

Minutes

Planning Committee

30th January 2018



Present

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

106 **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. 17/01937/FUL - St Mary the Virgin Parish Church, Church Street, Kelvedon as Mr John Elliott who was an elected member of the Parochial Church Council of St Mary the Virgin, the applicant for this application, was a fellow Elected Member of Braintree District Council and he was known to them.

Councillor Mrs I Parker declared a non-pecuniary interest in Application Nos. 17/01912/FUL and 17/01913/LBC - Sewells Farm, North End Road, Little Yeldham as a number of the objectors, and Councillor Peter Clayton and Councillor Michael Graham representing Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council, who were speaking at the meeting during Question Time, were known to her. Councillor Mrs Parker indicated that she had not discussed the applications with any of these people.

Councillor R Ramage declared a non-pecuniary interest in Application No. 17/01145/FUL - Former Bramston Sports Centre, Bridge Street, Witham as an Elected Member of Witham Town Council which had considered the application as part of the consultation process. Councillor Ramage stated that he would consider the application with an open mind.

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.

107 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 16th January 2018 be approved as a correct record and signed by the Chairman.

108 **QUESTION TIME**

INFORMATION: There were six statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application.

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

109 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 17/01937/FUL - St Mary the Virgin Parish Church, Church Street, Kelvedon 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 Development Manager's report, as amended below. Details of these 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>
*17/01912/FUL (APPROVED)	Little Yeldham	Mr Kevin Mortier	Conversion of agricultural barns to form 3 no. dwellings, Sewells Farm, North End Road.

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

Additional Conditions

- 12 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of proposed planting to the 'Blue Line' boundary as indicated on the submitted site plan and 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.

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.

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.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.
- 14 The new gate opening within the boundary wall as shown on Drawing No. PSSF 17/SITE/01 Rev D is not approved.
- 15 Prior to first occupation further details of the proposed reinstatement of the gate access as shown in principle on Drawing No. PSSF 17/SITE/01 Rev D shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 16 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.
- 17 No conversion shall be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.
- 18 Prior to the commencement of works utilising the materials as agreed within condition 17 of this permission, sample panels of 1 square metre minimum shall be erected on site to show areas of new, exterior walling, and approved in writing by the Local Planning Authority. Where appropriate, these panels

shall indicate:-

- brick bond, copings, mortar mix, colour and pointing profile
- render mix, finish and colour
- flintwork finish to be used

The approved sample panels shall be retained on site until the work is completed. The development shall be carried out in accordance with the approved sample panels and shall be permanently maintained as such.

- 19 No development shall commence until a schedule of repairs, with details of the proposed method of insulation and internal finishes, has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and thereafter retained.
- 20 Conversion of the buildings shall not be commenced until additional drawings that show details of proposed new windows (including roof lights), doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- 21 At the time of works, the new windows shall be in painted timber and without trickle vents. The windows shall be permanently maintained as such.
- 22 At the time of works, the new casement windows shall be in painted timber, flush meeting within the frames, with matching joinery for opening and fixed casements, and without trickle vents and shall be permanently maintained as such.
- 23 At the time of works, the window frames shall be set into the flint/brickwork by at least 70mm behind the face of the bricks and shall be permanently maintained as such.
- 24 No electricity, gas or water meter boxes shall be fixed to the external fabric of the building.
- 25 All rainwater goods shall be black and permanently maintained as such.

Additional Information to Applicant

- 3 Notwithstanding condition 15 above, depending on the extent of works required to reinstate the opening in the wall, it may be that separate listed building consent is required. The applicant is advised to seek advice from the Local Planning Authority once exact details for the reinstatement are known.

Councillor Peter Clayton and Councillor Michael Graham representing Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/01913/LBC (APPROVED)	Little Yeldham	Mr Kevin Mortier	Conversion of agricultural barns to form 3 no. dwellings, Sewells Farm, North End Road.

Councillor Peter Clayton and Councillor Michael Graham representing Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/01937/FUL (APPROVED)	Kelvedon	Parochial Church Council of St Mary the Virgin	Replacement of existing notice board with one in man-made timber, St Mary the Virgin Parish Church, Church Street.

110 **PLANNING APPLICATION REFUSED**

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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/01145/FUL (REFUSED)	Witham	Churchill Retirement Living	Redevelopment to form 60 retirement living apartments, including lodge manager's accommodation, communal facilities, access, car parking and landscaping, Former Bramston Sports Centre, Bridge Street.

Members of the Planning Committee were advised that as an appeal had been lodged with The Planning Inspectorate against the non-determination of this application the Local Planning Authority could not determine it.

The Planning Committee agreed, that if it had been able to determine the application, it would have been refused for the reasons contained in the Development Manager's report, as set out below:-

- 1 The development will involve the provision of a large scale residential

development on a site, substantial parts of which fall within Flood Zone 3a and Flood Zone 3b. In such locations, and in accordance with the Sequential Test, development within the "more vulnerable" category of flood risk is either inappropriate (Zone 3b) or only appropriate where it can meet the Exception Test (Zone 3a).

As the proposed development is one that could be accommodated on other sites at lower flood risk (within Witham's Town Boundary and elsewhere within development boundaries across the District) and as the development provides no wider sustainability benefits to the community that outweigh flood risk, the proposed development would be contrary to both national and local plan policy concerning flood risk as set out in policy CS8 of the adopted Core Strategy, policies LPP78 and LPP80 of the Publication Draft Local Plan, Section 10 (Meeting the Challenge of climate change, flooding and coastal change) of the National Planning Policy Framework (NPPF) and the Technical Guidance to the National Planning Policy Framework.

- 2 The Council considers that the application of restrictive policies involving land at risk of flooding indicate that development should be refused here, in accordance with footnote 9 of the National Planning Policy Framework (NPPF), as set out in the reason for refusal above.

Further, or alternatively, even if a tilted balance were to apply under paragraph 14 of the NPPF, whilst the Council acknowledge that it cannot currently demonstrate a 5 year supply of housing land, the Council considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

In this case, the Council recognises the benefits of allowing development but concludes that the adverse impacts, as set out below, significantly and demonstrably outweigh the benefits:

- The poor quality of the residential environment that would be enjoyed by prospective residents, as a consequence of the limited aspect to many of the flats; the deficiency in the amount of useable and private amenity space; the limited parking provision and the poor relationship with existing and planned neighbouring uses, all of which are indicative of an over-development of the site, contrary to policies RLP10, RLP19, RLP56 and RLP90 of the adopted Local Plan, policies SP6, LPP45, LPP50, LPP51 and LPP55 of the Publication Draft Local Plan and Section 7 (Requiring Good Design) of the NPPF.
- The poor quality of the design of the proposed building due to the enormity of its footprint, the monotony and lack of architectural interest or identity to its elevational treatment and its unresponsiveness to the form, grain, scale and character of existing development, all to the detriment of the character of the local area, failing to preserve or enhance the character of the Witham Conservation Area, contrary to policies RLP 90 and RLP95 of the adopted Local Plan, policy CS9 of the adopted Core

Strategy, policies LPP50, LPP55 and LPP56 of the Publication Draft Local Plan and Sections 7 (Requiring Good Design) and 12 (Conserving and Enhancing the Historic Environment) of the NPPF.

- The inability, due to the scale of built development and associated hard surfacing, to make provision for any effective landscaping, resulting in a development which presents a harsh new built edge to this part of the town, detracting from the appearance and amenity value of the River Walk which abuts the site to the east, contrary to policy RLP86 of the adopted Local Plan, policy LPP53 of the Publication Draft Local Plan and Section 8 (Promoting Healthy Communities) of the NPPF.
 - The inability to secure sufficient flood risk mitigation without relying on land beyond the application site and/or outside the applicant's control, contrary to policy CS8 of the adopted Core Strategy, policies LPP78 and LPP80 of the Publication Draft Local Plan, Section 10 (Meeting the Challenge of climate change, flooding and coastal change) of the NPPF and the Technical Guidance to the National Planning Policy Framework.
 - The failure of the proposal to secure the required contribution towards affordable housing and public open space/enhancement, contrary to policies CS2 and CS10 of the Braintree District Core Strategy and policy RLP138 of the Braintree District Local Plan Review.
- 3 Policy CS2 of the Braintree District Core Strategy states that affordable housing (or where appropriate, a financial contribution in lieu of such provision) shall be provided by the developer as part of major residential schemes. In addition, policy CS10 of the Core Strategy and policy RLP138 of the Local Plan require proposals for new residential development to make provision for publicly accessible green space or improvements to existing accessible green space. The Council has adopted an Open Space Supplementary Planning Document which sets out the process and mechanisms for the delivery and improvement of open space in the District. In this case, the contributions sought would be £789,462 in lieu of affordable housing provision and £49,320 in relation to open space provision/enhancement.

These contributions would need to be secured through a Section 106 Agreement. It has not been demonstrated that the scheme would become unviable were these contributions to be made and, accordingly, in the absence of a Section 106 Agreement to secure them, the proposed development would be contrary to the policies referred to above.

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 8.49pm.

Councillor Mrs W Scattergood
(Chairman)

APPENDIX

PLANNING COMMITTEE

30TH JANUARY 2018

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 17/01145/FUL - Former Bramston Sports Centre, Bridge Street, Witham
 - (i) Statement by Mr Paul Ryland (address not supplied) (Objector)
 - (ii) Statement by Mr Chris Geddes, Planning Issues Ltd, Millstream House, Parkside, Ringwood, Hampshire BH24 3SG (Agent)
- 2 Statements Relating to Application Nos. 17/01912/FUL and 17/01913/LBC - Sewells Farm, Little Yeldham
 - (i) Statement by Mr Peter Gentry, 68 Little Yeldham Road, Little Yeldham (Objector)
 - (ii) Statement by Mr Roderick Braithwaite, Chestnut Cottage, Church Green, Little Yeldham (Objector)
 - (iii) Joint statement by Councillor Peter Clayton (Vice Chairman) and Councillor Michael Graham for Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council, c/o Mr Adrian Corder-Birch, Clerk to Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council, Rustlings, Howe Drive, Halstead
 - (iv) Statement by Mr Mark Homer, Pocknell Studio Ltd, East Barn, Blackmore End, Braintree (Agent)