking of the neighbouring property of 'Burleigh Cottage' to an extent that would justify the refusal of the application on those grounds.

It is noted that the windows in the side elevation look straight onto an extension that has occurred at the rear of the original property. Of the three windows which serve this extension, none are deemed to be habitable as one serves a kitchen, one is obscured and one serves a small corridor. From this basis, and given that the windows are not directly opposite each other, it is considered that the amenity of the existing residents would not be materially harmed.

It is considered that the proposed development, during and post construction, would not harm the amenities of any other residents to an extent that would justify the refusal of the application. Conditions can be imposed to ensure that the impact of development is minimised.

8. Highway Considerations

RLP10 outlines that the density of development should be planned in response to the highway capacity of the site and the surrounding area. The Highways Authority have not objected to the proposed development on the grounds of highway safety and it is therefore considered that, subject to the use of appropriate conditions, it would be unreasonable for the LPA to object to the proposed development on those grounds.

The Highway Authority wish for the Local Planning Authority to impose a condition requiring the parking spaces sizes to comply with the recently adopted standards. The car parking standards also require the car parking spaces to be served by a minimum of 6 metres of separation space to enable turning space for the parking of the vehicles at the site.

In this instance it is not possible for the parking spaces that would serve the converted public house to comply with these standards as there is insufficient space at the site. Although this failure to comply with standards is not encouraged, in this instance it is considered that the shortcoming is not so harmful that highway safety would be harmed and it is therefore considered that it would be unreasonable to refuse the application on those grounds. This point is proven by the fact that the site is an existing functioning car park which enables bay parking in the form shown, albeit in an informal manner. From this basis, as an exceptional circumstance, it is considered that the use of the previously accepted parking space dimension (2.4 metres by 4.8 metres) would not be unreasonable and would enable this development to proceed which is considered to be acceptable on all other grounds. Officer's consider that, in this instance, an appeal in respect of a refusal on those grounds would be difficult to defend.

Several objectors highlight that the existing car park is used by the occupants of other residents within the surrounding area. Whilst this is a community benefit of the existing car park, they have no rights to do so and the provision could therefore be withheld at any point by the applicant and it is therefore considered that it would be unreasonable to

object to the application on the grounds that the car parking provision would be lost.

5. Amenity of future occupiers

The Essex Design Guidance outlines amenity space standards for all developments, of relevance to this case is that 2 bedroom dwellings should be served by 50 square metres of amenity space and larger dwellings should be served by 100 square metres of amenity space.

From this basis, the provision of 57 square metres of amenity space for the proposed bungalow is compliant with policy. This is conventional private amenity space that is of appropriate quantity and quality.

In respect of the converted public house, it is not possible to provide 100 square metres of private amenity space within close proximity of the building due to the nature of the site and its historic use. Through pre-application discussions Officers have been satisfied that amenity space is provided in two parcels, a small courtyard adjacent to the building and a larger amenity area within the car park, with the unusual arrangement being mitigated by ensuring that the disconnected amenity space is of sufficient quality and privacy. Indicative plans have been provided to show the provision of a pergola and planting, enclosed within a 1.8 metre screen wall. In this instance it is considered that this amenity space would be sufficiently private to be enjoyed by the future residents and there is every prospect that amenity space can be of sufficient quality to encourage use. Although an unusual solution, it is considered that the solution is sensible in the context of a constrained and unusual site and ensures that the needs of the future occupants would be met by this proposal and allows for the re-use of a listed building which would otherwise be vacant and fall further into a state of disrepair.

6. Other Issues

The applicant has been requested to make an Open Space contribution in accordance with the Council's adopted Open Space Supplementary Planning Document. This would be in the form of a Unilateral Undertaking which should be signed and completed before the determination date of the application.

A number of objections refer to the presence of rare plants within the small landscaping areas that abut the existing car park. A number of plant species are protected under the Wildlife & Countryside Act 1981 (as amended) in Schedule 8 and The Conservation of Habitats and Species Regulations 2010 in Schedule 4. The Natural England website highlights that it is an offence to deliberately pick, collect, cut, uproot or destroy these wild plants. It is also an offence for any purpose to possess, sell or exchange such a plant. The level of protection that is afforded by these plants is not affected by the granting of planning

permission and it is therefore considered that it would be unreasonable to refuse this planning application on those grounds, especially as the Local Planning Authority has no evidence or detail in respect of any rare plants at the site other than comments from neighbouring residents. Several planning publications highlight that planning decisions should not be used to control aspects of development that are best addressed under the terms of other legislation.

Conclusion

The proposed development would result in the loss of a community facility. However, it is considered that the impact of the proposal on the community would not be unduly harmful on the grounds that there are other community facilities within the settlement of Wethersfield and the likelihood of the public house being re-used is diminished by virtue of the poor viability potential.

It is considered that the proposed development would not have a harmful impact on the character or appearance of the existing listed building or the Wethersfield Conservation Area and would not harm the amenity of neighbouring residents to an extent that would justify the refusal of the application on those grounds.

Although the amenity space and parking space dimensions are not entirely compliant with policy, in this instance it is considered that the re-use of a listed building and the unusual circumstances of the site justify a more flexible application of policy, especially where the proposals would achieve the desired results without undue harm to amenity or highway safety.

RECOMMENDATIONS

On balance, it is therefore **RECOMMENDED** that approval is granted for the development, subject to the applicants entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the required contribution towards the provision or enhancement of public open space within the vicinity of the site.

It is therefore requested that the Development Director be authorised to **GRANT** planning permission under powers delegated to him subject to the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed, the Development Director be authorised to **REFUSE** the grant of planning permission.

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

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

exception of the amendment of the position and design of the chimney that serves the bungalow, as required by condition 3 of this permission.

3 As stated within condition 2 above, prior to the commencement of the development revised plans of the bungalow hereby approved shall be submitted to and approved in writing by the Local Planning Authority to show the repositioning of the chimney to the West gable end. Subsequently, the development shall be undertaken in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

5 Works shall not be commenced until sample panels of 1 square metre minimum have been erected on site to show areas of new, exterior walling, and have been approved in writing by the local planning authority.

Where appropriate, these panels shall indicate:

- brick bond, copings, mortar mix, colour and pointing profile

The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

6 Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

7 Prior to the occupation of the development hereby permitted a vehicular turning facility of a design to be agreed in writing by the local planning authority shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

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

- 9** Prior to commencement/occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
- 10** The parking spaces to serve the proposed bungalow shall have minimum dimensions of 5.5 by 2.9 metres. The two parking spaces at the frontage of the site that serve the proposed converted public house shall have minimum dimensions of 4.8 by 2.9 metres. The first 0.5 metres of amenity space adjacent to the car parking spaces shown may be amended to facilitate these requirements.
- 11** Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.
- All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.
- All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.
- All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.
- Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.
- 12** Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of

the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

- 13 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.**
- 14 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.**
- 15 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 0730 hours - 1800 hours**
Saturday 0730 hours - 1300 hours
Sundays, Public Holidays and Bank Holidays - no work.
- 16 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-**

- (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction
- (b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development
- (c) measures for the long term energy efficiency of the building(s), and renewable energy resources
- (d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
- (e) details of any proposed external lighting to the site.

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

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the bungalow / provision of any building within the curtilage of the dwelling-house or bungalow, as permitted by Classes A, B, C or E; of Part 1; of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 18 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been 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 building(s) hereby approved and shall be permanently maintained as such.

REASONS

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the use of appropriate detailing within the Conservation Area.

- 4 To ensure the use of appropriate detailing within the Conservation Area.
- 5 To ensure the use of appropriate detailing within the Conservation Area.
- 6 To ensure the use of appropriate detailing within the Conservation Area.
- 7 To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.
- 8 To avoid displacement of loose material onto the highway in the interests of highway safety.
- 9 To ensure uninterrupted flow of water and reduce the risk of flooding of the highway.
- 10 To ensure adequate parking space is provided.
- 11 To enhance the appearance of the development and in the interests of amenity and privacy.
- 12 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.
- 13 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 14 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 15 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 16 In the interest of promoting sustainable forms of development.
- 17 To protect the amenities and privacy of adjoining occupiers and the visual amenity of the Conservation Area.
- 18 To enhance the appearance of the development and in the interests of visual amenity and privacy.

APPROVED PLANS

Block Plan

Plan Ref: 09.530.101 A

Proposed Plans	Plan Ref: 09.530.108 A
Location Plan	Plan Ref: 09.530 100
Block Plan	Plan Ref: 09.530 102
Elevations	Plan Ref: 09.530 12
Elevations	Plan Ref: 09.530 11
Floor Plan	Plan Ref: 09.530 10
Floor Plan	Plan Ref: 09.530 09
Floor Plan	Plan Ref: 09.530 08
Proposed Plans	Plan Ref: 09.530 107
Elevations	Plan Ref: 09.530 106
Proposed Plans	Plan Ref: 09.530 105
Floor Plan	Plan Ref: 09.530 104
Floor Plan	Plan Ref: 09.530 103

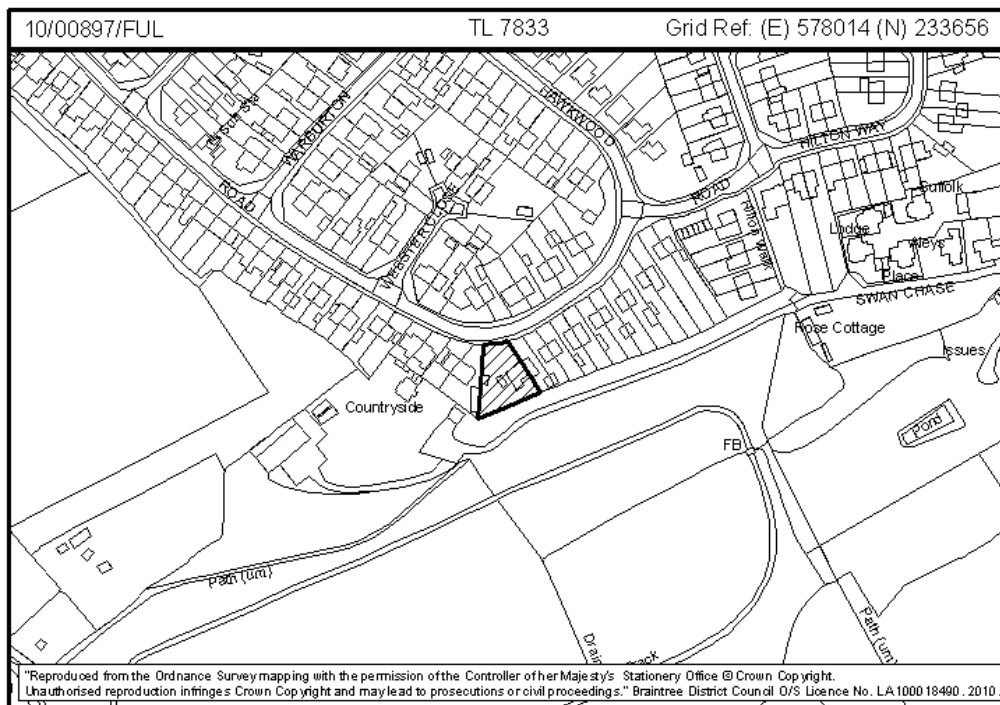
INFORMATION TO APPLICANT

- 1 Work involving the removal or disposal of asbestos should be undertaken in accordance with Guidance Note EH36 from the Health and Safety Executive "Work with Asbestos Cement." The applicant should also advise the Health and Safety Executive and the Environment Agency.**

PART B

APPLICATION NO: 10/00897/FUL **DATE VALID:** 12.07.10
APPLICANT: Mr T Lawrence
43 Hawkwood Road, Sible Hedingham, Halstead, Essex,
CO9 3JR
AGENT: Mr J Rainer
101 Hawkwood Road, Sible Hedingham, Halstead,
Essex, CO9 3JR
DESCRIPTION: Erection of garage to side of property.
LOCATION: 43 Hawkwood Road, Sible Hedingham, Halstead, Essex,
CO9 3JR,

For more information about this Application please contact:
Mr Neil Jones on:- 01376 551414 Ext. 2523
or by e-mail to: neil.jones@braintree.gov.uk



SITE HISTORY

09/01637/FUL	Demolition of existing single storey extension and conservatory and erection of extension to side and rear of existing property	PER	02.02.10
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POLICY CONSIDERATIONS

Braintree District Local Plan Review

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

INTRODUCTION

This application is reported to the Planning Committee as the applicant is an employee of the Council.

PROPOSAL

This application seeks planning permission for the erection of a single storey side extension at No.43 Hawkwood Road, Sible Hedingham to form a new garage. The extension will measure 4.2m wide, 8m deep and have a ridge height of 4.45m.

SITE DESCRIPTION

The property is located along Hawkwood Road in Sible Hedingham and is located within the village development envelope. Being situated on the edge of the village there are fields to the rear of the application site.

The dwelling forms one half of a pair of two storey semi-detached houses and is constructed in brick with a pantile roof. The property has a good sized side garden which is considerably larger than most of the surrounding properties due to its location on a corner plot. The land slopes down from the highway at the front of the site so the property is built at a lower level. When combined with the hedge and trees along the site boundaries the property is partially screened from the street.

Work is currently under way on the property to implement planning permission granted in 2009 for the construction of a two storey side extension and single storey rear addition. The side extension projects forward of the dwelling by approximately 1.5 metres.

CONSULTATIONS

None

REPRESENTATIONS

Parish Council: No objection.

Neighbours: At the time of writing this report no representations had been received. Members will be advised of any representations received prior to the Committee Meeting.

REPORT

1. Principle of Development

The application site is located within the village development envelope wherein the principle of new residential development where it satisfies specified amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

Given the generous size of the plot the addition of the garage would not result in the site becoming over-developed. The property is situated within a corner plot and the garage is on the western side of the extended house so it will be located quite a distance into the site. As a result of this and the difference in ground levels the extension would have no significant impact on the identity of the street scene. The size of the proposed garage is considered proportionate to the enlarged dwelling, with materials to match. Although the proposal is for a further extension to a semi-detached property the dwellings do not appear prominently as a pair of dwellings so it will not appear unbalanced. The extension would not result in an unacceptable adverse impact on the amenities of neighbouring properties. It is therefore considered that there is no objection to the principle of this extension.

2. Design and Appearance

The extension will appear subservient to the host dwelling and will be constructed in materials to match. The design and appearance of the extension is considered acceptable for this property and in this location.

3. Impact on Neighbours

It is considered that the addition of this garage would not result in a significant loss of light, outlook or privacy for the occupiers of the neighbouring dwelling by virtue of it being single storey and its location relative to the property boundary and neighbouring house.

4. Other Issues

Internally the garage measures 4m x 7.6m, which exceeds the Councils current adopted parking standard which specifies an internal space of 3m x 7m. A condition is recommended that the garage shall be retained for storage purposes only and should not be used to provide further residential accommodation.

RECOMMENDATIONS

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

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule unless otherwise agreed in writing by the local planning authority.

REASONS

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To conform with the pattern of the existing development in the locality.

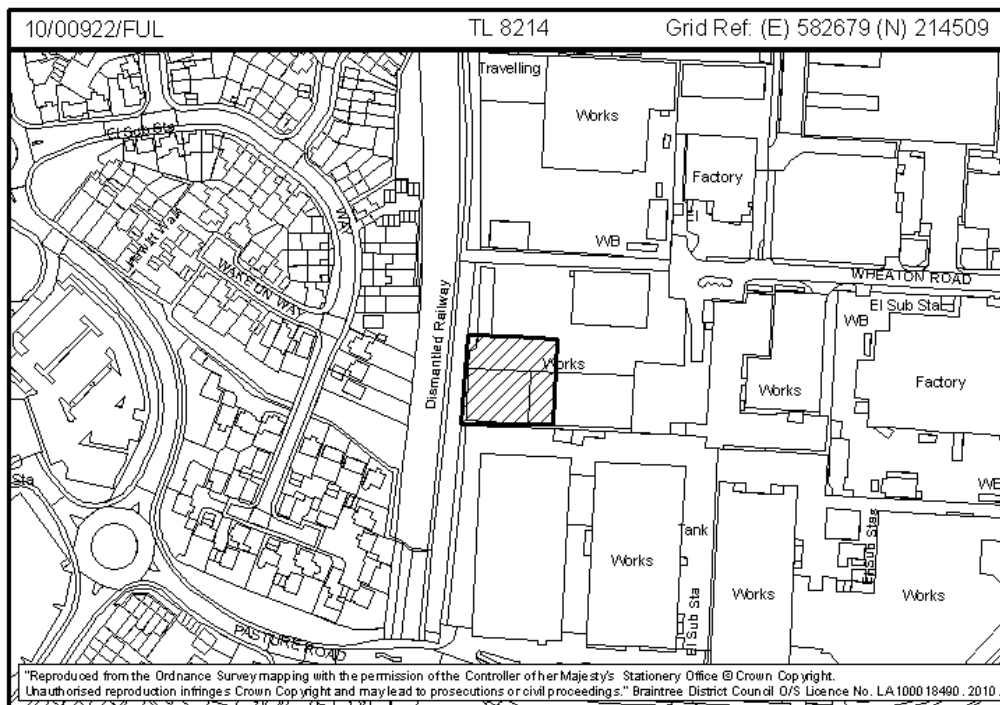
APPROVED PLANS

Location Plan	Plan Ref: 001
Block Plan	Plan Ref: 002
General	Plan Ref: 003

PART B

APPLICATION NO: 10/00922/FUL **DATE VALID:** 05.07.10
APPLICANT: Harris Holdings (Grays) Ltd
601 London Road, West Thurrock, Grays, Essex, RM20 4AU
AGENT: D J W Architectural Designs Ltd
20B High Street, Billericay, Essex, CM12 9BQ
DESCRIPTION: Proposed mezzanine floor to Unit 4 and new additional external doors to Units 5 & 6
LOCATION: Wheaton Court Commercial Centre, Wheaton Road, Witham, Essex, CM8 3UJ

For more information about this Application please contact:
James Salmon on:- 01376 551414 Ext. 2543
or by e-mail to: james.salmon@braintree.gov.uk



SITE HISTORY

09/00919/FUL	Change of use from B1/B8 to B2 for the sale, repair hire of commercial vehicles and related sales of spare parts.	WDN	01.09.09
09/01183/FUL	Change of use from B1/B8 to B2 for the sale, repair hire of commercial vehicles and related sales of spare parts.	PER	27.10.09
10/00038/FUL	Proposed mezzanine floor to Unit 4 and new additional external doors to Units 5 & 6	REF	02.03.10
10/00010/DAC	Application for approval of details reserved by condition no. 2 of approval 09/01183/FUL	REF	18.03.10

POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development

INTRODUCTION

This application is reported to Committee because the Town Council have recommended refusal of the proposals.

PROPOSAL AND SITE DESCRIPTION

The proposal is to install a mezzanine floor to unit 4 and add an additional external door to units 5 and two new doors to unit 6. The new floor will see the introduction of additional office and meeting room as well as a small storage area. The additional doors are situated adjacent to the existing doors at both units.

The site is located on Wheaton Court Road within the development boundaries and the employment policy area of Witham. The units in question were the subject of a change of use application in 2009 to B2 units and have recently been occupied by the occupants of 5 Wheaton Road. Noise insulation was required as part of that application which has since been implemented. The hours of use at the site was also

conditioned. The buildings are attached to each other with units 5 & 6 being slightly larger than the remaining units. All of the units are metal clad with large roller shutter doors.

Neighbouring properties are depots and similar industrial uses, behind existing foliage are residential dwelling with the nearest residential curtilage approximately 25 metres from the nearest building.

CONSULTATIONS

Environmental – broadly accept the conclusions and would recommend that the applicant provides details of the 2.5m boundary fencing to provide the sound attenuation required (see noise report) should there be a decision to grant the application. This should be imposed as a condition of any consent.

The applicant should also have regard to the comments in the noise report in respect of restriction of noisy activities between 0600 to 0700. This is a noise sensitive time when sleep disturbance can occur and the fencing will provide no barrier at first floor window height. Limiting of noisy activities should also apply to weekend working and evening working as the background noise level quoted in the report are likely to be less than quoted at these times.

Therefore this department would mirror previous comments in respect of previous applications for this site in respect of noisy activities occurring between 0700 to 1800 (Mon to Fri) only to prevent statutory noise nuisance.

The applicant should be advised that if complaints are received and an investigation identifies that a statutory noise nuisance exists then Braintree District Council is obliged to take formal action in this respect therefore best practicable means should be employed at all times.

REPRESENTATIONS

A site notice was present at the site on the 20 July 2010, 4 representations have been received. Concerns over increases in noise due to the additional workshops created, the hours proposed are unacceptable.

Town Council – Recommend refusal of the application on the grounds of detrimental effects on neighbouring amenity.

REPORT

Policies

The site is located within the Town Development Boundary for Witham where in principle there is no objection to development. Policies RLP33 and RLP36 of the Local Plan policies permit appropriate development in employment areas where there are no unacceptable impacts on the surrounding areas.

RLP 62 is concerned with pollution, including noise pollution and state that planning permission will not be granted for development which will or potentially could give rise or harm to nearby residents unless adequate preventative measures have been taken to ensure that any discharge or emissions will not cause harm, or that measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges occurring.

Policy RLP 90 is concerned with design and its primary aim is to ensure that new development is in harmony with the character and appearance of its surroundings and that it does not have an unacceptable impact on the amenities of neighbouring properties.

Detailed considerations

The proposals follow an application which was refused in March this year for the same works. The application was refused due to possible noise increases resulting from the development. This application includes a noise impact assessment carried out by Pace Consultants, the findings from the survey have been broadly accepted by the Council's Environmental Health Department subject to conditions. Therefore in principle the development should be acceptable as this was the only refusal reason on the previous application and the applications appear identical.

The proposed internal alteration to unit 4, which relates to the introduction of a new mezzanine floor is acceptable in principle under policies RLP 33, and RLP 36. It will not harm the surrounding area and the design will not have any impact outside of the unit. This is therefore considered acceptable.

The proposed additional doors at the unit will also have little detriment to the overall design of the buildings. It is also considered that this development is appropriate in an employment area.

Noise impacts on neighbours

One neighbour and the Grove Residents Association have expressed their concerns over the potential increase in noise, however their concerns also stress that the existing noise levels from the site are unacceptable. The Council's Environmental Health Department suggests further details of the 2.5 metre sound attenuation boundary fencing is provided, once in place this should help reduce existing noise as well as any additional noise. Provided a condition is attached to any approval for the fencing then it is considered that the proposals will not have any material effect upon the surrounding neighbours.

Previously the units have been the subject of noise insulation and a condition added so that there is no Sunday working at the units. Planting has been requested on ECC land between the residential dwelling and the industrial units, however neither the district council or

the applicants have any control over this land and therefore any condition requesting this would not meet with 6 tests of Circular 11/95.

CONCLUSION

In summary, while the concerns raised in the letters of representation are noted, it is considered that the proposals would not increase existing noise levels at the site and approving the application, subject to conditions, would result in a reduction in noise levels due to the sound attenuation fencing requested. Therefore the proposed development would comply with the relevant policies of the Braintree District Local Plan Review.

RECOMMENDATIONS

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

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

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

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

- 4 There shall be no works on the premises outside the following hours:-

 Monday to Friday 0600 hours - 2200 hours
 Saturday 0800 hours - 1800 hours
 Sundays and Bank Holidays - no vehicular movements.

- 5 Development shall not be commenced until details of sound attenuation fencing has been submitted to and approved by the local planning authority. The approved fence shall be installed prior to implementation of the works and maintained as such thereafter.

REASONS

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

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

- 3 To ensure that the development does not prejudice the appearance of the locality.
- 4 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.
- 5 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

APPROVED PLANS

Location Plan

Proposed Plans Plan Ref: 1374/3

Existing Plans Plan Ref: 1374/1

Block Plan Plan Ref: 1374/5A

Section Plan Ref: 1374/7

Noise Details