

Minutes

Planning Committee 25th July 2023



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	A Hooks	Apologies
J Beavis	Apologies	A Munday	Yes
L Bowers-Flint	Yes	I Parker (Chairman)	Yes
T Diamond	Apologies	F Ricci	Yes
M Fincken	Yes	P Schwier	Yes
J Hayes	Apologies	G Spray	Yes
D Holland	Apologies		

Substitutes

Councillor K Bowers attended the meeting as a substitute for Councillor J Hayes.
Councillor R Wright attended the meeting as a substitute for Councillor A Hooks.

6 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs Parker, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 23/00362/REM - Land at The Airfield, Earls Colne as Mr B Hobbs, who was speaking at the meeting during Question Time on behalf of the applicant, was known to some of them.

Councillor K Bowers declared a non-pecuniary interest in Application No. 23/01016/FUL – 4 Crittall Drive, Braintree in his role as the Council's Cabinet Member for Resources and Performance, as Braintree District Council was the applicant. Councillor Bowers left the meeting when the application was considered and determined and he did not return.

Councillor L Bowers-Flint declared a non-pecuniary interest in Application No. 22/02409/FUL – Coxs Yard, Rayne Road, Braintree as an objector to the application, who was speaking at the meeting during Question Time, was known to her in her role as a Councillor for Essex County Council.

Councillor Bowers-Flint declared a non-pecuniary interest also in Item 6 Tree Preservation Order 01 2023 - Land adjacent to Meadow Croft, Station Road, Earls Colne as the person who had objected to the making of the Order and who was speaking at the meeting during Question Time, was known to her. Councillor Bowers-Flint stated that when she had been Chairman of Braintree District Council in 2012/13 she had used the objector's facilities for fundraising purposes.

Councillor A Munday declared a non-pecuniary interest in Item 6 Tree Preservation Order 01 2023 - Land adjacent to Meadow Croft, Station Road, Earls Colne as the person who had objected to the making of the Order and who was speaking at the meeting during Question Time, was known to him. Councillor Munday stated that he had visited the objector's facilities socially. Councillor Munday abstained from voting on this item.

Councillor F Ricci declared a non-pecuniary interest in Application No. 23/01016/FUL – 4 Crittall Drive, Braintree in his role as the Council's Cabinet Member for Economic Growth and Inward Investment, as Braintree District Council was the applicant. Councillor Ricci left the meeting when the application was considered and determined and he did not return.

Councillor P Schwier declared a non-pecuniary interest in Application No. 23/01016/FUL – 4 Crittall Drive, Braintree in his role as the Council's Deputy Cabinet Member for Resources and Performance, as Braintree District Council was the applicant. Councillor Schwier remained in the meeting and voted when the application was considered.

Councillor Schwier declared a non-pecuniary interest also in Item 6 Tree Preservation Order 01 2023 - Land adjacent to Meadow Croft, Station Road, Earls Colne as the person who had objected to the making of the Order and who was speaking at the meeting during Question Time, was known to him. Councillor Schwier stated that he had visited the objector's facilities socially. Councillor Schwier abstained from voting on this item.

Councillor G Spray declared a disclosable pecuniary interest in Item 6 Tree Preservation Order 01 2023 - Land adjacent to Meadow Croft, Station Road, Earls Colne as she had met with the person who had objected to the making of the Order in late 2022 to discuss a number of planning matters. Councillor Spray stated that she had seen the hedge referred to in the Agenda report and she had discussed the plans for its removal, although the trees had not been part of the conversation and the Tree Preservation Order had not been in place at the time. Councillor Spray stated that for removal of any doubt, she would not take part in the discussion, or vote on this item. Councillor Spray left the meeting when the item was considered and determined.

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

The Chairman announced, that due to the interests declared by Councillor K Bowers and Councillor F Ricci regarding Application No. 23/01016/FUL – 4 Crittall Drive, Braintree, she had decided that this application should be considered as the last item on the Agenda.

7 **MINUTES**

DECISION: That the Minutes of the meetings of the Planning Committee held on 18th April 2023 and 4th July 2023 be approved as a correct record and signed by the Chairman.

8 **QUESTION TIME**

INFORMATION: There were seven statements made about the following applications/item. The statements were made immediately prior to the Committee’s consideration of each application/item.

- Application No. 22/02409/FUL – Coxs Yard, Rayne Road, Braintree
- Application No. 22/03266/FUL – Land adjacent to Nightingales Farm, Brickhouse Road, Colne Engaine
- Application No. 23/00362/REM - Land at The Airfield, Earls Colne
- Item 6 Tree Preservation Order 01 2023 - Land adjacent to Meadow Croft, Station Road, Earls Colne

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

9 **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 and reasons contained in the Planning Development Manager’s report. 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>
*22/03266/FUL (APPROVED)	Colne Engaine	Michel and Mette Assouline, Assouline Dressage	Erection of stables and covered equine arena with associated parking and access road, land adjacent to Nightingales Farm, Brickhouse Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/00362/REM (APPROVED)	Earls Colne	Mr Ben Hobbs, Hobbs Estates Ltd	Application for approval of reserved matters (in respect of layout, scale, appearance, access and landscaping) pursuant to application 21/03483/VAR for: Removal of Condition 18 (Maximum finished height) of permission 17/01157/OUT granted on 25/11/2019 for: Outline planning application with all matters reserved for the erection of up to 10,220m2 of B1, B2 and B8 employment floor space relating to the development of part of the southern parcel of the site for B8 external storage, land at The Airfield.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/01016/FUL (APPROVED)	Braintree	Mr Michael Shorten, Braintree District Council	Change of use of land to open storage, 4 Crittall Drive.
Councillor K Bowers and Councillor F Ricci each declared a non-pecuniary interest in this application and they left the meeting when it was considered and determined.			

10 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/02409/FUL (APPROVED)	Braintree	Mr Brian Martin, Wyndcrest Ltd	Redevelopment of Cox's Yard to include; demolition of existing showroom (No. 16 Rayne Road) and erection of a 2 storey building incorporating 1no. Class E Commercial, Business and Service unit and 3no. flats; refurbishment

			of No. 18 Rayne Road to create 2no. residential units; erection of 2no. semi-detached dwellings fronting Panfield Lane with associated on plot parking; wider demolition of existing commercial buildings within the site and erection of 8no. flats, together with associated amenity space and landscaping, refuse and cycle storage, and parking provision for 16no. vehicles. (Total of 1no. Class E Commercial, Business and Service unit and 15no. residential units), Coxs Yard, Rayne Road.
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DECISION: That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Term (as amended):

- **NHS** - Financial contribution of £6,900.00.
- **Habitat Regulation Assessment** - Financial contribution of £2,194.64.
- **Outdoor Sports Provision; Equipped Play; Open Space; and Allotments** – Financial contribution of £21,896.59.
- **Refuse Vehicles** – A clause to ensure that the section of internal private road can be utilised by refuse vehicles.

the Planning Development Manager, or an authorised Officer, be authorised to grant planning permission for the above development in accordance with the approved plans and documents and the conditions and reasons set out in the Agenda report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the Planning Committee’s decision, the Planning Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

In two updates to the Agenda report, it was stated that previous planning permissions granted in respect of the site were no longer extant and that they had expired. It was also stated that there would be a net gain of 14 market residential units on site, not 15 units as set out in the report as there was an existing flat on site. This was to be

demolished. In the circumstances, the Heads of Term of the proposed Section 106 Agreement had been amended. These would now require a financial contribution of £21,896.59 for outdoor sports provision; equipped play; open space; and allotments and a financial contribution of £2,194.64 for Habitat Regulation Assessment.

The Committee approved this application, subject to an additional Informative as follows:-

Additional Informative

9. You are advised that any proposal to remove, relocate, or undertake works to the existing lighting column on Panfield Lane will need consent from Essex County Council. The Council would encourage you to liaise with the County Council in respect of this.

11 **TREE PRESERVATION ORDER NO. 01 2023 – LAND ADJACENT TO MEADOW CROFT, COLNE VALLEY GOLF CLUB, STATION ROAD, EARLS COLNE**

(Councillor G Spray declared a disclosable pecuniary interest in this Item and she left the meeting when it was considered and determined).

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 01 2023 relating to land adjacent to Meadow Croft, Colne Valley Golf Club, Station Road, Earls Colne to which an objection had been submitted. The Order had been made on 2nd February 2023 in respect of an Oak tree (T1), an Oak tree (T2), a Field Maple (T3), and an Oak tree (T4) all situated along the boundary of the field, to the North of Station Road, Earls Colne.

The Order had been served following the submission of a Hedgerow Removal Notice by Mrs J Smith to remove and replace a hedgerow and the trees growing along the hedgerow. A report on Tree and Hedgerow Removal and Replacement had been submitted with the application. This report had included an assessment of the existing trees at the site and it had categorised the trees which were subject to the Order as Category B1. Trees in this category could be smaller, or of moderate quality, or value, but were capable of making a significant contribution to an area for 20 or more years. An extract from the report was attached at Appendix 3 to the Agenda report.

Assessments of the amenity value of the trees had been carried out by the Council using the standard TEMPO assessment, which had shown that the making of an Order was appropriate in each case. These assessments were attached at Appendix 2 to the Agenda report. It was considered that the trees contributed significantly to the local landscape and that their felling was unwarranted and unacceptable.

An objection had been lodged against the making of the Order by Mrs J Smith. The content of the objection was set out at Appendix 4 to the Agenda report. In the

objection, Mrs Smith stated that she intended to widen the footpath along Station Road “once the hedge had been removed and re-instated, for the benefit of those walking from the new houses near De Vere Road and pedestrians making their way to and from Colne Engine”. However, Mrs Smith considered that the service of the Tree Preservation Order made widening of the footpath impossible. Mrs Smith stated that the trees had been planted approximately 20 years ago and that she intended to replace the trees in order to enhance the area.

It was reported that the trees were in good overall health and provided high amenity value to the area. The trees were very visible from the highway and surrounding residential properties and it was considered that their removal, along with the hedgerow, would have a negative impact on the character of the road. The trees were situated behind the hedgerow, which it was proposed should be removed, with tree T4 being located approximately 1.5m from the edge of the road and the remaining trees being more than 2m away. It was therefore considered that improvements to the footpath along Station Road could be achieved without the need to fell the trees, provided that an adequate method statement for root protection was submitted and followed. It was noted that the existing footpath was wide enough to accommodate two walkers.

DECISION: That Tree Preservation Order No. 01 2023 relating to land adjacent to Meadow Croft, Colne Valley Golf Club, Station Road, Earls Colne be confirmed in the interests of amenity.

12 **TREE PRESERVATION ORDER NO. 02 2023 – LAND EAST OF BOURNEBRIDGE HILL, GREENSTEAD GREEN**

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 02 2023 relating to land East of Bournebridge Hill, Greenstead Green to which an objection had been submitted. The Order had been made on 23rd February 2023 in respect of 23 individual Oak trees (T1 to T13 and T15 to T24; a Field Maple (T14); and a mixed species area of woodland (W1) on land East of Bournebridge Hill, Greenstead Green

It was reported that an outline planning application for up to 200 residential dwellings on land off Bournebridge Hill, Greenstead Green (App. No. 19/00493/OUT) had been submitted on 14th March 2019. In response, an assessment of the amenity value of trees at the site had been carried out by the Council using the standard TEMPO assessment, which had shown that there were trees worthy of a Tree Preservation Order. It was considered that the trees had high amenity value, that they contributed significantly to the local landscape and that they should be retained. The assessment was attached at Appendix 6 to the Agenda report. A provisional Tree Preservation Order (13/2019/TPO) had been served on 10th June 2019, but it had subsequently lapsed on 10th December 2019. The provisional Tree Preservation Order had subsequently been re-served under the reference number 02 2023.

An objection had been lodged by Mr S Edwards of Bourne Farm against the making of the Order. The content of the objection was set out at Appendix 4 to the Agenda report. Mr Edwards was broadly in support of the Order, but he objected to the inclusion of a portion of the garden of Bourne Farm House within the South Western boundary of the woodland area (W1). Mr Edwards considered that the area had little amenity value and no historical value as it was occupied by young, self-seeded Silver Birch, Hornbeam and Beech trees. In addition, Mr Edwards considered that these trees were not part of W1, which was delineated along its entire length by a ditch separating it from the field to the North and the garden of the residential property. Mr Edwards had requested that the boundaries of W1 be redrawn to enclose the area bordering the road and footpath only.

It was reported that the 24 individual trees (23 Oaks and one Field Maple) which had been included in the Tree Preservation Order were mature and prominent specimens located along the boundaries of agricultural fields. The trees were very visible from the A131, Oak Road, adjacent lanes, Bourne Brook, adjacent fields and neighbouring properties.

The area of woodland which had been included in the Tree Preservation Order bordered a track/Public Right of Way (PRoW) and it had intrinsic historical value. The area included trees of various ages and species such as mature Oaks, younger Hornbeam, Beech, Silver Birch and Maple trees and saplings. The mature Oaks were located predominantly along the edge of the track, whilst the smaller trees populated the understory along the track and the junction areas near Primrose Cottage and Bourne Farm. The trees provided diversity, texture and screening to the buffer zone between the PRoW and agricultural land, which was soon to be developed (App. No. 19/00493/OUT). The trees located along the PRoW could be viewed from the A131, Oak Road and adjacent lanes and fields and their immediate amenity value was evident. Following the grant of planning Application No. 19/00493/OUT at appeal, it was proposed that a link road should be created which would cross the PRoW, and there was a high risk that the trees would be felled, pruned, or damaged in ways which would have a significant impact on amenity.

It was reported that Wynne-Williams Associates, independent landscape consultants, had prepared a report on behalf of Braintree District Council regarding the potential impact on the landscape of the proposed residential development on land off Bournebridge Hill, Greenstead Green (App. No. 19/00493/OUT). The report stated that the proposed development could reduce recreational value, perceptual tranquillity, and countryside views in respect of the PRoW. The report also recommended the provision of denser buffer planting along the eastern site boundary in order to mitigate the visual effects of the proposed development on users of the track.

Although Bourne Farm was not part of the proposed development site, the woodland area which was the subject of Mr Edwards' objection was adjacent to the PRoW. It was reported that when preparing the Tree Preservation Order, careful consideration had been given to the boundaries of area W1 and allowances

had been made for growth, maintenance and regeneration to ensure that existing and new growth within the designated area was preserved. This would preserve the overall integrity and amenity value of the woodland and ensure that all trees would continue to provide a positive contribution. It was noted that the making of a Tree Preservation Order did not exclude maintenance work being carried out to trees with prior consent. It was considered that the potential loss of the woodland, or parts of it, would have an irreparable impact on local amenity value and public enjoyment of the area and that the Order should be confirmed.

DECISION: That Tree Preservation Order No. 02 2023 relating to land East of Bournebridge Hill, Greenstead Green be confirmed in the interests of amenity.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning 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 9.06pm.

Councillor I Parker
(Chairman)