

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 18/00649/OUT

Date Received: 10th April 2018

APPLICANT:

CCC Property
Mr G Sharp
144 New London Road
Chelmsford
Essex
CM2 0AW

AGENT:

The Planning And Design Bureau Ltd
Mr Stewart Rowe
45 Hart Road
Thundersley
Benfleet
Essex
SS7 3PB

DESCRIPTION :

Application for outline planning permission with some matters reserved - cease car wash use, demolish part single, part two-storey console building, workshop and flat, remove canopy and hardstanding, and fell three trees, erect 2 no. detached and 2 no. semi-detached dwellings and associated car ports, adjust ground levels and lay out parking, amenity areas, private drive and landscaping (landscape only reserved)

LOCATION :

C Ambrose Motors 7 - 9 Colchester Road Bures Hamlet Essex CO8 5AE

SUBMITTED PLANS :

Location Plan	Plan Ref: 17/12/01	
Existing Site Plan	Plan Ref: 17/12/02	
Proposed Site Plan	Plan Ref: 17/12/03	Version: B
Proposed Plans	Plan Ref: 17/12/04	Version: A
Carport / Cartlodge Details		Plan Ref: 17/12/05 Version: A
Tree Plan		

DECISION :

The Braintree District Council as local planning authority has considered your application and gives notice of its decision to **REFUSE** planning permission in accordance with the above plan(s) and for the following reasons:

- 1 The Local Planning Authority considers that the limited area covered by the sequential test is unacceptable and that given the application site's status as within Flood Zone 2 and Flood Zone 3, alternative sites within the District, with a lower probability of flooding could accommodate the proposed residential development.

The proposal therefore is contrary to the provision of paragraphs 155 to 161 of the NPPF (2018) and Local Plan Policy RLP66 .

- 2 The development could not take place without causing detrimental impact to the character of the site by way of introducing back land development to the site, out of character with the existing development layout in this part of the village contrary to Policies RLP3, RLP9, RLP10 of the Local Plan, and Policy CS9 of the Core Strategy

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and the NPPF. In addition, the deep span and roof design for the proposed plots 1 and 2 result in a form of development whose bulk and scale would detract from the setting of the neighbouring listed building and the character of the Conservation Area, contrary to policies RLP95 and RLP100 of the Local plan and Policy CS9 of the Core Strategy.

- 3 Plots 3 and 4 both contain first floor bedroom windows in their front elevations, which would offer potential views into the private gardens belonging to No.5 and No.11 Colchester Road, and therefore would be detrimental to the amenity the occupiers of these dwellings currently enjoy, contrary to Local Plan Policy RLP90 and guidance from the NPPF.

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

Braintree District Local Plan Review 2005

RLP1	Housing Provision
RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP110	Retail and Town Centre Development - The Sequential Approach
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP66	Flood Risk in Developed and Urban Areas
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP57	Demolition in Conservation Areas
LPP60	Heritage Assets and their Settings

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The Local Planning Authority has acted positively and proactively in determining this application by identifying the matters of concern and discussing these with the applicant either at the pre-application stage or during the life of the application. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The applicant may wish to seek further advice from the Local Planning Authority in respect of any future application for a revised development.

Dated: 1st August 2018

Signed: 

Tessa Lambert
Development Manager
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, then if you want to appeal against the local planning authority's decision on your application you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served after a planning application is determined which relates to the same or substantially the same land and development as in your application and you want to appeal against the local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. This is regardless of any right of appeal against the enforcement notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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