

SITE HISTORY

08/01014/OUT	Erection of a two bedroom dwelling	PER	08.09.08
09/01461/FUL	Demolition of existing detached double garage and erection of new 3 bedroom detached dwelling	REF	23.12.09

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
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP90	Layout and Design of Development

INTRODUCTION

This application is reported to the Planning Committee due to 4 letters of objection.

This application follows the refusal of the previous application (Ref. No. 09/01461) on the following grounds: cramped appearance and under-provision of adequate private amenity space, overlooking and insufficient off-street parking.

An outline planning application for the erection of a 2-bedroom T-shaped dwelling in an almost identical position was approved in 2008 and established the principle of residential development on this site.

DESCRIPTION OF SITE AND PROPOSAL

The application site currently forms the side garden area of No.19 Churchfield Road, a detached dwelling on the north-eastern side of Churchfield Road, within the development boundary of the village of Coggeshall. The site is adjacent to the cul-de-sac turning head; a public footpath and allotment gardens situated to the rear of St Peters Church are to the south of the site. A panelled fence runs along the southern boundary with a grass embankment sloping down to the public footpath,

leading to the church grounds that are located behind. Mature conifers line the rear boundary and are located within the church grounds.

No.19 is set further back on its site than its neighbours and has a shallow rear garden and wide triangular side garden. At the front of the side garden is a detached double garage standing at an angle to the road. Properties along Churchfield Road are predominantly detached properties with gable ends facing the road, attached garages to their side and further off-street parking to their frontages. Nos. 15 and 17 are however a pair of semi-detached houses with roofs pitching front to back. The property opposite the application site (No. 20) also has a roof pitching front to back, constructed in the 1990s.

This revised proposal is to demolish the existing double garage and create a separate plot approx. 14 m deep x 12 m wide at its widest and 9.5 m wide at its narrowest point; a 3-bedroom, two storey dwelling of L-shape is proposed to be constructed.

Such a layout would allow for two off-street parking spaces, one of which is next to the proposed dwelling (adjacent to no.19) and the other one is in front of the proposed dwelling-. Each space measures 2.9 m x 5.5 m. Two off-street parking spaces would remain to the front of the existing house at No.19.

The proposed house is cross gabled with a smaller gable end element extending into the rear garden. The maximum width of the main range of the house is 7.3 m with a maximum depth of approx. 4.95 m and a maximum height of approx. 6.5 m. The two storey rear element measures 2.5 m x 4.15m. The proposed external materials are brick work and interlocking concrete roof tiles.

As indicated on the submitted site layout drawing, approx. 101 m² amenity space for the new house and approx. 95 m² land to the rear of the existing house would be provided.

The canopy element and the attached garage, which were part of the previous scheme, have been removed.

CONSULTATIONS

ECC Highways – recommends that conditions be applied to any permission that the planning authority may grant.

BDC Engineers – no comments.

BDC Environmental Services – no comments at the time of writing this report.

REPRESENTATIONS

Neighbouring properties were notified about this application.

4 letters of objection have been received from neighbouring residents, raising the following concerns:

- change in building line,
- out of character,
- loss of privacy,
- increased traffic, congestion and parking problems,
- loss of views/outlook,
- increase in noise,
- insufficient parking on site.

In addition, 1 letter of general observation has been received from a neighbouring resident, commenting on access, the additional dropped kerb and parking.

No response had been received from the Parish Council at the time of writing this report.

REPORT

1. Principle of Development

The site is located within the village envelope of Coggeshall wherein the principle of residential development is accepted subject to compliance with other development plan policies. Specifically, Policies RLP3, RLP9, RLP10 and RLP90 of the Local Plan Review state that, inter alia, planning permission will only be granted for new development where it satisfies amenity, design, environmental and highway criteria and where it can take place without detriment to the existing character of the locality.

In addition to the abovementioned policy criteria, the design and layout of new development will be expected to be in accordance with the Essex Design Guide for Residential and Mixed Use Areas to create a visually satisfactory environment, compatible with the character and appearance of the site, its surroundings and the locality. Furthermore, PPS1 states that good design ensures attractive, useable, durable and adaptable places and it is a key element in achieving sustainable development.

Advice contained within PPS3 outlines that Local Planning Authorities should encourage the “effective use of land by re-using land that has been previously developed.” In this regard it is noted that the site is considered to be brownfield land and its reuse should therefore be encouraged in principle. Despite the development representing a more intensive use of land in this area, it is considered that the proposal would not represent overdevelopment of the site.

The site is of an adequate size to satisfactorily accommodate a new dwelling at a density appropriate to this location (40 dwellings/ha).

The proposed dwelling would provide a private rear garden of approx. 101m² whilst the existing dwelling would retain a garden of 95m² which is considered acceptable and broadly in accordance with the Essex Design Guide. On this basis it is considered that the occupiers of the proposed and existing development would have access to an appropriate provision of private amenity space.

2. Layout, Design and Appearance

The layout indicated is considered to make the most efficient use of the site. With No.19's front wall being set back on its plot, from an urban design point of view development on this side of Churchfield Road has no real visual closure or focal point to mark the end of built form. Currently the existing garage terminates the built development on this side of the road, but as a single storey flat roofed structure this is both visually poor and of insufficient scale to achieve this purpose.

The new dwelling is sensitively designed and of an appropriate form and massing, that would not cause material harm to the character and appearance of the locality. Furthermore, its scale is not materially greater than the two bedroom dwelling that has been approved on this site by virtue of the grant of outline planning permission 08/01014/OUT.

Even though the new property would not have an identical building line with the neighbouring property No. 19, which sits back further than the adjoining properties on this side of the road, it is noted that it would be positioned in line with Nos. 1-17. Furthermore, it is recognised that the proposed design, replicating the existing house opposite the application site and the roof form of Nos. 15 and 17, would acknowledge and respect the scale and form of these properties.

It is also noted that the overall house depth of 7.5 m is in keeping with other semi-detached and terrace houses along Churchfield Road, which generally show a depth of 8.0 m.

In order to improve the property's relationship to its site boundaries and to avoid a cramped appearance, the proposed new dwelling has been set in from the south-eastern boundary by approx. 0.3 m

It is therefore considered that the resulting layout, form and scale of the proposed development and its relationship with existing development are now considered acceptable.

It is acknowledged that the proposed development would result in some loss of open space that would alter the views and aspects into the site. However, the application site is in private ownership and it should be

noted that the site is located within the village, surrounded by residential properties to its north-west, west and south-west. Therefore it is not considered that visually there would be a prominent impact on the identity of the street scene.

3. Impact on Neighbouring Amenity

It is noted that no windows, serving habitable rooms, are positioned in the flank wall of the new property.

The formerly rear-facing first floor window, serving bedroom 2 and raising concerns of overlooking previously, has been repositioned to the south-easterly side elevation of the new property.

Due to the positioning of No. 19 and the proposed house, there are no concerns with regard to loss of amenity.

The proposed dwelling is situated some distance from neighbouring dwellings such that any loss of light or privacy caused is unlikely to be substantial or provide sufficiently strong grounds for refusal.

The overlooking issue has been addressed and hence the proposed development is not considered to have a detrimental impact upon neighbouring residential amenity in terms of overlooking, overbearing, overshadowing or loss of natural light.

4. Parking and Highways Issues

Currently the road outside the site is in the form of a turning head which is not designed for car parking. The fact that some cars are clearly parking in this area blocking both the road and access to the allotments cannot be raised as a legitimate objection to development of this site. In fact the provision of a property on this land requiring the turning head for access and egress may improve the situation in that drivers may well realise that to park in the turning head would block occupants of the proposed dwelling in.

The County Highways Authority has formally considered the proposed scheme and raised no objections stating that it satisfies highway safety criteria.

Sufficient space would be available to access the site and also within the site for private parking and turning to serve the dwellings. Two off-street parking spaces, measuring 5.5 m x 2.9 m each, would be provided for the new house. This is in accordance with the Council's adopted Vehicle Parking Standards (September 2009), which states that a minimum of two spaces per residential unit with a preferred bay size of 5.5 m x 2.9 m is appropriate in such locations where access to public transport is good. In this case, access to good public transport exists in this locality and therefore it is considered that the proposed parking provision would be adequate, which is in accordance with policy RLP56

of the Braintree District Local Plan Review and Policy 1.1 of the County Council's Local Transport Plan 2006-2011.

As this is a residential area where low levels of noise generation and congestion tend to occur, it is not considered that this matter would have a sufficient material adverse impact to warrant a refusal of planning permission.

5. Sustainability

In order to ensure that the proposal complies with the Council's sustainability policies a condition is recommended to ensure that that adequate energy-efficient construction materials and processes are incorporated into the detailed design of the properties.

CONCLUSION

While the concerns raised in the letters of representation are noted, for the reasons expressed above it is considered that the proposed development of a new detached dwelling with adequate private amenity garden space and off-street parking at a density appropriate to this location would not cause unreasonable harm to the character and appearance of this locality. The proposed development would comply with the above policies of the Braintree District Local Plan Review and is therefore recommended for approval.

RECOMMENDATIONS

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

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

- 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 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.**
- 9 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.**

- 10 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.**
- 11 The driveway shall be constructed using permeable block paving on a porous base and maintained as such.**
- 12 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.**
- 13 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.**

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

- 10 To ensure adequate parking space is provided.
- 11 To reduce the risks of flooding.
- 12 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.
- 13 To avoid displacement of loose material onto the highway in the interests of highway safety.

APPROVED PLANS

General Plan Ref: COG1039/01 Version: A

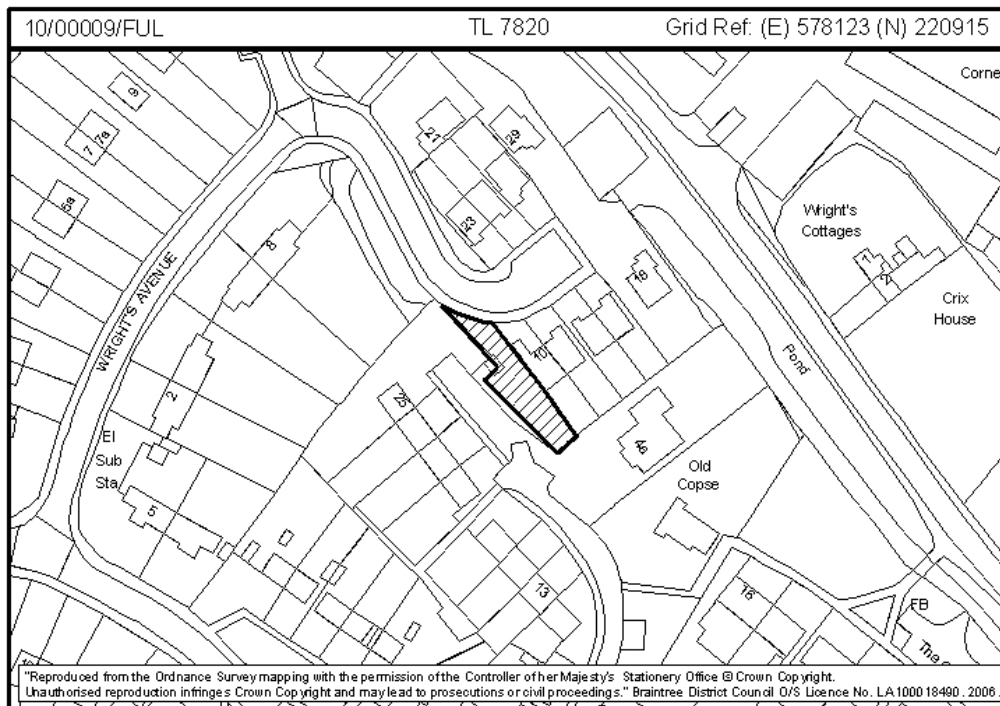
INFORMATION TO APPLICANT

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

AGENDA ITEM NUMBER
PART A

APPLICATION NO: 10/00009/FUL **DATE VALID:** 20.01.10
APPLICANT: DSD Properties Ltd
Mr Stephen Holden, 57 Heron Way, Hutton, Brentwood,
Essex, CM13 4LQ
DESCRIPTION: Erection of 4 bed detached dwelling
LOCATION: Land Adjacent 10 Wrights Avenue, Cressing, Braintree,
Essex, CM77 8JG,

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

88/01120/P	Erection Of Two Storey Extension	PER	02.08.88
08/02194/OUT	Erection of dwelling	WDN	20.01.09
09/00083/OUT	Erection of dwelling	PER	20.04.09
09/01534/FUL	Erection of 4 bed detached dwelling	WDN	05.01.10

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
RLP56	Vehicle Parking
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

Government Guidance

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

REPORT

The Proposal

The application proposes the sub-division of the plot that currently forms 10 Wrights Avenue, in order to enable the erection of one new two-storey dwelling.

The plans show the provision a dwelling that would measure 10.5 metres deep and 7 metres wide, being positioned 1.2 metres from the boundary of the site that is shared with Longacre; and 2.25 metres from the existing dwelling of 10 Wrights Avenue. A 0.8 metre deep single storey protrusion would be provided at the front of the dwelling with a single pitched roof built to a height of 3.4 metres. The dwelling would be built to a ridge height of 8.1 metres and an eaves height of 5 metres, with a roof pitch to match the existing dwelling.

Two car parking spaces would be provided at the frontage of the site and private amenity space to the rear of the dwelling of 86 square metres, with a reasonable front garden and ancillary space at the side of the dwelling.

The Site

The site is located to the south west of Wrights Avenue within the settlement of Cressing. The site is irregularly shaped with a depth of approximately 35 metres and a width of 8 metres. The land was previously used as amenity space for the dwelling of 10 Wrights Avenue.

CONSULTATIONS

The Council's Landscape Services Department have raised two concerns about the tree protection report, but have not objected to the proposal on the grounds that these matters can be addressed through the use of suitable conditions relating to the protection of existing trees.

The Council's engineers have requested that a hardstanding is permeable and that a percolation test is undertaken.

In the consideration of previous applications at this site, the Council's Environmental Services Department have outlined no objection to the development subject to the works being carried out in accordance with a dust and mud control management scheme. They also requested that no piling occurs without the submission and agreement of details relating to the ancillary noise and vibration levels.

REPRESENTATIONS

Five letters of objection have been received. These raise issues over land ownership, insufficient amenity space and a likelihood of increased flooding. It is also suggested that the proposed development represents overdevelopment and would have a detrimental impact on highway safety and the trees on the site.

Cressing Parish Council have objected to the application on the grounds that the proposal represents over-development of the site, the plans are misleading and do not display the existing curtilage and the parking arrangement is inappropriate

CONCLUSION

The Principle of Development

The application site comprises of Brownfield land and is located within a designated Village Envelope and it is therefore noted that local plan policies RLP2 and RLP3 encourage the development of such land for residential purposes.

This advice is replicated at a national level within PPS3 which outlines that appropriate consideration of layout and design can enable the

intensification of land uses and built form without having a detrimental impact on the character of the area.

By virtue of the grant of planning permission 09/00083/OUT the principle of a new dwelling on this site has been accepted.

Design and Appearance

Local Plan Policies RLP3 and RLP90 outline that the design and layout of new residential development should be compatible with the character, appearance and setting of the surrounding area.

In this instance it is considered relevant to note that the footprint of the built form that is shown on the plans would be comparable with the footprint of the surrounding dwellings and the plot size would be comparable to other plots within the surrounding area. Similarly the height of the dwelling would match the surrounding properties, with a roof of similar pitch, and the frontage would feature a porch and front protrusion that is again in-keeping with the other properties in the area.

From this basis it is considered that the proposed dwelling would reflect the scale, form and visual interests of the street-scene and the surrounding area, thereby complying with the above mentioned policies.

To mitigate against some of the visual impact of the proposed development, it is recommended that a condition is attached to require the submission, agreement and implementation of a scheme of landscaping.

Amenity Space

The Essex Design Guide states that a dwelling of the size shown should be served by 100 square metres of private amenity space

As outlined above, the applicant is proposing the provision of approximately 86 square metres of amenity space. Whilst it is acknowledged that this is an under provision, in this instance it is considered that the scale of the under provision would not harm the amenity of the future occupants of the proposed dwelling to an extent that would justify the refusal of the application on those grounds. The proposed garden size is not out-of-keeping with the garden sizes of the other plots in the surrounding area and it is therefore considered that it would be inappropriate to refuse the application on those grounds.

To reflect that the proposal does not comply with the abovementioned standards, it is considered appropriate to remove permitted development rights for the erection of extensions and outbuildings, thereby ensuring that the amenity space is not encroached upon unless approved by the Local Planning Authority.

Amenity of Neighbouring Residents

In relation to the impact on the amenity of neighbouring residents it is considered relevant to note that the relationship of the application site to the frontage of the dwellings on Longacre Road would enable a separation distance of 19 metres to be retained. From this basis, despite enabling built form to be in closer proximity to the frontage of the dwellings of Longacre Road, it is considered that suitable separation distances would be retained to enable a dwelling to be built at the application site without having an unreasonable impact on the light or privacy that is afforded to their residents.

It is noted that there are windows within the side elevation of the existing dwelling at 10 Wrights Avenue which would be affected by the erection of a dwelling as proposed. The plans submitted under the terms of application 88/01120 show that these windows provide a bathroom window and a secondary window to the third bedroom at first floor level. A door and a dining room window are also provided at ground floor level. Given that the bedroom window is secondary and that the affected room is served by a larger window at the frontage, it is considered that the impact on outlook is not harmful to such an extent that would justify the refusal of the application on those grounds.

It is considered that this point is supported by the fact that the owner of that property sold this land on the grounds that a dwelling was to be erected at the site, it is considered that it would be unreasonable to refuse the application on the grounds of harm to that resident. Any future resident would be aware of the outlook prior to occupying the property and this gives the Local Planning Authority comfort in respect of that issue.

Issues of Drainage and Flood Risk

Within the representation received a concern was raised in relation to the impact on the drainage facilities of the area and the impact on flood risk.

The Environment Agency Flood Plain Maps show that the site is not located within a Zone 2 or 3 flood plain of any river. From this basis, as directed by PPS25 (Flood Risk) it is considered that there is no requirement for the applicant to submit a flood risk assessment and the Local Planning Authority would not be able to justify attaching any conditions or weight to the issue of flood risk.

This issue would be best addressed through the application of Building Regulations, however there is scope to attach a condition requesting the submission and agreement of details relating to the introduction of sustainable surface water drainage systems at the application site.

Provision of Parking Spaces and Emergency Service Accessibility

Policy RLP56 states that Development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. The Council's Adopted standards require two parking spaces to be provided at the application site.

The parking area shown on the plans is considered to be of insufficient depth and width to comply with the Council's adopted standards, which would also be obstructed by the existing trees at the frontage of the site. However, there is ample space at the frontage of the site to provide tandem parking that would comply with the standards, having a width of 2.9 metres and a total length of 11.8 metres. In this instance, it is considered that a condition could be used to require the submission and agreement of an amended plan to require the provision of parking in accordance with the Council's Adopted Standards.

The existing dwelling would retain 1 off-street parking space and there is ample opportunity to safely park within the highway at the frontage of the site. For this reason, Officer's consider that it would be difficult to justify the refusal of the application on those grounds. This point is furthered by virtue of the fact that the site has been sold off, thereby meaning that the inability of that site to provide sufficient parking should not prejudice the determination of this application, which would be compliant with policy subject to the abovementioned condition.

Other Matters

Whilst the comments made by a neighbouring resident are noted in respect of land ownership are noted, in this instance it is considered that there is no known reason to disagree with the applicant's submission and claim that all of the land within the application site is within his ownership. This issue relates to a civil matter to which the Local Planning Authority has no role to resolve.

RECOMMENDATIONS

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

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 Development shall not be commenced until a schedule of the types and colour of the materials to be used in the external

finishes has been submitted to and approved in writing by the local planning authority.

- 4 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.
- 5 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 6 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.

- 7 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 and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 8 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.

9 Notwithstanding the details of the Tree Protection Method Statement submitted as part of this application, development shall not commence until an amended Method Statement has been submitted to the Local Planning Authority, and approved in writing, to incorporate the following amendments:

1. The ground protection shall comprise steel plates (not sleepers) on a sharp sand base.

2. Tree protection fencing shall be positioned as far from the trunk of the tree as construction requirements will allow.

Subsequently the development shall be undertaken with the amended plan (once approved) unless otherwise agreed in writing by the Local Planning Authority.

10 Notwithstanding the plans hereby approved, prior to the commencement of the development hereby approved an amended plan shall be submitted to the Local Planning Authority showing the provision of two parking spaces that comply with the councils adopted size standards in respect of parking spaces (2.9 metres by 5.5 metres.) Subsequently the development shall be undertaken in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

11 Development shall not be commenced until a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted and approved, in writing, with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the proposed development.

12 Notwithstanding the details shown on the plans hereby approved, the boundary treatment that is proposed to be installed along the new boundary that will be shared with 10 Wrights Avenue, shall not exceed 1 metre in height at any point forward of the gate that is shown on the approved plans.

REASONS

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development does not prejudice the appearance of the locality.
- 4 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 5 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 6 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 7 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.
- 8 To enhance the appearance of the development and in the interests of amenity and privacy.
- 9 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.
- 10 To ensure adequate parking space is provided.
- 11 To ensure a satisfactory method of surface water drainage.
- 12 To ensure that the development does not prejudice the appearance of the locality.

APPROVED PLANS

Block Plan	Plan Ref: 3	
Location Plan	Plan Ref: 2	
General	Plan Ref: 1	Version: A

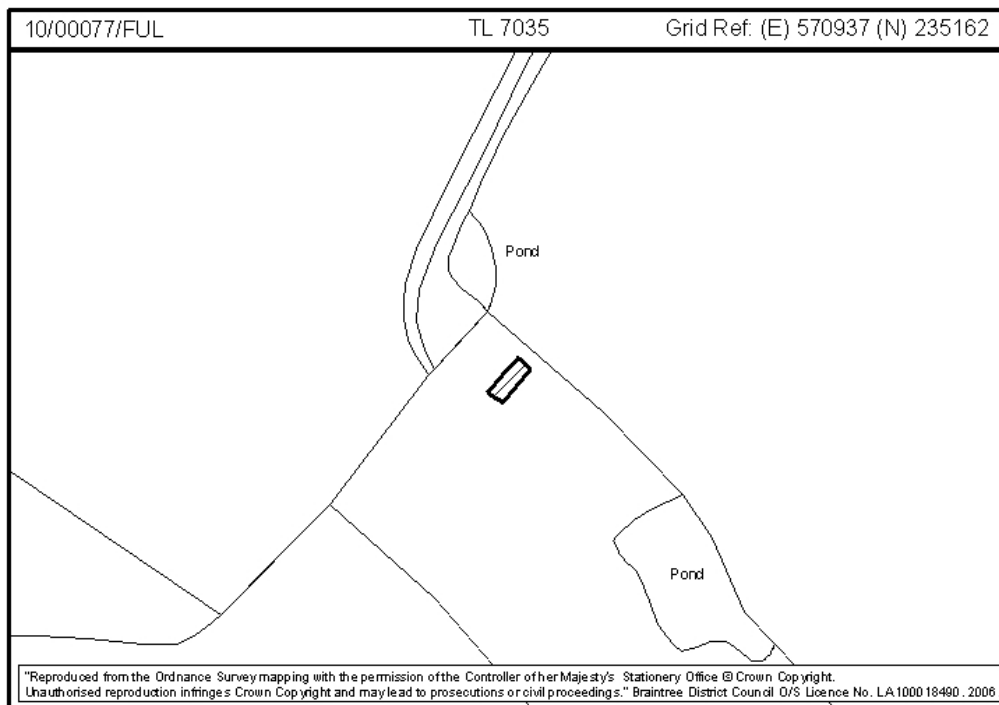
INFORMATION TO APPLICANT

- 1 Discharging Conditions
- 2 Discharge of Conditions fee

PART A

APPLICATION NO: 10/00077/FUL **DATE VALID:** 18.01.10
APPLICANT: Mr Harvey Scoot
Finchingfield Farm, Howe Street, Finchingfield,
Braintree, Essex, CM7 4JB,
AGENT: Whirledge & Nott
The Estate Office, White Hall, Margaret Roding, Great
Dunmow, Essex, CM6 1QL
DESCRIPTION: Siting of temporary agricultural dwelling
LOCATION: Finchingfield Farm, Howe Street, Finchingfield,
Braintree, Essex, CM7 4JB,

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



SITE HISTORY

06/02384/FUL	Erection of general purpose agricultural building	PER	23.01.07
07/01037/FUL	Erection of hay and corn storage building	PER	01.08.07

POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP12	Permanent Agricultural Dwellings
RLP13	Temporary Agricultural Dwellings
RLP78	Countryside
RLP90	Layout and Design of Development

Government Guidance (Planning Policy Statement/Guidance

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in Rural Areas

INTRODUCTION

This application is being presented to Committee as an objection has been received from the Parish Council.

DESCRIPTION OF PROPOSAL & BACKGROUND INFORMATION

This application seeks approval for the siting of a temporary agricultural dwelling (mobile home) in connection with the agricultural business at Finchingfield Farm. The mobile home is already present on the site and occupied by the applicant. It measures approximately 11.2 metres by 3.6 metres.

Finchingfield Farm was bought by the applicant in 2007 and consisted of arable fields comprising approximately 21 hectares. Since then the land has been sown to grass and is mainly managed for turf production. The applicant has run a turf operation for some 20 years growing on rented land throughout Essex, but has now established The Lawn Co @ Finchingfield on this, their own land. He is in the process of establishing a complimentary enterprise breeding and rearing Alpacas.

It is the intention of the applicant to breed and expand the Alpaca herd to approximately 50 animals. Once the herd is established, the applicant intends to provide other Alpaca breeders with stud services using the male Alpacas.

The two enterprises can co-exist. The Alpacas are able to graze on the grassland before it is turfed, because their light padded feet do no damage to the sward. Their droppings are collected and mixed with topsoil to be used as a fertiliser, thus cutting down on inorganic treatment.

SITE DESCRIPTION

The site (Finchingfield Farm) is located approximately 1.5 miles north-east of Finchingfield. It is accessed via an existing unmade, private track from Howe Street approximately 1km in length.

The existing mobile home (subject of this application) is sited to the south-west of the holding. The Alpacas are currently grazing in the southernmost field within fenced paddocks, closest the mobile home. A small mobile field shelter has been provided for the animals to use during the cold weather. There are currently 11 animals on the site at present.

Planning permission was granted in 2007 for the erection of an agricultural storage building on the site. Groundworks for this building have commenced and it will be sited fairly close to the mobile home.

The farm is fairly flat and open in nature with field boundaries being defined by trees, hedgerows and ditches.

CONSULTATIONS

Parish Council – Object. The content of the appraisal and statement did not reassure the Parish Council of the essential nature of the mobile home. It is understandable that proximity to animals is desirable but if this was applied across the District there could be a plethora of structures. Do not feel that proposal meets requirements of RLP 13. Should permission be granted, an application for a permanent dwelling could follow.

Environmental Health – No objection

Engineers – No comments

Agricultural Consultant – A detailed report has been received. It is considered that the enterprise generates an essential functional requirement for a worker to live within easy reach of the Alpacas to provide husbandry and welfare care, and security. Applicant has demonstrated intention and ability to develop a successful business. The Business Plan provides evidence of sound financial planning.

REPRESENTATIONS

A site notice was displayed on a fence at the start of the farm track. Four letters in support of the application have been received stating the following:

- Overall appearance of the farm has changed for the better since the applicant's ownership;
- Site is well maintained;
- Nice to see the land being used in a productive and inspirational manner;
- Impressed with the setup, conditions and assistance given;
- Wouldn't know the site was there;
- Applicant is a responsible and sincere business person who maintains the site in a clean and tidy manner.

REPORT

Principle of Development

The site is outside of any defined settlement, therefore Countryside Policies of restraint apply. Policy RLP78 of the adopted Braintree District Local Plan Review seeks to restrict development to that required to support agriculture, or other uses which must take place in the Countryside. Any development that is necessary should be well related to existing patterns and be of a scale, siting and design suitable to the countryside setting.

National planning guidance as set out within Planning Policy Statement No. 7 (PPS7) recognises particular circumstances where an exception can be made to allow isolated dwellings in the countryside to enable agricultural workers to live in the immediate vicinity of their work. Paragraph 1 of Annex A states that there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not the personal preferences or circumstances of any individual. PPS7 also states that there may be instances where special justification exists for new dwellings associated with other rural based enterprises, however, these should be assessed against the same stringent levels of assessment as is applied to agricultural and forestry workers dwellings.

Policies RLP12 and RLP13 of the Braintree District Local Plan Review reiterate the requirements set out in Annex A of Planning Policy Statement No. 7. This states that temporary agricultural dwellings should only be allowed, where the following criteria are met:

- (a) There is clear evidence of a firm intention and ability to develop the enterprise concerned
- (b) There is a clearly established existing functional need

- (c) There is clear evidence that the enterprise has been planned on a sound financial basis**
- (d) The functional need could not be fulfilled by another dwelling on the unit; or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned**
- (e) Other normal planning requirements, for example siting and access are satisfied.**

If a new dwelling is essential to support a farming activity it should normally, for the first three years, be provided by a caravan, wooden structure which can easily be dismantled, or other temporary accommodation.

An Agricultural Appraisal carried out by an independent agricultural consultant has been submitted by the applicant in support of the application. The Council's Agricultural Consultant has considered this appraisal, and all the information submitted and has also visited the site. He has prepared a detailed report which takes into consideration all the information provided. The following sub-headings relate to the criteria set out above. Consideration is given to compliance with each of the criteria, having regard to the advice received by the Council's consultant.

Evidence of Intention and Ability

Alpaca farming is relatively new to British agriculture. However the applicant has undertaken extensive research and technical training courses regarding the husbandry aspects of keeping Alpacas. The enterprise (Finchingfield Alpacas) is a member of the British Alpaca Society. The applicant intends to work full-time on the farm. The farm has obtained a Holding number and has registered for Single Farm Scheme payments.

A Business Plan has been submitted with the application. This indicates that a significant capital payment for the acquisition of the foundation herd has been made. Capital has also been invested into the farm with improvements to the tracks, fences and landscaping of the site, laying on water, providing electricity, and Planning Permission has been obtained for a farm storage building. The largest single item of expenditure has been the land purchase, although it should be recognised that this primarily benefits the turf operation. The Council's consultant estimates that in respect of the Alpaca enterprise the applicant has invested £75,725.

It is the opinion of Officers and the Council's Agricultural Consultant that the applicant is learning to some extent by experience during the early stages of this venture however, he has demonstrated personal and financial commitment and a firm intention to establish and expand the enterprise.

Functional Test

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available on the site at most times. PPS7 suggests examples where workers are needed to be on hand day and night:

- In case animals or agricultural processes require essential care at short notice;**
- To deal quickly with emergencies that could otherwise cause serious financial loss to crops or products, for example by frost damage or the failure of automatic systems.**

It is considered that the turf production element of the enterprise would not meet the criteria set out in PPS7. However, the applicant maintains that the breeding of Alpacas justifies the requirement to have living accommodation on the site for security purposes and to provide the highest levels of welfare.

Following his assessment of the application, the Council's Agricultural Consultant states the following in his report... "I suggest to adequately care for these animals throughout the year it would be unwise not to be readily available at most times. This is supported by a letter from the applicant's vet. This is particularly so during mating and giving birth. If a cria or even a mother were lost the enterprise would suffer serious loss. Alpacas have a tendency to hide their ailments and can suddenly 'go off'. Therefore very close scrutiny is necessary. This will normally be done during routine husbandry, but regular out-of-hours checks are also necessary. As with all grazing animals, problems occur such as break outs, blocked and frozen water pipes and have to be urgently dealt with. Where animals worth in excess of £5,000 each are kept, there is serious risk of theft, if the herd is left unattended over night. Therefore security is a major element of functional need. In my view, there is an essential functional need for a worker to live within close proximity to Finchingfield Farm for husbandry, welfare and security reasons.

Planning on a sound financial basis

As stated above a Business Plan has been submitted with the application. This sets out clearly how it is intended the enterprise will grow with a steady increase in breeding females and the introduction of a stud male. The Plan shows the annual income and expenditure with profit and loss, increasing to a net profit of around £33,000 in year 5.

During the first five years the aim is to increase the asset value of the herd, with modest sales of females commencing in Year 3. A breeding female Alpaca can fetch between £4000 and £7500. Fleece would be sold annually, but income will mainly come from sales of breeding stock. It is planned to keep a high quality male and offer his stud services. This will increase cash flow. It is understood that stud fees can be between £400 and £700 for a well bred male. When fully established, it is planned to run on average around 50 animals in total.

Based on the information provided, it is considered that the business has been planned on a sound financial basis.

Fulfilment of need by another dwelling

The site is very isolated and the holding is surrounded by mainly arable land. There are no dwellings within close proximity of the site that would fulfil the need.

Other Policy Considerations

The site is served by an existing access. The mobile home is not excessively large and is green and cream in colour. It is located in an acceptable location (screened to one side by existing trees and hedges), close to the access and site of the proposed storage building.

The principle of functional need to care for breeding Alpacas has previously (and recently) been established by both Braintree District Council and other Local Planning Authorities and Planning Inspectors for sites across England.

CONCLUSION

Guidance set out in both national and local planning policy indicates that in particular circumstances an exception can be made to normal countryside policies to allow for isolated dwellings in the countryside to enable agricultural workers to live in the immediate vicinity of their work. This is subject to compliance with a number of criteria including financial and functional tests.

Information, including a Business Plan has been provided to demonstrate that the criteria and tests can be met. The Local Planning Authority's Agricultural Consultant has scrutinised this information and is satisfied that the Alpaca breeding enterprise generates an essential functional requirement for a responsible worker to live within easy reach of the animals to provide husbandry and welfare care, and also security. He considers that the applicant has demonstrated both intention and ability to develop a successful Alpaca business. In accordance with guidance set out in PPS7 it is appropriate that a three year temporary permission is granted.

RECOMMENDATIONS

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

- 1 This permission shall expire on 30th June 2013 and on or by that date the use of the site for the purposes of stationing a mobile home shall be discontinued, the mobile home shall be removed and the site reinstated to its former condition in accordance with

details to be submitted to and agreed in writing by the local planning authority 28 days before removal.

- 2 The occupation of the mobile home hereby permitted shall be limited to persons wholly or mainly employed or last employed, locally in agriculture as defined by section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him (but including a widow or a widower of such a person).
- 3 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. Prior to the first occupation of the development, any such approved external lighting shall be installed in accordance with details and thereafter so maintained. There shall be no other sources of external illumination.

REASONS

- 1 This permission for a limited period is granted only in the light of circumstances appertaining to this case and in order that the local planning authority may review the matter at a later date in the light of planning policies and all material considerations and circumstances appertaining at the time.
- 2 The site lies in a rural area where development other than for agricultural purposes is not normally permitted.
- 3 To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

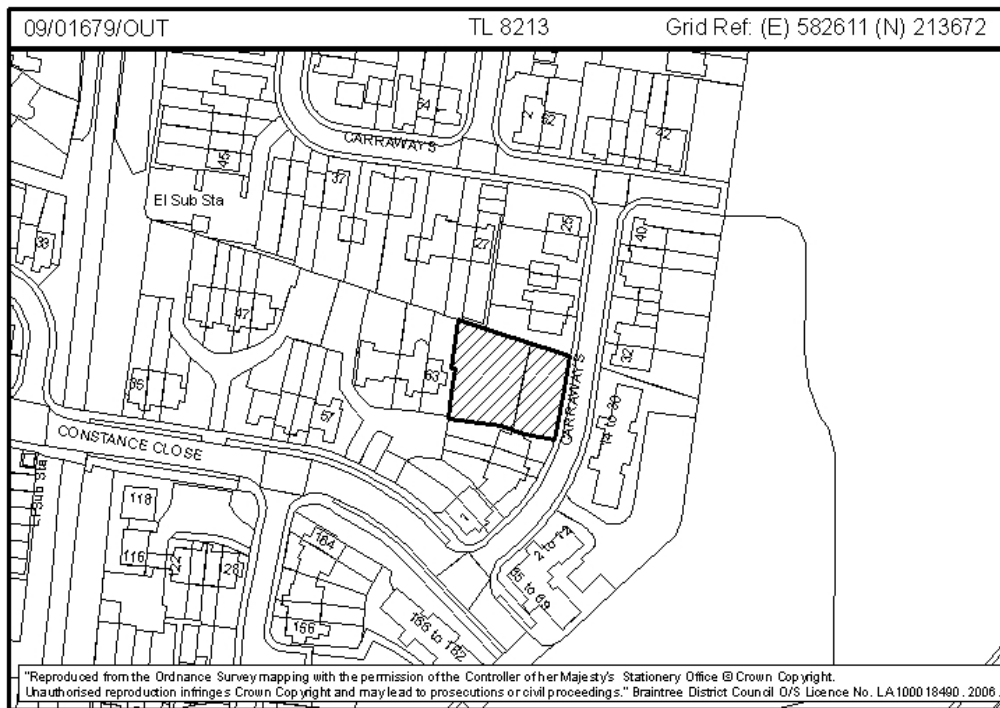
APPROVED PLANS

Block Plan Plan Ref: 01 Version:

PART A

APPLICATION NO: 09/01679/OUT **DATE VALID:** 31.12.09
APPLICANT: Trustees Of J R Wood
C/o Agent
AGENT: The John Bishop Partnership
27 The Square, Stock, CM4 9LH
DESCRIPTION: Erection of 4 no. flats with associated parking and private amenity space
LOCATION: Land Adjacent, 9 Carraways, Witham, Essex, ,

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



SITE HISTORY

89/01918/P	Erection Of 164 Semi-Detached & Terraced Houses, Flats & Parking Areas	S52	17.01.90
04/00282/OUT	Erection of three terraced three bedroomed houses	PER	14.04.04
06/01825/OUT	Erection of 5 no. flats parking and amenity space	REF	13.11.06

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
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

PROPOSAL AND SITE DESCRIPTION

This application is for outline consent for the erection of 4 flats with associated parking and amenity space on land adjacent to 9 Carraways, in the south east of Witham. Access, siting and scale are the only matters under consideration at this stage. A previous application for 6 flats was refused on the basis of lack of off-street parking and impact on the amenity of No. 63 Constance Close.

This easterly facing site measures approximately 569sqm. The frontage consists of closely mown grass with a low post and chain fence to the edge of the pavement; a close boarded fence cuts through the site which is fronted by evergreen planting; the area behind the fence is enclosed by boundary fencing and is overgrown. The properties to the north, south and west comprise 2-storey dwellings, with a block of 3 storey flats opposite the site.

It is proposed to site the flats facing east roughly in line with the existing building line. The block plan submitted with the application shows that access will be created via Carraways and will pass through an under-croft to the 6 parking spaces set out at the rear of the site. The Plan also indicates that cycle parking and waste/recycling buildings will also be sited in the rear space. A total of approximately 155sqm of amenity space will be provided, with 90sqm being at the rear. A separation distance between the proposed building and No. 9 Carraways of approximately 4.9m down to 4.3m and No. 19 of 3.4m down to 3.19m will remain (building to building). The side elevation and garden of the

nearest property to the rear of the site, No. 63 Constance Close, will be at a distance of approximately 15.9m from the proposed building (building to building).

CONSULTATIONS

The Town Council raises no objection to the proposal subject to the number of bedrooms not exceeding the number of parking spaces in line with the agreed parking standards. Environmental Services raise no objection subject to conditions.

REPRESENTATIONS

Letters of representations have been received from the occupiers of Nos. 5, 9, 19, 23, 24, 25, 26, 32, 34, 42, 58, 60 and 72 Carraways, 6 and 18 Clayshots Drive and 63 Constance Close, together with a 62 signature petition. The concerns raised are summarised as follows:-

- Insufficient parking and turning space within the site;
- Parking congestion in the area will be exacerbated by this proposal and will impact on access for emergency vehicles, the safety of pedestrians, particularly children and highway safety in general;
- The disabled parking space within the site is inadequate;
- Siting of the parking spaces and refuse/recycling will be detrimental to No. 63 Constance Close in terms of general noise disturbance, smell and pollution;
- Inadequate capacity of sewage system;
- Invasion of privacy, overlooking and overshadowing (next door properties and 63 Constance Close);
- Loss of green space, which is used as an informal play area for children and habitat for wildlife;
- The plans are inaccurate stating that the proposed building is south facing, when it faces east;
- Disruption of existing living conditions during construction;
- Potential security threat to No. 9 Carraways and 63 Constance Close (via path leading adjacent No. 9 to parking area);

REPORT

The site is located within the Town Development Boundary wherein the principle of residential development is accepted subject to compliance with other relevant development plan policies. Specifically, Policy RLP3 of the Local Plan Review states that within Town Development Boundaries residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without detriment to the existing character of the settlement. Accordingly, it is considered that the principle of the development is acceptable, providing that it also satisfies the relevant criteria in the Development Plan.

Four flats are proposed at a density of approximately 70 per hectare. this is commensurate with the pattern of the development in the area, provided that sufficient amenity and parking can be provided. There are 6 parking spaces shown for 6 bedrooms, this is in line with the Town Council's comments and meets the parking standards recently adopted by the Council. However, the width of the bays is below standards, and it may only be possible to provide 5 spaces. This is still an acceptable amount of parking for four, one bedroomed flats. It has been pointed out by one of the objectors that the disabled space indicated on the block plan is inadequate, however, it should be noted that there is no requirement for such spaces in a private residential development. The amenity space provision of 155sqm exceeds the minimum of 25sqm per flat as recommended in the Essex Design Guide.

Policies RLP9 and RLP90 of Plan indicate that scale, density height and massing of buildings should reflect or enhance the locality and that there should be no undue or unacceptable impact on the amenity of nearby residential dwellings. In terms of overlooking, whilst the developer anticipates that there will be rooms in the roof, the building will be to two-storey height and built on the established building line in the locality. The bulk of the building has been reduced from the 2006 application, taking on board the concerns of No. 63 Constance Close and the orientation ensures that there is unlikely to be any direct back-to-back overlooking. It is not possible at this stage to comment on potential overlooking from the side elevations onto Nos. 9 and 19 Carraways, however, in terms of being overbearing, it is considered that the separation distances referred to above are similar to existing properties in the localities and are therefore reasonable.

An important material consideration in this case is that planning permission was granted in the early 1990s for a terrace of 3 dwellings as part of the original development. For whatever reason, the land was retained by the landowner and not developed. This permission was used as a basis for a new application granted in outline form, by the Witham Area Planning Committee on 14th April 2004, which was also not proceeded with. Whilst the objectors concerns are noted regarding the loss of a green space and impact on the sewage system, the principle of

residential development on this site is acceptable in accordance with planning policy and by virtue of the fact that permission has been granted on two occasions. Other issues raised regarding parking/highway safety, etc, are an acknowledged problem that is already occurring and is unlikely to be exacerbated by this proposal, given that parking provision on the site is in excess of the minimum standard.

CONCLUSION

It is concluded that the application is acceptable in principle, in accordance with Local Plan policies and can be achieved without material detriment to the amenities of neighbouring residents and the overall character 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 Approval of the details of the:-

- (a) Appearance**
- (b) Landscaping**

(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 detailed plans shall include provision for at least five vehicle parking spaces clear of the highway. The parking spaces shall be properly hardened and made available for the parking of vehicles prior to first occupation of the flats to which they relate.**
- 3 As part of the submission of reserved matters, a scheme for the provision and implementation of water, energy and resource efficiency measures, for both the construction and occupational phases of the development, shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupation of the development. The development shall be constructed in accordance with the**

scheme and the measures provided and made available for use prior to the first occupation of the development.

- 4 Each flat shall have no more than one bedroom.

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 To ensure adequate parking space is provided.
- 3 To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.
- 4 To reduce the potential for an intensification in the level of occupation of the dwellings and the increased likelihood of on-street parking, and to comply with the adopted vehicle parking standards.

APPROVED PLANS

Block Plan	Plan Ref: 5960A/1	Version:
Location Plan	Plan Ref: 5960A/0	Version:
Floor Plan	Plan Ref: 5960A/2	Version:

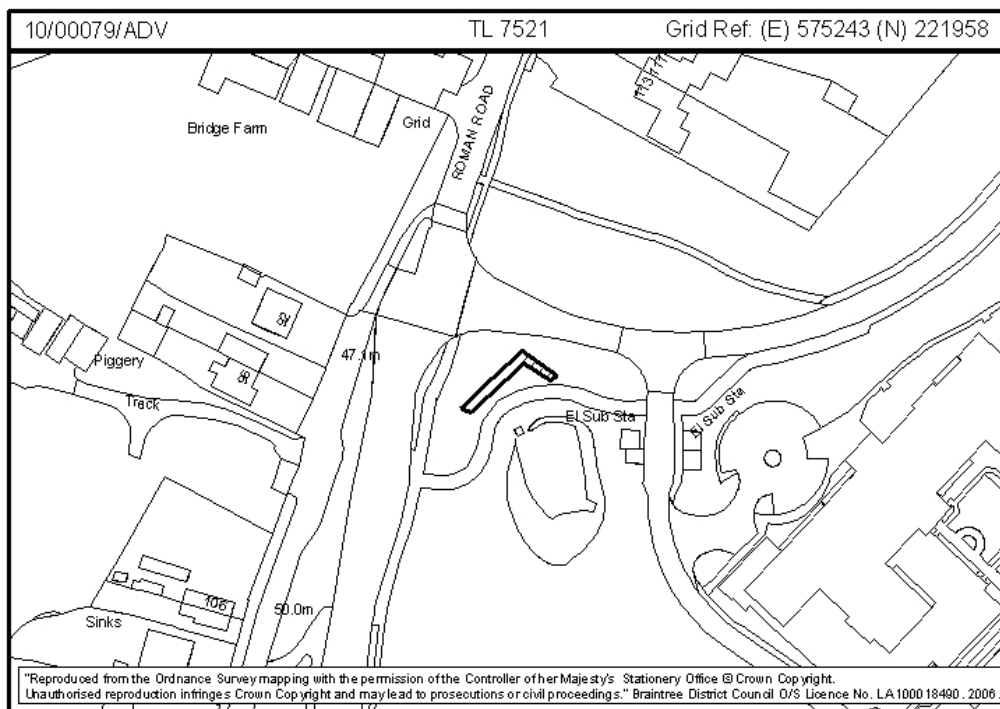
INFORMATION TO APPLICANT

- 1 You are advised that the ridge height of the proposed flats should not exceed that of No. 9 Carraways.

PART B

APPLICATION NO: 10/00079/ADV **DATE VALID:** 18.01.10
APPLICANT: Mr N Euen
Hallmark Development (Essex) Ltd, The Barn,
Monument Offices, Maldon Road, Woodham Mortimer,
Maldon, Essex, CM9 6SN
DESCRIPTION: Retrospective application for the erection of temporary
advertising board at corner of Tortoiseshell Way and
London Road for sales purposes
LOCATION: Land South Of, Tortoiseshell Way, Braintree, Essex, ,

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



SITE HISTORY

09/01318/ADV	Retrospective application for the erection of temporary signs for sales purposes	WDN	20.11.09
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POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP78	Countryside
RLP90	Layout and Design of Development
RLP107	Outdoor Advertisements

INTRODUCTION

This application is reported to the Planning Committee due to 5 letters of objection.

This application follows the withdrawal of the previous application (Ref. No. 09/01318/ADV), which was a retrospective application for the erection of 3 temporary signs for sales purposes.

DESCRIPTION OF SITE AND PROPOSAL

The application site is located just outside the development boundary of Braintree at the south-western end of Tortoiseshell Way. The surrounding area comprises of a retirement village to the east and residential properties to the north (approx. 80 m away) and west (approx. 45 m away). London road runs to the west and the A120 runs to the south/south-west of the application site. An additional footpath, connecting London Road and the first part of the access road to the retirement village, is located adjacent to/to the south of the hoarding.

This retrospective application is for the erection of a temporary advertisement board at the corner of Tortoiseshell Way and London Road for sales purposes until March 2011. The hoarding has been in place since January 2006, sits in a raised position on land higher than the surrounding highways, and advertises properties (bungalows, cottages and apartments) in the retirement village, called 'Meadow Park', for over 55s. The timber board measures 2 m x 2 m, attached to metal poles of 2 m height.

CONSULTATIONS

None

REPRESENTATIONS

Neighbouring properties were notified about this application.

5 letters of objection have been received from neighbouring residents, raising the following concerns:

- Board relates to properties that have now been sold – what is the purpose?
- Developer could advertise other sites on the board;
- Unsightly and detrimental to the residential area;
- Landscape is overshadowed.

REPORT

1. Principle of Development

The site lies beyond the defined settlement boundary of Braintree as set out in the adopted Braintree District Local Plan Review, where rural policies of restraint. In this location, as set out in policy RLP78 of the Braintree District Local Plan Review, the countryside will be protected for its own sake and permission will not normally be given for development which is unrelated to agriculture or other activities appropriate to a rural area.

Policy RLP107 of the Local Plan Review refers to outdoor advertisement and states that outdoor advertisement should meet the following criteria, designed to ensure that all relevant issues affecting visual amenity and public safety are taken into account:

- Advertisement displays should be in close proximity to the activities they are advertising. Non-related or free-standing displays will not be approved;
- The proliferation of advertisements on buildings or sites will be opposed;
- Issues of public safety, including traffic safety will be accorded a high priority in decision making;
- Particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations such as urban fringes, countryside and residential areas.

Fundamental to the determination of applications for advertisement consent, is that they may only be controlled with regard to two material

considerations, namely 'amenity' and 'public safety' (sec. 220 of the 1990 Act).

These two criteria are also repeated and defined in PPG19.

Although other material factors may be taken into account in determining the application, the Control of Advertisements Regulations require that powers of control shall only be exercised in:

(1) the interests of amenity (which means the visual amenity of the neighbourhood where the poster is to be displayed and also includes the general characteristics of the locality); and

(2) the interests of public safety (which means the safety of people using any form of travel likely to be affected by the poster display).

Furthermore, policy RLP90 of the Local Plan Review states that planning permission will only be granted for developments where they satisfies amenity, design, environmental and highway criteria and where it could take place without detriment to the existing character of the locality.

2. Design and Appearance; Impact on the Locality

The necessity of the board, advertising properties in the retirement village, could be questionable as it is believed that all properties have now been sold. This matter is acknowledged, but the hoarding clearly advertises the existing retirement village and is positioned in close proximity to the activities/development it is advertising rather than entirely free-standing. Being located a reasonable distance away from any residential properties actually benefits the case, which potentially could have a greater impact on residential amenity if its position would be less remote and closer to residential properties. In respect of concerns about other sites being advertised, if permission is granted this would only relate to the existing sign as shown and would not relate to any other sites.

Bearing in mind that 2 out of the 3 free-standing signs have been removed, the cumulative impact of number and scale has been reduced.

Importance has been paid to the scale of the surrounding location and the fact that the board is located in an open and urban fringe setting. In this case, the location is not regarded as sensitive, albeit on the outskirts of Braintree and beyond its development boundary, and is in close proximity to 2 major highways.

Taking into account that the board is already in place for 4 years and would only remain in place for a temporary period, it is considered that the proposal would meet the criteria of policy RLP107 and is considered acceptable without causing unreasonable harm to the existing character of the locality.

It is recommended that the temporary permission shall expire on 31st December 2010.

3. Impact on Neighbouring Amenity

Due to the distance away from residential properties, the hoarding is not considered to have an adverse impact on the amenities of neighbouring premises.

4. Other Issues

Due to the siting and orientation of the hoarding, it is considered that the landscaped mount upon it stands would hardly be subject to overshadowing and would not have a harmful impact on existing wildlife in this locality.

The hoarding is not considered to have a negative impact on public safety.

CONCLUSION

While the concerns raised in the letters of representation are noted, on balance and for the reasons expressed above it is considered that the hoarding is considered to be acceptable in this location and would not cause unreasonable harm to the existing character and appearance of this locality. The development would comply with national and local policies, and is therefore recommended for approval.

RECOMMENDATIONS

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

- 1 This permission shall expire on 31st December 2010 and on or by that date the use of the site for the purposes hereby permitted shall be discontinued, any structure shall be removed and the site reinstated to its former condition in accordance with details to be submitted to and agreed in writing by the local planning authority before removal.**

REASONS

- 1 This permission for a limited period is granted only in the light of circumstances appertaining in this case.**

APPROVED PLANS

Location Plan Plan Ref: SITE PLAN

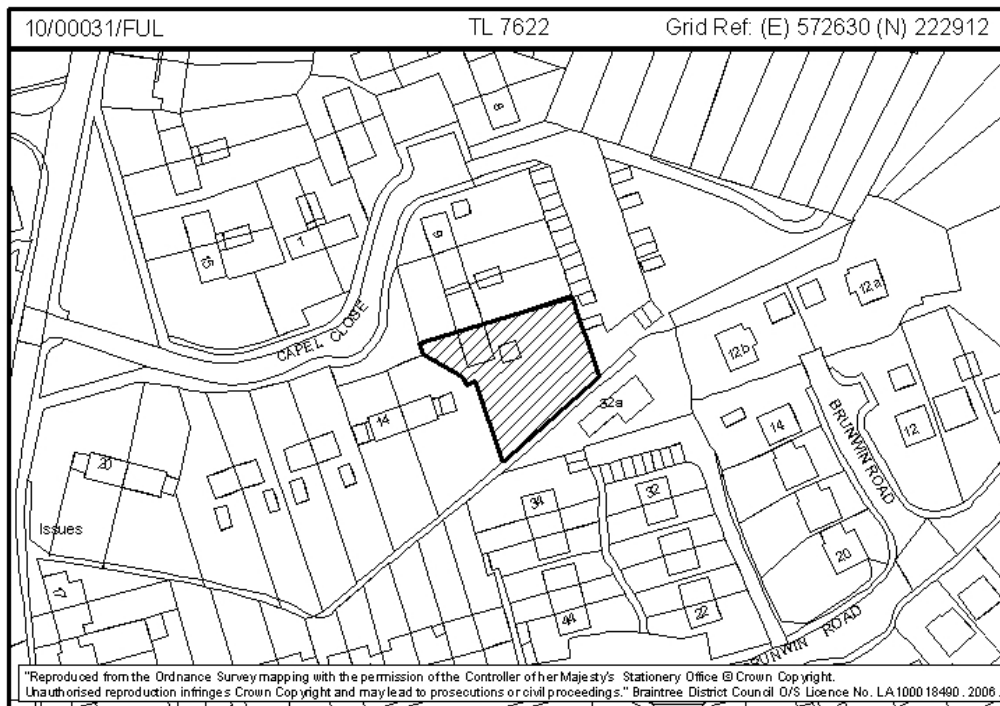
INFORMATION TO APPLICANT

- 1 This application relates only to the hoarding hereby approved. No other advertisements, including banner and flag adverts, are approved and must be removed from the site.**

PART B

APPLICATION NO: 10/00031/FUL **DATE VALID:** 19.01.10
APPLICANT: Mr A Luciani
12 Capel Close, Rayne, Braintree, Essex, CM77 6DD,
AGENT: Dave Farrow
300 Broad Road, Braintree, Essex, CM7 5NW,
DESCRIPTION: Proposed demolition of existing outbuilding and
erection of two storey side extension
LOCATION: 12 Capel Close, Rayne, Braintree, Essex, CM77 6DD,

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



SITE HISTORY

None

POLICY CONSIDERATIONS

Braintree District Local Plan Review

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

Other Guidance

Rayne Village Design Statement

INTRODUCTION

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

DESCRIPTION OF PROPOSAL

This application seeks approval for the erection of a two storey side extension which would measure approximately 5.3 metres in width by 10 metres in depth with a ridge height of approximately 8 metres. The extension would be set back from the front elevation of the existing house by approximately 1.3 metres and would have a rear facing gable end, effectively creating an L-shaped building. The external materials would comprise painted render and concrete interlocking roof tiles, to match the existing dwelling. The existing outbuilding closest to the house would be demolished.

SITE DESCRIPTION

The site is located to the north of Rayne and falls within the village envelope. It is the end property of a terrace of four dwellings and benefits from a large garden to the side and rear of the property. To the rear of the property is a long conservatory and detached outbuilding with shed attached to the rear. Adjacent the rear boundary is a further detached outbuilding/garage. Vehicular access and parking is provided via the rear boundary.

CONSULTATIONS

Parish Council – Object. Extension would lead to over-development of the plot when taking into account the footprint of the original dwelling

and the previous extension. Believe the application is contrary to Policy RLP 17.

REPRESENTATIONS

A site notice was displayed on a telegraph pole to the front of the site and neighbouring properties were notified by post. No letters of representation have been received.

REPORT

Principle of Development

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

Design and Appearance

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

- There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries;
- The siting, bulk, form and materials should be compatible with the existing dwelling;
- There should be no material impact on the identity of the street scene, scale and character of the area.

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

Section 4.3 of the Rayne Village Design Statement refers to Capel Close and states that development should not be permitted beyond the existing building line, and alterations should be of a size to complement neighbouring properties. Furthermore, extensions should be made to the side or rear.

The views of the Parish Council are noted with regard to over-development of the plot. It is acknowledged that this would be a sizeable extension. However, the dwelling is located within a large plot capable of accommodating an extension of this size without it appearing cramped and contrived. Sufficient garden/amenity space (approximately 500m²) would still remain and on this basis it is considered difficult to argue that the proposal would result in over-development of the plot. Unlike Policy RLP 18 (extensions to properties in the countryside),

Policy RLP 17 does not indicate that extensions to properties within defined development boundaries should be subordinate to the original dwelling.

The site is located in the south-eastern corner of Capel Close. Due to the position of the dwelling and the proposed set back of the extension, it is not considered that the proposal would be prominent in the street scene or have a material impact upon the character of the area. Furthermore, the proposed materials would match the existing dwelling. It is noted that the neighbouring dwelling (No. 12a) benefits from a large two storey extension of a scale not dissimilar to that proposed in this case.

It is therefore considered that this proposal accords with the aforementioned planning policies and guidance contained within the Rayne Village Design Statement.

Impact Upon Neighbouring Residential Amenity

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

Due to the relationship with neighbouring properties and the orientation of the dwelling, the extension would be located sufficient distance from boundaries so as not to result in an unacceptable impact upon neighbouring amenity. To the rear of the site is a parking court.

CONCLUSION

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

RECOMMENDATIONS

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

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

REASONS

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity.

APPROVED PLANS

Location Plan	Plan Ref: 094/P/03	
Floor Plan	Plan Ref: 094/P/01	
Floor Plan	Plan Ref: 094/P/04	Version: D
Elevations	Plan Ref: 094/P/05	Version: D

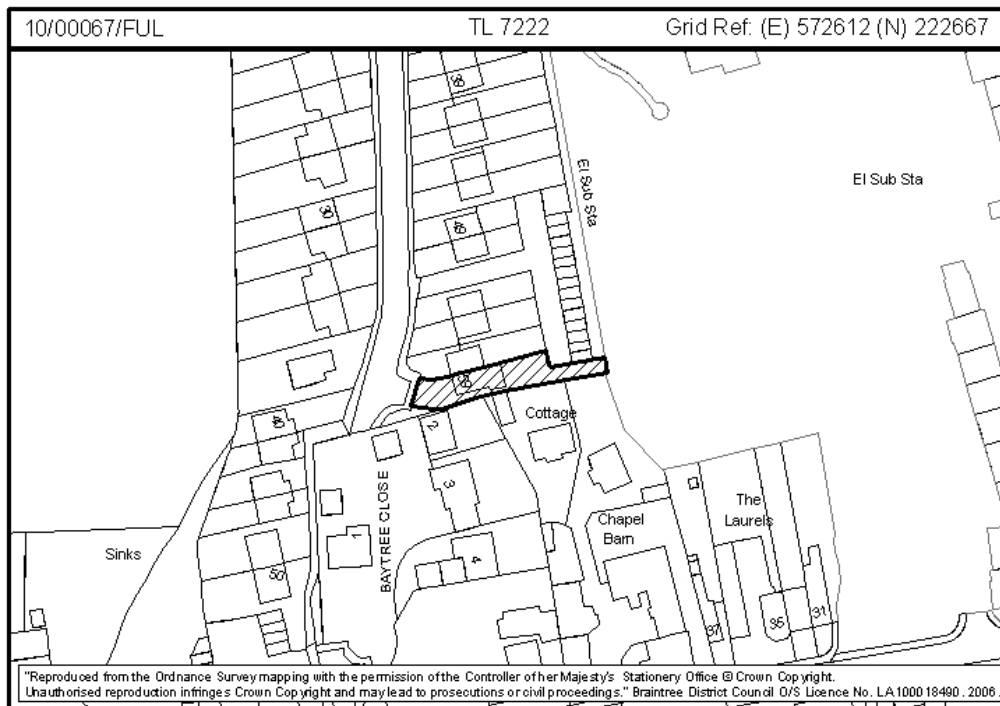
INFORMATION TO APPLICANT

- 1 Noise and Pollution Code of Practice

PART B

APPLICATION NO: 10/00067/FUL **DATE VALID:** 14.01.10
APPLICANT: Mr K Hume & Ms J Reynolds
59 Capel Road, Rayne, Braintree, Essex, CM7 5BZ,
AGENT: Mr Ian R Matthews
Ian R Matthews, 6 Millers Close, Bocking, Braintree,
Essex, CM7 5LN
DESCRIPTION: Erection of single storey rear extension
LOCATION: 59 Capel Road, Rayne, Braintree, Essex, CM77 6BZ,

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



SITE HISTORY

75/00620/P	Proposed domestic extension.	PER	11.08.75
78/00303/P	Extension to form additional bedroom and bathroom.	PER	08.05.78
86/01492/P	Erection of porch.	PER	03.11.86
99/00748/FUL	Erection of rear conservatory	PER	23.06.99
09/00752/FUL	Proposed ramp to provide wheelchair access	PER	03.08.09

POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development

Other Planning Guidance

Rayne Village Design Statement

DESCRIPTION OF SITE AND PROPOSAL

The application site is located within the village development boundary of Rayne and comprises a semi detached house with a two storey rear extension including a rear conservatory. The frontage of the property is mainly set over to hard standing for the parking of 2 cars with a wheelchair access ramp.

The proposal is for the demolition of the rear conservatory and the erection of a single storey extension to allow further bedroom/bathroom accommodation for a disabled occupant.

The extension would measure 3 metres in depth increasing up to 4.2 metres with a width of 5.8 metres and a flat roof to a height of 3 metres. The proposed external materials would match the existing property.

The accommodation is required to allow the applicants son, who is in a wheelchair, to lead a more independent life.

CONSULTATIONS

None

REPRESENTATIONS

Neighbouring properties were notified about this application.

2 No letters of representation have been received raising the following points:

- The extension will block out light and would be an eyesore.
- Inaccurate plans submitted and concerns regarding lighting.

Parish Council – object on grounds that proposal would lead to overdevelopment is contrary to Policy RLP17.

CONCLUSION

1. Principle of Development

The site lies within the defined development boundaries of Rayne as set out in the adopted Braintree District Local Plan Review, wherein the principle of residential development is acceptable.

In this location, as set out in Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The principle of an extension is therefore acceptable, subject to an assessment of all material planning considerations.

2. Design and Appearance

The proposed rear extension, by virtue of its size, form, and materials, is acceptable. Whilst it is proposed to add an extension onto an existing extension, which in some cases could quite possibly be considered overdevelopment of a site, this extension is moderately sized and would fit comfortably within the site leaving adequate garden amenity of around 90m².

Whilst not necessarily the most attractive of building forms the flat roof would minimise its impact upon neighbouring properties with its internal size just large enough to give the occupant enough room to negotiate in his wheelchair. Furthermore, the depth of the extension on the boundary with 57 Capel Road is no deeper than the conservatory that it would replace (3m). No harm would result to the wider character of the area with no public views of the existing afforded.

3. Impact on Neighbouring Amenities

Currently neighbours experience an element of overshadowing from the two storey rear extension but it is considered that the replacement of the conservatory with a single storey structure would have no further affect on loss of light or overshadowing to the neighbouring property than that which is experienced currently.

4. Conclusion

It is considered that the single storey extension is unlikely have a detrimental effect on the neighbouring properties to a degree which would warrant the refusal of this application. The proposal complies with the policies of the Braintree District Local Plan Review and is recommended for approval.

RECOMMENDATIONS

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

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

REASONS

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

APPROVED PLANS

Location Plan	Plan Ref: S4
General	Plan Ref: S1
General	Plan Ref: S2

P MUNSON
DEPUTY DIRECTOR – HEAD OF DISTRICT DEVELOPMENT