

# Minutes

## Planning Committee

2nd January 2018



### Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Mrs I Parker	Apologies
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		

Councillor J Abbott (until 8.42pm) and Councillor Mrs J Pell (until 8.04pm) were also in attendance.

### 95 **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. 17/01304/OUT - land off Church Street, Bocking, Braintree as Dr Siegfried Schmitt, who was speaking at the meeting during Question Time, was the husband of an Elected Member of Braintree District Council and he was known to some of them.

Councillor Mrs Scattergood declared a joint non-pecuniary interest also in Application No. 17/01854/FUL - land at Canberra, Hedingham Road, Gosfield as Mr Matthew Wood, who was speaking at the meeting during Question Time, was a former employee of Braintree District Council and he was known to them.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 17/01304/OUT - land off Church Street, Bocking, Braintree as several people who had submitted representations about the application were known to her. Councillor Mrs Bowers-Flint stated that she had not discussed the application with them. Councillor Mrs Bowers-Flint declared a non-pecuniary interest also in Application No. 17/01664/OUT - land adjacent to Crowbridge Farm, Chapel Hill, Halstead as Mr Peter Caulfield, who was speaking at the meeting during Question Time, was known to her through her previous employment.

Councillor D Mann declared a non-pecuniary interest in Application No. 17/01304/OUT - land off Church Street, Bocking, Braintree as a significant number of

residents who had submitted representations about the application were known to him. Councillor Mann stated that he had restricted his conversations with these residents to general policy matters and that he had not expressed a personal view.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 17/01304/OUT - land off Church Street, Bocking, Braintree as she had accepted hospitality from Councillor Mrs Wendy Schmitt and Dr Siegfried Schmitt in the past.

Councillor P Schwier declared an enhanced non-pecuniary interest in Application No. 17/01935/FUL - 64 Little Yeldham Road, Little Yeldham as the applicants were known to him. Councillor Schwier left the meeting when the application was considered and determined.

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.

96 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 12th December 2017 be approved as a correct record and signed by the Chairman.

97 **QUESTION TIME**

**INFORMATION:** There were twelve 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.

98 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 17/01416/FUL - 4A Temple Lane, Silver End; 17/01516/FUL - 27 Valentine Way, Silver End; 17/01666/FUL - 8 Boars Tye Road, Silver End; and 17/01751/FUL - 23 Mortimer Way, Witham 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>
*17/01416/FUL (APPROVED)	Silver End	Mrs Fiona Halloran	Replacement windows, 4A Temple Lane.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*17/01516/FUL (APPROVED)	Silver End	Greenfields Community Housing	Installation of concrete strip driveway across the front garden and extension of existing dropped kerb across the greensward, 27 Valentine Way.

The Committee approved this application, subject to the description of the proposed development being amended as follows:-

**Amended Proposed Development**

Installation of concrete strip driveway across the front garden and extension of existing dropped kerb across the greensward.

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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>
*17/01666/FUL (APPROVED)	Silver End	Mr Iain Ashford	Replacement windows, 8 Boars Tye 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>
*17/01751/FUL (APPROVED)	Witham	Mr Hacı Cayir	Proposed garage conversion, 23 Mortimer Way.

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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>
*17/01935/FUL (APPROVED)	Little Yeldham	Mr and Mrs McLean	Change of use/extension to approved commenced building (under 13/00336/FUL) to form annexe, 64 Little Yeldham Road.

The Committee approved this application, subject to the amendment of Condition Nos. 2 and 5 and an additional Condition as follows:-

**Amended Conditions**

- 2 Notwithstanding the approved plans listed above, the following elements are

specifically excluded:-

All the first floor windows [five rooflights; the dormer window and first floor window in the gable] shown on plan 17/49/01.

No development shall take place until revised plans have been submitted to and approved in writing by the local planning authority showing the omission of all first floor windows and openings. Development shall be carried out in accordance with the approved details.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, other than the windows indicated at ground floor level on the approved plans shall be constructed in the annexe hereby permitted without first obtaining planning permission from the local planning authority.

#### Additional Condition

- 7 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 64 Little Yeldham Road, Little Yeldham. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

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

## 99 **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>
*17/01671/REM (APPROVED)	Cressing	Bellway Homes Ltd	Reserved matters planning application for the approval of scale, appearance, layout and landscaping in relation to outline application permission 16/00397/OUT for the erection of 118 dwellings, access into the site from Mill Lane and the creation of a pedestrian footway link to Cressing Station, via Bulford Mill Lane, land East of Mill Lane.

**DECISION:** That, subject to the applicant entering into a suitable supplemental legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Head of Terms:-

- Footpath/cycleway links into the adjoining site

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 two additional Conditions as follows and to the list of Approved Plans circulated at the meeting:-

#### Additional Conditions

- 15 Construction of any buildings shall not be commenced above ground level until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented 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.

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

## 100 **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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/01304/OUT (REFUSED)	Braintree	Gladman Developments Ltd	Outline planning permission for up to 300 residential dwellings (including 30% affordable housing), planting, landscaping, informal public open space, children's play area and

sustainable drainage system (SuDS). All matters reserved with the exception of access, land off Church Street, Bocking.

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. In two corrections to the report, Members of the Committee were advised that over 600 representations had been submitted regarding the application; and that the target for affordable housing provision was 30%, not 40%.

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 One of the core principles set out in the National Planning Policy Framework (NPPF) is that planning should recognise the intrinsic character and beauty of the countryside. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy CS5 of the Core Strategy seeks to strictly control new development to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy CS8 of the Core Strategy states, 'development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance within the Landscape Character Assessment'. The Council's Landscape Character Assessment includes planning guidelines for the area, which includes the application site. The guidelines are to:

- o Consider the visual impact of new residential development and farm buildings upon valley slopes
- o Maintain cross valley views and characteristic views across and along the valley
- o Ensure any new development on the valley sides is small scale, responding to historic settlement patterns, landscape setting and locally distinctive building styles.

Policy RLP80 of the Braintree District Local Plan Review states that development that would not successfully integrate into the local landscape will not be permitted.

Policy RLP90 of the Local Plan Review requires development to recognise and reflect local distinctiveness.

Policy LPP1 of the Publication Local Plan seeks to control development outside development boundaries to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside.

Policy LPP72 of the Publication Local Plan seeks to protect defined areas between settlements and requires proposals to demonstrate that the development is to be located on an area which has the least detrimental impact to the character of the countryside and does not reduce the visually sensitive buffer between settlements or groups of houses.

The proposal would have a significantly adverse impact upon the landscape and character of the area. The proposal would introduce a sizeable new development to an area of open countryside and of landscape quality which positively contribute to the rural setting and amenity of the neighbouring settlements. The location of the site and topography of the land are such that any development on this site would have a harmful impact upon the distinctive rural character and appearance of the area. The development would result in the coalescence of the settlements of Church Street Bocking and High Garrett, and would harm the individual character and nature of the settlements and the loss of their separate identities.

It is therefore considered that the proposal fails to take account of the function the site serves in landscape terms and would be harmful to a valued landscape, the intrinsic character and beauty of the countryside, failing to perform the environmental role of sustainability, contrary to the guidance at paragraph 109 of the NPPF and policies outlined above.

Further, or alternatively, even if the tilted balance were to apply under paragraph 14 of the NPPF, the adverse impacts of the development; namely the harm to designated heritage assets; the failure to satisfactorily assess the impacts on highways safety; the shortcomings of the development in terms of access to services; the uncertainty as to the management of surface water run-off and flood risk; the harm arising from development of an area which serves an important function in preventing the coalescence of distinct settlements, are considered, cumulatively, to significantly and demonstrably outweigh the benefits of the development.

- 2 Paragraph 32 of the NPPF requires that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that could effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate significant traffic movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

Policy RLP53 of the Braintree District Local Plan Review states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exist and the layout of the developments has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

The current application provides insufficient information to demonstrate that the likely impact on the highway network caused by the proposal would not have unacceptable consequences in terms of highway capacity and safety.

The proposal is therefore contrary to the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, together with Policy RLP53 of the Local Plan, Core Strategy Policy CS7, and Policy LLP44 of the Publication Local Plan.

- 3 Planning policy as set out in the NPPF and Policies RLP69 of the Local Plan Review and LLP80 of the Publication Local Plan seek to ensure that sustainable drainage systems for the management of surface water run-off are put in place and that development will not increase flood risk on site or elsewhere.

The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case insufficient information has been submitted to address the issue of surface water run-off and flood risk in order to demonstrate that the proposed development will not give rise to an increased flood risk on site or beyond the site. The proposal therefore fails to accord with the policies referred to above.

- 4 Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide or contribute towards the cost of improvements to community facilities and infrastructure appropriate to their location.

Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District.

The proposed development would trigger the requirement for:

- The delivery of affordable housing on site;
- A financial contribution towards childcare, early years and primary and secondary school places;
- A financial contribution towards health services;
- The provision, maintenance and delivery of public open space.



These requirements would be secured through a Section 106 Agreement. At the time of issuing this decision a Section 106 Agreement had not been prepared or completed. As such the proposal is contrary to the above policies and adopted SPD.

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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>
*17/01664/OUT (REFUSED)	Halstead	Go Homes Ltd	Outline application for up to 70 dwellings with associated infrastructure and public open space, land adjacent to Crowbridge Farm, Chapel Hill.

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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>
*17/01854/FUL (REFUSED)	Gosfield	Mr Gavin Stock	Construction of a semi-detached pair of dwellings with associated car parking, garden space and associated development, land at Canberra, Hedingham Road.

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 9.25pm.

Councillor Mrs W Scattergood  
(Chairman)

APPENDIX

PLANNING COMMITTEE

2ND JANUARY 2018

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 17/01304/OUT - Land off Church Street, Bocking, Braintree
  - (i) Statement by Dr Siegfried Schmitt, 19 Hadley Close, Bocking, Braintree (Objector)
  - (ii) Statement by Mr Terry Surrey, 7 Grove Field, High Garrett, Braintree (Objector)
- 2 Statements Relating to Application No. 17/01664/OUT - Land adjacent to Crowbridge Farm, Chapel Hill, Halstead
  - (i) Statement by Mr Peter Caulfield, 30 Sloe Hill, Halstead (Objector)
  - (ii) Statement by Mr Campbell Hair, 29 Sloe Hill, Halstead (Objector)
- 3 Statements Relating to Application No. 17/01671/REM - Land East of Mill Lane, Cressing
  - (i) Statement by Mr Richard Simpson, Fielding House, Mill Lane, Cressing (Objector)
  - (ii) Statement by Councillor James Abbott, Braintree District Councillor for Silver End and Cressing Ward and also representing Cressing Parish Council, 1 Waterfall Cottages, Park Road, Rivenhall (Objector)
  - (iii) Statement by Miss Jen Carroll, Strutt and Parker, Coval Hall, Chelmsford (Agent)
- 4 Statements Relating to Application No. 17/01854/FUL - Land at Canberra, Hedingham Road, Gosfield
  - (i) Statement by Mrs Hannah Whale, Silverlink Cottage, Hedingham Road, Gosfield (Objector)
  - (ii) Statement by Mr Matthew Wood, Phase 2 Planning and Development Ltd, 250 Avenue West, Skyline 120, Great Notley, Braintree (for Applicant)

5     Statements Relating to Application No. 17/01935/FUL - 64 Little Yeldham Road, Little Yeldham

- (i)     Statement by Mr Peter Gentry, 68 Little Yeldham Road, Little Yeldham (Objector)
- (ii)    Statement by Councillor Michael Graham, for Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council, c/o Mr A Corder-Birch, Clerk to Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council, Rustlings, Howe Drive, Halstead (Objector)
- (iii)   Statement by Mr Dean Pearce, Dean Jay Pearce Architectural Design and Planning Ltd, 2/3 Milestone House, Hall Street, Long Melford, Suffolk (Agent)