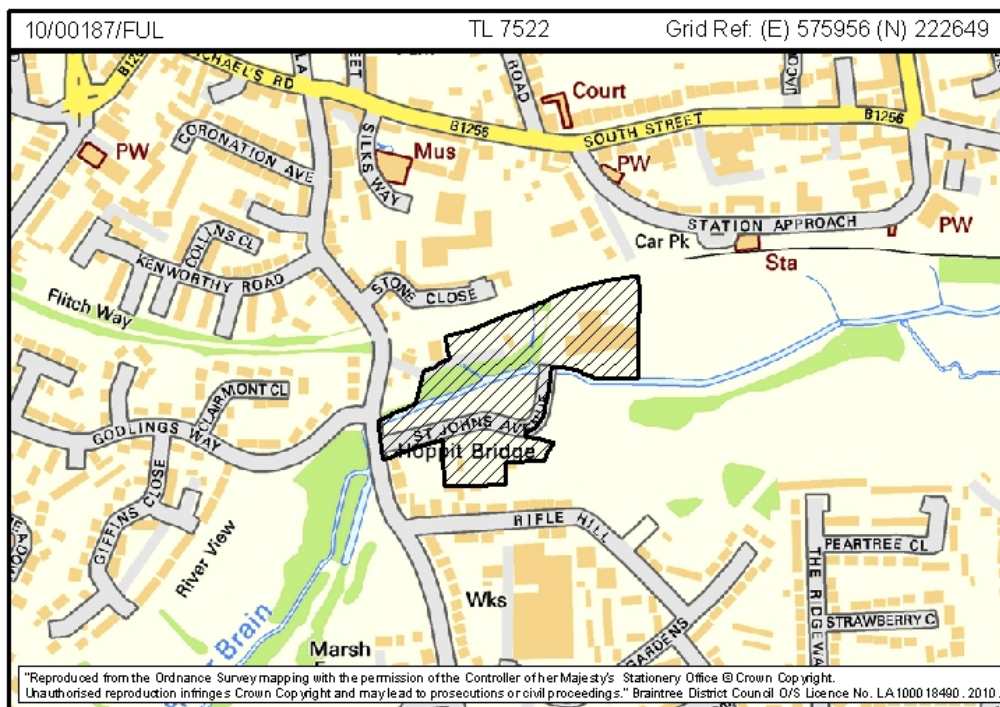


**AGENDA ITEM NUMBER
PART A**

APPLICATION NO: 10/00187/FUL
DATE VALID: 10.02.10
APPLICANT: Mr Jon Nash
Parkland Developments Ltd, 3 Park Farm, Witham Road, Black Notley, Braintree, Essex, CM77 8LQ
DESCRIPTION: Erection of 121 no. dwellings, comprising 27 x 1 bed flats, 57 x 2 bed flats, 19 x 2 bed houses, 13 x 3 bed houses, 5 x 4 bed houses and a 62 bed residential care home
LOCATION: Former Riverside Pool, St Johns Avenue, Braintree, Essex, CM7 1HA,

For more information about this Application please contact:
Ian Harrison on:- 01376 551414 Ext. 2524
or by e-mail to: ian.harrison@braintree.gov.uk



SITE HISTORY

| | | | |
|---------------------|--|------------|-----------------|
| 07/01010/OUT | Proposed residential development comprising 114 no. dwellings | PER | 14.08.07 |
|---------------------|--|------------|-----------------|

POLICY CONSIDERATIONS

Braintree District Local Plan Review

| | |
|---------------|--|
| RLP1 | Housing Provision |
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP3 | Development within Town Development Boundaries and Village Envelopes |
| RLP5 | Affordable Housing in New Developments |
| RLP7 | Housing and Mixed Use Sites |
| RLP8 | House Types |
| RLP9 | Design and Layout of Housing and Mixed Use Areas |
| RLP10 | Residential Density |
| RLP20 | Residential Institutions in Towns and Villages |
| RLP49 | Pedestrian Networks |
| RLP50 | Cycleways |
| RLP51 | Cycle Parking |
| RLP52 | Public Transport |
| RLP54 | Transport Assessments |
| RLP56 | Vehicle Parking |
| RLP62 | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP64 | Contaminated Land |
| RLP65 | External Lighting |
| RLP69 | Sustainable Urban Drainage |
| RLP70 | Water Efficiency |
| RLP71 | Water Supply, Sewerage & Drainage |
| RLP74 | Provision of Space for Recycling |
| RLP77 | Energy Efficiency |
| RLP90 | Layout and Design of Development |
| RLP93 | Public Realm |
| RLP94 | Public Art |
| RLP137 | Open Space Standards |
| RLP138 | Provision of Open Space in New Housing Developments |
| RLP140 | River Walks/Linear Parks and Disused Railway Lines |
| RLP163 | Infrastructure and Community Facilities |

Planning Policy Statement 1: Sustainable Development and Climate Change

Planning Policy Statement 3: Housing

Planning Policy Statement 25 – Development and Flood Risk

PROPOSAL AND SITE DESCRIPTION

The application site is located to the South of the Flich Way, to the East of Notley Road and to the West of John Ray Park, measuring 2.41 hectares and including the land formerly used as the Riverside Swimming Pool, the existing car park and various surrounding areas of landscaping. Vehicular access is provided from Notley Road and pedestrian links run through the site connecting the abovementioned routes.

The proposal involves the development of the site to provide a 62 bed care home and a total of 37 dwellings and 84 flats, with associated garden areas, amenity space, parking, highways and pedestrian and cycle routes. The density of the development, excluding the care home and its curtilage, would be 62 residential units per hectare.

The existing road would be replaced with a new road that would access Notley Road in the same position, but continue on a route further North than the existing road. Pedestrian links would be provided to connect Notley Road to Station Approach, thereby enhancing the existing pedestrian links.

The North East corner of the site would feature four storey development comprising two buildings, including 48 two bedroom open market flats and a care home. The footprint of the buildings would be 1224 and 765 square metres respectively, with “butterfly” roofs built to maximum heights of 14.5 and 14 metres respectively. The flats would be served by 48 undercroft parking spaces and 48 cycle parking spaces and the care home would be served by 19 undercroft parking spaces and 12 cycle parking spaces.

The North West corner of the site would be accessed from the core road that runs through the site. This corner would accommodate two buildings containing three-storey flat accommodation (including parking), 8 two and three storey dwellings and a folly building that would include a four bedroom dwelling and a first floor flat over a vehicular access to the adjacent Anglian Water Pumping Station. 12 parking spaces would be provided under the larger block of flats, with a larger parking area adjacent to the Flich Way containing 11 spaces and three small pockets of parking adjacent to the access road.

To the South of the river would be 18 dwellings and a block of 18 one bedroom flats, all of which is served by the core access road and two smaller accesses. The majority of the dwellings would be two-storey with the exception being the three bedroom dwellings at the East end of the South part of the site which would be three storey. The flats would be located in the South West corner of the site and would be three storey with undercroft parking.

Ancillary elements of the proposed development would be new pedestrian and cycle links running adjacent to the river and a new roundabout and pedestrian crossing at the Notley Road entrance to the site.

CONSULTATIONS

The Environment Agency originally objected to the application on the grounds of the sequential test, the suitability of the flood risk assessment, the manner that development would restrict their access to the river for maintenance purposes. Following further work by the applicant, these objections have been withdrawn subject to a number of conditions which are shown at the end of this report. This matter is discussed in further detail below.

Sport England made no objection to the proposal subject to the financial contribution towards sport facilities that was agreed under the terms of the previous application being replicated.

Essex County Council in its role as Highway Authority originally objected to the proposal on the grounds that the proposal failed to adequately comply with various highway standards and that insufficient information had been submitted in some respects. Following discussions and the submission of amended plans this objection was removed subject to the imposition of various conditions. The Highway Authority have also requested that financial contributions are provided towards the upgrade of public transport infrastructure and the management of the highways that are proposed by this development. It is also requested that pedestrian and cycle links are provided to connect the site to Rifle Hill and the cycleway that ends at Godlings Way, leading from Tortoiseshell Way.

Essex County Council in its role as Education Authority have requested that a contribution of £223,244 is made towards primary education facilities and £225,543 is made towards secondary education facilities.

The Archaeology Advisors of Essex County Council raised no objection to the proposal subject to the archaeology condition shown at the end of this report.

The Urban Design Team of Essex County Council stated that the scheme was an improvement on various schemes that have been discussed previously and is generally acceptable. Disappointment was expressed in respect of the care home and the block of 48 flats due to their size and design and several small matters of detail within the development. These comments informed the submission of an amended plan which has addressed many of the points raised.

The Essex Wildlife Trust have requested the use of a condition to prevent site clearing during bird nesting season (1st March to 31st July)

The Council's Landscape Services Department have raised concerns in respect of the quality of the submissions that have accompanied the application. It is considered that the insufficient efforts have been made to retain trees and provide sufficient landscaping within the proposed development. It is also a concern that more could be done to preserve and enhance ecological interests, although this could be secured through the use of conditions.

Anglian Water requested the use of a number of informatives and conditions. These will be discussed in more detail below.

The Council's Environmental Health Department requested the use of conditions in respect of noise sensitivity, contaminated land and construction management. Following receipt of the comments from Anglian Water, it was stated the Officer revisited the site and concluded that it was not necessary to attach conditions in respect of noise and odour in respect of a pumping station at a neighbouring site.

The Council's Housing Strategy Team have supported the proposal.

Network Rail had no comment to make in respect of the proposal.

REPRESENTATIONS

1 letter of comment was received requesting that development is sympathetic to the natural environment and that the riverside area is tidied and enhanced.

3 letters of objection have been received on the grounds of noise pollution, loss of open space, light pollution, overdevelopment of the site, increased flooding, increased traffic, threat to archaeological interests, threat to the amenity of neighbouring residents, the positioning of bin stores and disruption to local wildlife.

REPORT

Principle of Development

Policy RLP2 states that new development will be confined to within the Town Development Boundaries of Braintree and policy RLP3 states that residential development will be permitted subject to design, highway and amenity criteria. This is supported by PPS1 and PPS3 which combine to provide general encouragement for residential development in sustainable locations with good accessibility to public transport connections, town centres and community facilities.

The majority of the application site is identified as a site for residential development under the terms of policy RLP1 of the Braintree District Local Plan Review 2005. Moreover it is located within Braintree's town

development boundary, close to the town centre and close to the town's bus and rail stations. In these terms it is a sustainable location, according with PPS1 and PPS3.

It is noted that the local plan map shows the land between the river and the existing road as Formal Recreation Space. As the majority of this land is currently used as car parking it is considered that the repositioning of the road onto this land would not result in an unacceptable loss of recreation space. Any harm caused by this loss, would be adequately mitigated through the enhancement of the existing riverside walk, in accordance with policy RLP140.

In respect of the proposed care home, it is relevant to note that policy RLP20 allows for the provision of care homes, subject to design, amenity, parking and accessibility standards, much akin to the criteria to be applied to residential development. From this basis, it is considered that there is no reason to object to the principle of a care home being included within the proposed development.

Flood Risk

Following lengthy discussions and the submission of various details the Environment Agency is satisfied that the proposal would not result in increased flood risk on or off site, subject to the imposition of conditions to control development and ensure suitable mitigation measures are put in place.

In conjunction with the Environment Agency, Officers consider that the site passes the sequential test (as set out in PPS25 – Development and Flood Risk) on the basis that the only parts of the site that would be the subject of development would be located within Flood Zone 1 and those areas of the site that fall within Flood Zones 2 and 3 would not be the subject of development.

Given that the scheme is now supported by the specialist advice of the Environment Agency, it is considered that it would be unreasonable to refuse the application on the grounds of flood risk.

Affordable Housing Provision

Policy RLP5 states that in new developments of 15 dwellings or more, or residential sites of 0.5 hectares or more, provision should be made for up to 30% of the total number of dwellings to be in the form of affordable housing. In this case in accordance with the Council's policy this equates to 36 of the units proposed.

The provision of 55 affordable units more than meets the requirements of policy RLP5 and the over-provision of affordable housing units is considered to carry weight in the consideration of this application.

Design and Layout

Policies RLP2, RLP3, RLP9 and RLP90 combine to create an expectation that the Council shall seek a high quality of design and layout in all development proposals. It is expected that developments shall harmonise with their surroundings and contribute positively to the character of the area to which they relate.

The application site sits at a lower level than neighbouring properties to the North and South, it is also set back from the street frontage of Notley Road and faces John Ray Park to the East. The immediate setting lacks any cohesive character and this provides an opportunity for a development which can create its own identity and sense of place. The applicants have adopted a contemporary approach to the form and design of the development and have managed to maintain cohesiveness between the design of the larger buildings to the North Eastern part of the site and the more intimate character of the terraces and flats in the remainder of the site. The setting of the site and its aspect onto John Ray Park enable a relatively high density of development to be achieved without detriment to the scale and character of the existing urban fabric.

Although the proposed development is materially different from the proposal that was granted outline planning consent, it is relevant to note that the previous permission and the constraints of the site have played a significant role in informing the design of the proposed development. The style and bulk of the two buildings in the North East corner of the site is identical to that which was shown on the plans that were granted outline planning permission. The design of these buildings has been the starting point for the design approach and the applicant has attempted to continue this style throughout the development. Given that the larger buildings are the same as shown on the outline permission, it is considered that there is no reason to object to the development on the grounds of the scale or design of those buildings.

For these reasons, and given that the constructive criticism of the Urban Design Advisors has been incorporated into the amended plans wherever possible, it is considered that the proposed development would have a modern and interesting design that would be unique to this proposal and therefore make a positive architectural statement. This is considered to be a good example of high quality design that is the minimum expectation that is imposed by policy RLP90.

Impact on the Amenity of Neighbouring Residents

In addition to the impact arising from construction work (which can be minimised by the application of appropriate planning conditions), the erection of these dwellings would inevitably have some impact upon living conditions of adjoining occupiers. However, the layout provides that the new built form would have a minimal impact on the amenity of neighbouring residents.

In this respect it is considered relevant to note that the neighbouring dwellings of Rifle Hill are at a higher ground level than the proposed development and the impact is therefore limited to those properties that front Notley Road.

In respect of the dwellings that front Notley Road, the proposed dwelling on plot 66 would be 10 metres from the dwelling of 47 Notley Road and would therefore be clearly visible from that property. Notwithstanding this, it is relevant to note that the dwelling has been positioned forward in order to be at an angle from the existing dwelling. This positioning, along with the boundary screening and the fact that it is a side elevation that faces the existing dwelling, is considered to combine to ensure that the proposed development would not have a detrimental impact on the outlook, light or privacy of the residents of 47 Notley Road to an extent that would justify the refusal of the application on those grounds. For similar reasons it is considered that the impact on 45 Notley Road would also not be harmful to an extent that would justify the refusal of the application.

The other nearby Notley Road properties (numbers 51-55) would be a minimum distance of 40 metres from the nearest dwelling and it is therefore considered that the proposed development would not have a detrimental impact on the occupants of those properties.

The Provision of Amenity Space

The Essex Design Guidance outlines that residential dwellings with three or more bedrooms should be served by private gardens of 100 square metres, dwellings with two or less bedrooms should be served by private gardens of 50 square metres and flats of two beds or more should be served by 25 square metres of private amenity space. In this instance, based on the ratio of 2, 3 and 4 bedroom dwellings, it is considered that the weighted average garden size should be 74 square metres per dwelling, excluding the flats.

The proposed dwellings would be served by an average of 57 square metres per dwelling. This represents an under-provision however the extent of the under-provision is not dissimilar from other developments that have recently been supported in the surrounding area.

In respect of the flats it is relevant to note that the 1 bed flats at the South of the site would be served by amenity space at a rate of 42 square metres per flat. The remainder of the flats would be served by very little amenity space, but would have private amenity space in the form of balconies. In this instance, given the amenity offered by John Ray Park and the alternative benefits of the site's location in relation to transport connections and town centre services, it is considered that the amenity of the future occupants would not be unduly harmed as a result of the failure to provide more amenity space.

Highway Safety and Parking Provision

Essex County Council have not objected to the proposed development subject to the imposition of various conditions, the provision of pedestrian and cycle links and the provision of financial contributions towards the upgrading of public transport infrastructure and on-site traffic management. Each of the conditions suggested by the Highway Authority has been ratified to ensure that compliance is feasible and appropriate and it is therefore considered appropriate to support the application subject to conditions 30-42 that are shown at the end of this report.

Turning to the matter of parking provision, policy RLP56 states that all development should be provided with adequate parking and the Council's Adopted Parking Standards indicate that all single bedroom residential units should be served by one parking space and all other residential units should be served by two spaces. This gives a total parking requirement for the residential element of the proposal of 215 spaces.

When negotiations about this site commenced, and when the outline scheme was previously approved, the parking standards were materially different and could have been used to justify a much lower parking provision. Officers have therefore considered it reasonable to amend the rationale behind the parking provision for two-bed flats to reduce the standard to one space per unit, thereby reducing the overall parking requirement to 158 spaces.

In this instance, the applicant has provided 164 spaces to serve the residential element of the development. This is considered to be appropriate given the sites sustainable location in close proximity to public transport links and the services of Braintree Town Centre and the abovementioned changes to the parking standards.

In respect of the care home, the parking standards indicate that a maximum parking provision of one space should be provided per three bedrooms, with additional space for staff parking. This equates to a provision of 21 spaces plus 30 staff spaces, although it is unlikely that 30 members of staff would be on site at all times as there would probably be a shift work pattern that would reduce the parking requirement.

It is acknowledged that the parking provision provided of 23 spaces is an under-provision, however it is considered that it is relevant to note the sustainability of the location of the site and the consideration that the parking standards in respect of care homes are maximum standards rather than minimum standards. For these reasons it is considered that it would be unreasonable to object to the proposed development on the

grounds that the care home has a parking provision that does not comply rigorously with the Council's Adopted Standards.

As with the quantity of parking provision, the size standards in respect of parking spaces has also been amended since the outline consent was granted and negotiations about this scheme began. Taking a pragmatic approach, Officers and the applicant have proceeded on the basis that all parking spaces would meet the original size standards, notwithstanding the fact that much of the car parking is undercroft and is therefore constrained. In this instance, given the benefits offered by maximising the development of the site and the provision of affordable housing, it is considered that this flexible approach is reasonable.

The proposed development would also include ample cycle parking for flats, either within the undercroft parking areas or the bin enclosures. It is reasonable to assume that cycle parking for the dwellings can be provided on-plot if required and it is therefore reasonable to not require specific parking provision but ensure that dwellings have a rear access to encourage cycle use. All of the dwellings have achieved this requirement and it is therefore considered that the applicant has made every reasonable effort to provide for the requirements of cyclists.

Trees and Landscaping

The Council's Landscape Services Department have consistently expressed concerns about the accuracy and quality of the submitted material relating to trees at the site and the proposed landscaping details.

However, the layout secures a suitable setting for the significant trees along the river frontage and it is considered that the development would not result in the loss of many trees in addition to those that were shown to be removed under the terms of the previous outline permission, or have since been removed by Braintree District Council.

The imposition of conditions is recommended to secure the submission of detailed landscaping plans and also to secure tree protection measures.

Planning Obligations

Policy RLP 163 states that developers "will be expected to provide improvements to infrastructure and community facilities appropriate to the location, density, scale and nature of the development." Within the list of foreseen contributions is to enhance education facilities, affordable housing, public transport, community facilities and open space in various guises. This is supported by policies RLP5, RLP52 and RLP137.

As outlined above, the Local Education Authority have identified that this development will exacerbate a shortage of facilities for primary and secondary education within the vicinity of the site and it is therefore considered that it is appropriate for this development to mitigate the lack of education facilities through contributions in line with Essex County Council's standards formulae, which currently equates to a primary education contribution of £223,244 and a secondary education contribution of £225,543

Sport England have stated that they are able to support the proposal subject to a contribution being made to enhance sporting facilities within the settlement of Braintree. In line with the terms of the outline planning permission, it is considered appropriate to seek a financial contribution of £356 per residential unit towards the provision and enhancement of sports facilities in the town of Braintree.

Policy RLP137 requires development to provide or contribute towards open space in line with the National Playing Field Association Standards. Given the content of the outline planning consent, and notwithstanding the recently adopted Open Space SPD that came into force since this application was submitted, it is considered appropriate to seek contributions towards play equipment provision at a rate of £273 per 1 and 2 bed dwelling and £546 per all other dwellings.

Moreover, it was previously agreed that this development would contribute £2000 towards the provision/enhancement of allotments within the town of Braintree. This remains an essential contribution that should be sought by the Local Planning Authority.

Under the terms of policy RLP94 it is expected that public art should be provided within new developments. This is can be secured through the use of a condition.

It is also expected that contributions will be made towards public transport infrastructure and on-site traffic management in line with the comments made within the highways consideration above.

Other Matters

Contaminated land

The Environment Agency and the Council's Environmental Health Department are satisfied that conditions can be used to ensure suitable investigation and mitigation of contaminated land at the site.

Sustainable Development/Renewable Energy

Although minimal details have been provided in respect of this matter, it is expected that Code for Sustainable Homes Level 3 can be achieved and it will therefore be appropriate to attach conditions to that effect.

A lighting scheme has been submitted with the application showing a compromise between the illumination of the public routes through the site and public areas within the site, whilst also reducing pollution. Notwithstanding this, it is recommended that a condition is attached to require further details of the proposed lighting installations in order to assess the visual appearance of the installations and their appropriateness in terms of minimising light pollution.

Nature Conservation

Details have been provided of a Phase 1 habitat assessment, although it is relevant to note that this assessment is based on survey work that was undertaken in 2006. Whilst the findings of the submitted assessments are noted and indicate that development can proceed in a sympathetic manner, it is recommended that a condition is attached to require an up-to-date assessment to be undertaken and inform the required mitigation. The assessments provided indicate that this is an appropriate course of action. In respect of this issue, Essex Wildlife Trust have requested the imposition of a condition to prevent site clearance during the bird nesting season.

Anglian Water

Anglian Water suggested the use of various informatives and a condition to prevent any residential development within 15 metres of the boundary of the Anglian Water pumping stations, in the interests of protecting the amenity of neighbouring residents. Having sought the advice of the Council's Environmental Health Officers, it has been concluded that these conditions are not necessary as the existing Anglian Water facilities do not generate noise or odour to an extent that would require those conditions to be imposed.

CONCLUSION

In conclusion these proposals will provide a residential development and a care home on a site identified positively for residential development in the adopted Local Plan.

On balance, and subject to the applicant's agreement to terms of a legal agreement as set out below, this is considered to be an acceptable form of development on this site that would contribute to the supply of affordable housing, open-market housing and care accommodation within an existing urban area.

It is therefore **RECOMMENDED** that approval is granted for the development, subject to the applicants entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following matters:

- Affordable Housing
- A contribution towards primary and secondary education in line with the standard Essex County Council formulae

- A contribution of £356 per residential unit towards the provision/enhancement of sports facilities in the town of Braintree.
- A contribution of £2000 towards the provision/enhancement of allotments within the town of Braintree.
- A contribution of £273 per 1 and 2 bed dwelling and £546 per all other dwellings towards play equipment.
- Agreement of a scheme for the maintenance of on-site open space that is not attributable to individual units.
- The arrangement of the required Road Orders and a contribution towards traffic marking of £2,000
- A contribution towards the upgrade of public transport facilities of £30,600
- The provision of Travel Information and Marketing Packs to all future occupants.

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

RECOMMENDATIONS

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2 The works hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by Capita Symonds dated 18 March 2010, and the mitigation measures detailed within the FRA.
- 4 Finished floor levels shall be set at or above 43.60m AOD.
- 5 The block containing units 74-121 (as shown on the approved drawing number 1182/P/01 revision D) shall be no closer than 7m from the bank of the River Brain at any point.
- 6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) **A preliminary risk assessment which has identified:**
 - **all previous uses**
 - **potential contaminants associated with those uses**
 - **a conceptual model of the site indicating sources, pathways and receptors**
 - **potentially unacceptable risks arising from contamination at the site.**
- 2) **A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- 3) **The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- 4) **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 7 **Prior to occupation of any parts of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.**
- 8 **Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.**

- 9** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 10** No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.
- 11** Prior to the commencement of development, a scheme for the provision and implementation of energy and resource efficiency, during the construction and operational phases of the development, shall be submitted to, and agreed in writing with, the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.
- 12** 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.
- 13** Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C or E; of Part 1; or Class A of Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 14** All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.
- 15** Development shall not be commenced until details of all meter cupboards to be positioned on the dwellings have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- 16 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.**
- 17 Development shall not be commenced until detailed plans showing cross sections of the site indicating existing and proposed ground levels, both inside and immediately adjoining the site and the slab levels of the dwelling(s) has been submitted to and approved in writing by the local planning approval.**
- 18 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.**
- 19 Notwithstanding the indicative details submitted with the application, development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.**

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

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

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

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

- 20 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.

- 21 Notwithstanding the Ecology reports that have been submitted with the application, development shall not be commenced until a survey of the application site has been carried out to establish the presence of ecological implications including the presence of any protected species. Details of the methodology, findings and conclusions of the survey shall be submitted to the local planning authority within one month of the completion of the survey.

Should the results of the survey indicate that protected species are present within the application site, then details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on protected species;
- (b) a scheme of translocation to be submitted if necessary;
- (c) a programme of timings for the works referred to in a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

Where protected species are not present, details of the means of enhancing biodiversity of the site by mitigation / compensation works to include a method statement shall be submitted to and approved in writing prior to the commencement of development.

- 22** Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.
- 23** All new dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved and a copy of the Certificate has been submitted to the Local Planning Authority.
- 24** No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.
- 25** No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 26** 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
- 27** 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.
- 28** Notwithstanding the proposed lighting scheme that has been submitted, details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

- 29** Prior to the commencement of the development hereby approved, a scheme of on-site public art (with a minimum installation value of £5,000) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the scheme of public art shall be fully implemented prior to the occupation of the 20th open-market residential unit.
- 30** No development shall commence until suitable access arrangements to the application site in connection with the demolition/construction operations, to include wheel washing facilities, turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site, have been provided. Details of the required installations shall have been submitted to and agreed in writing by the Local Planning Authority, prior to their installation.
- 31** No development shall commence until an amended plan has been submitted to and agreed in writing by the Local Planning Authority to include the following design amendments:
- 1)** The main access road from the junction with Notley Road shall have a 2 metres wide footway on the southern side continuing to the east of plot 45, such footway shall be surfaced in Tegula, details to be agreed at engineering stage.
 - 2)** The entire length of the footway/cycleway south of the river shall be 3 metres wide, narrowing to 2.5 metres over the bridge.
 - 3)** The access road to the flank of plot 30 and behind plot 36 and 37 shall be 4.8m wide. This alteration shall be facilitated by either relocating the parking space or reducing the private amenity space of the adjacent dwellings. If the parking space is to be retained, it shall be enclosed with a boundary feature that shall have first been agreed with the Local Planning Authority.
 - 4)** The section of footway opposite plots 71-73 shall be removed to make a 6m wide continuous carriageway.
 - 5)** The road to the front of plots 47-51 shall be a Type 6 as detailed in the Essex Design Guide. This will require the removal of the footway and the creation of a shared surface.

Furthermore, details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage) shall have been submitted to and approved in writing by the Local Planning Authority. Such details should accord in all respects to the recommendations and conditions set out in the Essex Design Guide.

Subsequently the development shall only be carried out in accordance with the details approved in response to this condition, unless otherwise agreed in writing by the Local Planning Authority and no residential unit shall be occupied until the parking and cycle storage facilities serving that residential unit has been provided.

- 32 The gradient of all proposed vehicular accesses and parking areas shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.**
- 33 No doors or windows to ground floor rooms shall open over highway maintainable at public expense**
- 34 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.**
- 35 All independent paths shall be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority**
- 36 The first 8 metres of the Mews Court (the area to the South of the main Estate Road), as measured from the back of the footway, shall be 4.8 metres in width with 1.5 metres x 1.5 metres pedestrian visibility splays and shall be enclosed by buildings or walls of a minimum height of 1.8 metres. The pedestrian visibility splays are to be provided on both sides of the Mews Court and will form part of the adoptable highway.**
- 37 Excluding the Mews Court (the area to the South of the main Estate Road) a 500mm wide overhang strip shall be provided adjacent to any carriageway where no footway is provided.**
- 38 No dwellings nor the care home shall be occupied until the section of footway running from St Johns Avenue across the public open space to Rifle Hill has been upgraded to a cycleway,**

including realignment and lighting, in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

- 39 No dwellings nor the care home shall be occupied until a 3m wide shared surface cycleway/footway connecting the cycleway ending at Godlings Way leading from Tortoiseshell Way, to the uncontrolled crossing point north of the Notley Road/St Johns Avenue mini roundabout, to include all associated signage, drainage and lighting has been provided. A scheme detailing these works shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- 40 Prior to the commencement of the development hereby approved details shall be submitted to and agreed in writing by the Local Planning Authority of all access arrangements from Notley Road, as shown in principle on drawing number 1182/P/01 Rev. D prepared by Parkland Developments, to include any necessary street lighting, road reconstruction/surfacing and traffic management measures. Subsequently the development shall only be undertaken in accordance with the approved details.
- 41 Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto any adoptable highways. Subsequently the development shall only be carried out in accordance with the approved development and any features required to comply with this condition shall be retained at all times.
- 42 Notwithstanding the details of the landscaping scheme that is to be agreed under the terms of condition 19, no planting shall be provided within 600mm of a vehicular carriageway unless agreed in writing by the Local Planning Authority in consultation with the Highway Authority.
- 43 No site clearance should be done during the bird nesting season of 1st March to 31st July.

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 compliance with the submitted FRA and PPS25.

- 4 To ensure that the development remains dry in the event of flooding for the adequate protection of the occupants.**
- 5 To ensure access to the watercourse is possible for essential maintenance of the channel and emergency repairs.**
- 6 To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.**
- 7 To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.**
- 8 To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.**
- 9 To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters**
- 10 In the interests of sustainable development and prudent use of natural resources.**
- 11 To enhance the sustainability of the development through better use of energy and materials.**
- 12 To ensure that the development does not prejudice the appearance of the locality.**
- 13 In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.**
- 14 In the interests of visual amenity.**
- 15 In the interests of visual amenity.**
- 16 In the interests of visual amenity.**
- 17 To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy.**

- 18 To enable full investigation and recording of this site of archaeological importance.**
- 19 To enhance the appearance of the development and in the interests of amenity and privacy.**
- 20 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 21 In order to assess whether there are protected species in the locality and on the grounds that the surveys which provide the basis for the assessments provided were undertaken in 2006 and their accuracy is therefore limited. Further survey work and consideration of mitigation was also recommended within the submitted assessments.**
- 22 In order to secure the satisfactory development of the site and in the interests of visual amenity.**
- 23 In the interest of promoting sustainable forms of development.**
- 24 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 25 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 26 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 27 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 28 To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.**
- 29 In the interests of enhancing the visual amenity of the proposed development, in compliance with policy RLP94 of the Braintree District Local Plan Review 2005.**
- 30 In the interest of highway safety to ensure accordance with policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 31 To ensure roads and footways are constructed to an acceptable standard and in the interests of highway safety in accordance**

with policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07

- 32 To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with Policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 33 To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety and in accordance with policies 1.1 and 3.4 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 34 To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy 1.2.5 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 35 To ensure that paths are constructed to an appropriate standard suitable for the passage of pedestrians in the interest of highway safety with Policy 1.2.5 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 36 To ensure that Mews Courts are constructed to an appropriate standard and in the interests of highway safety in accordance with policy 1.2.5 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 37 To ensure that adequate clearance for vehicles swept paths is provided in the interests of highway safety in accordance Policy 1.2.5 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 38 In the interest of accessibility to ensure accordance with policy 3 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix**

G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07

- 39 In order to provide a link to the riverside footway/cycleway through the development and in the interest of accessibility to ensure accordance with policy 3 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 40 In the interest of highway safety to ensure accordance with policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 41 To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 42 To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.**
- 43 In order to assess whether there are protected species in the locality.**

APPROVED PLANS

| | | |
|-------------------------|-------------------------------|-----------------------|
| Additional Plan | Plan Ref: JBA 10/32-01 | Version: |
| Location Plan | | |
| Planning Layout | Plan Ref: 1182/P/01 | Version: REV D |
| Street elevation | Plan Ref: 1182/P/02 | Version: |
| Section | Plan Ref: 1182/P/03 | Version: |
| General | Plan Ref: 1182/P/04 | Version: |
| General | Plan Ref: 1182/P/05 | Version: |
| General | Plan Ref: 1182/P/06 | Version: |
| Floor Plan | Plan Ref: 1182/P/07 | Version: |
| Elevations | Plan Ref: 1182/P/08 | Version: |
| Floor Plan | Plan Ref: 1182/P/09 | Version: |
| General | Plan Ref: 1182/P/10 | Version: |
| Elevations | Plan Ref: 1182/P/11 | Version: |
| Floor Plan | Plan Ref: 1182/P/12 | Version: |
| General | Plan Ref: 1182/P/13 | Version: |
| Elevations | Plan Ref: 1182/P/19 | Version: |

| | | |
|-----------------------------|---------------------|----------------|
| Floor Plan | Plan Ref: 1182/P/20 | Version: |
| Floor Plan | Plan Ref: 1182/P/21 | Version: |
| Floor Plan | Plan Ref: 1182/P/22 | Version: |
| Supporting Documents | | |
| Elevations | Plan Ref: 1182/P/15 | Version: REV A |
| General | Plan Ref: 1182/P/14 | Version: REV A |
| Floor Plan | Plan Ref: 1182/P/16 | Version: REV A |
| Floor Plan | Plan Ref: 1182/P/17 | Version: REV A |
| Floor Plan | Plan Ref: 1182/P/18 | Version: REV A |

INFORMATION TO APPLICANT

- 1 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of the main river or flood defence.
- 2 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.
- 3 There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.
- 4 In terms of the water supply network, the development can not be supplied from the network system that at present does not have adequate capacity. Significant reinforcement would be required. The developer should contact Anglian Water at pre development stage for further information.
- 5 The foul flows from the development can be accommodated within the foul sewage network system that at present has adequate capacity. If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will the advise them of the most suitable point of connection.
- 6 The development can be accommodated within the public surface water network system which at present has sufficient capacity.

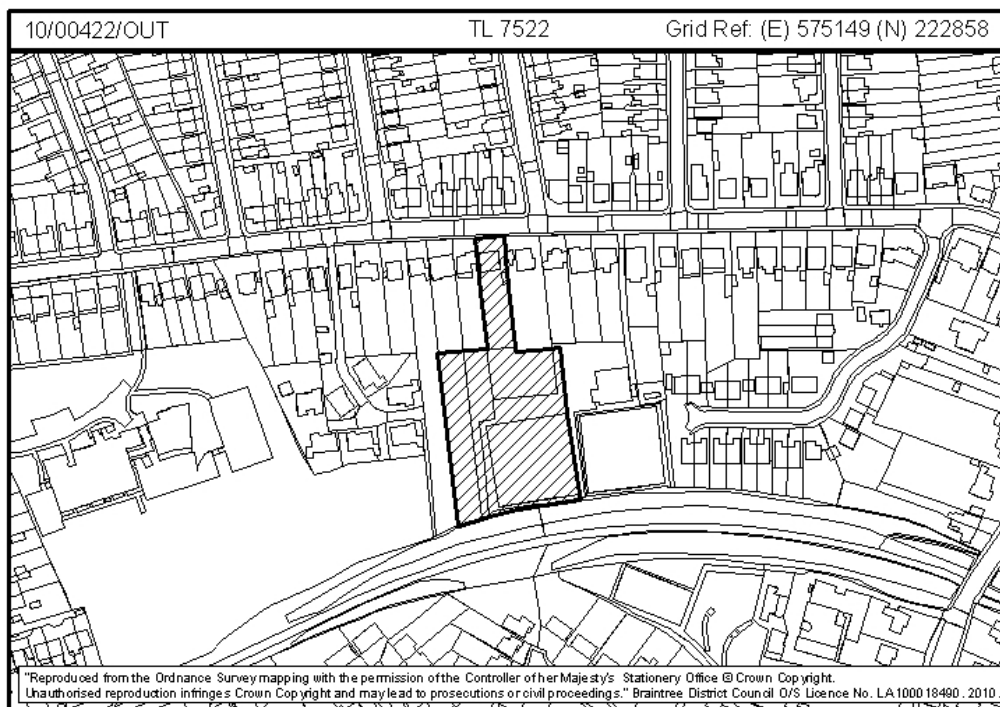
- The developer should notify Anglian Water of its intention to connect to the public surface water sewer under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection and the maximum rate of discharge which should be made. Attenuation may be required and this could affect the site layout.
- 7 The foul drainage from this development will be treated at Braintree Sewage Treatment Works that at present has available capacity for these flows.
- 8 Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
- 9 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 10 The areas directly adjacent to the carriageway in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.
- 11 In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
- 12 Prior to occupation, each dwelling shall be served by a system of operational street lighting between the dwelling and an existing highway which shall thereafter be maintained in good repair.
- 13 Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of at least Size 3.

- 14** Although a street lighting scheme has not yet been submitted for approval, the Applicant should be made aware, before land adjoining the proposed highway is disposed of, that further area(s) may be required to accommodate the lighting columns.
- 15** All works within the highway to be laid out and constructed and completed to the satisfaction of the Area Highway Manager, details to be agreed before the commencement of works.

PART A

APPLICATION NO: 10/00422/OUT **DATE VALID:** 29.03.10
APPLICANT: Jackson Land Limited
Mr Mark Plummer, 1 Woodfield, Witham, Essex, CM8 1FY
DESCRIPTION: Demolition of no. 39 Clare Road and erection of 11 no. houses and garages, with associated parking spaces, amenity areas and landscaping and formation of new vehicular access onto Clare Road, layout new road and vehicle turning area
LOCATION: Land Rear Of 37-43 Clare Road, Braintree, Essex, CM7 2PB,

For more information about this Application please contact:
Ian Harrison on:- 01376 551414 Ext. 2524
or by e-mail to: ian.harrison@braintree.gov.uk



SITE HISTORY

| | | | |
|--------------|---|-----|----------|
| 03/01275/FUL | Erection of double storey side extension | PER | 12.08.03 |
| 93/00392/FUL | Erection of two storey side extension | PER | 22.06.93 |
| 85/00637/P | Erection of two storey side extension. | PER | 28.06.85 |
| 89/00370/P | Change Of Use From Residential Dwelling To Residential Nursing Home | REF | 03.05.89 |

POLICY CONSIDERATIONS

Braintree District Local Plan Review

| | |
|--------|--|
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP3 | Development within Town Development Boundaries and Village Envelopes |
| RLP7 | Housing and Mixed Use Sites |
| RLP9 | Design and Layout of Housing and Mixed Use Areas |
| RLP10 | Residential Density |
| RLP49 | Pedestrian Networks |
| RLP50 | Cycleways |
| RLP56 | Vehicle Parking |
| RLP65 | External Lighting |
| RLP77 | Energy Efficiency |
| RLP90 | Layout and Design of Development |
| RLP105 | Archaeological Evaluation |
| RLP137 | Open Space Standards |
| RLP140 | River Walks/Linear Parks and Disused Railway Lines |
| RLP163 | Infrastructure and Community Facilities |

Planning Policy Statement 1: Sustainable Development and Climate Change

Planning Policy Statement 3: Housing

PROPOSAL AND SITE DESCRIPTION

The application site is a 0.4 hectare parcel of land located to the South of Clare Road which is made up of land comprising of part of the Braintree Bowling Club's land, 39 Clare Road and part of the gardens of 37, 41 and 43 Clare Road.

The applicant is applying for outline planning consent for the proposal to demolish the existing dwelling at the frontage of the site and replace it with an access road to serve 11 new dwellings that would be provided on the remainder of the site. The applicant wishes for matters of

landscaping and appearance to be reserved, but access, layout and scale to be considered.

No elevational details have been provided, however it is stated within the design and access statement that the development would comprise of predominantly two or two and a half storey development, with eaves heights not exceeding 5 metres and ridge heights not exceeding 9 metres. The exception to this is the dwelling on plot 8 which would be a one and a half storey dwelling. Although it would have been beneficial to have more detailed plans, it is considered that there is ample information to consider the scale of the development and be able to attach conditions to restrict the dimensions of the built form if the proposal is supported.

Parking would be provided at a rate of two spaces per dwelling and rear private amenity space would be provided at an average rate of 123 square metres per dwelling.

CONSULTATIONS

Sport England accept that the bowls facility affected by this proposal is disused. However, as no assessment has been undertaken in respect of the need for bowling facilities, they consider that the proposal would fail to comply with their policies in respect of open space protection. Notwithstanding this, as the applicant is offering to upgrade the facilities available to Braintree Bowling Club in terms of a new clubhouse, it is considered that there should be no objection to the loss of the sport facility subject to the clubhouse being secured through a Section 106 agreement.

The Council's Landscaping Department have found the submitted tree assessment to be a good reflection of the site and therefore do not wish to object to the proposal subject to the attachment of conditions relating to the provision of a full arboricultural method statement, a full landscaping scheme, the boundary treatments and the maintenance of communal landscaped areas.

The Council's Environmental Health Department stated no objection to the proposal subject to the attachment of conditions to restrict the construction process.

The Archaeology advisor of Essex County Council has raised no objection to the proposal subject to the attachment of a condition to protect the archaeological interests that are likely to be present at the site.

The Highway Authority of Essex County Council recommended the attachment of conditions relating to visibility splays, the specification of the internal highways and parking/garage spaces and minimum hardstanding dimensions. A contribution of £15,000 towards pram

crossing improvements within the vicinity of the site has also been sought.

A contribution of £5,000 has also been sought from the Council's cycleway co-ordinator towards the Flich Way.

Essex County Council as Education Authority has requested a contribution towards primary and secondary education provision in line with its standard formulae.

Anglian Water have requested the use of various informatives in any decision notice.

REPRESENTATIONS

Three letters of objection have been received to the proposal on the grounds of the loss of trees and harm to biodiversity, the impact on parking and highway safety, the height of the built form and the disruption during the construction process.

Three general comments were received highlighting a lack of footpaths within the site, and raising concerns in respect of vehicle movements, highway safety, a stream near the site and some inaccuracies within the application form.

One letter of support was received on behalf of the Bowling Club, subject to the upgrade of the existing Bowling Club.

REPORT

The Principle of Development

PPS3 indicates that consideration should be given to using land effectively and efficiently, the suitability of a site for housing and achieving high quality housing.

The site falls within the development boundary and has no specific land-use designation in the adopted Local Plan Review. Therefore, in accordance with Policy RLP2 and RLP3, the principle of development on this site is generally acceptable providing it satisfies amenity, design, environmental and highway criteria and subject to compliance with other relevant local plan policies. It is acknowledged that this part of Clare Road is becoming more densely developed, however there is no policy objection to the principle of development in this area.

Although the proposal would result in the loss of a sports facility, which is generally discouraged by planning policy, the proposed development would be used as a catalyst for the upgrade of the bowling club's facilities. As the facility that would be lost is not used and there would be tangible benefits to the Bowling Club, Sport England have indicated

that they are willing to support the proposal, subject to a Section 106 agreement to secure the Bowls clubhouse development. To be certain of the terms of the Section 106, it is essential that any agreement such as this is based on a development that has planning permission. The proposed replacement clubhouse was approved planning permission on 07 June 2010 under the terms of application 10/00580/FUL and it is therefore possible to ensure that the clubhouse is replaced prior to the occupation of any of the proposed residential units.

Layout and Scale

Policy RLP3 states that the Local Planning Authority will seek to protect the character of the existing street scene, the setting of attractive buildings and historic interest of the locality, the landscape value of existing tree cover and generally to ensure that new development does not materially detract from the character of the settlement. The Local Planning Authority will also seek to ensure that in the development of infill plots, the scale, design and intensity of any new building is in harmony with existing surrounding development, respects neighbouring amenities and that inappropriate backland development is prevented.

This is supported by policies RLP10 and RLP90 which state that the Council will only accept high quality development that harmonises with its surroundings in terms of character, appearance and density.

The character of the Clare Road area is mixed with an inconsistent combination of bungalows, one and a half storey dwellings and two storey dwellings. Development leading from Clare Road is not uncommon as proven by the developments known as School View and Newnham Close. From this basis it is considered that there is no reason to object to the principle of residential development to the rear of the existing row of properties that front Clare Road.

The access route is of sufficient width to include a highway, pedestrian link and ample space for landscaping. It is therefore considered that subject to the appropriate landscaping provision, the entrance to the site could be a positive feature of the proposal, with sufficient spaciousness to not harmfully affect the street-scene of Clare Road.

The layout of the proposed dwellings is a simple arrangement around a standard highway and turning head. It is considered that this simplicity does little to give the development a unique or distinctive character, however it is considered that it would not be of detriment to the overall character of the area to an extent that would justify the refusal of the application on those grounds.

Officers are satisfied that the proposed development would not have a cramped appearance on the site as a result of the layout, by virtue of the ample private amenity space. It is considered that it would be preferable for there to be no first floor links between dwellings as this would aid

the spaciousness of the development and ensure that the development does not appear cramped. Notwithstanding this, given that links are encouraged by the Essex Design Guide, it is considered that it would be unreasonable to object to the proposal on those grounds.

Turning to the issue of height, it is noted that the majority of the accommodation would be provided over three storeys thereby being higher than the majority of the surrounding development which is single or two storey. However, it is considered that the utilisation of the roofspace to provide additional accommodation should not necessarily be discouraged as it enables the density to be increased without requiring a significant increase in the height of the built form. It is considered that the heights specified within the Design and Access Statement are not unreasonable and it is therefore considered that there should be no objection to the principle of three storey accommodation at this site. This point is supported by virtue of the manner in which the ground levels change across the site, thereby enabling the proposed dwellings to be built at a lower level than the existing dwellings of Clare Road.

The visual impact of the scale and layout is significantly reduced by virtue of the fact that the development is partially screened by the dwellings at the frontage of Clare Road. Therefore, whilst being partially visible from the surrounding area, the dwellings would not be so prominent to materially change the character of the surrounding area. Moreover, it is considered that the proposed dwellings would not obscure views of countryside or any other feature, thereby ensuring that the height of the built form causes minimal harm.

Impact on Neighbouring Residents

The proposed dwellings would be visible from within a number of properties within Clare Road and School View and would therefore have some impact on outlook. However, there is a minimum separation distance between the proposed dwellings and the nearest existing dwelling of 25 metres, which is compliant with the Essex Design Guide standards in respect of separation distances.

The positioning of the dwellings ensures that the dwellings and immediate gardens of the properties of Clare Road would not be affected by the proposal. Although there would be overlooking of the end half of the garden of 45 Clare Road, it is considered that because there is 40 metres of private amenity space between the dwelling and the area subject of potential overlooking, the amenity of the residents of that property would not be unduly harmed.

The orientation of the closest dwellings within School View is also convenient for this proposal as it ensures that the rear elevations of the proposed dwellings would only face side elevations. For this reason,

and due to the ample separation distances it is considered that the dwellings of School View would retain their amenity.

It is noted that additional vehicle and people movements would be noticeable for existing residents within Clare Road. However, given the number of properties that are served by Clare Road it is considered that the increased disturbance would not be harmful to an extent that would justify the refusal of the application on those grounds.

The impact of the construction process has been identified by neighbouring residents as a potential threat to residential amenity. Officers are satisfied that conditions can be imposed to limit the impact that the construction process will have on the amenity of neighbouring residents.

Highway Arrangements and Parking Provision.

The Highway Authority have not objected to the proposal subject to the use of suitable conditions and a contribution towards the improvement of pedestrian routes within the surrounding area. The applicant has subsequently provided evidence to satisfy the Highway Authority that the required visibility splays are achievable.

Having considered the suggested conditions, it was a concern that some of the conditions relating to estate layout would not be achievable, most notably in terms of the two car parking areas adjacent to the ends of the turning head. The applicant has therefore provided an amended plan showing the removal of one garage building and the rearrangement of the dwelling on plot 7. This enables the suggested conditions to be complied with, without materially affecting the proposed development.

Parking would be provided at a ratio of two spaces per dwelling which is considered an appropriate amount in compliance with the Council's Adopted Parking Standards and policy RLP56 of the Braintree District Local Plan Review 2005.

It is noted that the garage serving number 43 is stated as being a double garage, however it measures as being marginally larger than a single garage. Notwithstanding this, one parking space could be provided within the garage and one could be provided in front of the garage, thereby ensuring that there is sufficient parking available to comply with the parking standards. The parking arrangement for the existing dwellings of 37 and 43 is not actually affected by this proposal however and it is therefore considered that any additional parking is a benefit, but not essential.

The additional access to the bowls club would be a secondary access in addition to the existing access. This would clearly be of benefit to the bowls club and there is no reason to assume that this would have any impact on highway safety.

Other Matters

In order to comply with policies RLP49 and RLP50 of the Braintree District Local Plan Review 2005 it is considered that it is essential for the developer to contribute towards the enhancement of pedestrian conditions, the Flitch Way and education and the maintenance of the proposed communal landscaping areas. It is also considered essential for a planning obligation to include security that the bowls club house will be built before the occupation of a number of dwellings that shall be agreed with the applicant. The applicant has been agreeable to these obligations.

In accordance with policies RLP140 and RLP164, officers have sought a contribution of £5,000 towards the improvement of the Flitch Way. This has been agreed by the applicant.

The detailed consideration of the landscaping that is to be contained within the proposed development has been reserved. This will give the Local Planning Authority scope to ensure that the proposed landscaping is of sufficient quality to mitigate the development. A condition is recommended to detail the content of the submissions that will be required as part of the reserved matters application.

There are no other matters of relevance to the determination of this planning application.

CONCLUSION

In conclusion these proposals will provide a residential development without material harm to the character or appearance of the surrounding area, the amenity of neighbouring residents or highway safety.

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

It is therefore **RECOMMENDED** that approval is granted for the development, subject to the applicants entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following matters:

- A contribution towards primary and secondary education in line with the standard Essex County Council formulae
- A contribution of £15,000 towards highway improvements in the vicinity of the site.
- A contribution of £5,000 towards the improvement of the Flitch Way.
- Agreement to upgrade the facilities of Braintree Bowling Club

- Agreement of a scheme for the maintenance of on-site open space that is not attributable to individual units.
- Agreement to considerate construction methods.

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

RECOMMENDATIONS

1 Approval of the details of the:-

- (a) appearance of the buildings; and the**
- (b) landscaping of the site**

(hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision-notice.

The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.

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

3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C or E; of Part 1; of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

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

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

- 6 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.**

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

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

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

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

- 7 Notwithstanding the content of the Arboricultural Impact Assessment that has been submitted, prior to the commencement of development a Full Arboricultural Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall then be complied with throughout the development process unless otherwise agreed in writing by the Local Planning Authority.**

- 8 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.**

- 9 Prior to the occupation of the development visibility splays with dimensions of 2.4 metres by 33 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access/junction. The area within each splay shall**

be kept clear of any obstruction exceeding 600mm in height at all times.

- 10 Prior to the first use of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.
- 11 The internal roads and footways within the development shall be constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Such details shall accord with the construction type 8 as set out in the Essex Design Guide, adopted November 2005.
- 12 The vehicular hardstandings shall have minimum dimensions of 2.9 metres x 5.5 metres.
- 13 Any garage erected with its vehicular door(s) facing the turning head shall be set back not more than 0.5m from the edge of the turning head, unless a full 6m parking space is provided in front of the garage.
- 14 All single garages should have a minimum internal measurement of 7 metres x 3 metres and shall be provided with vehicular doors a minimum width of 2.3m.
- 15 All double garages should have a minimum internal measurement of 7 metres x 5.5 metres
- 16 Each dwelling shall be provided with a minimum of 2 parking spaces.
- 17 There shall be 6 metres between parking spaces and the opposite boundary feature.
- 18 Development shall not be commenced until details of the external lighting to the site has been submitted to, and approved in writing by the local planning authority. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.
- 19 All new dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied

until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved and a copy of the Certificate has been submitted to the Local Planning Authority.

- 20 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.
- 21 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 22 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
- 23 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.
- 24 The heights of the buildings shall not exceed the limits that were stated within the Design and Access Statement that was submitted with this application, unless otherwise agreed in writing by the Local Planning Authority.
- 25 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road as permitted by Class A of Part 2 of Schedule 2 of that Order without first obtaining planning permission from the local planning authority.
- 26 The garage hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

REASONS

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

- 2 For the avoidance of doubt and in the interests of proper planning.**
- 3 In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.**
- 4 To ensure that the development does not prejudice the appearance of the locality.**
- 5 To enable full investigation and recording of this site of archaeological importance.**
- 6 Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.**
- 7 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 8 In order to secure the satisfactory development of the site and in the interests of visual amenity.**
- 9 To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.**
- 10 To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.**
- 11 To ensure roads/ footways are constructed to an acceptable standard. In the interests of highway safety in accordance with policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 12 To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy 7 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 13 To prevent vehicles parking and overhanging the highway in the interest of highway safety and amenity in accordance with Policy 7 of the County Council's Highways and Transportation**

Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07

- 14 To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy 7 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 15 To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy 7 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 16 In accordance with Parking Standards Design and Good Practice (EPOA/ECC) September 2009.**
- 17 In accordance with Parking Standards Design and Good Practice (EPOA/ECC) September 2009.**
- 18 To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.**
- 19 In the interest of promoting sustainable forms of development.**
- 20 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 21 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 22 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 23 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 24 In order to limit the impact of the proposed development and apply suitable control over the proposed built form, in the interests of proper planning.**
- 25 To protect the amenities and privacy of adjoining occupiers.**
- 26 To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.**

APPROVED PLANS

Planning Layout
Location Plan

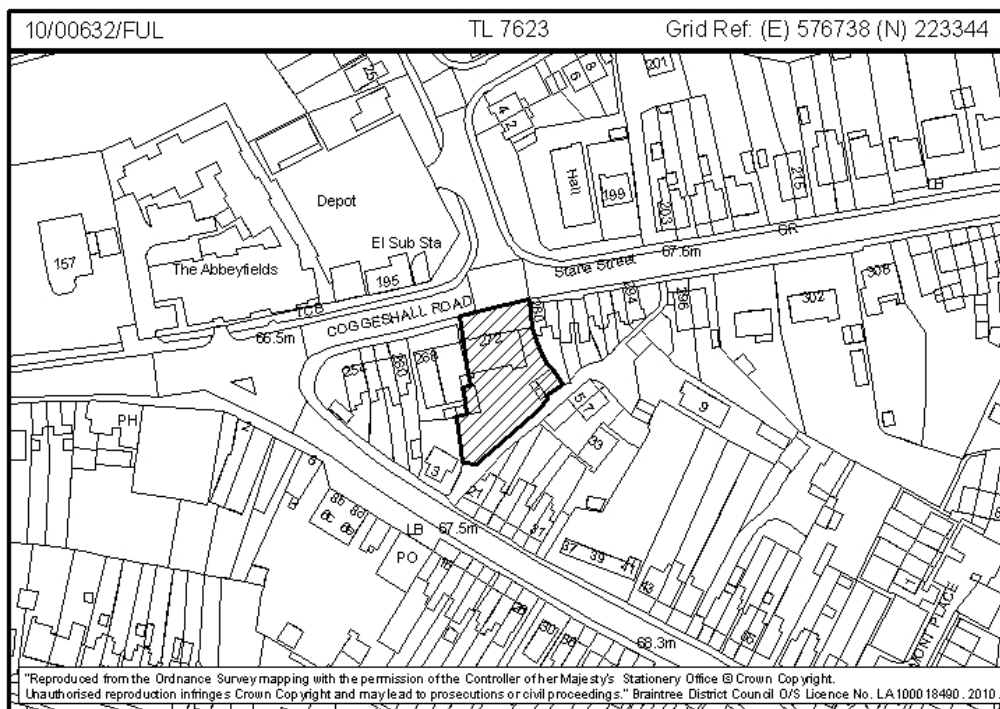
INFORMATION TO APPLICANT

- 1 All works within the highway to be laid out and constructed and completed to the satisfaction of the Area Highway Manager, details to be agreed before the commencement of works.**
- 2 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.**
- 3 There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.**
- 4 In terms of the water supply network, the development can not be supplied from the network system that at present does not have adequate capacity. Significant reinforcement would be required. The developer should contact Anglian Water at pre development stage for further information.**
- 5 The foul flows from the development can be accommodated within the foul sewage network system that at present has adequate capacity. If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will the advise them of the most suitable point of connection.**
- 6 The foul drainage from this development will be treated at Braintree Sewage Treatment Works that at present has available capacity for these flows.**

PART A

APPLICATION NO: 10/00632/FUL **DATE VALID:** 10.05.10
APPLICANT: Mr Akin Hunter
Hunter (UK), C/O Agent
AGENT: Pegasus Planning Group
Mr Alex Anderson, 2-10 Kings Parade Mews, Clifton,
Bristol, BS8 2RE
DESCRIPTION: Erection of dwelling at rear of building
LOCATION: Former Bird In Hand Public House, 272 Coggeshall
Road, Braintree, Essex, CM7 9EJ,

For more information about this Application please contact:
Ian Harrison on:- 01376 551414 Ext. 2524
or by e-mail to: ian.harrison@braintree.gov.uk



SITE HISTORY

| | | | |
|--------------|--|-----|----------|
| 10/00229/FUL | Erection of dwelling at rear of building | REF | 12.04.10 |
|--------------|--|-----|----------|

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 |
| RLP10 | Residential Density |
| RLP51 | Cycle Parking |
| RLP56 | Vehicle Parking |
| RLP90 | Layout and Design of Development |

Planning Policy Statement 1: Sustainable Development and Climate Change

Planning Policy Statement 3: Housing

PROPOSAL AND SITE DESCRIPTION

The application site is located to the West of Cressing Road in the Town Development Boundary of Braintree. The site measures 20 metres deep and 27 metres wide, and was most recently used as the rear amenity space serving the “Blue India” Indian Restaurant and Takeaway, which was formerly the ‘Bird in Hand’ Public House. The site is accessed from a narrow track that serves a minimum of 4 dwellings.

The application proposes the erection of a two-storey dwelling, that would be served by an area of hardstanding at the frontage and rear gardens of approximately 95 square metres.

The proposed dwelling would be ‘L’ shaped measuring a maximum of 8.6 metres deep and a minimum of 5.6 metres deep. The dwelling would measure 9.5 metres wide. The dwelling would be a two-bedroom dwelling.

The submitted plans show hardstanding at the frontage of the site which can accommodate two parking spaces. A plan has been submitted to show the turning circles of the vehicles. The Highway Authority have advised Officers that the lane that connects the site to Cressing Road is a Public Right of Way and can therefore be used for access without needing to be included within the application site.

RELEVANT HISTORY

A dwelling was erected on land at the rear of the Bird in Hand public house under the terms of application BTE/950/84. This appears to be the dwelling known as 3 Crossing Road.

Planning Application 10/00229/FUL proposed an identical development. This application was refused on the following grounds:

“Saved Policy RLP56 of the Braintree District Local Plan Review states that “development will be required to provide off-street vehicle parking in accordance with the Council’s Adopted Parking Standards.” The parking standards adopted by the Local Planning Authority in November 2009 state that the proposed dwelling should be served by two parking spaces.

The submitted plans show that the parking provided for the proposed residential unit would not be served by adequate turning space. This could lead to vehicles reversing onto Crossing Road to the detriment of other highway users, causing conditions of danger and obstruction. It is therefore concluded that insufficient appropriate parking spaces have been provided as part of this development, contrary to the Council’s Adopted Parking Standards, the abovementioned policy and policy 1.1 of the County Council’s Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.”

A current planning application (10/00633/FUL) proposes the change of use of the neighbouring premises to the rear of the site (272 Coggeshall Road) to provide a takeaway unit within half of the ground level premises. That application is yet to be determined.

CONSULTATIONS

The Highway Authority of Essex County Council have raised no objection to the proposal subject to the imposition of conditions relating to the provision of a turning facility, the use of materials and surface water drainage.

The Council’s Environmental Health Department raised no objection to the proposal subject to the attachment of conditions to limit the impact of the construction process on the amenity of neighbouring residents.

The Council’s Landscaping Officer outlined no objection to the proposal subject to the protection of those trees that are shown to be retained.

REPRESENTATIONS

One letter of objection has been received on the grounds of the impact on the light of a neighbouring property, the detrimental impact on safety

and the impact on highway safety. It was also considered that there is no need for the proposed dwelling.

REPORT

The Principle of Development

Policy RLP2 states that “New development will be confined to the areas within Town Development Boundaries and Village Envelopes.” Furthermore, Policy RLP3 states that residential development will be permitted subject to compliance with amenity, design, environmental and highway criteria.

From this basis, as the site is brownfield land within the Town Development Boundary of Braintree, it is considered that there is no reason to object to the principle of the proposed development.

Design and Layout.

Policy RLP3 states that the Local Planning Authority will “seek to ensure that in the development of infill plots, the scale, design and intensity of any new building is in harmony with existing surrounding development, respects neighbouring amenities and that inappropriate backland development is prevented.” This is supported by policy RLP9 which states that “New residential and mixed-use buildings shall create a visually satisfactory environment and be in character with the site and relate to its surroundings.” This is also supported by policies RLP90 and RLP10.

The context of Cressing Road includes a wide variety of dwellings, of various styles and mixed architectural quality. The immediate vicinity of the application site is evidence of this, where a variety of ad hoc residential developments have occurred with no consistent design, grain or character of development. From this basis it is considered that the proposed development would not be unduly out of keeping with the general pattern of development to an extent that would justify the refusal of the application on those grounds.

Furthermore, as there is no fixed architectural style to reflect, it is considered that the proposed dwelling would not harm the general visual interests of the area or be out-of-keeping to a harmful extent. This is furthered by virtue of the fact that the dwelling is positioned a reasonable distance from the highway frontage and is therefore only partially visible, significantly reducing the impact of the proposed development on the character of the locality. The proposed dwelling would be two-storey like many other dwellings in the area.

The proposed development would result in the loss of some vegetation at the boundary of the site. This is not objected to by the Council’s Landscape Services Department, although it is requested that a

condition is used to protect the trees that are to be retained. The tree that is to be lost is of low quality and makes a minimal contribution to the character of the area.

The proposed dwelling would be served by 94 square metres of private amenity space, which exceeds the minimum standard of 50 square metres that is recommended by the Essex Design Guide. The proposed development would not affect the amenity space afforded to any other residential property.

Impact on Neighbouring Residents

The proposed development has been designed specifically to ensure that the proposed dwelling does not directly overlook any other property in the surrounding area. The proposed dwelling would also be positioned to maximise the distance from neighbouring properties and therefore ensure that the proposed dwelling does not have an unduly detrimental impact on the light or outlook of any residential property. Taking on board the character of the area, it is considered that the impact on the amenities of neighbouring residents would not be unduly harmful or worse than the existing situation.

The letter of objection received identifies the first floor window in the front elevation as a potential cause of overlooking. In respect of this matter it is considered relevant to note that the window serves a gallery area containing the stairs and a first floor void area. This internal layout would ensure that the proposed development does not result in unacceptable overlooking.

The objection also highlights that the proposed built form would result in the loss of sunlight within the garden area of 21 Cressing Road. As the proposed dwelling is located to the North East of that properties garden and is separated from the gardens of that property by 3.5 metres and from the dwelling by 12 metres, it is considered that the proposed dwelling would not affect the direct sunlight or general daylight that is afforded to the dwelling or the amenity area of that property to an extent that would justify the refusal of the application on those grounds.

Highway Safety

Policy RLP56 states that “development will be required to provide off-street vehicle parking in accordance with the Council’s Adopted Parking Standards.” The parking standards adopted by the Local Planning Authority in November 2009 states this dwelling should be served by two parking spaces. In this respect the applicant has proposed the provision of two parking spaces. This parking provision is acceptable in quantity terms, however the qualitative aspects of these spaces requires further assessment as this formed a reason for the refusal of the previous application. It is relevant to note at this stage that the parking

spaces are shown to be of appropriate size to comply with the Council's Adopted Standards.

The Highway Authority previously objected to the proposal on the grounds that the parking spaces could not be safely accessed within the site. To address this matter the applicant has provided additional information in respect of the ability for vehicles to turn within the site, thereby enabling the Highway Authority to conclude that their objection has been overcome. It is generally accepted planning practice (encouraged by circular 03/09) for Planning Officers to apply weight to specialist advice that has been received unless material considerations dictate otherwise. There are no known reasons to contradict the specialist highway advice received and it is therefore accepted that the applicant has overcome the previous reason for refusal, subject to the imposition of suitable conditions.

The objection from the neighbouring resident suggests that the provision of gates would prohibit vehicular movements within the lane. No objection was raised to the gates by the Highway Authority and in subsequent discussions with a representative of the Highway Authority, it was revealed that they were satisfied that the provision of gates would not affect the flow of traffic within Crossing Road and the impact on the narrow lane could be tolerated given that the lane serves a relatively small number of properties and that gates are an existing feature of the site.

Other Matters

In accordance with the Council's Adopted Open Space Supplementary Planning Document, it is considered that the application should make a financial contribution of £1112.55 towards the provision of open space and sports and recreation facilities in the local area. This should be facilitated through the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

There are no other matters of relevance to the determination of this planning application.

CONCLUSION

In conclusion these proposals will provide a residential development without material harm to the character or appearance of the surrounding area, the amenity of neighbouring residents or highway safety.

On balance, and subject to the applicants agreement to terms of a legal agreement as set out below, this is considered to be an acceptable form of development on this site that would contribute to the supply of housing within an existing urban area.

It is therefore RECOMMENDED that approval is granted for the development, subject to the applicants entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover a contribution of £1112.55 towards the provision of open space and sports and recreation facilities in the local area.

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

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 works hereby permitted shall be carried out in accordance with the approved plans listed above.**
- 3 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.**
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C or E; of Part 1; of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.**
- 5 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.**
- 6 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.**

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

Monday to Friday 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Sundays and Bank Holidays - no work

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

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

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

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

- 9 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.**
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary**
- 11 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.**

REASONS

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**
- 2 For the avoidance of doubt and in the interests of proper planning.**
- 3 To ensure that the development does not prejudice the appearance of the locality.**
- 4 In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.**
- 5 To enhance the appearance of the development and in the interests of visual amenity and privacy.**
- 6 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 7 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 8 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 9 To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 10 To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**
- 11 To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy 1.1 of the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07**

APPROVED PLANS

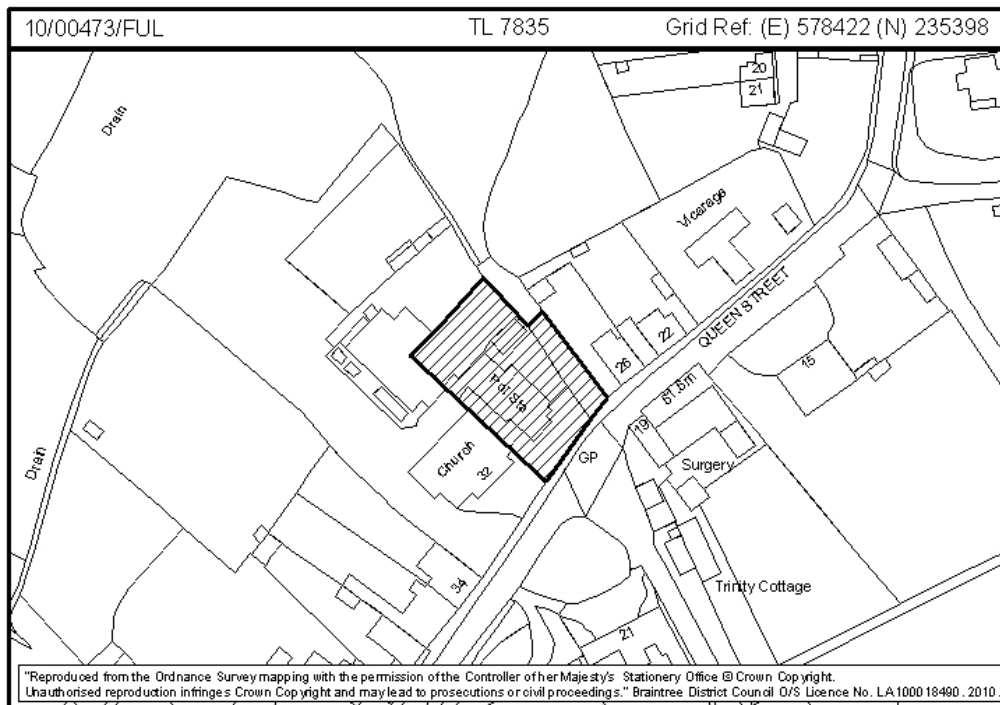
General Plans & Elevations
Parking Layout
Parking Layout

Plan Ref: 10(0013) PL11 Version: A
Plan Ref: F861/02 Version: A
Plan Ref: F861/03 Version:

PART A

APPLICATION NO: 10/00473/FUL
DATE VALID: 12.04.10
APPLICANT: Mr F Ladkin
St Giles Developments Ltd, The Old Coalyard, 61
Alderford Street, Sible Hedingham, Halstead, Essex,
CO9 3HX
AGENT: Mr Russell Goodacre
2 Eastdene, Trinity Street, Halstead, Essex, CO9 1JG
DESCRIPTION: Change of use to create 2 no. dwellings with extension
to "stable block" for garage use
LOCATION: 28-30 Queen Street, Queen Street, Castle Hedingham,
Halstead, Essex, CO9 3HA,

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



SITE HISTORY

| | | | |
|--------------|---|-----|----------|
| 96/00817/COU | Proposed change of use of Old Court House for Parish Council Meetings | PER | 16.08.96 |
| 07/01289/OUT | Conversion of existing building to 4 no. 2 bedroom apartments and erection of 1 no. new two storey dwelling with associated car ports and parking | REF | 20.09.07 |
| 09/00389/FUL | Change of use of ex police station/residential accommodation to private residential accommodation | PER | 15.05.09 |
| 09/01622/FUL | Alterations to boundary wall facing private drive | REF | 08.02.10 |
| 10/00068/FUL | Change of use to create 2 no. dwellings | REF | 12.03.10 |

POLICY CONSIDERATIONS

Braintree District Local Plan Review

| | |
|--------|--|
| RLP3 | Development within Town Development Boundaries and Village Envelopes |
| RLP9 | Design and Layout of Housing and Mixed Use Areas |
| RLP10 | Residential Density |
| RLP51 | Cycle Parking |
| RLP56 | Vehicle Parking |
| RLP65 | External Lighting |
| RLP70 | Water Efficiency |
| RLP74 | Provision of Space for Recycling |
| RLP77 | Energy Efficiency |
| RLP90 | Layout and Design of Development |
| RLP95 | Preservation and Enhancement of Conservation Areas |
| RLP97 | Changes of Use in Conservation Areas |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |

National Planning Guidance

Planning Policy Statement No. 1 – Delivering Sustainable Development

Planning Policy Statement No. 3 – Housing

Planning Policy Statement No. 5 - Planning for the Historic Environment

East of England Plan

SS1 Achieving Sustainable Development

T14 Parking

ENV6 The Historic Environment

ENV7 Quality in the Built Environment

ENG1 CO2 Emissions and Energy Performance

ENG2 Renewable Energy

WM6 Waste Management in Development

Supplementary Planning Guidance

Essex Design Guide

Parking Standards – Design and Good Practice

INTRODUCTION

This application is being reported to Committee as two objections have been received from members of the public which is contrary to the recommendation of planning officers.

PROPOSAL

This application seeks planning permission for the conversion of the former Police Station, at 28-30 Queen Street, Castle Hedingham, to create two new residential dwellings. The proposals also seek permission to alter the existing stable block and east wall of the police yard.

SITE DESCRIPTION

The last use of the site was as a police station and courthouse, but the building is understood to have stood vacant for the last 10 years. It is located in a sensitive location, adjacent to a Grade II* Listed United Reform Church, the Old De Vere Mill / School and other Grade II Listed Buildings of late Georgian / early Victorian era. The site is located within the Castle Hedingham Conservation Area. The site occupies a corner plot facing Queen Street with an access lane along the north eastern side of the application site. This narrow access provides vehicular access to the rear of some properties on Queen Street and The Old Mill / School.

A dwarf brick wall and railings delineates the boundary along Queen Street and the corner of the access track. The other site boundaries consist of red brick walls. In addition to main building the site also contains a two storey coach house / stables, an exercise yard and grass area at the rear of the site abutting the Old School building.

CONSULTATIONS

Engineers Dept (Drainage) BDC – No comments

English Heritage – No comment.

Environmental Services – No objection or recommendations.

Historic Buildings Adviser – No objection to the principal of the proposals but a number of conditions are recommended including revisions to the windows in the proposed lean to extension.

REPRESENTATIONS

Three representations have been received from members of the public, two of which object to the proposals.

The grounds stated for objecting to the application include:

- **The possible loss of light to the neighbouring property – the Old De Vere Mill / School caused by proposed demarcation planting;**
- **The boundary wall should not be altered as it is within a Conservation Area;**
- **Provision of storage for wheelie bins;**
- **The suitability of amenity space for one of the dwellings;**
- **Restrictions should be imposed to prevent the creation of a third dwelling on the site**

A further representation has been received making a number of general observations, including inaccuracies in the application form. Comments include that the comments of the Historic Buildings Adviser should be adhered to, that a covenant should be imposed preventing use of the stable block for residential accommodation and that a lean to on the side of the stable block is not referred to within the application.

Parish Council – No objection. They do however recommend a Section 106 agreement prohibiting the conversion of the stable block into independent living accommodation and seek assurances that the works already completed have been technically approved.

REPORT

1. Planning History

This site has stood unused for a number of years and as a result the condition of the building has started to deteriorate. Despite the site being vacant there have only been a few applications to redevelop the site. In 2007 an outline application was refused to convert the existing building into 4 no. 2 bedroom apartments and erect one new two storey dwelling with associated car ports and parking.

An application was approved in 2009 to convert the existing building into one dwelling. For a number of months now the current owner has been carrying out building works at the property, but the scope of these works are in accordance with this approved scheme. In December 2009

an application was made to demolish part of the boundary wall around the service yard to the side of the building. This application was refused by officers as it was considered that the applicant failed to provide either a sufficient, or acceptable justification for the partial demolition and alterations to the brick boundary walls at the site and that the alterations would be detrimental to the character and appearance of the Conservation Area.

In January 2010 an application was refused to convert the building into two dwellings. The reasons for this refusal were; i) Failure to provide a minimum of two car parking spaces for each dwelling of an acceptable size and with adequate manoeuvring room to safely enter and exit the site in a controlled manner; ii) Two sets of French doors proposed for the front elevations of the property would alter the character and appearance of this building to the detriment of the setting of the Conservation Area; iii) The exclusion of the stable block and part of the land to the north of the site would be detrimental to the character and appearance of this site and the surrounding area. It would also result in the remaining private amenity area for Unit 2 being situated in close proximity to the ground floor windows of the Old School House and would be detrimental to the amenities of the occupants of that dwelling.

2. Principle of Development

The use of the site for residential purposes has been established through the granting of planning permission in 2009 for the conversion of the building into one dwelling.

As the application site is located within the village envelope for Castle Hedingham, Policy RLP3, of the Braintree District Local Plan Review, states there is no objection to the principle of new residential development providing it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

Given the sensitive nature of the application site within the Castle Hedingham Conservation Area the impact of the development on the area is a prime determinant in this application.

Policy RLP 95 of the Local Plan Review states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas.

Development will only be permitted provided that:

- (a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;**

- (b) Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings;
- (c) Architectural details on buildings of value are retained;
- (d) Building materials are authentic and complementary to the building's character.

Policy RLP 97 is concerned with Changes of Use in Conservation Areas. It states that the change of use of a building within a Conservation Area will only be permitted if the change of use, and any associated alteration to the appearance or setting of the building, preserves or enhances the character and appearance of the area. It is considered that the applicant's proposals would preserve or enhance the character and appearance of the area.

Policy RLP 56 states that in locations such as this a minimum of two off-road car parking spaces are provided for each new dwelling. This proposal fulfils this requirement.

Although the Police Station building is not listed a number of the surrounding buildings are – United Reform Church (Grade II*), 17-19 Queen Street, 22-26 Queen Street, Trinity Cottage & 21 Queen Street (Grade II). Policy RLP 100 states that the council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

3. Design and Appearance

Main Building

Although it is proposed that a number of new openings are created to serve the two dwellings these are not considered to significantly alter the character of the building. There was an objection to the previous application and the creation of doors in the single storey range of the south east elevation and on the ground floor of the north east elevation of the front block. These objections have been resolved and instead the existing porch is used in order to gain light to the kitchen of Unit 1. These proposals are therefore considered to be acceptable.

Stable block

It is proposed to extend this building with a modest single storey lean-to extension to the rear. This is necessary for the garaging to provide sufficient space for them to be useable and to accommodate modern cars. It is important to continue the use of this building as a service building to the police station and retain the character of this group of buildings.

This building is not considered to be able to sustain significant alteration without compromising either the character of the building, or

the character of the conservation area. The lean-to extension is however a suitably modest addition to the building. The proposal is to insert two windows on the rear elevation but this is considered inappropriate as it interrupts what is otherwise a blank façade, which is a defining characteristic of this building. Natural light to the garage can be introduced by inserting two small conservation type roof lights in the slate roof of the extension. This matter can be dealt with through the imposition of a planning condition.

Amenity Area

Both the dwellings have allocated amenity areas in excess of the 100m² standard set out in the Essex Design Guide. The garden area for Unit 1 is predominantly at the front of the site along Queen Street. The plans indicate that a patio area is proposed on the eastern side of the site. This will be partially enclosed by the existing walls around the yard and site boundary. Additional planting is proposed. The front of the site is enclosed by a low brick wall with railings above and in recent years the site has been effectively screened by vegetation growing up along the boundary. Given the context of the site this arrangement of amenity space is considered acceptable.

Police Yard & Boundary Walls

These proposals are now considered to be acceptable. The south east wall enclosing the stable yard of the police station is now retained as an important feature of the site and the Conservation Area. The access to the yard will be widened but remain in the same position so minimising the demolition of the old wall. A small lean-to pump house within the yard will be removed to enable car parking, but the pump is shown as being retained. The advice of the Historic Buildings Officer is that the pump should be housed to protect it from the worst of the weather and it is recommended that a simple canopy should be mounted on the wall directly over the pump.

4. Impact Upon Neighbouring Residential Amenity

The change of use of the site to residential has previously been considered acceptable in terms of not being detrimental to neighbouring properties.

The only significant potential impact from the creation of two dwellings would be from the use of the amenity area at the rear of the site on the occupiers of the Old de Vere Mill / School. The amenity area extends up to the ground floor windows of this building and it could result in a significant loss of privacy in the rooms overlooking this area. It is proposed that some demarcation planting is used to introduce a buffer to mitigate against this. The landscaping indicated on the submitted drawings is taken to be for illustrative of what is proposed but a more informal arrangement of planting would seem appropriate.

The owner of the Old Mill / School has expressed some concern that this planting could reduce natural light to these rooms but this would be dependent on planting. This matter can be dealt with by condition requiring a detailed landscaping scheme for the whole site and an appropriate scheme agreed with the Landscape Services Team.

5. Highway Considerations

Although this parking area is understood to have previously been used to park police cars local residents have indicated that the level of vehicular activity at the Police Station was low. This change of use is therefore likely to result in a more intense use of the yard.

It is considered reasonable to widen the vehicular access to 5m wide as the existing access is narrow by modern standards (3.3m) and the average modern car is larger than cars from a bygone era.

By extending the stable block the applicant is now able to demonstrate the provision of two parking spaces for each dwelling. Although the parking bays indicated do not conform to the preferred bay size in the Council's adopted parking standards they do meet the minimum bay size. It is considered acceptable to use these minimum bay sizes as this allows the site to be redeveloped and brought back into viable use, whilst minimising the impact that the alterations required and preserving so far as is practicable the character and appearance of the Conservation Area.

6. Sustainability

Policies RLP 9, 70 and 77 states 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.

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.

7. Conclusion

This revised scheme is considered to have addressed the earlier concerns of officers which resulted in that application being refused. The parking arrangements meet the adopted Council standards and are adequate. Concerns over the proposed landscaping scheme and the windows in the lean-to extension at the rear of the coach house can be adequately dealt with through the imposition of planning conditions.

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 samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.
- 4 Development shall not be commenced until additional drawings that show details of proposed new windows, doors (including garage 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 Development shall not be commenced until sample panels of 1 square metre minimum have been erected on site to show areas of new, exterior walling, and further panels to show the re-pointing, repairs and reconstructed areas of original brickwork and have been approved in writing by the local planning authority.

Where appropriate, these panels shall indicate:

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

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

- 6 No part of the external brickwork shall be cleaned without first obtaining the written agreement of the local planning authority.
- 7 All rainwater goods shall be cast iron and painted black, unless otherwise approved in writing by the local planning authority.
- 8 Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

The windows in the lean-to extension to the stable building;

Details of two small rooflights in the roof of the lean-to extension shall be submitted to and approved in writing prior to the commencement of development.

- 9 The ground floor of the stable block shall only be used for the parking of vehicles or for domestic storage associated with the two dwellings proposed for No.28-30 Queen Street and shall not be used for living accommodation.**
- 10 The first floor of the garage hereby permitted shall only be used for purposes ancillary to the dwelling at 28-30 Queen Street, and shall not be used for living accommodation.**
- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Class A, B, C, D, E, G of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.**
- 12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no additional or enlargement of windows, doors, rooflights, voids or openings, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be placed or formed in the walls or roof of the extension hereby permitted without first obtaining planning permission from the local planning authority.**
- 13 Development shall not be commenced until details of the proposed glazed roof have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 14 Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.**

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

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

development unless otherwise previously agreed in writing by the local planning authority.

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

Any variation to the approved planting scheme shall be approved in writing by the local planning authority. If any trees or plants which die, are removed, or become seriously damaged, or diseased 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.

- 15 Prior to occupation of the development hereby permitted the access to the yard shall be enlarged and a turning area enabling a motor car to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.**
- 16 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-**
- (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction**
 - (b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development**
 - (c) measures for the long term energy efficiency of the building(s), and renewable energy resources**
 - (d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,**
 - (e) details of any proposed external lighting to the site.**

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

- 17 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

- 18 Development shall not be commenced until additional drawings that show details of a canopy to cover the pump in the yard area to be used by section and elevation at scales as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.**

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 importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.**
- 4 To ensure the use of appropriate detailing within the Conservation Area.**
- 5 To ensure the use of appropriate detailing within the Conservation Area.**
- 6 To ensure the proposed works do not prejudice the architectural interest of this prominent historic building.**
- 7 To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.**
- 8 To ensure that the development does not prejudice the appearance of the Conservation Area.**
- 9 In order to enable the local planning authority to give consideration to any residential use of the site other than as two residential dwelling unit.**
- 10 In order to enable the local planning authority to give consideration to any residential use of the site other than as two residential dwelling unit.**

- 11 In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.
- 12 In the interests of visual amenity.
- 13 To ensure the use of appropriate detailing within the Conservation Area.
- 14 To enhance the appearance of the development and in the interests of amenity and privacy.
- 15 To ensure that vehicles can enter and leave the highway in a safe and controlled manner.
- 16 In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.
- 17 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 18 To ensure the proposed works do not prejudice the architectural and historic merits of the building.

APPROVED PLANS

| | |
|----------------------------|-------------------------------|
| Location Plan | Plan Ref: 105:10:5 Version: |
| Floor Plan | Plan Ref: 105:10:1 Version: |
| Elevations | Plan Ref: 105:10:2 Version: |
| General Plans & Elevations | Plan Ref: 105:10:3 Version: A |
| Elevations | Plan Ref: 105:10:4 Version: A |

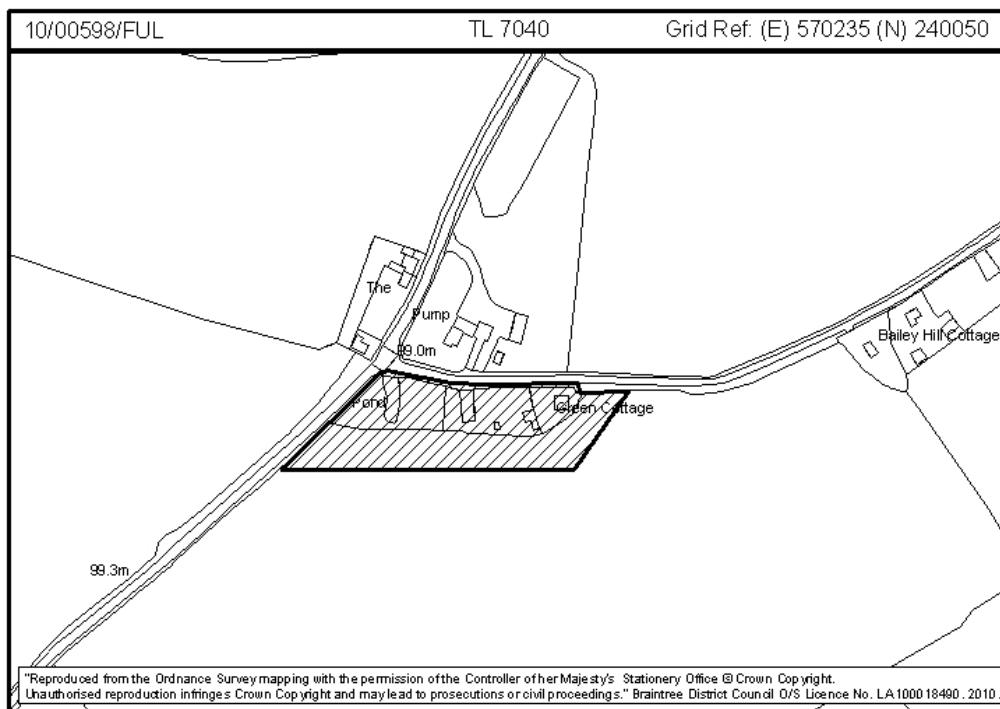
INFORMATION TO APPLICANT

- 1 Discharge of Conditions fee
- 2 Discharging Conditions
- 3 Lighting
- 4 In respect of Condition 16 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway
- 5 Noise and Pollution Code of Practice
- 6 In seeking to discharge Condition no. the applicant is advised that the Council's expectation of the demarcation planting, proposed for the area adjacent to the windows of The Old School House and overlooking the garden of Unit 2, should specify a scheme of informal planting using plant species which maintain a low height respecting the windows of The Old School House, including evergreen varieties and which require low maintenance.

PART B

APPLICATION NO: 10/00598/FUL **DATE VALID:** 04.05.10
APPLICANT: Mrs W Norris
Green Cottage, Finkle Green, Birdbrook, Halstead,
Essex, ,
AGENT: Mr Ralph Carpenter
Studiomgm Llp, Fosters, Hartest, Suffolk, IP29 4ET
DESCRIPTION: Increase in depth of balcony by 50cm
LOCATION: Green Cottage, Finkle Green, Birdbrook, Halstead,
Essex, CO9 4BU,

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



SITE HISTORY

| | | | |
|--------------|--|-----|----------|
| 04/02403/OUT | Demolition of existing dwelling and barn and erection of two dwellings | REF | 27.01.05 |
| 05/00992/OUT | Demolition of existing dwelling and erection of 1 no dwelling | PER | 22.08.05 |
| 06/02326/FUL | Demolition of existing dwelling and outbuilding and erection of 1 no. dwelling | PER | 12.01.07 |
| 07/02512/FUL | Erection of domestic wind turbine with 15m high mast | REF | 29.01.08 |
| 08/00348/FUL | Erection of wind turbine | REF | 22.04.08 |
| 08/01055/FUL | Amendments to previously approval (06/02326/FUL) - Addition of covered lean-to, amendments to eaves height and adjustments to barn roof | PER | 29.08.08 |
| 08/01140/FUL | Removal of condition 5 of approved application 06/02326/FUL - Demolition of existing dwelling and outbuilding and erection of 1 no. dwelling | PER | 29.08.08 |
| 09/01524/FUL | Erection of wind turbine | PER | 19.01.10 |
| 10/00006/NMA | Application for a non-material amendment following approval of 06/02326/FUL | PER | 22.01.10 |
| 10/00599/FUL | Increase in depth of deck by 1.9m | PDE | |

POLICY CONSIDERATIONS

Braintree District Local Plan Review

| | |
|-------|---|
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP18 | Extensions to Existing Dwellings in the Countryside |
| RLP22 | Accessible Housing and Lifetime Housing |
| RLP78 | Countryside |
| RLP79 | Special Landscape Areas |
| RLP90 | Layout and Design of Development |

National Planning Guidance

Planning Policy Statement 1: Delivering Sustainable Development

INTRODUCTION

This item is reported to Committee as the Parish Council object to the proposed development, contrary to officer's recommendation to approve the application.

PROPOSAL

This application seeks planning permission to increase the depth of the first floor balcony at the rear of Green Cottage, Finkle Green, Birdbrook by an additional 500mm. This would be an amendment to the balcony which formed part of the plans which were approved plans for the erection of this dwelling and which allowed for a balcony projecting 900mm from the outer wall of the dwelling.

SITE DESCRIPTION

The application site occupies a sizeable corner plot at the hamlet of Finkle Green, approximately 1.25km to the south of the village of Birdbrook. Whilst there is a small cluster of residential dwellings around the road junction residential and built development in the area is sparse with the predominant land use being fields used for agricultural purposes. The site is near the crest of a ridge of land with the land falling away to the east, south and west. This attractive rural setting is located well outside any designated village development envelope and in an area designated as a Special Landscape Area in the Braintree District Local Plan.

Green Cottage is a replacement dwelling which forms a courtyard with a garage / barn complex in the centre of the site. There is a pond and small area of woodland at the western end of the application site. The area immediately around the dwelling is yet to be landscaped, following the completion of construction work.

CONSULTATIONS

None

REPRESENTATIONS

Parish Council – Object to the application on the grounds of overdevelopment.

Representations from members of the public;

Objections – 3 Representations. Grounds for objection;

- Building is out of character with the area and object to the principle of altering / retaining the building,
- Would result in the site being overdeveloped,

- Would result in the size of the surrounding structure adding to unattractive appearance of building,
- Object to manner of incremental increases in building size,

Support – 3 Representations. Grounds for support;

- No objection to proposals,
- Would facilitate improved access for occupants / visitors who have physical disabilities.

REPORT

1. Principle of Development

The principle of the residential development on this site has already been established through previous planning applications which allowed for the erection of this replacement dwelling. The dwelling is now largely completed and is occupied, so this application must be determined in accordance with Council planning policies concerning extensions and alterations to residential dwellings in the Countryside. Policy RLP 18 states that such additions are acceptable in principle subject to the siting, design, and materials of the extension being in harmony with the countryside setting. In terms of scale and character this additional balcony area is considered to remain compatible with the existing dwelling and the plot upon which it stands.

In determining applications to extend residential dwellings in the Countryside the Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings. It is not considered that this addition to the balcony would alter the character of the property or have a significant impact on the rural surrounds.

Planning Policy Statement 1 states (paragraph 13) that local authorities should take access issues into account in development plans and requires ‘Local authorities to be flexible and imaginative in seeking solutions, taking account of the particular circumstances of each case’. Policy RLP 22 of the Local Plan Review states that new dwellings should be capable of adaptation to meet the needs of people with disabilities, including wheelchair users. The proposed alteration would create a balcony which is more practical for a wheelchair user.

2. Design and Appearance

The proposals do not indicate that the design of the balustrades or supports would be amended, so the only difference to the appearance of the balcony would be the increased depth. Whilst the balcony would project a further 500mm from the dwelling it is not considered that this would appear unduly prominent even when viewed side on, given the non-symmetrical design of the roof and fenestration.

A number of objections state that this enlarged balcony will result in an overdevelopment of the site. As stated in the site description the dwelling stands within a generous plot which measures approximately 135 metres across and 45 metres deep. In addition to the dwelling there is a significant outbuilding range in front of the dwelling and adjacent to the road but the vast majority of this site remains undeveloped and will over time be landscaped. The additional floor area resulting from this extension to the balcony would be approximately 5.6m². In the context of a dwelling of this size and on this site the additional floor area is not considered unacceptable and would not significantly add to the bulk of the dwelling, or result in the site appearing overdeveloped.

It is noted that a number of objectors refer to the fact that they consider the size and design of the dwelling to be inappropriate to the setting. In considering this application it is necessary to only consider the planning merits of the proposed alteration to the balcony.

3. Impact on Neighbours

The balcony is on the rear of the building facing away from the nearest residential properties. As a result of this location and orientation the proposed addition to the balcony is considered to have no impact of any significant on any other residential property.

4. Other Issues

None.

CONCLUSION

It is considered that this modest addition to the approved balcony would not result in any significant alteration to the appearance of the building, nor would it be detrimental to the character and appearance of this rural setting and is therefore considered acceptable.

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.**

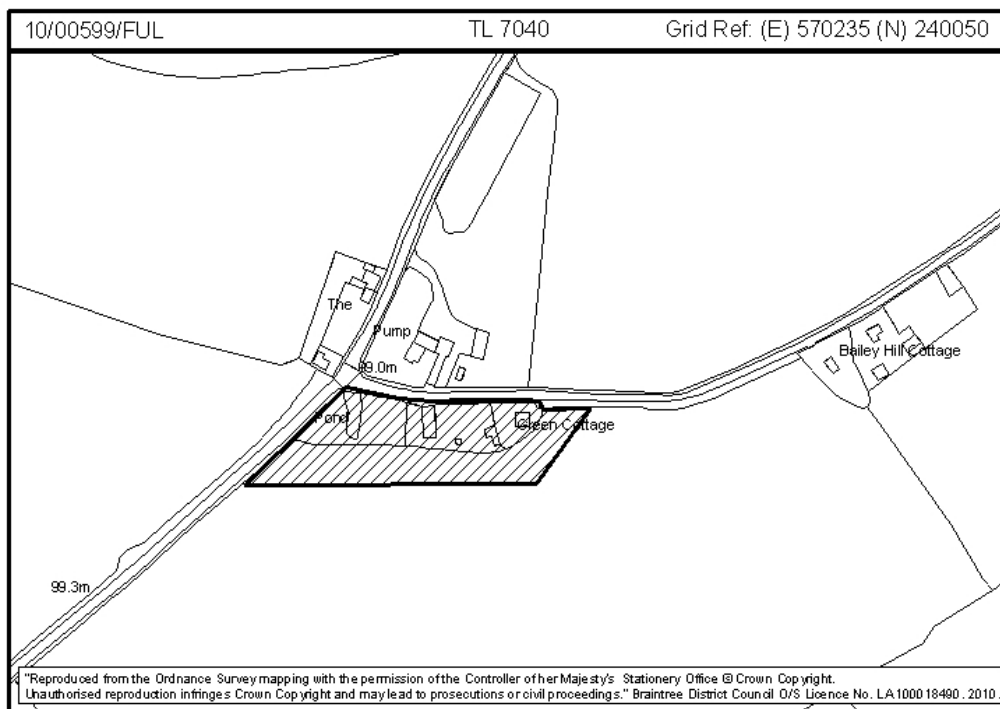
APPROVED PLANS

| | |
|----------------------|-----------------------------|
| Block Plan | Plan Ref: M0603 44 |
| Location Plan | Plan Ref: M0603 43 |
| Other Plan | Ref: BALCONY DETAIL |
| General | Plan Ref: DRAWING 40 |

PART B

APPLICATION NO: 10/00599/FUL **DATE VALID:** 04.05.10
APPLICANT: Mrs W Norris
Green Cottage, Finkle Green, Birdbrook, Halstead,
Essex, ,
AGENT: Mr Ralph Carpenter
Studiomgm Llp, Fosters, Hartest, Suffolk, IP29 4ET
DESCRIPTION: Increase in depth of deck by 1.9m
LOCATION: Green Cottage, Finkle Green, Birdbrook, Halstead,
Essex, CO9 4BU,

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



SITE HISTORY

| | | | |
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| 04/02403/OUT | Demolition of existing dwelling and barn and erection of two dwellings | REF | 27.01.05 |
| 05/00992/OUT | Demolition of existing dwelling and erection of 1 no dwelling | PER | 22.08.05 |
| 06/02326/FUL | Demolition of existing dwelling and outbuilding and erection of 1 no. dwelling | PER | 12.01.07 |
| 07/02512/FUL | Erection of domestic wind turbine with 15m high mast | REF | 29.01.08 |
| 08/00348/FUL | Erection of wind turbine | REF | 22.04.08 |
| 08/01055/FUL | Amendments to previously approval (06/02326/FUL) - Addition of covered lean-to, amendments to eaves height and adjustments to barn roof | PER | 29.08.08 |
| 08/01140/FUL | Removal of condition 5 of approved application 06/02326/FUL - Demolition of existing dwelling and outbuilding and erection of 1 no. dwelling | PER | 29.08.08 |
| 09/01524/FUL | Erection of wind turbine | PER | 19.01.10 |
| 10/00006/NMA | Application for a non-material amendment following approval of 06/02326/FUL | PER | 22.01.10 |
| 10/00598/FUL | Increase in depth of balcony by 50cm | PDE | |

POLICY CONSIDERATIONS

Braintree District Local Plan Review

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|-------|---|
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP18 | Extensions to Existing Dwellings in the Countryside |
| RLP22 | Accessible Housing and Lifetime Housing |
| RLP78 | Countryside |
| RLP79 | Special Landscape Areas |
| RLP90 | Layout and Design of Development |

National Planning Guidance

Planning Policy Statement 1: Delivering Sustainable Development

INTRODUCTION

This item is reported to Committee as the Parish Council object to the proposed development, contrary to officer's recommendation to approve the application.

PROPOSAL

This application seeks planning permission to increase the depth of an area of timber decking by an additional 1.9 metres, at the rear of Green Cottage, Finkle Green, Birdbrook. This would be an amendment to the deck area which formed part of the plans which were approved plans for the erection of this new dwelling. This permission allowed for the erection of a deck area projecting 1.2 metres from the outer wall of the dwelling.

SITE DESCRIPTION

The application site occupies a sizeable corner plot within the hamlet of Finkle Green, approximately 1.25km to the south of the village of Birdbrook. Whilst there is a small cluster of residential dwellings around the road junction residential and built development in the area is sparse, with the predominant land use being fields used for agricultural purposes. The site is near the crest of a ridge of land with the levels falling away to the east, south and west. This attractive rural setting is located well outside any designated village development envelope and in an area designated as a Special Landscape Area in the Braintree District Local Plan.

Green Cottage is a replacement dwelling which forms a courtyard with a garage / barn complex, all located towards the centre of the site. There is a pond and small area of woodland at the western end of the application site. The area immediately around the dwelling is yet to be landscaped, following the completion of construction work.

CONSULTATIONS

None

REPRESENTATIONS

Parish Council – Object to the application on the grounds of overdevelopment.

Representations from members of the public;

Objections – 3 Representations. Grounds for objection;

- Building is out of character with the area and object to the principle of altering / retaining the building,
- Would result in the site being overdeveloped,

- Would result in the size of the surrounding structure adding to unattractive appearance of building,
- Object to manner of incremental increases in building size.

Support – 3 Representations. Grounds for support;

- No objection to proposals,
- Would facilitate improved access for occupants / visitors who have physical disabilities.

REPORT

1. Principle of Development

The principle of the residential development on this site has already been established through previous planning applications which allowed for the erection of this replacement dwelling. The dwelling is now largely completed and is occupied, so this application must be determined in accordance with the Councils planning policies concerning extensions and alterations to residential dwellings in the Countryside. Policy RLP 18 states that such additions are acceptable in principle subject to the siting, design, and materials of the extension being in harmony with the countryside setting. In terms of scale and character this additional decking area is considered to be acceptable in the context of the site being compatible with the both the dwelling and the large plot upon which it stands.

In determining applications to extend residential dwellings in the Countryside the Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings. Although the proposal would result in the creation of a significant area of decking due to the relatively low level of the structure and the materials used it is not considered that this would significantly alter the character of the property, or have a significant visual impact on any public views of the dwelling.

Planning Policy Statement 1 states (paragraph 13) that local authorities should take access issues into account in their development plans and Policy RLP 22 of the Local Plan Review states that new dwellings should be capable of adaptation to meet the needs of people with disabilities, including wheelchair users. Whilst this application relates to alterations to an existing dwelling the Plan does state that the needs of people with disabilities should be considered at an early stage in designing new buildings and alterations. PPS 1 requires ‘Local authorities to be flexible and imaginative in seeking solutions, taking account of the particular circumstances of each case’.

In considering this application it should be borne in mind that Parliament, through the provisions of Householder Permitted Development rights, allows for the erection of decking, or other raised platforms, within the gardens of dwellings, providing the decking is no

more than 30cm above the ground and that together with other extensions, outbuildings etc, the decking or platforms cover no more than 50 per cent of the garden area. The applicant would therefore be entitled to erect this additional area of decking, without the need for planning permission providing that it was raised no more than 30cm above the ground level. This option would diminish accessibility for a wheelchair user. If members were minded to refuse the application this fallback position would need to be considered. The difference between that which is proposed and that which is allowed under Permitted Development Rights would need to be considered sufficient to warrant refusal.

2. Design and Appearance

Due to a fall in the level of the land the proposed deck area would be raised above ground level by up to 600 mm at the rear of the property. As the nearest public view of the rear elevation of the dwelling would be from a footpath over 200 metres away it is not considered that the deck would have a detrimental impact on the wider landscape.

In any event a condition has been imposed on previous permissions for the development of the dwelling requiring a landscaping scheme along the southern boundary of the site. The applicant has agreed to plant and maintain a new native species hedge covering approximately 180 metres to the south and east of the dwelling and this, when established, would effectively screen the deck area from the footpath.

A number of the objectors state that it is their opinion that the enlarged deck area will result in the site being overdeveloped. As stated in the site description the dwelling stands within a generous plot which measures approximately 135 metres across and 45 metres deep. In addition to the dwelling there is a significant outbuilding range in front of the dwelling and adjacent to the road. Notwithstanding these structures the overwhelming majority of the site remains undeveloped and will over time be landscaped. The additional deck area proposed would be approximately 21.1m². In the context of this dwelling and on a site of this size this additional area is not considered unacceptable and would not significantly add to the bulk of the dwelling, or result in the site appearing overdeveloped.

It is noted that a number of objectors refer to the fact that they consider the size and design of the dwelling to be inappropriate to the setting. In considering this application it is necessary to only consider the planning merits of the proposed alteration to the deck area and how it relates to the host dwelling and the surrounding countryside.

3. Impact on Neighbours

The deck area is on the rear of the building facing away from the nearest residential properties. As a result of this the proposed addition to the

deck area is considered to have no significant impact on any other residential property.

4. Other Issues

None.

CONCLUSION

It is considered that the enlarged deck area is acceptable as it would not significantly alter the appearance of the building. Given the proposed landscaping of the site and the height of the deck area it would assume no prominence in the wider landscape and would therefore not be detrimental to the character and appearance of the area.

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

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| Location Plan | Plan Ref: M0603 43 |
| Block Plan | Plan Ref: M0603 44 |
| General Plans & Elevations | Plan Ref: DRAWING 40 |
| General Plans & Elevations | Plan Ref: DRAWING 42 |