

# Minutes

## Planning Committee

8th December 2015



### Present

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

Councillors K Bowers and P Schwier were also in attendance.

### 54 **DECLARATIONS OF INTEREST**

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

Councillor J Abbott declared a non-pecuniary interest in Application No. 15/00926/FUL - Rivenhall Oaks Golf Course, Forest Road, Rivenhall as an elected Member of Rivenhall Parish Council which had submitted representations on the application.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application Nos. 15/00934/OUT - land North East of Station Road, Earls Colne and 15/01004/OUT - land West of Boars Tye Road, Silver End as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor Lady Newton declared a non-pecuniary interest in Application Nos. 15/00934/OUT - land North East of Station Road, Earls Colne and 15/01004/OUT - land West of Boars Tye Road, Silver End as the Cabinet Member for Planning and Housing with responsibility for affordable housing. Councillor Lady Newton declared a non-pecuniary interest also in Application No. 15/00926/FUL - Rivenhall Oaks Golf Course, Forest Road, Rivenhall as the applicant was known to her and occasionally she attended events at the Golf Club.

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 15/00926/FUL - Rivenhall Oaks Golf Course, Forest Road, Rivenhall as the applicant's wife was known to her. Councillor Mrs Parker left the meeting whilst this application was discussed and determined.

Councillor Mrs G Spray (Ward Member) declared a non-pecuniary interest in Application No. 15/00934/OUT - land North East of Station Road, Earls Colne and stated that she had not participated in any discussions with Earls Colne Parish Council, or the developer about the application despite receiving invitations to do so.

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.

55 **MINUTES**

The Minutes of the meeting of the Planning Committee held on 24th November 2015 were not available for approval.

56 **QUESTION TIME**

**INFORMATION:** There were seven 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.

57 **TREE PRESERVATION ORDER NO. 05/2015 – 45 COURTAULD ROAD, BRAINTREE**

**INFORMATION:** Consideration was given to a report on Tree Preservation Order No. 05/2015 relating to 45 Courtauld Road, Braintree. The Order had been made on 20th August 2015 in respect of two pine trees (T1 and T2) within the garden of 45 Courtauld Road, Braintree.

The Order had been served following the submission of a Notice by the owner of the property under Section 211 of the Town and Country Planning Act 1990 to carry out works to trees in a Conservation Area, including the felling of the pine trees. An assessment of the amenity value of the trees had been carried out using the standard TEMPO assessment, which had shown that the making of an Order was appropriate. The trees were considered to be in good health and prominent features in the street-scene, being visible from Courtauld Road, Bocking End and Bradford Street. It had been agreed that a third mature pine tree located between trees T1 and T2 could be felled as its crown was thinning and removal of the tree would provide space and improved light conditions within the garden. It was reported that No. 45 Courtauld Road and its adjoining cart lodge had been built seven years ago and that an arboricultural report prepared by Essex Arb Consulting Ltd had been submitted at the time of the planning application detailing the trees on the site.

Two objections had been lodged against the making of the Order. One objection had been submitted by the owner of the property, which was supported by the owners of the adjoining property 43 Courtauld Road and tree surgeon B & M Tree Care Division. The other objection had been submitted by the owner of 40 Bocking End, Braintree which adjoined the site on the South Western side. The objections related to the height and position of the trees, falling branches, and the stability of tree T2.

The owner of 45 Courtauld Road had stated that it was difficult to obtain house insurance due to the proximity of the trees to his property.

**DECISION:** That Tree Preservation Order No. 05/2015 relating to 45 Courtauld Road, Braintree be confirmed.

## 58 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 15/00941/FUL - The Poplars, Boars Tye Road, Silver End and 15/01243/FUL - 25 Francis Way, Silver End 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>
*15/00926/FUL (APPROVED)	Rivenhall	Mr S Brice	Operational development comprising new tees, greens, mounds, bunkers and lakes to facilitate a revised golf course layout; clubhouse extension to accommodate reception, function/event room, office and associated floorspace; car park extension, adventure golf facility; hardstanding for turning head and all ancillary development, Rivenhall Oaks Golf Course, Forest Road.

The Committee approved this application, subject to the amendment of Condition No. 10 as follows:-

### **Amended Condition**

- 10 No external lighting shall be provided to any part of the Golf Course including the Adventure Golf Course. Details of any additional lighting proposed in association with the extended club house and car park 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00941/FUL (APPROVED)	Silver End	Mr M Orrin	New double glazed replacement windows for the front of the house, The Poplars, Boars Tye Road.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01243/FUL (APPROVED)	Silver End	Mr J Bailey	Replacement of 5 no. windows to the front and 4 no. windows to the side, 25 Francis Way.

59 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00934/OUT (APPROVED)	Earls Colne	Mr R Long	Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements, land North East of Station Road.

In considering this application, Members of the Planning Committee were advised that a local resident had highlighted a discrepancy in the Agenda report. In a correction to the report, Members were advised that a reference in the summary of the objections to the application should be amended from 'Development should be concentrated in just one field – some residents state this should be the Northern field, whilst one says it should all be in the Southern field' to state 'Development should be concentrated in just one field – some residents state this should be the Southern field, whilst one says it should all be in the Southern field.'

**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 (40% of units provided on-site)
- Pedestrian links to Homefield Way (applicant to use their best endeavours)
- Provision of on-site public open space and suitable management arrangements for the on-site public open space, including the payment of a financial contribution towards its maintenance
- Travel Packs

the Development Manager be authorised to grant outline 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. 18 as follows:-

Amended Condition

- 18 No works to the oak tree identified on page 15 of the Bat Roost Survey (Essex Ecology Services Ltd, October 2015) shall be carried out until a suitably qualified and experienced ecologist has completed a detailed survey of the tree, as specified in the Bat Roost Survey (Essex Ecology Services Ltd, October 2015). Details of the methodology, findings and conclusions of the survey shall be submitted to the Local Planning Authority for approval prior to the commencement of development.

Should the results of the survey indicate that bats are roosting within this oak tree, then no work shall be undertaken to the tree.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01004/OUT (APPROVED)	Silver End	Cemex UK Properties Ltd	Development of up to 60 dwellings with all matters reserved, except access, land West of Boars Tye 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 matters:

- affordable housing;
- education (financial contribution);
- health (financial contribution);
- provision, maintenance and management of areas of public open space and a children's play-area to be created within the development, in accordance with an agreed scheme of landscaping (including the creation of footpaths within the tree belt) and a detailed specification for the children's play area, and an agreed maintenance/management schedule;
- financial contribution towards the provision off-site of public open space and allotments;
- off-site highway works;
- travel information packs for prospective occupiers of the development;

the Development Manager be authorised to grant outline 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 an additional Condition and paragraph to the Information to Applicant as follows:-

Additional Condition

- 22 Before first commencement of the development hereby permitted, an Ecological Management Plan shall have been submitted to and agreed in writing by the Local Planning Authority based on the findings and recommendations of the Ecological Assessment submitted with and approved as part of this application. The required Plan shall, inter alia, include proposals to enhance the biodiversity interest of the site, including the creation of new habitat where appropriate and measures to encourage nesting birds generally and to provide specific measures to encourage the nesting of the common swift - such as the installation of swift brick - which is amber-listed on the list of "Birds of Conservation Concern". The development shall then be carried out in strict accordance with the approved Management Plan.

Additional Information to Applicant

- 12 In drawing up detailed proposals for the site, the attention of the applicant/developer is drawn to the need for adherence in full with the Council's adopted parking standards, which are set-out in the Essex County publication "Parking Standards - Design & Good Practice" (September 2009).

Councillor Philip Hughes, representing Silver End Parish Council, attended the meeting and spoke against this application.

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 9.40pm.

Councillor Mrs W Scattergood  
(Chairman)

APPENDIX  
PLANNING COMMITTEE  
8TH DECEMBER 2015  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Agenda Item 5 - Tree Preservation Order 05/2015, 45 Courtauld Road, Braintree  
  
Statement by Mr Huseyin Mustafa, 45 Courtauld Road, Braintree (Owner)
- 2 Statements Relating to Application No. 15/00934/OUT - Land North East of Station Road, Earls Colne
  - (i) Statement by Mr John Wilson, 46 Homefield Way, Earls Colne (Objector)
  - (ii) Statement by Mr Alan Warner, 42 Homefield Way, Earls Colne (Objector)  
(Statement read by Mr Paul Davison)
  - (iii) Statement by Mr Mark Hodgson, Savills (UK) Ltd, Unex House, 132-134 Hills Road, Cambridge (Agent)
- 3 Statement Relating to Application No. 15/00926/FUL - Rivenhall Oaks Golf Course, Forest Road, Rivenhall  
  
Statement by Mr Olivier Spencer, Andrew Martin Planning Ltd, Town Mill, Mill Lane, Stebbing, Dunmow, Essex (Agent)
- 4 Statements Relating to Application No. 15/01004/OUT - Land West of Boars Tye Road, Silver End
  - (i) Statement by Mr Ian Southcott, UK Community Affairs Manager, Cemex UK Properties Ltd, c/o Bidwells LLP, Saxon House, 27 Duke Street, Chelmsford, Essex (Applicant)
  - (ii) Statement by Mr Mark Reed, 147 Broadway, Silver End (Objector)