

SITE HISTORY

05/00617/OUT	Proposed erection of five dwellings with single garages	INSFEE	02.06.05
05/01398/OUT	Erection of five dwellings with single garages - NOT PROCEEDED WITH	INVNPW	
06/00522/OUT	Erection of five dwellings with single garages	WDN	24.04.06
07/00441/OUT	Erection of five dwellings with covered parking	PER	13.06.07

POLICY CONSIDERATIONS

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
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Government Guidance (Planning Policy Statement/Guidance)

Planning Policy Statement 1: Sustainable Development and Climate Change

Planning Policy Statement 3: Housing

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 25: Development and Flood Risk

INTRODUCTION

This application is being presented to the Planning Committee at the request of Councillor Collar.

PROPOSAL AND SITE DESCRIPTION

The application site is located to the West of North Street and to the East of the Bumpstead Brook, within the village envelope of Steeple Bumpstead and the Steeple Bumpstead Conservation Area.

The site is irregularly shaped with a site frontage adjacent to the brook measuring 85 metres and a maximum depth along the South West boundary measuring 60 metres. The site currently contains a vacant building that was most recently used as a garage, with a number of ancillary outbuildings and a large abundance of hardstanding.

The application requests an extension of the duration of the outline planning consent that was granted under the terms of application 07/00441/OUT. That permission granted outline consent for the erection of five two-storey dwellings fronting onto the brook, accessed from the existing vehicular access and served by two cartlodes and a parking area offering a total of 13 parking spaces.

CONSULTATIONS

The Environment Agency have objected to the application on the grounds that they have no evidence that the proposal passes the sequential test. They also object on the grounds that the Flood Risk Assessment submitted fails to comply with Annex E of PPS25. Moreover, they object on the grounds that the proposal could pose a threat of contamination to controlled waters.

The Historic Buildings Advisors of Essex County Council are unsatisfied with the proposal on the grounds that an outline application offers insufficient opportunity to consider the impact on the character and appearance of the Conservation Area.

The Highway Authority have raised no objection to the proposal subject to the attachment of conditions relating to visibility splays, turning facilities, surface materials, access construction and several layout dimensions.

The Council's Environmental Health Department have raised no objection subject to the attachment of the conditions that were previously attached.

The Council's Arborist has requested the use of conditions to require the submission and agreement of an Arboricultural Survey and Method Statement. It is also requested that consideration is given to the enhancement of ecological infrastructure due to the proximity of the site to the watercourse.

REPRESENTATIONS

A site notice was posted at the site and letters were sent to neighbouring residents. No letters of objection have been received.

REPORT

Principle of Development

The application is for the renewal of permission due to the existing outline planning permission expiring on 05 June 2010.

It is established in planning law that extant permissions should be a material consideration in the determination of applications as it offers a fallback position. It is considered that this is applicable to this application as the applicant is seeking an outline consent on identical terms as the previous permission. Applying weight to the provision determination, it is considered that the Local Planning Authority should only reach an alternative verdict of circumstance has changed in the interim period, whether it be in terms of the nature of the site or the policy framework of relevance to the site.

From this basis, it is relevant to note that the general approach of planning identified by PPS1 and PPS3 has not materially changed despite regular policy updates since the previous application was determined. It is therefore considered that there is scope to support the redevelopment of brownfield land within a Village Envelope.

Notwithstanding this, in respect of flood risk, it is considered that circumstances have changed due to the fact that policies RLP66, RLP67 and RLP68 of the Braintree District Local Plan Review 2005 have been cancelled, thereby making PPS25 the primary policy guidance in respect of the issue of flood risk. This is supported by the publication of PPS25 Practice Guides which provide additional clarification in respect of the application of the Sequential Test. Furthermore, the monitoring of residential land and the preparation of the SHLAA provides an updated assessment of the District's residential land supply. From this basis, following discussions with the Environment Agency, it is considered that the policy framework and housing supply landscape has shifted significantly since the previous planning permission was granted and it is therefore considered appropriate to reassess this issue.

In respect of flood risk, the Environment Agency has objected to this application on the grounds that insufficient information has been provided to show that the sequential test in respect of flood risk has been passed. In summary, this test requires Local Planning Authorities to steer development towards the lowest areas of flood risk, not approving development within flood zones 2 or 3, if there is ample land to meet housing targets within flood zone 1. There is no scope to consider ancillary benefits of development when applying the sequential test, it is a direct question with a closed answer. Wider sustainability and other benefits of development would be a consideration within the exception test, however that test is only applied once the sequential test has been passed.

PPS25 advises that the sequential test should be applied on a district wide basis unless there is a specific and justified reason for an alternative test area to be considered. In this instance it is considered that there are no exceptional circumstances or benefits brought by this development to require any variation from the default position that is recommended by PPS25.

The Local Planning Authority is satisfied that the Residential Land Availability Report and Strategic Housing Land Availability Assessment show that there is a clear, deliverable 5 year supply of housing land available within the those areas of the Braintree District that are defined as flood zone 1 and is therefore satisfied that the targets set by the Regional Spatial Strategy (East of England Plan 2008) can be met. From this basis, the sequential test can not be considered to be passed and accordingly the Environment Agency are obliged to object to the application.

It is relevant to note that the Environment Agency also objected to the previous application on the grounds that the proposal failed the sequential test, however the Local Planning Authority applied more weight to the relevant policies of the District Plan which did not include any reference to the sequential test. As these policies have now been cancelled, it is considered that full weight should be given to the content of PPS25.

Regardless of the application of the Sequential Test, the Environment Agency have also objected to the application on the grounds that the Flood Risk Assessment does not conform with the standards published in Annex E of PPS25 and on the grounds that there is potential for the land to be contaminated and this poses a potential risk to controlled waters that has not been evaluated, mitigated or justified. It is therefore recommended that the application be refused.

PPS25 highlights that if it becomes clear that the Environment Agency is unable to withdraw its objection, but the LPA remains minded to approve an application for major development, the Town and Country Planning (Flooding) (England) Direction 2007 requires the LPA to notify the Secretary of State of the proposal. If Members were minded to support the application, Officers would wish to highlight the importance of this statutory obligation to be steered by the Environment Agency on matters of flood risk and be mindful to have identified substantial reasons to justify outweighing the flood risk issue. The advice received from the Environment Agency is that an extant permission should not be justification alone.

Layout and Access

The only matters of detail that were considered during the previous application were layout and access. In respect of these matters it is considered that the planning policy framework and circumstances of the

site have not materially changed and it is therefore considered that there is no reason to reach a differing verdict in respect of these matters.

Other Matters

Officers are not aware of any other issues or changes of circumstance that would justify the Local Planning Authority to reach a different decision from that previously reached, other than in respect of the issue of flood risk as discussed above.

CONCLUSION

The proposed development does not vary from the development that was previously approved under the terms of application 07/00441/OUT, it is therefore accepted that the previous decision should be a material consideration unless circumstance or policy has changed in a manner that dictates otherwise. In this instance, it is considered that the manner of assessing housing land, the development plan policies in respect of flood risk and the clarification of PPS25 has materially changed thereby justifying a re-assessment of the proposal on the grounds of flood risk.

As the application fails the sequential test, has not been accompanied with an acceptable Flood Risk Assessment and the risk to controlled waters has not been clarified, the Environment Agency have recommended that the application is refused. By virtue of the consideration that the Local Planning Authority is encouraged by circular 03/09 to apply weight to specialist advice that has been received, and as there are no known reasons to contradict the specialist flood risk advice that has been received, it is therefore recommended that the application be refused.

RECOMMENDATIONS

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

- 1 **Planning Policy Statement 25 states that the overall aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, decision-makers determining applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required.**

The Local Planning Authority is satisfied that the Residential Land Availability Report and Strategic Housing Land Availability Assessment show that there is a clear, deliverable 5 year supply of housing land available within the those areas of the Braintree

District that are defined as Flood Zone 1 and is therefore satisfied that the targets set by the Regional Spatial Strategy (East of England Plan 2008) can be met. From this basis, as the majority of the site is located within Flood Zone 2, the sequential test can not be considered to be passed, contrary to the advice contained within Planning Policy Statement 25 and its accompanying Practice Guide.

The Environment Agency have also objected to the application on the grounds that the Flood Risk Assessment does not conform with the standards published in Annex E of PPS25 and on the grounds that there is potential for the land to be contaminated, which could pose a potential risk to controlled waters that has not been adequately evaluated and addressed. The proposal is therefore considered to be contrary to Planning Policy Statement 25 and its accompanying Practice Guide.

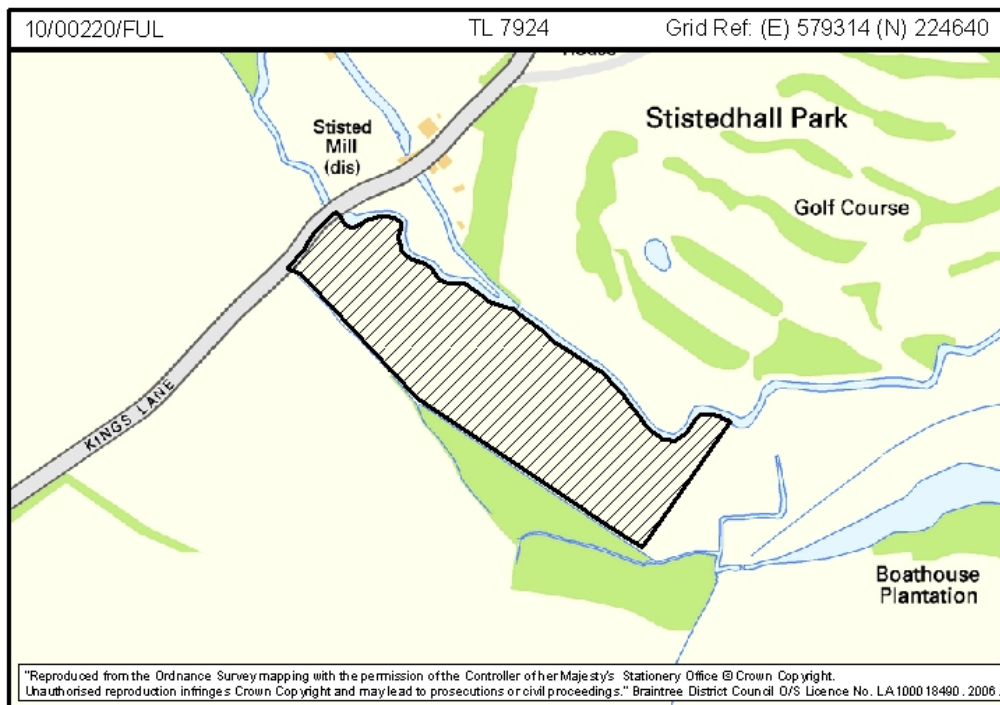
SUBMITTED PLANS

Location	Plan Ref: 01
General	Plan Ref: 4268/05/1

PART A

APPLICATION NO: 10/00220/FUL **DATE VALID:** 02.03.10
APPLICANT: Braintree Golf Club
Kings Lane, Stisted, Braintree, Essex, CM77 8DA
AGENT: Andrew Martin Associates
Mr David Poole, Croxton's Mill, Little Waltham,
Chelmsford, Essex, CM3 3PJ
DESCRIPTION: Erection of 8-bay driving range building on existing
golf course driving range on land adjacent Stisted Mill
LOCATION: Braintree Golf Club Ltd, Kings Lane, Stisted, Braintree,
Essex, CM77 8DD,

For more information about this Application please contact:
Miss Claudia Dietz on:- 01376 551414 Ext. 2512
or by e-mail to: cladi@braintree.gov.uk



SITE HISTORY

93/01568/COU	Proposed extension to golf course and provision of practice ground	PER	17.03.94
02/01572/FUL	Construction of foot and tracker bridge over river to provide access to private land	PER	10.10.02
08/01670/FUL	Proposed 12 bay golf range structure on land adjacent Stisted Mill and enlargement of the existing car park	WDN	07.11.08
09/00133/FUL	Proposed 8 bay golf range structure on land adjacent Stisted Mill and enlargement of the existing car park	WDN	16.03.09
09/00877/FUL	Erection of 8-bay golf driving range structure together with the erection of two 150m lengths of 10m high containment netting on existing golf course driving range on land adjacent Stisted Mill	WDN	21.09.09

POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP67	Flood Risk in Undeveloped Areas
RLP68	Functional Floodplains
RLP78	Countryside
RLP79	Special Landscape Areas
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP133	Golf Courses
RLP134	Sports Causing Noise or Disturbance

East of England Plan

SS1	Achieving Sustainable Development
ENV3	Biodiversity and Earth Heritage
ENV6	The Historic Environment
T14	Parking
ENG1	Carbon Dioxide Emissions and Energy Performance
WAT4	Flood Risk Management

Government Guidance (Planning Policy Statement/Guidance)

PPS1	Delivering Sustainable Development
PPS5	Planning and the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG17	Planning for Open Space, Sport and Recreation
PPS25	Development and Flood Risk

Other Policy Guidance

Local Transport Plan 2006-2011

The Essex Design Guide for Residential and Mixed Use Development

The Essex Golf Report (SPG7) (2. Edition 1992)

INTRODUCTION

This application is reported to the Planning Committee due to 136 letters of objection and 32 letters in support of the application.

This application follows the withdrawal of the two previous applications.

Braintree Golf Club has been on this site since 1973 following the relocation of the club from Chapel Farm.

The principle of the use of the application site as a driving range facility was established in 1993, when a change of use was granted planning permission for the extension of the golf course and the provision of a practice ground. In 2002 a bridge connecting the facility to the main golf course was granted planning permission and subsequently installed.

PROPOSAL AND SITE DESCRIPTION

The application site lies within an area of countryside and Special Landscape Area beyond the village envelope of Stisted and abuts the designated Stisted Conservation Area. The practice field, forming part of the Braintree Golf Club, lies to the south-west of the main golf course and is orientated north-west to south-east. The topography of the driving range is flat with the site located along the floor of the River

Blackwater valley. The application site lies within Flood Zone 3, a high risk zone. The south-western side is heavily treed along its length with a small woodland located to the southern side. To the north-east, the site is bounded by the River Blackwater although a dense planting belt alongside the riverbanks is maintained as the grass is not generally mown within 2-3m of them. A well defined hedge along the boundary to Kings Lane forms the north-western boundary and to the south-east is an adjoining field also under control of Braintree Golf Club. The dimensions of the driving range are approx. 70-120 m wide and approx. 500 m long. The driving range grass surface is maintained by regular mowing across it at all times of the year. There are a series of large targets/distance markers at regular intervals along the length of the range. An existing un-surfaced car park, providing space for approx. 10-12 cars, is set out with access on to Kings Lane. The nearest properties to the driving range are situated around Stisted Mill, a grade II listed building, which lies to the north. The distance between this group of buildings and the proposed golf driving range building would be approx. 120-150 m.

This application proposes the erection of a single storey building housing 8 driving range bays, which would be sited at the head of the driving range and set back approx. 80 m from Kings Lane and 50 m from the river. The main element would measure approx. 31.5 m in length by 7 m in depth. The highest point of the roof would be approx. 4.6 m with an eaves height at approx. 3.3 m from the ground. The secondary element of the building would accommodate the ancillary part of the facility and would include toilets and a reception area. There is also a small office proposed within the building and a wheelchair access ramp. The proposed external materials are black timber weatherboarding above a brick plinth, natural slate and corrugated sheets for the mono pitch roof.

The previously proposed containment nets have been omitted from this application.

The existing car park has been operational for a number of years and is not proposed to be significantly altered as part of this proposal although a connecting path from the main golf course would link to the proposed driving range building. The option remains for users to use the main car park at the club house for parking and then the direct pedestrian link to access the driving range facility.

No floodlighting is proposed as part of the application and so operating hours would be limited to daylight hours.

The supporting planning document submitted with the application states that it is not the club's intention to operate this facility as a separate unit and hence would remain as an ancillary facility to the golf club. Accompanying documentation also highlighted that the practice field in its current state does not provide facilities that are necessary to conduct group lessons for children/pupils. The erection of the multi-bay

building would allow the club's professionals to provide coaching and lessons in an appropriate environment.

CONSULTATIONS

ECC Highways Authority – recommends refusal of this application. See section 6 below.

Environment Agency – the application site lies within flood zone 3, the high risk zone as defined by Table D1 of PPS25 and illustrated by their flood zone maps. The proposals are considered by PPS25 to be a 'less vulnerable' land use. Therefore, in order to comply with PPS25 the application must pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA).

The Environment Agency raises no objection to this application as it has been demonstrated that compensatory storage for the loss in fluvial flood plain can be offered on site and it would be in hydraulic continuity with the river. It has also been shown that post development run off rates would not be increased from those on site at present. As such flood risk shall not be increased on or off site.

ECC Historic Buildings Adviser – recommends granting planning permission.

Essex Wildlife Trust – raises a holding objection to this planning application, and recommends refusal at this time based on this proposal unless formal planning conditions are applied to this application.

The Colne Stour Countryside Association – objects to the planning application.

Campaign to Protect Rural Essex – objects to the proposals.

BDC Environmental Services – no details of hours of operation nor information on any additional lighting are provided.

Sport England – would support the principle of this planning application.

REPRESENTATIONS

Stisted Parish Council – objects to this application on the following grounds: commercial development in rural area, inappropriate location, detrimental effect on wildlife, noise pollution, increase in pedestrian and vehicle movement, proposed development located in a flood plain.

Neighbouring properties were notified about this application.

136 letters of objection have been received from local and non-local residents, raising the following concerns:

- site is located in a high risk flood area and the proposed development could increase the flooding risk,
- noise intrusion,
- commercial development,
- unacceptable impact on wildlife,
- netting and floodlighting are matters of future applications,
- inappropriate location,
- increase in traffic and highway safety,
- detrimental impact on Stisted Mill and Conservation Area.

32 letters in support of the application were also received. The reasons for support have been summarised as follows:

- provision of a learning and teaching facility for local and wider community,
- facility offers an improved service for members/users,
- positive contribution to local and wider community,
- there is a need for this type of facility in Braintree

REPORT

1. Principle of Development

The application site lies within an area of countryside and Special Landscape Area beyond the village envelope of Stisted. In this location, as set out in policies RLP78 and RLP79 of the Braintree District Local Plan Review, the countryside and Special Landscape Areas will be protected for their own sake and permission will not normally be given for development which is unrelated to agriculture or other activities appropriate to a rural area.

Policy RLP133 of the Braintree District Local Plan Review refers to golf courses within a rural location, where built development will be restricted to those facilities essentially required to serve the club: the conversion of existing buildings will be preferred. Other large-scale buildings in the countryside, not essentially related to the use of land for golf, will not be permitted.

Furthermore, policy RLP134 of the Local Plan Review states that proposals for sport or leisure facilities and activities likely to cause noise or disturbance will only be permitted if harm would not be caused to noise sensitive development by the nature, scale, extent, frequency or timing of the proposal, and if there would be no unacceptable increase in traffic on minor roads.

Policy RLP36 of the Local Plan Review states that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of: noise, smell, dust, grit or other pollution, health and safety, visual impact, traffic generation, contamination to air, land or

water, impact on nature conservation interests and unacceptable light pollution.

The above is also stated within policy RLP62 of the Braintree District Local Plan Review, which indicates that applications likely to give rise to pollution will be refused unless adequate preventative measures have been taken to ensure that any discharges or emissions will not cause harm to land use.

The principle of the use of land for a golf practice ground has been accepted by virtue of planning permission 93/01568/COU, however it is the impact of the operational development and the erection of a building, the subject of this application upon interests of acknowledged importance that must be assessed on their planning merits.

2. Landscape Impact

PPS1 states that good design ensures attractive, useable, durable and adaptable places and it is a key element in achieving sustainable development.

Particularly PPS7 highlights that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Policies RLP78 and RLP79 of the Local Plan Review emphasise that the countryside shall be protected for its own sake and development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character.

Furthermore, RLP86 of the Local Plan Review refers to river corridors. The pre-ambule of this policy emphasises that *'the immediate edges of rivers, and also their open margins for several metres on either side, have a number of important functions for river conservation and recreation and the Environment Agency accords a high priority to these. ... In some towns, river banks are increasingly the only uninterrupted routes to and from the surrounding countryside. In order to protect this habitat, it is therefore desirable that previously undeveloped floodplain areas should be retained as open space.'* River corridors also have a recreational role – for walking, fishing and other informal activity – which the Council also wishes to encourage, provided there is no direct conflict with nature conservation. The policy itself states that development will not be permitted which would harm the open character, nature conservation importance or recreational importance of the floodplains of the Rivers Stour, Colne, Brain, Pant, Blackwater, Ter Valley and their tributaries and the Chelmer and Blackwater Navigation.

In this case, whilst the design, scale and materials of the proposed driving range building are acceptable in principle for a countryside

location, the proposed development is neither considered to respect, enhance nor successfully integrate into the open and distinctive landscape character of this particular locality.

The introduction of a structure within this open, unspoilt, tranquil river valley, which is undeveloped and entirely detached from the existing nucleus of residential properties located on the opposite side of the river Blackwater, would result in an inappropriate and alien intrusion into a sensitive area of high landscape value, to the detriment of its open rural character, contrary to the above policies.

In particular the Council's Landscape Character Assessment (LCA) highlights the important requirement to conserve and enhance the landscape character which should be taken into account in any development proposal.

In this case, the proposal for a building is considered to cause significant harm and damage to an area of considerable landscape value. The LCA comments on the strong sense of character, place and tranquillity as well as open, far reaching and panoramic views in the river valley which could be irreversibly damaged. The character of the grass land, functioning as a floodplain, would fundamentally change and any development on this land would influence the natural evolution of this important wildlife habitat area.

The Council's Landscape Officer also emphasised that the application lacks in the provision of a visual impact assessment, which would be essential information to support the proposal.

It is acknowledged that the proposed landscape scheme would assist in providing some screening and creating new habitats, but the implementation of any scheme is likely to fundamentally change the scene and impact on wildlife. It is therefore considered that the implementation of any scheme cannot overcome the significant harm this development has the potential to cause.

3. Flood Risk

The approach to flood protection is set out in PPS25 which stresses that, even where land is considered to be at low risk of flooding (which is not the case here), a sequence of precautionary and risk management approaches should be adopted to establish whether the development is acceptable.

Paragraph D5 of PPS25 states that the overall aim of decision makers should be to steer new development to Flood Zone 1: Where there are no reasonably available sites in Flood Zone 1, decision makers identifying broad locations for development and infrastructure, allocating land in spatial plans or determining applications for development at any particular location should take into account the

flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and again applying the Exception Test if required.

Whilst it is acknowledged that the application site is the preferred location for the golf driving range, which benefits from a valid planning permission in terms of its use, the driving range as it currently exists is no more than an open grass field (with no permanent structures) that forms part of the functional flood plain (flood zone 3). Purely in terms of flood risk there is other land within and adjoining the golf club that could, in theory, be put to such a use notwithstanding any potential landscape impact, the fact that this may affect the current layout of the golf course and land ownership.

Development in the flood plain is not only at risk from flooding itself, but may reduce the amount of land available for storage, which can increase the risk of flooding off-site. In addition, its surface water runoff can increase flood risk through an increase in impermeable hard-standing, including from roofs.

It is recognised that it is difficult to apply the Sequential Test for the proposed development as the Local Development Framework will not, as a general rule, be allocating land for golf driving ranges, but notwithstanding this the Strategic Flood Risk Assessment will be looking at sites on a District wide basis. It is appreciated that sites well away from Stisted would not be appropriate for Braintree Golf Club and whilst the local planning authority is aware that any location away from the Club would not meet the Club's own need for this facility.

Paragraph D6 of PPS25 states that within each Flood Zone new development should be directed first to sites at the lowest probability of flooding and the flood vulnerability of the intended use matched to the flood risk of the site, e.g. higher vulnerability uses located on parts of the site at lowest probability of flooding.

The Council's Strategic Flood Risk Maps confirm that the site falls within Zone 3b, which is a zone that comprises land where water has to flow or be stored in times of flood (land which would flood with an annual probability of 1 in 20 (5%). Only water compatible uses and essential infrastructure should be permitted in this zone.

The existing and proposed use with the new driving range building falls within the 'water compatible' category in accordance with Table D2 of PPS25 as golf is an outdoor sport and the proposed facilities are considered essential to the use of the site. This 'water compatible' or low vulnerable land use is therefore considered an appropriate development for all flood zones, including 3b.

Furthermore, the applicant has demonstrated to the local planning authority that this development is essential in terms of the definitions set out within PPS25. The proposed development is a driving range structure, incorporating open driving bays and ancillary facilities such as toilets, which would serve an existing consented driving range. Although the PPS25 Practice Guide is quite clear in that at the local level the Sequential Test should be applied to the whole LPA area, taking into account the purpose and nature of the proposed development, during pre-application discussion it was concluded that, in the absence of any objection to the applicant's notion that the site complies with the Sequential Test from the Environment Agency. The Sequential Test search area was confined to within the confines of the existing permitted practice field.

Hence, it is considered that the proposed location of the building is the best available in flood risk terms as it is as close as reasonably practicable to the higher ground and the exit/evacuation route.

4. Landscaping and Ecology

PPS9 highlights that planning authorities should refuse permission where harm to species or their habitats would result unless the need for, and benefits of, the development clearly outweighs that harm. Developments should aim to conserve, enhance and restore the diversity of wildlife by sustaining, and where possible improve the quality and extent of natural habitat.

There appears to be a substantial impact on wildlife and habitats, as raised by a number of environmental bodies who have commented on the application.

In this case, the proposed building is not considered to harm the local ecology and it is acknowledged that the site in the main is not of significant ecological interest as it is regularly mown. However, the riverbanks and the existing trees and hedges along the site boundaries represent important wildlife corridors. The submitted Protected Species Assessment concluded that there would be no detrimental effect on bats, water voles, otters or birds. However, Officers are minded to take a precautionary approach.

5. Impact on Stisted Mill and the Conservation Area

Development within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided if the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Listed buildings, their settings and existing buildings of special architectural or historic interest, as set out in Policy RLP100 of the

Braintree District Local Plan Review, will be protected from demolition, significant damage and unsympathetic change to the building or structure's historic and architectural elements of special importance.

The present application is a revision of the previous proposals and a considerable improvement upon them as the extensive netting has been removed. Although the Historic Buildings Adviser considered the footprint of the new structure to be large, it is of low height with a rustic character, and the adjoining historic buildings, whose settings required protection, are at a considerable distance from the site.

As such, no objection is raised from a historic and conservation point of view.

6. Highways Issues

The Highway Authority objects to the proposed application and states that the proposal would lead to the intensification of use of a substandard access by reason of inadequate sight splays and consider that this would cause conditions of danger and obstruction to the detriment of highway safety.

It is acknowledged that the proposed structure could lead to the intensification of the use of the site, associated with an increase in traffic movements. However, the golf club and the practice field are both established sporting facilities with existing and authorised car parking arrangements in a location where frequent traffic movements at different times of the day exist. Therefore it is considered that the refusal of planning permission on traffic generation grounds could not be substantiated in this case. Such a refusal could be seen as being unreasonable, pursuant to Circular 03/2009.

It should also be reiterated that the proposed building accommodates 8 bays for potentially no more than 8 users at a time and therefore it is considered that the existing car park would be adequate for the anticipated demand, notwithstanding the alternative option of Members parking at the club house and arriving at the driving range via the pedestrian footbridge link.

7. Sustainability

A completed copy of the Council's sustainable design and construction checklist was submitted with the application.

8. Other Issues

Concerns with regard to floodlighting and a potential future application proposing floodlighting are acknowledged, however, floodlighting is not part of this application and can therefore not be taken in consideration.

Further concerns were raised with regard to noise intrusion. It is acknowledged that a ball collection machine may give rise to an increase in noise. However, it should be emphasised that the use of the site as a practice area and the use of the adjoining site as a golf course are established where associated noise (albeit limited) exists. The noise generated would not be substantially harmful to warrant a refusal of this application.

It is clearly stated in the submitted documentation that the proposed driving range structure is an ancillary facility to the golf club with no intention to operate separately from the club. The proposed structure is envisaged to be used by members of the golf club, its associated members and guests, including a number of local school groups and the club's youth members.

The matter of servicing the building (i.e. electricity, sewage/surface water) has also been raised by a number of representations. Ultimately there will be the need for installation of services. As this subject has not been addressed within the application, the local planning authority is unable to assess this matter.

CONCLUSION

In summary, whilst the concerns and support raised in the letters of representation are noted, it is considered that the proposed development would represent an inappropriate intrusion into the countryside, to the detriment of its open, unspoilt and distinctive rural character of the river valley, contrary to policies RLP78, RLP79 and RLP86 of the adopted Local Plan Review.

As the proposal would not comply with the above policies, it is recommended for refusal.

RECOMMENDATIONS

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

- 1 PPS1 states that good design ensures attractive, useable, durable and adaptable places and it is a key element in achieving sustainable development.

Particularly PPS7 highlights that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Policies RLP78 and RLP79 of the Local Plan Review emphasise that the countryside shall be protected for its own sake and development should be well related to existing patterns of

development and of a scale, siting and design sympathetic to the rural landscape character.

Policy RLP86 of the Local Plan Review states that development will not be permitted which would harm the open character, nature conservation importance or recreational importance of the floodplains of the Rivers Stour, Colne, Brain, Pant, Blackwater, Ter Valley and their tributaries and the Chelmer and Blackwater Navigation.

In this case, whilst the design, scale and materials of the proposed driving range building are acceptable in principle for a countryside location, the proposed development is not considered to respect, enhance or successfully integrate into the open and distinctive landscape character of this particular locality.

The introduction of a structure within this open, unspoilt, tranquil river valley, which is undeveloped and entirely detached from the existing nucleus of residential properties located on the opposite side of the river Blackwater, would result in an inappropriate and alien intrusion into a sensitive area of high landscape value, to the detriment of its open rural character, contrary to the above policies.

In particular the Council's Landscape Character Assessment (LCA) highlights the important requirement to conserve and enhance the landscape character which should be taken into account in any development proposal.

In this case, the proposal for a building is considered to cause significant harm and damage to an area of considerable landscape value. The LCA comments on the strong sense of character, place and tranquillity as well as open, far reaching and panoramic views in the river valley which could be irreversibly damaged. The character of the grass land, functioning as a floodplain, would fundamentally change and any development on this land would influence the natural evolution of this important wildlife habitat area.

As such, the proposal is considered to be contrary to the abovementioned policies.

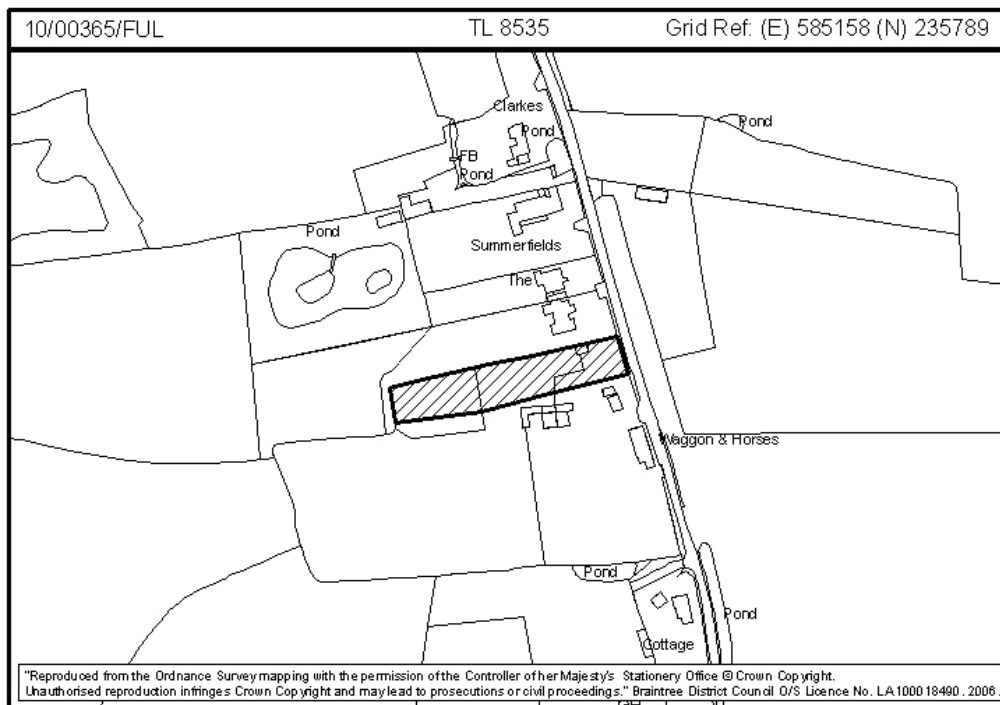
SUBMITTED PLANS

General	Plan Ref: 156:09:01 REV A
Landscaping	Plan Ref: 09105/03
Additional	Plan Ref: 6/3226/SK110

PART A

APPLICATION NO: 10/00365/FUL **DATE VALID:** 22.03.10
APPLICANT: Mr & Mrs P Chance
The Hollies, Pebmarsh Road, Twinstead, Sudbury,
Suffolk, CO10 7ND,
AGENT: Mr David Andrews
Minern, Fairy Hall Lane, Rayne, Braintree, Essex CM77
6SZ
DESCRIPTION: Erection of new dwelling and garage
LOCATION: Hollies, Pebmarsh Road, Twinstead, Halstead, Essex,
CO10 7ND,

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

01/01369/FUL	Demolition of garage and rear extensions. Erection of two storey and single storey extensions with associated alterations and replacement tiles to existing roof	PER	27.09.01
02/01255/FUL	Erection of detached garage	PER	22.10.02
82/01239/P	Application under S53 of Town And Country Planning Act, 1971 to determine whether an application for planning permission is required for extension and swimming pool.		12.01.83
74/00211/P	One residential dwelling at the Waggon and Horses.	REF	19.08.74
97/00284/FUL	Erection of two storey front and single storey rear extensions	PER	09.04.97
08/02145/FUL	Erection of new dwelling and garage	REF	09.01.09

POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP56	Vehicle Parking
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP78	Countryside
RLP79	Special Landscape Areas
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

POLICY CONSIDERATIONS

National 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

East of England Plan

SS1 Achieving Sustainable Development

SS2 Overall Spatial Strategy

T14 Parking

ENV7 Quality of Built Environment

ENG1 CO2 Emissions and Energy Performance

ENG2 Renewable Energy

WM6 Waste Management in Development

Other Guidance

The Essex Design Guide

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

INTRODUCTION

The application is being presented to the Planning Committee as Officers are recommending the application for refusal but support has been received from the Parish Council.

DESCRIPTION OF PROPOSAL

This application seeks approval for the erection of a detached dwelling and garage.

The dwelling would measure approximately 12.5 metres in width by 11 metres in depth, with a height of 7.9 metres. The external materials would comprise red stock brickwork at ground floor level, with render above and clay plain tiles to the roof. Design features would include a jetty gable to the front and subordinate gabled entrance, brick chimney stack, balconies to the front and rear and two gabled dormers to the rear.

The garage would be located to the front of the dwelling along the southern boundary. It would have three bays and measure approximately 5.5 metres by 8 metres, with a height of 5.3 metres. The external materials would comprise a brick plinth with weatherboard above. There would also be a gravel parking and turning area to the front of the site.

SITE DESCRIPTION

The site is located to the south west of Twinstead and to the south of Twinstead Green. It is located in the countryside and a designated Special Landscape Area. The site is located between two existing dwellings which form a linear development of six detached properties.

The existing properties vary in size, style and orientation. They occupy one side of the road only and face open countryside.

The site falls within the same ownership as the adjacent property 'The Hollies' and is predominately laid to grass, with mature trees to the rear of the site.

With the exception of the dwelling named 'The Waggon and Horses' to the immediate south, the dwellings are set back from the road by between 10 and 15 metres with generally low level soft landscaping to the front which creates a sense of openness.

CONSULTATIONS

Parish Council – Supports the application but do not accept that it should set a precedent for any further buildings. Would like to see natural wood for all external joinery.

Landscape Services – The submitted tree schedule and plan only forms part of the full BS5837:2005 report this is required. A full constraints plan, arboricultural implications assessment, arboricultural method statement and tree protection plan are all necessary. There are also discrepancies between the schedule and the plan.

Environmental Health – No objection subject to conditions to protect neighbouring residential amenity.

Engineers – No comments

REPRESENTATIONS

A site notice was displayed on the gate post to the front of the site and neighbouring properties were notified by post. Two letters of representation have been received.

One letter (from the occupants of the 'Waggon and Horses' adjacent) raises no objection to the proposal and considers that it would enhance the area.

The other is a letter of objection raising the following points:

- Site is located in the countryside, proposal would not comply with countryside policies in the Braintree District Local Plan Review;
- Development would be detrimental to the look and feel of the rural nature of the location;
- The site was formerly part of the garden of the neighbouring property, not an infill site. Would set a precedent for other property owners to subdivide their gardens to create infill sites;
- Plans fail to show the double garage to the front of the Hollies (adjacent) which was granted planning permission in 2002 but has not yet been completed.

REPORT

1. Previous History

A planning application was submitted for a dwelling on the same site in November 2008 (08/02145/FUL). The application was refused for the following reasons:

“The proposal represents a new dwelling and unjustified intrusion into the countryside to the detriment of its rural character and contrary to policies RLP2, RLP78 and RLP79 and PPS7. The site is located in an unsustainable location and development at this location would set a precedent for further residential development outside of defined settlement boundaries”.

“The proposed development, by way of its scale, bulk, height and massing in relation to the neighbouring built form would be detrimental to the character of the area and the countryside setting, particularly given its location within a defined Special Landscape Area”.

A planning consideration with the current application therefore, is whether it overcomes the previous reasons for refusal, and is acceptable in all other respects.

2. Principle of Development

National planning policies seek to ensure sustainable forms of residential development take place on land within existing towns and villages.

The applicant considers that the site is an infill plot within an existing cluster of dwellings. The Design and Access Statement refers to Policy RLP 16 (Hamlets and Small Groups of Dwellings). Policy RLP 16 states that where there is a defined nucleus of at least ten dwellings permission may be granted for the infilling of a gap for a single dwelling, between existing dwellings. It also states that proposals which would set a precedent for the consolidation of sporadic or ribbon development, or the further infilling of large gaps will be resisted.

The site itself does not fall within the main built up area of Twinstead, it is situated over one kilometre away (as the crow flies). It falls between two existing dwellings which form part of a linear development of residential properties. However, there are only six properties in this row. There is not a defined nucleus of ten dwellings. In the opinion of Officers the site falls within an isolated group of dwellings in the countryside and is not close to, or linked to what may be considered as the hamlet itself. Therefore this proposal principally fails to comply with Policy RLP 16 and falls to be considered against countryside policies.

The application site is situated in the countryside beyond any defined settlement boundaries. In accordance with Policy RLP 2 of the adopted Local Plan Review countryside policies apply. Policy RLP 78 seeks to restrict development in the countryside to that required to support agriculture, forestry or other rural uses. Policy RLP 79 states that development likely to cause permanent loss or damage to the traditional rural qualities of the countryside or its essential landscape character will be refused, especially in Special Landscape Areas. PPS 7 states that local planning authorities should strictly control new house building in the countryside. To promote more sustainable patterns of development the focus for most additional housing in rural areas should be on existing towns and identified service centres. Furthermore, PPS 3 indicates one of the matters to consider includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services.

This proposal represents a new dwelling in the countryside and is not required to support agriculture, forestry or any other rural use. The site is not located in a sustainable location and does not benefit from easy access to local facilities and services. Development at this location would undoubtedly place reliance on travel by car. To allow residential development in this location would also set a precedent for further residential development in the vicinity which would be detrimental to the rural character of the area. This proposal is contrary to both national and local planning policies. The first reason cited for refusal on the previous planning application (08/02145/FUL) therefore still remains valid. There have been no changes in national or local planning policy and no other material planning issues which overcome the objection in principle to this proposal.

3. **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.

Notwithstanding the aforementioned objection in principle to a new dwelling in the countryside, Policies RLP 78 and 79 seek to protect the countryside for its own sake. Any development that is permitted will be expected to conform to the highest standards of design, siting and layout with materials appropriate to the character of the area. The scale, siting and design should be sympathetic to the rural landscape character. RLP 90 indicates that the scale, density, height, elevational design and massing of buildings should reflect or enhance local distinctiveness and be in

harmony with the character and appearance of the surrounding area.

Compared to the previous scheme which was refused, the footprint and bulk of the dwelling have been significantly reduced, allowing a greater distance between the proposed dwelling and the side boundaries of the site. The dwelling would be of a substantial size, but would sit more comfortably within the site and not be out of character with the size of other dwellings in the vicinity. The area is characterised by a mix of styles of dwellings. The design is considered acceptable and the materials would respect those of the adjacent house, The Hollies.

The frontages to the dwellings in this part of Pebmarsh Road are characterised by driveways to the front of the dwellings which are bounded by soft landscaping, representing a generally open character. The proposal for a garage would introduce built form within the site's frontage. However, Officers are mindful that planning permission was granted for a detached garage to the front of The Hollies and there is an existing garage on the site to the south. On this basis it is not considered that an objection could be raised to this element of the proposal.

Having regard to the above, it is considered that efforts have been made to reduce the size of the proposal. The scale and design are considered acceptable and accordingly the second reason for refusal on the previous planning application (08/02145/FUL) has been overcome.

4. **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.

It is accepted that by virtue of the distance between the proposed dwelling and the existing neighbouring dwellings, and the existing landscaping to the southern boundary, this proposal would not result in an unacceptable impact on neighbouring residential amenity. The windows on the side elevations at first floor level would serve bathrooms and therefore could be conditioned to be obscure glazed.

5. **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. The proposal would exceed these requirements.

6. Landscape Considerations

Policy RLP 80 states that proposals should proposals for new development should not be detrimental to distinctive landscape features such as trees and hedges. Where development is proposed close to existing features it should be designed and located to ensure that their condition and future retention would not be prejudiced.

Policy RLP 90 indicates that proposals should be sensitive to the need to conserve local features of landscape importance.

In April 2009 the Local Planning Authority introduced the Local Validation Checklist whereby a full tree survey (in accordance with the current 'BS5837:2005 Trees in relation to construction – Recommendations) is required if there are any trees on the proposed development site, or on land adjacent the site that could influence the development or be an important part of the local landscape character. This is also stated in Question 16 on the planning application form.

It is proposed that all existing trees on the site would remain. There are also a number of trees on the adjacent site to the south, including oak trees and conifers, which are located close to the boundary and could impact upon the proposal. A Tree Survey Schedule was submitted, although not a full tree survey as outlined above. The Landscape Services Manager has reviewed this information and considers that because of the proximity of the established trees relatively close to the proposed buildings (on the adjacent site to the south) a full tree survey is required. The submitted information only forms part of such survey. In addition a full constraints plan, arboricultural implications assessment, arboricultural method statement and tree protection plan are all necessary.

Furthermore, it appears that there are discrepancies and inaccuracies on the information submitted. The written schedule refers to ash trees (trees 4, 5, 7, 8), yet they are indicated as walnut trees on the plan. Also, trees 6, 9 and 10 are referred to as 'Cupressus Oxeparus' on the schedule. The Landscape Officer advises that to the best of his knowledge, there is no such variety.

It is therefore considered that the information submitted is insufficient in order to determine that the proposal would not prejudice the retention of the existing trees on the site and adjoining sites, which are distinctive features within the rural landscape character of the area. In this respect the proposal would be contrary to Policies RLP 80 and 90.

7. **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.

PPS 3 also indicates that when assessing design quality consideration should be given to the extent to which the proposed development facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.

A copy of the Sustainable Design and Construction Checklist was submitted with the application. If the proposal was considered acceptable in all other respects and the Committee were minded to approve the application such issues could be dealt with by way of condition.

8. **Conclusion**

The proposal represents a new dwelling in the countryside which is contrary to both national and local planning policy. It does not overcome the objection in principle which formed one of the reasons for refusal on the previous planning application (08/02145/FUL).

Officers are satisfied that the size and design of the proposal are now acceptable and therefore overcomes the second reason for refusal. The proposal is acceptable in terms of parking provision, and it would not have an unacceptable impact upon neighbouring residential amenity.

However, concern is raised regarding the impact of the proposal upon trees within the vicinity of the site. A full tree survey is required, but has not been submitted with the planning application and therefore full consideration can not be given to this matter.

It is therefore recommended that the application is refused for two reasons; the principle of a new dwelling in the countryside and insufficient information to ensure that the proposal would not prejudice the retention of existing trees.

RECOMMENDATIONS

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

- 1 The site lies within an area of countryside beyond the development boundary of any settlement where rural planning policies apply. In this location, as set out in Policies RLP2, RLP78

and RLP79 of the Braintree District Local Plan Review, the countryside will be protected from development and permission will not be granted for development unless the proposals are related to agriculture or some other form of development which must take place in the rural areas. PPS7 (Sustainable Development in Rural Areas) states that new house building in the countryside away from existing settlements or outside areas for development in development plans should be strictly controlled.

The proposal represents a new dwelling and unjustified intrusion into the countryside to the detriment of its rural character and contrary to policies RLP2, RLP78 and RLP79 and PPS7. The site is located in an unsustainable location and development at this location would set a precedent for further residential development outside of defined settlement boundaries.

- 2 Policy RLP80 of the Braintree District Local Plan Review states that proposals for new developments should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

In this case, a full tree survey in accordance with BS5837:2005 'Trees in relation to construction - Recommendations' has not been submitted (including a full constraints plan, arboricultural implications assessment, arboricultural method statement and tree protection plan) and as such, it is therefore considered that insufficient information has been submitted to fully assess the impact of the proposed development to ensure that it would not result in harm to existing trees on and/or immediately adjacent to the site.

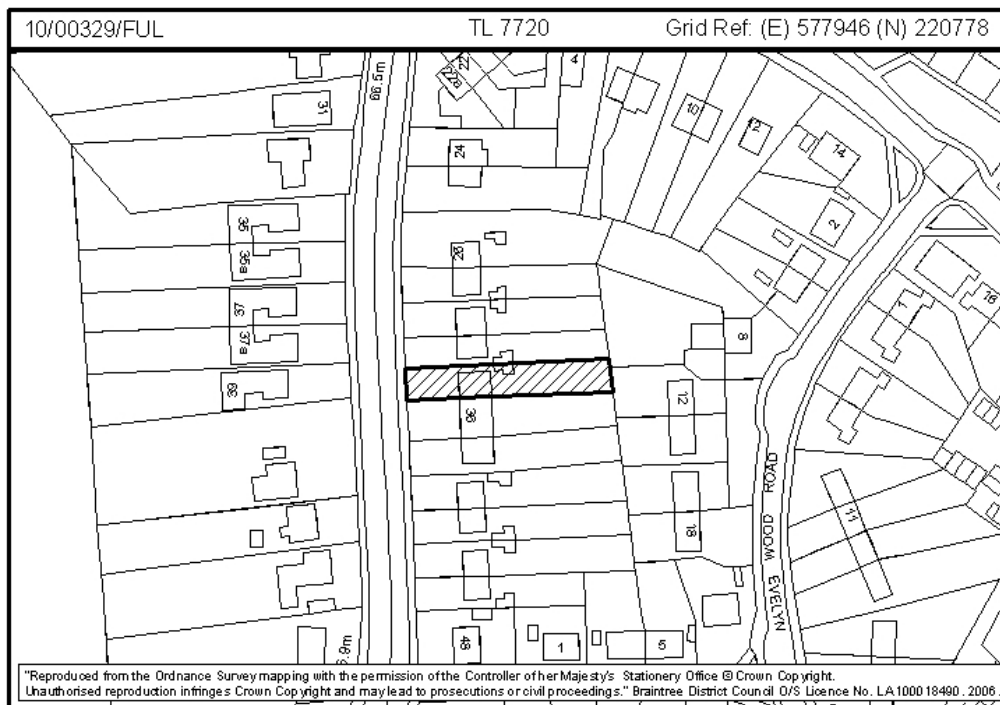
SUBMITTED PLANS

Location	Plan Ref: J.263 D4
General	Plan Ref: J.263 D3
Elevations	Plan Ref: J.263 D2
Street Elevation	Plan Ref: J.263 D1
Additional	Plan Ref: TREE SURVEY

PART B

APPLICATION NO: 10/00329/FUL **DATE VALID:** 18.03.10
APPLICANT: Mr Selami Cosar
34 Mill Lane, Cressing, Braintree, Essex, CM77 8HP,
AGENT: Murray Morland Contracts Ltd
The Depot, Mill Lane, Cressing, Essex, CM77 8NX
DESCRIPTION: Demolition of existing brick shed and toilet and
erection of single storey rear extension, removal of
existing porch and erection of new pitch roof
lobby/porch with lounge extension
LOCATION: 34 Mill Lane, Cressing, Braintree, Essex, CM77 8HP,

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

None.

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 being presented to the Planning Committee as the Parish Council have objected to the application.

DESCRIPTION OF PROPOSAL

This application seeks approval for:

- The demolition of an existing brick shed and toilet to the rear of the dwelling, and the erection of a single storey rear extension;
- Removal of the existing porch and erection of a new pitched roof lobby/porch with lounge extension.

The proposed front extension would measure approximately 3 metres in depth, reducing to 1.9 metres and would extend across the majority of the front elevation. It would have a part lean-to/part hipped roof measuring approximately 3.9 metres in height. The external materials would be brick and plain roof tiles, to match the existing dwelling.

The proposed rear extension would measure approximately 10.6 metres in depth by 3.2 metres in width. It would measure approximately 3.3 metres in height and have a flat roof. It would be constructed of brick, with a felt roof.

SITE DESCRIPTION

The site is located to the west of Cressing (Tye Green), on the eastern side of Mill Lane. It is the end dwelling in a terrace of three properties with a paved drive to the front and a rear garden measuring approximately 28 metres in depth. To the rear of the dwelling is a brick outbuilding which straddles the boundary with No.32 Mill Lane.

CONSULTATIONS

Parish Council – Object. Building is not in-keeping with the established street scene and will compromise the established building line. Flat roof of rear extension would not be in-keeping with local buildings and extension is disproportionate to the house. The proposal represents an overdevelopment of the site.

REPRESENTATIONS

One letter of representation has been received from the neighbouring dwelling (No.32). The occupant does not oppose the plans but is concerned about the stability of the brick outbuilding which will remain on the site of No.32 as the back and side walls, and the roof are party walls.

REPORT

Principle of Development

The application site lies within the Cressing village envelope. Therefore in accordance with Policy RLP 3 the principle of development is acceptable, but only where it satisfies amenity, design, environmental and highway criteria and can take place without detriment to the character of the settlement, as discussed below.

Design and Appearance

Policy RLP 17 relates specifically to extensions within towns and villages and states:

There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries;

The siting, bulk, form and materials should be compatible with the existing dwelling;

There should be no material impact on the identity of the street scene, scale and character of the area.

Policy RLP 90 states that the layout, height, mass and overall elevational design shall be in harmony with the character and appearance of the surrounding area.

The concerns of the Parish Council are noted. The dwellings along this part of Mill Lane were obviously of a uniform design and appearance when they were originally constructed. However, many of these have been altered and extended in recent years. The front extension would represent a fairly bulky extension, albeit single storey, and would significantly alter the character of the dwelling. However, it is also noted that No.38 (next door but one) has a very similar extension which was approved by the Local Planning Authority. It is therefore considered that a refusal for the front extension would be difficult to substantiate. Furthermore, the building line is staggered with dwellings

to the south being located slightly closer to the road. In light of the front extension at No.38 and the varied building line in the vicinity, it is considered that the proposed front extension is acceptable in terms of siting, design and appearance in the street scene. It is also considered that it would not unduly harm the appearance of the dwelling itself.

The extension to the rear would be somewhat unusual having regard to its narrow width but considerable length. However, it would be single storey and located to the rear of the dwelling. It would not be visible from the road and would not have a detrimental impact upon the street scene. The half of the outbuilding which belongs to No.32 would remain on the adjacent site, and to the rear of this is a further large shed/outbuilding which also abuts the boundary. The rear elevation of the outbuilding is approximately 10 metres from the rear of the neighbouring dwelling. Therefore the existing structures adjacent the boundary would be less than a metre in depth than the extension that is proposed at the application site.

A number of other dwellings in the vicinity benefit from extensions and outbuildings to the rear in various forms and sizes. Furthermore, the dwelling is located within a good sized plot, capable of accommodating extensions of the size proposed. Sufficient garden/amenity space would still remain and on this basis it is considered difficult to argue that the proposal would result in over-development of the plot. Unlike Policy RLP 18 (extensions to properties in the countryside), Policy RLP 17 does not indicate that extensions to properties within defined development boundaries should be subordinate to the original dwelling.

Having regard to the above, it is considered that it would be difficult to argue that the rear extension is contrary to the aforementioned adopted policies and on balance is considered acceptable.

Impact Upon Neighbouring Residential Amenity

Policies RLP 17 and RLP 90 also state that there should be no unacceptable or undue impact on neighbouring residential amenity.

The extension would abut the boundary with the adjoining dwelling. It would be single storey with a flat roof and be adjacent the outbuildings belonging to No.32. It would therefore not impact upon neighbouring residential amenity.

Highway Considerations

Sufficient off-road parking would remain to the front of the property.

Other Issues

The concerns of the neighbour are noted regarding the stability of the brick outbuilding. However this would be controlled by Building Regulations and is not a material planning issue. The work may need to be subject to a Party Wall Act agreement between the applicant and the neighbour. An informative advising the applicant of this can be added.

CONCLUSION

The dwelling is located within the village envelope and sits within a good sized plot. The size and design of the extensions are considered acceptable and would not result in over-development of the plot or have a harmful impact upon the character of the area or neighbouring residential amenity.

RECOMMENDATIONS

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

- 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.

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.

APPROVED PLANS

Elevations	Plan Ref: 101	Version: Rev 2
Elevations	Plan Ref: 102	Version: Rev 2
Planning Layout	Plan Ref: 103	
Floor Plan	Plan Ref: 104	
General	Plan Ref: 105	
General	Plan Ref: 106	
Roof Plan	Plan Ref: 107	
Block Plan	Plan Ref: 108	
Location Plan	Plan Ref: 109	

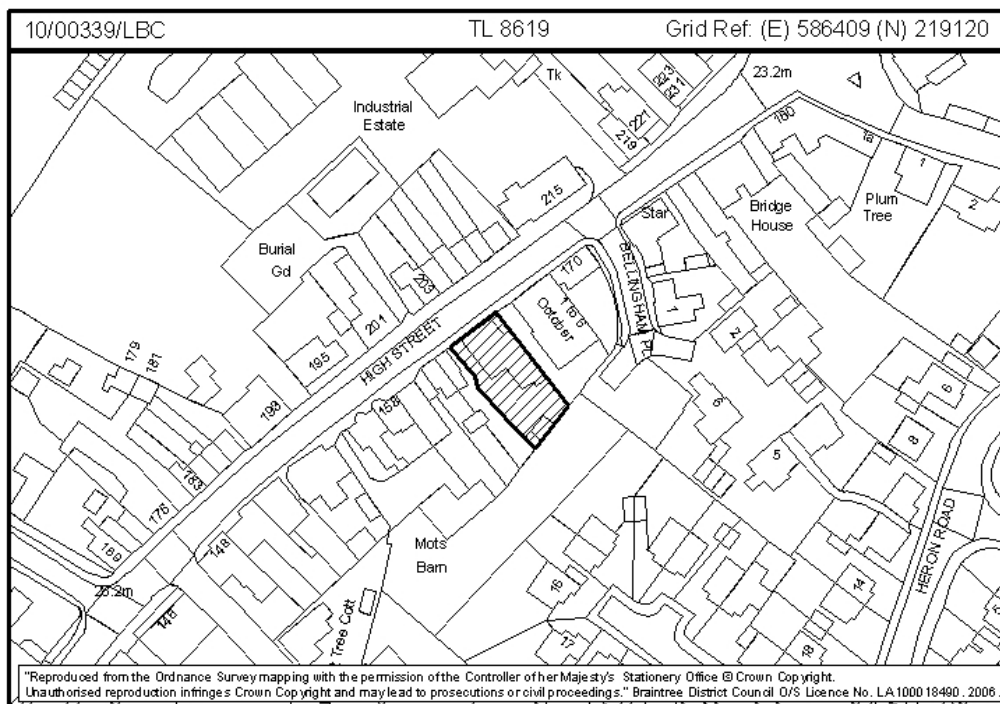
INFORMATION TO APPLICANT

- 1 Noise and Pollution Code of Practice
- 2 You are advised that the proposed rear extension may need to be subject to a Party Wall etc Act 1996 agreement with the owner of the neighbouring property at No.32 Mill Lane. You should seek the advice of a surveyor on this matter.

PART B

APPLICATION NO: 10/00339/LBC **DATE VALID:** 19.03.10
APPLICANT: Mr Jamie Hooper
Hopper & Co, 5 Marlowe Way, Colchester, Essex, CO3 4JP
AGENT: Mr Alan Stones
Fullerthorne, Church Street, Kelvedon, Essex, CO5 9AH
DESCRIPTION: Addition of extra storey to existing single storey rear extension, demolition of part of existing rear extension, moving of detached cottage at rear and construction of double garage attached to it
LOCATION: 166 High Street, Kelvedon, Colchester, Essex, CO5 9JD,

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

88/00804/P	Conversion Of Ground Floor Room To Bedroom And Erection Of Covered Way	PER	31.05.88
88/00805/P	Conversion Of Ground Floor Room To Bedroom And Erection Of Covered Way	PER	31.05.88
07/01514/LBC	Replacement of guttering, fascia board and rafter ends where rotten on rear elevation of single storey building and to make good and apply two coats of limewash to external wall facing 168 High Street	PER	20.09.07
09/00276/TPOCON	Notice of intent to carry out works to trees in a conservation area - Fell 1 Fir	PER	15.12.09
10/00379/FUL	Addition of extra storey to existing single storey rear extension, demolition of part of existing rear extension, moving of detached cottage at rear and construction of double garage attached to it	PDE	

POLICY CONSIDERATIONS

Braintree District Local Plan Review

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

PROPOSAL AND SITE DESCRIPTION

See previous report

CONSULTATIONS

See previous report

REPRESENTATIONS

5 representations were received; concerns over the listed building application were that - historically in Kelvedon rear ranges, when added to High Street houses have been set with a ridge height of approximately 1 to 1.5 metres lower than the high street frontages. There seems no compelling reason not to adhere to this form of historic design.

REPORT

See previous report

CONCLUSION

See previous report

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 works hereby permitted shall be begun on or before the expiration of three years beginning with the date of this consent.
- 2 The works hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 Works shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority.
- 4 The remedial works to the interior of the building are to be carried out in a like-for-like manner using traditional materials and finishes.
- 5 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.
- 6 The termination point of the new flue to the wood burning stove shall be at least 1m above the ridge height of the highest roof of the dwelling. Details of the design of the flue shall be submitted

and agreed in writing by the local planning authority prior to the commencement of works.

REASONS

- 1 This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.
- 4 To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.
- 5 To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.
- 6 To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

APPROVED PLANS

General	Plan Ref: 8
General	Plan Ref: 9
General	Plan Ref: 7
Floor Plan	Plan Ref: 6
General	Plan Ref: 1
General	Plan Ref: 2
Elevations	Plan Ref: 3
General	Plan Ref: 4
General	Plan Ref: 5

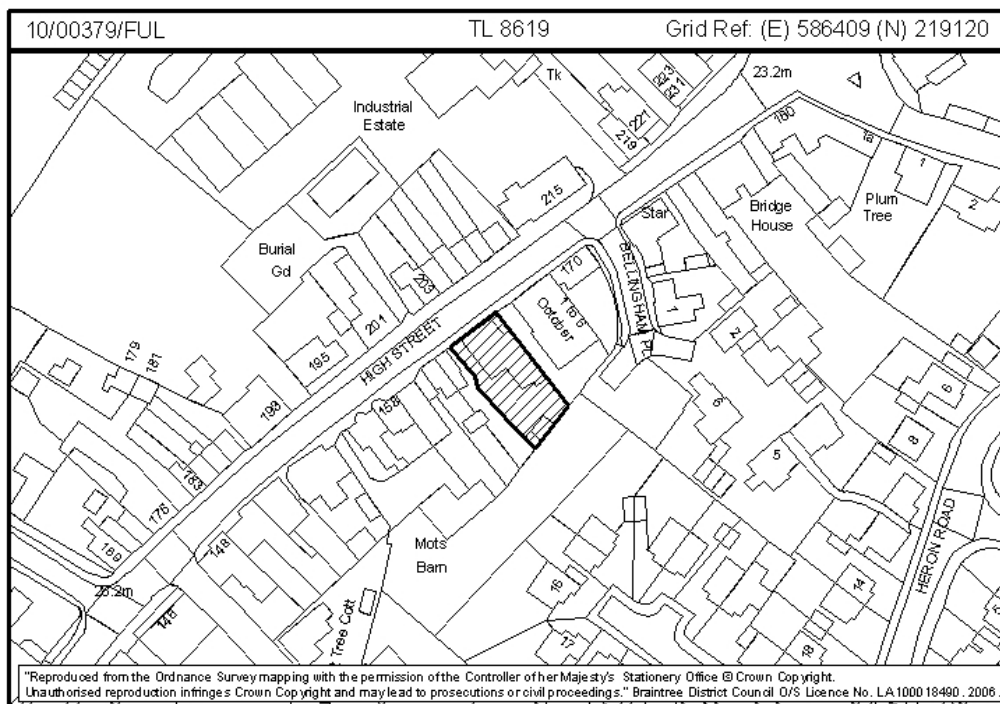
INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition.

PART B

APPLICATION NO: 10/00379/FUL **DATE VALID:** 19.03.10
APPLICANT: Mr Jamie Hooper
Hopper & Co, 5 Marlowe Way, Colchester, Essex, CO3 4JP
AGENT: Mr Alan Stones
Fullerthorne, Church Street, Kelvedon, Essex, CO5 9AH
DESCRIPTION: Addition of extra storey to existing single storey rear extension, demolition of part of existing rear extension, moving of detached cottage at rear and construction of double garage attached to it
LOCATION: 166 High Street, Kelvedon, Colchester, Essex, CO5 9JD,

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

88/00804/P	Conversion Of Ground Floor Room To Bedroom And Erection Of Covered Way	PER	31.05.88
88/00805/P	Conversion Of Ground Floor Room To Bedroom And Erection Of Covered Way	PER	31.05.88
07/01514/LBC	Replacement of guttering, fascia board and rafter ends where rotten on rear elevation of single storey building and to make good and apply two coats of limewash to external wall facing 168 High Street	PER	20.09.07
09/00276/TPOCON	Notice of intent to carry out works to trees in a conservation area - Fell 1 Fir	PER	15.12.09
10/00339/LBC	Addition of extra storey to existing single storey rear extension, demolition of part of existing rear extension, moving of detached cottage at rear and construction of double garage attached to it	PDE	

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
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

REASON FOR REPORTING APPLICATION TO COMMITTEE

The council have received 5 objections to the development which is contrary to the planning officer's recommendation to approve the scheme.

PROPOSAL AND SITE DESCRIPTION

The proposal is for the extension of the main building by way of an additional floor above the existing single storey rear extension. The detached 'cottage' to the rear will also be moved and reconstructed with a new double garage to the side and the demolition of a single storey addition.

The property is located along the High Street in Kelvedon within Development Boundaries. The building itself is grade II listed and formerly a shop although this business has since ceased trading. The property is Circa 1700, altered in 1900. It is mainly timber framed and plastered, with a façade of painted brick. There are several single storey extensions to the rear of the building with slate roofs, one of which is proposed to be demolished, the other built on at first floor level.

CONSULTATIONS

Historic Buildings Advice – “Considers the scheme would not be detrimental to the character and appearance of the listed building. The retention and refurbishment of the little curtilage cottage, albeit relocated slightly, is a welcome bonus. No fabric of the historical or architectural interest would be harmed; in fact, missing pieces of timber frame would be reinstated in places.

Raises no objection on conservation grounds and recommend that planning permission and listed building consent are granted, with the following conditions.

Environmental Health – Recommend the flue of any working chimney is 1m above the ridge height of the highest roof on the building itself and those in close proximity to the chimney so as to aid the dispersion of combustion products and prevent nuisance to nearby residents.

Parish Council – No objections

REPRESENTATIONS

5 neighbour objections have been received, the primary concerns relate to loss of light, overshadowing, overbearing and dominant extension, gases from the proposed chimney, no other type of extension in Kelvedon, clay tile would be more attractive, the plans do not show gutters or downpipes

REPORT

As the property is grade II listed, development involving physical alterations to the building is required to comply with Policy RLP 100 if the Local Plan Review. This dictates that works will only be permitted where they do not harm the setting, character, structural stability and fabric of the building. Specifically they should not result in the loss or damage to the building or features of special importance.

The property is located within the Village Development Envelope so the principal of extending existing residential property is accepted within Policies RLP 3 & 17, providing they satisfy amenity, design, environmental and highway criteria.

The property is also within the Conservation Area and Policy RLP 95 covers the Preservation and Enhancement of these areas. Development will not be permitted where it would detract from the character or appearance of the area. Given the intended design and its situation on the rear elevation there are no concerns that the proposals would be in any way detrimental to the Conservation Area.

The proposals have been viewed by ECC historic buildings advisors or are happy with the works. They consider the scheme as non detrimental to the character and appearance of the listed building. Furthermore, consider the refurbishment of the 'cottage' as a welcome bonus. Therefore the proposals are considered as in accordance with both RLP 95, and 100 of the Local Plan Review.

There are minor demolition works proposed however this is a later addition and no fabric of historical or architectural interest would be harmed.

Neighbours have objected to a number of elements of the proposals with the main concern seemingly the loss of light and overshadowing. It is considered that the proposals do not represent an unacceptable amount of loss of light or overshadowing although it is not disputed that it will occur to some extent. The proposals are set some distance from the adjoining flats, with an access road between the properties and the first floor addition sitting beyond an existing single storey extension. The pitch of the proposed first floor addition will therefore be some 4 metres from the boundary of 166 High Street.

With regards to the concerns over the chimney for the wood burning stove, in order to comply with building regulations the termination point of the flue must be of a sufficient height and distance from any nearby windows. In order to prevent pollution the flue of any working chimney should be 1m above the ridge height of the highest roof on the building itself and of those in close proximity to the chimney, so as to aid the dispersion of combustion products and prevent nuisance to nearby

residents. This would result in a large, high chimney and therefore may not be acceptable to the applicant. In which case, the chimney could be omitted.

CONCLUSION

It is acknowledged that there will be some loss of light at the neighbouring building however the overall impact will not be undue. Therefore the proposals comply with all relevant policies of the Local Plan Review and have the support from the historic buildings advisors.

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 Development shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority.
- 4 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.
- 5 Remedial works to the interior of the building are to be carried out in a like-for-like manner using traditional materials and finishes
- 6 The cottage building shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans.
- 7 The termination point of the new flue to the wood burning stove shall be at least 1m above the ridge height of the highest roof of the dwelling. Alternatively the chimney/flue should be omitted. Development shall not be commenced until additional drawings showing either a revised height for the chimney, or its omission,

shall be implemented in accordance with the approved details 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 materials having regard to the listed building on/adjoining this site.
- 4 To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.
- 5 To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.
- 6 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.
- 7 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

APPROVED PLANS

General	Plan Ref: 8
General	Plan Ref: 9
General	Plan Ref: 7
Floor Plan	Plan Ref: 6
General	Plan Ref: 1
General	Plan Ref: 2
Elevations	Plan Ref: 3
General	Plan Ref: 4
General	Plan Ref: 5

INFORMATION TO APPLICANT

- 1 This permission does not relate to any form of change of use of the original shop, this section of the building must remain as retail unless a further application is submitted to and approved by the District Council
- 2 Discharge of Conditions fee
- 3 Discharging Conditions