

# Minutes

## Planning Committee

26th April 2016



### Present

Councillors	Present	Councillors	Present
R Bolton	Yes	Lady Newton	Yes
K Bowers	Yes	J O'Reilly-Cicconi	Yes
Mrs L Bowers-Flint	Yes	Mrs I Parker	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	P Schwier	Yes
S Kirby	Yes	Mrs G Spray	Yes
D Mann	Yes		

Councillor J Abbott was also in attendance.

### 1 **DECLARATIONS OF INTEREST**

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

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 15/01260/FUL - land at Street Farm, The Street, Ashen as the applicant Mr N McCrea was known to them and the applicant's agent, who was a former employee of Braintree District Council, was known to some of them.

Councillor R Bolton declared a non-pecuniary interest in Application No. 16/00135/FUL - Wayside Cottage, Church Road, Wickham St Paul as the applicant was known to him.

Councillor K Bowers declared a non-pecuniary interest in Application No. 15/00280/OUT - land off Western Road, Silver End as he had submitted a representation about the application prior to its consideration at the last meeting of the Committee when he had not been a Member of the Committee. Councillor Bowers left this meeting when the application was considered.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application Nos. 15/00280/OUT - land off Western Road, Silver End; 15/01273/OUT - land North of Conrad Road, Witham; and 15/01361/OUT - land North East of Gleneagles Way, Hatfield Peverel as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor D Mann declared a non-pecuniary interest in Application No. 15/00280/OUT - land off Western Road, Silver End as several objectors were known to him.

Councillor Lady Newton declared a non-pecuniary interest in Application Nos. 15/00280/OUT - land off Western Road, Silver End; 15/01273/OUT - land North of Conrad Road, Witham; and 15/01361/OUT - land North East of Gleneagles Way, Hatfield Peverel as the Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor Lady Newton declared a non-pecuniary interest also in Application Nos. 15/01609/VAR and 15/01610/LBC - The Old Bakery, Hawbush Green, Cressing as the elected Member for the Braintree Eastern Division of Essex County Council which incorporated Cressing.

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 16/00135/FUL - Wayside Cottage, Church Road, Wickham St Paul as the applicant was known to her.

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

## 2 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 12th April 2016 be approved as a correct record and signed by the Chairman.

## 3 **QUESTION TIME**

**INFORMATION:** There were nine 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.

## 4 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 15/01506/FUL - Hi Trees, New Green, Bardfield Saling; 15/01609/VAR - The Old Bakery, Hawbush Green, Cressing; 15/01610/LBC - The Old Bakery, Hawbush Green, Cressing; and 16/00284/FUL - land rear of 61 Colchester Road, White Colne 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 and reasons contained in the 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>
*15/01506/FUL (APPROVED)	Bardfield Saling	Mr Philip O'Reilly	Erection of 9 unit cattery in rear garden, Hi Trees, New Green.

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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>
*15/01609/VAR (APPROVED)	Cressing	Mr and Mrs David Fielder	Application for a Minor Material Amendment (variation of a plans condition following the granting of planning permission 14/01650/FUL) - Raise rear annexe roof by 50mm and change its covering from asbestos-cement slates to salugated dark-grey Welsh slates, and retention of existing solar panels upon the same roof, The Old Bakery, Hawbush Green.

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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>
*15/01610/LBC (APPROVED)	Cressing	Mr and Mrs David Fielder	Raise rear annexe roof by 50mm and change its covering from asbestos-cement slates to salugated dark-grey Welsh slates, and retention of existing solar panels upon the same roof, The Old Bakery, Hawbush Green.

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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>
*15/00186/FUL (APPROVED)	Great Saling	Saling Hall Limited	Change of use from residential to a country house restaurant with rooms for overnight accommodation; removal of piecemeal additions to the rear; re-creation of the east-west cross-wing to northern elevation; internal and external alterations to the main hall; internal and external

alterations to northern annexe;  
alterations to access and  
associated car parking  
provision; associated  
landscaping and ancillary  
development, Saling Hall, The  
Street.

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

Additional Condition

- 19 Prior to the first use of the development, a taxi drop off and pick up strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the pick up and drop off point for customers and how they will be managed late at night and during functions. The approved strategy shall be permanently adhered to throughout the use of the development.

Additional Information to Applicant

- 10 With regard to condition 9 relating to the Package Treatment Plant, you are advised that an automatic alarm system should be included within the Plant in the event of a system failure.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00187/LBC (APPROVED)	Great Saling	Saling Hall Limited	Change of use from residential to a country house restaurant with rooms; removal of piecemeal additions to the rear; re-creation of the east-west cross-wing to northern elevation; internal and external alterations to the main hall; internal and external alterations to northern annexe; alterations to access and associated car parking provision; associated landscaping and ancillary development, Saling Hall, The Street.

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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>
*16/00284/FUL (APPROVED)	White Colne	Mr and Mrs K Purdy	Proposed private stables and open exercise manege on land adjoining the domestic curtilage at the rear of 61 Colchester Road, for the sole use ancillary to the dwelling, land rear of 61 Colchester Road.

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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>
*16/00135/FUL (APPROVED)	Wickham St Paul	Ms Zoe Napier	Proposed replacement of existing utility extension with a two storey side and single storey rear extension, Wayside Cottage, Church Road.

The Committee approved this application against the Officers' recommendation, subject to Conditions to be agreed.

## 5 **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>
*15/01273/OUT (APPROVED)	Witham	CWO Parker Grandchildren's Trust	Outline planning application with all matters reserved other than strategic access point onto the public highway for up to 150 residential units with associated infrastructure and landscaping, land North of Conrad Road.

**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 Heads of Terms:-

- Affordable Housing (30% provision; 70/30 tenure split (rent over shared ownership);
- Site wide Housing and Phasing Strategy;
- Education (financial contribution required based on Essex County Council's standard formula);
- Health (financial contribution of £49,360);
- Public Open Space (financial contribution towards outdoor sports provision and allotments);
- Residential Travel Information Pack;

- Maltings Lane Community Building (financial contribution of £200,000);
- Provision of junction alterations and associated works (at junction of Rickstones Road with Braintree Road and Cypress Road, Witham);
- Provision of a footway (from the junction of Conrad Road to Elm Hall School/New Rickstones Academy, Witham);
- Upgrading of bus stops (Hemingway Road and Virgil Road stops, Witham);

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 within three calendar months of the date of the Planning Committee's decision, the Development Manager be authorised to refuse 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 No. 26 to include reference to cycle parking standards.

## 6 **PLANNING APPLICATIONS REFUSED**

**DECISION:** That the undermentioned planning applications be refused for the reasons contained in the 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>
*15/01260/FUL (REFUSED)	Ashen	Mr Nigel and Mrs Susan McCrea	Erection of two detached dwellings, land at Street Farm.

Councillor Colin Hainsworth, representing Ashen Parish Council, attended the meeting and spoke against this application.

Members were advised that this application had previously been reported to the Planning Committee on 22nd December 2015 when planning permission had been granted, subject to Conditions and a Section 106 Agreement. Following the meeting, a third party had challenged the District Council's view that it had not been required statutorily to consult Historic England prior to the determination of the application. It was accepted that this should have been done and consultation had now taken place. The response received from Historic England was set out in the Agenda report.

The application had been resubmitted to the Planning Committee for consideration as the response received from Historic England was a matter of substantial weight in terms of the impact of the development on heritage assets. In addition, Essex County Council's Historic Buildings Advisor had changed his recommendation. The Advisor considered that the proposed scheme was not appropriate based on its impact upon the setting of the existing heritage assets adjacent to the site.

Members were advised that as significant new issues which had substantial weight had been drawn to the Council's attention, the Section 106 Agreement had not been concluded, and planning permission had not been issued the Council retained discretion whether or not to grant planning permission. It was agreed that the application should be refused.

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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>
*15/01361/OUT (REFUSED)	Hatfield Peverel	David Wilson Homes Eastern	Erection of up to 145 dwellings, public open space, landscaping, new vehicular and pedestrian accesses, highway works, foul and surface water drainage, infrastructure and all ancillary works, land North East of Gleneagles Way.

The Committee refused this application, subject to the amendment of Reason No. 1 as follows:-

**Amended Reason**

- 1 The site lies outside the development boundary for the village of Hatfield Peverel in a location where there is a presumption against the introduction of new development unrelated to rural uses, to protect, inter alia, the essential open, undeveloped rural character of the countryside.

The proposal would amount to an unjustified intrusion into the countryside that would be harmful to the rural setting of the village and the separation between the settlement and Witham. The proposal is, therefore, contrary to Policy RLP2 of the Braintree District Review Local Plan (2005) and Policy CS5 of the Braintree District Local Development Framework Core Strategy (2011). Moreover, the proposed development would be contrary to Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review which requires proposals for residential development to be of a scale, design and intensity which is in harmony with existing surrounding development and where it satisfies amenity, design, environmental and highway criteria.

The National Planning Policy Framework (NPPF) presumes in favour of the grant of planning permission for sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council does not accept that the proposal would be sustainable development within the meaning of the NPPF having regard to the following factors:

- the excessive scale and character of the development taking into the character and appearance of the surrounding development;
- the scale and character of the development fails to take account of the roles and character of the area by compromising the significance of the separation between Witham and Hatfield Peverel and the countryside setting of the village;
- the failure to demonstrate that all residents of the proposed development would be provided with a high standard of amenity in respect of external noise levels;
- it has not been demonstrated that adequate visibility can be provided at the junction of The Street and Gleneagles Way and the proposed development would adversely affect highway safety for existing road users as well as future residents of the development;
- the lack of availability or capacity of local services to meet the additional demands that would arise from it;
- the sustainability of the development is undermined by the lack of adequate early years/childcare services and primary school places within the village, resulting in future residents having to rely on the private car to access these services in Witham.

These adverse impacts of the proposed development are considered to significantly outweigh the benefits arising from the development.

## 7 **PLANNING APPLICATION SUBJECT TO APPEAL**

Members were advised that an appeal had been lodged with the Planning Inspectorate against the Council's non-determination of the following application and that the Planning Inspectorate had confirmed the appeal to be valid. The Committee was therefore unable to determine the application and, instead, it was asked to resolve what its decision would have been had an appeal not been lodged.

Members were advised that, in a change to the description of this outline application, all matters were reserved for consideration including the site access.

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Development Manager's report. Details of this planning application 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>
*15/00280/OUT (REFUSED)	Silver End	Gladman Developments Ltd	Outline application for residential development of approximately 350 dwellings (including up to 40% affordable housing), highways, drainage



works, landscaping, public open space, children's play area, surface water attenuation, 2 vehicular access junctions off Western Road and associated ancillary works including provision of land safeguarded for community/education use on land North of Western Road. All matters reserved with the exception of site access, land off Western Road.

Councillor James Abbott, Braintree District Councillor for Silver End and Cressing Ward and Councillor Philip Hughes, representing Silver End Parish Council, attended the meeting and spoke against this application.

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 10.15pm to enable all business on the Agenda to be transacted.

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).

The meeting closed at 10.31pm.

Councillor Mrs W Scattergood  
(Chairman)

APPENDIX  
PLANNING COMMITTEE  
26TH APRIL 2016  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Application Nos. 15/00186/FUL and 15/00187/LBC - Saling Hall, The Street, Great Saling  
  
Statement by Mr Richard Gleed, for Hall Farm Barn Residents, 10 Hall Farm Green, Great Saling (Objectors)
- 2 Statement Relating to Application No. 15/01273/OUT - Land North of Conrad Road, Witham  
  
Statement by Mr David Fletcher, Strutt and Parker, Coval Hall, Rainsford Road, Chelmsford (Agent)
- 3 Statements Relating to Application No. 15/01260/FUL - Land at Street Farm, The Street, Ashen
  - (i) Statement by Mr Neil Hendry, Longways Cottage, The Street, Ashen (Objector)
  - (ii) Statement by Mr Paul Munson, PMunson Planning, 18 Abercorn Way, Witham (Agent)
  - (iii) Statement by Mr Nigel McCrea, Street Farm, The Street, Ashen (Applicant)
- 4 Statement Relating to Application No. 15/01361/OUT - Land North East of Gleneagles Way, Hatfield Peverel  
  
Statement by Mr Sean Marten, David Wilson Homes Eastern, 7 Springfield Lyons Approach, Springfield, Chelmsford (Agent)
- 5 Statement Relating to Application Nos. 15/01609/VAR and 15/01610/LBC - The Old Bakery, Hawbush Green, Cressing  
  
Statement by Mr Peter Messenger, P L Messenger Architect, 1 Snows Court, Great Waltham, Chelmsford (Agent)

6      Statements Relating to Application No. 16/00135/FUL - Wayside Cottage, Church Road, Wickham St Paul

- (i)      Statement by Mr Nigel Willson, Wayside Cottage, Church Road, Wickham St Paul (for Applicant)
- (ii)     Statement by Mr Damian Lockley, Oswick Ltd, 5/7 Head Street, Halstead (Agent)