

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 02 August 2016

Time: 19:15

**Venue: Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB**

Membership:

Councillor R Bolton
Councillor K Bowers
Councillor Mrs L Bowers-Flint
Councillor P Horner
Councillor H Johnson
Councillor S Kirby
Councillor D Mann

Councillor Lady Newton
Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor Mrs I Parker
Councillor Mrs W Scattergood (Chairman)
Councillor P Schwier
Councillor Mrs G Spray

Members are requested to attend this meeting, to transact the following business:-

Page

PUBLIC SESSION

1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 19th July 2016 (copy to follow).

4 Public Question Time (See paragraph below)

5 Planning Applications

To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined 'en bloc' without debate.

PART A

Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 16 00592 FUL - Land rear of 46 Hereward Way, WETHERSFIELD | 5 - 17 |
|
 | | |
| 5b | Application No. 16 00705 FUL - Stables rear of 3 Brook Street Cottages, Braintree Road, WETHERSFIELD | 18 - 26 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5c | Application No. 16 00858 FUL - Blomfield House, Colchester Road, HALSTEAD | 27 - 32 |
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 | | |
| 5d | Application No. 16 00906 VAR - Land adjacent to 1 The Street, SHALFORD | 33 - 35 |
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 | | |
| 5e | Application No. 16 00948 FUL - 96 Swan Street, SIBLE HEDINGHAM | 36 - 41 |
|
 | | |
| 5f | Application No. 16 00951 FUL - 23 Maidment Crescent, WITHAM | 42 - 46 |

6 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

8 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Cont'd

E WISBEY
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members team on 01376 552525 or e-mail demse@braintree.gov.uk

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Council's Governance and Members team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment

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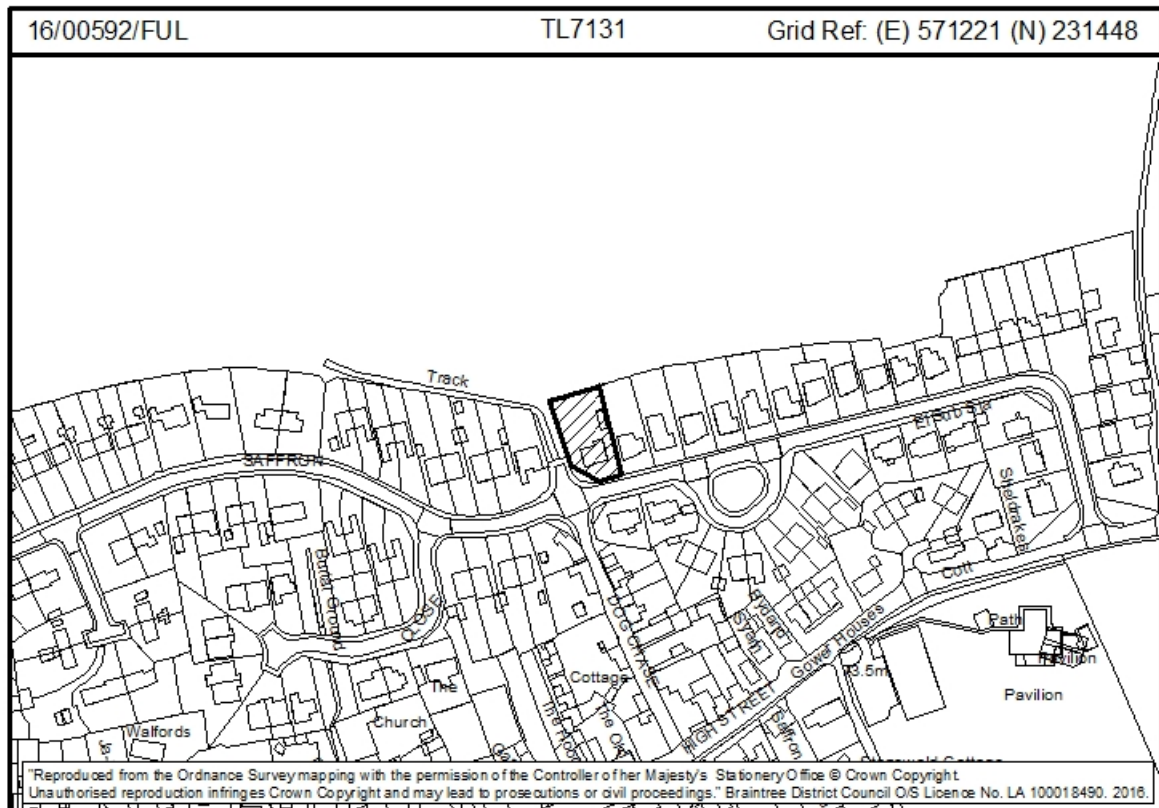
Contact Details:

AGENDA ITEM NUMBER 5a

PART A

APPLICATION 16/00592/FUL DATE 08.04.16
NO: VALID:
APPLICANT: Mr Mark Hunter
46 Hereward Way, Wethersfield, Essex, CM7 4EG
DESCRIPTION: Proposed detached two bedroom bungalow.
LOCATION: Land Rear Of, 46 Hereward Way, Wethersfield, Essex

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

10/00045/REF	Erection of one no. detached bungalow and ancillary works	Appeal Dismissed	08.04.11
10/01071/FUL	Erection of one no. detached bungalow and ancillary works	Refused then dismissed on appeal	02.09.10

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

Supplementary Planning Guidance
ECC Parking Standards – Design and Good Practice, September 2009

Essex Design Guide 2005

INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has objected to the application, contrary to Officer recommendation.

NOTATION

The site falls within the village envelope and has no specific designation in the Local Plan Review.

SITE DESCRIPTION

The site is located to the north of Wethersfield and falls within the village envelope. This site forms part of the rear garden of 46 Hereward Way, a

detached 2 bedroom bungalow with garage to the side/rear. To the rear of the site is agricultural land. The northern part of the garden of the existing dwelling is located at a slightly elevated position to the southern part.

The northern side of Hereward Way is characterised by detached bungalows with good sized rear gardens. Adjacent No.46 is an access which serves the agricultural land to the rear of the bungalows.

PROPOSAL

This application seeks planning permission for the erection of a two bedroom bungalow within the rear garden of 46 Hereward Way. The bungalow would have an L-shaped form measuring approximately 12.8 metres along the northern elevation and 9 metres along the western elevation. It would measure approximately 2.5 metres to the eaves and 4.5 metres to the ridge. The external materials would comprise facing brick with concrete interlocking tiles to the roof.

The dwelling would be accessed via the drive to the eastern side of the existing dwelling. The existing garage would be demolished. Four off road parking spaces would be provided to the side of the dwelling; two for the existing bungalow and two for the proposed bungalow.

The plans have been amended during the course of the application. The originally proposed double garage has been removed and the applicant has confirmed through the submission of revised plans that the raised land to the rear of the site will be levelled.

CONSULTATIONS

Parish Council – Object. The proposal would overdevelop the site and set an unfortunate precedent for the creation of a further row of bungalows. The amount of garden would be inadequate and privacy would be poor. The parking arrangements are unsatisfactory.

Following a re-consultation on revised plans the Parish Council advised that their initial comments still stand.

Engineers – Unaware of any surface water issues affecting the site.

Essex County Fire & Rescue – The nearest fire hydrant is within an acceptable distance of the proposed development. If a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, an Automatic Suppression System (AWSS) will need to be incorporated into the design.

REPRESENTATIONS

A site notice was displayed and neighbouring properties were notified by letter. Two letters of objection were received in response to the initial

consultation. No letters have been received in response to the consultation on the revised plans. The letters raise the following concerns:

- There is no sheltered or secure cycle storage.
- Will impact upon the view from the adjacent dwelling;
- The access and turning area would cause visual and noise nuisance close to the adjacent dwelling;
- Insufficient parking proposed in an area which is already congested;
- The development is not in keeping with the area;
- Insufficient garden space for both dwellings;
- An application in 2010 was refused for similar reasons;
- Concerned how the development would affect property prices.

REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that housing applications should be considered in the context of a presumption in favour of sustainable development. Local planning authorities should seek to deliver a wide choice of quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The site falls within the village envelope. In accordance with Policy RLP 2 and RLP3, the principle of residential development at sites within village envelopes is acceptable, providing it satisfies amenity, design, environmental and highway criteria and subject to compliance with other relevant Local Plan policies. These issues are discussed below.

It is acknowledged that this is a backland site. The development of this site was a concern raised by the LPA when an earlier application was considered in 2010 (Ref: 10/01071/FUL). The application in 2010 was also for the development of the site for a single detached bungalow. In this case the proposed bungalow was larger and it was proposed to access the site via the existing turning area to the west of the site. As set out on the decision notice, Officer's considered that, amongst other things, the proposal would result in inappropriate backland development. The applicant appealed the decision.

The appeal Inspector considered that, having regard to the character of the area, the development would complement the pattern of development that characterises its nearby surroundings. The decision states "Whilst much of the housing on the northern edge of the village is semi-detached bungalows on long plots, No 46 is a detached bungalow on a particularly wide plot. As a result, its rear garden is larger than any of the surrounding dwellings and more able to accommodate a building. Whilst the proposed bungalow would have a larger floor area than No. 46 it would not be so much larger as to appear discordant within the street scene". It also stated that the setback of the dwelling would respect the pattern of development of bungalows on either side, that the gap separating the bungalow from No 46 would be sufficiently

large for the proposal not to have an undue massing effect or appear cramped in relation to it and that it would not be a prominent feature in the streetscene. The Inspector concluded that “Although the proposal would intensify the urban fabric of the area its siting, scale, massing, layout and design would complement the varied pattern of development that characterises the village surrounding No 46. I therefore conclude that it would complement the character and appearance of the area and so would comply with policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan”. A copy of the appeal decision has been appended to this report.

The appeal decision is a material consideration which must be taken into account when determining the current application. It is clear from the Inspector’s decision that he considered that the site could accommodate a new dwelling and on this basis it would be unreasonable for the Council to now reach a different view.

The appeal was however dismissed for reasons of highway safety and lack of a financial contribution towards public open space. As part of the determination of the current application, the Council must be satisfied that these issues have been overcome. These are discussed in the relevant sections below.

Design and Layout

Both the NPPF and Planning Practice Guidance refer to the importance of good design.

Policy CS 9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development.

Policies RLP 3, 10 and 90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. Policy RLP 90 states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

Guidance set out in the Essex Design Guide indicates that new dwellings with two bedrooms should benefit from gardens of a minimum of 50 square metres.

The site is located within an existing residential area where the dwellings vary in size and style. The existing dwelling is situated at the end of a row of bungalows, adjacent a turning area and field access which separates it from the row of dwellings to the west. It is different in design from its immediate neighbours to the east and sits within a larger plot. The proposed dwelling is

modest in size and simple in design and would not have a harmful impact upon the character of the area. The rear part of the site is slightly elevated and Officer's had concern that the dwelling may appear visually prominent above the existing bungalow. The applicant has submitted additional plans which show that the ground would be levelled and that the ridge height of the new dwelling would be lower than that of the existing dwelling. Whilst part of the dwelling would be visible when travelling along Hereward Way in an easterly direction, the design and height are such that it would not appear overly prominent.

Both the existing and proposed dwelling would benefit from gardens in excess of 70sqm. This accords with the Council's adopted standards.

It is therefore considered that the siting, design and appearance are acceptable and would not be harmful to the street scene or character of the area. Accordingly the proposal accords with the aforementioned policies.

Impact on Neighbouring Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies RLP 3 and RLP 90 of the Local Plan Review seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

The concerns raised by the occupant of the neighbouring property are noted. A driveway currently exists between the two dwellings and serves the existing dwelling at the application site. There is also an existing garage which is set back beyond the rear elevations of the dwellings. Therefore there would already be some activity in this location associated with the use of the driveway. There is an existing strip of landscaping between the driveway and the boundary of the neighbouring property. This includes a mature hedge. Whilst the provision of an extra dwelling would increase the activity along this driveway, it is not considered that the additional movements associated with a single new dwelling would be harmful to the extent which could substantiate withholding planning permission.

Whilst part of the new dwelling would be visible from the rear of the existing dwellings, its siting, scale and height are such that it would not give rise to any issues of overlooking or an overbearing nature. Furthermore, private views are not protected.

Concern has been raised about the impact of the development on property prices; however this is not a material planning consideration.

Highway Issues

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for dwellings with two bedrooms or more, two off-road parking spaces should be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m.

The existing access would be utilised. Two off road parking spaces would be provided for both the existing and proposed dwelling. The provision and size of the spaces would accord with the adopted standards set out above. A turning space would also be provided within the site to enable vehicles to leave in forward gear.

As part of the application which was refused in 2010, it was proposed to access the site via the field access to the western side of the site. The Inspector commented that the proposed garage and turning area would be too small. Also, that the driveway would bend sharply and would result in restricted visibility associated with drivers looking over their shoulders when reversing. He concluded that the access would result in a material harm to highway safety. It is now proposed to access the site via the existing driveway to the eastern side of the dwelling. This is an established access and a turning area would be provided within the site. The access arrangements submitted as part of the current application are materially different and overcome previous concerns.

Sustainability

Policy RLP 74 indicates that space should be provided for the separation, storage and collection of recyclable waste. Policy RLP 69 states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

The submitted plans include an area to be used for the storage of bins. Conditions can be imposed requiring all areas of hard standing to be porous.

Other

One of the reasons for refusal listed on the previous decision notice refers to the absence of a Unilateral Undertaking to secure a contribution towards public open space. A decision was issued by the Court of Appeal in May 2016 which re-instated national planning guidance (as set out in the National Planning Practice Guidance) that developments of 10 units or 1000 sq m or less should be excluded from tariff based contributions. Therefore a contribution is not being sought in this case.

CONCLUSION

The site is located within the village envelope where the principle of new residential development is acceptable. Regard is had to the appeal decision referred to above which indicates that a dwelling in the proposed location would be acceptable. The size, siting and design of the proposed dwelling would not have an adverse impact upon the character of the area. Furthermore, it is not considered that the development would give rise to an unacceptable impact upon highway safety or neighbouring residential amenity. Accordingly Officers conclude that the proposal would comply with the policies set out above.

RECOMMENDATION

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

APPROVED PLANS

Floor Plan	Plan Ref: 2A
Elevations	Plan Ref: 3A
Section	Plan Ref: 4
Location Plan	Plan Ref: 1

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 / alteration of the dwelling-house, as permitted by Class A, B, C 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.

Reason

In order that the local planning authority may exercise control over any

proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 4 Construction of any buildings 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. The development shall be implemented in accordance with the approved details.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 5 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.

Reason

To minimise surface water run-off and reduce the risk of flooding.

- 6 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason

In order to secure the satisfactory development of the area and in order to protect the privacy of the occupiers of adjoining dwellings.

- 7 The development shall not be occupied until the car parking area indicated on the approved plans has been surfaced and is available for use. 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.

Reason

To ensure adequate parking space is provided.

- 8 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 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

To protect the amenities of the occupiers of nearby residential properties

and the surrounding area.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 10 Details of any external lighting to the site shall be submitted to, and approved in writing by the local planning authority prior to installation. The details shall include the luminaire type, mounting height, aiming angles and energy efficiency measures. All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.

TESSA LAMBERT
DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 15 February 2011

by Ian Radcliffe BSC (Hons) MCIEH DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 April 2011

Appeal Ref: APP/Z1510/A/10/2140363

Land to the rear of 46 Hereward Way, Wethersfield, Essex CM7 4EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs C. White against the decision of Braintree District Council.
 - The application Ref 10/01071/FUL, dated 27 July 2010, was refused by notice dated 2 September 2010.
 - The development proposed is the erection of a detached bungalow and ancillary works.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this appeal are;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety; and,
 - whether the financial contribution sought in relation to public open space is necessary to enable the development to go ahead.

Reasons

Character and appearance

3. The appeal site has been created by dividing the rear garden of No 46 into two. Planning Policy Statement 3: 'Housing' (PPS3) seeks the effective use of land for housing by re-using previously developed land. For the purposes of PPS3 the Secretary of State excluded gardens from the definition of previously developed land last year. As a consequence, I have treated the appeal site as an undeveloped plot with no presumption in favour of its development and considered it in light of the relevant development plan policies.
4. Wethersfield is a compact village characterised by an older historic core and more recent suburban housing development around its edge. The buildings within the older core of the village are set within small plots and this has created a fine grain of development. In comparison, around its northern edge a more recent thin band of suburban housing, a single house deep, of mainly semi-detached bungalows on larger plots has resulted in a coarser grain of development. The different grain of development forms the setting of the appeal property, which faces Dog Chase but is positioned within the band of suburban houses that form the outer edge to the more compact village core. As a consequence, development on the appeal site could equally respond to the

suburban layout and spacing on either side of the site as to the more compact layout and spacing of development on Dog Chase facing No 46. Either option would complement the pattern of development that characterises its nearby surroundings.

5. Whilst much of the housing on the northern edge of the village is semi-detached bungalows on long plots, No 46 is a detached bungalow on a particularly wide plot. As a result, its rear garden is larger than any of the surrounding dwellings and more able to accommodate a building. Whilst the proposed bungalow would have a larger floor area than No 46 it would not be so much larger as to appear discordant within the street scene.
6. The flank of the garage would be set close to the boundary of the plot with the field access. However, it would be subservient in length to the main elevation of the bungalow which would be set several metres back in line with the side of No 46. As a consequence, the setback of the dwelling would respect the pattern of development of bungalows on either side. The gap separating the bungalow from No 46 would also be sufficiently large for the proposal not to have an undue massing effect or appear cramped in relation to it. In combination with the restricted view of the plot, set behind No 46, the proposed bungalow would also not be a prominent feature in the streetscene. The northern village edge is characterised by back gardens abutting agricultural fields. Whilst the proposed dwelling would infill the majority of the garden to the rear of No 46 garden space would remain. Furthermore, the settlement boundary is recessed at this point and projects further north to the eastern and western ends of the village. As a consequence, the proposal would not be a prominent development that would unduly disrupt this pattern of development on the northern edge of the village.
7. The predominant roof shape within the village is a simple rectangular gable ended structure. Nevertheless, there are examples of hipped roofed buildings, some of which have complicated roof forms, particularly within the older village core. The hipped roof design of the proposed bungalow would therefore not be at odds with the design and form of buildings in the village.
8. Although the proposal would intensify the urban fabric of the area its siting, scale, massing, layout and design would complement the varied pattern of development that characterises the village surrounding No 46. I therefore conclude that it would complement the character and appearance of the area and so would comply with policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features. It would also comply with the objectives of the supplementary planning document '*Essex Design Guide for Residential Areas*'. As this document has been prepared in accordance with relevant national advice I attach substantial weight to it.

Highway safety

9. Although the size of the garage would not be large enough to comply with the Council's standards, the driveway to the front of the house would be sufficiently long to accommodate 2 cars. The proposal would therefore comply with the off road parking standards adopted by the Authority for a dwelling of this size. However, the turning head shown on the submitted drawing appears too small for cars to turn on site. The driveway sharply bends in order to join the field access at which point vehicles would have to turn sharply again in order to join

the highway. As a result, due to the restricted visibility associated with drivers looking over their shoulders when reversing, the risk of collision with parked vehicles or pedestrians would be significant.

10. Taking all these matters into account, whilst the proposal would therefore provide an acceptable level of parking the access would result in material harm to highway safety. As a consequence, it would be contrary to the objectives of policies RLP10 and RLP56 of the Local Plan and the Council's adopted parking standards. These policies require the provision of off road parking.

Open Space Provision

11. A unilateral undertaking under Section 106 of the Act was sought by the Council in relation to open space provision, but has not been submitted. The need for such an agreement has been assessed in relation to the tests in Circular 5/2005 and the requirements of Regulation 122 of the Community Infrastructure Regulations 2010.
12. Policy RLP 138 of the Local Plan requires the provision of open space in relation to new housing development. However, where individual developments would be too small for on site provision it allows for a financial contribution towards off site provision to be made. Policy RLP163 supports such contributions. A supplementary planning document '*Open Space*' details the Council's approach to open space provision. As this document has been prepared in accordance with relevant national advice I attach substantial weight to it. The '*Braintree Green Spaces*' Strategy identifies that new play provision is required in the village. It is clear that the existing shortfall will be exacerbated by the proposed development. I therefore find that the contribution sought for the purpose of open space provision satisfies the tests in the Circular and accords with the regulation. The absence of a unilateral undertaking would therefore undermine the provision of open space in the village contrary to policies RLP138 and RLP163 of the Local Plan.

Other matters

13. The position of the proposed replacement garage for No 46 would not be sufficiently close to its neighbour, No 44, for daylight levels to be materially reduced within the property.

Conclusion

14. Notwithstanding my favourable findings in relation to the effect of the proposal on the character and appearance of the area, my concerns regarding the effect of the proposal on highway safety and in relation to open space provision is such as to warrant dismissal of the appeal.

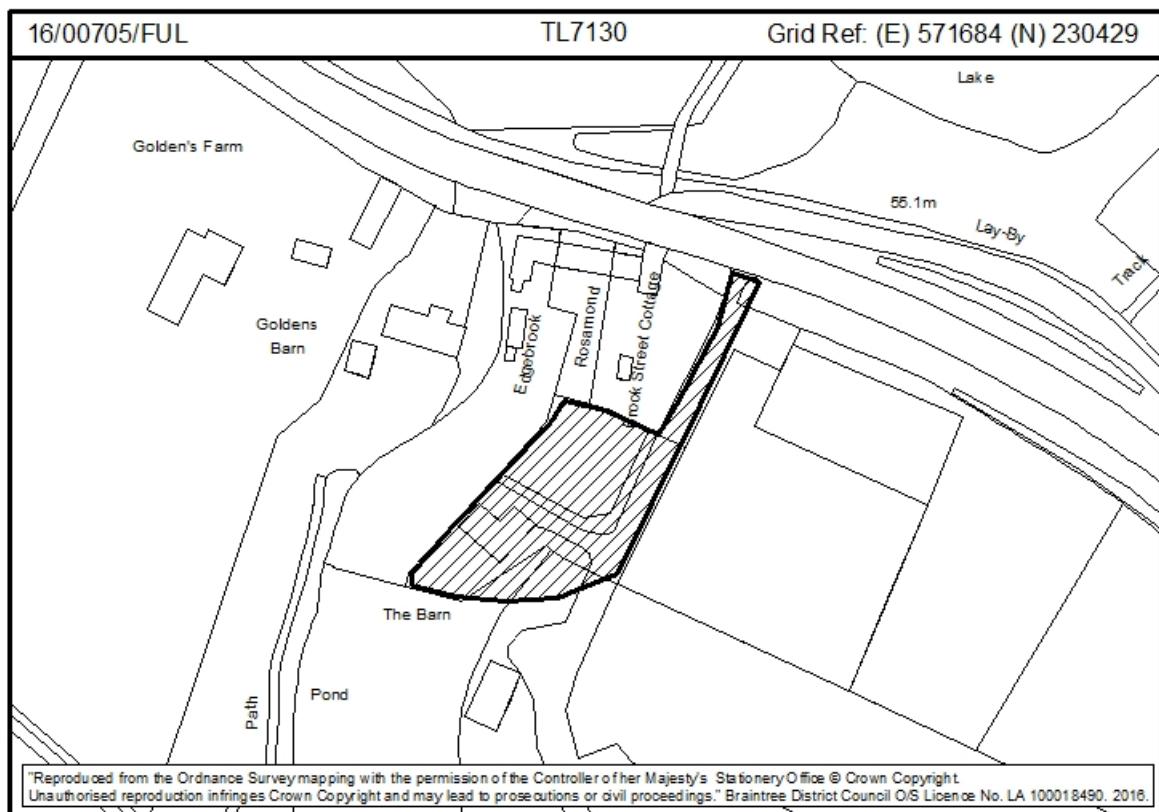
Ian Radcliffe

Inspector

PART A

APPLICATION NO: 16/00705/FUL DATE: 03.05.16
 VALID:
 APPLICANT: Mr P Mangham
 Slomans Farm, Hyde Lane, Blackmore End, Braintree,
 Essex, CM7 4DR
 AGENT: Sue Bell Planning Consultant
 Mrs S Bell, Ropers Hall, 9 Lodge Road, Writtle, Chelmsford,
 Essex, CM1 3HY
 DESCRIPTION: Conversion of stables to dwelling, and erection of single
 storey side extension.
 LOCATION: Stables Rear Of 3 Brook Street Cottages, Braintree Road,
 Wethersfield, Essex

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

None

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This planning application is being presented to the Committee as in consultation with the Chairman and Vice-Chairman the proposal was considered potentially significant in its impacts.

SITE DESCRIPTION

The site consists of an existing stable block located to the rear of a row of cottages known as Brook Street Cottages, which is a Grade II listed building. The site is situated outside of any development boundary or village envelope, but within the Wethersfield Conservation Area (designated 1973). The stable

block was granted planning permission in 1991, and a condition was placed upon the permission restricting its use to uses ancillary to, and in connection with, 3 Brook Street Cottages. The site is accessed via a separate access to 3 Brook Street Cottages.

PROPOSAL

The proposed development includes changing the use of an existing stable block, which was approved planning permission in 1992 and is currently associated with 3 Brook Street Cottages, an existing residential dwellinghouse.

Proposed physical alterations include the erection of a single storey lean to extension to the side elevation, and various window and doors in order to make the building habitable.

The development would include the provision of a private garden area and a parking area.

CONSULTATIONS

Drainage Engineers – No record of surface water issues on site.

Essex Highways – No Objection subject to appropriate parking spaces.

Historic Buildings Advisor – No Objection as building not changing substantially, but notes the setting of the Grade II listed building could be affected due to the higher intensity of use.

Wethersfield Parish Council – No Objections.

REPRESENTATIONS

A site notice was displayed opposite the entrance to the site, and neighbouring properties were notified by letter. Three representations were received and are summarised below:

Goldens Barn:

- Object on the basis the proposed development would impact the enjoyment of their amenity space.
- Object to impact on Conservation Area and Grade II listed building.
- Object to increase in vehicular movements on the site.

Rosamond Cottage:

- Object to the noise levels from a residential use.
- Object to the marketing information, as the rural building was being advertised at a price too high.
- Object to the increase of vehicular movements on the site.

2 Tees Close, Witham:

- Lack of secure cycle parking.

REPORT

Principle of Development

The National Planning Policy Framework seeks to achieve sustainable development. In terms of residential development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The site falls beyond any defined village envelope in an area where, in accordance with Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Notwithstanding this general policy of development restraint in the countryside, policy RLP38 allows for the conversion of rural buildings for residential use in some circumstances, subject to compliance with criteria set out within the policy. The policy states:

“The conversion of rural buildings (including modern buildings) for business re-use will be permitted provided that:

- *they are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction;*
- *their form, bulk and general design are in keeping with their surroundings;*
- *there would be no unacceptable impact on the landscape or protected species or historic environment;*
- *safe and satisfactory vehicular access and egress can be provided together with adequate space within the curtilage to accommodate car parking to the Council's standards and lorry manoeuvring without detriment to the setting of the building residential amenity and the landscape within which it is located;*
- *the scale and frequency of traffic generated can be accommodated on the road system without adverse effects on the road system itself, residential amenity or the character of the countryside;*
- *there shall be no open storage of goods, containers, waste materials or finished products.*

Conversion to residential use will only be acceptable where:

- i) The applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made; or*
- ii) Residential conversion is a subordinate part of a scheme for business re-use of the building; and*
- iii) In either case, the criteria set out above are met.”*

As is clear from the above, the policy allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community reuse of the building and the application is supported by a statement of the efforts made.

Section 3 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local Authorities should support sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. It is considered that RLP38 is consistent with this approach.

Planning permission was granted for the building in 1992, under reference 91/00994/FUL, and the stable has existed in this form since. It is understood from the submitted supporting information that the property and stable has remained in the same ownership, until recently when circumstances led to the site being sold.

At the time of the submission of the application the subject building had been advertised on the open market for a commercial use since June 2015. The property has been marketed at a national and local level. A total of 42 enquiries were made in this time but no further action was taken by the enquirers. It is noted that there were a number of enquiries received to continue the use as a stable building, however the lack of land associated with the stables meant the enquirers couldn't proceed with this use. Nevertheless the application submission indicates that the applicant controls land beyond its application site and it is clear why some of the land could not have been included (for sale or rent) as part of the marketing of the site. Use as a stable building would certainly have been a suitable re-use of the rural building, subject to an application to remove the restrictive condition tying the building to 3 Brook Street Cottages being approved.

It is also of note that the marketing information submitted didn't mention the planning condition attached to the previous planning permission restricting the use of the stable building to 3 Brook Street Cottages.

Design, Appearance and Layout

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” However where the development or works would lead to “substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”. Braintree District Local Plan Review policy RLP95 states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings.

Policy RLP100 of the Braintree District Local Plan Review states development involving internal or external alterations, extensions and partial demolitions to a listed building will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, whilst using appropriate materials and finishes.

The proposed form of development would include the erection of a small lean to extension, as well as various alterations to the building to make it habitable as a dwellinghouse. In terms of design, the building would largely retain its rural appearance. The application is supported by a structural survey which advises the host building is of permanent and substantial construction and is capable of conversion without major extension or complete reconstruction. Some repairs will be necessary but are not considered to amount to complete reconstruction of the building.

The Historic Buildings Advisor raises no objection to the application, advising the proposed alterations to the building would not have a detrimental impact on the setting of the listed building located to the north of the site. He advises the use of the building for residential purposes could have an impact on the setting; however given its location to the rear of the building and somewhat

obscured from view, it is considered this use would not cause undue or unacceptable harm which would warrant refusal of the application. The site is not visible from any public point within the Conservation Area, and the Conservation Area advisor considers that there would be no impact on its character or appearance.

Therefore from a design and appearance perspective, and in terms of its impact on the nearby Grade II listed building, it is considered that the proposed form of development is acceptable.

Impact on Neighbour Amenity

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Policy RLP90 of the Braintree District Local Plan Review allows for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities.

The proposal would introduce a new residential unit in close proximity to a number of other residential units. 2 of the letters of objection were based partly on impact on neighbouring residential amenities. The objections based on loss of private amenity space and increase in noise levels will be discussed below.

The site backs onto a row of residential dwellinghouses, which are located approximately 50 metres to the north of the stable building. The private amenity spaces of the houses are located to the rear, and back directly onto the application site. Notwithstanding this, there is a relatively large amount of space separating the sites. A representation received from Goldens Barn objects to the proximity of the proposed site to their garden, citing the areas as being a tranquil spot. This is acknowledged; however the garden is relatively large and the building on the application site already exists. Rosamond Cottage objected to the potential for an increase of noise on the site. The use of the building as a residential dwellinghouse would bring the noise, vehicular movements and general activity associated with a residential use, but given the size of the neighbouring plots any impact on their residential amenities is not considered to be unacceptable.

Highway Issues

The adopted Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The site is quite considerable in size, and the submitted plans indicate a location for 2 parking spaces. The plans don't indicate the sizes of these spaces; however there is ample space on site for parking and it is not considered this would be a problem. The Highway Authority raises no

objection to the application, as the access already exists and pending a condition requiring the spaces meet parking standard size requirements.

Other Issues

A bat survey was submitted with the application which states that no evidence of bats was found within the building. On this basis it is not considered necessary for any further work to be undertaken in regard to protected species.

CONCLUSION

The proposal is for the conversion of a former stable building to a residential use. Local Plan policy allows for residential reuse but only where employment or community reuse has been shown not to be achievable.

In this case the Local Planning Authority considers that the decision to market the building with little associated land has severely restricted the potential for suitable commercial or community re-use, particularly given the level of interest in potential equestrian use of the premises.

As it has not been demonstrated that every reasonable effort has been made to secure an employment or community re-use for the building the proposed development would conflict with policy RLP38 of the adopted Local Plan and introduce a new dwelling in an unsustainable countryside location, contrary to the objectives of national and local planning policy.

RECOMMENDATION

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

- 1 The National Planning Policy Framework seeks to achieve sustainable development. In terms of residential development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The site falls outside any defined village envelope in an area where, in accordance with Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP38 of the adopted Local Plan allows for the conversion of rural buildings for business re-use subject to specific criteria relating to site circumstances and the impact upon the rural character of the locality. The policy only allows for conversion to residential use where the applicant has made every reasonable effort to secure suitable employment or community reuse of the building and the application is supported by a statement of the efforts made.

In this case the Local Planning Authority considers that the decision to market the building with little associated land has severely restricted the potential for suitable commercial or community re-use, particularly given the level of interest in potential equestrian use of the premises.

As it has not been demonstrated that every reasonable effort has been made to secure an employment or community re-use for the building the proposed development would conflict with policy RLP38 of the adopted Local Plan and introduce a new dwelling in an unsustainable countryside location, contrary to the objectives of national and local planning policy.

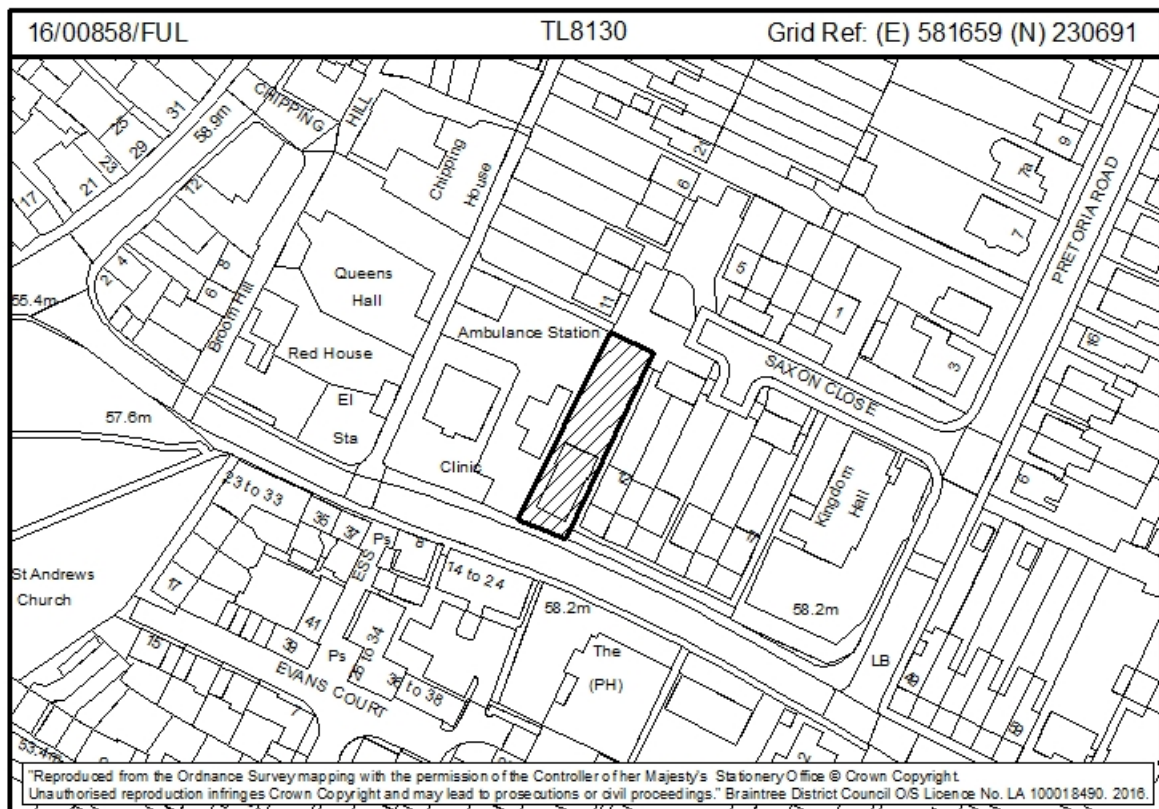
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART B

APPLICATION NO: 16/00858/FUL DATE: 19.05.16
 VALID:
 APPLICANT: Mr And Mrs C Devine
 Blomfield House, Colchester Road, Halstead, Essex, CO9 2EN
 AGENT: Nigel Chapman Associates
 Kings House, Colchester Road, Halstead, Essex, CO9 2ET
 DESCRIPTION: Erection of detached garage and boundary railings/fences
 LOCATION: Blomfield House, Colchester Road, Halstead, Essex, CO9 2EN

For more information about this Application please contact:
 Daniel White on:- 01376 551414 Ext.
 or by e-mail to: daniel.white@braintree.gov.uk



SITE HISTORY

12/00870/FUL	Conversion of former Hall and Caretaker's Cottage from office use to 1 no. four bedroom dwelling	Granted with S106 Agreement	31.08.12
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POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

INTRODUCTION

This application is brought before the Planning Committee due to the agent being related to a member of staff.

SITE DESCRIPTION

Blomfield House is a detached dwelling situated within Halstead's Town Development Boundary. The dwelling is situated on Colchester Road itself and neighbours a row of 6 terraced houses on one boundary and a detached dwelling on the other. Blomfield House is a pale colour rendered dwelling with a pitched pan tiled roof with a dormer window. The plot in relation to the house is quite large with a drive that runs from alongside the house and into the garden area at the rear. The existing dwelling was constructed on a gradient, therefore there is a difference in levels in the site, especially on the rear boundary where the pavement on the other side of the fence is approximately 0.5 metres higher than the ground level of the site. Together with the Eastern boundary which consists of a stepped wall which runs the length of the boundary which also provides the applicant with little privacy due to the lack of height of the stepped wall.

PROPOSAL

The applicant wishes to erect a detached garage in the rear garden and install railings and fences to provide added security and privacy for the site.

CONSULTATIONS

Landscaping Officer - An initial fencing layout was submitted in which the location of the proposed garage was within the dripline of a tree, and therefore most likely within the Root Protection Area. There is a group of preserved trees to the north of the application site that includes a sycamore that overhangs the parking area. Raft foundations would be preferred over trenching in this instance, however this still involves digging down and in the location specified on the application would mean cutting through a large amount of the root structure of the preserved sycamore.

A revised layout was submitted in which the garage was moved to the west by one parking space, which would minimise the disturbance to the tree and still ensure two parking spaces and a turning area can be retained. The Landscaping Officer supports the revised layout and has made the applicant aware of what to do if roots are discovered and is set out in the form of an informative on the decision notice.

Parish Council – Halstead Parish Council have no objections.

REPRESENTATIONS

None received

REPORT

Principle of Development

Blomfield House is situated in the Halstead Town Development Boundary, therefore Policy RLP3 from the Braintree District Local Plan Review will apply. Policy RLP3 ensures that development will only be permitted where it satisfies amenity, design, environmental and highway criteria without affecting the existing character of the settlement. CS9 from the Braintree District Council Local Development Framework, together with RLP17, RLP56 and RLP90 promote a good standard of design and layout of development, together with ensuring that the application meets parking criteria, all of which are discussed in more detail below.

Design, Appearance and Layout

The proposal is for the erection of a detached garage and the installation of boundary railings and fences. The detached garage would be situated in the Western corner of the site and would be constructed from a concrete slab for

the base with brickwork finished in render to match the existing house. The roof would be a pitch roof with traditional slate tiles used which would match those of neighbouring dwellings. On the front elevation of the garage there would be a steel roller shutter door and a small window above which would replicate those of the host dwelling. Due to the repositioning of the proposed garage, a small section of the rear garden would be reduced by 1m which would allow more space for vehicles to turn around. As the garden is a fairly large garden the reduction of 1m would not have a detrimental impact on the usable amenity space for the dwelling and no objection is raised in this regard.

The other part of the proposal would be the installation of the railings and fencing on various boundaries of the dwelling. On the front boundary wall there would be railings installed on top of the wall either side of the existing gate which would provide the applicant with additional security to the front of the property. On the rear boundary there would be 0.5m feather edged boards added to the existing fence to raise the total height of the back boundary to 2m. Likewise on the Eastern boundary where the existing boundary wall is stepped down all the way along, there would be feather edged boards added to the wall to make the total height of the boundary 2m. After the stepped wall on the Eastern boundary, there would be railings installed into a smaller existing wall which would meet the proposed railings at the front of the dwelling.

Policies RLP17 and RLP90 from the Braintree District Local Plan Review would apply to the application as they ensure, inter-alia, that the siting, bulk, form and materials of the extension should be compatible with the original dwelling. There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, and loss of light, together with the proposal having no material impact on the identity of the street scene, scale and character of the area. The layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area including their form and scale, whilst promoting a safe and secure environment and enhancing personal safety.

The proposal would meet the criteria set out in Policies RLP3, RLP17, RLP90 and Core Strategy CS9 as the application would use materials that are compatible with the original dwelling, together with the proposal not having a detrimental impact on the amenities of adjoining residential properties. The proposal would also be in harmony with the character and appearance of the surrounding area in terms of its proposed form, scale and elevational design, whilst also vastly improving the level of security and privacy through the use of railings and fences.

Impact on Neighbour Amenity

The new garage and fencing would not have a detrimental effect on overlooking, overshadowing or privacy issues at the site due to its siting on the site and its size. It is therefore considered that the application would not have a detrimental impact upon the surrounding residential amenity.

Highway Issues

All development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards and as the proposal includes the erection of a detached garage, Policy RLP56 from the Braintree District Local Plan Review would apply.

Policy RLP56 ensures that parking meets the Council's Adopted Parking Standards which the parking standards are set out below:

- Parking in a Garage – 1 Vehicle Parking Space would require 7m in length by 3m in width
- Parking Bay size – 5.5m in length by 2.9m in width

In terms of this application the proposed garage would not meet the parking standards as the width of the proposed garage is 4m and 5m in length. However, the two spaces shown on the plan beside the garage, do meet the parking standards and each space would be 5.5m in length by 2.9m in width. Taking this into consideration due to both of the spaces beside the garage meeting the parking criteria, the proposed is considered to be acceptable.

CONCLUSION

In conclusion, the application would meet the Planning Policy criteria in both the Braintree District Council Local Development Framework Core Strategy, as well as the Braintree District Local Plan Review. It is therefore recommended that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Proposed Plans	Plan Ref: 16/401/1	Version: A
Fencing Layout/Details	Plan Ref: 16-401/1	Version: B

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 The applicant should be made aware that should they find any substantial roots when the garage is under construction, an Arboricultural Consultant may be required to be contacted. Some digging will be required to situate the raft foundation for the garage and during this digging, any roots found that are smaller than 25mm in diameter should be cut cleanly with sharp secateurs or hand saw. Any major roots over 25mm in diameter should not be cut, as these may be structural roots that could have an impact on the health and stability of the tree. If roots of this size are found an Arboricultural Consultant should be consulted to determine how to proceed. This will help to ensure the continued health and stability of the existing vegetation.

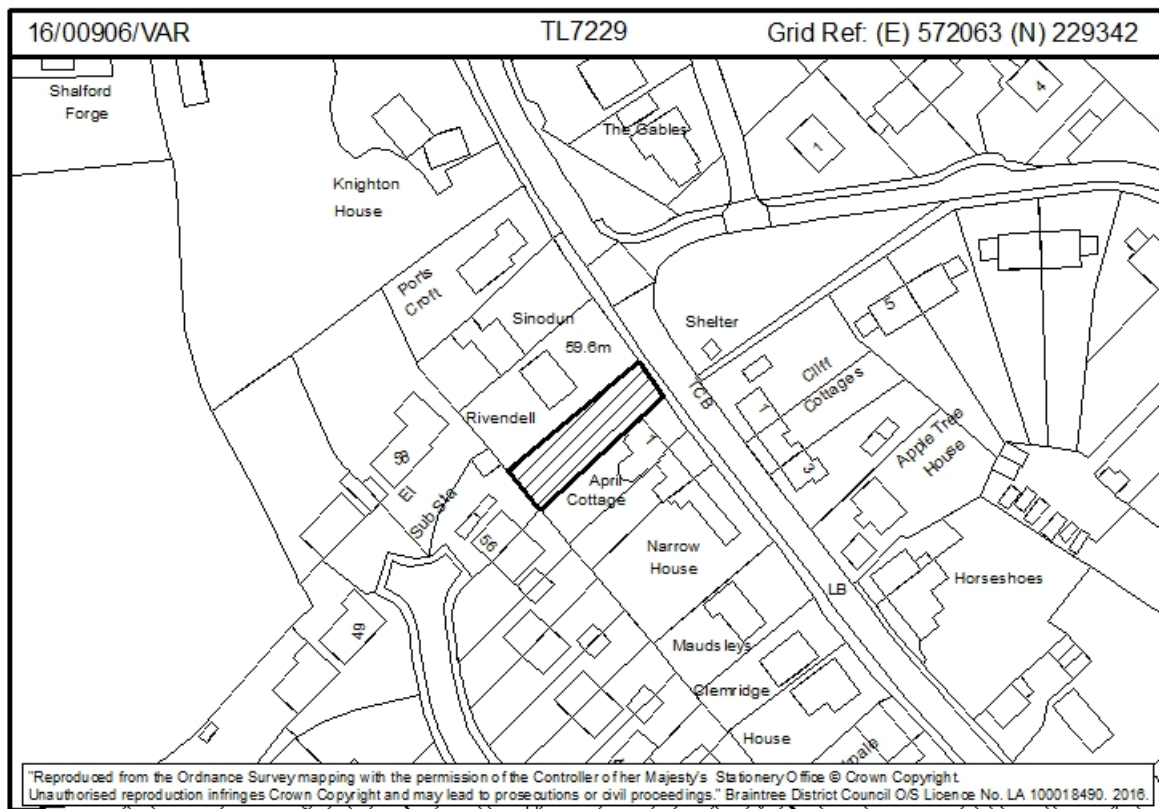
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART B

APPLICATION NO: 16/00906/VAR DATE: 27.05.16
VALID:
APPLICANT: Miss A Metson
1 The Street, Shalford, Essex
AGENT: Mr David Andrews
Minern, Fairy Hall Lane, Rayne, Braintree, Essex CM77 6SZ
DESCRIPTION: Application for removal of Condition 11 of approved application 15/00696/FUL (Erection of a three bedroom detached dwelling) - method of surface water drainage
LOCATION: Land Adjacent, 1 The Street, Shalford, Essex

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

15/00696/FUL	Erection of a three bedroom detached dwelling	Granted	04.08.15
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POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS8 Natural Environment and Biodiversity

Braintree District Local Plan Review

RLP69 Sustainable Urban Drainage
RLP71 Water Supply, Sewerage & Drainage

INTRODUCTION

This application is brought before the Planning Committee as the applicant is a member of staff.

NOTATION

The site falls within the village envelope and benefits from planning permission for a new dwelling.

SITE DESCRIPTION

The site is located to the north western end of Shalford and falls within the village envelope. A new detached dwelling approved under 15/00696/FUL has recently been constructed on the site.

PROPOSAL

This application seeks approval for the removal of Condition 11 of planning permission 15/00696/FUL. Condition 11 states:
“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”.

CONSULTATIONS

Parish Council - No comments as do not feel qualified to comment.

Engineers – As the surface water is going to a sewer it needs to be approved by Building Control and/or Anglian Water.

REPRESENTATIONS

A site notice was displayed and the neighbouring properties were notified by letter. No letters of representation have been received.

REPORT

The applicant has advised that due to the high water table and ground saturation around the house it is not possible to provide a soakaway. The applicant was advised by the Council's Building Control Officer that the best alternative would be to discharge the water into the sewer. Confirmation of approval from Anglian Water for a connection to the public sewer has been submitted with the application.

Furthermore, the disposal of surface water drainage is a matter which is controlled by Building Regulations and therefore this is not a matter which the local planning authority needs to control.

Condition 17 of the planning permission seeks to ensure that all areas of hardstanding shall be constructed using porous materials in order to minimise run-off.

On the basis of the above, it is considered that Condition 11 can be removed.

RECOMMENDATION

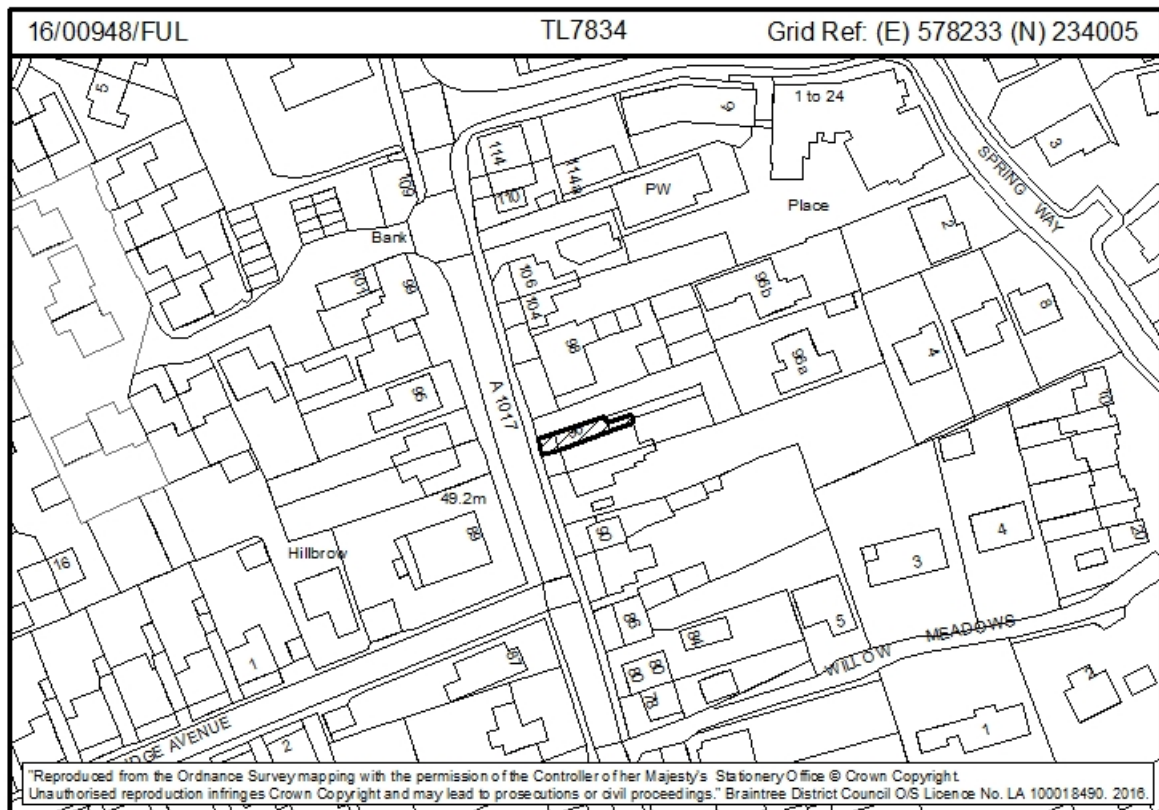
It is RECOMMENDED that the following decision be made:
Application GRANTED.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/00948/FUL DATE: 02.06.16
 VALID:
 APPLICANT: Miss Natasha Pachent
 43 Hawkwood Road, Sible Hedingham, Essex, CO9 3JR
 DESCRIPTION: Change of use from A1, A3, A5 (Barber) to A1 and Sui
 Generis (Barber / Beauty Therapist / Dog Groomer)
 LOCATION: 96 Swan Street, Sible Hedingham, Essex, CO9 3HP

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

01/00246/FUL	Erection of single storey rear extension	Granted	04.04.01
81/00627/P	Proposed demolition of part 94 Swan Street and formation of access road to serve light industrial development.	Refused	10.07.81
97/01183/FUL	Proposed single storey rear extension	Granted	23.10.97
06/01288/FUL	Erection of 2nd storey extension	Granted	09.08.06

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS4 Provision of Employment
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP11 Changes of Use Affecting Residential Areas
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Committee as the applicant is a member of staff at Braintree District Council, and because Sible Hedingham Parish Council has objected to the application.

SITE DESCRIPTION

96 Swan Street is an A1 shop unit currently occupied by a hairdresser/barber located along Swan Street. The building is attached to a red brick Victorian pair of semis, taking the appearance of a modern extension. To the rear of the site is a flat roofed extension which is used as a storage area at present.

The site is located within the village envelope of Sible Hedingham as defined within the Braintree District Local Plan Review 2005, and within the Conservation Area. Surrounding the application site is a mix of residential and commercial uses. Sible Hedingham has no 'hub' area; this area of the road is perhaps though the most likely area for a commercial use to be found.

The building was formerly a bakery, and became a barber shop in April 2016. At present, the barber shop and staff area occupying the majority of the ground floor, whilst the first floor is being used for storage ancillary to this use.

PROPOSAL

The application seeks planning permission to change the use of the building from an A1 barber shop to an A1 use (barber shop and beauty therapist) and a sui generis use (dog grooming service).

The proposal does not include any physical alterations to the exterior of the building. The dog grooming service would operate a pick up/drop off service. The barber use would remain as it is at present; and the beauty therapist would occupy the first floor.

CONSULTATIONS

Environmental Health Officer – No Objections
Highway Authority – No Objections

REPRESENTATIONS

Parish Council – Object to the application on the grounds of insufficient parking, no dropped kerb to provide access to the front parking space; and questions whether planning permission was granted for the change of use from a bakery to a barber shop. These objections will be addressed later in the report.

REPORT

Principle of Development

The site is situated within the town development boundary of Sible Hedingham. At present, the building is occupied by a barber shop (A1) use at ground floor and ancillary storage at first floor level.

Both the beauty therapist use and the dog grooming parlours would fall within the 'sui generis' category. Planning permission is required to change the use to anything falling within a sui generis use. Braintree District Local Plan Review Policy RLP11 allows for changes of use which affect residential areas provided there is not an unacceptable level of noise, fumes, smell and traffic generated which would harm the character of a predominantly residential area and make it a less pleasant area in which to live.

The proposed dog grooming use would operate on a pick up/drop off basis so customers would not physically visit the premises. Whilst some noise pollution could take place due to dogs barking, this would be controlled so it could only take place during the day by limiting the hours of operation. In any case, the scale of the proposal is such that only one dog would be on site at any one time thereby limiting any impact.

Taking this into account, it is considered that the proposed change of use would be acceptable in principle.

Design, Appearance and Layout

The planning application does not propose any physical forms of development to the exterior of the building. The layout of the site exists already, and wouldn't change in this application. There are therefore no material planning considerations take into account when determining this application which relate to the design, appearance and the layout of the site.

Impact on Neighbour Amenities

The site is located in a predominantly residential area. The proposed change of use would result in the building becoming used more intensively than at present, as more of the floorspace would be actively occupied and by three different businesses.

In seeking to determine whether there would be an unacceptable impact on neighbouring residential amenities by way of increased noise pollution, fumes, smell or traffic the Environmental Health Officer was consulted. They commented on the application stating they had no objections. The proposed development is unlikely to result in a noticeable increase in traffic; due to the volume of traffic who already use Swan Street, and the minor nature of the businesses within the application site. Taking this and the previous point regarding controlling the hours of the dog grooming parlour to ensure noise pollution doesn't occur during anti-social hours into consideration, it is considered that any noise or fumes which could be emitted are not unreasonable, and there would be no unacceptable or undue impact on neighbouring residential amenities.

Highway Issues

The Council refers to the Council's adopted Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires A1 units to incorporate 1 parking space per 20m² of retail floorspace. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

At 27.9m², the Standards require a minimum of two parking spaces. The planning application indicates there are two parking spaces at the site; one to the front, and one to the rear. The parking space to the front measures

approximately 4.8 metres x 3.8 metres, and the space to the rear measures 5.8 metres x 3.9 metres.

The space to the front of the site falls short of the parking standards in terms of size, and doesn't benefit from a vehicle crossover. It is therefore considered that this parking space doesn't constitute a safe parking space. Therefore the site actually benefits from a single parking space, which is located to the rear of the site. The applicant states there is a public car park nearby; whilst this is acknowledged it is not within the applicants control and therefore cannot be relied upon as a parking area for their business premises.

Notwithstanding the above, the site could be used more intensively within its current use class, thus generating higher volumes of traffic, without the need for planning permission. In addition, under Permitted Development the use could be changed to a number of uses, again which could intensify the use and result in more traffic generation. Taking this into account it is considered that would be unreasonable to object to the application on the grounds of lack of parking provision.

In addition, the highway authority has not objected to the application; therefore it would be difficult to justify refusing the application based on a lack of parking.

Taking into account the above, it is considered that the operation of part of the building as a dog grooming salon would be less intensive in terms of vehicles needing to park and demanding on local infrastructure than some of the aforementioned uses. Whilst this might not necessarily be afforded the most amount of weight when determining this application, this along with the policy context indicating the application is acceptable would, on balance, mitigate the deficit in parking spaces on the site.

Other Issues

One of the objections raised by the Parish Council was on the basis planning permission was not sought or granted to change the use from an A3 (café) to an A1 (barber). Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), this is automatically granted permission under Class A, Part 3, Schedule 2 and therefore a planning application was not required.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan
Floor Plan

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

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

Reason

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

- 3 The premises shall not be open for business outside the following hours:-

Monday to Friday: 0800 hours - 1700 hours

Saturdays: 0730 hours - 1500 hours

Sundays, Public and Bank Holidays: CLOSED

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 4 The areas indicated on the approved block plan as parking in association with 96 Swan Street shall be retained as such and kept clear of any obstruction which could hinder parking.

Reason

To ensure adequate parking space is provided.

- 5 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used as a hairdresser/barber and for no other purpose falling within Class A1, and a beauty therapist and dog grooming parlour.

Reason

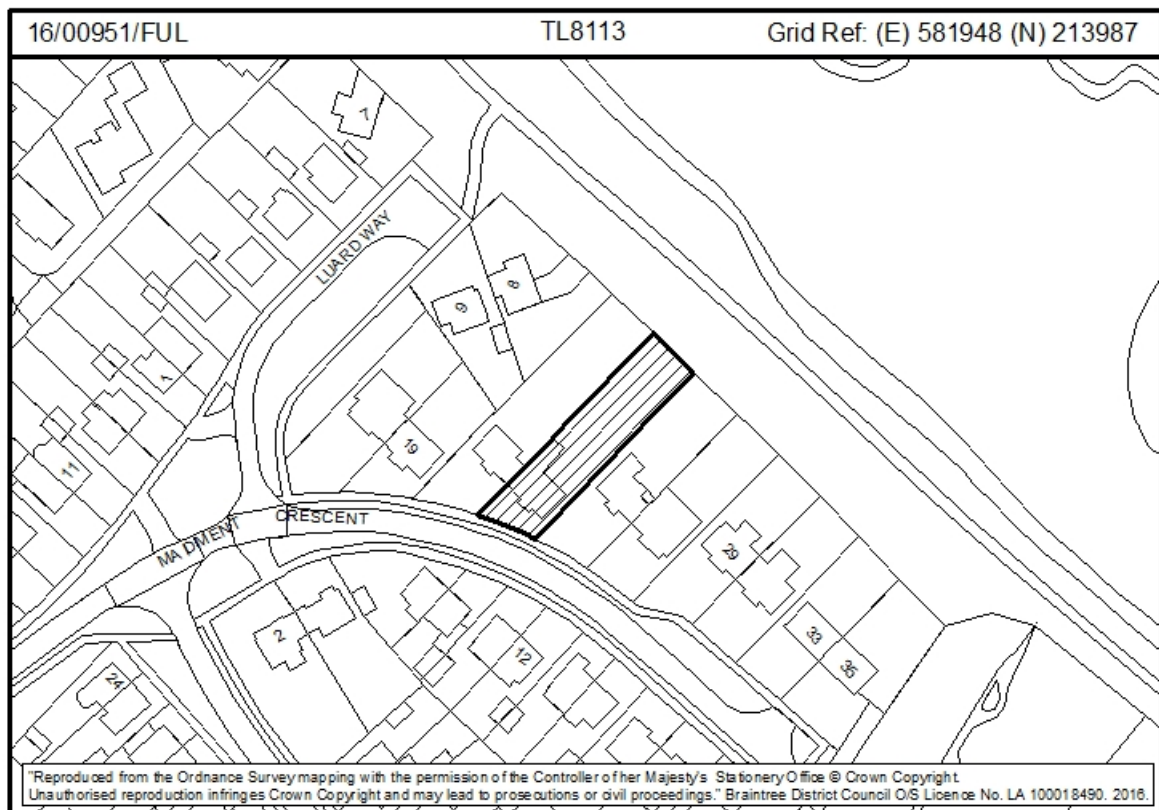
To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/00951/FUL DATE: 03.06.16
 VALID:
 APPLICANT: Mr & Mrs Cork
 23 Maidment Crescent, Witham, Essex, CM8 1DD
 AGENT: Michael H May
 252 Broad Road, Braintree, Essex, CM7 5NJ
 DESCRIPTION: Erection of two storey rear extension
 LOCATION: 23 Maidment Crescent, Witham, Essex, CM8 1DD

For more information about this Application please contact:
 Mrs Sandra Green on:- 01376 551414 Ext. 01376 552525 Ext. 2557
 or by e-mail to: sandra.green@braintree.gov.uk



SITE HISTORY

89/01662/P	Erection Of Extension To Provide Bedroom, Toilet, Shower And Changing Room	Granted	29.09.89
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POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee because the agent is related to a member of staff.

SITE DESCRIPTION

The application site comprises a link detached dwelling within Witham town development boundary. It is not located within a Conservation Area or subject to any listing. The property is one of a number of contemporaneous dwellings on a residential estate, a number of which have been extended in the road in a similar style to the proposal.

PROPOSAL

It is proposed to erect a 3.8m x 7m two-storey rear extension to provide an enlarged kitchen/family room at the ground floor, and at the first floor a fourth ensuite bedroom with dressing room will be created.

CONSULTATIONS

Witham Town Council – No objection

REPRESENTATIONS

None

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. Policy RLP17 of the Braintree District Local Plan Review states that within towns and villages proposals for the extension of an existing dwelling house will be considered in relation to: there should be no overdevelopment 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; there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light; and there should be no material impact on the identity of the street scene, scale and character of the area.

In this case, it is considered that there is no objection in principle to the proposal, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity.

Design, Appearance and Layout

A number of the neighbouring properties have been similarly extended to the rear. The scale of the proposal is considered to be in keeping with the host dwelling and the size of the plot, and it is considered that sufficient rear private amenity space will remain. The existing house is finished in brick with rendered elements and concrete roof tiles. Materials and finishes are proposed to match existing.

There is no articulation to the proposed south eastern flank wall which would have reduced the visual bulk of the extension when viewed from the road. A concern in this respect was raised with the applicant. However, the applicant was minded to proceed with the determination of the proposal as submitted due to the impact incorporating such a step would have on the proposed internal layout.

In this case taking into account the character of the street, on balance it is concluded that the proposal would not have a detrimental impact upon the character and appearance of the host dwelling or the street scene. It is noted that other properties in the road have been extended without setting in the rear extensions from the flank wall and as such while it is considered that the extension could be considered as an unsympathetic addition to the host dwelling, it would not be so detrimental to warrant the refusal of planning permission.

In this case it is considered that the proposal would not have a detrimental impact upon the character of the area and would be in keeping with the host dwelling.

Impact on Neighbour Amenity

Two new first floor windows are proposed in the southeast elevation of the extension; these are to serve a bathroom and ensuite respectively and will look across the front of the adjacent property where there is less expectation of privacy. They are shown to be obscure glazed on the drawings.

It is also proposed to insert a window at the first floor into the northwest flank wall of the existing house because the existing rear facing window will be covered by the new extension. The new window will look onto the flank wall of the adjacent neighbour but will not look into any windows. Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

Highway Issues

A 2+ bedroom house is required to provide two off-street parking spaces to the current adopted standard. No change is proposed to the existing access and parking arrangements which provide one garage space with a further space to the front within the curtilage. The change from a three bedroom to a four bedroom house does not require the addition of further parking spaces. It is therefore considered that there are no highways or parking impacts associated with the development.

CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

RECOMMENDATION

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

APPROVED PLANS

Floor Plan	Plan Ref: 2016/005C	
Elevations	Plan Ref: 2016/005E	
Floor Plan	Plan Ref: 2016/005D	Version: REV A
Location Plan	Plan Ref: 2016/005A	Version: REV A
Block Plan	Plan Ref: 2016/005B	Version: REV A

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 4 The southeast facing first floor windows in the flank wall serving the Bathroom & WC, and Ensuite, shall be glazed with obscure glass to a minimum of level 3, opening vents shall be top hung, and shall be so retained at all times.

Reason

In the interests of residential amenity and in order to secure the privacy of adjacent occupiers.

TESSA LAMBERT
DEVELOPMENT MANAGER