

Minutes

Planning Committee

31st January 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 Mrs M Cunningham was also in attendance (until 8.15pm).

119 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application Nos. 15/01366/OUT - Carier Business Park, East Street, Braintree and 16/01665/OUT - land West of Finchingfield Road, Steeple Bumpstead as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor S Kirby declared a non-pecuniary interest in Application No. 16/01763/VAR - land rear of 16 High Street, Halstead as he had been approached by and had spoken to local residents regarding the application. Councillor Kirby stated that he had not indicated, or inferred any judgment about the application.

Councillor Lady Newton declared a non-pecuniary interest in Application Nos. 15/01366/OUT - Carier Business Park, East Street, Braintree and 16/01665/OUT - land West of Finchingfield Road, Steeple Bumpstead as the Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor J O'Reilly-Cicconi declared a non-pecuniary interest in Application No. 16/02040/FUL - Brook Hall, Brook Hall Lane North, Foxearth as a partner of the applicant's business was a relation of his wife. Councillor O'Reilly-Cicconi left the meeting when the application was considered and determined.

Councillor P Schwier declared a non-pecuniary interest in Application No. 16/02040/FUL - Brook Hall, Brook Hall Lane North, Foxearth as the applicant was known to him as a fellow Member of the Hedingham branch of the Conservative Association.

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.

120 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 10th January 2017 be approved as a correct record and signed by the Chairman.

121 **QUESTION TIME**

INFORMATION: There were thirteen 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.

122 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 16/01417/FUL - Kings Cottage, Church Road, Gosfield; 16/01418/LBC - Kings Cottage, Church Road; Gosfield; 16/01792/FUL - Riverside House, Station Road, Earls Colne; and 16/01955/ADV - McDonalds, Galleys Corner, Braintree Road, Cressing 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. 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>
*16/01417/FUL (APPROVED)	Gosfield	Mr S Pryke	Retention of pagoda, car port and gate, Kings Cottage, Church Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01418/LBC (APPROVED)	Gosfield	Mr S Pryke	Retention of pagoda, car port and gate, Kings Cottage, Church Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01763/VAR (APPROVED)	Halstead	Mr James Emmerson 100 Acres Limited	Application for variation of Condition 2 of approved application 15/01012/FUL - To remove the passage link in the middle of the terrace which provided access to the rear garden. Garden access to be achieved through new gates within the existing rear wall. Amendment to roof design, front elevation and car parking layout, land rear of 16 High Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01792/FUL (APPROVED)	Earls Colne	Mr and Mrs Meecham	Proposed garage, games room and bedroom extension, Riverside House, Station Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01812/FUL (APPROVED)	Hatfield Peverel	Mr Eng Eng Developments	Erection of rear/side extensions and construction of new pitched roof, Avon Lea, Ulting Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01955/ADV (APPROVED)	Cressing	McDonald's Restaurants Ltd	Relocation of existing signs with the installation of new. Suite to comprise; 6 no. freestanding signs and 1 no. side-by-side directional, McDonalds, Galleys Corner, Braintree Road.

123 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01366/OUT (APPROVED)	Braintree	Carier (Braintree) Ltd	Redevelopment of site to involve the demolition of all existing buildings and erection of up to 74 dwellings, of which 30% will be affordable, erection of pump station and associated access arrangements from East Street, Carier Business Park, East Street.

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** - 30% provision; 70/30 tenure split (rent over shared ownership); clustered in two or three areas of the site; for a 2 phase development 50% to be delivered in each phase; delivered without reliance on public subsidy; units to be compliant with either lifetime homes standards or Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction.
- **Site Wide Housing and Phasing Strategy** - To be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision, housing mix and a phasing plan.
- **Site Wide Landscape Strategy** - To be submitted for approval prior to submission of first Reserved Matters application and to include details of how areas of open space and landscaping will be managed and maintained for the benefit of the public realm.
- **Healthcare** - Financial contribution of £28,083. Trigger point for payment being prior to the commencement of development.

- **Public Open Space** - Financial contribution toward outdoor sports provision, equipped children's play space and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document (SPD). Financial contribution towards informal open space provision if the Reserved Matters site layout does not provide the total required amount on site as required by Policy CS10 and the Council's Open Spaces SPD. SUDs feature to be excluded from this calculation. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Trigger point for public open space payments being on first occupation of the development.
- **Residential Travel Information Pack** - To be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit.
- **Education** - Financial contribution required based on Essex County Council's standard formula and index-linked to April 2015. Trigger point for payment being on the commencement of development.

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 being amended as follows:-

Head of Terms

- **Public Open Space** – The trigger point for public open space payments to be 'on first occupation of the development'.
- **Education** - The trigger point for education payments to be 'on the commencement of development'.

Councillor Mrs Mary Cunningham, Braintree District Ward Councillor for Braintree Central and Beckers Green, attended the meeting and spoke against this application.

DECISION: That the undermentioned planning applications be refused for the 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>
*16/01605/FUL (REFUSED)	Ridgewell	Mrs Dawn Brailsford	Change of use from public free house to residential, The Kings Head, Chapel Road.

Councillor Nick Rouse, representing Ridgewell 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>
*16/01665/OUT (REFUSED)	Steeple Bumpstead	Gladman Developments Ltd	Resubmission of application 16/00410/OUT - Outline planning permission for up to 65 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Finchingfield Road, pedestrian access from George Gent Close and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access, land West of Finchingfield Road.

In considering this application, Members of the Planning Committee were informed that the Lead Local Flood Authority (LLFA) (Essex County Council) had withdrawn its objection to the application. The LLFA's original response had been based on an earlier version of the Flood Risk Assessment, not the version submitted with the planning application. The LLFA was satisfied that an appropriate surface water

drainage scheme could be achievable within the available space on the site. The LLFA had recommended four Conditions to be imposed if the application was granted.

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

Deleted Reason

- 2 Planning policy as set out in the National Planning Policy Framework and Policies RLP69 and RLP71 of the Braintree District Local Plan Review seek to ensure that sustainable drainage systems for the management of surface water run-off are put in place and that development will not increase flood risk on site or elsewhere.

The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case insufficient information has been submitted to address the issue of surface water run-off and flood risk in order to demonstrate that the proposed development will not give rise to an increased flood risk on site or beyond the site. The proposal therefore fails to accord with the policies referred to above.

Councillor Mr Kerry Barnes, representing Steeple Bumpstead 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>
*16/02040/FUL (REFUSED)	Foxearth	Brook Hall Farm Partnership Mr David Fahie	Retrospective application for the change of use and alterations to disused agricultural outbuildings to form 3 no. dwellings with associated private gardens and car parking spaces, Brook Hall, Brook Hall Lane North.

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

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).

At the close of the meeting, it was confirmed that an 'Urban Design' training session had been arranged for Members of the Planning Committee which would take place on Wednesday, 1st March 2017 between 11.30am and 4.00pm.

The meeting closed at 9.49pm.

Councillor Mrs W Scattergood
(Chairman)

APPENDIX
PLANNING COMMITTEE
31ST JANUARY 2017
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 16/01605/FUL – The Kings Head, Chapel Road, Ridgewell
 - (i) Statement by Mr Christopher Salt, The Cottage, Stambourne Road, Ridgewell (Objector)
 - (ii) Statement by Mrs Isabel Mackay-Yau, Tabor House, Chapel Road, Ridgewell (Objector)
 - (iii) Statement by Councillor Nick Rouse, for Ridgewell Parish Council, c/o Mr G Walkingshaw, Clerk to Parish Council, 80 Chapel Road, West Bergholt, Colchester (Objector)
 - (iv) Statement by Mrs Dawn Brailsford, The Kings Head, Chapel Road, Ridgewell (Applicant)
- 2 Statements Relating to Application No. 15/01366/OUT – Carier Business Park, East Street, Braintree
 - (i) Statement by Mr Simon Abbott, Regional General Manager for Norish South East, Norish Ltd, 1 Benfield Way, Lakes Road, Braintree (Objector)
 - (ii) Statement by Councillor Mrs Mary Cunningham, Braintree District Ward Councillor for Braintree Central and Beckers Green, Little Bishops, Queenborough Lane, Braintree (Objector)
 - (iii) Statement by Mr Ray Ricks, Boyer Planning Ltd, 14 De Grey Square, De Grey Road, Colchester (Agent)
- 3 Statements Relating to Application No. 16/01665/OUT - Land West of Finchingfield Road, Steeple Bumpstead
 - (i) Statement by Mr Jon Borges, for 'Hands off Steeple Bumpstead', 11 Woolnough Close, Steeple Bumpstead (Objector)

- (ii) Statement by Councillor Mr Kerry Barnes, for Steeple Bumpstead Parish Council, c/o Mrs J Argent, Clerk to Parish Council, The Moot Hall, Chapel Street, Steeple Bumpstead (Objector)

4 Statement Relating to Application No. 16/02040/FUL - Brook Hall, Brook Hall Lane North, Foxearth

Statement by Mr David Fahie, for Brook Hall Farm Partnership, c/o Mr Barry Whymark, Whymark Moulton Ltd, 14 Cornard Road, Sudbury, Suffolk (Applicant)

5 Statements Relating to Application No. 16/01763/VAR - Land rear of 16, High Street, Halstead

- (i) Statement by Mr Richard Hall, 9 Hedingham Road, Halstead (Objector)

- (ii) Statement by Mr Joe D'Urso, Sole Concepts Limited, Architectural & Structural Services, Unit 3 Haslemere Industrial Estate, Charlton Mead Lane, Hoddesdon, Herts EN11 0DJ (Agent)

6 Statement Relating to Application No. 16/01812/FUL - Avon Lea, Ulting Road, Hatfield Peverel

Statement by Mr David Pring, Yildiz, Ulting Road, Hatfield Peverel (Objector)