

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 19 January 2016

Time: 19:15

Venue: Council Chamber, Causeway House, Braintree, CM7 9HB

Membership:

Councillor J Abbott
Councillor R Bolton
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 R Ramage
Councillor Mrs W Scattergood (Chairman)
Councillor Mrs G Spray

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

PUBLIC SESSION

Page

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 22nd December 2015 (copy previously circulated).

4 Public Question Time (See paragraph below)

5 Planning Applications

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

PART A

Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5a | Application No. 15 00835 FUL - Crowbridge Farm, Chapel Hill, HALSTEAD | 4 - 13 |
| 5b | Application No. 15 00836 LBC - Crowbridge Farm, Chapel Hill, HALSTEAD | 14 - 20 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5c | Application No. 15 00169 FUL - Appletree Farm, Polecat Road, CRESSING | 21 - 28 |
| 5d | Application No. 15 00825 FUL - Witham Town Football and Social Club, Spa Road, WITHAM | 29 - 35 |
| 6 | Planning and Enforcement Appeal Decisions - December 2015 | 36 - 40 |

7 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.

8 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

9 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.

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:

PART A

For more information about this Application please contact:
Katie Towner on:- 01376 551414 Ext.
or by e-mail to:



SITE HISTORY

15/00836/LBC	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Pending Decision
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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

CS5	The Countryside
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS8	Natural Environment and Biodiversity

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP99	Demolition of Listed Buildings
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented at Committee, as a Member of Council Staff is the partner of the applicant.

SITE DESCRIPTION

The application site is located to the western side of Chapel Hill within an area designated as countryside, albeit within close proximity to the town boundary. The site comprises an existing Grade II listed timber framed barn connected to a range of single storey red brick built stables. The barn and associated buildings are currently being used for storage of predominantly agricultural paraphernalia.

The site is located behind a pair of semi-detached houses, of which one is shown to be in the control of the applicant. These houses are also grade II listed and are located within the countryside. The site is served by an existing vehicular access off Chapel Hill.

PROPOSAL

This application, in conjunction with application 15/00836/LBC (also on this agenda) seeks the conversion of the barn and other existing buildings to 2no. four bed houses together with the demolition of an existing outbuilding and erection of a detached cart lodge/store. The buildings will not be extended but several areas of new roofing are proposed to be added together with the insertion of new fenestration into both existing and new openings.

The proposed cart lodge/store is sited abutting the southern boundary and is proposed to serve plot 2. This structure comprises a cart lodge with space for two cars and an enclosed store.

CONSULTATIONS

Halstead Parish Council – No objections providing the views of Essex County Council Historic Buildings Advisor are taken in to account.

Essex County Council Archaeology – The conversion of the buildings will ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character. It is recommended that a condition be placed on any grant of consent which requires a programme of historic building recording to take place in accordance with a written scheme of investigation.

Essex County Council Heritage Consultant – No objections subject to conditions.

BDC Engineers – No objections

Essex County Council Highways – No objections subject to conditions.

REPRESENTATIONS

Halstead 21st Century Group:

- It is disappointing that there is no arboricultural report and no available landscaping plans. These are important given adjacent local wildlife site at Chapel Hill Meadow.
- There are requirements for further surveys to be undertaken. It is a requirement of the NPPF that impacts on biodiversity are minimised.
- Crowbridge Cottages are Grade II listed and handsome buildings. They are a valued part of our heritage and visually appealing.

REPORT

Principle of Development

Policy CS5 of the Core Strategy specifies that development outside of town development boundaries and village envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policies RLP38 and RLP101 allow for the conversion of rural buildings/listed agricultural buildings respectively for business and/or community use subject to meeting the criteria set out within the policy. Policy RLP38 allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community use and the application is supported by a statement of the efforts that have been made.

Policy RLP101 permits conversion of listed barns/buildings to employment or community use provided that:

- (a) the detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance and its contribution to the group value and/or landscape in general
- (b) the proposed use would not generate traffic of a magnitude or type that might likely to cause additional traffic hazards and/or damage to minor roads
- (c) The criteria set out within policy RLP38 are met

Conversion to residential use will only be acceptable where;

- (i) The applicant has made every reasonable attempt to secure suitable employment or community reuse and the application is supported by a statement of the efforts made
- (ii) Residential conversion is a subordinate part of the scheme for business reuse of that group of buildings
- (iii) In either case, the design and traffic issues in (a) and (b) are fully satisfied.

The preamble to policy RLP101 notes that there has been concern that the residential conversions of barns and other listed farm buildings has diminished their intrinsic historic importance. Residential conversions will be considered as a last resort, as a subordinate part of a conversion to business use or where there is no practical prospect of any other use. The Council will require evidence that all other options have been explored, including evidence of sustained and appropriate marketing of the property.

The proposal would fall contrary to policy CS5 of the Core Strategy as residential development is not considered appropriate within a countryside location. Furthermore the proposal would fall contrary to policies RLP38 and RLP101 of the Local Plan Review in that the applicant has not submitted any

evidence which demonstrates that every reasonable attempt has been made to secure suitable employment or community re use of the building.

The applicant has asserted that policies RLP38 and RLP101 are out of date given that they predate the adoption of the NPPF in 2012.

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 plans 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 and RLP101 are consistent with this approach.

Section 6 of the NPPF advises that in order to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated new homes unless development would represent the optimal viable use of a heritage asset. The site, although located within the countryside, could not be argued to be an isolated site and thus it is not considered that this part of the NPPF can be directly applied in this instance. Nevertheless, there is no evidence that the proposal would enhance the vitality of a rural community.

Section 12 of the NPPF advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The National Planning Practice Guidance (NPPG) advises that if there are a range of viable uses the optimum viable use is the one likely to cause the least harm to the significance of the asset. Clearly, the optimum use may not necessarily be the most profitable one. It might be the original one, but that may no longer be economically viable or even the most compatible with the long term conservation of the heritage asset.

It is considered that the public benefits of 2no. private dwellings is negligible.

The applicant is of the opinion that the proposal represents the optimum viable use of the buildings and thus commercial use has been disregarded. The applicant has not however tested the viability of other uses on the open market, such that it has not been evidenced that a residential use is the only viable option, or indeed the optimum use of the building. The NPPG does not advise as to how the optimum viable use should be identified, however in trying to establish that there is no viable use, the NPPG advises that appropriate marketing is required. In the officer's opinion it would be reasonable to consider that establishing the optimum viable use should be investigated the same way.

In conclusion, the applicant has failed to make every reasonable attempt to secure suitable employment or community reuse and the application is not supported by a statement of any efforts made. As such the proposal for residential use has not been made as a last resort. The NPPF is clear that

applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. There is no reason to suggest that the policies of the development plan are not consistent with the aspirations of the NPPF or that they should not be given full weight in the determination of this application. The proposal falls contrary to policies CS5 of the Core Strategy, RLP38 and RLP101 of the Local Plan Review and the application can justifiably be refused for this reason.

Design, Appearance and Layout

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside.

Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

It is considered that the conversion of the buildings to residential use and the segregation of the site to form garden areas and the introduction of boundary treatments to facilitate this would result in the “domestication” of the site of harm to the amenity afforded to this countryside location and rural setting. The creation of two separate curtilages would erode the rural character of the site and wider locality, contrary to policies CS5 and CS9 of the Core Strategy and RLP 90 of the Local Plan Review.

The impact of the development on the listed building is considered below.

Impact on the Heritage Asset

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Core Strategy and policy RLP100 of the Local Plan Review allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP 100 also requires the uses of appropriate materials and finishes. Policy RLP101 advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The proposed works would retain the original form of the buildings. The increase in fenestration will “domesticate” the appearance of the buildings; however there is a clear strategy for utilising the existing openings to minimise the creation of new ones. Internally the existing room patterns have been used where possible so as to avoid the loss of original walls and to keep the addition of partition/stud walls to a minimum.

The heritage advisor raises no objections to the proposal, subject to conditions being attached to any grant of consent in relation to securing appropriate detailing and finishes.

It is considered that the proposed works are sympathetic and would not give rise to any detrimental harm to the character or appearance of the listed buildings, in compliance with policies RLP100 of the Local Plan Review and CS9 of the Core Strategy. In addition the proposal complies with part (a) of the policy RLP101.

It is recommended that conditions be placed on any grant of consent to control materials, finishes, window/door detailing and landscaping. In addition as recommended by Essex County Council Archaeology team it is advised that a condition be attached which requires a programme of historic recording to take place.

It is not considered that the proposal would give rise to any harm to the character or setting of the adjacent listed buildings.

Impact on Neighbour Amenities

Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. The site is relatively well distanced from residential properties, other than the semi-detached pair of houses immediately to the east of the site. The site is currently used primarily for storage, which is a low intensity use; however it historically has been and still could be used as a working farm.

The use of the site for residential purposes would see the increase in current activity at the site with the comings and goings of two families. This is not considered however to be any more harmful upon residential amenity than should the site be used as a working farm. Furthermore all vehicular traffic associated with the dwellings would be contained to the south of the site, away from these neighbouring properties.

A sufficient boundary treatment to the eastern side of plot 2 would ensure that any potential overlooking into the rear garden areas of the adjacent residential properties would be prevented. This could adequately be controlled by an appropriately worded planning condition.

It is not considered that the proposal gives rise to any material detriment to the amenity of nearby residential properties, complying with policy RLP90 (iii).

Highway Issues

The site is accessed via an existing vehicular access off Chapel Hill and it is proposed to utilise this access to serve the proposed development.

The adopted car parking standard requires dwellings with more than 2no. bedrooms to be served by a minimum of two off street car parking spaces to dimensions of 2.9m x 5.5m. The drawings show off street car parking to be provided for each property to meet the policy requirement.

The Highway Authority raises no objections to the proposal subject to conditions.

It is noted that car parking is shown to be provided for the pair of semi-detached properties immediately adjacent to the site, which would share the access with the proposed properties. Notwithstanding this, this area is not contained within the red lined boundary and therefore does not form part of this application.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey which advises that the site has the potential to support nesting birds, bats and reptiles and that further surveys were needed to be undertaken between April and September. The planning statement suggests these surveys were to be submitted; however they have not been received by the Local Planning Authority to date.

It would be necessary to condition any grant of approval that the additional surveys were undertaken, submitted to and approved by the Local Planning Authority prior to the commencement of development and also that any mitigation measures recommended were implemented prior to the commencement of development and retained in perpetuity if necessary in order to satisfy policy CS8 of the Core Strategy.

Public Open Space

In accordance with the Open Space Supplementary Planning Document a contribution towards the provision of open space and sport and recreation facilities would be required if this proposal was to be granted planning permission. The Open Spaces Action Plan (OSAP) identifies a number of open space enhancement projects that could benefit. A sum of £5364.72 would be payable, based on the two 4-bed dwellings proposed.

The applicant has requested to progress with a unilateral undertaking and a scheme has been identified which would benefit from the contribution, however no undertaking has been signed at the time of this decision and therefore this justifiably forms a reason for refusal as the proposed development does not comply with policy CS10 of the Braintree District Core Strategy and the Council's Adopted Open Space Supplementary Planning Document.

CONCLUSION

In conclusion, the applicant has failed to make every reasonable attempt to secure suitable employment or community reuse of the subject buildings and the application is not supported by a statement of any efforts made. As such the proposal for residential use has not been made as a last resort. There is no reason to suggest that the policies of the development plan are not consistent with the aspirations of the NPPF or that they should not be given

full weight in the determination of this application. The proposal falls contrary to policies CS5 of the Core Strategy, RLP38 and RLP101 of the Local Plan Review and the application can justifiably be refused for this reason.

Furthermore it is considered that the conversion of the buildings to residential use, the segregation of the site to form garden areas and the introduction of boundary treatments to facilitate this would result in the domestication of the site of harm to the amenity afforded to this countryside location and rural setting. The creation of two separate curtilages would erode the rural character of the site and wider locality, contrary to policies CS5 and CS9 of the Core Strategy and RLP 90 of the Local Plan Review.

The proposal also falls contrary to policy CS10 of the Core Strategy given that a unilateral undertaking to secure a contribution for public open space has not been completed within the life of the application.

It is not considered that the proposal gives rise to any harm to the character or setting of the listed building and there is no highway issues associated with the development.

RECOMMENDATION

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

- 1 The NPPF supports economic growth in rural areas and promotes the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Furthermore in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Policy CS5 of the Core Strategy specifies that development outside of town development boundaries and village envelopes 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.

Policies RLP38 and RLP101 of the Braintree District Local Plan Review (BDLPR) allow for the conversion of rural buildings/listed agricultural buildings provided, amongst other criteria, that the applicant has made every reasonable effort to secure suitable employment or community reuse and the application is supported by a statement of the efforts made.

The proposal falls contrary to the policies RLP38 and RLP101 of the BDLPR given that no evidence has been submitted to demonstrate that every reasonable effort has been made to secure a business or community use for the buildings. The proposal would introduce 2no. new dwellings to the countryside, of harm to the amenity of the countryside

and failing to support the vitality of the rural community, in conflict with the NPPF and policy CS5 of the Core Strategy.

- 2 The proposal would, by way of the conversion of the buildings and the segregation of the site to form separation curtilages and garden areas, and the introduction of boundary treatments to facilitate this adds to the domestic character and appearance of the buildings and wider site, eroding the rural character afforded to the site and wider countryside locality. The proposal fails to be sympathetic to the rural context, contrary to policy CS5 of the Core Strategy and policy RLP90 of the BDLPR.
- 3 The Council's Adopted Open Space Supplementary Planning Document indicates that the Local Planning Authority should seek a contribution towards the provision or enhancement of open space within the vicinity of the site.

This requirement could not be met through the use of a condition and would require the completion of a Section 106 Agreement. The applicant has indicated willingness to make this contribution, however no legal agreement has been completed during the course of the application. It is therefore considered that the proposed development does not comply with policy CS10 of the Braintree District Core Strategy and the Council's Adopted Open Space Supplementary Planning Document.

SUBMITTED PLANS

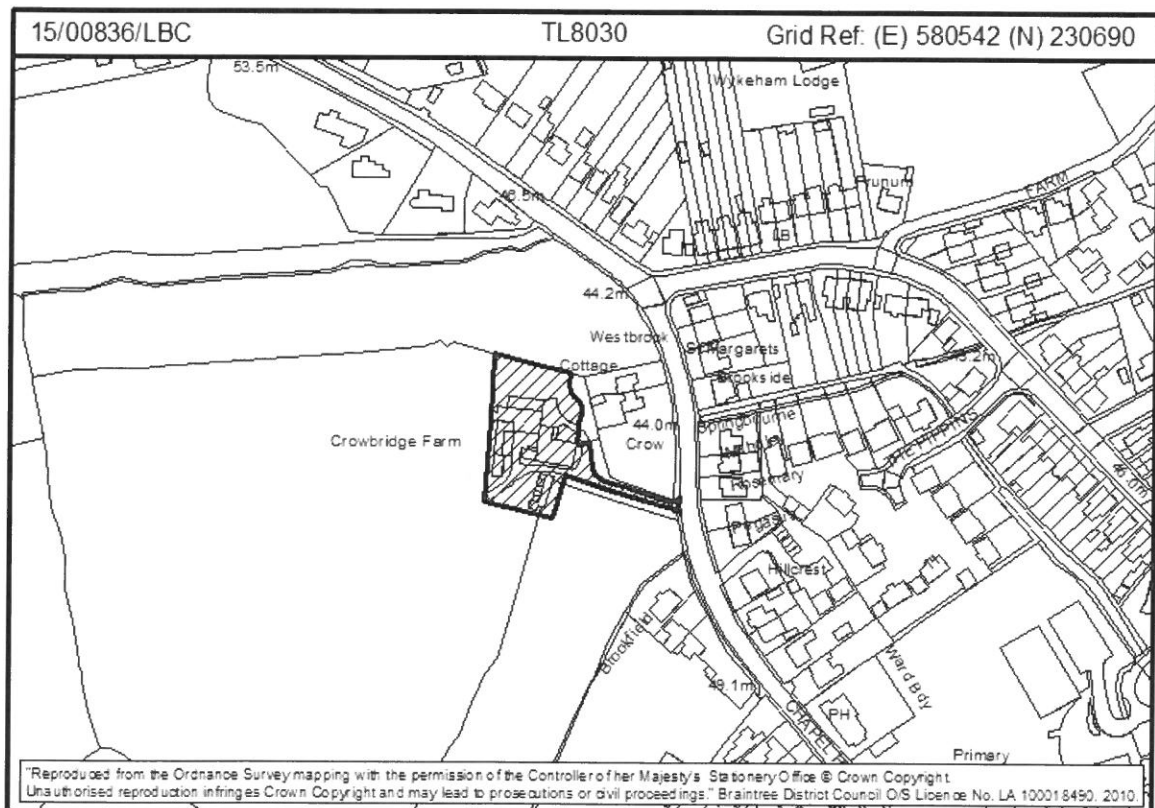
Location Plan	
Block Plan	Plan Ref: 1052 SK03
Existing Plans	Plan Ref: 1052/01
Existing Floor Plan	Plan Ref: 1052/02
Existing Elevations	Plan Ref: 1052/03
Proposed Floor Plan	Plan Ref: 1052/05
Proposed Elevations	Plan Ref: 1052/06
Proposed Floor Plan	Plan Ref: 1052/04

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/00836/LBC
 DATE VALID: 26.10.15
 APPLICANT: F G Frost And Son
 Mr Jerry Jennings, C/o Agent
 AGENT: Robinson & Hall LLP
 Broomvale Business Centre, Little Blakenham, Ipswich,
 Suffolk, IP8 4JU
 DESCRIPTION: Conversion of barn to 2no. four bedroom dwelling with
 associated demolition of outbuilding and erection of
 garage/carport, boundary treatments, landscaping and
 ancillary works.
 LOCATION: Crowbridge Farm, Chapel Hill, Halstead, Essex, CO9 1JS

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext.
 or by e-mail to:



SITE HISTORY

15/00835/FUL	Conversion of barn to 2no. four bedroom dwelling with associated demolition of outbuilding and erection of garage/carport, boundary treatments, landscaping and ancillary works.	Pending Decision
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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

RPL100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RPL99	Demolition of Listed Buildings
RPL101	Listed Agricultural Buildings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented at Committee, as a Member of Council Staff is the partner of the applicant.

SITE DESCRIPTION

The application site is located to the western side of Chapel Hill within an area designated as countryside, albeit it is within close proximity to the town boundary. The site comprises an existing grade II listed timber framed barn connected to a range of single storey red brick built stables. The barn and associated buildings are currently being used for storage of predominantly agricultural paraphernalia.

The site is located behind a pair of semi-detached houses, of which one is shown to be in the control of the applicant. These houses are also grade II listed and are located within the countryside. The site is served by an existing vehicular access off Chapel Hill.

PROPOSAL

This application, in conjunction with application 15/00835/FUL seeks the conversion of the barn and other existing buildings to 2no. four bed houses together with the demolition of an existing outbuilding and erection of a detached cart lodge/store. The buildings will not be extended but several areas of new roofing are proposed to be added together with the insertion of new fenestration in to both existing and new openings.

The proposed cart lodge/store is sited abutting the southern boundary and is proposed to serve plot 2. This structure comprises a cart lodge with space for two cars and an enclosed store.

CONSULTATIONS

Halstead Parish Council – No objections providing the views of Essex County Council Historic Buildings Advisor are taken in to account.

Essex County Council Archaeology – The conversion of the buildings will ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character. It is recommended that a condition be placed on any grant of consent which requires a programme of historic building recording to take place in accordance with a written scheme of investigation.

Essex County Council Heritage Consultant – No objections subject to conditions.

BDC Engineers – No objections

Essex County Council Highways – No objections subject to conditions.

REPRESENTATIONS

Halstead 21st Century Group:

- It is disappointing that there is no arboricultural report and no available landscaping plans. These are important given adjacent local wildlife site at Chapel Hill Meadow.
- There are requirements for further surveys to be undertaken. It is a requirement of the NPPF that impacts on biodiversity are minimised.
- Crowbridge Cottages are Grade II listed and handsome buildings. They are a valued part of our heritage and visually appealing.

REPORT

Principle of Development

Please refer to the previous report for 15/00835/FUL.

Design, Appearance and Layout

Please refer to the previous report for 15/00835/FUL.

Impact on the Heritage Asset

The main consideration in the determination of this application is the impact on the character and appearance of the listed building. A listed building consent application is not concerned with the acceptability of the proposed use in principle, just the physical alterations proposed and the impact of this on the listed building.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Core Strategy and policy RLP100 of the Local Plan Review allows changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP 100 also requires the uses of appropriate materials and finishes. Policy RLP101 advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The proposed works would retain the original form of the buildings. The increase in fenestration somewhat “domesticates” the appearance of the buildings; however there is a clear strategy for utilising the existing openings to minimise the creation of new ones. Internally the existing room patterns have been used where possible so as to avoid the loss of original walls and to keep the addition of partition/stud walls to a minimum.

The heritage advisor raises no objections to the proposal, subject to conditions being attached to any grant of consent in relation to securing appropriate detailing and finishes.

It is considered that the proposed works are sympathetic and would not give rise to any detrimental harm to the character or appearance of the listed buildings, in compliance with policies RLP100 of the Local Plan Review and CS9 of the Core Strategy. In addition the proposal complies with part (a) of the policy RLP101; however no consideration has been given to the proposed use of the barn or any other part of RLP101 as part of this listed building consent application.

It is recommended that conditions be placed on any grant of consent to control materials, finishes, window/door detailing and landscaping. In addition as recommended by Essex County Council Archaeology team it is advised that a condition be attached which requires a programme of historic recording to take place.

CONCLUSION

It is considered that the proposed works are sympathetic and would not give rise to any detriment to the character or appearance of the listed buildings, in compliance with policies RLP100 of the Local Plan Review and CS9 of the Core Strategy. In addition the proposal complies with part (a) of the policy RLP101; however no consideration has been given to the proposed use of the barn or any other part of RLP101 as part of this listed building consent application.

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	Plan Ref: 1052 SK03	
Existing Plans	Plan Ref: 1052/01	
Existing Floor Plan	Plan Ref: 1052/02	
Existing Elevations	Plan Ref: 1052/03	
Proposed Floor Plan	Plan Ref: 1052/04	Version: A
Proposed Floor Plan	Plan Ref: 1052/05	
Proposed Plans	Plan Ref: 1052/06	

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

- 3 The works hereby approved 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 and permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 4 The works hereby approved shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 5 Only tile and half-tile and plain tile undercloaking shall be used on the verges of the roofs the subject of the works hereby approved and thereafter so maintained.

Reason

To ensure the use of appropriate detailing on this listed building.

- 6 At the time of works, the window frames shall be set into the brickwork by at least 70mm behind the face of the bricks and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 7 At the time of works, the new casement windows shall be in painted timber, single glazed, flush meeting within the frames, with matching joinery for opening and fixed casements, and without trickle vents and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 8 All rainwater goods shall be black and permanently maintained as such.

Reason

To ensure the use of appropriate detailing on this listed building.

- 9 No works shall take place until the applicant or any successor(s) in title has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has firstly been submitted to and approved in writing by the Local Planning Authority.

Reason

To allow proper investigation and recording of the site, which is of archaeological and/or historic significance.

- 10 The works hereby approved shall not be commenced until a schedule of repairs, (to include details of the proposed method of insulation and

internal finishes) has been submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be those implemented on site and thereafter retained and maintained in the approved form.

Reason

In the interests of the preservation of the listed building.

INFORMATION TO APPLICANT

- 1 The applicant is advised that although Listed Building Consent has been granted the planning permission has been refused therefore the conversion cannot be undertaken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Application forms can be downloaded from the Council's web site www.braintree.gov.uk.

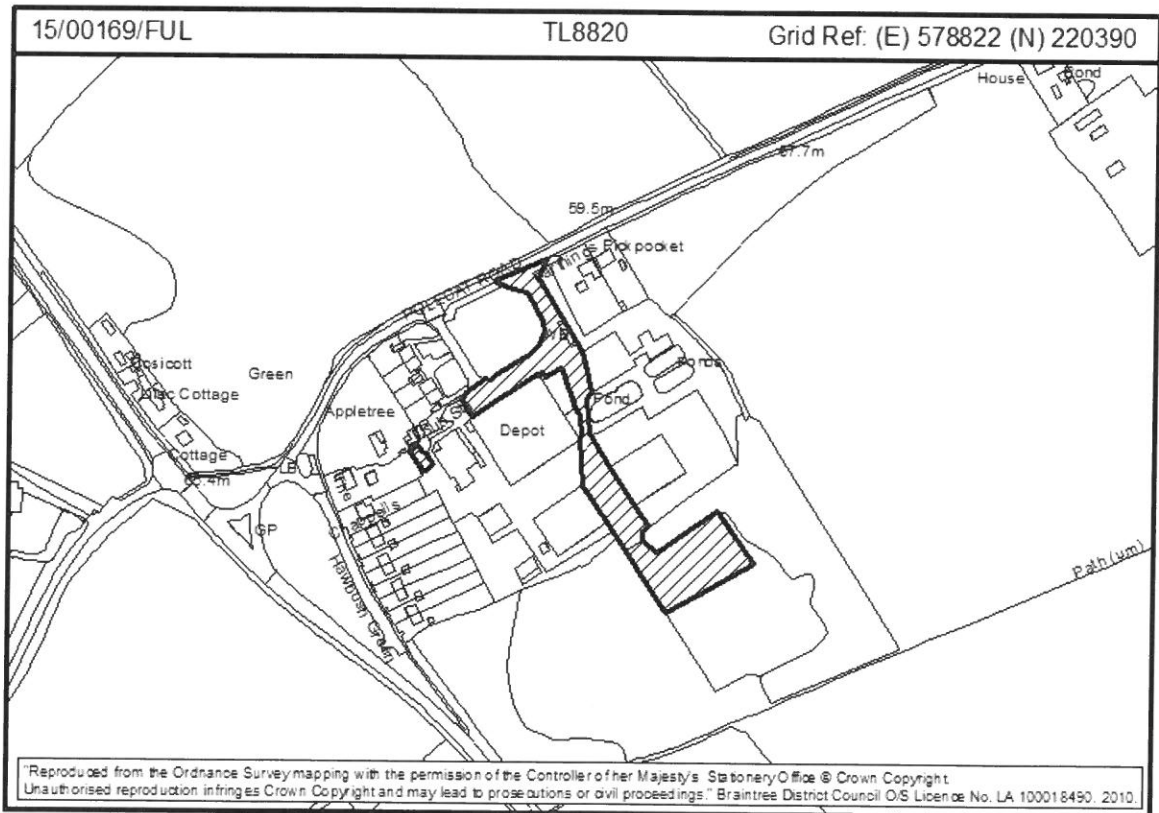
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART B

APPLICATION NO: 15/00169/FUL DATE: 12.02.15
 VALID:
 APPLICANT: Mrs Janie South
 Appletree Farm Properties Ltd, White Rails Farm, Headcorn
 Road, Maidstone, Kent, ME17 1HD
 AGENT: Mr G French
 Whirledge And Nott, Bullbanks Farm, Halstead Road, Eight
 Ash Green, Colchester, Essex, CO6 3PT
 DESCRIPTION: Application for removal or variation of a condition no. 3
 following grant of planning permission 14/01064/FUL -
 Change of use of office and land to construction training
 ground
 LOCATION: Appletree Farm, Polecat Road, Cressing, Essex

For more information about this Application please contact:
 Mr Chris Tivey on:- 01376 551414 Ext. 2539
 or by e-mail to: chris.tivey@braintree.gov.uk



SITE HISTORY

13/01340/ELD	Application for a Lawful Development Certificate for an Existing Use - Creation of Hardstanding	Granted	14.03.14
14/01064/FUL	Change of use of office and land to construction training ground	Granted	28.11.14
14/01586/FUL	Change of use of B2 workshop to B8 storage unit	Granted	14.04.15
15/00004/NMA	Application for a non-material amendment following grant of planning permission 14/01064/FUL - Change of use of office and land to construction training ground	Pending Consideration	

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
RLP36	Industrial and Environmental Standards
RLP38	Conversion of Rural Buildings
RLP39	Expansion of Local Firms
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development

INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has raised objection to the proposed development, contrary to Officer's recommendation.

SITE DESCRIPTION

The application site is situated to the south east of Appletree Farm, an industrial complex that is located within the countryside and the Parish of Cressing. It forms part of a wider cluster of built development with residential properties in close proximity, and which front Hawbush Green to the west and Polecat Road to the north, including dwellings situated within Appletree Close which is due west of the site entrance.

The site measures 0.53 hectares, including its access, parking facilities, an office building/classroom and a concrete hardstanding. It is relatively visually self-contained from public vantage points, with semi-mature, albeit largely deciduous vegetation situated to the perimeter of the wider Appletree Farm complex. The hardstanding has the benefit of a lawful development certificate; (13/01340/ELD refers), although this did not convey any use rights. Planning permission reference 14/01064/FUL permitted the change of use of the application site to a construction training ground.

PROPOSAL

Planning permission is sought to vary condition no. 3 of planning permission 14/01064/FUL.

Condition no.3 states:

"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 Construction Training Centre and for no other purpose within Class D1. The plant and machinery operated on the site shall be limited to no more than 1no of the following: 3 tonne forward tipping dumper, 3 tonne excavator, 6 tonne telescopic materials handler and a 15 tonne mobile crane."

Reason:

"For the avoidance of doubt as to the scope of the permission."

The application explains that the former applicant has vacated the site and that the landlords of Appletree Farm have sought a new tenant for the construction training ground, Total Construction Training. They also state that the reason for the variation of condition being requested is that the new tenant is unable to become Construction Plant Competence Scheme (CPCS) accredited, unless the weights are varied for the mobile crane and telescopic

handler to enable the use of a 10 tonne telescopic materials handler and a 25 tonne mobile crane.

It is stated that the boom length of the proposed crane would only be 1 metre longer with a 25 tonne crane, and that the total weight of the crane would be significantly less (approximately 4000kg) than that of the previous crane used on site. They also claim that the crane height would be limited to no higher than required in conjunction with the use of a 9 metre scaffold tower; and that due to more modern engines, the crane would generate less emissions and be quieter than the older machines.

With respect to the telescopic materials handler, at the currently permitted 6 tonnes, the applicant states that this places a severe limit on the courses that can be operated from the site. This is because almost all of the Telescopic Handler courses that are operated require a 12 metre machine, as it is required to place a load to the top of the 9 metre scaffold tower. If the tenant is limited to a 6 tonne machine this has a maximum lifting height of only 7 metres. A 10 tonne telescopic materials handler would not be a materially larger machine, than a 6 tonne handler, and it is stated that the tenant has secured an arrangement with a manufacturer that they will provide brand new machines that will be replaced on a 6 monthly basis, so will be of the lowest emissions and best for fuel economy.

Since the original application submission, the applicant has provided a technical report on the environmental noise impact assessment of the proposed machinery. This concludes that a crane of up to 35 tonnes (to highlight a worst case scenario), a telehandler with a 12m extension and a digger and dumper up to the weight limits approved, can all operate simultaneously at the application training site and comply with Condition 6 of planning application, reference 14/01064/FUL. Condition 6 requires that the event noise level LAeq (15 minutes) from the site shall not exceed the LA90 (background noise level) at any time as measured at the boundary of the nearest noise sensitive premises.

Further to on-site measurements, the technical report highlights that the aforementioned machinery can operate at a level of 8 dBA below the measured background sound level at the boundary of the nearest noise sensitive premises. The assessment also illustrates that there would be no observed adverse effect at the boundary of the nearest noise sensitive property or any other sensitive property in the vicinity.

CONSULTATIONS

Cressing Parish Council – object on the grounds that the proposal would give rise to an unacceptable detrimental impact on the neighbouring residents. They state that notwithstanding the use of quieter engines, this does not take into account that the machines could lift larger items with associated greater impacts in terms of noise and dust.

Environmental Health – following receipt of the technical report, it is stated that it presents data in a logical and transparent manner and its conclusions are accepted. Therefore no objection is raised to the variation of the condition as proposed.

REPRESENTATIONS

A site notice was displayed in close proximity to the site and occupants of surrounding residential properties were notified in writing of the application. Letters have been received from three addresses and raise objections to the development which include the following concerns relevant to the application:

- The creation of a small number of jobs should not be grounds to justify increased noise and disturbance;
- The crane will be visible above the trees, will be an unsightly addition to the landscape and give rise to industrialisation of the area;

REPORT

Principle of Development

The principle of the development on the site has previously been found to be acceptable. Therefore the key issue is whether the variation of condition 3, specifically to allow the use of a telescopic materials handler and mobile crane with greater weight lifting capacities, is reasonable, having regard to the environmental impacts associated with their operation, and specifically in relation to noise.

Noise and Other Impacts

Following comments from Environmental Services on the original submission, a technical report into the environmental noise impact assessment of the proposed machinery has been produced.

As highlighted above, notwithstanding the increase in weight limits of the machines, the report concludes that the noise generated by them, in combination with the other permitted 3 tonne forward tipping dumper and excavators, would be less than the equipment previously proposed to be used on the site. Environmental Services concur with these findings, and accordingly it is not considered that a refusal of planning on noise grounds could be substantiated.

Furthermore, concerns with regard to dust impacts are noted, however it is not proposed to increase the size of the earth moving equipment (dumper and excavator). The telescopic materials handler and mobile crane would be sized for the lifting of a 1 tonne block, a bundled load (usually scaffold poles) and an unbalanced load of no more than 250kg as previously.

From this basis, it is considered that the proposal complies with Policy RLP62 of the Local Plan Review (Development Likely to Give Rise to Pollution or the

Risk of Pollution) and the proposals would not materially harm the living conditions of nearby residents.

In addition, there would be no materially greater visual impact stemming from the proposal upon the character and appearance of the surrounding countryside, and all other conditions previously imposed would remain in force. In this respect the proposal complies with Policy CS5 of the Core Strategy which requires proposals to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

CONCLUSION

Notwithstanding the planning history of this and the adjoining site, the increase in weight handling limits of the telescopic materials handler and mobile crane would not give rise to a material increase in noise, with the submitted documentation evidencing that the noise limits previously imposed would be adhered to. It is therefore recommended that condition 3 be varied as set out below. All other conditions will remain as originally approved.

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

- 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 (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used as a Construction Training Centre and for no other purpose within Class D1. The plant and machinery operated on the site shall be limited to no more than 1no of the following: 3 tonne forward tipping dumper, 3 tonne excavator, 10 tonne telescopic materials handler and a 25 tonne mobile crane.

Reason

For the avoidance of doubt as to the scope of the permission.

- 4 Details of the height of the scaffold tower shall be submitted to and approved in writing by the local planning authority prior to commencement of the development hereby permitted. Development shall be carried out in accordance with the agreed details.

Reason

To ensure that the proposal does not materially prejudice the appearance of the locality.

- 5 The event noise level LAeq (15 minutes) from the site shall not exceed the LA90 (background noise level) at any time as measured at the boundary of the nearest noise sensitive premises.

Reason

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

- 6 The premises shall not be open for training outside the following hours:- Monday to Friday 09.00 hours - 17.00 hours with no operation on Bank and Public Holidays.

Reason

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

- 7 The mast of the mobile crane, when not in use for training purposes, shall be retracted and lowered into 'transit' mode.

Reason

To ensure that the proposal does not materially prejudice the appearance of the locality.

- 8 There shall be no external floodlighting to the site.

Reason

In the interests of amenity, to minimise pollution of the environment and having regard to the rural character of the area.

- 9 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

In the interests of amenity, to minimise light pollution of the environment and having regard to the rural character of the area.

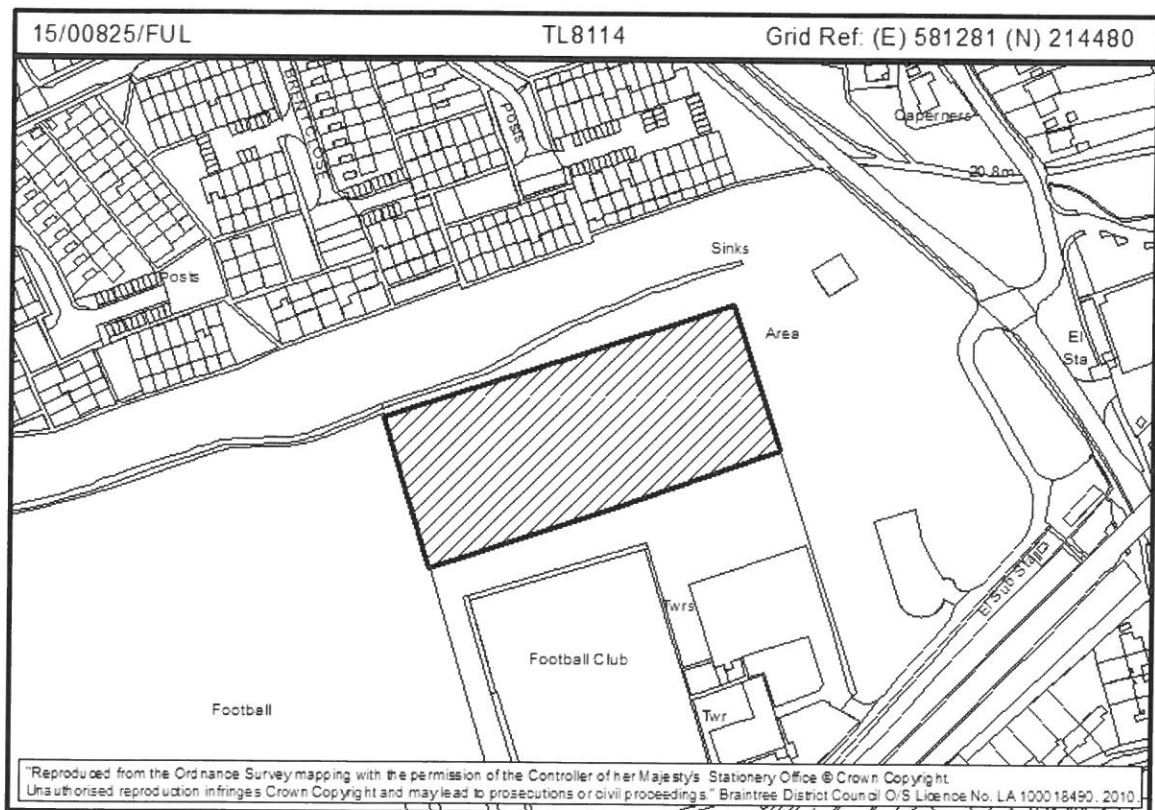
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART B

APPLICATION 15/00825/FUL DATE 23.07.15
 NO: VALID:
 APPLICANT: Mr Mark Nicholls
 Witham Town Football and Social Club, Spa Road, Witham,
 Essex, CM8 1UN
 AGENT: Mr Ashley Cross
 Graphite Cross Limited, 23 Mill Road, Great Totham,
 Maldon, Essex, CM9 8DH
 DESCRIPTION: Change of use from open space, public park to D2 outdoor
 sports facility (Football training area/pitch)
 LOCATION: Witham Town Football and Social Club, Spa Road, Witham,
 Essex, CM8 1UN

For more information about this Application please contact:
 Mr Timothy Havers on:- 01376 551414 Ext.
 or by e-mail to: timha@braintree.gov.uk



SITE HISTORY

01/00320/T42	Erection of a 15m high monopole attaching 6 antennae and 2 microwave dishes together with associated equipment cabin and 2 no. air conditioning units and ancillary equipment	Granted	21.03.01
02/00807/ADV	Display of advertisement hoardings	Granted	25.06.02
83/00021/P	Erection of extension to function hall and games hall	Granted	28.02.83
82/00893/P	Erection of extension to function hall and games room.	Granted	27.09.82
84/00049/P	Erection of floodlighting to football pitch.	Granted	10.02.84
80/00095/P	Erection of covered enclosure.	Granted	12.03.80
78/00596/P	Erection of stand.	Granted	07.06.78
88/01464/P	Erection Of Pavilion, Car Park Astroturf Floodlit Playing Surface & Part Of Pavilion To Be Used As Class B1	Withdrawn	02.09.88
97/00688/FUL	Stationing of demountable classroom for use as day nursery and indoor training area.	Granted	11.08.97
99/00487/FUL	Erection of extension to club house	Granted	07.05.99
07/00244/FUL	Installation of 22.5m high telecommunications monopole, 1 no. 300mm and 1 no. 600mm transmission dishes, equipment cabinet and development ancillary thereto	Granted	03.04.07
15/00823/FUL	Demolition of the existing toilet block and meeting room and erection of a new meeting room, catering unit and toilets	Granted	15.12.15

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
CS10 Provision for Open Space, Sport and Recreation

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP56 Vehicle Parking
RLP90 Layout and Design of Development
RLP134 Sports Causing Noise or Disturbance
RLP135 Floodlighting of Sports Facilities
RLP136 Formal Recreation Policy

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is for the change of use of part of an area of public informal recreational land to an outdoor sports facility (Use Class D2 Assembly and Leisure), specifically for use as a football pitch and training area. The application is brought before the Planning Committee as the application site consists of land owned by Braintree District Council. The application is also a departure from the Development Plan.

SITE DESCRIPTION

The application site measures approximately 0.98 hectares and consists of an open area of recreational land located immediately adjacent to Witham Town Football Club's existing grounds. The site forms part of a larger public recreation area and is currently laid out as an informal football pitch. It is bounded to the south by Witham Football Club, to the north and east by the remainder of the recreational land of which it forms part and to the west by Witham Rugby Club.

PROPOSAL

The applicant proposes to change the use of the land to a football pitch and training area and to enclose the site with a galvanised fence. The site would be available for local youth football teams, both for training and matches. It would primarily be used for this purpose at weekends with some after school use during the times of year where sufficient daylight exists to render this possible. Access to the site for youth teams would be facilitated by Witham Football Club with the enclosure of the land allowing controlled and

supervised football training and matches. Access to the site for the local community would also be available at all times. The land would be leased from the Council by Witham Town Football Club.

CONSULTATIONS

Sport England

No objection. The proposed fencing will enclose an existing area of playing field which is informally laid out as a football pitch for use by Witham Town FC for youth training and match purposes. The fencing will restrict public access to the pitch. The FA has confirmed that they support this application which will provide better and needed youth facilities for the club and longer term should improve the quality of the pitch. The FA also advise that a lease length of at least 10 years in length should be secured by the club. Sport England's policy is to oppose the granting of planning permission for any development which could lead to the loss of, or prejudice the use of all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England exception:

E2 – The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

Witham Town Council

No objection.

REPRESENTATIONS

44 Colne Road

Objection. This proposal leaves nowhere for children to play football. The football club already use the park for training so we don't see the need to extend and fence the land, it is only a small club.

24 Colne Chase

Objection. Strongly object to any loss of this public green space or the erection of any further fencing on the above area.

REPORT

Principle of Development

The application site is located within the Town Development Boundary of Witham. Adopted Policy RLP2 confines new development to areas within

Town Development Boundaries and Village Envelopes and the proposal is therefore in accordance with the adopted Local Plan in this respect.

The site is identified as part of a wider area of Informal Recreational Space in the Local Plan. Core Strategy Policy CS10 seeks to retain existing sports facilities, green spaces, allotments and open space used for amenity recreation or sport unless; they are no longer required to meet identified needs in the long term, would be replaced or there is an identified surplus in an open space, or sports or recreational facility, in which case development of part of the site may be allowed to secure the re-use of the remainder to meet an identified deficit in another type of open space, or sport or recreational facility. The proposal therefore represents a departure from Policy CS10 as it does not strictly accord with the criteria set out above.

The Open Spaces Action Plan identifies a deficit of Formal Recreation of 4.3 hectares for Witham West Ward and does not identify any deficit for Informal Recreational Space. Background information collected through the Open Space Audit indicates that Witham West has a surplus of 6.13 hectares of amenity green space.

The proposed change of use would facilitate controlled and supervised access to the site for local youth football training and matches. The FA have confirmed, via Sport England that they support the application and that it will provide better and needed youth facilities for the club and longer term should improve the quality of the pitch. The land, although enclosed, would also remain available for the wider local community with the Football Club's access gate remaining unlocked at all times. It is recommended that a condition is attached to any permission granted requiring access to be available to the local community at all times (Condition 3).

The site would therefore facilitate the use of Informal Open Space as Formal Open Space. It is considered that the proposed development would assist with addressing the identified shortfall in Formal Recreational Space without resulting in a deficit of Informal Open Space. The principle of development in this case is therefore supported.

Design, Appearance and Layout

The proposal includes the erection of a 1.8 metre high galvanised fence, of an identical nature to that which secures the Football Club's current grounds. This is considered to be appropriate to the site's setting and function.

The applicant has stated that a 3 metre gap will be retained between the proposed northern boundary fence and the stream that runs to the north of the site to ensure members of the public can continue to use the existing public footpath in this location. It is recommended that a condition is attached to any permission granted requiring the details and siting of the proposed fence line to be agreed with the Council and also to set out whether the existing fence to the site's southern boundary will be retained with a gate installed or whether it will be removed completely (Condition 5).

Impact on Neighbour Amenity

Adopted Policy RLP134 seeks to protect noise sensitive development from proposals for sport or leisure facilities and activities likely to cause noise or disturbance. The nearest residential dwellings are located to the north of the application site at a distance of approximately 40m.

The current use of the land is for informal recreation, including for football. The Football Club are proposing to use the site for youth training and matches, during daylight hours, primarily at weekends and with some after school use. It is not considered that this would be likely to result in a detrimental noise impact to the occupants of the nearest adjacent residential dwellings.

Policy RLP135 seeks to protect local residents, vehicle users, nocturnal fauna and the night sky from floodlighting used for sports facilities. The applicant has not proposed any floodlighting for the site and the site would only be used during daylight hours. However, for the avoidance of doubt a condition to prevent the installation of any external lighting is recommended (Condition 4).

Highway Issues

Witham Football Club has a large established car park which would remain unaffected by the proposal and would continue to provide a dedicated parking area for users of the site.

The site is also accessible to cyclists and there are public footpaths running to the north and south of the site. As such, it is considered that there is sufficient parking for both cars and cyclists on the site to serve both the existing Football Club's grounds and the proposed site.

CONCLUSION

The proposed change of use would help to address an existing deficit in Formal Open Space in the Witham West Ward. The development would facilitate controlled and supervised football training and matches for local youth teams whilst remaining accessible to the wider local community. This access for the wider community can be safeguarded by way of a planning condition (Condition 3). 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 Block Plan

Plan Ref: 4110 02 001

Version: 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 Following the implementation of the change of use hereby permitted the site shall remain readily accessible to the general public at all times.

Reason

To ensure that there is no future loss of this area of formal open space.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 no floodlights or lighting shall be installed on the site.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 5 Prior to the enclosure of the site details of the position and siting of the proposed galvanised boundary fence and of any retained fencing to the site's existing southern boundary shall be submitted to and approved in writing by the local planning authority. The details shall include details of any access gates. The site shall then be enclosed in accordance with the approved details only.

Reason

To ensure that there is sufficient space for members of the public to pass between the perimeter fence and the ditch located immediately to the north of the site and to ensure that sufficient access to the site exists for the general public.

TESSA LAMBERT
DEVELOPMENT MANAGER

Monthly Report on Planning and Enforcement Appeal Decisions Received – December 2015		Agenda No: 6
Corporate Priority: Report presented by: Report prepared by: Liz Williamson, Planning Technician and Appeals Administrator		
Background Papers:		Public Report
Appeal decisions summary		
Options:		Key Decision: No
Information only		
Executive Summary: This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Decision: That the report be noted.		
Purpose of Decision: To note a report on appeal decisions.		
Corporate Implications		
Financial:	N/A	
Legal:	N/A	
Safeguarding:	N/A	
Equalities/Diversity:	N/A	
Customer Impact:	N/A	
Environment and Climate Change:	N/A	
Consultation/Community Engagement:	N/A	
Risks:	N/A	
Officer Contact:	Liz Williamson	
Designation:	Planning Technician and Appeals Administrator	
Ext. No.	2506	
E-mail:	lizwi@braintree.gov.uk	

PLANNING & ENFORCEMENT APPEAL DECISIONS

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **December 2015**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	Application No/Location	15/00009/FUL – Land r/o 56 Courtauld Road Braintree
	Proposal	Demolition of existing detached garage and the erection of a new detached dwelling
	Council Decision	Refused under delegated authority – RLP2, 3, 56, 90 and 95
	Appeal Decision	Dismissed
	Main Issue(s)	The effect of the proposal on the character and appearance of the area and the effect on highway safety
	Inspector's Conclusion	<p>The Inspector began her report by describing the appeal site and the surrounding area. The appeal site is located to the rear of 56 Courtauld Road on the corner of Courtauld Road and Julien Court Road. Formerly the garden of no. 56 the site is now fenced off from no. 56 by a close boarded fence.</p> <p>To the south east of Courtauld Road properties are two storey detached or semi-detached houses set out in linear plots which extend a long distance to the rear.</p> <p>The Inspector continued by saying that the proposed plot, through the subdivision of the garden on no. 56 would be much smaller than the surrounding plots. As a result the footprint of the proposed bungalow would fill the majority of the plot leaving a small garden space that would be not be characteristic of the surrounding area and therefore create a cramped and incongruous form of development.</p> <p>Due to the high land level and the proximity of the proposal to the street, it would mean the proposal would be dominant and visually obtrusive when viewed along Julien Court Road.</p> <p>The proposed bungalow would be set forward of the three bungalows to the east, in a much smaller plot than those bungalows, leaving it with little front garden. These differences mean that the proposed bungalow would not complete the line of the 3 bungalows as suggested by the appellant.</p> <p>Whilst the appellant states in his supporting information that one space could be provided on site, the Council's Adopted</p>

		<p>Parking Standards state for a two bedroom dwelling a minimum requirement would be to provide two spaces. Because of the proximity of the appeal site to the town centre, the Inspector considers that parking standards could be legitimately relaxed and the proposal would not conflict with the Parking Standards.</p> <p>The Inspector notes that the appellant states that there is a lack of housing units to meet need in the District and refers to the Strategic Housing Market Assessment 2014 which states that there is a shortage of one and two bed properties. The Inspector refers to the Council's Annual Monitoring Report 2014 in which it does have more than a five year supply of housing.</p> <p>In conclusion the Inspector states that for the reasons set out above, regarding the effect on the character and appearance of the area, having regard to all other matters raised, she concludes that the appeal should be dismissed.</p>
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2.	Application No/Location	14/00266/UBW3 2 Thatch Cottages, Halstead Road, Earls Colne
	Proposal	Appeal against Enforcement Notice – Breach of planning control as alleged in the notice is without planning permission, the demolition of existing timber sheds and the partial erection of a single garage to the rear of the property
	Council Decision	Enforcement notice issued
	Appeal Decision	The appeals are dismissed and the enforcement notice is upheld with corrections
	Main Issue(s)	<p>A. Remove all wall and roof sections to the partly constructed single storey garage.</p> <p>B. Clear all associated materials resulting from the removal of the roof and wall sections from the site as shown edged in red on the attached plan.</p>
	Inspector's Conclusion	<p>1. It was confirmed at the Inspectors site visit that the correct address for the property is "Thatch" rather than "Thatched" Cottages as it appears throughout the enforcement notice. There is no dispute that the appellants received the notice regardless of the error in the address.</p> <p>2. The alleged breach of planning control contain a typographical error by referring to "timer" instead of "timber" sheds at paragraph 3 of the notice.</p> <p>3. Both corrections can be made without injustice to either party.</p> <p><u>The appeals under ground (f)</u></p> <p>The ground of appeal is that the steps required by the notice to be taken are excessive. At the time of the Inspectors site visit the building comprised the walls built on a concrete base with the timber frame for the roof.</p> <p>The Inspector noted that the Council had not specifically</p>

identified which of the two purposes an enforcement notice can seek to achieve, which are to either remedy the breach of planning control which has occurred (s173(4)(a), or to remedy any injury to amenity that has been caused by breach (s173(4)(b)). However, the reasons included in the enforcement notice include harm to the listed building and the character and appearance of the surrounding area and Conservation Area. The steps required in the notice seek removal of the unauthorised built development which is consistent with the purpose, whether in whole or part, of remedying the breach of planning control. This can only be achieved by the demolition of the walls and roof. No lesser steps would satisfy the requirements of the notice. Therefore, they do not exceed what is necessary.

The appellants argue that part of the existing structure could be used in a smaller replacement garage for which they intend to seek planning permission. If planning permission is forthcoming, then the notice would cease to have effect to far as inconsistent with that permission. Planning permission cannot be granted in this appeal for part of the development and there is no ground of appeal and deemed planning application. It follows that no consideration can be given to any arguments concerning the planning merits for retention of part of the structure.

Whilst the materials may be suitable for recycling, there is no guarantee that a replacement building would be authorised or built. Accordingly, it is not excessive to require removal of the materials from the site. Therefore, the appeals on ground (f) fail.

The appeals under ground (g)

The ground of appeal is that the time given to comply with the requirements of the notice is too short. Six months is given to demolish the walls and roof section and remove the resultant rubble from the site. The appellants contend that this period would not suffice to allow a revised planning application to be made and the determination of any subsequent appeal if the Council refuses planning permission. In this regard, The Inspector notes that the Council has given pre-application advice that the size, form and design of a revised proposal produced by the appellants is likely to be refused. The appellants suggest a period of twelve months for compliance.

The effect of the appeal is to stop the clock. The notice only takes effect on the date of this appeal decision. Six months provides ample time for the actual demolition works. The unlawfulness of the development has not been challenged in this appeal and so it must have been accepted that a revised planning application would need to be pursued if a replacement garage is to be allowed. At the time of lodging the appeal on

	<p>21 May 2015 the appellants stated that such an application was to be made “shortly”. Several months have elapsed for an application to be progressed. With a further six months from the date of this decision, the appellants will have had approximately one year in which to secure planning permission for a revised application before the compliance period expires.</p> <p>The Inspector concludes by taking into account the harmful impact of the development identified, six months for compliance is a reasonable and proportionate period. It allows sufficient time in which to both demolish the garage and remove the materials whilst still affording reasonable opportunity to seek and implement any new planning permission. The appeals on ground (g) fail.</p> <p>It is directed that the enforcement notice be corrected as follows:</p> <ul style="list-style-type: none"> (a) Deleting the word “Thatched” from the address wherever it appears in the notice and replacing it with the word “Thatch”. (b) Deleting the word “timer” from paragraph 3 and replacing it with the word “timber”. <p>Subject to these corrections, the appeals are dismissed and the enforcement notice is upheld.</p>
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