

Minutes

Planning Committee

26th May 2009

Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Apologies
J C Collar	Yes	Lady Newton	Apologies
Mrs E Edey	Yes	J O'Reilly-Cicconi	Yes
Ms L B Flint	Yes	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Apologies	Mrs L Shepherd	Yes
Mrs B A Gage	Apologies	Mrs G A Spray	Yes
Mrs M E Galione	Apologies		

21 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor D Mann declared a personal interest in Application No. 09/00227/FUL – 2 Hall Drive, Gosfield - as both the applicant and an objector were known to him.

Councillor J E Abbott declared a personal interest in Application No. 09/00328/FUL – 4 Broadway, Silver End - as the applicant was known to him.

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

22 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 31st March 2009 be approved as a correct record and signed by the Chairman.

23 QUESTION TIME

INFORMATION: There were six statements made, a summary of which is contained in the Appendix to these Minutes.

Any amendments to the Officers' recommendations having taken into account the issues raised by members of the public would be dealt with by conditions, a summary of which is contained within the appropriate minute. Full details of the Decision Notices are contained in the Register of Planning Applications.

24 SECTION 106 AGREEMENT

DECISION: That, subject to the applicant entering into a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover a financial contribution of £10,995 towards local highway improvements, to either bus stops or pedestrian crossing; a financial contribution of £25,561 towards the provision of a footway/cycleway through John Ray Park; an education contribution of £296,334; provision of 20 affordable dwellings, as set out in the Affordable Housing Allocation Plan; a financial contribution of £23,250 towards play equipment off-site within the John Ray Park; a maintenance plan for the internal public open space and the carrying out of that plan by the management company for the completed units; and complying with the Considerate Constructor scheme, the Head of District Development be authorised to grant planning permission for the following development, in accordance with the conditions and reasons set out in his report, as amended below. Alternatively, in the event that a suitable planning obligation is not provided by the target date for determining this application, the Head of District Development be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00270/FUL (APPROVED)	Braintree	Barratt Homes	Demolition of existing buildings and a Residential development of 65 no. dwellings with access and parking, Rifle Hill Works, Rifle Hill.

25 PLANNING APPLICATIONS APPROVED

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 contained in the Head of District Development's report, as amended below, details of which are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00322/FUL (APPROVED)	Braintree	Braintree Healthcare Ltd	Resubmission of 08/00655/FUL to include design changes – Extension of Fern Lodge to provide additional building for C2 uses to accommodate 10 residents with associated facilities, Fern Lodge, Broad Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00396/FUL (APPROVED)	Braintree	Mr C Hoy & Ms T Birrell	Conversion of existing two storey side extension to form separate two bedroom dwelling, 28 Mountbatten

Road.

The above application was approved, subject to the amendment of Condition 4 as follows:

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of either dwelling-house/provision of any building within the curtilage of either dwelling-house, as permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00440/FUL (APPROVED)	Cressing	Gary Cottee	Erection of single storey dwelling with vehicular access to Jeffreys Road, Land West of 1 Jeffreys Road.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00328/FUL (APPROVED)	Silver End	Mr C Ryland	Erection of one no. detached two bedroom dwelling and off street parking, Land Adjacent 4 Broadway.

The above application was approved, subject to an additional Condition as follows:-

10. The proposed parking space shall be set back 1.5 metres from the highway boundary of the site.

26 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons set out below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01331/FUL (REFUSED)	Gosfield	Mr M Butler	Change of use from open countryside to D2 Leisure and Assembly Use for a paintball facility, Land North of Little And Great Aldercar Woods, Braintree Road.

The Committee refused this application for the following reasons:-

The application site is located in an area of countryside and within a Special Landscape Area in the adopted Local Plan, the Braintree District Local Plan Review 2005. In such a location, saved Policy RLP78 of the Plan seeks to safeguard the countryside for its own sake, particularly for its landscapes, natural resources and areas of ecological, historic, archaeological and recreational value. Saved Policies RLP79 and RLP80 of the Plan seek to safeguard the traditional rural qualities of the countryside, its landscape features and habitats. Saved Policy RLP62 is also relevant in this case as it concerns development likely to give rise to the risk of pollution, including noise impacts.

It is considered that insufficient information has been submitted to clearly determine i) the geographical extent of the paintball activities, ii) the noise impacts of the use or iii) the impact of the development upon the ecological value of the site. In the absence of such information, it is considered that the extent of the site and the frequency of paintball activities create the potential for an unacceptable detriment to the quiet rural landscape qualities of the setting, the ecological value of the site and the amenity of neighbouring residential premises contrary to the policies referred to above.

27 PLANNING APPLICATIONS DEFERRED

DECISION: That the undermentioned planning applications be deferred for the reasons stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00227/FUL (DEFERRED)	Gosfield	Mr & Mrs R Edwards	Erection of extension and alterations to create an additional dwellinghouse, 2 Hall Drive.

The Committee deferred this application pending further investigation into the impact on the tree covered by a Tree Preservation Order.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00426/FUL (DEFERRED)	Witham	Mr Taiwo Ajayi, Braintree District Council	Proposed perimeter fencing, Sports Ground, Stevens Road.

The Committee deferred this application pending further investigation into the justification for retaining a gated access and the practicality of limiting the use of the gates to authorised users.

28 PLANNING APPEAL DECISIONS

INFORMATION: Consideration was given to a report, for information, on planning appeal decisions received during April 2009. The report included a summary of each case and a précis of the decision.

DECISION: That the report be noted.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Head of District Development, 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 9.50pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

26TH MAY 2009

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Peter Biggs, Barratt Homes, 7 Springfield Lyons Approach, Springfield, Chelmsford
Application No. 09/00270/FUL – Rifle Hill Works, Rifle Hill, Braintree

Mr Biggs explained that the proposal was for a total of 65 dwellings with associated open space and car parking. The scheme follows from discussions with Planning Officers since the appeal was dismissed for the original application for 89 dwellings. The original scheme was criticised by the Inspector on the basis that the bulk and span of the apartment buildings created a development of two halves, together with the amount of amenity space for the two bedroom apartments. Mr Biggs felt it was helpful to note that the Inspector commented that the existing buildings were in a poor state and of no visual asset to the surrounding area, this would continue to get worse the longer the redundant buildings remained. The scheme was then reviewed in light of the Inspector's decision and the specific concerns raised, primarily the apartments had been redesigned to create a bespoke design enclosing the central courtyard. The bulk and span of the apartments had been reduced and the roof pitches were the same as for the housing. Mr Biggs considered there was now a consistent design approach throughout the scheme. The housing proposed along the western boundary was generally the same as the previous scheme; a mews had been created along the southern half of the site creating a more informal area different to the rest of the scheme. The introduction of the new layout has not only sought to overcome the Inspector's concerns but Mr Biggs felt had created a scheme that will create interest and a sense of place for the scheme. The number of dwellings has been reduced in order to address the issues of amenity space and parking. Mr Biggs hoped that the revised scheme would find favour with Members and approval granted.

2. Statement by Dr Till Medinger, Aldercar, 1 Braintree Road, Gosfield
Application No. 08/01331/FUL – Land North of Little and Great Aldercar Woods, Braintree Road, Gosfield

Dr Medinger objected very strongly to this application. He noted that the application should not be approved except as an exception if it had no detrimental impact on residential amenity. Dr Medinger considered his amenity would definitely be impacted and explained that when he left full time employment in London, his wish was to find privacy and seclusion when he relocated to Gosfield. He took great care to carry out detailed searches to ensure that the area would be as secluded and private as he expected. He was aware that there would be shooting but accepted this was a country activity and would only take place a few days a year. Dr Medinger was horrified to discover less than a month after moving in that there was a retrospective planning application for 125 days of people shouting and screaming

paintballing, 200 yards from his property. The plans that were given showed a wood separating the activity from his property however Dr Medinger stated that the wood was used for the paintballing and the trees were deciduous therefore they would not shield his property from the noise in winter. The application site was also clearly visible from his land but his main concern was the noise that the activity would create together with slamming doors and people shouting. Dr Medinger considered the process by which the application was managed was very poor and could not understand how, since his property was closest to the application site, he was not informed of the application. Dr Medinger referred to other land on the far side of the application site that could have been used for the activity proposed less close to other residential properties. Finally, Dr Medinger was concerned that further applications would be forthcoming should approval be granted.

3. Statement by Mr C Paggi, 23 Meadway, Gosfield.
Application No. 09/00227/FUL – 2 Hall Drive, Gosfield

Mr Paggi objected to the application but explained that he was not directly affected by the development as he did not live adjacent. He also had nothing against the applicants and had no personal gain whether the application was approved or refused. He objected as he cared about the village he grew up in and considered the application to be inappropriate in a very prominent site adjacent to a conservation area and registered park and garden. Mr Paggi had two key objections to the proposal, firstly the application would result in a very substantial increase in the two storey built form across the site leading to the proposal looking cramped and contrived and out of keeping with the character of the neighbouring development. The proposal was for a large two storey extension to the side of the property which would significantly encroach upon Meadway, out of keeping with the existing low level pattern of development, characterised by single storey bungalows. His second reason was that planning permission was refused for a residential development at 1 Meadway, opposite this application site, and was dismissed at appeal. Mr Paggi referred to the Council's decision notice which stated that the properties fronting Hall Drive sit in large plots and that the proposed dwelling would introduce a more visually prominent form of development that would be detrimental and out of keeping with the open low level pattern of development. This decision was upheld by the Planning Inspector at appeal. Mr Paggi outlined a number of similarities between the appeal application and the one before the Committee this evening. Mr Paggi respected the officers who had written the report, nevertheless he found it disappointing that the appeal decision on the adjacent site had been dismissed out of hand. He considered the reasons for approving the application set out in the report meant it was an on balance recommendation. Mr Paggi concluded that this application represented an inappropriate overdevelopment of the site, very similar to the previously refused application for the adjacent site, and hoped the Councillors would go against officer recommendation and refuse the application.

4. Statements Relating to Application No. 09/00426/FUL – Sports Ground, Stevens Road, Witham

(i) Statement by Mr R Norton, 13 Stevens Road, Witham

Mr Norton introduced himself as the Neighbourhood Watch coordinator for Stevens Road and objected to the retention of the gates in Stevens Road for access. He referred to the original proposal which was heard in 2005 when it

was stated that the gates would be removed when all works for the new sports field and technology centre were finished and the old sports pavilion taken down. There was then a retrospective application for the gates to be retained which was withdrawn in 2007. Mr Norton explained there was access from the new car park via 3m gates internally in the sports field. The grass cutters used one gate in Stevens Road. He failed to see why the main gates were required when he had been informed they were only temporary until the pavilion was demolished. Mr Norton noted that the fencing was continually vandalised and not maintained. He spoke on behalf of many local residents who could not attend the meeting as they were on holiday or had young children.

(ii) Statement by Mr Pease, 1 Stevens Road, Witham

Mr Pease advised that he had lived in Stevens Road since 1973, at which time the playing fields were almost finished. Conifer trees were then planted down Stevens Road and a chain link fence erected around the whole area from Stevens Road to the rear of the Hatfield Road estate behind the former Bridge Hospital to Spinks Lane. One entrance was the gates in Stevens Road and one into the all weather pitch where the new pavilion and technology centre is now situated. The fencing was gradually vandalised and as it was not repaired it became the open space it is today. In the past, stolen cars have been driven onto the field and set alight, cars had been parked on the road in order that people could play on the football pitches without paying for them. Mr Pease stated that the fencing must be erected and the gates removed and landscaped instead, part of the original planning permission. He considered that to say that the gates are required for emergency access and maintenance is nonsense. He referred to Condition 7 of the original planning permission which stated that following the discharge of the condition and subsequent implementation of the scheme, within one year of the demolition of the existing pavilion building that the access would be completely closed off which together with landscaping involves the erection of a 2.5m high weld mesh fencing to the boundary. Mr Pease went on to say that contrary to correspondence from Braintree District Council he had been assured that the Stevens Road entrance would be completely closed off.

(iii) Statement by Mr A Baker, 8 Stevens Road, Witham

Mr Baker supported the previous two speakers. He stated that he had lived in Stevens Road since the house was built nearly 40 years previously. A feature of the original plan was the replacement of the small existing entrance located in Stevens Road which gave access to the Bramston sports field. This was done by constructing a wide entrance from the main road that is in Spinks Lane to cater for all vehicles. This replacement entrance was designed by expert consultants and is now in constant use. The current application seeks to put back the Stevens Road entrance, if this is granted it will be perceived as providing another general entrance and the narrow road will once again be clogged with vehicles, obstructed driveways etc. Mr Baker was concerned that emergency vehicles would have serious difficulties accessing residents' properties. Furthermore the gates seemed to be a magnet for gangs of youths, particularly after dark. The present gates were badly damaged due to being rammed by vehicles. Mr Baker referred to the neighbour and

community consultation detailed in the officer's report however Mr Baker had not been approached and did not believe his neighbours had either. He considered that if the gates were replaced as proposed his quality of life would be seriously affected, adding that he was 85 years of age and a World War II veteran. He asked that the quality of life of local people was put first before the convenience of Council employees and that the application be rejected.