

Minutes

Planning Committee

19th July 2016



Present

| Councillors | Present | Councillors | Present |
|--------------------|-----------|------------------------------|---------|
| R Bolton | Apologies | 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 | | |

41 **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. 16/00661/FUL - Garage Site, Lancaster Way, Braintree as an objector, who was speaking during Question Time, was known to most of them as a former elected Member of Braintree District Council.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 15/01515/FUL - Lanham Manor Farm, Lanham Farm Road, Cressing as a number of the objectors were known to her and the applicant was a client of her employer. Councillor Mrs Bowers-Flint left the meeting when the application was considered and determined.

Councillor Lady Newton declared non-pecuniary interests in the following applications for the reasons stated:-

Application No. 15/01193/FUL - Land between London Road and East of Pods Brook Road, Braintree as the Cabinet Member for Planning and Housing with responsibility for affordable housing.

Application No. 15/01515/FUL - Lanham Manor Farm, Lanham Farm Road, Cressing as the applicant and his family were known to her; and as the elected Member for the Braintree Eastern Division of Essex County Council which incorporated Cressing. Councillor Lady Newton stated that she would abstain from voting on this application.

Application No. 16/00346/FUL - Land adjacent to 38 Hunt Close, Feering as the elected Member for the Braintree Eastern Division of Essex County Council which incorporated Feering.

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 15/01515/FUL - Lanham Manor Farm, Lanham Farm Road, Cressing 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.

42 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 5th July 2016 be approved as a correct record and signed by the Chairman.

In considering Minute 39 - Section 106 Agreement (Application No. 15/01584/FUL - Polly's Field, land between 76-110, Church Lane, Braintree), the Development Manager was requested to ensure that the Committee's concerns about the external lighting of the site, particularly the height of light columns and lux levels, were properly addressed in accordance with Condition No. 21 (internal and external lighting scheme). This Condition would require the applicant to submit a detailed lighting strategy to the Local Planning Authority for approval.

43 **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.

44 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 16/00685/FUL - Ostlers Barn, Bulmer Street, Bulmer; 16/00942/FUL - 17-19 High Street, Earls Colne; 16/00943/LBC - 17-19 High Street, Earls Colne; and 16/00863/FUL - 6A Temple Lane, 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.

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|-----------------------------|------------------------|----------------------------|--|
| *15/01407/FUL (APPROVED) | Alphamstone | Mr J McGlashan | Erection of tree house to be used as a holiday let, land at Parkhill Wood, Lamarsh Road. |

The Committee approved this application, subject to the amendment of Condition Nos. 3 and 8 and the addition of two Conditions and an Information to Applicant as follows:-

Amended Conditions

3. The accommodation hereby permitted shall only be occupied on the following basis –
 - (i) the treehouse shall be occupied for holiday purposes only;
 - (ii) the treehouse shall not be occupied as a person's sole, or main place of residence;
 - (iii) the treehouse shall not be occupied by any lessee, tenant, or guest for any period exceeding 28 days consecutively, or cumulatively within any calendar year;
 - (iv) the treehouse shall not be sold, transferred, or otherwise disposed of except by way of a disposal comprising the whole of the site edged in blue on the approved plans;
 - (v) the owner/operator shall maintain an up-to-date register of the names of all occupiers of the treehouse, and of their main home addresses, and shall make this information available to the Local Planning Authority at all reasonable times on request.
 - (vi) should the use of the treehouse for holiday purposes cease, the treehouse shall be dismantled and all materials removed from the site within six months of the use ceasing.

8. There shall be no vehicular parking for occupants, or visitors of the treehouse on the Southern side of Lower Green. Off road vehicular parking for guests of the treehouse hereby permitted shall only be provided at the yards adjacent to the buildings at Coppins Farm.

Additional Conditions

12. No external lighting shall be provided within the application site.

13. Development shall not be commenced until details of the proposed chimney / flue 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.

Additional Information to Applicant

4. You are advised that the granting of planning permission does not absolve you

from complying with the relevant law regarding Building Regulations. The applicant is advised to discuss compliance with the Building Regulations with an approved Building Inspector at the earliest opportunity.

Councillor Andrew Marsden, representing Alphamstone and Lamarsh 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> |
|-----------------------------|------------------------|----------------------------|---|
| *16/00661/FUL (APPROVED) | Braintree | Mr M Looker | Demolition of existing garages and erection of 7 no. apartments contained within one block, Garage Site, Lancaster Way. |

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|-----------------------------|------------------------|----------------------------|--|
| *16/00685/FUL (APPROVED) | Bulmer | F Dawson | Proposed replacement of 'turkey shed' with new steel framed building, Ostlers Barn, Bulmer Street. |

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|-----------------------------|------------------------|----------------------------|--|
| *16/00942/FUL (APPROVED) | Earls Colne | Mr and Mrs Preston | Erection of single storey rear extension, 17-19 High Street. |

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|-----------------------------|------------------------|----------------------------|--|
| *16/00943/LBC (APPROVED) | Earls Colne | Mr and Mrs Preston | Erection of single storey rear extension, 17-19 High Street. |

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|-----------------------------|------------------------|----------------------------|---|
| *16/00346/FUL (APPROVED) | Feering | Mr and Mrs A Parr | Erection of one no. dwelling, land adjacent to 38 Hunt Close. |

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|-----------------------------|-----------------|---------------------|--|
| *16/00863/FUL (APPROVED) | Silver End | Mrs T Whitfield | Replacement of 7 no. windows, 6A Temple Lane. |

45 **SECTION 106 AGREEMENT**

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|-----------------------------|-----------------|--|--|
| *15/01193/FUL (APPROVED) | Braintree | Countryside Properties (UK) Ltd and Mr Hawkes | Erection of 215 residential dwellings, new vehicular access from London Road in the form of a new roundabout, public open spaces, play spaces, pedestrian and cycle links, extension to Braintree River Walk and landscaping on land at London Road, Braintree, land between London Road and East of Pods Brook 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)
- Allotments – Financial contribution of £6,182.75 towards allotment provision improvements at Rose Hill, Braintree
- Cycleway/Pedestrian Link – To enable the Council to construct a footbridge and/or cycleway bridge in the North-West corner of the site, near to Pods Brook Road, Braintree
- Off-Site Cycleway Signage/Improvements - Prior to occupation of the first dwelling the applicant shall make a contribution of £75,000 towards improvements to cycleway signage and off-site cycle parking
- Education - Financial contribution for primary education
- Footpath Connections - To connect footpaths within the site to the Public Right of Way at the South-Western corner of the site and to connect the new footpath running to the Southern boundary with the Public Right of Way (Footpath 73) to the South of the site
- Health – A financial contribution of £60,600 to be used towards improving capacity, or the relocation of either the Mount Chambers or St Lawrence surgeries
- Public Open Space: On Site – To be transferred to a Management Company (funded by future residents) for on-going maintenance
- Public Open Space: Off Site – A financial contribution of £194,828.04 towards outdoor sports provision, to be spent on the provision of a 3G Artificial Training Pitch in the town of Braintree

- Public Art – A package of ‘sculptures’ to be installed within the Public Open Space on 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 the amendment of Condition No. 35 and the addition of four Conditions as follows:-

Amended Condition

35. Prior to first use of the construction access, the access and associated highways works shall be implemented as shown in principle on drawing 14-358/010 dated DEC 15, details of which shall have been submitted to and approved in writing with the Local Planning Authority. The works shall include, but not be limited to, visibility splays of 4.5 metres by 215 metres and a kerb island in the centre of Pods Brook Road to prevent right turning. Upon completion of the development, the temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and kerbing.

Additional Conditions

41. Details of 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.
42. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The details shall be provided in the form of site plans showing existing site contours, proposed site contours and finished floor levels for each building. The development shall be carried out in accordance with the approved levels.
43. No dwelling shall be occupied until the refuse bins and, where applicable, storage areas and collection points for that dwelling have been provided and are available for use.
44. Before construction above ground level of any dwelling containing a flat or apartment, which forms part of the development hereby approved, details of

post boxes for each flat / apartment should be 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.

46 **PLANNING APPLICATION DEFERRED**

DECISION: That the undermentioned planning application be deferred to obtain confirmation from Essex County Council Highways that they have carried out an adequate examination of the junction between Lanham Farm Road and Lanham Green Road, Cressing and the potential effect of the application and its proposed use on this junction. 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> |
|-----------------------------|------------------------|----------------------------|---|
| *15/01515/FUL (DEFERRED) | Cressing | Mr Simon Dixon-Smith | Demolition of barns (B) and (E), construction of new building (F), use of building for Class B1 and change of use of agricultural buildings for Class B1 use, replacement of building E for parking, proposed new internal road, creation of parking spaces and landscaping, Lanham Manor Farm, Lanham Farm Road. |

Councillor James Abbott, District Councillor for Silver End and Cressing Ward, attended the meeting and spoke against this application.

47 **PLANNING APPLICATION REFUSED**

In considering this application, Councillors were advised that following publication of the Agenda the applicant had submitted additional information regarding visibility splays. This information had been considered by Essex County Council Highways, who had recommended a reason for refusal on highway grounds.

DECISION: That the undermentioned planning application be refused for the reasons contained in the Development Manager's report, as amended below. 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> |
|----------------------------|------------------------|----------------------------|---|
| *16/00931/FUL (REFUSED) | Pentlow | New 2U Homes Ltd | Erection of 1 no. detached and 2 no. semi-detached two storey dwellings with a detached cartlodge |

outbuilding together with
new vehicular accesses,
land North of School Road.

The Committee refused this application, subject to an additional Reason for refusal as follows:-

Additional Reason for Refusal

4. The proposal fails to demonstrate that adequate visibility can be achieved along School Road, given the need to relocate the existing telephone box, which is beyond the control of the applicant and no details have been provided to satisfy the Local Planning Authority that this relocation can be achieved. In addition, the application fails to demonstrate that access is achievable to plot 3 given the road from which access is shown to be served is not a public highway. The proposal is therefore of detriment to highway safety and contrary to policy DM1 of the Highways Authority's Development Management Policies (2011) and Policy RLP90 (viii) of the Local Plan Review which promotes safe and secure designs and layouts.

48 **PLANNING AND ENFORCEMENT APPEAL DECISIONS – JUNE 2016**

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during June 2016. 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 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 9.56pm.

Councillor Mrs W Scattergood
(Chairman)

APPENDIX
PLANNING COMMITTEE
19TH JULY 2016
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 15/01193/FUL - Land between London Road and East of Pods Brook Road, Braintree
 - (i) Statement by Mr Terry Corsham, 110 London Road, Braintree (Objector)
 - (ii) Statement by Mr Sam Hollingworth, Strutt and Parker LLP, Coval Hall, Rainsford Road, Chelmsford (Agent)
- 2 Statement Relating to Application No. 16/00661/FUL - Garage Site, Lancaster Way, Braintree

Statement by Mr Anthony Everard, 6 Wordsworth Road, Bocking, Braintree (Objector)
- 3 Statements Relating to Application No. 15/01515/FUL - Lanham Manor Farm, Lanham Farm Road, Cressing
 - (i) Statement by Mr Dave Richardson, 1 Lanham Farm Road, Cressing (Objector - Not against application in principle)
 - (ii) Statement by Mrs Julia Bushnell, The Bungalow, Lanham Green, Cressing (Objector)
 - (iii) Statement by Mr Tom Bailey, The Chestnuts, Lanham Green, Cressing (Objector)
 - (iv) Statement by Mr Simon Dixon-Smith, Lyons Hall, Lyons Hall Road, Braintree (Applicant)