

# Minutes

## Planning Committee

4<sup>th</sup> October 2011



### Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	D Mann	Yes
E Bishop	Yes	Lady Newton	Yes
R J Bolton	Apologies	J O'Reilly-Cicconi	Yes
C A Cadman	Yes	R Ramage	Yes
L B Flint	Yes	W D Scattergood (Chairman)	Yes
T J W Foster	Yes	L Shepherd	Yes
P Horner	Yes	G A Spray	Yes
S C Kirby	Yes		

Councillors J A Pell and S A Wilson were also in attendance.

### Braintree District Local Plan Review and Core Strategy

At the commencement of the meeting, the Chairman read and referred Members of the Committee to the following advice which had been circulated to them in advance:-

'The Core Strategy was adopted by the Council on 19th September 2011, subject to a six week legal challenge period.

Members are advised that as we are still in the six week challenge period the weight given to the Core Strategy policies should be limited. The Core Strategy policies are not fundamentally different from those in the Local Plan, with the exception of CS 2 Affordable Housing which significantly changes the affordable housing thresholds in rural areas. Accordingly, it is considered that it would be reasonable for the Council to take the view that applications will continue to be decided on the existing Local Plan policies until the challenge period has expired, or in the event that there is a challenge, in relation to the Core Strategy policy that is the subject of the challenge, the date that challenge has been resolved. Legal advice has been sought on this matter and supports this approach.'

### 50 DECLARATIONS OF INTEREST

The following interests were declared:

Councillor J E Abbott declared a personal interest in Application No. 11/01122/FUL - 179 Cressing Road, Braintree as a Trustee of Red Balloon Learner Centre, Braintree was known to him.

Councillor L B Flint declared a personal interest in Application No. 11/00157/FUL – 62-66 East Street, Coggeshall as the wife of an objector was known to her as a

former member of Braintree District Council staff; and a personal interest in Application No. 11/01122/FUL - 179 Cressing Road, Braintree as Mr Dunn, a Trustee of Red Balloon Learner Centre, Braintree, was known to her.

Councillor S C Kirby declared a personal and prejudicial interest in Application Nos. 11/01020/FUL - land at Prospect Close, Hatfield Peverel and 11/01019/FUL - land at Capel Close, Rayne as the applicant was a client of his business; and a personal interest in Application Nos. – 11/01069/FUL and 11/01070/LBC - 75 Head Street, Halstead as he was a Member of Halstead Town Council. Councillor Kirby left the meeting whilst Application Nos. 11/01020/FUL and 11/01019/FUL were discussed and determined.

Councillor D Mann declared a personal interest in Application No. 11/00157/FUL – 62-66 East Street, Coggeshall as he was a Member of retail co-operative society, but not the East of England Co-Operative Society, and people making representations for and against the proposal were known to him; a personal interest in Application No. 11/01122/FUL - 179 Cressing Road, Braintree as he had worked with one of the Trustees of Red Balloon Learner Centre, Braintree in connection with another charity for several years; and a personal and prejudicial interest in Application Nos. 11/01020/FUL - land at Prospect Close, Hatfield Peverel and 11/01019/FUL - land at Capel Close, Rayne as he was a Member of the Board of Greenfields Community Housing (applicant) and, as such, he had been involved in formulating the applications. Councillor Mann left the meeting whilst Application Nos. 11/01020/FUL and 11/01019/FUL were discussed and determined.

Councillor Lady Newton declared a personal interest in Application No. 11/00157/FUL – 62-66 East Street, Coggeshall as a number of objectors and members of the public sitting in the audience were known to her; and a personal interest in Application No. 11/01122/FUL - 179 Cressing Road, Braintree as she was a Patron of Red Balloon.

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

## 51 MINUTES

**INFORMATION:** The Minutes of the meetings of the Planning Committee held on 23rd August 2011 and 13th September 2011 were not available and their approval was deferred to the next meeting.

## 52 QUESTION TIME

**INFORMATION:** There were eight statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions. An audio recording of the meeting is available from Member Services.

Planning Application Nos. 11/01132/FUL - The Laurels, Tye Green, Cressing; 11/01155/FUL - Nurses Cottage, Wethersfield Road, Finchingfield; and 11/01069/FUL and 11/01070/LBC - 75 Head Street, Halstead were determined en bloc.

**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 Development Manager's report, as amended below. Details of the planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01122/FUL (APPROVED)	Braintree	Red Balloon Learner Centre	Change of use of 179a/179b Cressing Road to Red Balloon Learner Centre and single storey rear extension, 179 Cressing Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01089/FUL (APPROVED)	Coggeshall	Sophie Hawkins	Application to display an advertisement and installation of a cash machine (retrospective application), 1 Market End.

The Committee approved this application, subject to the addition of an Information to Applicant requesting that illumination of the cash machine is minimised.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01132/FUL (APPROVED)	Cressing	Mr Victor Hodgson	Demolition of existing garage and erection of enlarged garage, The Laurels, Tye Green.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01155/FUL (APPROVED)	Finchingfield	Mr C Simpson	Erection of single storey rear extension, Nurses Cottage, Wethersfield Road.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/01069/FUL (APPROVED)	Halstead	Miss Ruth Hales	Proposed conversion of existing outbuilding to provide living accommodation ancillary to the main dwelling, 75 Head Street.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/01070/LBC (APPROVED)	Halstead	Miss Ruth Hales	Proposed conversion of existing outbuilding to provide living accommodation ancillary to the main dwelling, 75 Head Street.

54 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00938/FUL (APPROVED)	Cressing	Mr J Pease	Demolition of existing garage and related buildings and erection of 9 no. dwellings with associated development, Ashes Garage, The Street.

**DECISION:** That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £15,744.66 towards the provision and enhancement of public open space and a financial contribution of £2,000.00 towards parking restrictions in Lanham Green Road, the Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report as amended below. Alternatively, in the event that a suitable planning obligation is not agreed by 31<sup>st</sup> October 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the following additional Condition:-

**Additional Condition**

21. (CONS42) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01020/FUL (APPROVED)	Hatfield Peverel	Greenfields Community Housing Ltd	Redevelopment of site and erection of 5 no. affordable dwellings with associated access, car parking and landscaping, land at Prospect Close.

**DECISION:** That, subject to the applicant either entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) or, if considered appropriate by the Development Manager, the imposition of a suitably worded condition to secure a financial contribution of £8,562.86 towards the provision of public open space, the Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report as amended below. Alternatively, in the event that a suitable planning obligation is not agreed by 30th November 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition Nos. 4, 8 and 10 and the addition of a Condition and Information to Applicant as follows:-

#### Amended Conditions

4. Prior to occupation, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All 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.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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.

8. The internal roads and footways within the development shall be constructed in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of the development. Such details shall accord with the construction type 8 as set out in the Essex Design Guide, adopted November 2005.
10. Details of any proposed external lighting to the site shall be submitted to and approved in writing by the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

#### Additional Condition

23. (WIN37) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no additional or enlargement of windows, doors, rooflights, voids or openings, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be placed or formed in the walls or roof of the extension hereby permitted without first obtaining planning permission from the local planning authority.

#### Additional Information to Applicant

(ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01019/FUL (APPROVED)	Rayne	Greenfields Community Housing Ltd	Redevelopment of the site to provide 7 no. affordable dwellings with associated access, parking and landscaping, land at Capel Close.

**DECISION:** That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £8,701.08 towards the provision and enhancement of public open space, the Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report as amended

below. Alternatively, in the event that a suitable planning obligation is not agreed by 30th November 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition Nos. 6 and 7 and the addition of a Condition as follows:-

#### Amended Conditions

6. Prior to occupation, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All 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.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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.

7. Development shall not be commenced until an arboricultural report has been submitted to and approved in writing by the local planning authority. This shall include 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. 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.

#### Additional Condition

22. (CONS42) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

## 55 PLANNING APPLICATIONS REFUSED

**DECISION:** That the undermentioned planning application be refused for the reasons stated below. Details of the planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00157/FUL (REFUSED)	Coggeshall	East Of England Co-operative Society	Demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access, 62 - 66 East Street.

The Committee refused this application, subject to the reasons for refusal being submitted to the Committee for approval. The draft reasons are set out below:-

#### Draft Reasons for Refusal

1. Policy RLP90 states inter alia that planning permission will only be granted if there is no undue or unacceptable impact on the amenity of any nearby residential properties. This is supported by policy RLP62 which states that planning permission will not be granted for development which gives rise to harm to nearby residents by virtue of noise, smell, fumes, vibration or other similar consequences.

In this instance it is considered that the use of the proposed building, through the movements of delivery, staff and customer vehicles would result in increased noise and general disturbance that would detract from the amenities of neighbouring residents. It is also considered that it has not been demonstrated to the satisfaction of the local planning authority that the operation of air-conditioning, refrigeration and other such plant would not detract from the amenity of neighbouring residents. Moreover, the lack of parking on site and the likely reduction of on-street parking as a result of the development would reduce the ability of nearby residents to park within the highway close to their property, thereby affecting the amenity of those residents and reducing their quality of life. The proposal is therefore



considered to have an unacceptable impact on the amenity of neighbouring residents, contrary to the above-mentioned policies.

2. Policy RLP95 states that the Council will preserve and encourage the enhancement of the character and appearance of designated Conservation Areas and their settings including the buildings, open spaces, historic features and views within the designated areas. Similarly, policy RLP90 states that designs should be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to parks and gardens of historic importance. This approach is supported by Planning Policy Statements 1 and 5.

The proposed development includes a significant area of car parking and, without the scope for any meaningful landscaping, this expanse of hard surfacing is considered to present a harsh setting for the development which would detract from the character of this part of the Conservation Area. In addition, the form and design of the proposed building is not considered appropriate, particularly in the context of the attractive historic terraces to the north and west of the site. In these respects, the proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to the above-mentioned policies.

3. Policies EC16 and EC17 of Planning Policy Statement 4 combine to state inter alia that planning applications for retail development should be refused where there is clear evidence that the proposal is likely to lead to significant adverse impacts on the vitality and viability of an existing centre. This is supported by policy RLP111 of the Braintree District Local Plan Review 2005 which states that retail development proposals should not materially affect the vitality and viability of any existing centre.

In this instance it is considered that the applicant has not provided sufficient evidence to demonstrate that the proposed development would not have a significant adverse impact on the vitality and viability of the Primary Retail Core of Coggeshall. Taking a precautionary stance due to the importance of the retail core in the context of Coggeshall as a Key Service Village, it is considered that the proposal cannot be supported.

4. Policies RLP56 and RLP111 both state that car parking should be provided in accordance with the Council's Adopted Parking Standards. In this instance it is considered that the parking provision is insufficient to meet the needs of the retail unit proposed and it is therefore considered that the development would cause a significant increase of on-street parking. The proposal is therefore considered to be contrary to the policies stated above.
5. Part of the application site is located outside of the Village Envelope of Coggeshall and that part of the site is therefore deemed to be countryside under the terms of Policy RLP78 and within a Special Landscape Area under the terms of Policy RLP79. Policy RLP78 states that development within the countryside should be restricted to that which is required for agriculture, forestry or other appropriate rural land uses.

The proposed development is not required for agriculture or forestry and its relationship with a retail use means it cannot be deemed to be supporting a rural use of land and it is therefore considered that the proposed development is in breach of the above-mentioned policies.

6. Policy RLP65 states that where external lighting forms part of a proposal it should be designed as an integral element of the development, should feature installations that are low energy and are aligned so as to reduce spillage and glow, including into the night sky. It is also stated that the level of illumination should be no greater than that which is necessary to provide adequate illumination which should not harm highway safety or residential amenity. This is supported by the Council's Adopted External Lighting Supplementary Planning Document which provides detail of the Council's design requirements and the submissions that should accompany a planning application.

In this instance, insufficient detail has been submitted with the planning application for the local planning authority to determine whether the proposal would accord with Policy RLP65 or the Supplementary Planning Document and in the absence of such information, the local planning authority cannot satisfy itself that the necessary lighting would not give rise to an unacceptable impact upon the amenity of neighbouring residential premises.

A motion to approve this application was moved and seconded, but on being put to the vote it was declared LOST.

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At this point the meeting was adjourned for a period of ten minutes and it resumed at 9.30pm.

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Development Manager's report. Details of the planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01119/FUL (REFUSED)	Colne Engaine	Mr & Mrs Nigel & Sian Hurst	Erection of two storey rear extension and replacement detached garage, Acorn Cottage, 8 The Green.

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**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Development Manager's report. Details of the planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00785/FUL (REFUSED)	Greenstead Green	Mr G Kent	Demolition of Riefields and erection of a replacement detached dwelling, Riefields, Burtons Green.

**DECISION:** That Essex County Council be advised that Braintree District Council objects to the undermentioned planning application. Details of the planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01128/MIN (OBJECTION)	Coggeshall	Woodland Recycling Limited	Development of a waste transfer station for the bulking up of paper, cardboard and plastic comprising: i) change of use of part of building from storage and distribution (use class B8) to a waste transfer station (use class sui generis); and ii) operational development compromising a weighbridge and weighbridge office, Anglia Cargo Terminal, Priors Way.

The Committee objected to this application on the basis of the following matters:-

- Increased vehicular movements
- Impact on A120
- Impact on amenity of residential neighbourhood (noise, smell, lighting)
- Scale and hours of operation
- Inappropriate location (edge of village)
- Close proximity to houses and educational facilities
- Highway safety

At 10.15pm, in accordance with the Constitution, it was moved, seconded and agreed that the meeting should continue until all business on the Agenda had been dealt with.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Development Manager, 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).

NOTE: At the close of the meeting the Chairman referred to the following matters:-

#### Steeple Bumpstead Flood Alleviation Scheme – Site Visit

The Chairman reminded Councillors that an organised visit had been arranged for Members of the Committee to view the site of the proposed Steeple Bumpstead Flood Alleviation Scheme. The visit would take place on Wednesday, 5<sup>th</sup> October 2011 starting at 5.00pm. Councillors Abbott, Flint, Mann, Lady Newton and Spray indicated that they would not be able to attend.

## Planning Committee – Future Meetings

The Chairman reported that with effect from November 2011 meetings of the Planning Committee would again be held once every two weeks. A revised timetable of meetings would be circulated.

(Next meetings - 25<sup>th</sup> October 2011 and 8th November 2011 and once every two weeks thereafter).

The meeting closed at 10.43pm.

W D SCATTERGOOD

(Chairman)

APPENDIX  
PLANNING COMMITTEE  
4<sup>TH</sup> OCTOBER 2011  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 11/00157/FUL – 62-66 East Street, Coggeshall
  - (i) Statement by Mrs Liz Barnett, 45 East Street, Coggeshall (Spokesman for Objectors) (6 minutes allowed)
  - (ii) Statement by Mr John Reed, 67 Stoneham Street, Coggeshall (Supporter)
  - (iii) Statement by Mr Ray Ricks, Boyer Planning, 49 North Hill, Colchester (Agent)
2. Statement Relating to Application No. 11/01122/FUL – 179 Cressing Road, Braintree

Statement by Mr Tony Dunn, Trustee of Red Balloon Braintree (Supporter)
3. Statement Relating to Application No. 11/00938/FUL – Ashes Garage, The Street, Cressing

Statement by Mr Trevor Dodkins, Generis Planning, Timber Thatch, Snow Hill, Great Easton (Agent)
4. Statement Relating to Application No. 11/01020/FUL – Land at Prospect Close, Hatfield Peverel

Statement by Mr David Thompson, Ingleton Wood, 43 All Saints Green, Norwich (Agent)
5. Statements Relating to Application No. 11/01019/FUL – Land at Capel Close, Rayne
  - (i) Statement by Mr Peter Lane, 12B Brunwin Road, Rayne (Local resident)
  - (ii) Statement by Mr David Thompson, Ingleton Wood, 43 All Saints Green, Norwich (Agent)