

Minutes

Planning Committee

9th June 2009

Present

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

29 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor D Mann declared a personal and prejudicial interest in Application No. 09/00487/FUL – 16 Grove Field, Braintree – as he lived within sight of the application site. Councillor Mann left the meeting during the consideration of this application.

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.

30 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 20th April 2009 be approved as a correct record and signed by the Chairman.

31 QUESTION TIME

INFORMATION: There were nine 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.

32 PLANNING APPLICATION WITHDRAWN

DECISION: That the undermentioned planning application be withdrawn from the agenda.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00517/FUL (WITHDRAWN)	Belchamp Walter	Chelsworth Ltd	Demolition of existing single garage, erection of new two storey dwelling and associated outbuilding with improvements to existing access and new pedestrian access, Forge Cottage, Gestingthorpe Road.

33 SECTION 106 AGREEMENTS

DECISION: That, subject to the applicants entering into a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover a financial contribution towards local highway improvements including £70,000 for pedestrian improvements to the junction of Railway Street, Rose Hill, South Street and Station Approach; a commuted open sum space contribution of £1,336 per dwelling; a financial contribution towards education in line with Essex County Council's formulae; provision of 30% affordable housing, 80% of which shall be rented and 20% of which shall be intermediate tenure; a financial contribution of £20,000 towards cycleways/footways and associated works, 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>
*09/00293/OUT (APPROVED)	Braintree	PG Bones	Development for residential use (C3), Builders Yard, Station Approach.

The above application was approved subject to the amendment of Conditions 13 and 14 as follows:-

13. "There shall be no residential occupation of any unit until the existing accesses onto Rose Hill have been .. suitably and permanently closed including the reinstatement of the footway and kerbs.
14. There shall be no residential occupation of any unit until the existing drop kerb crossing onto Station Approach has been reinstated ..

Information 3 was also amended as follows:-

It will be an expectation that the reserved matters application in respect of layout and design of development for all houses and flats will comply with the open space and private amenity space requirements outlined in the Essex Design Guide and the

Council's adopted car parking standards. The number, size and mix of units will need to reflect these requirements to avoid overdevelopment of the site.

A further Informative 4 was also added as follows:-

The applicant is advised to consult Anglian Water in relation to the impact of the development upon existing drainage capacity.

DECISION: That, subject to the applicants entering into a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover a financial contribution towards local highway improvements in the sum of £7,991.00, 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>
*09/00360/FUL (APPROVED)	Braintree	Mr N Harvey	Proposed extension to existing property to provide 3 no. flats and erection of detached house, 24A Bradford Street.

The above application was approved subject to an additional Condition and Informative as follows:

17. The west facing first floor window to the bedroom of Unit 1 shall either be high level or glazed with obscure glass and permanently retained as such.
4. The applicant is advised in respect of the detail and design of refuse bin storage that in seeking to discharge the requirements of the above condition, the storage point shown on the approved plans next to the adjoining three bay parking area is considered too prominent and a more discrete location should be identified.

34 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>
*09/00461/FUL (APPROVED)	Braintree	Mr D Potter	Erection of single storey front and side extension, 3 Orchard Drive.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00487/FUL (APPROVED)	Braintree	Mr & Mrs M Brand	Proposed pitched roof over games room and new workshop, 16 Grove Field.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00437/FUL (APPROVED)	Coggeshall	Mr Barry Hook	Erection of single storey side extension, 42 Stoneham Street.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00515/FUL (APPROVED)	White Colne	E E Uph & Co Ltd	Proposed agricultural buildings to include controlled apple store and general storage area, Whites Farm, Bures Road.

35 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning applications be refused for the reasons set out in the report and below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/02286/FUL (REFUSED)	Bradwell	Mr G A Lockey	Siting of mobile home as temporary agricultural dwelling for a period of 3 years for use in connection with the existing fish farm, The Slades, Cuthedge Lane.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00152/FUL (REFUSED)	Great Bardfield	Mr & Mrs A Jackman	Proposed demolition of existing dwelling and outbuildings and erection of four bedroom family home together with outbuilding and landscaping, Rosewood, Mill Road.

The Committee refused the above application for the following reasons:

1. The application site lies beyond any town development boundary or village envelope in an area where countryside policies apply. Policy RLP78 of the Braintree District Local Plan Review outlines that the countryside shall be protected for its own sake through the strict control of buildings and uses to those that are appropriate to rural areas. Local Plan Policy RLP15 allows for the principle of replacement dwellings in the countryside subject to the size and

scale of the replacement dwelling being compatible with the size and shape of the plot on which it stands and that the replacement dwelling will not have a greater impact or be more intrusive in the landscape than the original dwelling by virtue of siting, scale, height, character and design.

Furthermore, the application site lies in an area designated as a Special Landscape Area for its scenic attraction. Policy RLP79 requires that any development which is permitted in such areas shall be expected to conform to the highest standard of design, siting and layout with materials appropriate to the character of the area and with appropriate landscaping. Policy RLP90 also requires all development, large and small, to be of a high standard of design and layout and to reflect or enhance local distinctiveness.

The proposal is considered to represent a significant increase in the size and scale of built form above that of the existing dwelling which is not considered suitable for the size of the plot and would have a greater impact in the landscape to the detriment of the character of the countryside and Special Landscape Area. Furthermore, the design is considered to be overly complicated and inappropriate for the site and its rural location.

36 PLANNING APPEALS - PROTOCOLS

INFORMATION: Consideration was given to a report on procedures defining the role of Members in Planning Appeals where the decision to refuse planning permission or impose a condition was contrary to the officer recommendation. During the past year that had been several situations where there had been confusion about responsibility for certain steps in the process when an appeal occurs. The document set out for Members what they could expect from officers and similarly what officers would expect from Members. Attention was drawn in particular to the requirement for the mover and seconder of the motion to refuse an application to put the case for the Authority with officer support. Officers would also wish to see draft statements prior submission to the Planning Inspectorate. It was emphasised that officers were available to support Members in defending the planning authority's decision. Depending on the type of appeal, an informal hearing for example or a public inquiry, there may be more dialogue required during the process than there would be for written representations.

The issue of expert witnesses was raised however Members would always be advised if there were vulnerabilities with decisions which went against the officer recommendation. Members were also concerned on the issue of costs being awarded against the Council and considered this would be addressed by better dialogue between officers and Members as referred to previously.

DECISION: That the report be noted.

37 RIVENHALL AIRFIELD

INFORMATION: Members were advised that this matter was for information only since there would be an opportunity at a later date for comment. The application has been called in by the Secretary of State for determination and therefore the appellants will put a case for the proposals and the County Council would not be countering this as they resolved to approve the application if it were not called in. The Public Inquiry is expected to take place in the Autumn, there would be a lot of work required to prepare for this. The current situation was that Braintree District Council would be considered

to be a Rule 6 party, putting the Authority parallel with the County Council and the appellant. Members were advised that the deadline date referred to in the Planning Inspectorate's letter dated 19th May 2009 of 23rd June for representations does not apply to the Council. A dedicated team consisting of legal representatives, the consultancy RM, together with Planning Officers would be established. The six local parish councils who all made representations would be involved in discussions which would take place at the end of June/beginning of July to ascertain if a joint case could be put forward. It was confirmed that the Portfolio Holder had sanctioned a budget of £20,000 to support the case. Members were asked to consider who they would wish to represent the Planning Committee at the inquiry. The Statement of Case was required to reach the Inspectorate by the 8th July 2009.

DECISION: That the Secretary of State's decision to call in the application for an integrated waste management facility at Rivenhall Airfield be noted and that Councillors J E Abbott and T J W Foster represent the Planning Committee at the inquiry.

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 9.35pm.

COUNCILLOR J O'REILLY-CICCONI

(Chairman)

APPENDIX

PLANNING COMMITTEE

9TH JUNE 2009

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statements relating to Application No. 09/00293/OUT – Builders Yard, Station Approach, Braintree

(i) Statement by Mr Andy Butcher, Bidwells (Agent), Legg Street, Chelmsford

Mr Butcher explained that the application followed some 18 months of discussion with officers and consultation with various consultees. Mr Butcher thanked the officers for their advice and support on the content of the application. In consultation with officers, the applicants had sought to supply a number of supporting documents in order to demonstrate that the development is compatible, not only with the Council's policies but also with the site itself. Mr Butcher concluded that the application would make best use of a brownfield site within the heart of Braintree, close to public transport and the town centre retail and leisure facilities.

A range of house types would be provided to meet various needs, together with affordable housing. Mr Butcher noted that the application was in outline form and the design and access statement included with the application demonstrated how the development could take place to meet requirements for space standards and to show how the possible impact on neighbours could be addressed. Mr Butcher was aware of objections from local residents which he presumed would be dealt with in the officer's presentation. He considered that most of the objections would be dealt with by the documents submitted with the application and the details of the scheme would be considered at the reserve matters stage, particularly with regard to design, elevations and space standards. Mr Butcher considered that the proposal would result in a very sympathetic scheme for the site, compatible with the Council's policies. A range of contributions through the S106 Agreement would also be forthcoming.

(ii) Statement by Mr Wayne Borrett, 30 Rose Hill, Braintree

Mr Borrett objected to the number of properties proposed and the layout of the dwellings backing on to his property. He noted the proposal for three storey elements to the rear of his property and was concerned at the potential overlooking. Mr Borrett did not consider it necessary for the buildings to be of three storeys and that two storey dwellings would be adequate. He appreciated the need to develop the site but felt that it should be more sympathetic to the existing residents. Mr Borrett's other concern was the deep piling necessary to construct the proposed development and referred to a previous development that shook the existing old traditional cottages and

caused cracks in the ceilings. He also referred to the loss of light by one of his neighbours who was unable to attend the meeting and whose property would be effectively boxed in by the new development.

2. Statements relating to Application No. 09/00360/FUL – 24A Bradford Street, Braintree

(i) Statement by Mr Roy Cleaver, 29 Rivermead, Braintree

Mr Cleaver stated that he and his wife had lived in Rivermead for nine years. He referred to the comments set out in the officer's report on the application, in particular those on page 32 regarding a new vehicular and pedestrian access on to Rivermead. Mr Cleaver questioned how the removal of trees and shrubs to be replaced by 3 parking spaces and 4 refuse bins be considered not to be a detrimental impact. Turning to safety on the existing road which is only 4.75 metres wide, Mr Cleaver wished the Committee to be aware that with on street parking of cars and delivery vehicles, the movement of wide emergency vehicles would be extremely difficult, particularly as the road was effectively a cul de sac. He noted that the Council's refuse lorry had difficulty accessing properties and he believed that the fire service should be consulted. The impact of on street parking would only be worsened by the addition of residents' and delivery vehicles serving the new dwellings. Mr Cleaver went on to refer to the landscaping issues noted in the report, he considered it to be the responsibility of the Council to upkeep the once well-kept hedge which had become overgrown.

Mr Cleaver stated that in wet weather the drains in Rivermead could barely cope and feared if this application was granted, increased run off would exacerbate the problem.

(ii) Statement by Mr Lionel Holmes, 84 Rivermead, Braintree

Mr Holmes was extremely concerned about the development with his objections centring around the new access proposed from Rivermead breaking through a double fence and a tree lined area. In particular the three access points for three car parking spaces to the rear of the development. The reasons for Mr Holmes' objections were threefold: (i) health and safety – a reduction in the available parking on Rivermead and create increased pressure on parking in the area which was already very difficult to negotiate for refuse vehicles. Mr Holmes was concerned this increased pressure could impede emergency vehicle access to a large part of Rivermead and the adjoining area. (ii) Loss of the amenity of on street parking for the residents of Rivermead. (iii) Loss of amenity and character of the landscaping of the area by the original developer, particularly three or four trees and a large amount of hedging and shrubs. Mr Holmes' overriding fear was that someone could lose their life due to the difficulty the emergency services could face accessing the area. He urged the Committee not to grant permission to the current application and for the access to remain through Bradford Street as it stands.

3. Statement by Mr Trevor Dodkins, Agent for an Objector, Strutt & Parker. Application No. 09/00152/FUL – Rosewood, Mill Road, Great Bardfield

Mr Dodkins acted on behalf of the owner of the adjacent property to the site in question and referred to the objection letters he had submitted. He noted one of the key points with this application was access, he considered that the existing access was badly aligned making it difficult to turn eastwards when exiting the site due to Mill Road being single lane and impossible for larger vehicles. Whilst it was accepted that the Highways Authority's hands were tied as the access was allegedly unchanged although Mr Dodkins disputed this, he considered the planning application should be an opportunity to resolve all existing constraints. To leave the access unchanged represented poor planning in Mr Dodkins' opinion. He did not believe the proposals represented a compromise, merely a continuation of the existing unsatisfactory status quo. He went on to highlight a number of further issues (i) with regard to the wall between his client's property and the application site to be demolished and reinstated, Mr Dodkins' client's property was listed along with the curtilage wall however there was no listed building application submitted for these works; (ii) he noted that the officer's report (page 41 of the agenda) claimed that the ridge height of the proposed dwelling would match the existing however Mr Dodkins disagreed as the existing dwelling was 6.25m; (iii) turning to the size of the dwelling, he quoted from point 3.32 of the Local Plan regarding replacement of dwellings in the countryside being commensurate with the existing building, i.e., the original footprint plus no more than 70m³. He noted that the existing building was 122m², adding 30m² would equal just over 150m² however the proposed footprint for the development was 190m². He warned the Committee not to set a precedent if the local plan guidelines were breached on this occasion.

Finally Mr Dodkins did not consider that the plans replicated the reality of the site and he requested that the application be deferred in order for a site visit to take place in order that the site and particularly the access could be seen. He also requested that the additional conditions referred to in the letters of representation be considered by the Committee. Mr Dodkins urged the Committee to refuse the application for the reasons he had outlined.

4. Statements Relating to Application No. 09/00487/FUL – 16 Grove Field, Braintree

(i) Statement by Councillor D Mann

Councillor Mann reminded Members that the site was one of those featured in the television programme "Here Come The Planners". The planning appeal resulting from the application was significant, in the Inspector's view this particular area of Grove Field "had particularly distinctive and spacious character" and comprises residential development of an "exceptionally high quality". The Inspector did not want this distinctive and spacious character destroyed and was very aware of the impact that inappropriate and harmful development would have on the whole area. The objectors feared that there may be two properties here in the long run achieved by stealth through incremental development of the single existing property and its possible subdivision at a later date. Councillor Mann wanted residents reassured that this would not happen and give residents this comfort.

(ii) Statement by Mr Terry Surrey, 7 Grove Field, Braintree

Mr Surrey spoke on behalf of 25 residents of Grove Field and Grove Orchard. The developer applied for and received planning permission in February of this year for a very large extension to the existing property, literally doubling its size. Although the extension increased the size considerably, its impact was minimised by the fact that the game room, lobby and home office area were single storey under a flat roof. The current application was to add a further storey in the shape of a pitched roof over the games room, lobby and office area together with a further brick workshop/garage further into the plot. The residents believed that this additional roofline and building would be overpowering on the plot and spoil the distinctive and spacious character of the development. It was considered that the size and layout were beginning to resemble two large semi-detached homes. Mr Surrey referred to the Planning Inspector's decision to dismiss the appeal last year for an additional house on the same site and gave a number of reasons why the site should not be overdeveloped. He considered the main reason why the application should be refused was that it would be contrary to a number of Government policies which seek to ensure that any development is not detrimental to the existing character of the area. The residents wished to see a restriction against the existing approved plans to ensure single family occupancy on the site and Mr Surrey urged Members to refuse the application to help residents preserve the unique character of the area in which they lived for future generations.

(iii) Statement by Mr Robert Maybanks, 15 Grove Field, Braintree

Mr Maybanks stated that whilst the pitched roof over some garages may seem a minor matter, he considered the application was seeking approval by stealth and was part of an ongoing strategy by the applicants to achieve their original designs on the site. Having recently obtained planning permission for a large extension at one end of No. 16, they were now starting on the other end and if successful would have permission for a building of equal floor area to that of No. 16 plus the refused additional dwelling, with the ultimate intention of dividing the completed structure into two separate units. Mr Maybanks alleged that an area in the garden had already been prepared for this eventuality by the felling of mature trees and cutting back of a hedge, both of which were cited as being of environmental importance by the Planning Inspector in his report on last year's appeal. Mr Maybanks noted that the present flat roof was hidden by the hedge, the addition of pitched roofs would be visible above the hedge and would create a large structure, dominating that corner of the site, eroding the spacious character of the estate. Extensions/alterations to other properties in the vicinity had been carried out by residents, however, Mr Maybanks stated this project had been proposed by a developer whose motives he considered to be purely commercial with no interest in the welfare of the community or their environment, making a mockery of the planning process. Mr Maybanks hoped his comments would be considered when the Committee made its decision.

5. Statement by Mr Lockey, Applicant
Application No. 08/02286/FUL – The Slades, Cuthedge Lane, Bradwell

Mr Lockey wished to comment on some matters in the officer's report. In 2006, he obtained planning permission for stationing a caravan on the site for welfare purposes however this was not noted in the site history section of the report. Furthermore Policy RLP67 was quoted in the report however this policy expired in July 2008 and was not one of the safe policies for the Local Plan Review and did not therefore appear relevant. Policy RLP83 was also mentioned but the site was not a denoted local nature reserve, wildlife site or regionally important geographical site so again the policy did not appear relevant. With regard to the Welfare Functional Test, Mr Lockey stated that it was well known that Alpaca herds will require close supervision for a large proportion of the year for welfare and good husbandry reasons. This was also accepted by the Council's own consultant in his report, acknowledging the Alpaca's need for residential supervision and also confirmed that the welfare needs of the trout farm may influence the need for residential supervision also. He referred to letters from Melford Green Alpacas who had been Mr Lockey's mentors and through whom he had purchased his initial herd together with a list of similar planning applications approved by other councils for temporary buildings solely for Alpaca enterprises, some of which were considerably smaller than that which had been applied for by Mr Lockey. He was a member of the British Alpacas Society and the British Trout Association and had received training from Melford Green Alpacas and purchased a herd which he could not bring onto his farm unless he was on site available to care for them. In considering if the financial and functional tests had been satisfied, Mr Lockey stated that both the Alpacas and the trout should be considered as they combined to make for a sustainable holding. He did accept there were risks with any new venture hence he was seeking temporary consent in the first instance.

Turning to flood risk, Mr Lockey noted that only part of the site was in a flood zone and a flood risk assessment was agreed with the Environment Agency who confirmed they had no objection to the proposals. The temporary building could be placed safely on Mr Lockey's land outside of the flood zone, the reason the proposed site was chosen was so that it was closely related to the existing buildings, well screened from the road and was for a limited period of three years. The area safe from flooding is only 30m from the present mobile structure site when no flood risk assessment would be necessary. Mr Lockey noted that being resident on site, in the event of a flood, the Alpaca herd and mobile field shelters could be moved safely at short notice to parts of his land outside of the flood zone. Mr Lockey concluded by stating that his land had established buildings and development for rural enterprises in which he had invested considerably in purchasing, maintaining and providing the buildings. He had run a successful business for over 20 years but always wished to be involved in a rural enterprise of his own. He planned to develop a mixed enterprise principally based on the Alpaca herd and trout raised to organic standards. Alpacas justified site residency on animal welfare grounds being too valuable and vulnerable to leave unattended. He considered that the welfare functional test had been satisfied (document 4), the financial test was set out in the business plan and would be reviewed at the end of the temporary permission. He requested Members' support.