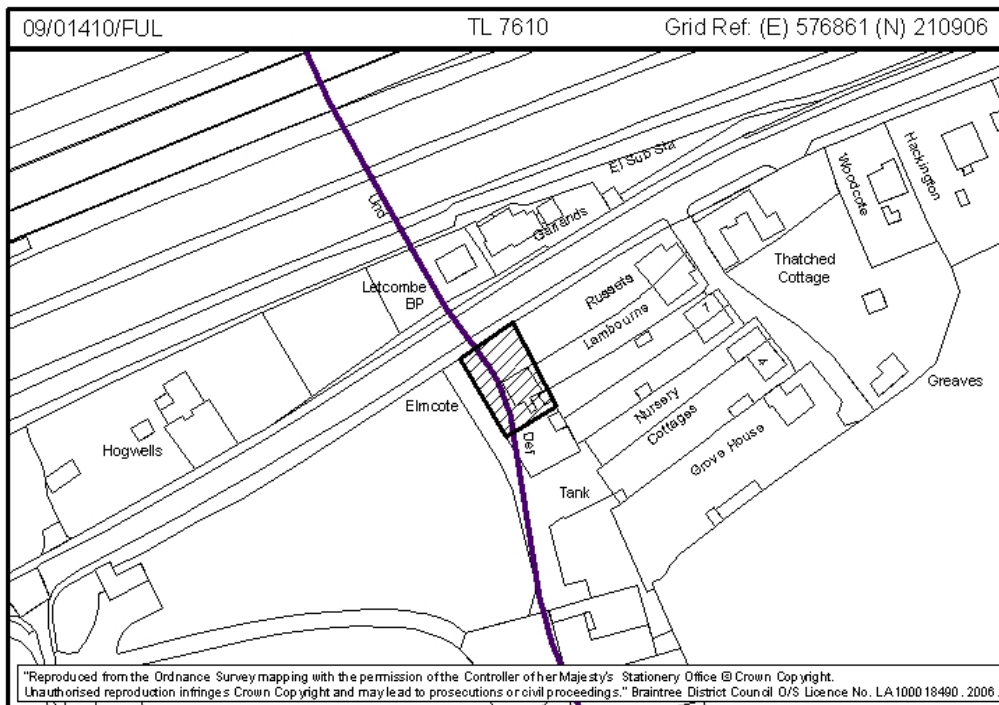


**AGENDA ITEM NUMBER 5**

**PART A**

**APPLICATION NO:** 09/01410/FUL      **DATE VALID:** 05.11.09  
**APPLICANT:** Mr A Gibbs  
117 Moulsham Park, Park Way, Chelmsford, Essex,  
CM2 7PX  
**AGENT:** Mr M Brightmore  
Clear Designs Ltd, 38 The Studio, Church Hill,  
Loughton, Essex, IG10 1LA  
**DESCRIPTION:** Erection of four bedroom, double storey dwelling with  
two-car garage  
**LOCATION:** Elmcode, London Road, Hatfield Peverel, Chelmsford,  
Essex, CM3 3AH,

**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

05/00733/FUL	Demolition of existing bungalow and outbuildings and erection of a detached dwelling and garage	REF	08.06.05
06/00696/FUL	Demolition of existing bungalow and erection of a detached dwelling and garage	PER	07.07.06
09/01026/FUL	Erection of 5 bedroom, two storey dwelling with double garage	WDN	06.10.09

## POLICY CONSIDERATIONS

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP15	Replacement of Dwellings in the Countryside
RLP56	Vehicle Parking
RLP77	Energy Efficiency
RLP78	Countryside
RLP90	Layout and Design of Development

## INTRODUCTION

This application is being present to Committee due to the number of objections that have been received.

## PROPOSAL AND SITE DESCRIPTION

The proposal is to erect a 4 bedroom dwelling similar to the previously approved scheme (06/00696/FUL). The primary difference between the two schemes is that the new application involves raising the roof by approximately 0.6 metre to accommodate larger rooms. The proposals also include a flat roof double garage.

The site is located along London Road in Hatfield Peverel outside of development boundaries. The previously approved dwelling is starting to take shape with brickwork and breeze block built up to approximately 2 metres in height. In the rear garden area is a new outbuilding, the use of which appears to be an office with kitchen facilities.

## CONSULTATIONS

Chelmsford Borough Council (boundary runs through site) – No objection

## **Environmental – List of conditions**

**Braintree District Council Landscapes Department – No objection to increasing the height of the dwelling; however it is disappointing to see the oak tree (T8) has already been crown lifted before we have considered the proposal. It has been done very poorly and not in accordance with BS 3998 Recommendations for Tree work. To preserve the tree the damaged/badly cut branches must now be remedially pruned by a competent arborist.**

**If the planning application gets consent, the development must proceed fully in accordance with the submitted Arboricultural Method Statement (AMS) and adhere to its requirements and recommendations. Plus a tree consultant should be appointed to supervise the development. In respect of tree T8 the pruning back of secondary growth on the eastern side of the canopy by 1.2m must only be implemented if absolutely necessary and to the minimum distance required to provide a safe clearance from any scaffolding etc.**

**In addition a tree/hedge/shrub retention condition should be applied and no excavations or construction activities allowed within the root protection areas.**

## **REPRESENTATIONS**

**A site notice was present during the site visit on the 17/11/09, six representations have been. Concerns included; Overlooking, trees removed, increased height, hinder success of vegetable plot, adverse impact on residential amenity, pruning of trees would destroy balance and make tree spread to the east very restricted, not in keeping, reduction of privacy, increase of vehicles movements**

**Parish Council – No response**

## **REPORT**

**The application dwelling is amendments to a previously approved application. The main alterations involve the roof space. The previously approved application was a one and a half storey dwelling with dormers in the roofspace, whereas these proposals is similar but approximately 0.6 metre taller.**

**In this instance policy RLP 15 and RLP 90 are also relevant to the planning decision. Policy RLP 15 states that ‘the replacement of an existing dwelling in the countryside will be allowed where all of the following criteria are met:**

- 1. The existing dwelling is a habitable, permanent dwelling of a conventional construction;**
- 2. The existing building is substantially intact;**
- 3. The size and scale of the replacement dwelling is compatible with the size and shape of the plot on which it stands**

4. The replacement dwelling would not have a greater impact or be more intrusive in the landscape than the original dwelling by virtue of its siting, scale height, character, and design;
5. The existing dwelling is not a building of architectural or historical value, which is capable of renovation.

Policy RLP 90 is concerned with design and layout of all developments, large and small. Permission will only be granted where the scale, density, height and massing of buildings should reflect or enhance local distinctiveness.

The design of the proposals is consistent with its surroundings and is of a height, scale, and massing suitable to this location. The dwelling takes on a two storey appearance with rooms situated in the roofspace. The dwelling is located approximately 15 metres from the nearest dwelling. The side elevation of the dwelling which is located facing residential properties only includes one window at first floor level, this is a bathroom window.

The main difference between this application and the previously approved application at the site is the increase in height by approximately 0.6 metres. The increase in height is considered acceptable under local plan policies and will not have a detrimental impact on the surrounding area.

The garden area proposed will be small in size as a large outbuilding has been constructed at the end of the garden, the use of this building is an office, although currently this is likely to be unlawful as the dwelling does not exist and therefore does not benefit from permitted development rights. There are also concerns that these may be used as a business premises. However no details have been submitted regarding this at the time of writing and it therefore does not form part of this application. The garden does cover an area of approximately 100 square metres and therefore is of an acceptable size and conforms with the Essex Design Guides minimum standards.

RLP 15 of the Local Plan is concerned with replacement dwellings in the countryside and lays out five points which must be met for any replacement dwelling in the countryside, as set out above. It is considered that all of these points are met and there will be no adverse impacts on the surrounding countryside. Whilst the net increase in floor area when compared with the original bungalow is significant, the increase relates almost exclusively to the introduction of a second floor. Furthermore, the extant permission is a material consideration in this instance

It is considered that there will be no material impact on the surrounding residential properties. It is recognised that the proposals are taller than the previous approval and one first floor window will look towards the existing dwelling however this can be conditioned to be obscure glazed

and overall the proposals have little detrimental impact on the living conditions of surrounding dwellings.

Overall the proposals appear compatible with the plot on which they are proposed surrounding area in which they will sit. They comply with the relevant policies in the local plan, namely RLP 15 and RLP 90 and as well as National Planning Policy Statement 7.

## **CONCLUSION**

While the concerns raised are noted, for the reasons expressed above it is considered that the proposal would not cause unreasonable harm to the character and appearance of the locality or have an adverse impact on the amenities of the neighbouring residents. It is considered that the proposed development would comply with the above policies of the Braintree District Local Plan Review and is therefore recommended for approval.

## **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 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.
- 3 The dwelling shall not be occupied until a means of vehicular access has been constructed in accordance with plans which shall have been submitted to and approved in writing by the local planning authority. Such details shall ensure that:-
  - i) Visibility splays are provided with dimensions of 2.4 metres by 215 metres as measured from and along the nearside edge of the carriageway on the western side of the access and 2.4 metres by 110 metres on the eastern, traffic approach side of the access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
  - ii) The vehicles access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 3.6 metres and retained at that width of 6 metres with the site.

- iii) The drive/accessway shall be laid out and constructed in a permanent material, for the first 6metres from the highway boundary.
- 4 Prior to occupation of the development a turning space enabling a motor car to enter and leave the site in forward gear shall be constructed surfaced and made available for use and shall be subsequently retained thereafter for that sole purpose.
- 5 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
- 6 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.
- 7 Development shall not begin until a scheme for protecting the proposed dwelling from noise from the A12 has been submitted to and approved in writing by the local planning authority in consultation with the operations director; all works which form part of the approved scheme shall be completed before any part of the development is occupied.
- 8 No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping for the area of the site in front of the proposed dwelling. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

- 9 The existing hedgerow along the south western boundary of the site shall be retained, unless agreed in writing by the local planning authority.**
- 10 The first floor window on the North East facing elevation shall be glazed with obscure glass and shall be so maintained at all times.**
- 11 Prior to occupation of the development an implementation timetable for the following will have 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.**

- 12 The development must proceed fully in accordance with the submitted Arboricultural Method Statement (AMS) and adhere to its requirements and recommendations. A tree consultant shall be appointed to supervise the development.**

**In respect of T8, the oak, the pruning back of secondary growth on the eastern side of the canopy by 1.2m must only be implemented if absolutely necessary and to the minimum distance required to provide a safe clearance from any scaffolding etc.**

- 13 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.

- 14 Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

The first floor windows in the gable end on the north west elevation

Further window details shall be submitted to and approved in writing prior to the commencement of development.

## **REASONS**

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure that the development does not prejudice the appearance of the locality.
- 3 To ensure that vehicles can enter and leave the site in a safe and controlled manner.
- 4 To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.
- 5 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

- 6 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.
- 7 To protect the amenities of occupiers of the development hereby permitted.
- 8 To enhance the appearance of the development and safeguard the amenity and character of the locality and to comply with RLP 15 of the Braintree Local Plan Review 2005.
- 9 This hedgerow provides an important visual boundary in this sensitive location at the fringe of sporadic development. Its retention is essential to safeguard the character of the locality.
- 10 In order to safeguard the privacy of adjoining occupiers.
- 11 In the interest of promoting sustainable forms of development.
- 12 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.
- 13 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.
- 14 To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

#### **APPROVED PLANS**

Landscaping	Plan Ref: CD/ELM/01
Landscaping	Plan Ref: CD/ELM/02
Elevations	Plan Ref: PL/165-01
Elevations	Plan Ref: PL/165-03
General	Plan Ref: PL/165-03

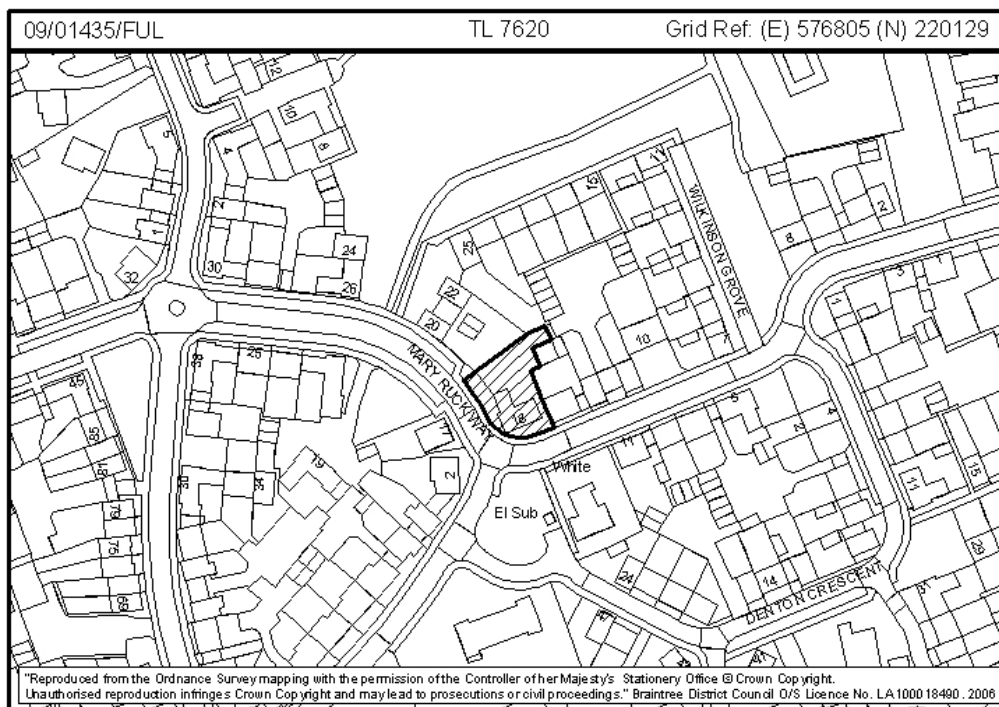
#### **INFORMATION TO APPLICANT**

- 1 The outbuilding at the rear of the property does not benefit from planning permission and you are advised to submit a planning application on this basis.
- 2 It is noted the landscape scheme (condition 4 of consent dated 20th June 2006, 06/00696/FUL) has still not been received and is now well overdue. This scheme must include replacements for the elm and two cherry trees (T1, T2 and T9) being removed.
- 3 Discharging Conditions
- 4 Discharge of Conditions fee

**PART B**

**APPLICATION NO:** 09/01435/FUL      **DATE VALID:** 04.11.09  
**APPLICANT:** Mrs Coleman  
18 Mary Ruck Way, Black Notley, Braintree, Essex,  
CM77 8RA,  
**AGENT:** RST Environmental  
Mr Robin Stretton, Jubilee House, Hill Street, Saffron  
Walden, Essex, CB10 1EH  
**DESCRIPTION:** Erection of single storey side extension for new utility  
room (amendment to previous approval which also  
included new garage - not now required)  
**LOCATION:** 18 Mary Ruck Way, Black Notley, Braintree, Essex,  
CM77 8RA,

**For more information about this Application please contact:  
Miss S Phillips on:- 01376 551414 Ext. 2540  
or by e-mail to: sarah.phillips@braintree.gov.uk**



## SITE HISTORY

02/01712/FUL	Erection of side and rear extension	REF	17.10.02
03/00140/FUL	Erection of side and rear extensions	PER	24.03.03
96/00617/OUT	Residential development	PER106	17.07.97
98/00786/REM	Installation of new roundabout, pedestrian crossing points, white lining and signage	PER	07.07.98
98/00988/REM	Erection of 74 dwellings, garages, parking and associated works	PER	24.11.98

## 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

## PROPOSAL AND SITE DESCRIPTION

The application site is a two storey, detached, corner plot dwelling house located within the Black Notley Village Envelope. There is an existing brick wall along the boundary of the property in which there is a wooden gateway. This wall and gate are set back from the highway leaving part of a driveway to the front of the gate, with the rest of the land outside the boundary being shrubbery. The property benefits from a fair sized garden and is enclosed on the north east and north west boundaries by close boarded fencing. A TPO conifer is located in a neighbouring property's garden and overhangs the application site. It is noted that permitted development rights have been removed for Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, for this property.

The proposed single storey side extension will measure approximately 2.5m in depth, 4.1m in width and 4.5m in height. The extension will have a brick plinth and will have painted render walls. All materials are proposed to match the existing dwelling. It is also proposed to remove and relocate the existing boundary gates and brick wall further back to provide 3 car parking spaces. In order to do this it is proposed to slightly extend the dropped kerb outside the property to allow ease of access and egress to the parking areas.

**This application has come before the Planning Committee as Black Notley Parish Council objected to the application.**

### **CONSULTATIONS**

**Braintree District Council Landscapes Department – This proposal is a risk to a large TPO protected conifer growing in a neighbour’s garden and a young but significant tree in the shrub bed to the left of the current entrance gates. The extension and parking areas would appear to be inside the root protection area of the conifer and the demolition of the wall and its re-building could sever or damage the roots of both trees.**

**Following further discussions the landscape officer agreed that rather than the applicant submitting a ‘BS5837 Trees in relation to construction – recommendations survey/report’, the issues relating to the landscaping could be dealt with by conditions.**

### **REPRESENTATIONS**

**Black Notley Parish Council – Object on the grounds of, risk to the TPO tree as the plan encroaches on the root zone; parking on the front/side garden of this property restricts the view for traffic as it is situated on a corner and too close; and parking on the front/side gardens sets a precedent for the rest of the estate and will alter the street scene.**

**Neighbouring properties were notified – no comments were received.**

**A site notice was also displayed on a lamppost opposite the dwelling.**

### **CONCLUSION**

**The application site is located within the Black Notley Village Envelope.**

**It is considered that the proposed extension is acceptable in terms of siting, bulk and form. The materials are proposed to match the existing dwelling, which will ensure it remains compatible with the dwelling.**

**While the loss of shrubbery to make way for the hardstanding is regrettable, there is still a fair sized area to the side of the dwelling, which is proposed to be landscaped. It is also noted that it may be possible for the applicant to lay hardstanding to the front of the property so long as permeable materials are used, as permitted development rights for Part 1, Class F have not been removed from the property.**

**It is considered that there is adequate visibility for cars leaving the parking spaces and it is noted that this is not a busy or classified road. It is not considered that the relocation of the wall will have an adverse effect on the street scene; however as its relocation may affect the roots of the TPO tree several tree protection measures are proposed.**

Finally it is not considered that this proposal will have any adverse impact on neighbouring properties.

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

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

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.

- 3 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.
- 4 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.**

- 5 There shall be no alteration to ground levels, or excavations of any kind, or materials or vehicle movements etc within 3 metres of the canopy spread of the protected pine tree.**
- 6 A method statement detailing how the wall will be demolished and rebuilt with no impact on the protected pine tree's roots and covering any other aspects of the development like the building of the new parking areas or construction activities with the potential to damage trees or their roots, shall be submitted to and approved in writing prior to the commencement of development.**

## **REASONS**

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**
- 2 To enhance the appearance of the development and in the interests of amenity and privacy.**
- 3 To reduce the risks of flooding.**
- 4 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 5 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 6 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**

**APPROVED PLANS**

General Plan Ref: 10722/A1/02  
Location Plan Plan Ref: 10722/A1/01

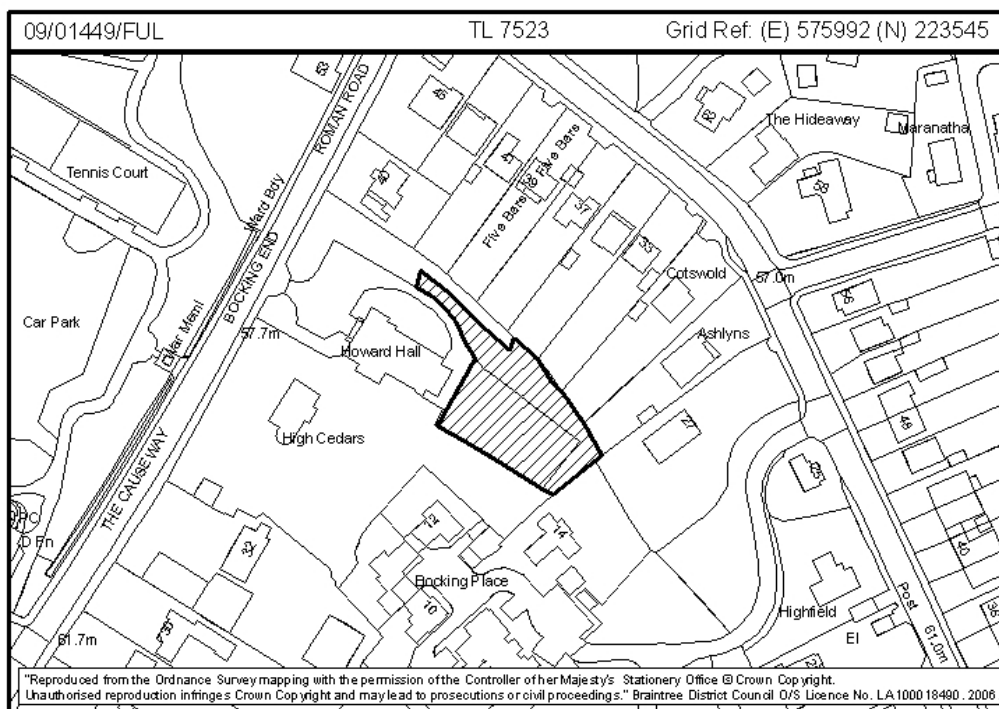
**INFORMATION TO APPLICANT**

- 1 Discharging Conditions
- 2 Discharge of Conditions fee

## **PART B**

**APPLICATION NO:** 09/01449/FUL      **DATE VALID:** 13.11.09  
**APPLICANT:** Total Car Park Ltd  
FAO Mr Essey Eslamian, Suite 255 Communications House, 9 St Johns Street, Colchester, Essex, CO2 7NN  
**DESCRIPTION:** Installation of "pay and display" machine within the grounds of the car park  
**LOCATION:** Howard Hall, 36 Bocking End, Braintree, Essex, CM7 9AA,

**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](mailto:nina.pegler@braintree.gov.uk)**



## SITE HISTORY

92/00999/FUL	Proposed refurbishment and extension to rear car park	PER	22.09.92
86/00601/DC	Change of use of existing private car park to parking for BDC staff	DP	
86/00830/DC	Widening of access road beside building, erection of light column and construction of additional parking area to be used by BDC staff for temporary period	DP	
87/00110/DC	Construction of six additional parking spaces	DP	

## POLICY CONSIDERATIONS

### Braintree District Local Plan Review

RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

## INTRODUCTION

This application is being presented to Committee due to the number of objections that have been received.

## DESCRIPTION OF PROPOSAL

This application seeks approval for the installation of a 'pay and display' car park machine due north of Howard Hall.

The machine would measure 1.75 metres in height, 0.35 metres in width and 0.26 metres in depth. It would be free-standing and green in colour.

## SITE DESCRIPTION

The site is located to the north of Braintree Town Centre but within walking distance of the town. It falls within the development boundary and designated Conservation area. Howard Hall is a detached building with a small amount of parking to the front and side (where the machine would be located) and a larger parking area to the rear. The site is enclosed by rear gardens of residential properties to the north, east and south and is largely obscured from public view. Approximately sixty parking spaces are available on the site.

## **CONSULTATIONS**

Historic Buildings/Conservation Officer – No objection. The location of the proposed machine is not particularly sensitive from the historic building point of view, nor is it in a prominent location.

Environmental Services – No objection.

## **REPRESENTATIONS**

A site notice was displayed on the entrance gate and nearby properties were notified by post. At the time of writing 7 letters of representation had been received raising the following points:

- Implies a change of use from a private car park to a public car park, planning application should be required;
- Unsuitable place for a car park – considerable distance from town centre;
- Site should return to private use;
- Would encourage anti-social behaviour and vandalism;
- Would result in increased traffic movements;
- Use as a commercial car park is not in keeping with the Conservation Area;
- No need for more car parking;
- Size of bays does not accord with current guidance;
- Conditions of the original change of use application were never complied with;
- Conditions for tree planting and screening should be imposed.

## **REPORT**

### **Principle of Development**

This application is for the installation of a 'pay and display' machine only. Therefore the planning considerations relevant to this case relate solely to the proposed machine.

It is noted that many of the comments made in the letters of representation relate to the proposed use of the site as a public car park. These issues are not material planning considerations relevant to the consideration of the installation of a ticket machine on the application site.

### **Design and Appearance**

Policy RLP 90 states that the size and design of proposals shall be in harmony with the character and appearance of the surrounding area. Policy RLP 95 states that proposals should not detract from the character, appearance and essential features of the Conservation Area and should be sympathetic in size, scale and proportions with its surroundings.

**The proposal is for a modest ticket machine which would be located to the north of the existing building, largely screened by existing vegetation. By virtue of its size and design it would not have a detrimental impact upon the character and appearance of the Conservation Area. It would not be visible from the public highway or surrounding Area. Accordingly the proposal is considered acceptable and complies with the aforementioned policies.**

#### **Other Issues**

**The following comments are made in addressing the points raised in the letters of representation.**

**The land is already used as a car park and has been used for this purpose in excess of ten years, ie it would be immune from enforcement action if a Certificate of Lawfulness were submitted. The issue of it changing from a privately rented car park (used by BDC Members, staff and visitors) to a public car park does not amount to a material change of use or development. The land is currently used for the parking of vehicles and the visual impact of this would not change, ie the character and appearance of the site and its associated use would not be materially different, in fact due to its distant location relative to the town centre associated activity would likely fall.**

**The issue of whether there is a need for additional car parking in Braintree is not a material planning consideration. The viability of the proposal is taken at the applicant's own risk.**

**With regard to this application, it is not considered that additional landscaping is required. If it is considered that conditions on previous permissions were not discharged, this should have been raised with the Council's Enforcement team. It is not a material planning consideration relevant to this application, with Officers being satisfied the use of the site for the parking of vehicles is lawful.**

**This application does not relate to the layout of the car park itself therefore the size of the parking bays is not a planning consideration. Current adopted guidance serves the purpose of ensuring that any new development proposals are developed in accordance with them and are not retrospectively applied to existing developments.**

**The Council currently has no control over the number of transport movements to/from the car park, whether in private or public use, but as previously referred vehicle movements will likely to fall once the lease with the District Council expires.**

**It is not considered that the installation of a ticket machine would give rise to vandalism and graffiti.**

**Apart from the installation of a ticket machine, no physical changes to the site are proposed. The character and appearance of the site would**

remain the same and would therefore not have a detrimental impact upon the character of the Conservation Area or the amenities of surrounding residential properties.

### **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.

### **REASONS**

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

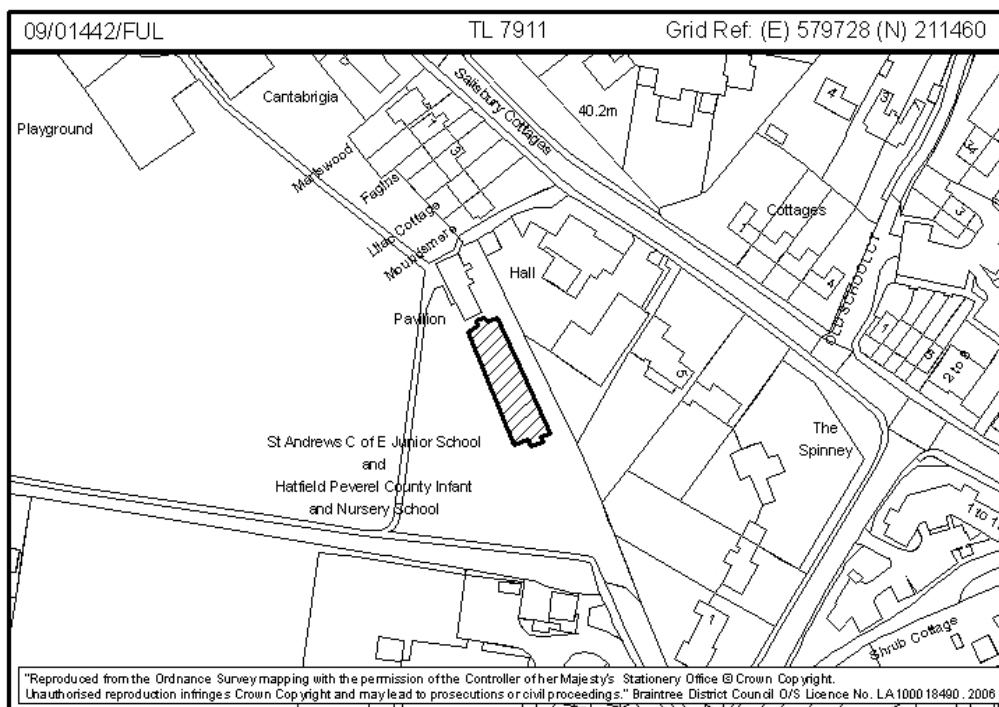
### **APPROVED PLANS**

Location Plan Plan Ref: **EXISTING**  
Photograph Plan Ref: **SIMILAR MACHINE**  
Location Plan Plan Ref: **PROPOSED REV A**

**PART B**

**APPLICATION NO:** 09/01442/FUL      **DATE VALID:** 16.11.09  
**APPLICANT:** Hatfield Peverel Parish Council  
36 Rossendale , Chelmsford, Essex, CM1 2UA  
**DESCRIPTION:** Variation of condition no. 3 of planning approval  
09/00782/FUL to allow Hatfield Peverel Football Club to  
use the MUGA pitch after dusk and to secure the pitch  
via CCTV and signage advising that pitch is closed  
after dusk to general public  
**LOCATION:** The Strutt Memorial Ground, Maldon Road, Hatfield  
Peverel, Chelmsford, Essex, ,

**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

01/00288/FUL	Proposed re-siting of clubs storage facility - APPLICATION NOT PROCEEDED WITH	INV	
09/00782/FUL	Recreational ground to be used as a multi use games area	PER	20.08.09

## POLICY CONSIDERATIONS

### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP90	Layout and Design of Development
RLP129	Sports and Leisure Facilities
RLP136	Formal Recreation Policy
RLP137	Open Space Standards

## INTRODUCTION

This application is being presented to Committee due to the number of objections that have been received.

## PROPOSAL AND SITE DESCRIPTION

The proposal is for the variation to a condition on planning application 09/00782/FUL. The variation will allow the football club to use the Multi-Use Games Area (MUGA) pitch after dusk, and the pitch will be secured via CCTV and a sign advising that the pitch is closed to the general public after dusk.

The site is located in Hatfield Peverel within Development Boundaries. The area is designated as formal recreation land and shall remain so. The area is a large open piece of land, with a small play area for small children and a handful of park benches along with a pavilion building. There is a football pitch marked out and it is clear that the ground is well used by all ages.

## CONSULTATIONS

Environmental – No objections

Sport England – Varying the planning condition to allow use of the MUGA by the football club after dusk would have a positive impact on the use of the playing field from a sports development perspective and would help ensure that the proposal meet E5 of our playing fields policy.

On this basis Sport England have no objections to the planning application.

### **REPRESENTATIONS**

A site notice was erected on the 24 November 2009, 5 objections have been received. Objections included; Current CCTV has failed, football club plan to move, not locking will cause 24 hr nuisance.

### **REPORT**

RLP 3 of the development will be permitted where it satisfies amenity, design, environmental, and highway criteria and where it can take place without material detriment to the existing character of the settlement.

The development is proposed on recreational ground and is therefore subject to further policies including RLP 136, this states that development that would result in the loss, or reduction of formal recreation site allocated on the proposals map will not be permitted unless the development is for buildings ancillary to open space.

Furthermore RLP 90 is concerned with the design and layout of development stating that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness as well as no undue or unacceptable impact upon nearby residential properties.

In this instance there are two main issues which should be considered. The first being whether the condition should be altered so that the football club can use the MUGA pitch after dusk, and secondly whether the securing of the pitch by a notice and CCTV is sufficient and in essence complies with the original condition.

The MUGA pitch is to be located in the area where Hatfield Peverel Football Club currently train, and there is support from Sport England to let them continue to do so, on the new MUGA pitch. It would seem acceptable that the football club can use the pitch after dusk, this proposal has the support of Sport England and would appear acceptable subject to a time condition.

With regards to securing the site via CCTV and signage, this alone may well be significant enough to discharge the existing condition however, for the avoidance of doubt it was recommended that an application be submitted. The securing of the site by signage and CCTV has received support by way of Essex Police who state that "24/7 access will be less problematic than if it were secured". "Some youths having access to the park would otherwise be encouraged to climb the MUGA's fences to gain entry causing damage to the fence or forcing entry and there is always the possibility that if the MUGA were to only have one entry point it could lead to bullying where others users could be trapped in".

Further “the provision of CCTV will, I am sure also deter anti social behaviour whilst reducing fear of crime”.

It is recognised that the area currently suffers from significant anti social behaviour, however permitting this application is unlikely to add to the existing problems. This application will have little effect on neighbouring amenity, instead the installation of further CCTV may alleviate some existing problems. However it would seem reasonable to condition this approval for one year to see if the variation of the condition impacts on the vicinity.

The pitch will not be useable after dusk by the general public as the existing floodlights are controlled by Hatfield Peverel FC.

Finally, whilst it is acknowledged that the football club wish to move permanently to the Keith Bigden Memorial Ground, it is still apparent that the club wishes to retain an all-weather training facility in the village, and this is preferable to seeking consent for new floodlights within a countryside location.

## **CONCLUSION**

While the concerns raised are noted, for the reasons expressed above it is considered that the proposal would not cause unreasonable harm to the character and appearance of the locality or have an adverse impact on the amenities of the neighbouring residents. It is considered that the proposed development would comply with the above policies of the Braintree District Local Plan Review and is therefore recommended for approval.

## **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 multi-use games area permitted under 09/00782/FUL shall not be used after 21:30 hours, and shall only be used by Hatfield Peverel Football Club after dusk.
- 2 This permission will expire no later than one year after first use of the MUGA permitted under 09/00782/FUL. On that date the premises shall be secured as stated in condition 3 of application 09/00782/FUL. Notification of the date of first use of the MUGA shall be given to the local planning authority prior to the event.

## **REASONS**

- 1 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

- 2 In order that the local planning authority may review the matter at a later date in the light of planning policies and all material considerations and circumstances appertaining at the time.**

### **APPROVED PLANS**

**Location Plan Plan Ref: DRAWING NO1  
Block Plan**

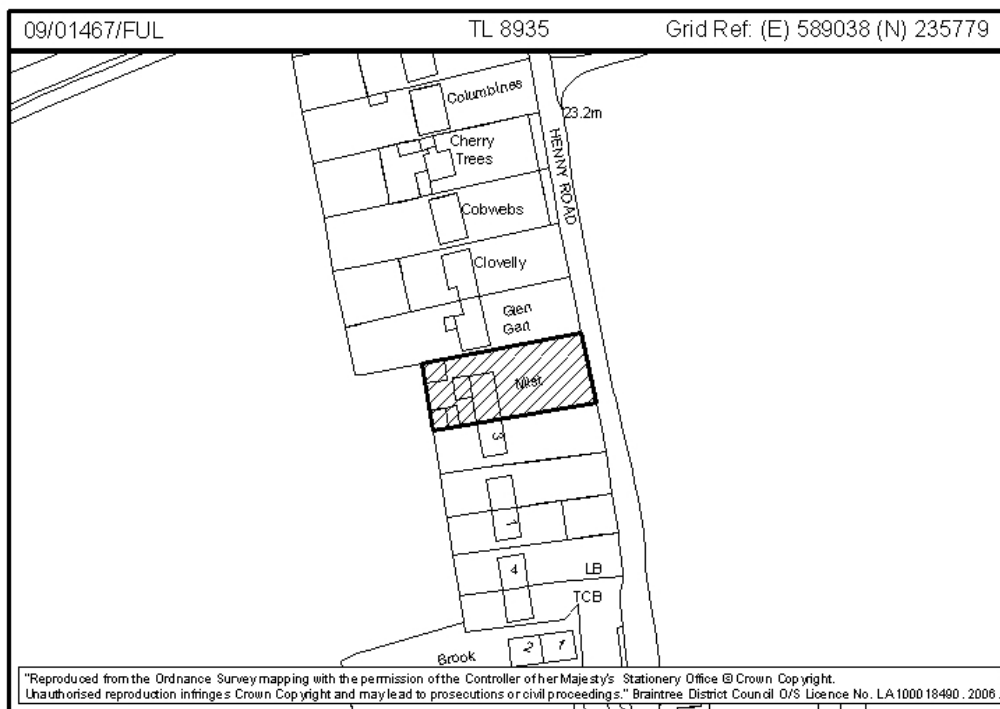
### **INFORMATION TO APPLICANT**

- 1 This permission is a variation to condition 3 of the previously approved planning application 09/00782/FUL and all other conditions attached to that consent are still applicable.**

**PART B**

**APPLICATION NO:** 09/01467/FUL      **DATE VALID:** 11.11.09  
**APPLICANT:** Mr Wayne Bragg  
Morning Mist, 4 Henny Road, Lamarsh, Halstead,  
Essex, CO8 5EU,  
**DESCRIPTION:** Demolition of existing single storey flat roofed garage  
and erection of new single storey pitched roofed  
garage with additional room to rear for storage  
**LOCATION:** Morning Mist, 4 Henny Road, Lamarsh, Halstead,  
Essex, CO8 5EU,

**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](mailto:neil.jones@braintree.gov.uk)**



## SITE HISTORY

03/02451/COU	Change of use of land from agricultural to domestic garden land	PER	15.03.04
09/00348/FUL	Proposed loft conversion to existing roof space to create first floor habitable space. Proposed new pitched roof to existing rear extension.	PER	14.05.09

## POLICY CONSIDERATIONS

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP78	Countryside
RLP79	Special Landscape Areas
RLP90	Layout and Design of Development

## REASON REPORTED TO PLANNING COMMITTEE

The Parish Council have objected to the application and this is contrary to the officer's recommendation for approval.

## PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of a single storey pitched roof garage. The building requires planning permission as part of it will be built within the area of land where planning permission was granted to allow a garden extension. A condition was imposed when that permission was granted removing permitted development rights to erect sheds and outbuildings without first obtaining planning permission.

## SITE HISTORY

The application earlier this year originally sought permission to demolish the existing flat roofed garage and the construction of a new double garage with a pitched roof. The loft space above was to be accessed by an external flight of stairs. The applicants omitted this element of the proposal in light of comments from the neighbour and parish council.

## **SITE DESCRIPTION**

The site comprises a semi detached bungalow on Henny Road, Lamarsh. The bungalow is situated behind a front garden and is built at a slightly higher level than the road to the front. The rear garden of this property, along with those of neighbouring properties, has been subject to a garden extension, with farmland beyond this. There is a driveway which runs along the side of the site and house, leading to a garage situated in the rear garden. The proposal is to demolish this garage and replace it with the new building.

The property has recently been altered by adding a pitched roof to an existing flat roof extension at the rear of the bungalow and converting the loft space to form additional accommodation.

## **CONSULTATIONS**

None.

## **REPRESENTATIONS**

Parish Council – Object to the proposal on the grounds of visual impact on views of Stour Valley, particularly from footpath no.10. Also that the building will run into the area of garden extension potentially setting a precedent.

The neighbours at Glen Gari object on the following grounds;

- Unacceptable design – the garage is too long;
- Loss of views;
- The garage will be used as a storeroom / office;
- Building would stretch into the area of garden extension and this would set a precedent for future development.

## **REPORT**

### **1. Principle of Development**

The site is partially within the Lamarsh village development boundary where ancillary residential development of this type is acceptable in principle subject to design considerations. The boundary for the village development envelope is drawn around the back of the existing garage so part of the new building will be built on land outside the village development envelope.

Whilst the building will all be within the rear garden of Morning Mist part of the building will be erected within an area of former agricultural land which has been converted to domestic garden. The ‘garden extension’ forms the rear 17m of the garden. Permitted Development rights were withdrawn within this section of land when consent for the change of

use was granted in 2003. The reason for this was not to prevent any development of that land but to ensure that any development which is carried out 'does not prejudice the appearance of open countryside and Special Landscape Area to ensure it will harmonise with the character of the surrounding area'.

Although 5m of the building will be built within this area it will end 12m before the end of the garden leaving the bulk of the garden extension undeveloped. It is not considered that this development would prejudice the rural character and appearance of the area.

## **2. Design and Appearance**

It is proposed that the new building will have a pitched roof to replace the existing flat roof structure and aesthetically this design is preferable as it is more traditional and visually more appealing.

Although the building is longer than the existing garage on the site it is considered that it will from a distance still appear closely related to the houses along Henny Road.

The representation from the Parish Council refers to the view of the site from footpath 10 to the north of the site. A distance of approx. 100m and the gardens of seven properties separate the footpath and the application site. The proposed building is single storey and when viewed from the footpath it will be seen alongside the rear gardens of these dwellings and the fencing, shrubbery and other domestic paraphernalia. It is therefore judged that the erection of the building would not be to the detriment of the rural character of the area.

The garage is set back at the side of the house. Although it will stand on higher ground than the road to the front of the site due to its location it is not considered that it would appear unduly conspicuous within the street scene.

The adopted parking standards specify that a garage is required to provide a minimum of 7m x 3m internally. The proposed garage measures 7.3m x 4.1m. This is marginally larger than the minimum size required but is considered an appropriate size to be functional. A store area is also proposed measuring approx. 3.6m x 4.4m. This is slightly bigger than a large garden shed but again is not considered unreasonable.

## **3. Impact on Neighbours**

Following representations made during the previous application the applicants have provided copies of a number of alternative schemes that they have considered with their architect.

Although the neighbours at Glen Gari are concerned at the loss of distant views this is not a planning matter and development cannot be refused on these grounds.

By pushing the building 2m off the boundary and keeping the building to a single storey the applicants have so far as is practical sought to reduce any shadowing which may affect part of the rear garden and the back of the house. It is considered that with this particular size, orientation and relationship to the property boundaries there will not be any noticeable overshadowing of the garden at Glen Gari, or the rooms at the rear/side of Glen Gari – a bedroom and kitchen.

### **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.

### **REASONS**

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

### **APPROVED PLANS**

Existing Plans Plan Ref: WB0605/01

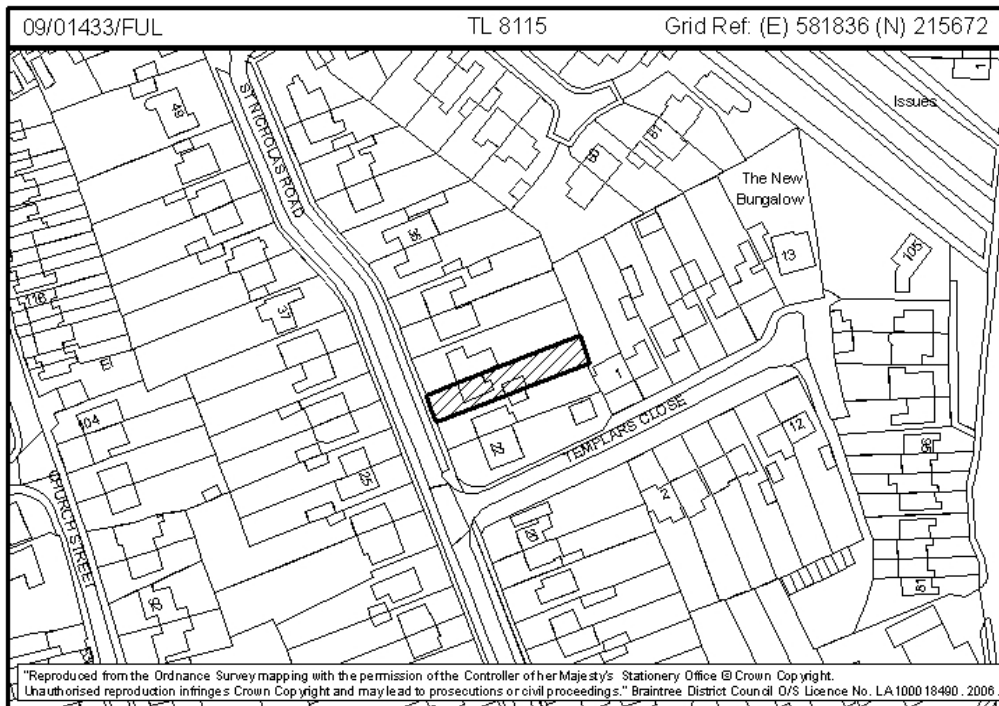
Proposed Plans Plan Ref: WB0605/16

**AGENDA ITEM NUMBER 5**

**PART B**

**APPLICATION NO:** 09/01433/FUL      **DATE VALID:** 03.11.09  
**APPLICANT:** Mr & Mrs M Guest  
26 St Nicholas Road, Witham, Essex, CM8 2JE,  
**AGENT:** Anglian Home Improvements  
Miss Tina Patience, National Administration Centre, PO  
Box 65, Norwich, Norfolk, NR6 6EJ  
**DESCRIPTION:** Erection of PVCu conservatory to rear of property  
**LOCATION:** 26 St Nicholas Road, Witham, Essex, CM8 2JE,

**For more information about this Application please contact:**  
**Miss S Phillips on:- 01376 551414 Ext. 2540**  
**or by e-mail to: [sarah.phillips@braintree.gov.uk](mailto:sarah.phillips@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

## **PROPOSAL AND SITE DESCRIPTION**

The application site is a two storey semi-detached dwelling house, located within the Witham Town Development Boundary. The dwelling has a fairly long garden to the rear, which can be accessed via the 1.5-2m wide passage way to the south east of the dwelling house. The location plan indicates that there was a building in the rear garden; however at the time of the site visit this had been removed. The rear garden of the property is enclosed on the north west, north east and south east sides with close boarded fencing, with part of the south east boundary being the garage at number 24 St Nicholas Road.

The proposed conservatory will be situated to the rear of the property. It is proposed to measure 4m in depth, 6.7m in width and 3.4m in height. It will extend 1.3m beyond the side elevation of the property. The materials proposed for the conservatory are white Upvc frames with double glazing and brickwork to match the existing dwelling house.

This application has come before the planning committee as Witham Town Council recommended refusal of the application, contrary to the Officer's view.

## **REPRESENTATIONS**

Witham Town Council – Recommend refusal on the grounds of lack of plans showing the proposed appearance of the street scene in view of the fact that the conservatory will extend into the existing sideway.

Neighbouring properties were notified – no comments were received.

A site notice was displayed on the tree outside the dwelling.

## **CONCLUSION**

The application site is situated within the Witham Town Development Boundary.

The proposed conservatory is considered to be acceptable in terms of bulk and form. The plot is a fair size and the erection of this conservatory will not result in over-development of the plot. Whilst the conservatory is proposed to extend past the side elevation of the dwelling and will be visible from the highway, it will be well set back from the highway and therefore it is not considered that it will have a material impact on the street scene.

It is not considered that the erection of the proposed conservatory will have an adverse impact on any neighbouring properties.

## **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 All brickwork used for the extension shall match that of the existing dwelling house.

## **REASONS**

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

## **APPROVED PLANS**

Proposed Plans Plan Ref: 099-64795 A  
Location Plan  
Block Plan  
Photograph  
Existing Plans Plan Ref: 099-64795

**P MUNSON**  
**DEPUTY DIRECTOR – HEAD OF DISTRICT DEVELOPMENT**