

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 21 January 2014

Time: 19:15

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

Membership:

Councillor J E Abbott
Councillor P R Barlow
Councillor E Bishop
Councillor R J Bolton
Councillor L B Bowers-Flint
Councillor C A Cadman
Councillor T J W Foster (Chairman)
Councillor P Horner

Councillor S C Kirby
Councillor D Mann
Councillor Lady Newton
Councillor J O'Reilly-Cicconi
Councillor R Ramage
Councillor L Shepherd
Councillor G A 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 Last Meeting

To approve as a correct record the minutes of the meetings of the Planning Committee held on 17th December 2013 (copy previously circulated) and 7th January 2014 (copy to follow).

4 Public Question Time

(See paragraph below).

5 Planning Applications

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

PART A - PLANNING APPLICATIONS:-

- | | | |
|-----------|--|---------------|
| 5a | Application No. 13 01247 FUL - Appletree Farm, Polecat Road, CRESSING | 5 - 16 |
|-----------|--|---------------|

PART B - MINOR PLANNING APPLICATIONS:-

- | | | |
|-----------|---|----------------|
| 5b | Application No. 13 01352 FUL - Grants SEAT, Galleys Corner, Braintree Road, CRESSING | 17 - 26 |
| 5c | Application No. 13 01301 FUL - Green Oaks, Rectory Road, MIDDLETON | 27 - 34 |
| 5d | Application No. 13 01362 MMA - Owls Hall Farm, Blackmore End, WETHERSFIELD | 35 - 42 |
| 5e | Application No. 13 01377 MMA - Owls Hall Farm, Blackmore End, WETHERSFIELD | 43 - 50 |
| 6 | Planning and Enforcement Appeal Decisions - December 2013 | 51 - 54 |

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 the 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.

A PEACE
Member Services Manager

Contact Details

If you require any further information please contact Alison Webb on 01376 552525 or e-mail alison.webb@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 Member Services Section on 01376 552525 or email chloe.glock@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

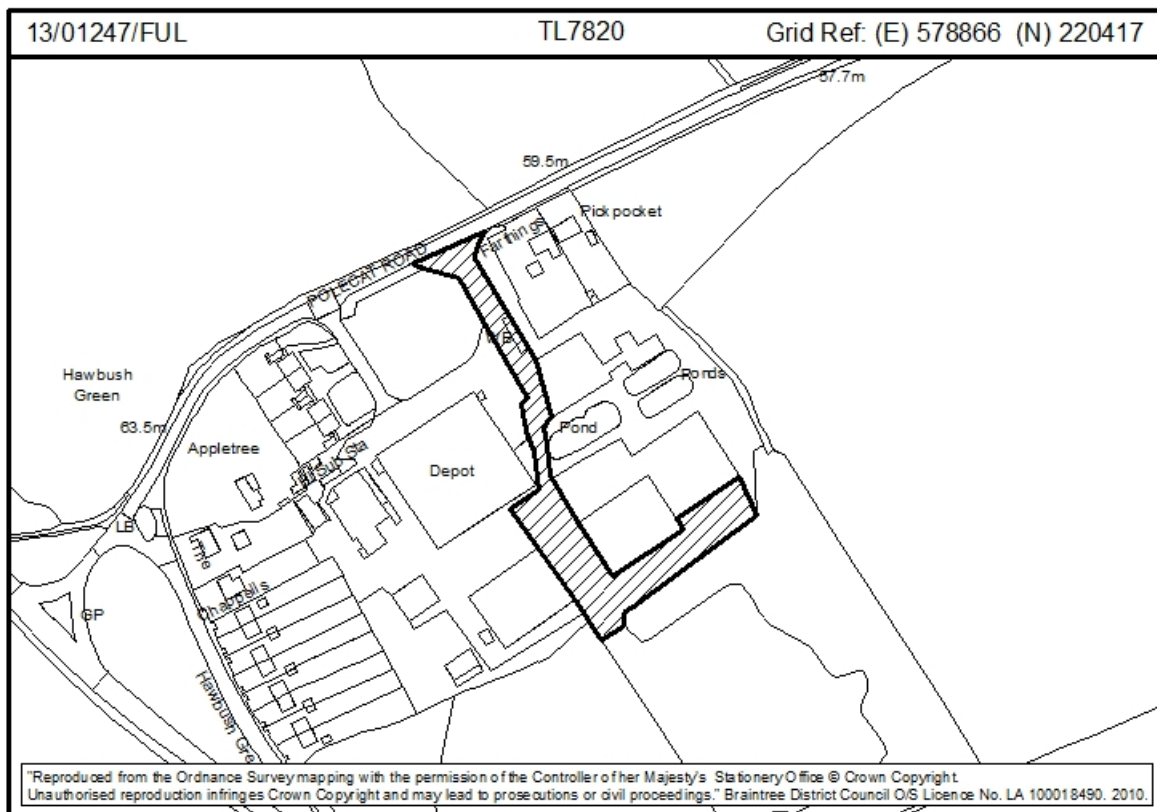
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Contact Details:

PART A

APPLICATION NO: 13/01247/FUL DATE: 12.11.13
 VALID:
 APPLICANT: Appletree Farm Properties Ltd
 C/o 32 Caxton House, Bocking End, Braintree, Essex, CM7 9AA
 AGENT: Mr G French
 Whirledge And Nott, Mill House, Mill Lane, Layer De La Haye, Colchester, Essex, CO2 0JZ
 DESCRIPTION: Change of use of yard to scaffold and storage area
 LOCATION: Steve Prince Transport Ltd At Appletree Farm, Polecat Road, Cressing, Essex, CM77 8NY,

For more information about this Application please contact:
 Ian Harrison on:- 01376 551414 Ext. 2524
 or by e-mail to: ian.harrison@braintree.gov.uk



SITE HISTORY

None

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

| | |
|-----|--------------------------------------|
| CS4 | Provision of Employment |
| CS5 | The Countryside |
| CS7 | Promoting Accessibility for All |
| 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 |
| 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 |
| RLP65 | External Lighting |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |

Site Allocations and Development Management Plan - Draft for Consultation

| | |
|-------|--|
| ADM1 | Presumption in Favour of Sustainable Development |
| ADM2 | Development within Development Boundaries |
| ADM23 | Rural Enterprise |
| ADM45 | Sustainable Access for All |
| ADM47 | Parking Provision |
| ADM50 | Landscape Character |
| ADM51 | Protection of Biodiversity and Geodiversity |
| ADM52 | Built Development in the Countryside |
| ADM57 | Contaminated Land |
| ADM58 | Development Likely to Give Rise to Pollution, or the Risk of Pollution |
| ADM60 | Layout and Design of Development |

INTRODUCTION

This application is brought before the Planning Committee due to objections being received from Cressing Parish Council and local residents which are contrary to the recommendation of officers.

SITE DESCRIPTION

The application site is located to the South of Polecat Road. The site is located within the countryside to the South East of the village of Cressing.

The site includes a 0.1 hectare parcel of land at the South end of the site, which comprises of the land to the South of a large building that has been used for storage and distribution purposes that are not related to this application. The application site also includes the point of access to Polecat Road that exists at the North East corner of the site and the circulation areas to connect the access to the main part of the site.

The remainder of the Appletree Farm site is shown to be within the applicant's control.

DESCRIPTION OF PROPOSAL

The application seeks retrospective permission for the change of use of the land to enable its use for the storage and distribution of scaffolding.

The use of the site has resulted in the introduction of 4 portacabins at the main part of the site and 'stacking' and storage facilities for the scaffolding. The scaffolding structures at the site are built to a maximum height of approximately 5 to 6 metres. Five floodlights have been installed on posts at the site.

RELEVANT HISTORY

Appletree Farm is the subject of a lengthy planning history relating to its former use as a base for potato storage, processing and distribution.

The site hosts a number of large buildings and it is noted that the most recent planning history in relation to one of those buildings was an application for a Certificate of Lawfulness for Class B2 Use (i.e. general industrial use) and it is the opinion of the Authority that the other buildings at the site were used for purposes ancillary to that main use and not independent planning units in their own right. The largest buildings at the site are now being used for warehousing and distribution purposes and as such the Local Planning Authority has advised the applicant that planning permission for change of use is required.

The planning history of that part of the site is considered to be of some relevance to this application as it sets a precedent for commercial uses. Whilst the planning status of the site is questionable, it is clear that the actual use of the site has been as warehousing/general industry for a significant period of time and this has a bearing on the consideration of the current application.

Recent applications 13/00463/FUL and 13/00919/FUL sought retrospective consent for the change of use of land and buildings at the wider site for use as a construction training centre. These applications were refused and the later application is the subject of an appeal. Those applications and the use of that part of the wider site are not considered material to the assessment of the merits of this application.

Planning application 13/00654/FUL sought planning permission for the change of use of land to the South of the application site to enable the parking of empty trailers when not in use, in conjunction with the other uses of the Appletree Farm site. That application was refused.

CONSULTATIONS

The Highway Authority have raised no objection to the application.

Cressing Parish Council has objected to the application on the grounds of noise disturbance caused by the handling, loading, unloading and dismantling of scaffolding and the additional movement of people and vehicles. The objection is also raised on the grounds that the traffic, in addition to that which otherwise occurs at the site, adds to congestion and the risk of accidents. The objection also highlights that the proposal would be contrary to their uncompleted Neighbourhood Plan, is considered to be a noisy by the landowners and would require lighting installations that would harm the amenity of neighbours.

The Council's Landscape Services Team has not objected to the application but advised that a limit should be imposed on the height of storage occurring at the site. It is considered that the landscape screening at the site could be improved by a scheme of native planting (preferably holly and hornbeam) at the boundaries of the site.

The Council's Environmental Services Team has noted that unsubstantiated complaints of nuisance have been received from neighbouring residents in relation to the scaffolding use that has been occurring. Notwithstanding these complaints, no objection to the application has been raised subject to the imposition of conditions to restrict the hours of operation at the application site.

PUBLICITY

A site notice was posted at the site and letters were sent to neighbouring residents. 7 letters of objection have been received on the following grounds:

- Additional noise disturbance caused by the proposed use in addition to the existing use.
- The application is retrospective.
- Additional traffic caused by the proposed use in addition to the extensive HGV use of the existing site and the surrounding highways making the area unsafe for pedestrians and other road-users.
- The proposal does not represent the creation of new jobs, but the relocation of jobs from another site and as such the positives are oversold by the applicant.
- It is considered that the existing use of the remainder of the site is unlawful and so the applicant's argument in relation to the fallback position is flawed.

- The business already operates outside of the stated hours of operation and it is therefore considered that the controls offered within a planning application cannot be relied upon.
- Braintree District Council or Essex County Council should undertake a full assessment of vehicle movements at the application site.
- Insufficient sewage disposal for employees.
- Lighting at the site causes harm to residential amenity

OFFICER OPINION

1. Principle of Development

The application site is located within the countryside and as such it is considered that weight must be applied to policy CS5 which states that development “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.” The preamble to the policy highlights that the aim should be to promote the use of previously developed land and urban regeneration, to limit the extent of greenfield land required and concentrate new growth at the most sustainable locations.

Policy RLP39 allows for the expansion of local businesses into the countryside, but only where the site is adjacent to a development boundary. This proposal does not relate to the expansion of an existing business but the introduction of a new use of land and the site is not adjacent to a development boundary. Policy RLP39 does not, therefore, apply to the considerations and no weight can be applied to it.

Policy RLP40 states that minor industrial and commercial development will be allowed provided that it is on a small scale that is compatible with the surrounding area or offers significant improvements to the local environment. In this regard it is considered that the application site can be considered small scale in the context of the wider Appletree Farm site and it is considered appropriate to apply weight to the fact that the proposal relates to the use of hardstanding areas around existing buildings and does not require any additional encroachment onto undeveloped parts of the countryside.

Policy RLP40 requires the development to have no detrimental visual and environmental (amenity) impacts subject to the proposals being acceptable in these terms, it is considered that the principle of the development should be supported. These matters are considered later in this report.

In reaching this conclusion it is considered that weight should be afforded to the content of the NPPF which seeks to encourage a prosperous rural economy through the development and diversification of agriculture and other land-based rural businesses. It is noted that the proposed land use is dependent on having land and space to manoeuvre vehicles and whilst this could equally occur within an employment land setting, it is considered that in the context of the established commercial use of the application site, the proposed use of the land should not be considered an unacceptable use at

the rural application site. Nevertheless, the importance of promoting economic development has to be balanced with the need to recognise the intrinsic character and beauty of the countryside.

2. Design and Appearance

Although it is noted that there has been some spread of development into the countryside as a result of other developments that have occurred to the South, it is considered that these areas of development are of little relevance to the application site which is limited to the areas which appear to have been used for commercial purposes for a significant period of time. There are other mechanisms available to address these breaches of planning control and in this regard it is relevant to note that an application for a Certificate of Lawfulness for the use of land has been submitted to the Local Planning Authority (currently invalid) and depending on the outcome of this application, the Local Planning Authority may consider it expedient to serve an Enforcement Notice relating to the land to the South of the application site which would probably require restorative landscaping to be provided. It is therefore considered appropriate to consider the proposed development on its own merits and not in the context of other developments that have occurred.

In this instance it is considered that the starting point for consideration should be the impact in comparison to the original, lawful use of the land, which was as the hardstanding area surrounding the existing buildings. The existing Appletree Farm site hosts a number of buildings that were approved to support a use that is ancillary to the rural economy and the site has subsequently been converted to a haulage use.

In considering the existing character of the surrounding countryside, it is considered relevant to note that the Council's Landscape Character Assessment highlights the undulating landscape and the expansive views across plateaus which are sensitive to change and that the small village environment contributes to the character of the Silver End Plateau.

In this instance it is considered that the intensified use of this part of the Appletree Farm site has a visual impact in terms of the addition of fencing, portacabins, the storage of scaffolding and the presence of additional vehicles. However, this use relates to a small area of previously developed land that is within the silhouette, and subordinate to, much larger areas of land and associated buildings that have been used for commercial purposes. From this basis it is considered that the scaffolding storage use has a limited impact on the character and openness of the countryside.

The application site is separated from the land to the South by a buffer of landscaping and as such, regardless of the outcome of the application for a Certificate of Lawfulness and/or Enforcement Notice and any associated planning appeals, it is considered that the scaffolding use will continue to be screened from the open countryside.

When, or if, the land to the South of the application site is cleared and landscaped, it is considered that restorative landscaping will help to mitigate the visual impact of the proposed development and soften the visual impact on the open countryside, particularly the views from the Essex Way which is located further to the South. If the use of the land to the South is found to be acceptable and/or lawful, it would provide an even more significant visual barrier between the application site and the Essex Way and therefore the impact of the use to which this application relates would be negligible.

It is noted that the Council's Landscape Services Team has raised no objection to the application subject to the imposition of conditions relating to landscaping and the height of structures at the site.

Overall, it is considered that use of the land is fairly discreet as the use is only apparent at close range. It is considered that the impact of the use is mitigated by the existence of landscaping which can be secured by condition and possibly be enhanced through compliance with an enforcement notice. Whilst this might not mitigate the use entirely and there is currently some uncertainty about the future of the land to the South of the application site, it is considered that the visual impact of the use on the wider landscape character is not sufficient to justify the refusal of the application on those grounds.

3. Impact on Neighbouring Residential Amenity

The use of the application site for the purposes described above would have no impact on the light, privacy or outlook of any of the nearby residential properties.

Despite receiving complaints, the Council's Environmental Health team has raised no objection to the application subject to the imposition of conditions to prevent noise from the site being created at unreasonable times. As no objection has been raised by the Council's specialist advisor and subject to the use of the suggested condition and a similar restriction in relation to lighting, it is considered that no objection should be raised to the application on the grounds of the impact upon the amenities of neighbouring residents.

4. Highway Considerations

The site is served by an existing, intensively used access and as such it is considered that the proposed use has not caused additional vehicle movements that would materially worsen highway safety within the surrounding area.

The Highway Authority has raised no objection to the application on highway safety grounds and the movement of vehicles associated with the use of the site has not formed part of the objection of the Environmental Health Officer. Therefore, whilst the comments of various objectors are noted, it is considered that it would be unreasonable to object to the application on the basis of highway considerations.

The applicant's original submissions included a Car Park and Access Plan which shows the provision of parking for use in conjunction with the proposed storage yard. Two of the spaces were shown to be outside the application site and two were located in such a position that would make access to the unlawful uses to the South difficult. Accordingly, the applicant has submitted an amended Car Park and Access Plan to show the same number of parking spaces, but with all spaces located in more sensible locations at the site. Three of the parking spaces are still located outside of the application site, but on land within the applicant's control and as such it would be possible to secure the provision of the parking spaces through the imposition of a condition.

5. Other Issues

It is considered that there are no other material considerations of relevance to the determination of this application.

It is considered that there is no requirement to impose the conventional condition in relation to the time when development should commence on the basis that the development has already occurred.

RECOMMENDATIONS

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

APPROVED PLANS

| | |
|----------------|---------------|
| Site Plan | Plan Ref: PS1 |
| Location Plan | Plan Ref: PS3 |
| Parking Layout | Plan Ref: 6 |
| Block Plan | Plan Ref: PS2 |

- 1 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.

- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the land within the 'Storage Yard' (demarked on plan PS2) shall be used for the storage and distribution of scaffolding and for no other purposes within Use Class B8.

Reason

To clarify the terms of the permission hereby approved, to protect the residential amenities of neighbouring residents and to protect the

character of the countryside.

- 3 Within two months of the date of this decision, the applicant shall submit a plan that shall demonstrate those areas of landscaping that are existing and proposed at the South and East boundary of the 'Storage Yard' area shown on approved plan PS2, for approval by the Local Planning Authority.

In relation to proposed landscaping, a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification and seeding and turfing treatment shall be submitted at the same time for approval by the Local Planning Authority.

All proposed planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

No storage of materials (including scaffolding and any other items) shall occur on those areas that are demarked as either proposed or existing planting on the submitted plan.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 4 The use of the 'storage yard' area (shown hatched green on Site Plan PS1) shall only occur between the hours of 0700 and 1900 on Monday to Friday and 0800 to 1300 on Saturdays. This part of the application site shall not be used for any purpose outside of those hours. No unloading/loading of scaffolding (or other such movements of scaffolding) within the application site shall occur before 0900 hours.

Reason

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

- 5 No storage of scaffolding or parking of vehicles relating to the scaffolding use hereby approved shall occur outside the 'storage yard' area (shown hatched green on Site Plan PS1) unless otherwise shown on the Revised Car Park and Access Plan hereby approved.

Reason

To clarify the terms of the permission, in the interests of proper planning,

and to ensure that the use does not take place closer to residential properties, in the interests of their amenity.

- 6 There shall be no artificial illumination of the 'storage yard' area (shown hatched green on Site Plan PS1) other than between the hours of 1530 to 1900 Monday to Friday between the months of October and March (inclusive). No means of illumination shall be used without the lighting equipment, its orientation and its level of illumination first having been approved in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby residential properties and the character of the open countryside.

- 7 No buildings or structures including any temporary buildings or structures shall be provided at the site other than the portacabins and scaffolding storage buildings/structures currently provided at the site and no buildings or structures (including portacabins and scaffolding storage facilities) shall exceed a height above ground level of 5 metres.

Reason

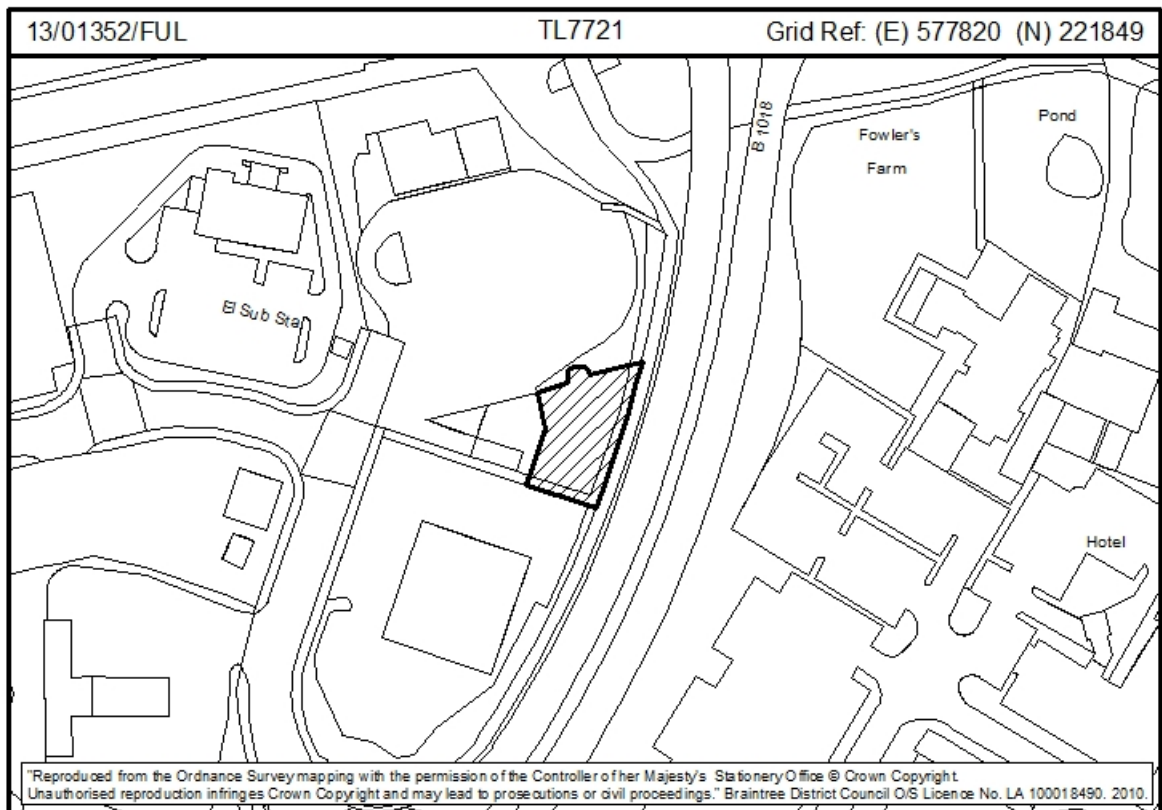
To clarify the terms of the permission, in the interests of proper planning, and to ensure that the use of the site does not lead to the introduction of structures that harm the visual amenity of the countryside.

AGENDA ITEM NUMBER 5b

PART B

APPLICATION NO: 13/01352/FUL DATE: 27.11.13
VALID:
APPLICANT: Grants SEAT
Mr Darren Williams, Galleys Corner, Braintree Road,
Cressing, Essex, CM77 8GA,
AGENT: J Dunton Associates Ltd
Mrs Hannah Galley, Ingatestone Forge, 3A High Street,
Ingatestone, Essex, CM4 9ED
DESCRIPTION: Proposed landscaping of land to side of the site to include a
hardstanding
LOCATION: Grants Seat, Galleys Corner, Braintree Road, Cressing,
Essex, CM77 8GA

For more information about this Application please contact:
Mrs F Fisher on:- 01376 551414 Ext. 2503
or by e-mail to: fayfi@braintree.gov.uk



SITE HISTORY

| | | | |
|--------------|--|-----|----------|
| 95/00125/FUL | Erection of building for transport related use comprising workshop, storage, offices and car sales together with associated provision for access, parking, servicing and landscaping | PER | 03.07.95 |
| 95/00511/ADV | Proposed display of fascia signs/monument signs | PER | 15.08.95 |
| 96/00312/ADV | Proposed installation of fascia and monument sign | PER | 14.05.96 |
| 96/00613/ADV | Installation of internally illuminated fascia sign | PER | 30.07.96 |
| 13/00990/FUL | Proposed landscaping of land to side of the site to include a hardstanding | REF | 21.10.13 |

POLICY CONSIDERATIONS

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In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

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- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

Braintree District Local Development Framework Core Strategy

| | |
|-----|--------------------------------------|
| CS5 | The Countryside |
| CS7 | Promoting Accessibility for All |
| CS8 | Natural Environment and Biodiversity |
| CS9 | Built and Historic Environment |

Braintree District Local Plan Review

| | |
|-------|---|
| RLP2 | Town Development Boundaries and Village Envelopes |
| RLP49 | Pedestrian Networks |
| RLP50 | Cycleways |
| RLP56 | Vehicle Parking |
| RLP58 | Galleys Corner Special Policy Area |
| RLP62 | Development Likely to Give Rise to Pollution or the Risk of Pollution |
| RLP65 | External Lighting |
| RLP80 | Landscape Features and Habitats |
| RLP81 | Trees, Woodland Grasslands and Hedgerows |
| RLP84 | Protected Species |
| RLP90 | Layout and Design of Development |

Site Allocations and Development Management Plan – Draft for Consultation

| | |
|-------|--|
| ADM1 | Presumption in Favour of Sustainable Development |
| ADM2 | Development within Development Boundaries |
| ADM46 | Cycle/Pedestrian Network |
| ADM47 | Parking Provision |
| ADM48 | Transport related policy areas |
| ADM51 | Protection of Biodiversity and Geodiversity |
| ADM58 | Development Likely to Give Rise to Pollution, or the Risk of Pollution |

ADM59 External Lighting
ADM60 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to an objection from Cressing Parish Council and 11 letters of representation also objecting to the proposal which is contrary to Officer's recommendation.

Notation

The site lies beyond the Braintree Town Development Boundary within the Galley's Corner Special Policy Area.

SITE DESCRIPTION

The application site is located to the West of the B1018, within the area of the Braintree District known as Galley's Corner. The site is irregularly shaped containing part of a public footpath that links the B1018 to the Galley's Corner estate road and an area of scrub landscaping that includes a collection of trees. It is understood that the site formerly included a pond although this was hard to verify at the time of the site visit.

The applicant has shown that the land to the South and South West of the application site is within their control. This includes the remainder of the footpath referred to above and the car dealership (with associated car servicing area) that is operated by Grant's SEAT.

PROPOSAL

This application follows a recently refused application for an almost identical scheme which includes the change of use of a section of land which forms the application site. This will enable the land to be used in conjunction with the existing car dealership. The development will involve the creation of a hardstanding and installation of landscaping. The previous application proposed the removal of the current landscaped area and the realignment of the footpath to the North of the site in order to facilitate the change of use. The plan indicated that the replacement landscaping would consist of the North, East and West boundaries of the site enclosed with a 'box' hedge (with hidden security bollards indicated on the Eastern boundary) and the retaining of the two existing Hawthorn trees. There was also the provision of four lamps. This application was refused by officers under delegated powers because it was considered that the removal of the existing landscaping and the lack of adequate replacement planting would be contrary to policy RLP 58.

This revised proposal is broadly along the same lines as above but has been revised to provide further replacement landscaping to mitigate that which would be removed.

Additional planting includes a low level privet hedge along the Eastern boundary and installation of 4 Field Maple trees. In addition to this the existing trees and bushes to the north of the revised footpath location shall remain in position and tidied. 3 Field Maple trees will be planted on the Northern boundary along the dog leg of the footpath. 4 No. 2.5 metres high lampposts with dawn to dusk sensors are to be positioned in the 4 corners of the hard standing. The hardstanding will be finished in concrete with a new drainage system connected to the existing drainage on the site.

CONSULTATIONS

The Highway Authority – no comments received at time of writing report. Any comment received will be reported separately.

Public Rights of Way – No comments received at time of writing report. Any comments received will be reported separately.

The Highways Agency has raised no objection to the application.

Environmental Services – No objections.

Landscape Services Team – No objections subject to confirmation of stock sizes of trees and advisory on size and spacing of box hedging. The Ecological scoping survey is considered an accurate representation of the biodiversity of the site.

Cressing Parish Council objects to this application on the same grounds that they objected to the previous application. Their objections are summarised as follows:-

- No consultation has taken place in relation to the moving of the footpath diversion.
- Moving right of way would cause inconvenience, reduction in security and difficulties in negotiating with a pram.
- There would be further loss of landscaping and misleading description of lost landscaping and result in a further 20% increase in cover of hardstanding.
- Environmental surveys show that the pond is a host to newts yet no attempt has been made to verify this fact.

REPRESENTATIONS

A site notice has been posted on site and the surrounding neighbouring commercial units have been notified. 11 letters of representation objecting to the proposals have been received. These raise the following issues:

There is nothing new in this application which substantially mediates the issues previously raised.

There are concerns regarding safety of users of new pathway.

Proposed landscaping will fail to provide year round cover.

Previous reasons for refusal still stand and proposal is still contrary to policy.

Large Hawthorn tree located on McDonalds land will impede the proposed development.

Concerns regarding the visual impact of the car park extension.

REPORT

Principle of Development

The application site is located outside the Town Development Boundary of Braintree and as such should be deemed to be within the countryside, where policy CS5 dictates that development will be strictly controlled to uses appropriate to the countryside.

Notwithstanding this, the site is part of the Galley's Corner Special Policy Area where policy RLP58 of the Braintree District Local Plan 2005 states that development will be restricted to prevent the coalescence of Braintree and Tye Green, but allows for transport related developments subject to restrictions on the ground coverage of built form and the provision of adequate landscaping. It is proposed that Policy ADM48 will include a similar restriction on development.

The abovementioned policy has established that car sales uses are appropriate within this defined area and it is therefore considered that the extension of the land that is used in conjunction with the existing use within this area should not be objected to in principle.

At appeal (09/01117/OUT) the Planning Inspectorate judged that the 20% restriction that is stated within the policy should only refer to buildings and should not include the provision of hard standing. Although that decision related to a different site and each application should be treated on its own merits, in this instance it is considered that the Planning Inspector provided an important steer in relation to the application of policy RLP58 and as such no objection should be raised to the principle of providing additional hard standing, subject to the following considerations.

Design, Appearance and Layout

In terms of design, appearance and layout Policy RLP90 requires the Local Planning authority to seek a high standard of layout and design in all

developments. The policy specifically highlights that this requirement extends to landscape areas.

In relation to the Galley's Corner site, it is considered important to note that policy RLP58 states that "The improvement of this area by substantial planting and landscaping will be a requirement of any permission that is granted."

Due to the location of the site adjacent to a busy highway and public footpaths, it is considered that the application site is important to the visual setting of the Galley's Corner site and provides a substantial area of landscaping along the B1018 frontage.

The existing landscaping is of low quality and as such Officer's consider that the loss of the existing landscaping could be supported, subject to replacement landscaping being provided to a level that would represent an enhancement to the site.

The previous refused scheme of landscaping was considered to be a poor attempt to meet the requirement of policy RLP58 and would have represented a significant worsening of the visual appearance of the site and the wider Special Policy Area in comparison to the existing situation.

The introduction of a more substantial landscaping proposal will now provide adequate screening of the proposed hard standing area and would improve the visual appearance of the site when viewing it from the B1018 (in a southerly direction). The continuation of the privet hedge along the boundary and further tree planting along the grass verge will provide a more formal appearance to the site which would fit in well with the existing formal landscaping along the boundary with the highway, compliant with policy RLP58.

Highway Issues

As discussed in the previous application, the main neighbour objections relate to the alterations to the footpath. The footpath itself is not a defined public right of way, however, forms part of the designated pathway which provides pedestrians with easier access through to the centre of Galleys Corner. Whilst it is acknowledged that the pedestrian route is slightly longer in distance and no longer straight, it should be noted that the development still allows for a pedestrian provision and not the total loss of a pedestrian route, just its diversion. The site is well lit and visibility will be fairly clear through the site because of the low hedge planting and open metal fencing from the Anglian Water Compound. The proposed pathway is adequate in terms of its width and would be negotiated without hindrance. If planting is kept maintained there should be adequate visibility which should allay safety fears.

Landscape and Ecology

In terms of ecology, as done previously, the applicant has undertaken an Ecology Scoping Survey which has established that the pond at the

application site is cut off from the other nearby ponds that are located to the East and as such it is very unlikely that the pond would host protected species. It is considered that it is possible for birds to nest within the vegetation at the application site and therefore any site clearance should proceed at the appropriate times of year and/or with caution.

The scheme of landscaping is support by the landscape officer subject to specification and the Ecology Scoping Survey is considered a fair assessment of the site. The Landscape Officer is also satisfied that the hawthorn tree on the adjoining site will not be adversely affected by the development.

Conclusion

It is therefore concluded that the proposed additional landscaping will allay Officers' original concerns in terms of compliance with the relevant planning policies and the diversion of the pathway will have little negative impact on pedestrians in terms of safety and inconvenience.

RECOMMENDATIONS

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

APPROVED PLANS

| | |
|----------------|--------------------|
| Existing Plans | Plan Ref: 03413-01 |
| Site Plan | Plan Ref: 03413-02 |
| Proposed Plans | Plan Ref: 03413-03 |

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

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above, except as follows:
 - a) All the field maple trees to be planted shall be 14-16 cm container grown; and
 - b) The size and spacing for the new box hedging shall be 30-45cm/3 litre pots in a double staggered row at 7 plants to the metre.

Reason

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

- 3 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 4 Any site clearance works, including the stripping or cutting of grassland and removal of trees and shrubs shall be undertaken outside of the nesting season (the months of March to August inclusive), unless otherwise specified within an approved ecological report.

Reason

In order to assess whether there are protected species in the locality.

- 5 Prior to the first use of the new hardstanding the new pedestrian footway as shown on drawing no: 03413-02 shall be constructed and open for public use.

Reason

To maintain pedestrian accessibility to Galley's Corner.

- 6 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

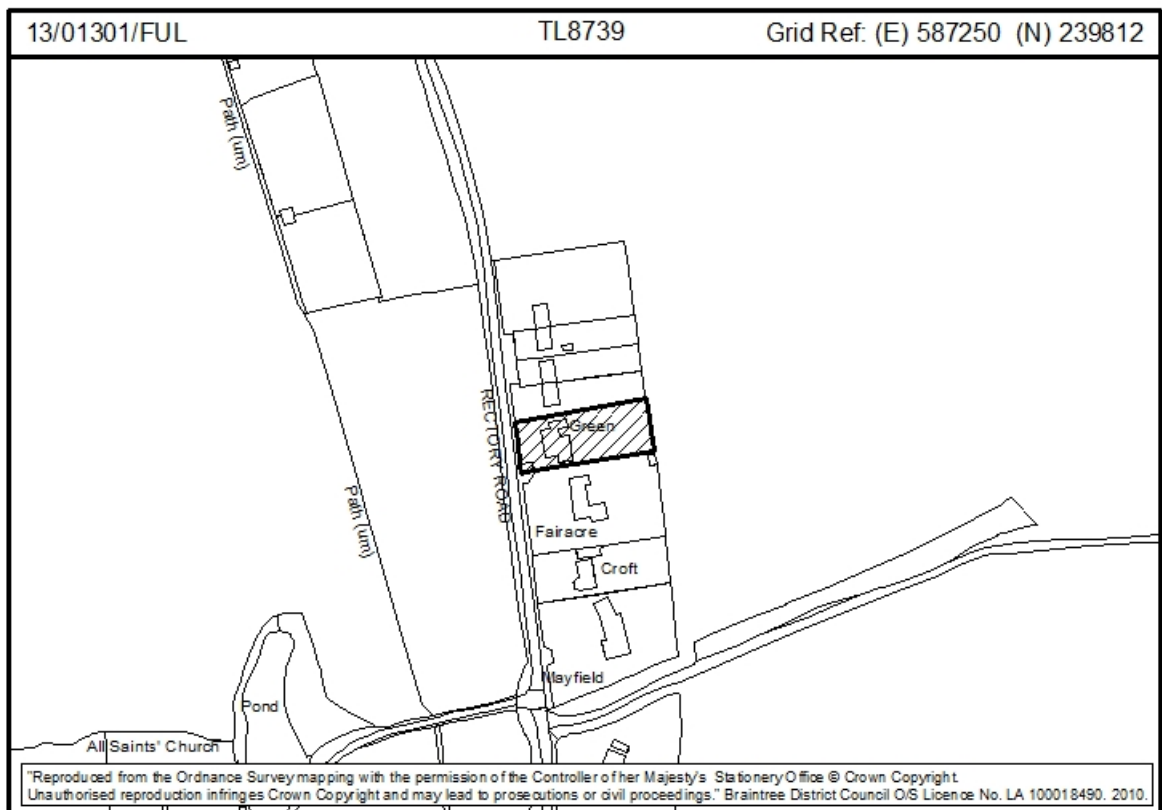
INFORMATION TO APPLICANT

- 1 Prior to any works taking place, the applicant will need to remove highway rights from the area of highway running through the site.
- 2 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of the Highway Authority and an application for necessary works should be made to Essex County Council on 0845 6037631.

PART B

APPLICATION NO: 13/01301/FUL DATE: 29.11.13
 VALID:
 APPLICANT: Mr Adrian Smith
 Green Oaks, Rectory Road, Middleton, Essex, CO10 7LN,
 AGENT: Mr Steve Dobbs
 10 Wheatfield Road, Stanway, Colchester, Essex, CO3 0YJ
 DESCRIPTION: Erection of detached outbuilding.
 LOCATION: Green Oaks, Rectory Road, Middleton, Essex, CO10 7LN

For more information about this Application please contact:
 Ian Harrison on:- 01376 551414 Ext. 2524
 or by e-mail to: ian.harrison@braintree.gov.uk



SITE HISTORY

| | | | |
|---------------|-----------------------|-----|----------|
| 91/01567/PFHN | Erection Of Extension | PER | 11.02.92 |
| 98/01155/FUL | Erection of extension | PER | 15.09.98 |

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan*
- The extent to which there are unresolved objections to relevant policies; and*
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes

RLP18 Extensions to Existing Dwellings in the Countryside

RLP62 Development Likely to Give Rise to Pollution or the Risk of Pollution

RLP90 Layout and Design of Development

Site Allocations and Development Management Plan - Draft for Consultation

ADM1 - Presumption in Favour of Sustainable Development

ADM10 - Residential Alterations, Extensions and Outbuildings in the Countryside

ADM60 - Layout and Design of Development

INTRODUCTION

This application is brought before the Planning Committee due to the receipt of a letter of objection from The Henny's, Middleton and Twinstead Parish Council. Contrary to the recommendation of Officers.

NOTATION

The site is located beyond any defined settlement boundaries and therefore falls to be considered against countryside policies

SITE DESCRIPTION

The application site is located to the East of Rectory Road, within the hamlet of Middleton. The site measures 60 metres deep and 25 metres wide and contains a single storey dwelling with associated front and rear gardens and a large shed at the North boundary that measures 4.5 metres by 4.5 metres, with an eaves height of approximately 2 metres and a ridge height of approximately 3 metres.

PROPOSAL

The application proposes the demolition of the existing outbuilding referred to above and the erection of a replacement outbuilding that would be used as a gym or games room. The proposed building would measure 4.5 metres by

11.5 metres, with an eaves height of 2.5 metres and a ridge height of 3.9 metres.

RELEVANT HISTORY

Extensions to the original dwelling were approved under the terms of applications 91/01567PRHN and 98/01155/FUL

CONSULTATIONS

The Henny's, Middleton and Twinstead Parish Council have objected to the proposed development on the grounds that the proposed building is too large for the plot and would have an overbearing impact on neighbouring residents. If granted planning permission, they recommend that conditions should be used to restrict the use of the building.

REPRESENTATIONS

No letters of objection have been received.

REPORT

The Principle of Development

The application site is located within the countryside beyond any designated development boundry and as such it is relevant to note that Policy CS5 restricts developments to those uses appropriate to the countryside in order to protect and enhance the landscape character, biodiversity and amenity of the countryside.

Policy RLP18 of the Braintree District Local Plan 2005 allows for extensions to residential dwellings within the countryside and the erection of annexes to meet the needs of dependent relatives. That policy sets out the requirement for extensions to be subordinate to the existing dwelling and requires annexes to remain as ancillary accommodation, having regard to the cumulative impact of extensions on the original character of the property and its surroundings. Although not expressly mentioned within the policy, it is considered that the content of the policy should also apply to proposals relating to the extension, erection or other alteration of outbuildings that are not used as annexes. It is considered that policy RLP18 provides the most relevant criteria to guide the Local Planning Authority in the assessment of the proposed development.

Layout, Scale and Appearance

Policy 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. This is supported by policy RLP90 of the Braintree District Local Plan Review 2005 (BDRLP). As set out above, the content of policy RLP18 of the BDRLP is also relevant.

The proposed replacement outbuilding would be of a size that can be considered to be subordinate to the existing dwelling, although it is noted that it would be materially larger than the building it is to replace. In reaching this opinion it is noted that the replacement building would be of a height that is lower than the host dwelling and of subordinate width.

The building would be visible from the frontage of the site and it would therefore have some impact on the setting of the existing dwelling and the character of the countryside. However, as the building is located to the rear of the host dwelling, it is considered that the existing built form would mask the proposed structure from many angles and ensure that it is not an unduly prominent addition to the street-scene. The building would be visible within the wider countryside when viewed from the rear, but as the building would be located between other buildings, it is considered that it would not have a harmful impact on the character or openness of the countryside.

Although not of the highest quality, it is considered that the design detailing of the building would be appropriate for an outbuilding in this context.

Policy RLP18 outlines that the Local Planning Authority will consider the cumulative impact of extensions on the original character of the property and its surroundings. Despite other works that have occurred at the application site (including the large swimming pool which is shown on the submitted plans), it is considered that they do not have a cumulative impact that would be inappropriate in the context of the original dwelling and the surrounding countryside setting.

Impact on Neighbouring Residents

The only dwelling that could be directly affected by the proposed building is that of 4 Rectory Road which is located to the North of the application site. Although the proposed building would represent a substantial structure at the boundary of the site, it is considered that the position of the building would ensure that it would only be viewed at oblique angles from within the habitable rooms of the neighbouring property and as such it would not cause a loss of outlook that would justify the refusal of the application on those grounds.

The neighbouring property appears to feature a non-habitable room at ground floor in the South East corner of the dwelling, as that corner of the dwelling includes a non-glazed lightweight door and an obscured glazed window. From this basis, and noting that the amenity space immediately adjacent to the proposed building appears to be of less value than other parts of the neighbouring property, it is considered that the larger outbuilding would not cause a loss of light or general amenity that would justify the refusal of the application on those grounds.

The residential/leisure use of the building may generate noise that would be noticeable within neighbouring properties. Whilst this may have some impact on residential amenity, it is considered that the noise generated would only be equivalent to that which can be reasonably created within a dwelling house

and therefore it would be unreasonable to refuse the application on those grounds. In this regard the Local Planning Authority can take some comfort from the fact that noise nuisance would be best addressed by Environmental Health legislation and not planning legislation.

Highway Arrangements and Parking Provision.

As there would be no alterations to the means of accessing the site, it is considered that there should be no objection on the grounds of parking provision or highway safety.

Other Matters

The Parish Council has recommended the use of conditions to limit the use of the building to games room use only, in conjunction with the host dwelling. It is considered that such a condition is unnecessary as any use that is not in conjunction with the existing dwelling would represent a change of use that would require planning permission and therefore the condition would be redundant. As long as the use of the building remains ancillary to the enjoyment of the dwelling, it is considered that the Local Planning Authority could not reasonably further control the use of the building.

It is considered that there are no other matters relevant to the determination of this application.

CONCLUSION

It is considered that the proposed outbuilding would be of appropriate size, design and positioning and would therefore not have an unacceptable visual impact on the character of the surrounding countryside and residential environment. It is considered that the proposal would not cause harm to the amenities of neighbouring residents. For these reasons it is recommended that the application be approved.

RECOMMENDATIONS

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

APPROVED PLANS

| | | |
|---------------------|------------------------|-------------------|
| Location Plan | Plan Ref: ISSUE 2 | Version: 26.11.13 |
| Proposed Elevations | Plan Ref: SHEET 1 OF 4 | |
| Existing Plans | Plan Ref: SHEET 2 OF 4 | |
| Proposed Floor Plan | Plan Ref: SHEET 3 OF 4 | |
| Block Plan | Sheet 3 of 3 | |

- 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.

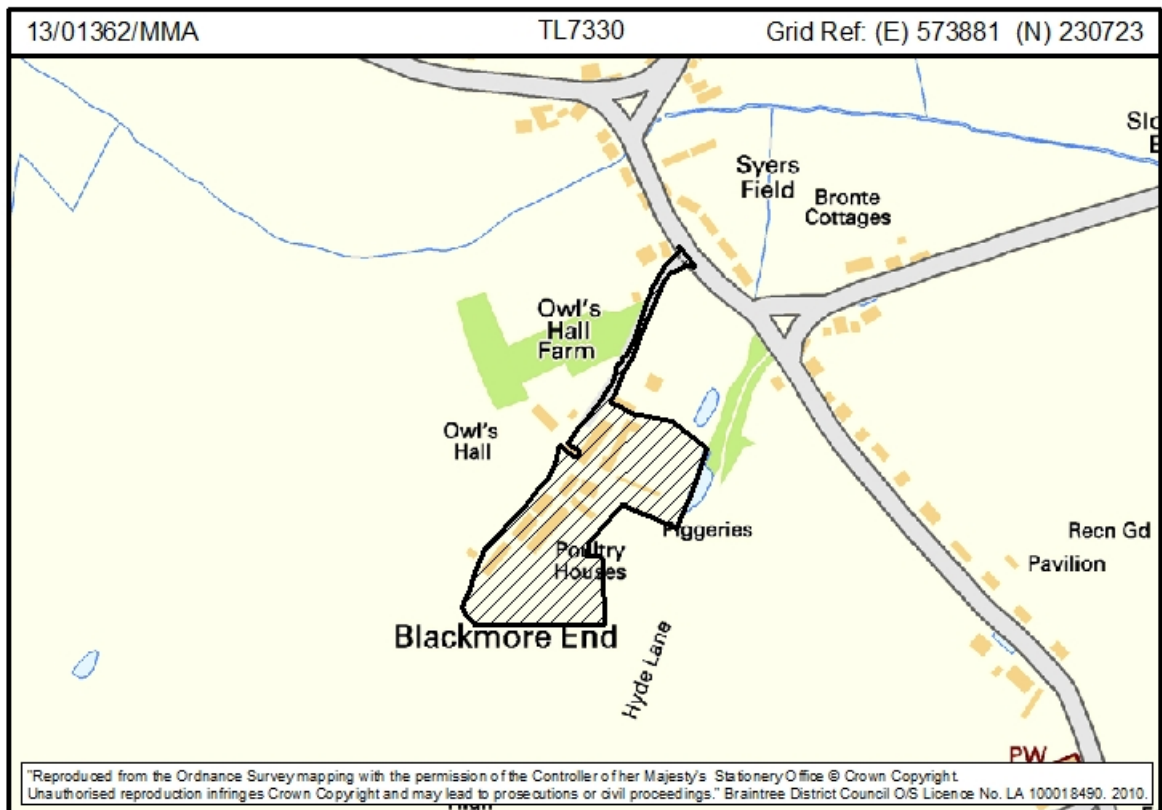
Reason

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

PART B

APPLICATION NO: 13/01362/MMA DATE: 29.11.13
 VALID:
 APPLICANT: Mr C Finbow
 Owls Hall Farm, Blackmore End, Wethersfield, Braintree,
 Essex, CM7 4DF
 AGENT: Mr Ralph Bintley
 Blakeney, Stortford Road, Little Hadham, Ware,
 Hertfordshire, SG11 2DX
 DESCRIPTION: Minor Material Amendments to approved plans - roof lights
 added to all purpose barn
 LOCATION: Owls Hall Farm, Blackmore End, Wethersfield, Essex, CM7
 4DF

For more information about this Application please contact:
 Miss Nina Pegler on:- 01376 551414 Ext. 2513
 or by e-mail to: nina.pegler@braintree.gov.uk



SITE HISTORY

| | | | |
|--------------|--|-----|----------|
| 10/00718/FUL | Erection of extension to sanitary accommodation | PER | 29.06.10 |
| 10/01231/FUL | Erection of demountable offices | REF | 25.10.10 |
| 12/01091/FUL | Erection of new office building in connection with the continuation of the existing agricultural and environmental drainage business | PER | 13.02.13 |
| 13/00314/FUL | Demolition of existing buildings and reinstatement of area of agricultural land, erection of all purpose agricultural barn | PER | 30.05.13 |
| 13/01377/MMA | Minor Material Amendments to approved plans - position of office building | PDE | |

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS8 Natural Environment and Biodiversity

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP89 Agricultural Buildings

RLP90 Layout and Design of Development

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Draft Development Management Plan

ADM 1 Presumption in Favour of Sustainable Development

ADM 50 Landscape Character

ADM 52 Built Development in the Countryside

ADM 60 Layout and Design of Development

ADM 66 Alterations and Extensions and Changes of Use to Listed Buildings or Structures and their Settings

At the time of writing these policies had been approved by full Council for submission to the Planning Inspectorate for examination. However they were still due to be the subject of a pre-submission public consultation before being formally submitted to the Planning Inspectorate. Therefore at this stage limited weight can be given to these policies. It is noted that there are no material changes in the emerging policies in the draft Site Allocation and Development Management Plan relevant to this application.

INTRODUCTION

This application is brought before the Planning Committee as the applicant is related to an elected Member and a member of staff.

NOTATION

The site is located beyond any defined settlement boundaries and therefore falls to be considered against countryside policies.

SITE DESCRIPTION

The site is located in the countryside to the south east of Blackmore End. Owls Hall Farm comprises an existing arable agricultural enterprise and an existing environmental services business, both run from the site by the same family. The environmental drainage business was set up in 2002 as an additional business to the farm.

Both enterprises operate from the existing buildings on the site. There are some demountable buildings to the rear of a single storey building to the north of the site from which the administration side of the businesses are run and there are also a number of agricultural buildings on the site which are used for storage and workshops which are in various states of repair. The site is served by an existing access to the north, and to the south of the existing buildings is agricultural land.

There is an existing timber framed barn on the western side of the site which is Grade II listed and used for the storage of small farm machinery. To the north west of this is Owls Hall farmhouse which is also Grade II listed but falls within different ownership.

PROPOSAL

Members may recall that planning permission was granted in 2013 for the erection of a new office building in connection with the continuation of the existing agricultural and environmental drainage business (12/01091/FUL refers) and the demolition of existing buildings, reinstatement of area of agricultural land and erection of all-purpose agricultural barn (13/00314/FUL refers). This application seeks a minor material amendment to planning permission 13/00314/FUL for the addition of 28 no. polycarbonate rooflights on the front roof slope of the approved barn. These would be positioned in a linear row across the roof slope, close to the ridge. Information within the application indicates that the roof lights are required to ensure maximum natural light levels within the building for safety and energy saving reasons. It is not proposed to alter the size or siting of the building.

The application therefore seeks to vary Condition 2 of planning permission 13/00314/FUL (which states that development shall be carried out in accordance with the approved plans).

CONSULTATIONS

Parish Council – No response at the time of writing.

Environmental Services – No objection.

Historic Buildings Advisor – Considered that the application contained insufficient information regarding the number, size and design of the roof lights.

This information has now been provided. At the time of writing further comments from the HBA had not been received but can be verbally reported to the Committee at the time of the meeting.

REPRESENTATIONS

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

REPORT

Principle of Development

The principle of a multi-purpose agricultural barn on this site has previously been established and the planning permission for this remains extant. The main issue relevant to the determination of this application is whether the proposed roof lights are acceptable. This is discussed in more detail below.

Design, Layout & Impact upon Listed Building

The NPPF states that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development.

Policy CS 8 of the Core Strategy seeks to ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. Development must have regard to the character of the landscape and its sensitivity to change.

Policy CS 9 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 the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas and areas of highest archaeological and landscape sensitivity.

Policy RLP89 of the Local Plan Review states that new agricultural buildings in the countryside should be of a design that is sympathetic to its surroundings in terms of scale, materials, colour and architectural detail.

Policy RLP 90 states that the scale, density, height, massing and elevational design of buildings should reflect or enhance local distinctiveness and be sensitive to the need to conserve local features of architectural, historic and landscape importance.

Policy RLP 100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

The proposed roof lights would be located on the roof slope which faces into the site. Although a large number are proposed, they would be evenly spaced

across the roof slope and their size is such that they would not cover the whole roof slope. The design and materials proposed are akin to the type of roof lights which are often found on modern agricultural buildings and would not be harmful to the modern design and character of the building that has been approved.

The building has been sited in the position shown in order to minimise its impact upon the listed barn within the site. Having regard to the distance between the buildings, Officers do not consider that the addition of the proposed roof lights would have an unacceptable impact upon the setting of the listed building, or the character of the surrounding area.

It is noted that the submitted plans also show the approved office building, an area of overflow car parking and a number of hard and soft landscaping features. However this application only relates to the addition of roof lights to the multi-purpose agricultural building. These other aspects do not form part of the application. It is proposed that this is clarified in a condition on the planning permission if approved.

Impact on Neighbour 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.

It is not considered that the proposal have a detrimental impact upon the residential amenity of any nearby dwellings.

Highway Issues

There are no highways issues relevant to the consideration of this application.

Other Matters

This application seeks an amendment to planning permission 13/ 00314/FUL. Therefore all the conditions imposed on this planning permission are still applicable.

CONCLUSION

This application proposes an amendment to enable the addition of roof lights to the front roof slope of the previously approved multi-purpose barn.

The size, design and position of the roof lights are considered acceptable and would not have a harmful impact upon the setting of the existing listed barn, the rural character of the area or neighbouring residential amenity.

RECOMMENDATION

It is recommended that this application is approved.

RECOMMENDATIONS

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

APPROVED PLANS

| | |
|-----------------|--|
| Site Plan | Plan Ref: 6118/1102/T2 |
| Roof Plan | Plan Ref: 6118/1212/T2 |
| Elevations | Plan Ref: 6118/1212/T5 |
| Additional Plan | Plan Ref: 6118/1503 Version: Roof Light Details |

- 1 The planning permission hereby granted relates solely to the addition of 28 no. roof lights within the north facing (front) roof slope of the approved all-purpose agricultural barn. No other alterations are hereby approved.

In this respect only, the proposed development shall only be undertaken in accordance with the plans hereby approved. The proposed development shall be undertaken in accordance with all other conditions imposed under the terms of planning permission 13/00314/FUL.

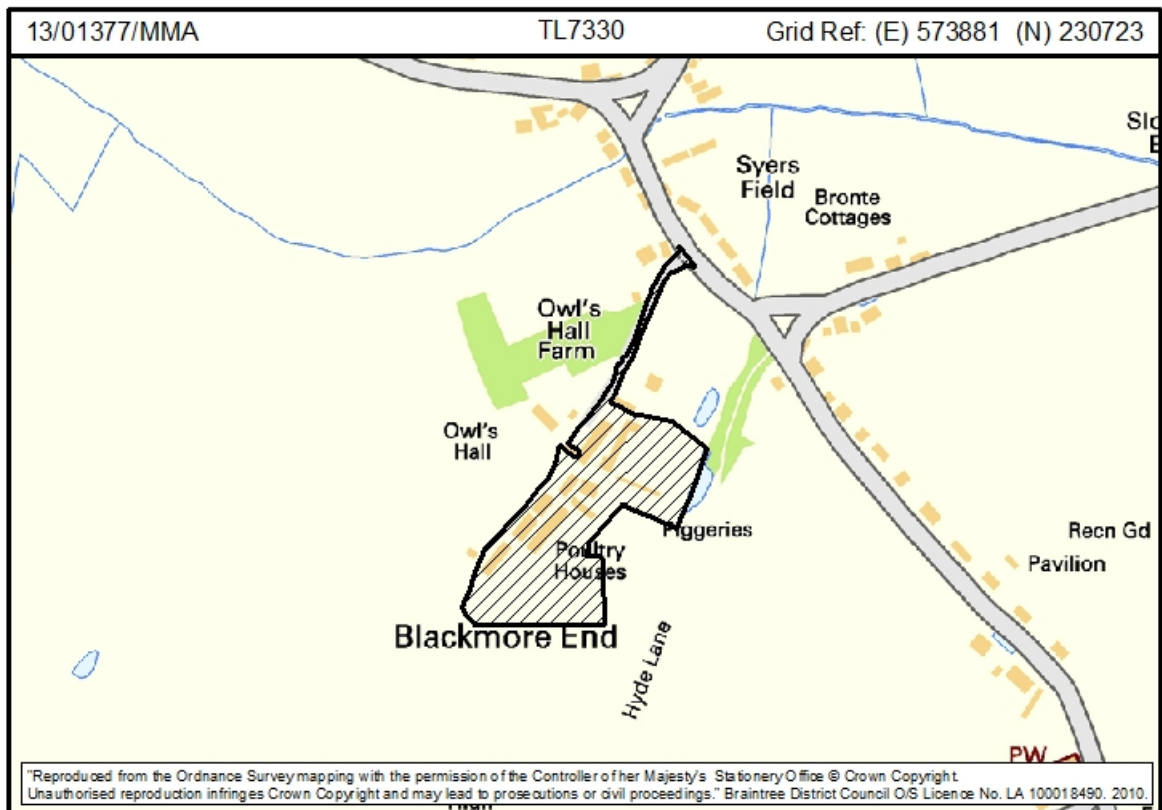
Reason

In order to clarify the terms of this permission as a variation to an existing permission and in the interests of proper planning.

PART B

APPLICATION NO: 13/01377/MMA DATE: 03.12.13
 VALID:
 APPLICANT: Mr C Finbow
 Owls Hall Farm Ltd, Owls Hall Farm, Blackmore End,
 Braintree, Essex, CM7 4DF
 AGENT: Mr R Bintley
 Blakeney, Stortford Road, Little Hadham, Ware, Herts,
 SG11 2DX
 DESCRIPTION: Minor Material Amendments to approved plans - position of
 office building
 LOCATION: Owls Hall Farm, Blackmore End, Wethersfield, Essex, CM7
 4DF

For more information about this Application please contact:
 Miss Nina Pegler on:- 01376 551414 Ext. 2513
 or by e-mail to: nina.pegler@braintree.gov.uk



SITE HISTORY

| | | | |
|--------------|--|-----|----------|
| 10/00718/FUL | Erection of extension to sanitary accommodation | PER | 29.06.10 |
| 10/01231/FUL | Erection of demountable offices | REF | 25.10.10 |
| 12/01091/FUL | Erection of new office building in connection with the continuation of the existing agricultural and environmental drainage business | PER | 13.02.13 |
| 13/00314/FUL | Demolition of existing buildings and reinstatement of area of agricultural land, erection of all purpose agricultural barn | PER | 30.05.13 |
| 13/01362/MMA | Minor Material Amendments to approved plans - roof lights added to all purpose barn | PDE | |

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

Braintree District Local Development Framework Core Strategy

| | |
|-----|--------------------------------------|
| CS8 | Natural Environment and Biodiversity |
| CS9 | Built and Historic Environment |

Braintree District Local Plan Review

| | |
|--------|--|
| RLP90 | Layout and Design of Development |
| RLP100 | Alterations and Extensions and Changes of Use to Listed Buildings and their settings |

Draft Development Management Plan

| | |
|--------|--|
| ADM 1 | Presumption in Favour of Sustainable Development |
| ADM 50 | Landscape Character |
| ADM 52 | Built Development in the Countryside |
| ADM 60 | Layout and Design of Development |
| ADM 66 | Alterations and Extensions and Changes of Use to Listed Buildings or Structures and their Settings |

At the time of writing these policies had been approved by full Council for submission to the Planning Inspectorate for examination. However they were still due to be the subject of a pre-submission public consultation before being formally submitted to the Planning Inspectorate. Therefore at this stage limited weight can be given to these policies. It is noted that there are no material changes in the emerging policies in the draft Site Allocation and Development Management Plan relevant to this application.

INTRODUCTION

This application is brought before the Planning Committee as the applicant is related to an elected Member and a member of staff.

NOTATION

The site is located beyond any defined settlement boundaries and therefore falls to be considered against countryside policies.

SITE DESCRIPTION

The site is located in the countryside to the south east of Blackmore End. Owls Hall Farm comprises an existing arable agricultural enterprise and an existing environmental services business, both run from the site by the same family. The environmental drainage business was set up in 2002 as an additional business to the farm.

Both enterprises operate from the existing buildings on the site. There are some demountable buildings to the rear of a single storey building to the north of the site from which the administration side of the businesses are run and there are also a number of agricultural buildings on the site which are used for storage and workshops which are in various states of repair. The site is served by an existing access to the north, and to the south of the existing buildings is agricultural land.

There is an existing timber framed barn on the western side of the site which is Grade II listed and used for the storage of small farm machinery. To the north west of this is Owls Hall farmhouse which is also Grade II listed but falls within different ownership.

PROPOSAL

Members may recall that planning permission was granted in 2013 for the erection of a new office building in connection with the continuation of the existing agricultural and environmental drainage business (12/01091/FUL refers) and the demolition of existing buildings, reinstatement of area of agricultural land and erection of all-purpose agricultural barn (13/00314/FUL refers). This application seeks a minor material amendment to planning permission 12/01091/FUL to move the position of the office building approximately 5 metres to the south west. It is not proposed to alter the size or design of the building.

The application therefore seeks to vary Condition 2 of planning permission 12/01091/FUL (which states that development shall be carried out in accordance with the approved plans).

CONSULTATIONS

Parish Council – No response at the time of writing.

Environmental Services – No objection.

Historic Buildings Advisor – No objection.

REPRESENTATIONS

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

REPORT

Principle of Development

The principle of a new office building on this site has previously been established and the planning permission for this remains extant. The main issue relevant to the determination of this application is whether the proposed re-siting of the building, approximately 5 metres south west of the approved location, would be acceptable. This is discussed in more detail below.

Design, Layout & Impact upon Listed Building

The NPPF states that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development.

Policy CS 8 of the Core Strategy seeks to ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. Development must have regard to the character of the landscape and its sensitivity to change.

Policy CS 9 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 the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas and areas of highest archaeological and landscape sensitivity.

Policy RLP 90 of the Local Plan Review states that the scale, density, height, massing and elevational design of buildings should reflect or enhance local distinctiveness and be sensitive to the need to conserve local features of architectural, historic and landscape importance .

Policy RLP 100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

The size and orientation of the proposed office would remain the same and therefore the courtyard type of enclosure created by the proposed building and the existing listed barn would be retained, which was previously considered important by the Historic Buildings Advisor. The building would be sited approximately 5 metres further away from the listed barn and would therefore not have a greater impact upon its setting than the approved building. It would also result in the building being sited slightly further away from the public footpath which passes through the site.

The building would still be sited within the centre of the site and it would not encroach any further into the open countryside. It is not considered that the proposed amendment would result in a building which would have a greater impact upon the site or its surroundings than the previously approved building.

It is noted that the submitted plans also show the approved agricultural building, an area of overflow car parking and a number of hard and soft landscaping features. However, this application only relates to the repositioning of the office building. These other aspects do not form part of the application. It is proposed that this is clarified in a condition on the planning permission if approved.

Impact on Neighbour 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.

It is not considered that the proposal would give rise to any greater impact upon neighbouring amenity than if the building were built in the previously approved location. The proposal would in fact place the building slightly further away from the closest dwelling at Owls Hall.

Highway Issues

As with the original planning application, sufficient parking space would be provided which would accord with the Council's adopted Parking Standards.

Other Matters

This application seeks an amendment to planning permission 12/01091/FUL. Therefore all the conditions imposed on this planning permission are still applicable.

CONCLUSION

This application proposes an amendment to enable the previously approved office building to be sited approximately 5 metres further to the south west of the approved position. The size, design and orientation of the building would remain the same and sufficient parking would still be provided. The re-siting of the building would not have a greater or adverse impact upon the setting of the existing listed barn, the rural character of the area or neighbouring residential amenity.

RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Site Plan

Plan Ref: 6118/1102/T2

- 1 The planning permission hereby granted relates solely to the re-siting of the office building. No other alterations are hereby approved.

In this respect only, the proposed development shall only be undertaken in accordance with the plan hereby approved. The proposed development shall be undertaken in accordance with all other conditions imposed under the terms of planning permission 12/01091/FUL.

Reason

In order to clarify the terms of this permission as a variation to an existing permission and in the interests of proper planning.

| | | |
|--|--|-------------------------|
| Monthly Report on Planning and Enforcement Appeal Decisions Received | | Agenda No: 6 |
| Corporate Priority: | | |
| Report presented by: | | |
| Report prepared by: Brian Taplin, Planning Enforcement Team Leader | | |
| 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 | |
| Equalities/Diversity | N/A | |
| Customer Impact: | N/A | |
| Environment and Climate Change: | N/A | |
| Consultation/Community Engagement: | N/A | |
| Risks: | N/A | |
| Officer Contact: | Brian Taplin | |
| Designation: | Planning Enforcement Team Leader | |
| Ext. No. | 2528 | |
| E-mail: | brita@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 2013**.

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 | 12/01190/OUT - 85 Colchester Road, Halstead. |
| | Proposal | Alterations to existing house and the construction of 5 detached houses to rear of property served by private drive. |
| | Council Decision | Refused under Delegated Powers – Policies RLP80, RLP84, RLP90, CS7, CS9, CS10, CS11 & Open Space SPD. |
| | Appeal Decision | Dismissed |
| | Main Issue(s) | The effect of the proposal on the character and appearance of the area and whether it makes satisfactory provision to meet the additional open space and transport facilities arising from the development. |

| | | |
|----|---------------------------------------|---|
| 2. | Enforcement Ref & Location | 12/00116/UBW3 – 16 Courtauld Road, Braintree. |
| | Breach of Control | The erection of a raised platform for access to children's zip wire attached to side elevation of dwelling. |
| | Council Decision | Enforcement Notice issued 7 September 2012 – Notice due to become effective on 15 October 2012 and required removal of raised platform and zip wire within 1 month thereof. |
| | Appeal Decision | Requirement to remove zip wire removed but otherwise appeal dismissed and Notice upheld (on 12 December 2013) |
| | Main Issue(s) | a) whether a breach of control has occurred; b) whether the steps required to remedy the breach are excessive. NB: These were the only 2 grounds on which the appeal was made, no appeal was made that planning permission should be granted and the merits of the development or its' impact were not therefore considered. |
| | Inspector's Conclusion | The Inspector agreed with the Council that a breach of control had occurred by the construction of the raised platform. The Inspector however accepted the appellants view that although the raised platform facilitated use of the zip wire, the removal of the zip wire attached to the house went beyond the measures required to remedy the breach of control which had occurred (ie construction of the platform). Accordingly that measure was removed from the notice however the requirement to remove the raised platform in its entirety remains. |

| | | |
|-----------|--------------------------------|---|
| 3. | Application No/Location | 13/00426/FUL - Craig Meadow, Sturmer Road, Birdbrook. |
| | Proposal | 3 No. stables, tack room, feed store, hay store, tractor/equipment store and WC, access via a gravel driveway from existing access. |
| | Council Decision | Refused under Delegated Powers – Policies RLP2, RLP85, RLP90, CS5 and Para 17 of NPPF. |
| | Appeal Decision | Dismissed |
| | Main Issue(s) | The effect of the proposal on the character and appearance of the area. |
| | | |
| 4. | Application No/Location | 12/01127/FUL - The Tythings, St Peters View, Sible Hedingham. |
| | Proposal | Erection of 4 no detached dwellings with garages. |
| | Council Decision | Refused under Delegated Powers – Policies RLP3, RLP9, RLP90, RLP100, CS9, CS10, CS11, Open Space SPD and Essex Design Guide. |
| | Appeal Decision | Dismissed |
| | Main Issue(s) | a) the effect of the proposal on the character and appearance of the area and the adjacent Church Street Conservation Area; b) the implications for the setting of the Old Rectory, a Grade II* listed building. |
| | | |
| 5. | Application No/Location | 12/01193/LBC - 163 High Street, Kelvedon |
| | Proposal | Replace two timber sash windows at ground floor level with new white aluminium bi-folding doors |
| | Council Decision | Refused under Delegated Powers – Policy RLP100 |
| | Appeal Decision | Dismissed |
| | Main Issue(s) | The effect of the proposed works on the special architectural or historic interest of this listed building |

