

# Minutes

## Planning Committee

28th August 2018



### Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Yes
Mrs L Bowers-Flint	Yes	Mrs I Parker	Yes
T Cunningham	Yes	F Ricci	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	P Schwier	Apologies
S Kirby	Yes	Mrs G Spray	Apologies
D Mann	Yes		

Councillor M Banthorpe, Councillor G Butland and Councillor J Coleridge were also in attendance.

### 46 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 18/00872/FUL - Garden House, Church Hill, White Notley as she had been contacted by E Mail by the applicant, but she had not expressed a view about the application.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 18/00872/FUL - Garden House, Church Hill, White Notley as he had been contacted by E Mail by the applicant, but he had not expressed a view about the application.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 18/00690/OUT - land South of Brook Street, Colne Engaine as the applicants were known to her, but she had not spoken to them or expressed a view about the application.

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 18/00690/OUT - land South of Brook Street, Colne Engaine as the applicants were known to her, but she had not spoken to them or expressed a view about the application.

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

47 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 31st July 2018 be approved as a correct record and signed by the Chairman.

48 **QUESTION TIME**

**INFORMATION:** There were eleven statements made about the following matters. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application:-

Application No. 17/01081/FUL - land adjacent to Oxford House, Upper Holt Street, Earls Colne

Application No. 18/00690/OUT - land South of Brook Street, Colne Engaine

Application No. 18/00872/FUL - Garden House, Church Hill, White Notley

Application No. 18/01162/FUL - land adjacent to 27-29 Sloe Hill, Halstead

Application No. 18/01175/FUL - 15 Shalford Road, Rayne

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

49 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 18/01024/FUL - 54 Mountbatten Road, Braintree was 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 and reasons contained in the Planning Development Manager's report. Details of these planning applications are contained in the Register of Planning Applications.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/01024/FUL (APPROVED)	Braintree	Mr and Mrs Chris and Charlotte Hayden	Proposed removal of conservatory and erection of rear two storey extension comprising kitchen at ground floor level and dressing room and ensuite bathroom to first floor level, 54 Mountbatten Road.

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*18/01162/FUL (APPROVED)	Halstead	D C P Developments Ltd	Erection of one detached two storey dwelling with parking spaces and turning space, land adjacent to 27-29 Sloe Hill.
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In a correction to the report, Members of the Planning Committee were advised that the proposed dwelling was shown to have a private amenity space of 82sqm, which exceeded the requirements of the Essex Design Guide for a two bedroom dwelling.

## 50 **SECTION 106 AGREEMENT**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*17/01081/FUL (APPROVED)	Earls Colne	Mr Pascoe	Erection of 2 no. dwellings, land adjacent to Oxford House, Upper Holt 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 cover the following Head of Term:-

**Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)** – a financial contribution (the amount is still to be calculated) to mitigate the development's impact upon the Blackwater Estuary SPA and Ramsar site

the Planning 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. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the Planning Committee's decision, the Planning Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

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In considering this application, Members of the Planning Committee were informed that advice had recently been received from English Nature regarding the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This advice required the Council to assess all planning applications submitted and, if appropriate, to identify if a financial contribution would be necessary to mitigate the likely effect of the proposed development on the RAMS. A financial contribution would be secured by requiring the applicant to enter into a legal agreement in accordance with Section 106 of the Town and Country Planning Act 1990.

Councillor John Bendall, representing Earls Colne Parish Council, attended the meeting and spoke against this application.

## 51 **PLANNING APPLICATIONS REFUSED**

**DECISION:** That the undermentioned planning applications be refused for the reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/00690/OUT (REFUSED)	Colne Engaine	Granville Developments Mr and Mrs G and D Courtauld	Outline application with all matters reserved for up to 7 no. dwellings, land South of Brook Street.

The Committee refused this application, subject to an additional reason for refusal as follows:-

### **Additional Reason for Refusal**

- 2 The proposed development would comprise seven new dwellings, which under the terms of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) requires a financial contribution to be secured via a suitable legal agreement. An agreement to this has not been completed and as such the proposal would be contrary to the Conservation of Habitats and Species Regulations 2017, Paragraph 176 of the National Planning Policy Framework, Policy RLP83 of the Braintree District Local Plan Review, Policy CS8 of the Braintree District Core Strategy and Policy LPP68 of the Braintree District Publication Draft Local Plan.

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In considering this application, Members of the Planning Committee were informed that advice had recently been received from English Nature regarding the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This advice required the Council to assess all planning applications submitted and, if appropriate, to identify if a financial contribution would be necessary to mitigate the likely effect of the proposed development on the RAMS. A financial contribution would be secured by requiring the applicant to enter into a legal agreement in accordance with Section 106 of the Town and Country Planning Act 1990.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/00872/FUL (REFUSED)	White Notley	Mr and Mrs Bentley	Replacement of existing garage and shed with an oak framed garage/ancillary accommodation outbuilding, Garden House, Church Hill.

Councillor Dr John Guy, representing White Notley Parish Council attended the meeting and spoke in support of this application.

Councillor James Coleridge, Braintree District Ward Councillor for Hatfield Peverel and Terling, attended the meeting and spoke in support of this application.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/01175/FUL (REFUSED)	Rayne	Mrs Sarah Smith	Demolition of existing double garage and erection of a detached, self-contained annexe, 15 Shalford Road.

Councillor Don Smith, representing Rayne Parish Council, attended the meeting and spoke in support of this application.

Councillor Mike Banthorpe, Braintree District Ward Councillor for Rayne, attended the meeting and spoke in support of this application.

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

The meeting closed at 8.59pm.

Councillor Mrs W Scattergood  
(Chairman)