

# Minutes

## Planning Committee

8th July 2008



### Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	Mrs M E Galione	Yes
J Baugh	Yes	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Apologies
R J Bolton	Yes	Lady Newton	Yes
J C Collar	Yes	J O'Reilly-Cicconi	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
A V E Everard	Yes	Mrs W D Scattergood (Chairman)	Yes
J H G Finbow	Yes	Mrs L Shepherd	Yes
Ms L B Flint	Yes (from 7.40pm)	Mrs G A Spray	Yes (from 7.23pm)
T J W Foster	Yes	R N Wilkins	Yes
Mrs B A Gage	Apologies		

Councillor Mrs J C Beavis was also in attendance in her capacity as Chairman of Sible Hedingham Parish Council.

### 37 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor T J W Foster declared a personal and prejudicial interest in Application No. 08/00892/FUL – 7 Colne Road, Coggeshall as the applicant was well known to him and employed by him as an electrician. Councillor Foster left the meeting whilst the application was discussed and determined by the Committee.

Councillor Mrs J A Pell declared a personal interest in Application No. 08/00922/OUT – On Dit, 58 Colne Road, Halstead as she was a Member of Halstead Town Council and the Agent 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 respective items were considered.

### 38 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 27<sup>th</sup> May 2008 be approved as a correct record and signed by the Chairman.

## 39 QUESTION TIME

**INFORMATION:** There were five 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.

## 40 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 Development Director'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>
*08/00922/OUT (APPROVED)	Halstead	Mr R Monk	Erection of one bed bungalow, On Dit, 58 Colne Road.

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

### Additional Condition

7. Development shall not be commenced until the dropped kerb and off-road parking area to the existing dwelling as shown on the approved plan is provided and available for use.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01047/FUL (APPROVED)	Hatfield Peverel	Mr T Wharton	Erection of single storey annexe in rear garden, Midmar House, Nounsley Road.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00910/FUL (APPROVED)	Wethersfield	Chase End Developments Ltd	Erection of new three bedroom detached dwelling with associated parking using existing access, land adjacent to Former Police House, Saffron Gardens.

The Committee approved this application, subject to the amendment of condition no. 2 :-

Amended Condition

2. Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The gable on the West elevation shall be comprised of brick, rather than a weatherboarded finish as shown on the approved plan.

41 PLANNING AGREEMENTS

**DECISION:** That, subject to either the applicant agreeing to a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or, if considered appropriate by the Development Director, the imposition of a suitably worded condition to cover the payment of a financial contribution of £7,591 towards highway improvements in the local area including raised kerb crossings, the Development Director be authorised to grant planning permission under powers delegated to him, subject to the conditions and reasons set out in the report, and as amended below, details of which are contained in the Register of Planning Applications. In the event that a suitable planning obligation (where necessary) is not provided by the target date for determining the application, the Development Director be authorised to Refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00892/FUL (APPROVED)	Coggeshall	Mr M Shearman	Erection of 4 no. 4 bedroom houses with associated garages and access, 7 Colne Road.

The Committee approved this application, subject to the following additional condition and Information to Applicant.

Additional Condition

18. Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

The landscaping scheme shall include provision for the retention of the existing hedge on the Northern boundary.

#### Additional Information to Applicant

4. In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution and maximise energy efficiency. Light units should be flat to ground and appropriate 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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**DECISION:** That, subject to either the applicant agreeing to a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or, if considered appropriate by the Development Director, the imposition of a suitably worded condition to cover the following matters – affordable housing; Public Art; highway contribution; play equipment contribution; public open space contribution; smokery extraction and noise attenuation scheme; and compliance with the Considerate Contractor clauses; - the Development Director be authorised to grant planning permission under powers delegated to him, subject to the conditions and reasons set out in the report, details of which are contained in the Register of Planning Applications. In the event that a suitable planning obligation (where necessary) is not provided within three months of this resolution, the Development Director be authorised to Refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/01672/OUT (APPROVED)	Sible Hedingham	Paul Robert Developments	Development of 22 no. dwellings and 2 shop units and meeting rooms, Coopers Yard, Swan Street.

Councillor Mrs J C Beavis, Chairman of Sible Hedingham Parish Council, joined the table and spoke on this application. Councillor Mrs Beavis stated that when the proposal had originally been discussed it had included the provision of office accommodation which Sible Hedingham Parish Council was to have occupied, However, the Parish Council had since secured alternative accommodation and Councillor Mrs Beavis wished to ensure that the developer was aware of this.

**DECISION:** That the undermentioned planning application be refused for the reasons stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00899/FUL (REFUSED)	Braintree	Barratt Homes	Residential development of 89 no. dwellings with access and parking, Rifle Hill Works, Rifle Hill.

1. Policies RLP3, RLP9, RLP10 and RLP90 of the Local Plan Review state that inter alia planning permission will only be granted for new development where it satisfies amenity, design, environmental and highway criteria and where the layout, height, siting, bulk form and design of any new building would be in harmony with existing surrounding development, be of a high standard, reflect local distinctiveness, and could take place without detriment to the existing character of the settlement. In addition, proposals for new development must also be sensitive to the need to conserve local features of architectural, historic or landscape importance and respect neighbouring amenities.

In addition to the abovementioned policy criteria, the design and layout of new development will be expected to be in accordance with the Essex Design Guide for Residential Areas to create a visually satisfactory environment, compatible with the character and appearance of the site, its surroundings and the locality. The importance of good design is also outlined within government guidance, and specifically in PPS1 (Delivering Sustainable Development) and PPS3 (Housing) and Policy ENV7 in the emerging East of England Plan.

In this case it is considered that the design, external appearance and layout of the proposed development would result in an unacceptable form of development which would be detrimental to the character of the area and the visual amenities of the locality, contrary to the abovementioned policy criteria.

Also, the proposed development, by reason of its position, its height and its overall bulk, would result in excessive harm to the amenities of adjoining occupiers, in particular by way of shadowing of the neighbours to the east.

2. The proposed development would provide inadequate open space within the development for the future needs of the occupiers of these dwellings, in particular for the occupiers of the flatted units. It is therefore considered that the resultant development would provide an unsatisfactory living environment for future occupiers, harmful to the amenities of those residents and compromise the quality of the housing stock within the District. As such, the proposal would be contrary to policies RLP90 and RLP138 of the Adopted Braintree District Local Plan Review, and to the guidance within the Essex Design Guide for Residential Areas and Government guidance within PPS1 and PPS3. It is not considered that the enhancements to the existing recreational open space at John Ray Park, as proposed by the applicant would adequately overcome these deficiencies.

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

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of Planning Services, 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 9.00pm.

MRS W D SCATTERGOOD  
(Chairman)

## APPENDIX

### PLANNING COMMITTEE

8TH JULY 2008

### PUBLIC QUESTION TIME

#### Summary of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 08/00899/FUL – Rifle Hill Works, Rifle Hill, Braintree

(i) Statement by Mr Les Mitchell, 30 Hilton Way, Sible Hedingham on behalf of Mr and Mrs Gordon, 36 Rifle Hill, Braintree

Mr Mitchell read from a prepared statement. Mr Mitchell stated that, whilst Mr and Mrs Gordon supported the redevelopment of the site in principle, they considered that this should not be at the expense of their amenities and those of their neighbours. Following a meeting with the applicant's agent, Mr and Mrs Gordon were satisfied that overlooking should not be a significant problem in relation to their house, but they still had some reservations about the design of the nearest block. In particular, it was assumed that condition 8 concerning the height of buildings was being proposed on the basis that ground levels could not be determined until the buildings on site had been demolished, and Mr and Mrs Gordon hoped that when the requisite details were submitted the new buildings would be no higher than shown on the submitted drawings. Mr and Mrs Gordon were concerned about the appearance of the building in the view of southern Braintree and they considered that the development would be better related in the longer views across the valley from the town centre direction if the comments of Essex County Council's Built Environment Branch were to be given more weight.

Mr and Mrs Gordon acknowledged that it might not be possible for the developer to resolve the flooding issue referred to in their written representations and they asked if the District Council could request the Highway Authority to resolve this long standing problem. Mr and Mrs Gordon requested, that if planning permission was granted, they and neighbouring residents be consulted when details required by condition 4 (screen walls and fences to boundaries) and condition 8 (height of buildings) were submitted by the applicant for approval.

(ii) Statement by Mr John McLarty, Bidwells Property Consultants, Number One, Legg Street, Chelmsford

Mr McLarty stated that the original application had been refused in February 2008 as it did not meet design and affordable housing requirements. However, following negotiations with Planning Officers the design and layout of the development and the 30% affordable housing provision were now considered to be acceptable. Mr McLarty stated, that in addition, the development would be constructed in accordance with level 3 of the Sustainable Homes Code. Mr McLarty indicated that his client would agree to details of the proposed screen walls being submitted to neighbouring

residents prior to approval. He indicated that the applicant had consulted local residents about the proposals prior to submission of the original application and their comments had been taken into account. Mr McLarty stated that the proposal would provide improvements to John Ray Park and improved links to the railway station and town centre.

2. Statements Relating to Application No. 08/00892/FUL – 7 Colne Road, Coggeshall

(i) Statement by Mr Mark Shearman, 55 Tilkey Road, Coggeshall (Statement read by Miss Alison Webb, Member Resources Officer)

Mr Shearman stated that his parents had lived in Coggeshall for over 70 years and at 7 Colne Road, Coggeshall for 30 of these. He indicated that the site had had planning approval for the erection of three, five bedroom houses since 1995. Mr Shearman stated that his elderly parents would continue to live in the bungalow adjacent to the site and that they would endeavour to keep disruption to the surrounding area to a minimum. Mr Shearman stated that they had consulted with the Planning Department to ensure that the design and layout of the proposal were sympathetic to surrounding properties.

(ii) Statement by Mr Warren Sargent, 1 Beards Terrace, Coggeshall

Mr Sargent stated that he had moved to 1 Beards Terrace, Coggeshall in April 2006 and that he had not been aware of the previous planning consent for the site. He indicated that he had previously lived in a flat where it had been noisy and that he had moved to Beards Terrace as it was quiet. Mr Sargent stated that he objected to the current proposal and that the applicant had not consulted local residents about it. Mr Sargent indicated that he had spoken to his neighbours and they did not want the site to be developed. He stated that development had gradually occurred around Beards Terrace and that it no longer stood on its own. Mr Sargent stated that his property was very near to the site and that the development would affect light to his property. He considered that there should be a compromise in the development of the properties, perhaps by lowering the level of the site.

3. Statement by Mrs Lianne Day, 19 Sportsmans Lane, Nounsley  
Application No. 08/01047/FUL – Midmar House, Nounsley Road, Hatfield Peverel

Mrs Day stated that she was representing herself and some of her surrounding neighbours. She stated that the proposed building would be in the middle of a green open space where five gardens converged and she considered that it was against policies RLP1 and 3 of the Braintree District Local Plan Review. Mrs Day stated that the property had been extended substantially and had doubled in size. She indicated that a covenant attached to the land restricted the site to one property, although she noted from the report that the new building would be accessed separately and that it was unlikely to be occupied by a member of the family. Mrs Day stated that the proposed building would be 12 inches from the boundary with 19 Sportsmans Lane and that the occupiers of 17 Sportsmans Lane had increased the height of their hedge in order to provide privacy. Mrs Day stated that the area was known to have drainage problems and that 17 Sportsmans Lane had two soak-aways near to the proposed building. She indicated that the site of the proposed building could not be moved forward as it would then be outside the village envelope. Mrs Day stated that the access to the site was very narrow and she considered that



there would be problems with delivery vehicles and construction lorries. Mrs Day hoped that the Committee would reject what she considered to be backland development, and prevent a precedent being set.