

Minutes

Planning Committee

7th July 2009

Present

Councillors	Present	Councillors	Present
J E Abbott	Apologies	D Mann	Yes
E Bishop	Apologies	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton	Yes
Mrs E Edey	Yes	J O'Reilly-Cicconi	Yes
Ms L B Flint	Yes	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Yes	Mrs L Shepherd	Yes
Mrs B A Gage	Yes	Mrs G A Spray	Apologies
Mrs M E Galione	Yes		

43 DECLARATIONS OF INTEREST

The following declarations of interest were made:

All Councillors present declared a personal interest in Application No. 09/00593/FUL – Old Site 7, Scott End, Wethersfield Air Base, Finchingfield – as the applicant was a fellow Councillor.

Councillors J C Collar and D Mann declared a personal interest in Application No. 09/00438/FUL – land rear of 49 to 57 Church Lane, Braintree - as correspondents on this application were known to them.

In accordance with the Code of Conduct Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the respective items were considered.

44 MINUTES

INFORMATION: The Minutes of the meeting of the Planning Committee held on 28th April were not available for approval and were deferred until the next meeting.

45 QUESTION TIME

INFORMATION: There were four statements made, a summary of which is contained in the Appendix to these Minutes.

Any amendments to the Officers' recommendations having taken into account the issues raised by members of the public would be dealt with by conditions, a summary

of which is contained within the appropriate minute. Full details of the Decision Notices are contained in the Register of Planning Applications.

46 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons set out in the report and amended below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00438/FUL (REFUSED)	Braintree	Royal Masonic Benevolent Institution	Erection of 60 bed care home and 1 no. 2 bed dwelling, Land Rear of 49 to 57 Church Lane.

Amend Reason 1 by the insertion of the following after “residential amenity”
“in particular, an overbearing and un-neighbourly sense of enclosure would be experienced at residential properties to the north of the site on Eagle Lane”

Add Reason 2:

Policy RLP100 of the Braintree District Local Plan Review concerns alterations and changes of use to listed buildings and their settings. It seeks to preserve and enhance the setting of buildings by appropriate control over the development, design and use of adjoining land. The proposed development, by virtue of its scale, bulk and form, will relate poorly to the scale of listed properties neighbouring the site, specifically 7 – 9 Faggot Yard and 47 Church Lane, to the detriment of their setting and character, contrary to the policy referred to above.

47 SECTION 106 AGREEMENT

DECISION: That, subject to the applicant entering into a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover a financial contribution of £12,053 towards local highway improvements, the provision of three visitor spaces to be used for the properties applied for and the occupiers of 9, 10, 11 and 12 Faggot Yard, the Head of District Development be authorised to grant planning permission for the following development, in accordance with the conditions and reasons set out in his report, as amended below. Alternatively, in the event that a suitable planning obligation is not provided by the target date for determining this application, the Head of District Development be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00439/OUT (APPROVED)	Braintree	Royal Masonic Benevolent Institution	Erection of 2 no. three bedroom dwellings and 4 no. two bedroom dwellings off Tenter Close.

The above application was approved, subject to the amendment of Condition 14 as follows:

Delete the word “extension” and replace with the word “dwellings”
Informative 4 should read as follows:-

In seeking to discharge the external lighting condition (No:17 (e)), you are advised that the details submitted should seek to minimise light spillage and pollution and maximise energy efficiency. Light units should be flat to ground and appropriate timer/sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

48 PLANNING APPLICATIONS APPROVED

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions contained in the Head of District Development's report, as amended below, details of which are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00593/FUL (APPROVED)	Finchingfield	Gardiner Associates Fire Limited	Change of use of land to be used for fire training purposes and Erection of single storey unit, Old Site 7, Scott End, Wethersfield Air Base.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00616/FUL (APPROVED)	Birdbrook	Mr G Sharp	Erection of one and a half storey annexe and single storey cart shed, including all associated external works and the demolition of existing dog kennels/store, Sunnybank, New England Road.

The above application was approved, subject to the addition of the following Condition 4 as follows:

The existing unauthorised building shown on Drawing No. P-2066-10 shall be removed from the site within three months of the first use of the dog kennels /garden store building hereby approved.

Reason 4:

In order to ensure the prompt removal of the unauthorised building, in the interest of safeguarding the character and appearance of the countryside and Special Landscape Area.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Head of District Development, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 8.23pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

7th July 2009

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Andrew White, RMBI, 60 Great Queen Street, London WC2B 5AZ
Application Nos. 09/00438/FUL & 09/00439/OUT – Land rear of 49 to 57 Church
Lane (Care Home) and Land off Tenter Close, Braintree

Mr White introduced himself as the applicant's property director but wished to concentrate on care rather than property issues this evening. He stated that before the application was made, their future Bocking neighbours were invited to view the facility at Stisted Hall in order that they could understand RMBI and make their views known. He agreed with the officers that it was difficult to operate within a historic listed building. Ten years ago, 82 was the residents' average age, now it was 90 years. This advanced age meant residents were frailer, ceiling hoists were required for many residents, the dementia unit was housed within a converted stable block. The new home would provide for an increase in Alzheimer's, RMBI did not want to turn people away just because they developed Alzheimer's, despite the challenges in care this presented. They could manage at Stisted Hall but it was becoming increasingly difficult. Mr White referred to the site history of Bocking, noting that a few years ago the Council granted residential permission despite 24 objections, with the access from Tenter Close. Most of the neighbours would prefer care home use and Mr White believed there to be only nine objections, most of which were suggestions rather than objections. Many consultation forms were strongly supportive along with two formal letters of support. Mr White noted that the access had been improved and through consultation off-street car parking spaces had been added for the neighbouring properties. He did not believe any residents at the care home would be able to drive, however, a S106 Agreement had been signed and he hoped the Highways contribution would be utilised for traffic calming in Bocking. Staff would have less need to drive as the home would be closer to the town. 75 full and part-time jobs would be safe-guarded in the District.

Mr White referred to the architectural style which had been changed following feedback from neighbours and although zinc roofs were referred to in the officer's report, they were no longer part of the application. The care home would be heated by ground source heat pumps, backed up by solar panels, with rainwater harvesting and recycling.

In conclusion, Mr White was grateful for the recommendation to approve the separate small outline residential application but the care home was necessary.

2. Statements Relating To Application No. 09/00438/FUL – Land rear of 49 to 57 Church Lane, Braintree

(i) Statement by Mr David Andrews, 17 Church Lane, Bocking

Mr Andrews had a vegetable garden adjacent to the proposed development and his boundary would be within 2m of the development for most of its length, his amenity and light would be lost. On the north and west boundaries of the proposed development site, it was very tight with building right up against them, particularly towards Boleyns Avenue and the cottages in Eagle Lane would suffer a considerable loss of light which was acknowledged by the developers in as much as obscure glass in almost all windows on those two sides of the proposed property. The site was very small and an awkward shape for the building proposed.

Mr Andrews had no objection in principle to a residential home, most of the residents would actually like a home of this type but most of them would agree that the proposed building is far too big for the site. Mr Andrews considered that there would be knock on effects in Church Lane which would suffer a radical change in appearance, the loss of five units of affordable housing, more demands on parking and greater traffic, the building would be accessed by electrically operated gates which are likely to lead to queuing in the street.

Turning to the design, Mr Andrews felt it was out of scale and character in the area which was one of traditional houses and listed buildings. The width of the wings of the proposed buildings was excessive and it could only be roofed through flat roofs between the pitched ones, presenting he considered a restless mixture of materials. Despite a full size semi basement dug into the ground it would be too high in relation to neighbouring properties. There would also be very little amenity space for the residents, Mr Andrews stated that he would not like to place a relative in the proposed care home. He did not regard the application as complying with the Council's adopted policies in particular for residential homes, for development within village envelopes, or for layout and design of development. Mr Andrews did not consider the application to be in the spirit of the Essex Design Guide and he urged Members to endorse the officer's recommendation for refusal.

(ii) Statement by Councillor Baugh

Councillor Baugh stated that he was speaking as a resident. He considered the original scheme to be a huge mistake but thought at that time there was the possibility of amending the scheme so that it could be fitted satisfactorily on the site. Regrettably this view had changed. He commended the architects on the improvements made to the original application and he had visited the exhibition at the College which showed great improvements to the elevational treatment and the form. However, the brief was the biggest mistake, the massing, sheer volume and height make it an extremely bad neighbour to the existing properties. The height is not three domestic storey heights, but three institutional storey heights, thick floors with sound insulation and false ceilings for servicing. The average storey height could therefore be 2.9m, possibly 3m. The cottages in Eagle Lane have a storey height of 2.4m and some of these are only one and a half storeys. Even with burying most of one storey in the ground, the whole premis is wrong. Councillor Baugh was

also concerned about the street scene and the loss of on-street parking was significant even with those provided on site. Overall, Councillor Baugh considered it to be an unsatisfactory proposal although he would be happy to see a care home on the site. In resolving one problem, it appeared the developers had come up against another in the design. Three storeys and sixty beds in this location was wrong.