

# Minutes

## Planning Committee

1st June 2011



### Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	D Mann	Yes
E Bishop	Yes	Lady Newton	Yes
R J Bolton	Apologies	J O'Reilly-Cicconi	Yes
C A Cadman	Yes	R Ramage	Yes
Ms L B Flint	Yes	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Yes	Mrs L Shepherd	Yes
P Horner	Yes	Mrs G A Spray	Yes
S C Kirby	Yes		

At the commencement of the meeting, the Chairman announced that as Councillor P Horner had not undertaken appropriate training he would not be able to participate in this meeting, or vote.

### 1 DECLARATIONS OF INTEREST

The following interests were declared:

Councillor C A Cadman declared a personal and prejudicial interest in Application No. 11/00318/FUL – 2 Horsham Hall Cottages, Haverhill Road, Helions Bumpstead as he was the Ward Member and had visited the site and the neighbours' property on three occasions and had exchanged correspondence with the neighbours. Councillor Cadman indicated that he wished to make a statement about this application during Question Time. Councillor Cadman left the meeting whilst the application was discussed and determined.

Councillor Ms L B Flint declared a personal interest in Application No. 11/00416/FUL – Bulford Farm, Bulford Mill Lane, Cressing as she was the Ward Member and had visited the site. Councillor Ms Flint stated that the applicant had been present during her site visit, but that she had not expressed an opinion to the applicant.

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

### 2 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 26th April 2011 be approved as a correct record and signed by the Chairman.

### 3 QUESTION TIME

**INFORMATION:** There were eleven 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. An audio recording of the meeting is available from Member Services.

### 4 PLANNING APPLICATIONS WITHDRAWN

**INFORMATION:** The Chairman reported that the undermentioned planning applications had been withdrawn from the Agenda. The applications had been withdrawn by the applicant.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01710/OUT (WITHDRAWN)	Kelvedon	Scope	Demolition of The Grangewood Centre and provide and develop 3 no. 4 bed and 1 no. 3 bed semi independent care homes together with proposed management and orangery buildings with 18 no. staff and visitor parking spaces. Existing land to the north east of the site to be redeveloped into 3 no. 2 storey houses with parking court and 5 no. 2 storey 4 bed houses with attached double garages, Grangewood Centre, 10 - 12 High Street.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01711/CON (WITHDRAWN)	Kelvedon	Scope	Demolition of The Grangewood Centre and provide and develop 3 no. 4 bed and 1 no. 3 bed semi independent care homes together with proposed management and orangery buildings with 18 no. staff and visitor parking spaces. Existing land to the north east of the site to be redeveloped into 3 no. 2 storey houses with parking court and 5 no. 2 storey 4 bed houses with attached double garages, Grangewood Centre, 10 - 12 High Street.

## 5 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 11/00413/FUL – 7 Lyons Hall Road, Braintree, 11/00379/FUL – 21 Leyside, Rayne, 11/00431/FUL – Scout Camp Site, Green Lane, Twinstead, and 11/00412/FUL – 42 Collingwood Road, 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 contained in the Development Manager's report, as amended below. Details of 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>
*11/00413/FUL (APPROVED)	Braintree	Miss Elizabeth May	Demolition of existing bathroom and detached garage, erection of single storey rear extension and orangery, 7 Lyons Hall Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00375/FUL (APPROVED)	Gosfield	Mr & Mrs Mileham	Erection of single storey side extension and single storey rear extension, West Lodge, Gosfield School, Halstead Road.

Councillor Tony Strudwick of Gosfield Parish Council attended the meeting and spoke against this application on behalf of the Parish Council.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00257/FUL (APPROVED)	Hatfield Peverel	Mr Neil O'Leary	Reconstruction of dilapidated poultry barn and introduction of 2 no. new barns, Bovingtons Farm, Maldon Road.

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

### Information to Applicant

3. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units

should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

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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>
*11/00238/FUL (APPROVED)	Rayne	Rayne Parish Council	Change of use of agricultural land to amenity green space for formal and informal recreation and leisure uses and the extension of existing village hall car park, Oak Meadow, Gore Road.

Councillor Martin Phillips of Rayne Parish Council attended the meeting and spoke in support of this application on behalf of the Parish Council.

The Committee approved this application, subject to the amendment of Condition No. 3 and to an additional Information to Applicant as follows:-

**Amended Condition**

3. Additional drawings that show details of the exact location, extent and layout of the vehicle parking area, including details of the construction method for the car park extension, shall be submitted to and approved in writing by the local planning authority prior to the commencement of work.

The vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be treated as an overflow car park and provided with an informal surfacing system that reinforces and protects a grassed surface. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

The above works shall be implemented in accordance with the approved details within 1 year of the date of commencement of development and maintained as such thereafter.

**Information to Applicant**

5. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00379/FUL (APPROVED)	Rayne	Mr Malcolm Walker	Erection of two storey side extension with dormer window loft conversion, 21 Leyside.
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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>
*11/00431/FUL (APPROVED)	Twinstead	Mr Brian Mills	Provision of toilet block and storage building, Scout Camp Site, Green Lane.
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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>
*11/00412/FUL (APPROVED)	Witham	Mr G Franklin	Application for a new planning permission to replace an extant planning permission (08/00789/FUL) in order to extend the time limit for implementation, 42 Collingwood 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>
*11/00425/FUL (APPROVED)	Witham	Mr Mark Nicholson	Change of use from D2 to B2 - To sell and fit tyres, Cullen Mill Unit 8, Pool Club, 49 Braintree Road.

The Committee approved this application, subject to the amendment of Condition No. 8 and to an additional Information to Applicant as follows:-

**Amended Condition**

8. Prior to occupation of the building a parking layout plan shall be submitted to and approved in writing by the Local Planning Authority showing the layout of no less than 6 parking spaces on the site. The approved car parking plan shall be implemented prior to occupation and maintained as such thereafter.

**Information to Applicant**

2. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units

should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

## 6 SECTION 106 AGREEMENTS

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01469/OUT (APPROVED)	Braintree	Telereal Trillium	Demolition of the existing former government offices to provide for a residential development comprising 13 no. houses with associated access and parking, Former Government Buildings, Panfield Lane.

**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 secure a contribution towards education and childcare in line with Essex County Council's standard formulae; a contribution towards the provision and/or enhancement of public open space within the vicinity of the site in accordance with formulae that shall reflect the Open Space Supplementary Planning Document; and agreement to a scheme for the maintenance of on-site open space that is not attributable to individual units, 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 by 29<sup>th</sup> July 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the following additional conditions:-

### Additional Conditions

28. (SUS66) Development shall not be commenced until a scheme of measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter so maintained.
29. (SUS70) Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00399/FUL (APPROVED)	Great Bardfield	English Rural Housing Association	Erection of 12 no. affordable rural dwellings with associated site access road, parking and external works, land At, Braintree 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 secure a contribution of £10,000 towards a Vehicle Activated Sign and improvements to the bus stop at the junction of Braintree Road and Alienor Avenue; a contribution of £14,070.38 towards the provision and/or enhancement of open space within the vicinity of the site; a restriction on the occupation and disposal of the residential units to include a clause to limit occupancy to local people to the agreement of the Housing and Research Development Team; and the maintenance of open space and landscaped areas within the site that are not attributable to any individual dwellings, 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 by the target date for determining the application, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications

Councillor Tony Hayward of Great Bardfield Parish Council attended the meeting and spoke in support of this application on behalf of the Parish Council.

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

#### Additional Conditions

16. (SUS66) Development shall not be commenced until a scheme of measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter so maintained.
17. (SUS70) Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

### Additional Information to Applicant

4. It is recommended, that prior to the commencement of the development hereby approved the applicant undertakes an assessment of the capacity of the sewerage infrastructure that will serve the site to ensure that it is sufficient to meet the needs of the proposed development without detriment to the services that serve neighbouring properties.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00150/FUL (APPROVED)	Halstead	A R Clarke (Builders) Limited	Demolition of existing three bed bungalow and erection of 3 no. three bed and 3 no. two bed dwellings, The Great Yard, r/o 116-118 Tidings Hill.

**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 secure a financial contribution of £5,000 towards the provision of bus stop improvements in the Tidings Hill/Ronald Road area; and a financial contribution of £6,835 52 towards the provision of public open space in the local area in accordance with the Open Space Supplementary Planning Document; 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 by 27<sup>th</sup> July 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the following additional condition:-

### Additional Conditions

21. (SUS70) Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

## 7 PLANNING APPLICATIONS 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>
*11/00416/FUL (REFUSED)	Cressing	Mr & Mrs A Panton	Erection of new dwelling, Bulford Farm, Bulford Mill Lane.



Councillor Mrs Janet Watkins of Cressing Parish Council attended the meeting and spoke against this application on behalf of the Parish Council.

The Committee refused this application subject to two typographical amendments to the second paragraph of the reason for refusal which now reads as follows:-

.....

The proposal represents a new dwelling which is not required for agriculture or other rural use, and an unjustified intrusion into the countryside to the detriment of its rural character. It also represents the unacceptable development of a green field garden site. Furthermore, the site is located in an unsustainable location and development at this location would set a precedent for further residential development outside of defined settlement boundaries. It is considered that the proposal is contrary to national planning policy set out in PPS 3, PPS 7 and policies RLP2, RLP78 and RLP79 of the Braintree District Local Plan Review.

**DECISION:** That the undermentioned planning application be refused for the following reason. 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>
*11/00318/FUL (REFUSED)	Helions Bumpstead	Mr M Haylock	Erection of replacement dwelling and detached single garage and change of use of land to be used as a garden extension, 2 Horsham Hall Cottages, Haverhill Road.

#### Reason for Refusal

1. The site lies within an area of countryside beyond the village envelope or development boundary of any settlement where rural planning policies apply. The site also lies within an area identified as a Special Landscape Area. Policies RLP2 and RLP78 of the Braintree District Local Plan Review state that the countryside will be protected for its own sake through the strict control of new development. Policy RLP 79 of the Braintree District Local Plan Review relates to development in Special Landscape Areas and states that development which will damage the traditional rural qualities of the countryside, or its essential landscape character, will be refused. Notwithstanding these policies of restraint, Policy RLP 15 of the Braintree District Local Plan Review does allow for the replacement of dwellings in the countryside in certain circumstances.

In this instance it is considered that the proposed replacement dwelling is not acceptable with reference to the criteria set out in Policy RLP 15. The replacement dwelling is considered to be contrary to point (4) of Policy RLP 15 as it would have a greater impact in the landscape than the original dwelling by

virtue of its size, bulk and form to the detriment of the countryside setting. Furthermore point (5) of Policy RLP 15 states that replacement dwellings will only be acceptable where the existing dwelling is not a building of architectural or historical value and which is capable of renovation. It has not been proven to the Council that the building is incapable of renovation and the existing dwelling is one half of an attractive pair of brick built Victorian cottages, which is considered to be a building of local architectural and historic value. The proposed development would therefore result in inappropriate development in the countryside as it would result in the loss of an attractive building, which is considered to be of local architectural and historic value, and the replacement dwelling would be an unjustified visual intrusion in an area of open countryside, contrary to the aforementioned policies.

A motion to approve this application was moved and seconded, but on being put to the vote it was declared LOST.

## 8 PLANNING APPEAL DECISIONS – APRIL 2011

**INFORMATION:** Consideration was given to a report, for information, on planning appeal decisions received during April 2011. 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 10.00pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX  
PLANNING COMMITTEE  
1ST JUNE 2011  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 11/00416/FUL – Bulford Farm, Bulford Mill Lane, Cressing
  - (i) Statement by Mr Steve Steadman, Mill Barn, Bulford Mill Lane, Cressing (Objector)
  - (ii) Statement by Mr Anthony Brialey, Ashbrooks, Bulford Mill Lane, Cressing (Objector)
  - (iii) Statement by Mr Stuart Rowe, The Planning and Design Bureau, 45 Hart Road, Thundersley, Benfleet, Essex SS7 3PB (Agent)
2. Statements Relating to Application No. 11/00399/FUL – Land at Braintree Road, Great Bardfield
  - (i) Statement by Mrs Anne Gorman, 2 Hall Villas, Great Bardfield CM7 4RY (Objector)
  - (ii) Statement by Mrs Sheila Considine, 4 Wedgewood End, Bridge Street, Great Bardfield (Objector)
3. Statement Relating to Application No. 11/00257/FUL Bovingtons Farm, Maldon Road, Hatfield Peverel
  - (i) Statement by Mr Shaun Morris, Bovingtons Farm House, Maldon Road Hatfield Peverel (Objector)
4. Statements Relating to Application No. 11/00318/FUL – 2 Horsham Hall Cottages, Haverhill Road, Helions Bumpstead
  - (i) Statement by Dr Ian Harmer, 1 Horsham Hall Cottages, Haverhill Road, Helions Bumpstead (Objector)
  - (ii) Statement by Mrs Marisa Harmer, 1 Horsham Hall Cottages, Haverhill Road, Helions Bumpstead (Objector)
  - (iii) Statement by Mr Martin Haylock, Bridgefoot, 2 Hempstead Road, Radwinter CB11 2TQ (Applicant)

- (iv) Statement by Councillor C A Cadman, The Willows, Broad Green, Steeple Bumpstead CB9 7BW (Ward Councillor speaking against the application)

5. Statement Relating to Application No. 11/00425/FUL - Cullen Mill, Unit 8 Pool Club, 49 Braintree Road, Witham

- (i) Statement by Mr Mark Nicholson, Tree Tops, Scotland Street, Stoke by Nayland, Colchester, Essex CO6 4QF (Applicant)