

Minutes

Planning Committee

29th January 2019



Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Apologies
Mrs L Bowers-Flint	Yes	Mrs I Parker	Yes
T Cunningham	Yes	F Ricci	Yes
P Horner	Apologies	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	Mrs G Spray	Yes
S Kirby	Yes	Vacancy	
D Mann	Yes		

99 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor K Bowers declared a non-pecuniary interest in Application No. 18/01255/FUL - land West of Hedingham Road, Gosfield as, in his role as Deputy Cabinet Member for Economic Development, he had visited the site when the applicant had been present. Councillor Bowers stated that he had not passed comment on the application. Councillor Bowers left the meeting when the application was considered and determined.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 18/01255/FUL - land West of Hedingham Road, Gosfield as the applicant was known to him and he had visited the premises when the application had been mentioned. Councillor Cunningham stated that he had not passed comment on the application. Councillor Cunningham left the meeting when the application was considered and determined.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 17/01157/OUT - land at The Airfield, Earls Colne as the applicant was the Trustees of Marks Hall Estate and she was a member of Marks Hall Arboretum.

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

100 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 15th January 2019 be approved as a correct record and signed by the Chairman.

101 **QUESTION TIME**

INFORMATION: There were three 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. 18/01255/FUL - land West of Hedingham Road, Gosfield

Application No. 18/01824/OUT - Bower Hall, Western Road, Silver End

Application No. 18/01832/FUL - 21 Churchfield Road, Coggeshall

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

102 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 18/02011/FUL - 111 The Street, Black Notley was 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>
*18/01832/FUL (APPROVED)	Coggeshall	Mr R Harrison	Conversion of garage to habitable room and replace garage door with window, 21 Churchfield Road.

Councillor Michael Horne, representing Coggeshall 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>
*18/02011/FUL (APPROVED)	Black Notley	Mr Dan Ladkin	Retention of doors, windows and materials not previously approved by Planning Permission 12/01500/FUL, 111 The Street.

103 **VARIATION TO RESOLUTION TO GRANT PLANNING PERMISSSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT - APPLICATION NO. 17/01157/OUT, LAND AT THE AIRFIELD, EARLS COLNE**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/01157OUT (APPROVED)	Earls Colne	Trustees of Marks Hall Estate	Variation to resolution to grant planning permission, land at The Airfield.

INFORMATION: Consideration was given to a report on a proposed change to the Section 106 legal agreement relating to planning application no. 17/01157/OUT. The application by the Trustees of Marks Hall Estate related to an outline planning application with all matters reserved for the erection of up to 10,220m² of B1, B2 and B8 employment floor space at land at The Airfield, Earls Colne. The application had been approved by the Planning Committee on 10th October 2017, subject to conditions and to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

One of the Heads of Terms of the Section 106 agreement required a financial contribution of approximately £50,539 towards the off-site provision of casual/informal open space and outdoor sports provision as there was a lack of open space on the application site. At the time, it had been noted that the nearest informal/casual open space and formal sports projects to which the money could be allocated were located some distance from the application site, in the village of Earls Colne. Planning permission had not been issued as the applicant had sought to amend this Head of Term by proposing an alternative solution. This proposed that future employees of new businesses located on the application site should each be provided with access to a pass giving them free access to the Marks Hall Gardens and Arboretum on weekdays during the normal opening hours for Marks Hall. It was noted that Marks Hall was located immediately adjacent to the site and it would provide usable and directly accessible off-site open space for future employees to utilise. Earls Colne Parish Council had not objected to this proposal.

In the circumstances, it was proposed that the Heads of Terms of the Section 106 agreement should be varied to remove the requirement for a financial contribution towards the off-site provision of casual/informal open space and outdoor sports provision and to replace it with a requirement to provide access to a free pass to the Marks Hall Gardens and Arboretum. No other changes to the original Heads of Terms were proposed.

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 cover the following Heads of Terms:

- **Open Space** (future employees of the new businesses to be located on the application site to each be provided with access to a pass enabling them to have free access to the Marks Hall Gardens and Arboretum on weekdays during Marks Hall's normal opening hours);
- **Travel Plan and Monitoring Fee** (provision and implementation of a Travel Plan including a monitoring fee);
- **Aircraft Emergency Landing Safeguards** (identified area at the northern end of the site to remain free from any form of development, storage use, or parking of vehicles. To remain in its current form as a flat grassed area for emergency aircraft landings with no benches, seating areas, or similar to be erected. Existing hedge along site's northern boundary to be permanently retained and maintained to a maximum height of 6m. Existing hedge located along site's western boundary to be permanently retained and maintained to a maximum height of 15m where identified as necessary by the Local Planning Authority. Submission and approval of a management and maintenance plan to cover these matters and Section 106 legal agreement to specify the above restrictions).

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 original report to the Planning Committee. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date 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.

104 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning applications be refused for the 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>
*18/01255/FUL (REFUSED)	Gosfield	Mr Marfleet	Residential development of 8 new dwellings, associated parking and landscaping to replace existing industrial buildings and hardstanding on land at Hedingham Road, Gosfield, Essex, land West of Hedingham Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01824/OUT (REFUSED)	Silver End	Mr Robert Crow	Application for outline planning permission with some matters reserved - Erection of 9 houses (landscape only reserved), Bower Hall, Western 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 site of the proposed development is within the curtilage and setting of Bowers Hall together with its associated barns and outbuildings to the south-east all of which are Grade II listed.

The proposal by virtue of its siting, design, layout and external appearance would result in 'less-than-substantial-harm' in accordance with Paragraph 196 of the National Planning Policy Framework. Whilst the proposal would result in some social and economic benefit, this would not outweigh the harm identified above to the heritage asset. The proposal is therefore considered to be contrary to the National Planning Policy Framework, Policy RLP100 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy and Policy LPP60 of the Braintree District Publication Draft Local Plan.

- 2 The design, layout and external appearance of the development of the proposal would represent poor design in the context not only to the listed buildings, but also the wider context of the existing settlement.

The proposal would result in a contrived and cramped environment which would be alien and incongruous within its context. It would also fail to achieve a satisfactory design, or standard of residential amenity and has had little regard for the amenity of existing residents contrary to the National Planning Policy Framework, Policies RLP10, RLP56 and RLP90 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy, Policies LPP1, LPP45, LPP50, LPP55 and LPP60 of the Braintree District Publication Draft Local Plan, and relevant standards adopted by the Council in the Essex Design Guide and the Essex Vehicle Parking Standards 2009.

- 3 Paragraph 175 of the National Planning Policy Framework indicates that consent should be refused for development if it would result in significant harm to biodiversity, which cannot be avoided through mitigation.

In this case, there is an established pond with the application site. Insufficient information has been submitted to demonstrate that this proposal would not result in any harm to local biodiversity and in the absence of this information it is concluded that the proposal would be contrary to the National Planning Policy Framework, Policies RLP80 and RLP84 of the Braintree District Local Plan Review, Policies CS5 and CS8 of the Braintree District Core Strategy and Policies LPP68 and LPP70 of the Braintree District Publication Draft Local Plan.

- 4 Paragraph 102 of the National Planning Policy Framework sets out that transport issues should be considered from the earliest stages of plan-making and development proposals so that the potential impacts of development on transport networks can be addressed.

In this case, as insufficient information has been submitted to demonstrate that the proposal would be acceptable in terms of highway safety and efficiency it is concluded that the proposal is contrary to the National Planning Policy Framework, Policy RLP56 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy, Policies LPP44 and LPP45 of the Braintree District Publication Draft Local Plan, and the adopted Guidance set out in the Essex Vehicle Parking Standards.

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).

Planning Committee - Additional Meetings

At the close of the meeting the Chairman stated that three additional meetings of the Planning Committee had been arranged for 19th February 2019, 5th March 2019 and 19th March 2019.

Site Visit – Stafford Park, Liston Road, Liston

At the close of the meeting the Chairman stated that arrangements would be made for Members of the Planning Committee to make an organised visit to a proposed development site at Stafford Park, Liston Road, Liston for which a planning application had been submitted. It was anticipated that the site visit would be arranged for March 2019.

The meeting closed at 8.17pm.

Councillor Mrs W Scattergood
(Chairman)