

**AGENDA ITEM NO 6**

**PART A**

**APPLICATION NO :** 10/00214/OUT      **DATE VALID :** 17.02.10

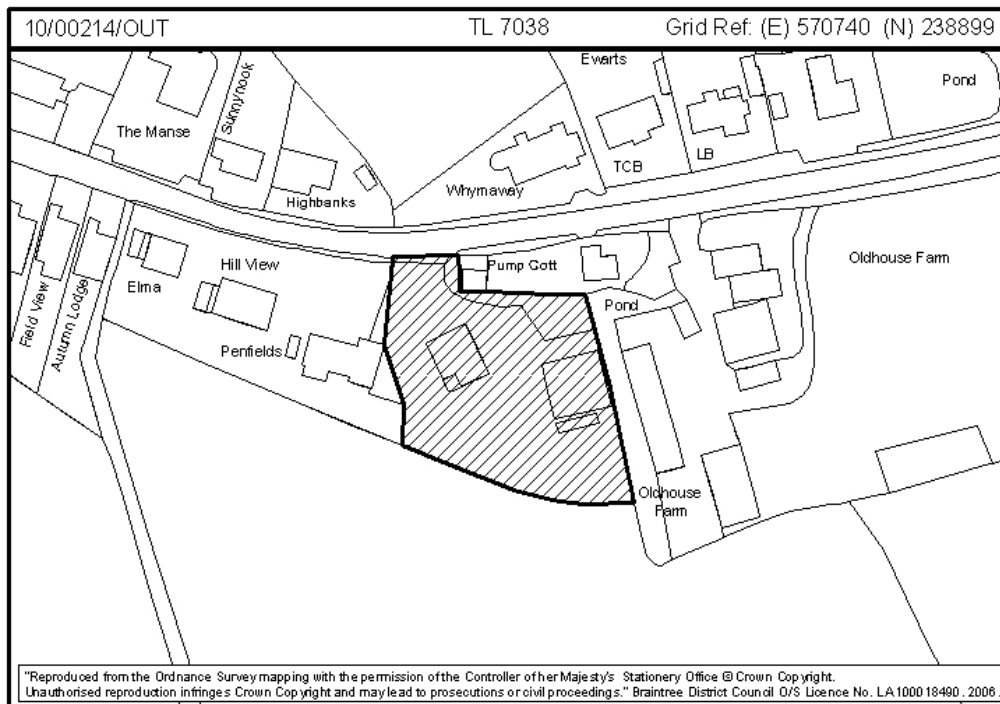
**APPLICANT :** Mr D Pyman  
Penfield Chapel End Way Stambourne Halstead Essex  
CO9 4NX

**AGENT :** Mr N Berry  
Fenn Wright 1 Tollgate East Stanway Colchester Essex  
CO3 8RS

**DESCRIPTION :** Erection of 3 no. dwellings

**LOCATION :** Land Adjoining Penfields Chapel End Way Stambourne  
Halstead Essex

**For more information about this Application please contact:**  
**Miss S Ennos**      on:- 01376 551414 Ext. No.:2522  
**or by email to:-**      susanne.ennos@braintree.gov.uk



## **SITE HISTORY**

09/00872/OUT	Erection of 4 no. dwellings	WDN	25.08.2009
09/01409/OUT	Erection of 3 no. dwellings	WDN	18.12.2009

## **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
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP78	Countryside
RLP79	Special Landscape Areas

### **Government Guidance**

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

### **East of England Plan**

SS1	Achieving Sustainable Development
T14	Parking
ENV7	Quality in the Built Environment

## **BACKGROUND**

This application seeks planning permission for the erection of 3 dwellings on Land Adjoining Penfields, Chapel End Way , Stambourne. It is an outline application with the appearance of the buildings and landscaping reserved for a future application. Two previous applications 09/00892/FUL and 09/01409/FUL have been withdrawn. Application 09/01409/FUL was brought before the Planning Committee on 15<sup>th</sup> December 2009, where the Committee resolved to granted planning permission subject to the completion of a S106 agreement for a Highway contribution. The application was later withdrawn as there was insufficient time to finalise the S106. The proposal has not been altered since the previous application.

## **PROPOSAL AND SITE DESCRIPTION**

The site comprises two large agricultural sheds which are currently used to park haulage and small vehicles. The remainder of the site is mainly concrete hardstanding, with a small area of grassland in the north-east corner of the site. The site is to the east of Penfields which is a single storey brick and tile dwelling, it is set towards the rear of the plot with a large front garden. The site is partially set behind the garden area of Pump Cottage which is located close to the road. To the east of the site is a large cattle shed which forms part of the adjacent farmyard. To the south of the site is agricultural land.

The proposal is for three dwellings towards the rear of the site in line with Penfields and a garage to the front of the site, adjacent to the boundary with Pump Cottage. The dwelling closest to Penfields is proposed to be a chalet style bungalow with a maximum ridge height of 6.5m and the two other units would be houses with a maximum height of 7.5m.

The application is reported to Committee because the Parish Council object to the proposal.

## **CONSULTATIONS**

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

Engineers – no comments

Essex County Council Highways – no response received

## **REPRESENTATIONS**

At the time of writing this report the public consultation period for the application had not expired. Any further letters received will be made available to Members prior to the Committee meeting.

Stambourne Parish Council object to the application for the following reasons:

- No provision is made for much needed affordable housing in rural areas; they consider that the site is a rare opportunity to provide some smaller, affordable properties.
- Proposal is contrary to RLP3 because the proposal does not contribute towards meeting local housing needs
- Parking arrangements are inadequate
- The immediate vicinity is mostly bungalows, 3 large properties are entirely out of keeping with the surrounding area

One letter of objection has been received from a neighbouring resident which raises concern about the maintenance of the soakaway and the ditch on the site.

## **REPORT**

### **Principle**

The application site straddles the boundary of the Bulmer Village Envelope, the proposed dwellings lie within the Village Envelope, however the proposal does rely on land beyond the Village Envelope for gardens.

Within village envelopes residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

Policy RLP90 states that the council seeks a high standard of layout and design in all developments. This means that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness; there should be no undue or unacceptable impact on the amenity of any nearby residential properties; the designs should recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance; the layout, height, mass and overall elevational design of buildings and developments should be in harmony with the character and appearance of the surrounding area; designs should incorporate measures to ensure the maximum practical environmental sustainability throughout the construction, occupation and demolition of the development; landscape design should promote and enhance local biodiversity.

The development is therefore acceptable as a matter of principle, subject to detailed planning considerations.

Policy RLP78 states that the Countryside will be protected for its own sake, particularly for its landscapes, natural resources and areas of ecological, historic, archaeological and recreational value. It is considered that subject to suitable boundary treatments this would not be detrimental to the character and appearance of the surrounding area, especially given the existing nature of the site.

### **Scale and Layout**

The area is made up of a variety of styles and types of property, the strongest influences being the three bungalows to the west and the larger and more consolidated group of farm buildings to the east behind Pump Cottage. It is considered that the scale and layout is in keeping

with the surrounding area. The proposed dwellings would be set towards the rear of the site with relatively large gaps and an open circulation area to the front. They step up in height from west to east. It is considered that this retains the open character of this part of the street and reflects the surrounding pattern of development.

### Neighbours Amenities

The details of the proposed dwellings are not provided and will be included as part of a future application. It is noted that Pump Cottage sits in front of the site and could suffer from some increase in overlooking. The distance between the closest part of the new buildings and the nearest part of Pump Cottage is approximately 23m. It is therefore considered, that having regard to the orientation, intervening vegetation and careful consideration of the positioning of windows at the reserved matters stage that the proposal could be designed so as not to have an adverse impact on the amenities of the neighbouring residents.

### Landscapes

The application was submitted with a Tree Survey, Arboricultural Implication Assessment and Method Statement. It is considered that this is adequate and that all its recommendations should be complied with.

Given the nature of the site it is not expected that it would have the potential to support Great Crested Newts or other Protected Species.

### Sustainability

The Planning for Sustainable Design and Construction Checklist was submitted as part of the application, it was not completed in great detail as this is only an outline application. However, this issue can be dealt with through a condition.

### Highways

Essex County Council Highways raise no objections subject to conditions to ensure adequate turning space and a suitable surface treatment. A financial contribution of £ 5,000 towards a vehicular activated sign in Chapel End Way, which the applicant has agreed to, has also been requested.

The proposal provides two dedicated car parking spaces for each dwelling. This is considered to be acceptable as there will also be other places on the site available for visitors to park.

### Other Issues

The Parish Council's concerns regarding the lack of affordable housing are noted, however, the site size and number of units proposed falls well below the thresholds set out in RLP5 and as such it would not be reasonable to require an element of affordable units.

Concerns have been raised regarding the surface water drainage. It is accepted that information about this has not been submitted as part of the application; however, this is a matter which can be dealt with through a condition requiring further details to be approved. The site is located outside a flood zone in an area where the Environment Agency provide standing advice, therefore, no formal consultation was required.

### **CONCLUSION**

The proposal has not altered since the previous application 09/01409/OUT, which was brought before Committee and granted subject to a S106 agreement for a financial contribution of £ 5,000 towards a vehicular activated sign in Chapel End Way . The application is therefore recommended for approval.

### **RECOMMENDATION**

It is **RECOMMENDED** that, subject to either the applicants entering into a suitable planning obligation pursuant to S106 of the Town and Country Planning Act 1990 or, if considered appropriate by the Development Director, the imposition of a suitably worded condition to cover the following matters:

- A financial contribution of £5,000 towards a vehicular activated sign in Chapel End Way

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 (where necessary) is not provided 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 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 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.**
- 3 The 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.**

- 4 The development shall be carried out in accordance with the recommendations set out in the Tree Survey, Arboricultural Implication Assessment and Method Statement produced by Haydens dated 18.06.2009.**

- 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** Prior to the occupation of the development hereby permitted a turning space of a design to be agreed in writing by the local planning authority 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.
- 7** No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- 8** Prior to the occupation of the development hereby permitted the existing access shall be narrowed to 4.8 metres wide and the visibility splays shown on the approved plans shall be provided. The site access shall be retained in the approved form thereafter.
- 9** Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-

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

The development shall be constructed in accordance with the approved details and thereafter so maintained.
- 10** Notwithstanding the approved plans the cartlodge/garage structure shall only provide three parking spaces. All six parking spaces shall be laid out and available for use prior to the first occupation of the development and thereafter so maintained.

- 11 Development shall not be commenced until details of the design of the soakaways or alternative means of surface water drainage have been submitted to and approved in writing by the local planning authority. Where soakaways are proposed the details shall include the design and the results of a series of percolation tests carried out upon the subsoil in accordance with BRE Digest 365 to demonstrate they are of appropriate sizing and construction for the site. No building shall be occupied until the approved means of surface water drainage has been provided and is operational.**
- 12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house, as permitted by Classes A, B, C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.**
- 13 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**
- 14 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.**
- 15 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.**
- 16 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' Second Edition. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.**

**Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.**

**The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' Second Edition and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.**

## **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 that the development does not prejudice the appearance of the locality.**
- 3 Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.**
- 4 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 5 In order to secure the satisfactory development of the site and in the interests of visual amenity.**

- 6 To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.
- 7 To avoid displacement of loose material onto the highway in the interests of highway safety.
- 8 To ensure that vehicles can enter and leave the highway in a safe and controlled manner.
- 9 In the interest of promoting sustainable forms of development.
- 10 To ensure that the development provides an appropriate level of vehicle parking.
- 11 To ensure a satisfactory method of surface water drainage.
- 12 In order that the local planning authority may exercise control over any proposed future extensions in the interests of visual amenity.
- 13 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 14 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 15 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.
- 16 It is noted that there is a fuel pump at the site associated with its existing use. The requirements of this condition will ensure that any potential contamination of the site associated with its current use and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

**APPROVED PLAN(S):**

Location

General Plan Ref: 08074/002C

Additional Plan Plan Ref: 08074/001 Version: As Existing Site

**INFORMATION TO APPLICANT**

- 1 Discharge of Conditions fee
  - 2 Lighting
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**PART B**

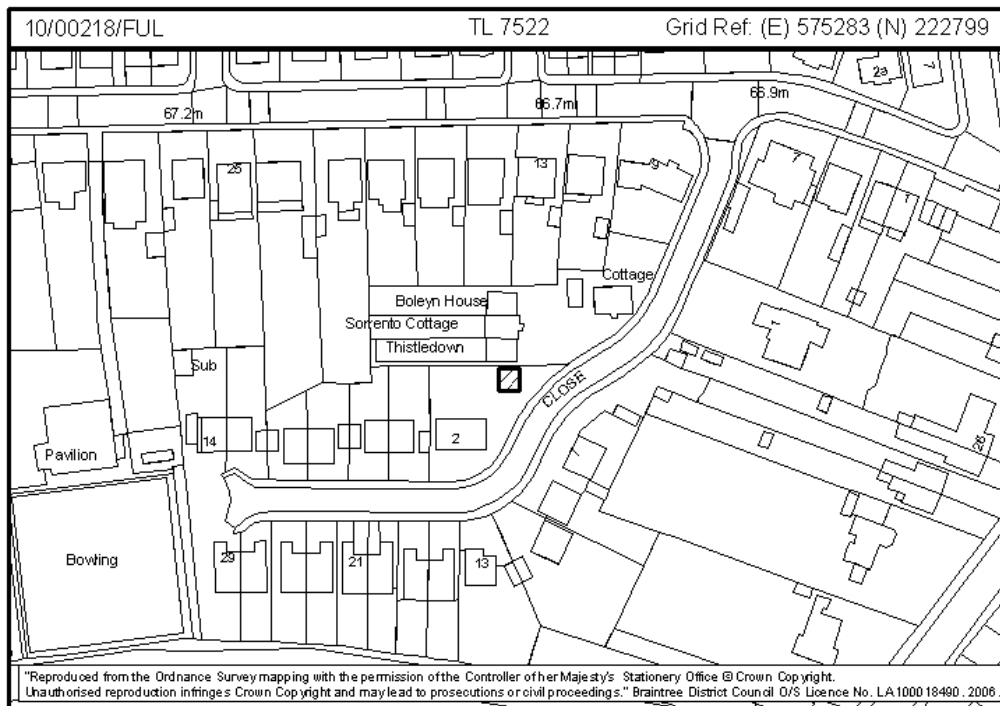
**APPLICATION NO :** 10/00218/FUL                      **DATE VALID :** 16.02.10

**APPLICANT :** Mr Christopher Robinson  
2 Newnham Close Braintree Essex CM7 2PR

**DESCRIPTION :** Replacement of flat roof to pitched roof and conversion of existing detached double garage to ancillary habitable accommodation

**LOCATION :** 2 Newnham Close Braintree Essex CM7 2PR

**For more information about this Application please contact:**  
**Miss Nina Pegler on:- 01376 551414 Ext. No.:2513**  
**or by email to:- nina.pegler@braintree.gov.uk**



## **SITE HISTORY**

<b>09/00878/FUL</b>	<b>Replacement of flat roof to pitched roof and conversion of existing detached double garage to ancillary habitable accommodation</b>	<b>PER</b>	<b>28.08.2009</b>
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## **POLICY CONSIDERATIONS**

### **Braintree District Local Plan Review**

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

## **INTRODUCTION**

This application is being presented to the Planning Committee as the applicant works for the Highways Authority at Essex County Council and now manages the team that covers the Braintree District.

## **SITE DESCRIPTION**

The site is located to the west of the town centre in a predominately residential area. The site comprises a detached garage with hardstanding to the front which fall within the curtilage of 2 Newnham Close. The existing garage is slightly unusual with regard to its position and relationship with the host dwelling as it is viewed primarily in context with the properties in Newnham Close which face in an easterly direction, rather than the host dwelling which is located around the corner and faces in a southerly direction. The existing garage sits adjacent a terrace of three properties which were constructed in the mid 1990s.

The applicant is currently in the process of erecting a pitched roof over the existing structure. Attached to the side of the existing garage within the garden is a lean-to greenhouse. Within the existing garden is a grassed area, swimming pool and patio; the boundaries are defined by closed boarded fences approximately 1.8 metres in height.

## **DESCRIPTION OF PROPOSAL**

This application seeks approval for the conversion of a detached garage to ancillary accommodation associated with 2 Newnham Close. The proposal retains the existing footprint (which measures approximately 5.3 metres by 5.3 metres) of the building, but includes the addition of a pitched roof to an overall height of 6 metres to the ridge. Windows would be inserted on the front and rear elevations at ground floor level. One rooflight would be inserted on the front roofslope facing Newnham Close and two would be inserted on the rear roofslope. French doors

would provide access to the annexe from the garden of the host property.

### **Relevant History**

Planning permission was granted in August 2009 for the replacement of the flat roof of the garage to a pitched roof and the conversion of the building to ancillary habitable accommodation (similar in principle to the current application). It was brought to the Council's attention in January 2010 that the development was not being carried out in accordance with the approved plans. Following a visit by an Enforcement Officer it became apparent that the pitch of the roof was steeper than that approved. The structure that is currently being erected therefore does not have planning permission. The current application has been submitted to seek approval to regularise what has been built thus far. The changes are set out below.

(1) The height to the ridge remains the same as previously approved (6 metres). However the eaves height is lower, resulting in a steeper pitch to the roof. The table below sets out the differences between the approved and the proposed scheme.

	Approved (Approx.)	Proposed (Approx.)
Eaves Height (Front Elevation)	2.7 m	2.1 m
Roof Pitch	46.5 degrees	52.5 degrees
Ridge Height	6 m	6 m

(2) It is also proposed to remove a window on the side elevation and to change the size and design of the windows on the front elevation.

(3) A condition was imposed on the approved application requesting that the elevation facing the road shall be rendered and a painted a colour to match Thistledown adjacent. It is now proposed to retain two brick columns to both sides of the elevation facing the road and render between these.

### **CONSULTATIONS**

None

### **REPRESENTATIONS**

A site notice was displayed on a lamp post adjacent the site and neighbouring properties were notified by post. At the time of writing one letter of objection had been received raising the following relevant points:

- Development is not in keeping with the area; roof structure is disproportionate to the building;
- Proposed use may never be achieved in this design;

- The dimensions and height of the roof has been constructed differently to the original application;
- Queries the way in which the dimensions were arrived at.
- Scales and finishes should represent Thistledown, not the host property;
- Believes the original permission should be revoked and a more orderly design in keeping with the street scene and original footprint should be achieved.

## **REPORT**

### **Principle of Development**

The site is located within the Town development boundary. In accordance with Policy RLP 3, the principle of development in this location is acceptable subject to amenity, design, environmental and highway criteria and where it can take place without detriment to the character of the settlement.

The principle of this proposal has already been established by the granting of planning permission for the previous application (09/00878/FUL). The main consideration with this application relates to alterations to the height of the eaves, pitch of the roof and changes to the fenestration. The height would be the same as previously approved.

### **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.

As the frame of the roof structure has been erected the impact of the proposal can clearly be seen on site and in context with its surroundings. The proposal results in an unusually steep pitch for this type of building as a result of the low eaves height. Such a steep pitch results in an almost ecclesiastical appearance when viewed from the side. The structure previously approved had a pitch to the roof which matched the adjacent property (Thistledown). However the pitch of the roof that has been erected is clearly steeper than that of the neighbouring property, the host dwelling or any buildings nearby. The

change to the pitch results in a structure which does not harmonise with the character and appearance of the surrounding area.

Furthermore, the lower eaves height results in a greater expanse of roof slope and a disproportionate appearance i.e the building appears 'top heavy'. The eaves are positioned just above the existing close boarded fence to the boundary and when travelling down Newnham Close the roof is by far the most prominent feature. It is considered that by virtue of the low eaves height the roof of the building has a dominating impact which is detrimental to the street scene.

It is also proposed to change the size and design of the windows. Whilst it is noted that the windows now proposed would be a closer match to those of the host dwelling, the front elevation is viewed more in context with the adjacent property, Thistledown and the rest of its terrace. The size and design of the windows would no longer respect the adjacent properties which are timber casement windows stained dark brown. The application form and plans state that the windows on the front elevation would be of a colour to match the adjacent properties. However, when officers undertook a recent visit, it was clear that white upvc windows had been inserted.

No objection is raised to retaining brick pillars to the side of the front elevation with render between.

Taking all of the above into account, it is considered that the proposed changes are a retrograde step when compared to the scheme that has been approved. The proposal would have a materially greater impact on the street scene and by virtue of the design would have a greater prominence, to the detriment of the character of the area; whereas the approved scheme is more conventional in appearance. With the height of the walls being proportionate to the size of the roof slope. The size, design and materials of the windows of the approved scheme respected those found on the terrace adjacent, against which the building is principally viewed. It is considered that the revised form and design is contrary to Policies RLP 3, 17 and 90 of the Local Plan Review.

#### 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.

As the garage already exists and no increase in footprint is proposed, the main consideration in this respect is whether the change to the eaves height and pitch of the roof would result in an unacceptable impact on the amenity of neighbouring properties.

The garage is located adjacent the property known as 'Thistledown' this property has no windows on the flank elevation and due to the position of the garage and pitch of the roof it would not result in any overshadowing. The distance between the garage and Thistledown will

remain unchanged. This is approximately 1.3 metres which is not uncommon in urban areas. Furthermore by virtue of its situation with Thistledown no material overlooking would result from the proposed roof lights and therefore this proposal would not result in any undue impact on neighbouring residential amenity.

#### **Other Issues**

The granting of planning permission would result in the structure that has been built made lawful. If the application is refused, the applicant will have the right of appeal within twelve weeks of the decision. If the applicant chooses not to appeal, or the appeal is dismissed, the roof structure will need to be modified to accord with the approved plans otherwise the case should be passed to Planning Enforcement to take action.

No internal floor plans have been submitted with this application. The internal design would not make a difference to the determination of this planning application, which is primarily concerned with the external appearance and impact upon the street scene. It is the responsibility of the applicant to ensure that the building is constructed in accordance with Building Regulations for its intended use. The Council's Building Control Department advise that a Building Regulations application has been submitted via a Building Notice rather than a Full Plans submission, which the applicant is entitled to do. Accordingly detailed plans have not been submitted in this respect.

The comments made in the letter of representation regarding the measurements are noted. It is not for the Local Planning Authority to comment on how the applicant carried out the measurements to achieve the design. The fact remains that the LPA has granted planning permission for a structure 6 metres in height, the same height as proposed in this application. Scale plans have been submitted with this application (as they were with the previous application) which show the ridge height of the structure (6 metres) being the same height as the eaves of the hipped part of the roof of Thistledown adjacent. Officers have visited the site and are satisfied that the ridge is approximately the same height as the aforementioned eaves. It is a validation requirement that planning applications are submitted with plans drawn to scale.

#### **CONCLUSION**

It is considered that the proposed changes go beyond what Officers consider acceptable in order to comply with Policies RLP 17 and 90 of the Local Plan Review. The proposed eaves height, roof pitch and window design would be out of character with the surrounding area, most notably the terrace of three properties adjacent, against which it would principally be viewed. The proposal would result in a building which would have a detrimental material impact upon the street scene and accordingly it is recommended that the application is refused. The building should be constructed in accordance with the previously approved plans which were considered acceptable.

## **RECOMMENDATIONS**

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

- 1 Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review state that the bulk, form and mass of proposed developments should be compatible with the original dwelling, have no material impact on the identity of the street scene and the overall elevational design shall be in harmony with the character and appearance of the surrounding area.**

**The proposed alterations to the existing garage would result in an unacceptable form of development that would be out of character with the pattern of surrounding residential development, to the detriment of the visual amenities of the locality for the following reasons:**

- The proposal would result in an unusually steep pitch for this type of building that would not harmonise with the character and appearance of the surrounding area;**
- The low eaves height would result in a disproportionate appearance resulting in a large expanse of roofslope which would have a dominating appearance and lead to an incongruous feature that would have a detrimental impact upon the street scene;**
- The size and design of windows would be out of character with the adjacent property, Thistledown and the rest of its terrace, against which the building would be principally viewed.**

**Accordingly, the proposal would be contrary to the above policies of the development plan.**

**PART B**

**APPLICATION NO :** 09/01372/FUL                      **DATE VALID :** 21.12.09

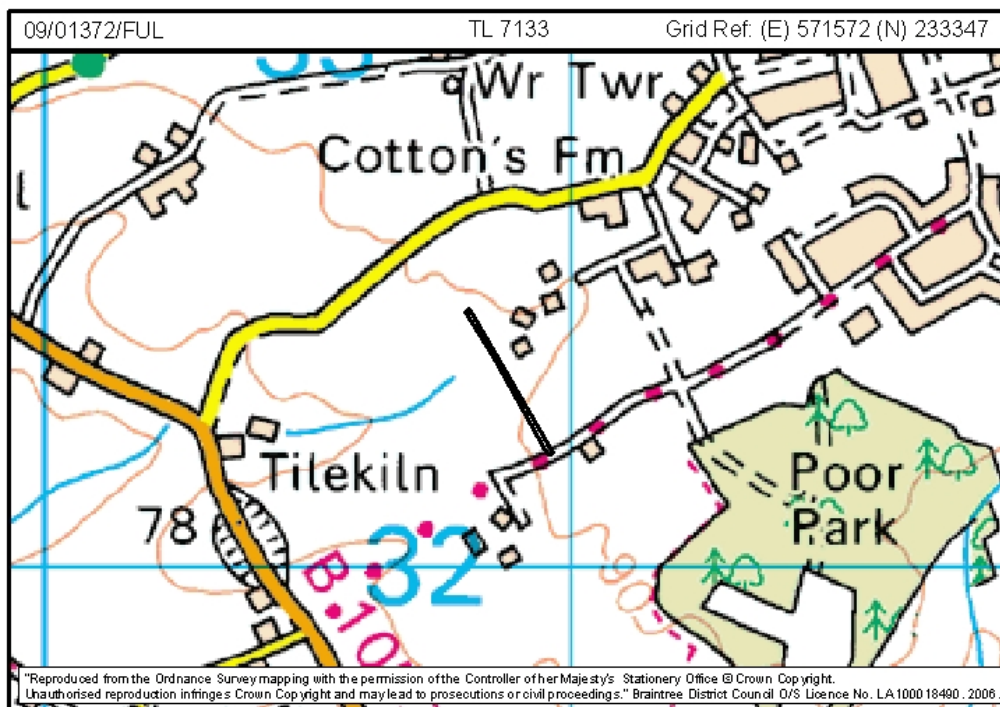
**APPLICANT :**                      **Gardiner Associates Fire Limited**  
**Mr Michael Gardiner 12 Morley Crescent West Stanmore**  
**Middlesex HA7 2LN**

**AGENT :**                              **Mr Michael Kelter**  
**54 Vale Road Bushey Hertfordshire WD23 2HE**

**DESCRIPTION :**                      **Refurbishment of an existing farm track and the creation**  
**of an additional track to facilitate access to the Fire**  
**Training site**

**LOCATION :**                              **Scott End Farm Finchingfield Braintree Essex**

**For more information about this Application please contact:**  
**Miss Claudia Dietz on:- 01376 551414 Ext. No.:2512**  
**or by email to:- cladi@braintree.gov.uk**



## **SITE HISTORY**

09/00593/FUL      Change of use of land to be used for fire training purposes and erection of single storey unit      PER      09.07.2009

## **POLICY CONSIDERATIONS**

### **Braintree District Local Plan Review**

RLP36      Industrial and Environmental Standards  
RLP78      Countryside  
RLP90      Layout and Design of Development

### **Government Guidance**

PPS7      Sustainable Development in Rural Areas  
PPG13      Transport

## **INTRODUCTION**

This retrospective application is reported to the Planning Committee because the land owner is a District Councillor (Cllr Finbow).

The application follows the approval of the change of use of land to be used for specialist fire investigation training purposes and the construction of a single storey unit comprising six bur n cells (Ref. No. 09/00593/FUL) on land to the western end of the old Scott Avenue and to the south of Scott End Farm. As part of the former U S air base, the area was designated as site 7.

## **DESCRIPTION OF SITE AND PROPOSALS**

The application site lies within an area of countryside beyond the village envelope or development boundary of any settlement and to the west of Wethersfield Airbase. The site is surrounded by open arable land with some hedging bordering the fields and slopes down slightly towards the south/south-east.

This retrospective application proposes the refurbishment of an existing farm track and the creation of an additional track to facilitate access to the fire training site. The length of the new track is 210 m, from the existing farm track, which connects with Sculpins Lane to Old Scott Avenue . Part of the existing track, approx. 96 m in length and positioned to the south-west of existing farm buildings, would be refurbished.

The pre-existing access arrangements between the owner of site 7 and the Mo D base have been discontinued. However as stated in the

accompanying planning statement the track extension is not only essential for the continuance of the fire investigation training at site 7 , but also necessary for the access of agricultural vehicles and equipment by the land owner , who farms the adjacent land.

The pre-existing and newly-extended track traverses two arable fields, and the construction of the track comprises a thin surface layer of crushed and compacted hardcore.

Old Scott Avenue (is an unclassified road), owned by ECC Highways. Although Highway Rights were removed some years ago, Cllr Finbow confirmed that he has rights of way over Old Scott Avenue .

### **CONSULTATIONS**

BDC Environmental Services – no objection on Environmental Health grounds.

ECC Highways – verbally no objection was raised with regard to the use of the existing access off Sculpins Lane. The local planning authority is awaiting formal comments, which will be reported to Members at the Committee meeting.

### **REPRESENTATIONS**

Wethersfield Parish Council – no response at the time of writing this report.

Finchingfield Parish Council – no objections.

One letter of objection has been received from Mr. Knight, who lives at the adjoining farm Cottons Farm, Sculpins Lane . He claims that there has never been an entrance where the proposed existing farm track is. However he appears to be referring to an unlawful access (the subject of Enforcement investigations) created directly opposite Trinity House. In this respect officers can confirm that this does not form part of the planning application, but it is understood was created as a temporary measure whilst a civil matter between two adjoining land owners was resolved over the ownership of the existing track. Councillor Finbow has been advised to plant up the gap in the hedge, otherwise the creation of a new access in the location as referred to by Mr Knight could lead to enforcement action being taken on highway safety grounds.

MoD Defence Estate Ops North state that although there is no new entry onto Sculpins Lane there would inevitably be an intensification of use as a result of the application.

### **CONCLUSION**

**1. Principle of Development**

The application site lies within an area of countryside beyond the village envelope or development boundary of any settlement. 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.

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

PPS7 (Sustainable Development in Rural Areas) emphasizes that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Furthermore, local planning authorities should support development that delivers diverse and sustainable farming enterprises.

The re-furnished and proposed farm track would not only facilitate and support the fire investigation training site but also the existing farming activities on the adjoining land. It is therefore considered to be an appropriate form of development in the countryside in principle.

**2. Impact on the Countryside**

It should be emphasised that the supporting statement as part of the old site 7 application indicated that work/training would be carried out on the site for approx. 25 days per year. Fire scenes would be burned for approx. 8 minutes each on about 6 days per year. Based on this information it is considered that there would be a limited increase in vehicular activity from Sculpins Lane to the training site. There would be no change in traffic movements onto the highway network from the permitted fire training site with this application purely focussing on the means of access thereto ie. Whether vehicles access Sculpins Lane from the air base or from the track in question makes no difference to overall vehicle movements.

Bearing in mind that the track is created at ground level and many vehicular movements would be made by agricultural vehicles

and machinery, the proposed development is not considered to cause an unacceptable harm to the existing character of this countryside setting.

**3. Highway Issues**

With regard to the use of the existing access off Sculpins Lane, the Highways Authority have raised no objection verbally. However, the local planning authority is awaiting formal comments, which will be reported to Members at the Committee meeting.

**4. Conclusion**

In summary, it is considered that this retrospective application for the refurbishment of an existing farm track and the creation of an additional section of track to facilitate access to the fire training site would not have a detrimental impact upon the rural landscape character of the locality and complies with the above national and local policies.

**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 farm track hereby approved shall only be used in connection with the fire training site (old site 7) as approved under Application No. 09/00593/FUL and farming activities on the adjoining land.

**REASONS**

- 1 The site lies in a rural area where development other than for agricultural purposes is not normally permitted and an intensification of the existing access onto Sculpins Lane could give rise to highway safety issues.

**APPROVED PLAN(S):**  
Location Plan

**PART B**

**APPLICATION NO :** 10/00142/FUL                      **DATE VALID :** 29.01.10

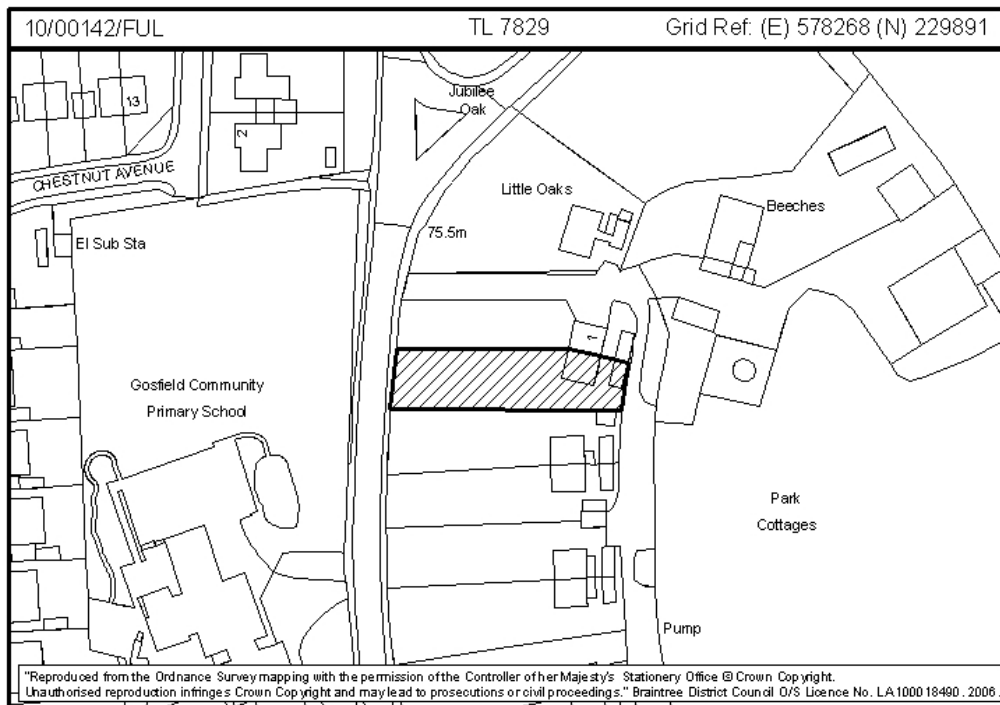
**APPLICANT :** Mr Keith Thorogood And Mr Richard Harris  
The Thatched Cottage Church Street Gestingthorpe  
Halstead Essex CO9 3AZ

**AGENT :** Mr David Sadler  
Kicking Dicky Petches Bridge Finchingfield Braintree  
Essex CM7 4QN

**DESCRIPTION :** Erection of detached car port

**LOCATION :** 2 Park Cottages The Street Gosfield Halstead Essex CO9  
1ST

**For more information about this Application please contact:**  
**James Salmon** on:- 01376 551414 Ext. No.:2543  
or by email to:- james.salmon@braintree.gov.uk



## SITE HISTORY

09/01333/FUL	Removal of dilapidated rear porch and car port. Erection of link extension between dwelling and outbuilding. Repair and renovation works	PER	15.12.2009
09/01334/LBC	Removal of dilapidated rear porch and car port. Erection of link extension between dwelling and outbuilding. Repair and renovation works	PER	15.12.2009
10/00143/LBC	Erection of detached car port	NOTRE Q	04.03.2010
10/00024/DAC	Application to discharge conditions relating to application 09/01333/FUL and 09/01334/LBC - Removal of dilapidated rear porch and car port. Erection of link extension between dwelling and outbuilding. Repair and renovation works	PER	08.03.2010

## POLICY CONSIDERATIONS

### Braintree District Local Plan Review

RPL2	Town Development Boundaries and Village Envelopes
RPL17	Extensions and Alterations to Dwellings in Towns and Villages
RPL90	Layout and Design of Development
RPL95	Preservation and Enhancement of Conservation Areas
RPL100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

## REASON FOR COMMITTEE DETERMINATION

This application is brought before the Committee following a letter of objection from the Parish Council.

## PROPOSAL AND SITE DESCRIPTION

The proposal is for the erection of a detached double cartlodge, measuring 5.4 x 5.4 metres in floor area. The proposals have a dual pitched roof and measure 4.2 metres in height at the highest point.

The dwelling is located within development limits and within the conservation area of Gosfield. The dwelling is Grade II listed and one half of a pair of cottages built Circa 1850 – 1860 for Samuel Courtauld. The dwelling is made up of red brick, built with gault brick dressings to

windows, doors and chimney stacks, and a red plain tiled roof. The cottages form part of the village complex erected for Samuel Courtauld of Gosfield Hall, owner of Halstead and Bocking weaving mills.

### **CONSULTATIONS**

**ECC Historic Buildings – These applications relate to the erection of a cartlodge building adjacent to 2 Park Cottages, a nineteenth century, grade II listed, semi detached house in the Conservation Areas of Gosfield.**

**Permission for a similar cartlodge building was sought under applications 09/01333 & 09/01334, but was excluded from the consent. The building proposed had a simple single pitch roof over the width of the cartlodge resulting in a high ridgeline and building of large scale.**

**The current proposals reduce the height and scale of the building by introducing a double piled roof, thereby halving the roof span, and result from preliminary discussions with the owner.**

**The double gables of the end elevations will tie in well with the aesthetics of the cottages, and the design is suitably simple and consistent with the low key outbuildings alongside the other cottages. I therefore have no objection to the approval of this application and suggest that the following condition is attached to the consent: - DES32.**

**Environmental – No objection however a condition is recommended for times of work to minimise disturbance to nearby residents.**

### **REPRESENTATIONS**

**A site notice was erected on the 2 February 2010 two representations were received. Concerns are raised regarding the impact upon the neighbouring dwelling, the listed buildings, the landscape and the conservation area. Further concerns are raised regarding the size of the proposals, the future use of the building and damage to the access road by HGV's delivering materials.**

**Parish Council – Object to this proposal as it is out of keeping with the street scene of the listed buildings which it is close too and may set a precedent.**

### **REPORT**

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

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

A high standard of design is required for all new development and Policies RLP 3, 17 & 90 set out the criteria against which proposals for development should be assessed. The issues which are considered of relevance to this application are set out below;

- 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 of the extension should be compatible with the original dwelling and the character and appearance of the surrounding area,
- There should be no unacceptable adverse impact on the amenities of adjoining residential properties,
- Designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance.

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

In relation to policies RLP 3, RLP 17 & RLP 90 the proposals are considered as compatible with the existing dwelling and are of a size and scale which will not harm the original dwelling. The design is considered acceptable and of a standard acceptable in this area.

The cartlodge is traditionally constructed and will be an improvement on the previous car port, therefore enhancing the setting of the cottage.

The proposals will not have any impact upon any neighbouring residential amenity. The proposed cartlodge will be located close to the boundary, however it is not considered that it will have any unacceptable adverse impacts and is kept at a reasonable height for no impact to be felt upon the neighbours.

## **CONCLUSION**

Overall the proposals are acceptable and comply with the relevant policies from the Braintree District Local Plan Review. Conditions have been attached to the approval to ensure that the proposals do not harm the surrounding area or the listed building.

### **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.

### **REASONS**

- 1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 .
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

### **APPROVED PLAN(S):**

Location Plan Ref: 01  
Plan Ref: 02  
General Plan Ref: 2785/2A

### **INFORMATION TO APPLICANT**

- 1 Noise and Pollution Code of Practice.
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**PART B**

**APPLICATION NO :** 10/00176/FUL                      **DATE VALID :** 08.02.10

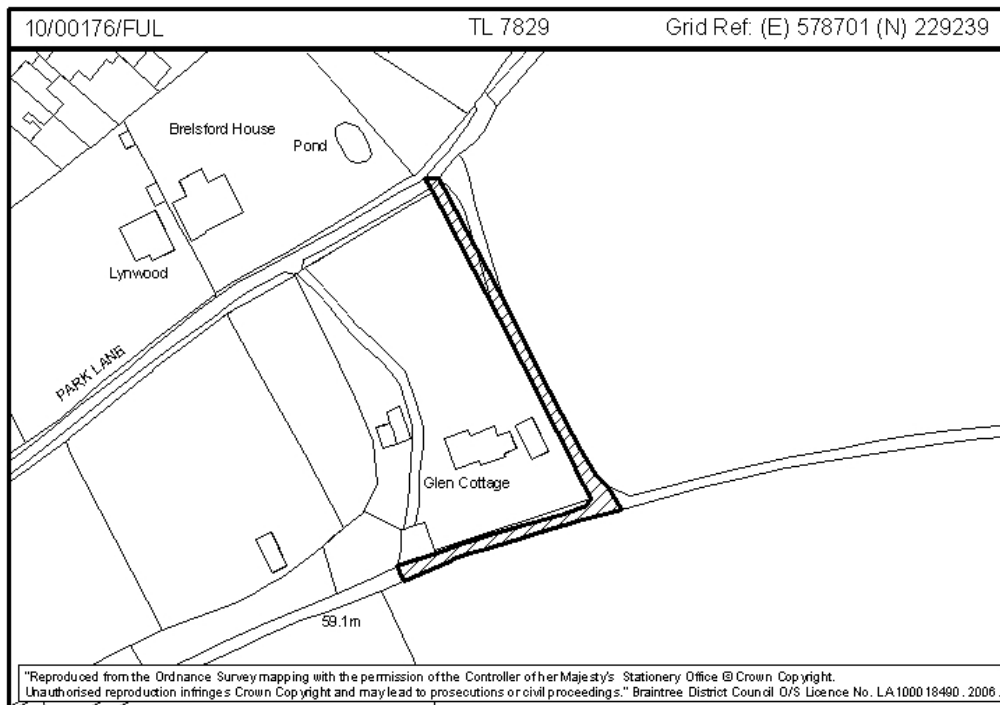
**APPLICANT :** Mr T Mauder  
C/o Agent

**AGENT :** Smart Planning Ltd  
Mr R Forde Old School House Rettendon Turnpike  
Battlesbridge Essex SS11 7QL

**DESCRIPTION :** Removal/variation of condition 3 of planning approval  
06/00997/FUL - Retention of access track

**LOCATION :** Glen Cottage The Street Gosfield Halstead Essex CO9  
1TU

**For more information about this Application please contact:**  
**Mr Neil Jones      on:- 01376 551414    Ext. No.:2523**  
**or by email to:-    neil.jones@braintree.gov.uk**



## **SITE HISTORY**

06/00997/FUL      Retention of access track

PER                07.08.2006

## **POLICY CONSIDERATIONS**

### **Braintree District Local Plan Review**

RLP2                Town Development Boundaries and Village Envelopes  
RLP78               Countryside  
RLP79               Special Landscape Areas  
RLP90               Layout and Design of Development

## **INTRODUCTION**

This application is being presented to Committee as the Parish Council and a number of objections from members of the public have been received, which is contrary to officer's recommendation to grant approval.

## **DESCRIPTION OF PROPOSAL**

This application seeks permission to remove conditionno.3 of planning approval 06/00997/FUL which granted permission for the 'Retention of access track'. This condition restricts use of the track to agricultural vehicles using the adjoining agricultural land.

## **SITE DESCRIPTION**

The access track in question is situated at the eastern end of Park Lane – a single track un-metalled and unadopted access leading from The Street. As well as serving as a vehicular access Park Lane is a public footpath.

The section of access track in question is covered with pea-shingle. It is understood that it was originally constructed using geotextile membrane and crushed type 1 concrete. The track is at ground level and not raised.

The section of track in question runs parallel to the eastern and southern boundaries of Glen Cottage, which are denoted by a mixture of post and rail fencing and hedgerow. The track is otherwise surrounded by agricultural fields. This agricultural land is predominantly enclosed by trees and woodland.

Prior to 2006 it is understood that access to Glen Cottage was through the grounds of Gosfield Place Lodge and via the south western corner of the grounds of Glen Cottage. This arrangement was ended when the ownership of that property changed and the access closed. This resulted in the only access to Glen Cottage being from Park Lane, leading to the rear of Glen Cottage .

## **PLANNING HISTORY**

The access track was originally constructed by the Michael Butler, who farms the surrounding fields. Although Mr Butler believed the track to be Permitted Development under Section 6, Schedule 2 of the Town and Country Planning General Permitted Development Order 1990 (as amended). However this required the prior notification procedure to be followed, giving the Council 28 days notice prior to commencement of the works.

A retrospective application was made to retain the track in June 2006 (App. No. 06/00997/FUL). Officers recommended approval without any conditions restricting use. The Planning Committee approved the application but imposed Condition No.3 which states 'The access track hereby approved shall only be used by agricultural vehicles associated with farming of the agricultural unit. It shall not be used by vehicles visiting, leaving or making deliveries to any nearby residential property'.

Representations made by members of the public refer to commercial activity being conducted at the address by the applicant. Enquiries made by the Council's enforcement team in 2006 indicated that the use had existed in excess of 10 years and that the Council was therefore unable to consider enforcement action even if they had considered there to be a breach of planning control against which it would be expedient to action.

### **CONSULTATIONS**

Highway Authority – No objection. A condition recommending that the existing entrance onto Park Lane is permanently closed is recommended.

### **REPRESENTATIONS**

Parish Council – Objection on the grounds that it would result in an adverse effect on land and property further down Park Lane and the increase in traffic would be detrimental to this rural setting.

Public – Six representations received – of which five object to the application. Grounds for objecting are summarised below:

- The application the description of the application is ambiguous and does not make any reference to the commercial activity at Glen Cottage;
- If the new access arrangements are approved this could lead to an enlargement / intensification of the applicants business use of the site;
- It will lead to an increase in vehicular movements which will be to the detriment of highway safety, the amenities of neighbouring properties and lead to the further deterioration of the condition of the lane;
- There is no need for the occupants / visitors to Glen Cottage to use this route to access the site.

### **REPORT**

**1. Principle of Development**

The site is outside of the village development envelope of Gosfield, therefore Countryside Policies apply. Policy RLP78 of the adopted Braintree District Local Plan Review seeks to protect the Countryside for its own sake. This will be achieved through strict controls over new development which will be restricted to that required to support agriculture, or other suitable rural activities and uses. This application seeks permission to allow the use of the track to serve an existing dwelling which arguably falls within this category.

The policy goes on to state that any development that where development is permitted it should be well related to existing patterns and be of a scale, siting and design suitable to the countryside setting. As discussed in the following section this is considered to be the case.

Further it is considered that the removal of this condition would not result in use which would be likely to cause permanent loss or damage to the traditional rural qualities of the countryside and therefore complies with Policy RLP 79 protecting Special Landscape Areas.

The proposal is considered acceptable with reference to Policy RLP 90. Those accessing Glen Cottage already have to pass all but one of the houses in Park Lane, so the removal of the condition is not considered to result in an undue or unacceptable impact on the amenity of any nearby residential properties. The track is already in-situ and is considered to have a suitable appearance and is not detrimental to the local landscape. The applicant also states that the revised access arrangement will allow the existing rear entrance to the site to be shut off and force visitors to the front of Glen Cottage which allow greater natural surveillance of visitors and promote a more safe and secure environment – one of the objectives of this policy. Finally the Highway Authority is satisfied that the proposal would not be detrimental to the safety of users of the public footpath.

**2. Design & Appearance**

The existence of the track is however lawful under planning permission 06/00997/FUL and this application is only considering the use of the track.

**3. Impact on Neighbours**

This application does not seek planning permission to vary the use of Glen Cottage, simply the means by which vehicles access

it. As a result if permission is granted it is not envisaged that vehicular movements would alter.

By closing the existing access from Park Lane all vehicles accessing Glen Cottage would need to travel a further 35m along Park Lane before turning south down the access track which is the subject of this application. It is only this short section of Park Lane which could arguably receive additional traffic resulting from this application. Being at the far end of Park Lane there is only one other property which uses this section of track. As a result it is not considered that the proposals would be detrimental to the amenities of neighbouring properties.

There are clearly concerns about the potential future use of Glen Cottage. The Council accept that in addition to the residential use of the site the applicant also operates a counselling business which involves people attending the premises by appointment and the delivery of slimming products for distribution to persons counselled. If the current, or subsequent, owner of the site were to undertake a new commercial activity this would need to be assessed by the Council. Should a new activity occur which resulted in a more intense use of the site and a material change of use occurred then the owners would need to apply for planning permission through the usual process. Matters such as access and the impact on the amenities of local residents would clearly be prime considerations in the determination of such an application.

#### **4. Highway Issues**

The Highway Authority has been consulted on the proposal as Park Lane forms a public right of way. They have no objection to removal of the agricultural restriction to allow users of Glen Cottage to use the track. They have recommended that the existing access onto Park Lane is permanently closed prior to the new access arrangements being brought into use to prevent any unnecessary traffic conflict points. The applicant has indicated their intention to close off this rear access should the application be successful to make their site more secure. It is not considered to be a reasonable condition to apply as historically the applicant has had access to the front and rear of the property.

### **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 carried out in

accordance with the approved plans listed above.

**REASONS**

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

**APPROVED PLAN(S):**

Location Plan Ref: 09.1314/01

General Plan Ref: 06/2744/1

**P MUNSON**

**DEPUTY DIRECTOR - HEAD OF DISTRICT DEVELOPMENT**

