

Minutes

Planning Committee 5th November 2019



Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	Mrs I Parker (Vice-Chairman in the Chair)	Yes
K Bowers	Yes	F Ricci	Apologies
T Cunningham	Apologies	Mrs W Scattergood (Chairman)	Apologies
P Horner	Yes	Mrs G Spray	Yes
H Johnson	Yes	N Unsworth	Apologies
D Mann	Yes	J Wrench	Yes
A Munday	Apologies		

43 DECLARATIONS OF INTEREST

INFORMATION: The following interest was declared:-

Councillor Mrs G Spray declared a non-pecuniary interest in Application Nos. 19/01424/HH - 12 The Croft, Earls Colne and 19/01447/HH - 14 The Croft, Earls Colne as she lived close to the proposed development sites.

Councillor Mrs Spray stated that she had not been involved with the applications and that she had not communicated with the applicants.

In accordance with the Code of Conduct, Councillor Mrs Spray remained in the meeting when the applications were considered.

44 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 22nd October 2019 be approved as a correct record and signed by the Chairman.

45 QUESTION TIME

INFORMATION: There were five statements made about the following matters. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application:-

Application No. 18/01481/FUL - Halstead Hall, Braintree Road, Halstead

Application No. 18/01803/OUT - Land at the junction of Brook Street and Fenn Road, Halstead

Application No. 19/00069/OUT - Land West of Bardfield Road, Finchingfield

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

46 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 19/01407/HH - 11 The Maltings, Rayne; 19/01424/HH - 12 The Croft, Earls Colne; and 19/01447/HH - 14 The Croft, Earls Colne were determined en bloc.

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the 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>
*19/01407/HH (APPROVED)	Rayne	Mr Andrew Goldsmith	Erection of a single storey rear extension, 11 The Maltings.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01424/HH (APPROVED)	Earls Colne	Mrs Janice Sibley	Erection of rear conservatory, 12 The Croft.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01447/HH (APPROVED)	Earls Colne	Mr G Sibley	Single storey and first floor extensions to west elevation, re-roofing to conservatory/store and alterations to fenestration, 14 The Croft.

47 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01047/REM (APPROVED)	Coggeshall	Mr Joe Leedham	Application for approval of reserved matters

(appearance, landscaping (including front 6 units), layout and scale) following outline planning application 17/00359/OUT - for the demolition of all existing buildings, new access arrangements off West Street and (1) with only landscaping reserved for the erection of 6 no. residential units (Use Class C3) adjacent to West Street, (2) with all matters reserved for up to a maximum of an additional 42 no. residential units (Use Class C3) and new public space off West Street, Coggeshall, The Dutch Nursery, West Street.

DECISION: That subject to the applicant entering into a suitable supplementary legal agreement, pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Term:

- **Outdoor Sports Space:** – Alternative projects that the Outdoor Sports Space contribution can be spent on (provision of a new bowling green on land adjacent to the doctor's surgery on Stoneham Road and/or a multi-use games area at the East Street Recreation Ground and/or outdoor gym equipment at the East Street Recreation Ground).
(Amendment to Head of Term contained in the original Section 106 Agreement)
- **Habitats/RAMS:** - A financial contribution of £122.30 per dwelling towards additional visitor management in accordance with the draft RAMS.

the Planning Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the 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.

The Committee approved this application, subject to the Head of Term of the original Section 106 Agreement relating to Outdoor Sports Space being amended; to an additional Head of Term relating to Habitats/RAMS; the amendment of Condition No. 3; and the amendment of the Approved Plans as follows:-

Amended Head of Term

Outdoor Sports Space: – Alternative projects that the Outdoor Sports Space contribution can be spent on (provision of a new bowling green on land adjacent to the doctor’s surgery on Stoneham Road and/or a multi-use games area at the East Street Recreation Ground and/or outdoor gym equipment at the East Street Recreation Ground).

Additional Head of Term

Habitats/RAMS: - A financial contribution of £122.30 per dwelling towards additional visitor management in accordance with the draft RAMS.

Amended Condition

3. No above ground development relating to plots 24-29 shall take place unless and until the following information shall have been submitted to and approved in writing by the local planning authority:
- A technical report providing an assessment of the odour and noise levels, as omitted by the proposed pumping station, at the nearest residential properties.
 - Full details of the external appearance of the pumping station, including any proposed means of enclosure.
- The development shall be carried out in accordance with the approved details.

Amended Approved Plans

Amend:- Other - Plan Ref: Public Open Space Landscape Specification - 2nd Revision (28/9/19)

To:- Other - Plan Ref: Public Open Space Landscape Specification - 2nd Revision (28/8/19)

Add:- Other - Plan Ref: Public Open Space Landscape Management Plan - Revision (24/10/19)

48 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning applications be refused for the reasons contained in the Planning Development Manager’s report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01481/FUL (REFUSED)	Halstead	Mr R Catchpole Stow Healthcare	Demolish outbuildings, extend and refurbish existing

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redundant building to form 25 bed dementia unit and erect bin and cycle stores, erect 30 bungalows and layout associated car parking, drainage and landscaping, Halstead Hall, Braintree Road.

Members of the Planning Committee were advised that as an appeal had been lodged with The Planning Inspectorate against the non-determination of this application the Local Planning Authority could not determine it.

The Planning Committee agreed that if it had been able to determine the application it would have been refused for the reasons contained in the Planning Development Manager's report, as set out below:-

1. The bungalows are proposed to ensure that the creation of the specialist dementia care unit is viable and is considered to be 'enabling development' by the applicant. The Council consider that the supporting viability report is flawed, particularly in relation to build costs of the bungalows and it has not been demonstrated that 30no. residential properties are required to make the scheme viable. Furthermore, the Council consider that the 'enabling development' argument can only be applied to heritage assets and not the creation of a dementia unit and, as such, there is no justification for the proposed bungalows.

Whilst the dementia unit is considered to be an unviable project on its own, this does not justify the erection of residential development in the countryside where there is not policy support, nor any special circumstances.

In addition to this, the applicant has not adequately demonstrated that there is a need for this specialist type of accommodation in the District.

The proposal is contrary to Adopted Local Plan Policies RLP2 and RLP21, Adopted Core Strategy Policy CS5 and Draft Local Plan Policy LPP35.

2. The proposed 30no. market bungalows would be located in the countryside, falling outside of the defined development boundary as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal is therefore contrary to Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan.

The site is divorced from a village/town with facilities and amenities beyond reasonable and safe walking distance of the site and development in this location would undoubtedly place reliance upon travel by car. The disconnected and divorced nature of the site from the existing settlement results in an enclave of housing which would be an unnatural enlargement of

the town and would be of harm to the amenity afforded to the countryside location and the character of the settlement. Furthermore, the proposal by way of the design and layout results in a development which is suburban in character, unrelated to its context and failing to integrate into the countryside location in which it would be situated and failing to secure a high standard of design, or good level of amenity for future occupiers. The proposal would also lead to the future pressure to remove the existing established tree belt along the South Western boundary of the site, causing further harm to the landscape character of the area.

Cumulatively the adverse impacts of the development outweigh the benefits and the proposal fails to secure sustainable development, contrary to the National Planning Policy Framework, Policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy, Policies RLP2, RLP9, RLP10, RLP80 and RLP90 of the Adopted Local Plan and Policies LPP1, LPP37, LPP50, LPP55 and LPP71 of the Draft Local Plan.

3. The proposal fails to provide sufficient information regarding ecological features within the site, contrary to the National Planning Policy Framework, Policy RLP84 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.
4. The proposed development would trigger the requirement for:
 - The delivery of 30% affordable housing on site;
 - A financial contribution towards primary health services;
 - The provision, maintenance and delivery of public open space, outdoor sports and allotments.

These requirements would need to be secured through a Section 106 Agreement. At the time of issuing this decision, a Section 106 Agreement had not been prepared or completed. As such the proposal is contrary to Policies CS2, CS10 and CS11 of the Core Strategy, the Open Space Supplementary Planning Document (SPD) and Policy LPP82 of the Draft Local Plan.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01803/OUT (REFUSED)	Halstead	Mr Lee Weatherall Hargreaves Land Ltd	Outline planning permission for up to 70 dwellings (including 30% affordable housing), landscaping, public open space and sustainable drainage system (SuDs) with all matters reserved apart from access, land at the junction of

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/00069/OUT (REFUSED)	Finchingfield	Huntstowe Land Ltd	Outline application with some matters reserved except access for the erection of up to 50 dwellings and 0.97ha of public open space, and related development, land West of Bardfield Road.

Councillor David Coverdale, representing Finchingfield Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01317/FUL (REFUSED)	Braintree	Mr Chris Andrews	The installation of a 30 metre high tower supporting 6 no. antennas and 4 no. dishes for EE and H3G and 3 no. antennas and 2 no. dishes for CTIL, and the installation of 8 no. equipment cabinets for EE and H3G and 3 no. cabinets for CTIL, all within a secure compound, and development ancillary thereto, EE Mast, Church Lane.

The Committee refused this application, subject to the deletion of Reason No. 2 as follows:-

Deleted Reason

2. The application site is adjacent to the Bocking Conservation Area, and within close proximity to several listed buildings, two of which are Grade II* listed.

Contrary to Paragraph 189 of the National Planning Policy Framework, a heritage statement to describe the significance of heritage assets which could be affected by the proposed development has not been provided. The application is therefore considered to be contrary to the National Planning Policy Framework.

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 9.10pm.

Councillor Mrs I Parker
(Vice-Chairman in the Chair)