

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 13 October 2015

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:-

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 15th September 2015 (copy previously circulated).

4 Public Question Time (See paragraph below)

5 Deferred Item - Application No. 15 00088 FUL - 36 Challis Lane, 4 - 10
BRAINTREE

6 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:- There are none.

PART B

Minor Planning Applications:-

6a Application No. 15 00890 FUL - Braintree Dental Centre, 9B-9C 11 - 18
Coggeshall Road, BRAINTREE

6b Application No. 14 01606 FUL - Unit 4, The Green, 19 - 30
FINCHINGFIELD

6c Application No. 15 00895 FUL - Applecroft, Applecroft Farm 31 - 40
Road, GREAT HENNY

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:

AGENDA ITEM NUMBER 5

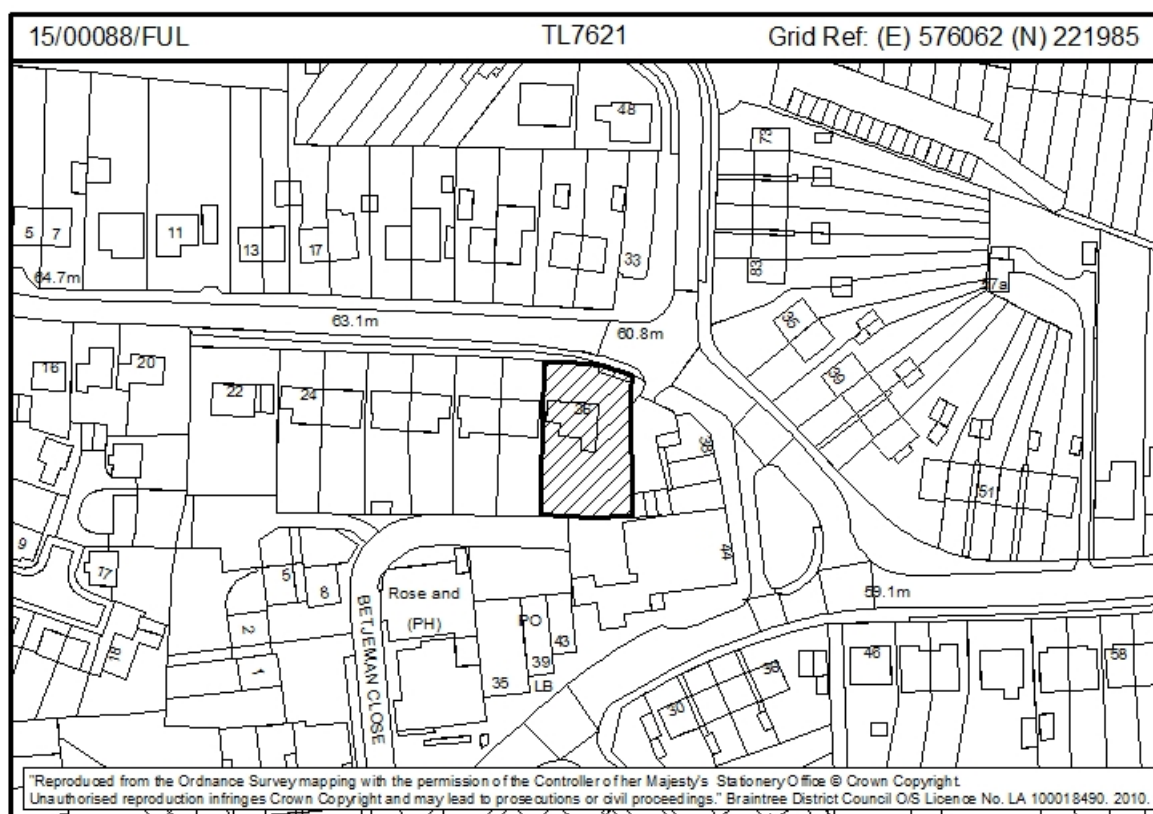
DEFERRED ITEM

APPLICATION 15/00088/FUL DATE 23.01.15
NO: VALID:
APPLICANT: Mr M Reed
Kyra, Hall Road, Panfield, Braintree, Essex, CM7 5AW
DESCRIPTION: Amendment to planning application 14/01490/FUL, erection
of first floor rear extension
LOCATION: 36 Challis Lane, Braintree, Essex, CM7 1AN

For more information about this Application please contact:

Mrs N Banks on:- 01376 551414 Ext. 2545

or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

13/00403/FUL	Erection of extensions and alterations and conversion to create 6 no. 1 bedroom flats	Withdrawn	24.06.13
13/01206/FUL	Proposed alterations and extensions to existing dwelling to create two no. 1 bedroom dwellings, associated parking and landscaping	Granted with S106 Agreement	10.01.14
14/00204/DAC	Application to discharge condition 5, 6, 7, 8, 9, 10, 11 and 12 of approved application 13/01206/FUL - Proposed alterations and extensions to existing dwelling to create two no. 1 bedroom dwellings, associated parking and landscaping	Granted	09.12.14
14/01490/FUL	Proposed conversion of existing dwelling and rear extensions to form 2 no. 1 bedroom dwellings	Granted	08.01.15

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Supplementary Planning Guidance

The Essex Design Guide 2005 and Urban Places Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application was deferred by the planning committee on 21st July 2015 to clarify the area of the application site and the extent of the permissions already granted for the site and the adjoining site. Details of this planning application are contained in the Register of Planning Applications.

SITE DESCRIPTION

The application site is located to the South of Challis Lane, within the Town Development Boundary of Braintree. The site measures approximately 32m deep and 19m wide. The original dwelling is set level with the prevailing building line with its rear aspect facing south.

PROPOSAL

Planning permission was granted in 2013 for alterations and extensions to the existing detached dwelling to create two No. 1 bed dwellings in addition to the existing dwelling, reference 13/01206/FUL. This permission was then modified to subdivide and extend the existing dwelling to form two 1 bed dwellings, reference 14/01490/FUL, resulting in a total of 4 units.

This application proposes a first floor extension of the original house to provide an additional bedroom for each dwelling. The extension is in the form of a double gable over the existing single storey extension. The development has commenced, but has not been completed. Four vehicle parking spaces are proposed. A revised red line plan has been submitted which shows the extent of the subdivision and the proposed parking provision.

CONSULTATIONS

BDC Engineers comment that they are unaware of any surface water issues affecting this site.

REPRESENTATIONS

Four representations have been received objecting to the proposal on the following grounds:

- The developer has already constructed the extension and advertised the units for sale;
- Impact on on-street vehicle parking and highway safety;
- Loss of amenity.

REPORT

The site is within the Town Development Boundary. New residential development is acceptable in principle in accordance with Policy RLP2 of the Braintree District Local Plan Review, subject to other relevant policy criteria.

Policy RLP3 of the Braintree District Local Plan Review requires that residential development is only acceptable if it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Development should be in harmony with the scale, design and intensity of the existing surrounding development and respect neighbouring amenities. Policy CS9 of the LDF Core Strategy and Policy RLP90 of the Local Plan Review seek a high standard of layout and design in all built development, large or small. Planning permission will only be granted where the scale, density, height and massing of buildings reflects or enhances local distinctiveness and where there is no undue or unacceptable impact on existing amenity. Policy RLP9 requires that the design and layout of new developments shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states, amongst other things, that the density and massing of residential development will relate to the characteristics of the site and the layout and density of surrounding development. Recommendations set out in the Essex Design Guide state that dwellings with two bedrooms or more should benefit from a minimum of 50sqm of private garden space.

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards 2009. For dwellings with two bedrooms or more a minimum of two parking spaces should be provided. Each parking space should measure 5.5 metres in depth by 2.9 metres in width. The proposal accords with the Standards.

Whilst it is evident that the applicant has commenced the work before permission has been granted, the local planning authority must judge the proposal on its merits. The principle of 4 residential dwellings has been accepted following the grant of planning permission reference 14/01490/FUL. The first floor extension is being created above an existing single storey projection, therefore, the footprint is not increasing. The building itself sits slightly forward of the rear elevation of the next-door property, however, the buildings face south and there is an outbuilding in the neighbouring premises that provides a visual break. It is not considered therefore that the proposal will result in an unacceptable loss of amenity for the neighbouring premises in terms of being overbearing, overlooking or overshadowing. As the property also looks towards the rear service yards of the nearby shops, it is not considered that an increase in overlooking will occur.

Sufficient off-street parking and amenity space will be provided in accordance with the Standards

CONCLUSION

It is concluded that the proposal is acceptable in regards to the above-mentioned policies and will not result in demonstrable harm to neighbouring residential amenity. Approval is therefore recommended subject to the conditions set out below.

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	Plan Ref: 005	Version: A
Block Plan	Plan Ref: 006	Version: A
Site Plan	Plan Ref: 007	Version: B
Proposed Floor Plan	Plan Ref: 008	Version: C
Proposed Elevations	Plan Ref: 009	Version: D

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

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 and C 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 in the interests of residential and/or visual amenity.

- 4 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

In the interests of promoting sustainable forms of development.

- 5 Prior to installation, details of the gates/fences or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The gates/fences as approved shall be provided prior to the first occupation of either of the residential units hereby approved and shall be permanently maintained as such.

Reason

The screen walls and/or fences as indicated on the approved layout plan shall be erected before the dwellings are occupied and shall be permanently maintained as such.

- 6 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 Prior to occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason

To ensure uninterrupted flow of water and reduce the risk of flooding of the highway.

- 8 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres and shall be permanently maintained as such.

Reason

To ensure adequate space for parking off the highway is provided in the interests of highway safety and in accordance with the Council's adopted Parking Standards.

- 9 Prior to the first occupation of the development hereby approved details of
 - (a) the location and design of refuse bin and recycling materials storage areas and collection points,
 - (b) any proposed external lighting to the site

shall be submitted to and approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Reason

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

- 10 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, Bank Holidays and Public Holidays - no work

Reason

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

INFORMATION TO APPLICANT

- 1 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. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.
- 3 In respect of Condition 9 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.
- 4 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

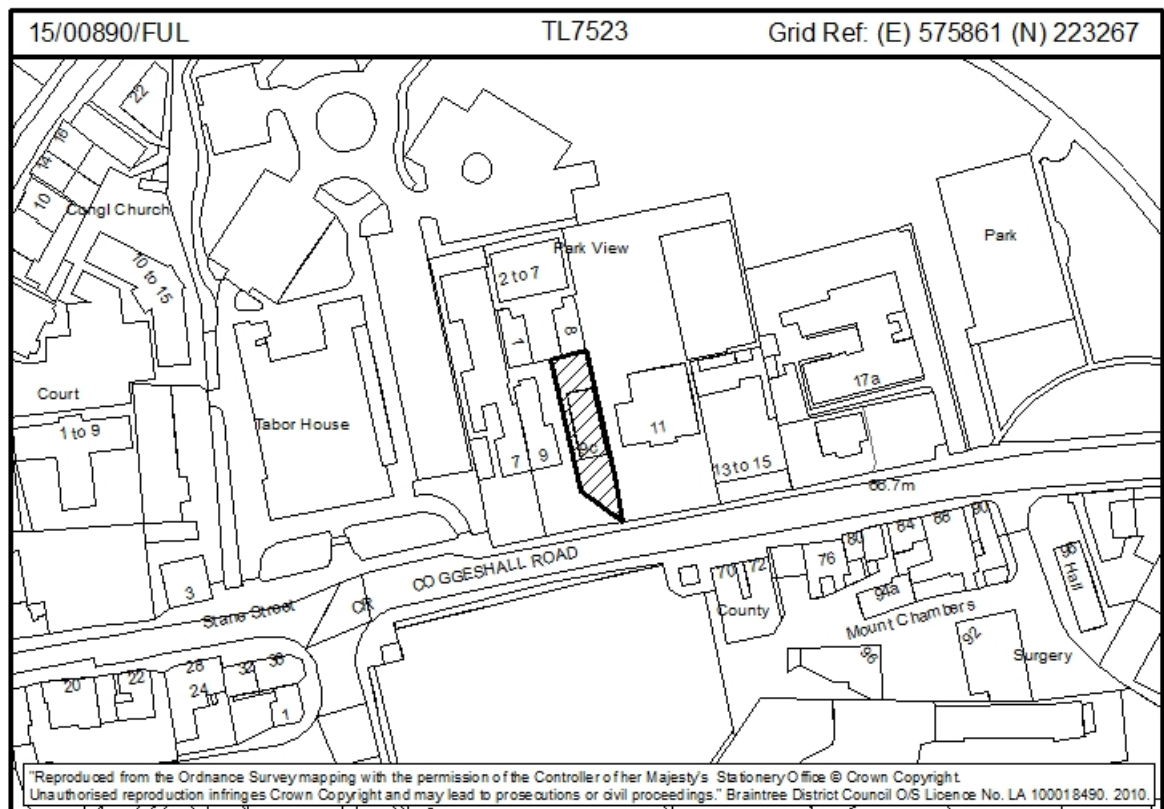
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 6a

PART B

APPLICATION 15/00890/FUL DATE 08.07.15
NO: VALID:
APPLICANT: Dr Adrian Mohseni
Braintree Dental Centre, 9C Coggeshall Road, Braintree,
Essex, CM7 9DB
AGENT: John Baugh Ltd
67 Church Lane, Bocking, Braintree, Essex, CM7 5SD
DESCRIPTION: Erection of second floor extension
LOCATION: Braintree Dental Centre, 9B - 9C Coggeshall Road,
Braintree, Essex, CM7 9DB

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



SITE HISTORY

07/00572/FUL	Proposed additional floor to provide new administrative office and staff facilities	Withdrawn	04.05.07
07/01223/FUL	Proposed additional floor to provide new administrative office and staff facilities	Granted	31.08.07
08/00586/COU	Change of use from offices to surgery waiting room and extension	Granted	20.05.08
11/00638/FUL	Application for a new planning permission to replace an extant planning permission (08/00586/FUL) in order to extend the time limit for implementation - Change of use from offices to surgery waiting room and extension	Granted	07.07.11

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS6 Retailing and Town Centre Regeneration
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP56 Vehicle Parking
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

Supplementary Planning Guidance

ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION

This application is brought before the Planning Committee as the agent is a Braintree District Councillor.

NOTATION

The site falls within the Town Development Boundary of Braintree Town Centre and within the Conservation Area.

SITE DESCRIPTION

The application site is located to the northern side of Coggeshall Road and is a detached; flat roofed two storey building, currently operating as a Dental Practice on the first floor.

This part of Coggeshall Road has a prevalence of business uses; however they are contained within buildings of a two storey domestic scale and appearance. The host site appears somewhat as an anomaly within the street, with its distinct rectangular plan form and flat roofed design, in contrast to the more traditional appearance of the majority of buildings within the immediate vicinity.

PROPOSAL

The application proposes the erection of a second floor extension to the building, providing an additional 62m² of floor area. This space is proposed to be used to provide staff facilities, additional storage and an administrative office. The proposed addition effectively adds a pitched roof to the existing flat roofed building and floor space included within; however the proposal also includes an increase in height of 0.7m to the walls, thus increasing the eaves height. Given the narrow frontage and deep plan of the existing building, the extension has been designed as a pitched roof as viewed from the front elevation, with a mansard roof running behind, terminating with a rendered gable end at the rear of the building. The resultant building will reach a height of 9.7m, comparable to the neighbouring properties.

An application at this site was approved in 2007 under application reference 07/01223/FUL for a development identical to that now proposed.

CONSULTATIONS

Essex County Highways – No objections

Essex County Council Heritage – No objections

BDC Environmental Health – No objections. Suggest a condition relating to working hours.

REPRESENTATIONS

A site notice was displayed and neighbouring properties were notified by letter. One letter of objection has been received raising the following points:

- The proposal will block natural light

- The proposal will overlook and affect privacy

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 applications should be considered in the context of a presumption in favour of sustainable development.

The site falls within the Town Development Boundary and also within a Conservation Area. In accordance with Policy RLP2 the principle of new development within the town development boundary is acceptable, subject to compliance with other relevant Local Plan policies.

The NPPF seeks to secure economic growth and promote competitive town centres. Policy CS6 of the Core Strategy advises that the improvement and regeneration of the town centres will be promoted.

A core principle of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupiers. The NPPF conveys the Government's commitment to securing sustainable development through positive improvements in the quality of the built environment, by replacing poor design with better design. Policy RLP 90 of the Local Plan Review and Policy CS9 of the Core Strategy also seek a high standard of design and layout and to protect residential amenity.

Policy RLP 95 seeks to preserve the character and appearance of the Conservation Area. This is supported by the NPPF which also states the desirability of sustaining and enhancing the significance of heritage assets.

The extension and enhancement of the host building would, in principle, be supported by the above mentioned policies, subject to all other material considerations.

Design and Layout

Policy RLP 90 of the Local Plan Review requires a high standard of design in all developments. Policy RLP 95 of the Local Plan Review seeks to preserve the character of the Conservation Area and 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 and the protection and enhancement of the historic environment in order to respect and respond to the local context.

The proposed addition will add a pitched roof to an existing flat roofed building. Although the addition has not been designed to match adjacent buildings, a pitched roof will ensure the building integrates more successfully

in to the street scene than the existing building, which appears somewhat as an anomaly.

Given the somewhat out of character appearance of the existing building, the proposed extension will serve to integrate the building more successfully in to its surroundings, to the benefit of the character and appearance of the Conservation Area to which it forms part. The proposal is thereby considered to comply with the aspirations of the NPPF, policies RLP 90 and RLP 95 of the Local Plan Review and Policy CS5 of the Core Strategy.

A suitably worded planning condition can secure the external materials to be used. The removal of the air conditioning units from the side of the building is considered to be a benefit to the appearance of the building and the street scene more generally.

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.

Policy RLP 90 seeks to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

The adjoining neighbours to the east and west are both in commercial use. There are no additional windows proposed in either side elevation, which would give rise to concerns of overlooking. The proposed roof lights within the new addition are positioned such in relation to the internal floor level, that overlooking to the neighbouring properties would not result.

To the rear of the site is a residential development of 8 no. properties, comprising a three storey block of apartments and two FOG (flat over garage) units. These properties had been built at the time of the 2007 application and thus the impact on the amenities of these neighbours was considered at this time.

A concern has been raised by the occupier of no. 1 Park View, which considers that the proposed roof will block light and affect privacy.

With regards to a loss of light, given the distance from no. 1 it is not considered that the proposed extension will result in any unreasonable loss of light to no.1 Park View. The resultant building will shade the shared driveway, leading to Park View and as the sun moves south, the rear car park of the application site.

With regards to overlooking, given the back land nature of the residential units and their relationship with the properties fronting Coggeshall Road, some overlooking is to be expected and would not be objectionable in such a context. The residential development is set out to a courtyard design with the units facing in to the centre of the site within close proximity, such overlooking

between the units will to some extent already occur. In addition the properties in Coggeshall Road, including the host building have rear windows that already overlook the residential units behind to some degree.

The proposed roof will result in a large window at second floor to the rear elevation serving a staff rest area. This window, which is located 18m from no. 2 -7 Park View, will have a view looking towards the residential units behind, however given the existing relationship between the buildings as discussed above, this is not considered to give rise to unreasonable overlooking. Furthermore the host building is in business use. A staff room is unlikely to be used for protracted periods throughout the day and the business does not open at weekends, thus limiting the use of this new floor space.

A condition can be placed on any grant of consent; controlling the hours that construction work takes place on site, in the interests of residential amenity.

It is not considered that any unreasonable harm would result to the residential units to the rear of the host building; such it would be justified to refuse planning permission on this basis. The proposed development is considered to comply with policy RLP 90 of the Local Plan Review.

Car parking

Policy RLP 56 of the Local Plan Review states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009.

The site currently provides space for 9 cars on site, 6 to the front of the building and 3 at the rear. The Council's adopted car parking standard requires a maximum of 1 space per full time staff and 3 spaces per consulting room. As such it would be necessary for the surgery to provide a maximum of 12 car parking spaces. Although the site cannot provide the maximum 12 spaces, given the town centre location and that it is located directly opposite Sainsbury's carpark, it is considered that the 9 spaces, in this instance is an adequate level of provision.

The proposal is considered to satisfy policy RLP56 of the Local Plan Review.

CONCLUSION

The site is located in a sustainable location within the Town Development Boundary, where the principle of new development is acceptable. The NPPF and policies RLP 90 of the Local Plan Review and CS9 of the Core Strategy seek high quality design and the need to protect residential amenity. The proposal will serve to integrate the building more successfully in to its surroundings, to the benefit of the character and appearance of the street scene and the Conservation Area to which it forms part. No unreasonable harm would result to the amenity of nearby residential properties. The

proposal would provide sufficient parking to satisfy the Councils adopted standards.

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

Existing Plans

Plan Ref: 0580/02/SC

Proposed Plans

Plan Ref: 0580/03/SC

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

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

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 Construction of the extension 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 the use of appropriate detailing within the Conservation Area.

- 4 Prior to installation, details of all windows and doors shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 5 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, Bank Holidays and Public Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

- 6 Prior to the installation of any air conditioning units to the building, details of the air conditioning units shall be submitted to and agreed in writing by the Local Planning Authority. Any details as may be agreed in writing by the Local Planning Authority shall be those implemented on site and thereafter retained and maintained in the approved form.

Reason

In the interests of the character and appearance of the Conservation Area and the amenity of adjoining neighbours to the site.

INFORMATION TO APPLICANT

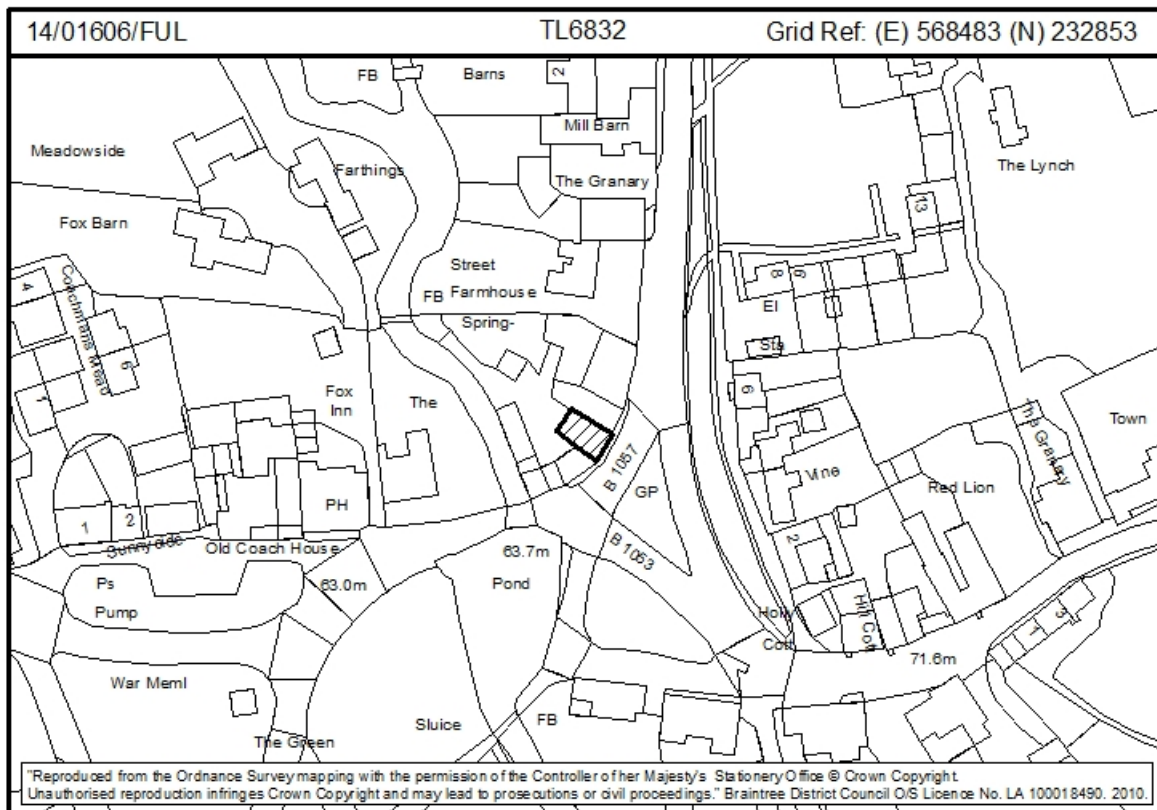
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO:	14/01606/FUL	DATE VALID:	19.01.15
APPLICANT:	Mr H Ozer 121B Swan Street, Sible Hedingham, Halstead, Essex, CO9 3HP		
AGENT:	Mrs Diana-Alcora Balaban Arch Planning & Licensing, 33B Grand Parade, Green Lanes, Haringey, London, N4 1LG		
DESCRIPTION:	Change of use from A1 use class retail unit to A5 fish and chips takeaway		
LOCATION:	Unit 4, The Green, Finchingfield, Essex, CM7 4JS		

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



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

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP117	Shopfronts in Conservation Areas

INTRODUCTION

This application is brought before the Planning Committee due to the significant number of objections from neighbours and objections from the Parish Council contrary to the recommendation of officers.

SITE DESCRIPTION

The site comprises an existing Class A1 (retail) unit known as 'The Perfect Something,' a 'gift shop.' Above the ground floor unit there is a residential unit. The site is located on The Causeway, in close proximity to the junction with the B1053 and the bridge which provides vehicular access to both aspects of 'The Green' over the watercourse. There are currently double yellow lines outside of the site, and parking would appear to be utilised on-street nearby. Adjacent to the unit is an existing restaurant and an A1 use. A grade II* Listed Building is also in close proximity. The site is located within Finchingfield Conservation Area.

PROPOSAL

The proposal is to change the use of the site from Class A1 shop to Class A5 hot food takeaway. It is understood the unit will be a fish and chip shop.

CONSULTATIONS

Environment Agency

No comment.

Historic Buildings Advisor

Has no objection to the principle of change of use. However raises concerns about the potential for signage to detract from the character of the conservation area.

Highways Officer

No objection:

“The proposal is for the change of use of an existing retail unit to a hot food take away, this is not a completely new use and the existing shop would in any event have previously attracted a number of vehicle movements including deliveries and customers.

The road directly fronting the unit benefits from a double yellow line parking restrictions, other key areas in the immediate vicinity of the shop also benefit from double yellow lines on them to keep these areas unobstructed and to maintain free passage of traffic. If vehicles should choose to ignore these parking restrictions then this is a matter for the North Essex Parking Partnership who is responsible for enforcing such restrictions.

There are many unrestricted roads in the vicinity of the shop where on street parking regularly takes place and this will no doubt provide short term parking to serve the proposal.”

Environmental Health Officer

These details would normally be requested via condition, however due to the site locality and proximity of neighbours, the Environmental Health Officer could not support the application without details relating to:

- The extraction system
- Noise and noise control
- Waste storage
- Cooking range

The information has now been received and agreed by the Environmental Health Officer. He also made the following comments:

“It would be naïve to think that such a facility will not have some impact in the immediate vicinity – at times there will be some odour attributable to the site. What I consider as part of the consultation is whether or not the applicant is broadly installing and locating a system that will be as

effective as it can be. However, as filtration becomes in need for replacement then odour can present more apparently and certain weather conditions could lead to odour not dispersing and diluting as it would under more ideal conditions. It is my opinion that this facility is not in an ideal location. However, on planning grounds, I do not believe that I can object to it simply on the grounds that at time there may be some smell.

There is of course the potential that if any unreasonable/substantial odour issues arise that these can be considered for possible action under statutory nuisance legislative provisions.”

Finchingfield Parish Council

Object to the proposals under the following headings:

Location/Highways

- Parking problems in the area – longstanding problem
 - Causes parking on the green- reinstatement work necessary
 - Outside visitors inconsiderate parking
- Safety issues with bridge proximity
- NEPP – receive lots of complaints about abuse of double yellow lines

Conservation Area/Tourism

- Detrimental to image of village
- Negative impact on conservation area

Litter/Smells

- Increased litter
- Sophisticated extraction system needed to reduce smell

Sustainability

- No advantage to local businesses especially in winter months

Flood Plain

- Area located in flood plain

Planting

- Trees and Hedges are on the site contrary to that stated on application form

REPRESENTATIONS

A site notice was displayed at the front of the site. A total of 25 letters of representation were received which raised the following grounds of objection:

- The proposal would detract from the character of the village

- Character of conservation area
 - Chimneys proposed an eyesore
 - Grade 2* listed building adjacent
- The proposed use would not be an appropriate use in this location
 - Fish and chips are available from nearby public house
 - Not in keeping with other standards of outlets in the village
 - 6/7 premises already selling food
 - Potential for change to other take-away use in class A5
 - Licence refused for Italian restaurant next door for take away
 - Affect tourism levels
 - Increase in anti-social behaviour
 - Other units will change to takeaway
 - No gas provision in village – will have to use LPG gas - danger
- Highway & pedestrian safety issues
 - No/small pavement outside
 - Queuing likely to force pedestrians onto the road
 - No parking facility outside – double yellow lines
 - Blind bend – history of incidents
 - Busy junction – speeding problems
 - Staff parking will exacerbate general parking problem in village – extended with opening hours
 - Inconsiderate drivers
 - Potential delivery service – parking issues
 - Delivery vehicles & agricultural vehicles exacerbate issues
- Increased pollution
 - Disposal of rubbish – need additional clarity on this as not clear
 - Sewage disposal needs clarification
 - Litter – public bin on green near-by not adequate – need more frequent litter collection by BDC
 - Smells
 - Noise
- Flood risk
 - Close proximity to river- floods regularly

General comments:

- Unit not thoroughly marketed- only local

Support (14 representations)

- Good for local village – unit would stay empty otherwise
- Other businesses do not seem to last
- Significant distance to other chip shops

REPORT

Principle of Development

Policy RLP 2 (Town Development Boundaries and Village Envelopes) of the Braintree District Local Plan Review states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes.

The site is located within the village envelope of Finchingfield. As such, Policy RLP 3 (Development within Town Development Boundaries and Village Envelopes) applies which states that within village envelopes and town development boundaries development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

The National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas. The NPPF also encourages the retention of valued facilities and services, but requires that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

Policy RLP97 (Changes of Use in Conservation Areas) states that the change of use of a building within a Conservation Area will only be permitted if the use and any associated alteration preserves or enhances the character and appearance of the area.

The unit is located within a village envelope where the above policies allow in principle for changes of use. It is therefore considered that the principle of a change of use from A1 to A5 can be acceptable providing it meets all other criteria outlined below.

It is acknowledged that there are other restaurants and public houses within the village which will have a lawful use of either class A3 or A4. The policies however do not restrict the number of A3 or A5 units that can be located in a village.

Design, Appearance and Layout

CS9 states that the Council will promote and secure the highest possible standards of design and layout in all new development, and the protection and enhancement of the historic environment, in order to respect and respond to the local context, especially in areas of highest landscape sensitivity.

Policy RLP90 states that the Council seeks a high standard of layout and design in all developments. It states that the scale, density, height and

elevational design of developments shall be in harmony with the character and appearance of the surrounding area. Designs shall be sensitive to the need to conserve local features of architectural, historic and landscape importance.

Policy RLP 95 of the Local Plan Review is also central to the determination of any planning application for the site. The policy states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings. Development will only be permitted where the proposal 'does not detract from the character, appearance and essential features of the Conservation Area'

Unit 4 is an existing A1 use which has its own associated shop front. The current proposal does not propose to change the external appearance or detailing of the shop front. Any future changes to advertisements outside what currently exists at the site are likely to require advertisement consent and their merits could be considered at the application stage. It would therefore be unreasonable to refuse this application on the basis of future advertisement possibilities.

The flue will be located in the rear courtyard area which serves the rear side of unit 4. The flue is proposed to be approximately 6m from ground level, but critically be located just above the eaves height of the side of the building. Due to the courtyard relationship, the flue will not exceed the height of the first floor room that is located above the entrance to the courtyard. It would also not exceed the ridge height of unit 4. Therefore the visibility of the flue would be restricted from the conservation area. As such, in this instance it is considered the flue would be acceptable from a design and character perspective.

Impact on Neighbour Amenity

Policy RLP 90 of the Local Plan Review states that planning permission will only be granted where there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is located within close proximity to residential properties. Riverview and Springmead are two houses which are located to the West and North of the site respectively. The entrance to Riverview is located in the courtyard area that is shared by units 1, 3 and 5 The Green. Above these units there are also flats.

The proposal does not include changes to the external appearance of the building other than the inclusion of a rear flue. The main consideration therefore in will be the associated noise of the A5 use and the potential for detriment to neighbours amenity as a result of the odour extraction system.

The application was significantly delayed because the initial information submitted was not comprehensive enough to satisfy the concerns of the

Environmental Health Officer. Subsequently additional information was sought in regard to these aspects.

The information has now been submitted and has been deemed acceptable by the Environmental Health Officer. The Environmental Health Officer acknowledges that inevitably there would be some smell which arises from the unit. However, he is satisfied that the extraction system proposed would be the best way to mitigate the smell and any other associated nuisance with the extraction unit. He concludes it would therefore be unreasonable to advise refusing the application on this basis. The noise report also demonstrates that there would not be a detrimental impact in regard to the amenity of near-by properties.

The waste storage is proposed to be located in the courtyard area of the site. It would be located adjacent to the outbuilding at the rear of the courtyard. The bin is proposed to be an 1100L 'Eurobin' that the Environmental Health Officer does not object to.

It is understood that the unit would utilise an electric range of cookers due to the lack of mains gas availability at the site and the proximity of neighbours preventing the use of gas bottles. If this was to change it would be something that will be controlled via Environmental Health Department, and not something that would be reasonable to condition or enforce in planning.

In some cases the requirements for odour control could be safeguarded by condition taking into consideration the sensitivity of the sites location and relationship with neighbouring premises. In this instance it was considered essential to require this information during the life of the application. Thus, it is considered that there will not be a detrimental impact on neighbouring amenity as a result of the change of use.

Highway Issues

Policy RLP56 states that off-road parking should be provided in accordance with the Councils adopted vehicle Parking Standards.

The site is located on The Causeway, in close proximity to the junction with the B1053 and the bridge which provides vehicular access to both aspects of 'The Green' over the watercourse. There are currently double yellow lines outside of the site, and parking would appear to be utilised on-street nearby. A small footway runs along the front of the unit. The site therefore does not benefit from any designated off-street parking. However, A1 shops in accordance with the Parking Standards are required to provide a maximum of 1 parking space per 20 sqm of floor area (of the unit). A5 hot-food takeaways are also required to provide a maximum of 1 space per 20 sqm.

The floor area of the existing A1 unit and the proposed A5 unit will remain at 69 sqm. Therefore, in accordance with the above standards, the requirement for car parking will not increase with the subsequent change of use. It would

therefore be unreasonable to refuse the change of use on the basis of a lack of off-street parking spaces for both customers and staff.

Several representations raise safety concerns about the location of the unit and the vehicular movements that are typically associated with an A5 use. It is argued that the junction has a history of incidents and an associated speeding problem and in conjunction with the small pavement outside will pose a safety risk to customers of the A5 use. Furthermore, it is argued that this will be typified by 'inconsiderate' parking whereby people will ignore the double yellow lines outside of the site.

It is important to note that the existing A1 use would have had its own associated vehicular movement including deliveries and customers. The vehicular movements of the proposed A5 unit cannot therefore be considered in isolation to the existing A1 use. In general terms, the main difference between the two uses would be the shorter length of stay for A5 in comparison to A1, which often leads to parking in close proximity to collect food orders. However, the units in this area benefit from double yellow lines at the front which acts to prevent vehicles stopping and subsequently obstructing the highway to preserve safety for vehicles and pedestrians. Moreover, there are also roads near-to the site which are currently used for on-street parking where vehicles could stop short term to utilise the take-away and other units, as would be the current situation with the A1 use.

In conclusion, as parking restrictions exist outside the application site, users of the take away will need to find parking nearby if they intend to visit the unit; the Local Planning Authority cannot speculate that users are less likely to do so for a take away than a shop. Accordingly, there are not considered to be any reasonable highway safety grounds for refusing the application.

If parking does occur on the double yellow lines, it is matter of enforcement through separate legislation as administered by the North Essex Parking Partnership.

Other Matters

Precedent

Concerns have been raised with regard this proposal setting a precedent for other units to change to A5. This however will not be the case, as every application is determined on its own merits in the context of relevant policy and any other material consideration.

Change to Other A5 Use

The application seeks to change the unit to a fish and chip shop. However, it is correct that the unit could change to any other hot food takeaway. It would be unreasonable to refuse the application on this basis, or to attach a condition to restrict the unit to a fish and chip takeaway use.

Effect on Character of the Village and Tourism Levels

Some representations contend that the proposals would detract from the character of the village and reduce its draw as a tourist attraction. The Local Planning Authority cannot seek to control the nature of particular uses beyond the controls within the Uses Classes Order. The proposed takeaway is not considered, in principle, an inappropriate use within a village in terms of adopted policy.

Anti-social Behaviour and Litter

The opening hours of the unit will be the subject of condition to keep them within a reasonable time. The Local Planning Authority cannot speculate about the potential for any anti-social behaviour in connection with a proposed takeaway. As elsewhere, any anti-social behaviour is a police matter.

Concerns have been raised regarding increased litter as part of the change of use. It is understood that there are litter bins near to the site; however it would be unreasonable to request that the applicant introduces additional bins to help prevent litter. This is because land outside of the unit would likely be outside of the applicant's ownership. Notwithstanding, an informative has been attached to encourage additional bins and subsequent discussions with relevant stakeholders.

Foul Drainage

Concerns have been raised with regard to the disposal of foul drainage (e.g. cooking related grease etc.). This is not generally a planning consideration on an existing unit which would already have foul drainage mechanisms in place.

Flood Risk

The site is located in close proximity to flood zone 2 and 3 but not within either. The Environment Agency did not have any comments to make on the application.

Site Not Thoroughly Marketed

A representation has been received that the site has not been widely marketed. This may or may not be the case but it would not form a material consideration in the determination of the planning application.

Licence Next Door

It has been raised that the restaurant next door may have been refused a take-away licence in the past. This may be the case but it would not form a material planning consideration in this instance.

CONCLUSION

Although a significant number of objections have been raised to this application, the principle of change the use of the unit from A1 to A5 is not one that is resisted by National or Local Plan Policy. The proposal would not include any exterior changes and the flue would not be apparent in wider views of the Conservation Area. Details of the extraction system and waste storage have been submitted and agreed and determined not to have a detrimental impact on neighbouring amenity. Finally, the mechanisms are in place to ensure that the take-away use would not contravene highway or pedestrian safety. It is therefore considered the application should be 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	Plan Ref: 0332.14.00	
Existing Plans	Plan Ref: 0332.14.01	
Proposed Plans	Plan Ref: 0332.14.02	
Proposed Sections	Plan Ref: 0332.14.03	
Proposed Plans	Plan Ref: 0332.14.04	
Proposed Plans	Plan Ref: 0332.14.05	
Proposed Plans	Plan Ref: 0332.14.06	
Additional Plan	Plan Ref: Waste Storage Location Plan	
Specification	Plan Ref: JDQ149(1)	Version: B
Specification	Plan Ref: JDQ149(2)	Version: B
Specification	Plan Ref: ESS-001	Version: A
Noise Details		

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

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 11:00 - 21:30 hours

Saturdays 11:00 - 21:30 hours
Sundays 11:00 - 20:00 hours
Bank Holidays 11:00 - 20:00 hours

Reason

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

INFORMATION TO APPLICANT

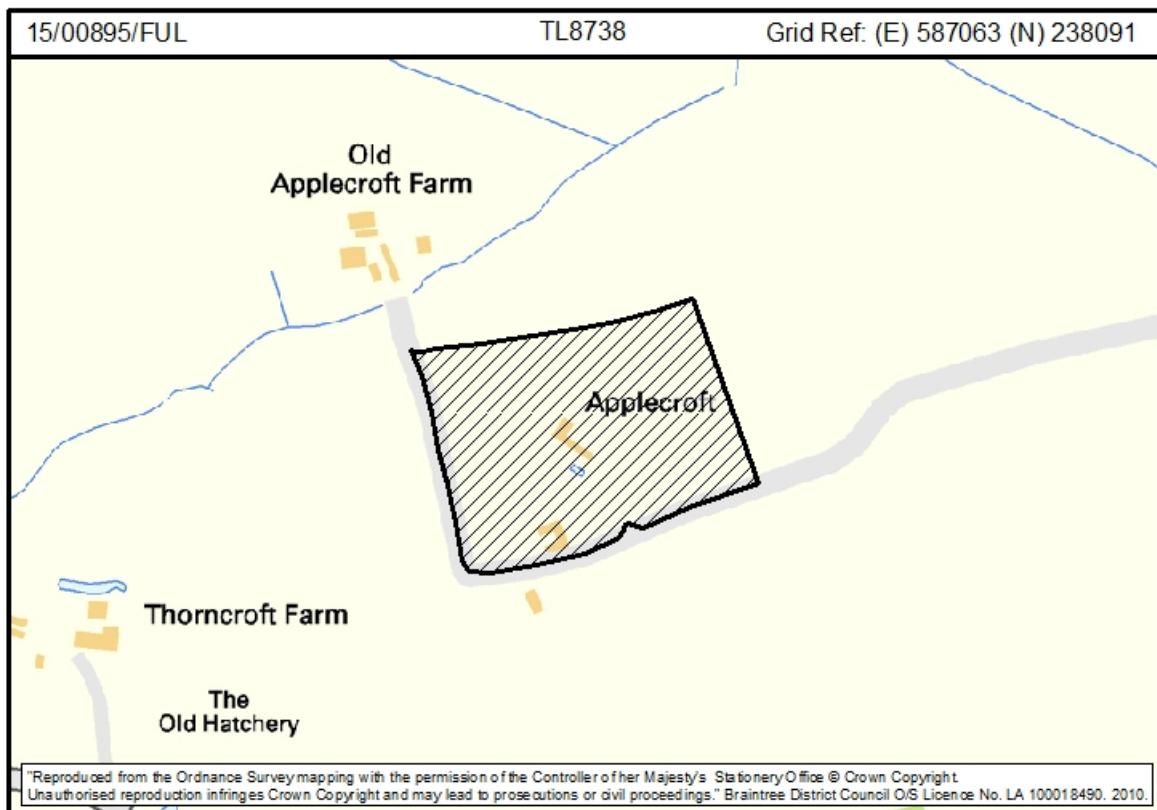
- 1 The applicant is advised to explore the scope for the provision of any additional litter bins in the proximity of the site through communication with the Parish Council and the Highways Authority

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 15/00895/FUL DATE: 16.07.15
 VALID:
 APPLICANT: Mr & Mrs Evans
 Applecroft, Applecroft Farm Road, Great Henny, Essex,
 CO10 7NP
 AGENT: Mr A O'Toole
 E&M Design Partnership, 28 The Square, West Street,
 Rochford, Essex, SS4 1AJ
 DESCRIPTION: Change of use of land to equestrian use, erection of new
 stable block, barn, horse walker and manege
 LOCATION: Applecroft, Applecroft Farm Road, Great Henny, Essex,
 CO10 7NP

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

01/00961/FUL	Erection of extension and alterations to existing dwelling, incorporation of outbuildings as part of main house, alterations to entrance, associated landscaping and tennis court fencing	Granted	25.09.01
01/01997/FUL	Erection of stable block comprising ancillary accommodation to existing dwellinghouse	Refused	04.01.02
02/00361/FUL	Erection of stable block comprising ancillary accommodation to existing dwellinghouse	Granted	30.07.02
87/01969/	Retention and continued use of outbuilding and garage extension to existing farmhouse	Granted	21.01.88
94/00753/FUL	Conversion of existing building to form granny annexe relating to existing dwellinghouse	Granted	08.08.94
07/00563/FUL	Addition of one pair of french doors and replacement of existing doors and windows	Granted	13.06.07

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
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats

INTRODUCTION

This application is brought before the Planning Committee as a letter of objection has been received from the Parish Council.

NOTATION

The site is located in the countryside.

SITE DESCRIPTION

The site is located in the countryside to the north east of Great Henny within the Upper Stour Valley. It is accessed via a single width access (which is also a public footpath) from Henny Street. The site is located at an elevated level from Henny Street and benefits from mature landscaping to the boundaries. The site is currently used for grazing and is located to the east of the dwelling known as Applecroft. To the north, east and south is agricultural land.

PROPOSAL

This application seeks planning permission for the change of use of the land to equestrian. It is also proposed to erect a new stable block/barn. This would measure approximately 36 metres by 12 metres. The height would measure approximately 3.6 metres to the eaves and 5.4 metres to the ridge. It would include six stables, a tack room, wash down area and storage barn.

A menage measuring 60 metres by 20 metres is proposed. This would be enclosed by a post and rail fence. In between the proposed building and menage would be a circular horse walker which would measure just over 11 metres in diameter.

Replacement entrance gates are proposed along with an area of hardstanding (8 metres in width) to serve the proposed building.

CONSULTATIONS

Parish Council – Object for the following reasons:

- The site is within an area of Special Landscape Value. The erection of the large building and facilities would be intrusive in the landscape and detrimental to the appearance of the Special Landscape Area.
- The proposal would be contrary to Policy ADM52 (Built Development in the Countryside) as planning permission was granted for a stable block and tractor store in 2002 and was subject to a condition which stated that the building shall be used for domestic purposes only, incidental to the enjoyment of the dwelling. The existing stables already meet the applicant's requirements.

- The site is located on a slope and the buildings would be seen from a great distance and from public footpaths. The proposal would be harmful to the character and appearance of the countryside and Special Landscape Area.
- The plan (Draft Site Allocations and Development Management Policies) supports the aspiration to extend the Dedham Vale Area of Outstanding National Beauty (AONB). The site falls within this area. The proposal would be prejudicial to the long term aim to enlarge the AONB designation.
- No assessment has been made by the Environment Agency regarding the impact of the water and solid waste that will be generated.
- The lane is only 2.5 metres wide with no passing places for some distance. The lane would be used by horse boxes and there is no room for users of the footpath to avoid these.

Environmental Services – No objection subject to conditions to protect amenity during construction.

Public Rights of Way – No objection. Bridleway 11 adjacent the site will not be affected by the proposals.

Highways – No objection.

REPRESENTATIONS

A site notice was displayed and neighbouring properties were notified by letter.

One letter of objection has been received from the Dedham Vale AONB and Stour Valley Project Officer which states that the site is within an area where there is a commitment by the Project to seek an extension to the area designated as an AONB. It states that the Position Statement regarding the setting of the AONB should be taken into account when determining the application. The letter indicates that there is potential for an adverse landscape impact to result from the proposal. It also queries whether the proposal is for personal use or to be used as a livery yard and notes that there are no details regarding external lighting.

REPORT

Principle of Development

The site lies beyond any defined settlement boundaries in an area where countryside policies apply. Policy CS5 of the Core Strategy states that development outside 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 amenity of the countryside.

Reference has been made by the Parish Council to the location of the site within a Special Landscape Area. Policy RLP79 of the Local Plan Review

referred to Special Landscape Areas but this was superseded by Policy CS5 of the Core Strategy when this document was adopted. The designation of Special Landscape Areas no longer exists.

Policy RLP85 of the Local Plan Review allows for new equestrian facilities in the countryside, subject to certain criteria. These are discussed below. Therefore, the principle of this proposal is acceptable.

Design and Appearance

Policy CS8 states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Policy RLP 85 states that stable buildings or other equestrian facilities will be permitted where:

- (a) There is no significant effect on a Special Landscape Area, other important landscape or nature conservation interests or any adjacent residential area;
- (b) No alterations to vehicular highways in the area are required;
- (c) Bridleways and byways in the vicinity are located and designed to accommodate horse riders from the site; and
- (d) No additional residential accommodation is consequently required to supervise the facilities.

Floodlighting will not be allowed in association with such facilities.

Policy RLP90 seeks a high standard of layout and design in all developments. 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, scale and impact on the skyline in the locality.

The proposed building is relatively large and includes six stables and a barn. It is understood that the applicant owns several horses, some of which are currently stabled off site. Information has been submitted which states that the applicant competes in dressage events which requires a greater amount of grooming and preparation of horses under cover and it is understood that as competition routines have to be precise they are best practiced on event size menages. The applicant has confirmed that the proposal is for domestic purposes only. This is a matter which can be controlled by condition. The horses would be exercised on site or on surrounding land owned by the applicant. The barn is proposed as the applicant intends to harvest hay from their land and store it on site, some of which will be used in the stables.

The site is located almost 1km from Henny Street. Although it sits at an elevated position from Henny Street, it is an enclosed site which is well screened to its boundaries by existing trees and vegetation. The proposed menage and horse walker, by virtue of their height and nature, would not be prominent features. Limited views of the proposed building from the public footpath and in longer views across the landscape may be possible, but it would be seen as a rural building within the countryside, akin to many other buildings found in rural areas across the District. The facilities would be located close to the existing dwelling with which they would be associated. It is not considered that the proposals would have an adverse impact upon the character of the area to the extent which could substantiate refusing planning permission. A condition can be imposed to prevent any floodlighting and requiring details of any other external lighting that may be required. Reference has been made by the Parish Council to Policy ADM52 of the draft Site Allocations and Development Management Plan. As Members will be aware, this document was not submitted to the Planning Inspectorate for approval and has been set aside. Instead work has begun on a new Local Plan. The policies referred to were draft policies and little weight can be afforded to these. The NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the adopted development plan is the Braintree District Local Plan Review (2005).

The Parish Council and the Officer from the Dedham Vale AONB and Stour Valley Project both refer to the proposed extension to the AONB in their letters of representation. It is understood that an extension to the AONB is being sought from Natural England. The proposed extension would mean that the site would be included within the AONB. It is acknowledged that the draft Site Allocations and Development Management Policies (SADMP) document indicated within the supporting text that proposals in the upper Stour Valley should not prejudice the long term aim to enlarge the area within the AONB designation. However, at the present time the proposed extension has not yet been determined and as set out above, the draft SADMP has been set aside. Therefore the site remains outside of the AONB. Notwithstanding this, it is not considered that the proposal would prejudice the proposal to enlarge the AONB.

Impact Upon Neighbouring Amenity

There are no residential dwellings adjacent the site.

Highways Considerations

The site is served by an existing surfaced access from Henny Street. It is acknowledged that this is a narrow track and also a public footpath. It is nonetheless a vehicular access which serves the dwelling and the dwelling to the north west of the site. Given that it only serves two dwellings, domestic traffic using the track is not significant. The site is however surrounded by agricultural land and the track is also used by farm machinery. The applicant

currently travels off site for dressage training and to attend to horses which are kept off site. The proposal would negate the need for these movements. Whilst it is acknowledged that the track would be used by the applicant when attending events or visiting a veterinary surgery, it is not considered that this would give a significant increase in vehicular movements. Vehicles using the track would not be travelling at speed and pedestrians could step off the track if a conflict were to occur, as they currently would do.

Other Matters

Reference has been made in the objection from the Parish Council to a stable block which was permitted in 2002. This is a U-shaped building located to the south of the existing dwelling. A condition was imposed stating that the building shall be used for domestic purposes only, incidental to the enjoyment of the dwelling. The building was subsequently converted to an annexe by the previous owner. It is currently occupied by the applicant's parents. Despite the Council advising the then owner to regularise the use of the building over four years ago, this was not done and would now be time barred from enforcement action.

Reference has also been made to the disposal of waste. The application indicates that a bio-disc treatment plant would be installed. This is a matter which would be controlled by Building Regulations. Any permit which is required for this would be controlled by the Environment Agency. This is not a matter which the LPA can concern itself with as it is covered by other legislation.

CONCLUSION

The site comprises an existing field which is modest in size and enclosed to its boundaries by natural vegetation. It is close to the existing dwelling. A justification has been provided for the size of the proposal. It is not considered that the siting, design and size of the proposal would have an unacceptable impact upon the character of the site or the surrounding 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

Site Plan
Proposed Plans

Plan Ref: 2610/01
Plan Ref: 2610/10

Version: A

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

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 building, horse walker and menage hereby permitted shall be used solely for the stabling and exercising of horses and storage of associated equipment and foodstuffs, in connection with and for the private and personal enjoyment of the occupants of Applecroft. No commercial uses including livery or as a riding school or industrial or other storage use shall take place whatsoever.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 4 Construction of the stable block and barn shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. 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 ensure a satisfactory method of surface water drainage.

- 6 Prior to their installation 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 screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 7 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

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

- 8 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.

- 9 No burning of manure or soiled bedding arising from the use of the stables shall occur on the application site.

Reason

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

- 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. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 3 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate.
- 4 This permission shall not be deemed to confer any right to obstruct the public footpath/bridleway abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.

TESSA LAMBERT
DEVELOPMENT MANAGER