

Minutes

Planning Committee

14th February 2017



Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Yes
Mrs L Bowers-Flint	Yes	J O'Reilly-Cicconi (Vice-Chairman)	Yes
T Cunningham	Yes	Mrs I Parker	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	P Schwier	Yes
S Kirby	Yes	Mrs G Spray	Yes
D Mann	Yes		

Councillor J Abbott was also in attendance.

125 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor K Bowers declared a non-pecuniary interest in Application No. 16/00397/OUT - land East of Mill Lane, Cressing as he had been in communication with local residents regarding the application. Councillor Bowers stated that he had not expressed a view about the application.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 16/00397/OUT - land East of Mill Lane, Cressing as people speaking at the meeting during Question Time were known to her and as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.
Councillor Mrs Bowers-Flint declared a non-pecuniary interest also in Application No. 16/02127/FUL - land between 'The Wagon and Horses' and 'Hollies', Pebmarsh Road, Twinstead as the applicant's agent who was speaking during Question Time was known to her as a former employee of Braintree District Council and as a customer of the company that she was employed by.

Councillor S Kirby declared a non-pecuniary interest in Application No. 16/01774/FUL - land between Magnolia and Ridgeways, Grange Hill, Greenstead Green as a resident of Greenstead Green.

Councillor D Mann declared a non-pecuniary interest in Application No. 16/00397/OUT - land East of Mill Lane, Cressing as a number of respondents were known to him.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 16/00397/OUT - land East of Mill Lane, Cressing as the elected Member for the Braintree Eastern Division of Essex County Council which included Cressing and as Braintree District Council's Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor Lady Newton declared a non-pecuniary interest also in Item No. 5a - Variation to Section 106 Legal Agreement and Decision – Application No. 15/01580/OUT land South of Halstead Road, Earls Colne and Application No. 16/01735/OUT - land off Wethersfield Road, Finchingfield as Braintree District Council's Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor Mrs W Scattergood declared a non-pecuniary interest in Application No. 16/02127/FUL - land between 'The Wagon and Horses' and 'Hollies', Pebmarsh Road, Twinstead as the Chairman of Great Henny, Little Henny, Middleton and Twinstead Parish Council was known to her in her capacity as the elected Member for the Stour Valley South Ward of Braintree District Council, and as her husband was a Parish Councillor for the Great Henny and Little Henny part of the joint Parish Council.

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

126 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 31st January 2017 be approved as a correct record and signed by the Chairman.

127 **QUESTION TIME**

INFORMATION: There were fourteen statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application.

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

128 **WITHDRAWN ITEM - VARIATION TO SECTION 106 LEGAL AGREEMENT AND DECISION – APPLICATION NO. 15/01580/OUT LAND SOUTH OF HALSTEAD ROAD, EARLS COLNE**

INFORMATION: Members were advised that this Item had been withdrawn from the Agenda. The matter would be submitted to a future meeting of the Planning Committee for consideration.

129 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 16/01774/FUL - land between Magnolia and Ridgeways, Grange Hill, Greenstead Green; and 16/02138/LBC - Town Hall Centre, Fairfield Road, Braintree 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 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>
*16/01774/FUL (APPROVED)	Greenstead Green	Mr Stephen Astell	Change of use of land to domestic garden land in connection with Magnolia, land between Magnolia and Ridgeways, Grange Hill.

The Committee approved this application, subject to the amendment of Condition No. 3 and an additional paragraph to the Information to Applicant as follows:-

Amended Condition

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order amending, revoking and re-enacting that Order) no gate, fence, wall, or other means of enclosure shall be erected at the site on the Southern boundary without first obtaining planning permission from the Local Planning Authority.

Additional Information to Applicant

2. The applicant is made aware that the site is not considered to be curtilage of the dwellinghouse and therefore does not benefit from permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 for the erection of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/02055/OUT (APPROVED)	Black Notley	Mr B Tann	Outline planning application for 4 no. dwellings, land adjacent to Peacehaven, London Road.

The Committee approved this application, subject to the amendment of Condition No. 8 as follows:-

Amended Condition

8. Development shall not be commenced until an investigation and risk assessment have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include the following:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) A remediation strategy (if required).

The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/02127/FUL	Twinstead	Mr Philip Chance	Erection of 4 bedroom

(APPROVED)

detached dwelling complete with cart lodge and related infrastructure, including altered vehicular access, land between 'The Wagon and Horses' and 'Hollies', Pebmarsh Road.

The Committee approved this application against the Officers' recommendation, subject to the following Conditions and Information to Applicant:-

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed above.
3. Construction of any building shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples.
4. The enclosures as indicated on the approved layout plan, including the relocation of the hedge at the front of the site, shall be provided prior to first occupation of the development hereby approved and shall be permanently maintained as such.
5. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway boundary shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
6. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
7. No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-
Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work
8. Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The 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. This shall include details of the replacement hedge along the site frontage.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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.

9. The tree protection measures shown on Drawing No. 274-03 Rev.A within the approved Arboricultural Impact Assessment listed above shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Information to Applicant

1. Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of

a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

2. Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicant is advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 – Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.

Councillor Holland, representing Great Henny, Little Henny, Middleton and Twinstead Parish Council, attended the meeting and spoke in support of this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/02138/LBC (APPROVED)	Braintree	Braintree District Council	Installation of external flue as part of boiler installation, Town Hall Centre, Fairfield Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/00397/OUT (APPROVED)	Cressing	M Scott Properties Ltd	Application for outline planning permission with all matters reserved except for access for residential development of up to 118 units and the creation of a pedestrian footway link to Cressing Station, via Bulford Mill Lane, land East of Mill Lane.

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 as amended:-

- **Affordable Housing** – 40% of units on-site to be affordable housing, with a final mix to be agreed at the reserved matters stage, but with a 70%/30% ratio of affordable rent over affordable intermediate housing;
All units to comply with Lifetime Home Standards
25% of ground floor flats and all 3 bed houses to meet Cat 2 of Part M of the Building Regulations;
- **Education** - Financial contribution based on standard formula index-linked to April 2016 for expansion of Cressing Primary School and a financial contribution towards the cost of transporting students from the site to secondary school based on the number of dwellings to be constructed;
- **Health** – Financial contribution towards improvements to Primary Health care facilities at the Silver End GP practice. Contribution of £328.98 per dwelling;
- **Highways and Transport** - Construction of off-road pedestrian link to Cressing railway station and associated highways works; pedestrian links to PRow 38 and The Westerings; provision of real time passenger information displays at Tye Green Post Office bus stops on Claud Ince Avenue; financial contribution of £9,700 + VAT toward the provision of additional covered cycle parking at Cressing railway station;
- **Public Open Space** (on-site)- To be managed by a Management Company;
- **Equipped Play Facility** – To be provided on-site; the value of which shall be calculated in accordance with the Council's Open Spaces Supplementary Planning Document;

- **Outdoor Sports** - Financial contribution calculated in accordance with the Council's Open Spaces Supplementary Planning Document;
- **Council's Monitoring Fees**

the 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 date of the Planning Committee's decision, the 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 Section 106 Agreement Heads of Terms and Condition No. 1 being amended as follows:-

Amended Heads of Terms

- Education – The Financial contribution to be 'based on standard formula'.
- An additional Head of Term regarding the 'Council's Monitoring Fees'

Amended Condition

1. Details of the:-

- (a) scale, appearance and layout of the building(s); and the
- (b) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Councillor James Abbott, Braintree District Ward Councillor for Silver End and Cressing, attended the meeting and spoke against this application.

Councillor Anton Liebscher, representing Cressing Parish Council, attended the meeting and spoke against this application.

A motion to refuse this application was moved and seconded, but on being put to the vote the motion was **LOST**.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/02101/VAR (APPROVED)	Witham	Redrow Homes Ltd	Application to vary condition no. 26 of planning approval 15/00430/OUT - to vary the condition so that the site wide design guide will be submitted to and approved by the Council prior to the submission of the first reserved matters application for the 92nd dwelling on the site, land adjacent to Lodge Farm, Hatfield Road.

DECISION: That, subject to the applicant entering into a Deed of Variation to the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) securing the obligations agreed as part of planning permission 15/00430/OUT the 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. Alternatively, in the event that a suitable Deed of Variation is not agreed within three calendar months of the date of the Planning Committee's decision, the Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

131 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the 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>
*16/01735/OUT (REFUSED)	Finchingfield	Mr Beamon Gladman Developments Ltd	Proposed residential development of up to 80 dwellings, landscaping, open space and associated ancillary infrastructure, land off Wethersfield Road.

Councillor Mrs Alison Stanger, representing Finchingfield Parish Council, attended the meeting and spoke against this application.

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during January 2017. The report included a summary of each case and a précis of the decision.

DECISION: That the report be noted.

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

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 10.15pm to enable all business on the Agenda to be transacted.

The meeting closed at 10.30pm.

Councillor Mrs W Scattergood
(Chairman)

APPENDIX
PLANNING COMMITTEE
14TH FEBRUARY 2017
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 16/00397/OUT - Land East of Mill Lane, Cressing
- (i) Statement by Mr Richard Simpson, Fielding House, Mill Lane, Cressing (Objector)
 - (ii) Statement by Mr Rich Holding, 18 The Westerings, Cressing (Objector)
 - (iii) Statement by Mr Mike Moser, Mill House, Bulford Mill Lane, Black Notley (Objector)
 - (iv) Statement by Ms Vicky Barton, Chairman of Cressing Neighbourhood Plan Steering Group (address not supplied) (Objector)
 - (v) Statement by Councillor Anton Liebscher, for Cressing Parish Council, c/o Ms Anna Tame, Clerk to Cressing Parish Council, St Barnabas, Claud Ince Avenue, Cressing (Objector)
 - (vi) Statement by Councillor James Abbott, Braintree District Councillor for Silver End and Cressing Ward, 1 Waterfall Cottages, Park Road, Rivenhall (Objector)
 - (vii) Statement by Mr Robert Pomery, Pomery Planning Consultants Ltd, Pappus House, Tollgate West, Stanway, Colchester (Agent)
- 2 Statements Relating to Application No. 16/01735/OUT - Land off Wethersfield Road, Finchingfield
- (i) Statement by Ms Linda Cutts, Freshwell Health Centre, Wethersfield Road, Finchingfield (Objector)
 - (ii) Statement by Mr John Holford, Millwood, Wethersfield Road, Finchingfield (Objector)
 - (iii) Statement by Councillor Mrs Alison Stanger, for Finchingfield Parish Council, 8 The Hopgrounds, Finchingfield (Objector)

- 3 Statements Relating to Application No. 16/02055/OUT - Land Adjacent to Peacehaven, London Road, Black Notley
- (i) Statement by Mr Adrian Haylock, 291 London Road, Black Notley (Objector)
 - (ii) Statement by Mrs Erika Tann, c/o Andrew Ransome, Plainview Planning, Oliver House, Hall Street, Chelmsford (Applicant)
- 4 Statements Relating to Application No. 16/02127/FUL - Land Between 'The Wagon and Horses' and 'Hollies', Pebmarsh Road, Twinstead
- (i) Statement by Councillor David Holland, for Great Henny, Little Henny, Middleton and Twinstead Parish Council, c/o Mrs F J Wells, Clerk to Great Henny, Little Henny, Middleton and Twinstead Parish Council, 'Newcaven', The Street, Bulmer (Supporter)
 - (ii) Statement by Mr Chris Loon, Springfields Planning and Development, 15 Springfields, Great Dunmow (Agent)