

Minutes

Planning Committee 30th November 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Apologies
Mrs J Beavis	Yes	F Ricci	Yes
K Bowers	Yes	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

Substitutes

Councillor Mrs S Wilson attended the meeting as a substitute for Councillor Mrs I Parker.

87 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 21/00669/FUL - Land West of Hill House, Brent Hall Road, Finchingfield as Mr Matthew Wood, who had registered to participate during Question Time and had submitted a written statement, was a former employee of Braintree District Council and he was known to some of them.

On behalf of Members of the Committee, Councillor Mrs Scattergood declared a joint non-pecuniary interest also in Application No. 21/02003/FUL - Brook Farm Barns, Station Road, Colne Engaine as the applicant was related to an Elected Member of Braintree District Council, who was known to them.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 21/02003/FUL - Brook Farm Barns, Station Road, Colne Engaine as her fellow Elected Member for Braintree District Council Three Colnes Ward was related to the applicant and the applicant was also known to her. Councillor Mrs Spray stated that she had not discussed the application with either the Elected Member, or the applicant.

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.

88 **MINUTES**

DECISION: It was reported that the Minutes of the meetings of the Planning Committee held on 28th September 2021, 12th October 2021, 26th October 2021 and 2nd November 2021 were not available for approval.

89 **QUESTION TIME**

INFORMATION: There were five statements made about the following applications/Item. The people who had registered to participate during Question Time made their statements immediately prior to the Committee's consideration of the applications/Item.

Application No. 21/00669/FUL - Land West of Hill House, Brent Hall Road, Finchingfield

Application No. 21/01810/FUL - Land off Western Road, Silver End

Application No. 21/02658/S106A - Land West of Mount Hill, Halstead

Item No. 6 Tree Preservation Order No. 08/2021 - The Beeches, Braintree Road, Great Bardfield

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

90 **PLANNING APPLICATION APPROVED**

DECISION: That the undermentioned planning application 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 this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/02003/FUL (APPROVED)	Colne Engaine	Mr George Courtauld	Conversion of agricultural barn into 1 x 2 bedroom bungalow, Brook Farm Barns, Station Road.

91 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00669/FUL (APPROVED)	Finchingfield	Harding Group	Construction of 11no. new dwellings with new dedicated access from Brent Hall Road and associated development, land West of Hill House, Brent Hall Road.

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:

- **Affordable Housing** - The provision of 40% affordable housing.
- **Open Space** - Financial contributions of £8,913.52 for outdoor sport; £8,803.11 for equipped play; and £331.17 for allotments.

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 two additional Conditions and an additional Information to Applicant as follows:-

Additional Conditions

22. No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:
- The provision of parking for operatives and contractors within the site;
 - Safe access in / out of the site;
 - The storage of plant and materials used in constructing the development;
 - The storage of top soil;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing and underbody washing facilities;
 - Measures to control the emission of dust, dirt and mud during construction;

- Hours of working;
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

23. The development shall not be occupied until details to demonstrate the provision of at least one dedicated electric vehicle charging point for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

Additional Information to Applicant

3. The applicant is encouraged to consider the use of photovoltaics on the dwellings.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/02658/S106A (APPROVED)	Halstead	Stonebond Properties Ltd	Application made under Section 106a of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 (as amended) - Application to modify Schedule 2 (Affordable Housing) and Schedule 3 (Open Space and Amenity Areas) of s106 legal agreement relating to 18/00774/OUT, land West of Mount Hill.

Members of the Planning Committee were advised that this application sought to vary a Section 106 Agreement relating to Application No. 18/00774/OUT in respect of the provision of affordable dwellings; the affordable housing tenure; and the definition of the play area at the site.

The proposed alterations to the Section 106 Agreement were considered to be acceptable.

DECISION: That the above-mentioned planning application be approved under the Town and Country Planning Act 1990 and the Section 106 Agreement amended as referred to in the Planning Development Manager's report and as set out below. Details of this planning application are contained in the Register of Planning Applications.

- Definition of Affordable Homes altered to read:

'a minimum of 30% of the dwellings to be constructed on the site as part of the development to be provided in accordance with the Affordable Housing Scheme (rounded down to the nearest whole number) and in accordance with the standards acceptable to Homes England at the date of the commencement of development with any ground floor flats and all houses complying with Building Regulations 2015 Part M4 Category'.

- Definition of Affordable Housing Tenure altered to read:

'means a minimum of 20% of the dwellings as Affordable Housing for Rent and a minimum of 10% of the dwellings as Other Tenures unless otherwise agreed in writing with the Council with the actual number to be provided in each category of tenure being rounded up or down to the nearest whole number'.

- Alter the definition of Play Area to read:

'means a local area for play together with appropriate fencing, seating, litter bins, signage, and landscaping, for use by the general public to be provided on the site in accordance with the planning permission'.

92 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report. Details of this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/01810/FUL (REFUSED)	Silver End	Redrow Homes Ltd	Erection of 126 homes with associated access, open space and infrastructure (following outline planning permission 15/00280/OUT and as a variation of reserved matters approval 18/01751/REM), land off 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:-

Reasons for Refusal

- 1 The proposal when assessed as a whole fails to provide the high standard of design required by local and national planning policies. The proposed development fails to reflect local distinctiveness through use of the developer's standard house types and fails to link the development architecturally to the existing village as had been intended through the previously approved development on this land and would result in the development having a detrimental impact on the character and appearance of the village.

The layout results in poor townscape with some unattractive vistas and a public realm that fails to meet the standards of a previously approved scheme, or the housing development that is being built out by the applicant to the south of this site. Concerns about the public realm include the landscaping of streets where there is perpendicular parking and large uninviting hard standings which form rear parking courts.

The proposed layout also fails to meet the Council's adopted design standards in respect of residents' amenity. The Essex Design Guide states that new properties should be separated by a minimum of 25 metres where properties back on to each other, to prevent overlooking and loss of privacy. The Essex Design Guide also specifies that properties with three or more bedrooms should be provided with a minimum of 100 sq.m of private amenity space, with this being found to be an acceptable and workable minimum size that accommodates most household activities, adequate visual delight, receive some sunlight and encourage plant growth. A number of plots contain the Warwick house type which has three first floor rooms that are large enough to be used as bedrooms but these houses have been provided with less private amenity space than the required minimum standard. The arrangement of car parking often results in the car of neighbouring properties overhanging properties, or in some cases being located squarely in front of a neighbour's property. Whilst there are areas where this has been mitigated there are others where it has not which will result in residents being disturbed by neighbours' movements again diminishing the quality of neighbour amenity.

The development would therefore be contrary to Policies RLP2, RLP9 and RLP90 of the Adopted Local Plan (2005), Policies SP1, SP3 and SP7 of the Adopted Section 1 Local Plan (2021), Policies LPP1, LPP37 and LPP55 of the Draft

Section 2 Local Plan (2017), and the National Planning Policy Framework (NPPF).

- 2 The NPPF states that the local housing market need assessment should be used to determine the size, type and tenure of housing needed for different groups in the community including, but not limited to, those who require affordable housing.

The mix of market housing proposed is not at all reflective of the need identified within the Strategic Housing Market Assessment and would result in a development where 48% of the market housing would be 4-bed houses. The mix of market housing would fail to adequately provide a mix of housing that contributes towards the creation of a mixed community with housing that will help meet housing need from all sections of the community.

The proposed mix of Affordable Housing is also unacceptable to the Council. Policy LPP37 of the Section 2 Local Plan states that developments should provide a mix of house types and size which reflects local need. It goes on to state that the housing mix should be in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise. The Council have previously agreed a mix of Affordable Housing for this site which includes more larger dwellings than is proposed within this application. Policy LPP37 allows a different mix of housing to that proposed in the SHMA if material considerations dictate. Using data from the housing register as well as local knowledge of developing trends in the need for Affordable Housing the Council has previously agreed a mix of Affordable Housing which includes more larger dwellings. As such the proposed mix is not acceptable and will not allow the Council to meet the local affordable housing need.

In addition not all of the proposed Affordable Housing would comply with the Nationally Described Space Standards. As tenants in the affordable units may have less choice in whether they live there and as the affordable units are likely to be fully occupied the majority of the time failure to meet minimum internal space standards will inevitably result in diminished residential amenity for those residents.

The development would therefore be contrary to Policies RLP7, RLP8, and RLP9 of the Adopted Local Plan (2005), Policies LPP1, LPP33, LPP37 and LPP55 of the Draft Section 2 Local Plan (2017), and the NPPF.

- 3 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:
- The provision of 40% of the housing on the site as affordable housing
 - Financial contribution towards the provision of Early Years & Childcare provision; Primary School education and secondary school transport
 - Provision of serviced Education Land & payment towards associated Traffic Regulation Order
 - Financial contribution towards the provision of primary health care

- The provision, delivery and maintenance of Public Open Space on-site
- Financial contribution towards the provision of off-site Open Space
- Residential Travel Plans and Residential Travel Packs
- Financial contribution to fund off-site Visitor Management at the Blackwater Estuary Special Protection Area and Ramsar site; the Dengie Special Protection Area and Ramsar site; and the Essex Estuaries Special Area of Conservation

This requirement would be secured through a S106 Agreement, which will also need to ensure that obligations in respect of the housing development currently being built out to the south of the application site are also secured. At the time of issuing this decision a S106 Agreement has not been prepared or completed.

In the absence of securing such planning obligations the proposal is contrary to Policies CS2 and CS10 of the Adopted Core Strategy (2011), Policy RLP138 of the Adopted Local Plan (2005), Policy SP2 of the Adopted Section 1 Local Plan (2021), Policies LPP33 and LPP53 of the Draft Section 2 Local Plan (2017) and the Open Space Supplementary Planning Document (2009).

93 **TREE PRESERVATION ORDER NO. 08/2021 – THE BEECHES, BRAINTREE ROAD, GREAT BARDFIELD**

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 08/2021 relating to The Beeches, Braintree Road, Great Bardfield to which two objections had been submitted. A provisional Order had been made on 9th June 2021 in respect of a semi-mature eucalyptus tree (T1) growing in the front garden of The Beeches, Braintree Road, Great Bardfield.

The Order had been served following the submission of a Notice by the owners of the property under Section 211 of the Town and Country Planning Act 1990 to carry out works to trees in a Conservation Area, which would involve the felling of the eucalyptus tree.

An assessment of the amenity value of the tree had been carried out by Braintree District Council's Landscape Service using the standard TEMPO assessment, which had shown that the making of an Order was appropriate. This assessment was attached as an Appendix to the Agenda report. It was considered that the tree was in good health and that it was a prominent feature along Braintree Road, being visible from neighbouring properties including the grounds of The Church of St Mary-the-Virgin. The tree provided a screen to modern properties situated behind The Beeches and it helped to retain the period character of Braintree Road. It was considered that confirmation of the Order would maintain the amenity of the local Conservation Area.

The applicant and owner of The Beeches had stated that he wished to fell the tree due to its proximity to overhead telephone lines, houses, and driveways and that the tree had caused movement to the wall situated to the front of his property and it had also damaged the fence at the neighbouring property known as 'Keepers'.

Two objections to the making of the Order had been submitted by the applicant and the owner of the neighbouring property 'Keepers'. These objections were attached as an Appendix to the report together with further correspondence submitted by the applicant. The owner of 'Keepers' read a statement at the Planning Committee meeting during Question Time.

The owner of 'Keepers' had stated in her objection that the tree had grown through the telephone line to her property; that there was overhang to the pavement and her driveway; that her fence had been damaged; that the tree overshadowed her home and reduced the amount of light to the front of the property; and that leaf drop from the tree caused a mess.

Members of the Committee were advised that the objections to the Tree Preservation Order could be addressed by maintenance such as crown lifting and judicial pruning of the tree and that any damage to garden structures could also be dealt with by maintenance work. It was noted that the making of a Tree Preservation Order did not exclude the possibility of consent being granted for work to the tree.

DECISION: That Tree Preservation Order No. 08/2021 relating to The Beeches, Braintree Road, Great Bardfield be confirmed.

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 8.59pm.

Councillor Mrs W Scattergood
(Chairman)