

Minutes

Planning Committee

4th December 2018



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	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	Mrs G Spray	Yes
S Kirby	Yes	Vacancy	
D Mann	Yes		

Councillor M Dunn (until 8.12pm), Councillor Mrs S Wilson (until 8.12pm) and Councillor Mrs J Pell (until 8.32pm) were also in attendance. Councillor Mrs Pell attended the meeting in her capacity as a Member of Halstead Town Council and she spoke during Question Time regarding Application No. 18/00774/OUT - land West of Mount Hill, Halstead.

81 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 17/02246/OUT - land North of Colchester Road, Coggeshall as Councillor Tom Walsh, who was speaking at the meeting during Question Time on behalf of Coggeshall Parish Council was known to her in her capacity as an Elected Member of Braintree District Council for Coggeshall Ward.

Councillor Mrs Bowers-Flint declared a non-pecuniary interest also in Application No. Application No. 18/01203/FUL - The Compasses Inn, Compasses Road, Pattiswick, Bradwell as Councillor Tony Dunn, who was speaking at the meeting during Question Time on behalf of Bradwell with Pattiswick Parish Council was known to her in her capacity as an Elected Member of Braintree District Council for Coggeshall Ward. Councillor Mrs Bowers-Flint stated also that she had met with Mr and Mrs Clark, the applicants and Mr and Mrs Eley who had objected to the application in her capacity as one of the Ward Councillors. Councillor Mrs Bowers-Flint stated that she had not expressed an opinion about the application.

Councillor D Mann declared a non-pecuniary interest in Application No. 17/02246/OUT - land North of Colchester Road, Coggeshall as a number of the

people who had submitted representations about the application were known to him. Councillor Mann stated that he had not discussed the application with any of the correspondents.

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.

82 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 20th November 2018 be approved as a correct record and signed by the Chairman.

83 **QUESTION TIME**

INFORMATION: There were nineteen 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. 17/02246/OUT - land North of Colchester Road, Coggeshall

Application No. 18/00774/OUT - land West of Mount Hill, Halstead

Application No. 18/01103/OUT - land North West of Haverhill Road, Helions Bumpstead

Application No. 18/01203/FUL - The Compasses Inn, Compasses Road, Pattiswick, Bradwell

Application No. 18/01293/FUL - land to rear of The Jack and Jenny, Hatfield Road, Witham

Application No. 18/01703/FUL - 29 Newlands Precinct, Witham

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

84 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 18/01059/FUL - Thatchetty Cottage, Waltham Road, Terling; and 18/01651/ADV - Howbridge Church of England Junior School, Dengie Close, Witham 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, 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>
*18/01059/FUL (APPROVED)	Terling	Mr and Mrs K Dowsing	New two storey extension with glazed link to existing dwelling, Thatchetty Cottage, Waltham Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01103/OUT (APPROVED)	Helions Bumpstead	Mr and Mrs J Ramsey	Outline application with all matters reserved except for access for the erection of five dwellings on land to the east of no.1 Haverhill Road, Helions Bumpstead, land North West of Haverhill Road.

Councillor Neville Nicholson, representing Helions 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>
*18/01293/FUL (APPROVED)	Witham	Wellington Pub Company	Residential development comprising one detached 3 bedroom dwelling and creation of a new access, land to rear of The Jack and Jenny, Hatfield Road.

The Committee approved this application, subject to the amendment of Condition No. 4 as follows:-

Amended Condition

4. No occupation of the development shall take place until the following has been provided or completed:

An extension of the south eastern side Hatfield Road footway from where it currently terminates adjacent to The Jack and Jenny building across the entirety of the site frontage with a 2m width as shown on approved Site Plan reference 14 E received 25th October 2018.

Councillor Michael Lager, representing Witham Town Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01651/ADV (APPROVED)	Witham	Mr William Abbott	1 no. banner with details of church service, Howbridge Church of England Junior School, Dengie Close.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01703/FUL (APPROVED)	Witham	Mr Robert Russen, Co-operative Funeralcare	Fit out of retail unit to funeral home. Works to include installation of external condensing unit, 29 Newlands Precinct.

Councillor Michael Lager, representing Witham Town Council, attended the meeting and spoke against this application.

85 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/02246/OUT (APPROVED)	Coggeshall	Victoria Trotman Bovis Homes Limited	Outline application for the construction of up to 300 dwellings (including up to 40% affordable), nursery/community facilities (420m2) and provision of access, roads, drainage infrastructure, open space and strategic landscaping. Demolition of existing garage/workshop building, land North of Colchester Road.

DECISION: That subject to the Habitat Regulations Appropriate Assessment report being agreed with Natural England; and 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:

- **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered (likely in four areas of the site); delivered without reliance on public subsidy; delivered proportionately; all affordable homes (except bungalows) that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all affordable units to be compliant with Nationally Described Space Standards; shall include provision of 4no. wheelchair accessible bungalows (2no. 2 bed 4 person (Part M Cat 3a) and 2no. 3 bed 5 person (Part M Cat 3a)).
- **Public Open Space** (financial contributions toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. (Allotments contribution to be amalgamated with outdoor sports provision contribution if no allotments projects identified). Specific projects to be identified by Officers. Open space specification, plan and management plan required for approval by the Council in relation to on-site public open space).
- **Education** (financial contribution towards Early Years and Childcare; Primary Education and Secondary Education).
- **Healthcare Provision** (financial contribution of £113,554. Trigger point for payment being prior to commencement of 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).
- **Highway Works** (improvements to the public footpath located north of Mount Road between the proposal site and St. Peter's Road (details shall be agreed with the Local Planning Authority prior to commencement of the development)).
- **Upgrading of Bus Stops** (the upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority).
- **Habitat Regulations** (a mitigation package to mitigate the development's impact upon the Natura 2000 sites. This will include a financial contribution towards off-site mitigation at the Natura 2000 sites and is also likely to include

on-site mitigation measures. The final detail of the mitigation package will be agreed with Natural England as part of the Appropriate Assessment process).

- **Sport England** (financial contribution towards indoor sport provision in accordance with Sport England's development calculator).

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. 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.

Councillor Tom Walsh, representing Coggeshall Parish Council, attended the meeting and spoke against this application.

86 **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>
*18/00774/OUT (REFUSED)	Halstead	Tesni Properties Ltd and Messrs S H Cooke, J S Cooke and A N Cooke	Application for outline planning permission with some matters reserved except access, layout and scale - Erection of 71 dwellings with associated garages, garden curtilages, a sustainable urban drainage system (SUDS), public open space, hard and soft landscaping, land West of Mount Hill.

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, subject to the amendment of Reasons 1 and 5. The amended Reasons for refusal are as follows:-

- 1 The site is located in the countryside outside the town boundary of Halstead as identified in the adopted Local Plan Review and adopted Core Strategy. By virtue of the topography and prominence of the site, the proposal would result in a significant amount of development along the western side of Mount Hill that would be visually intrusive and harmful to the character and appearance of the countryside and detract from the surrounding landscape, particularly as the site forms a rural entrance into the town of Halstead. Development on the site would result in an unacceptable detrimental impact upon the surrounding landscape which would not be outweighed by the benefits of the development. It is considered that the development would be contrary to the National Planning Policy Framework, Policies RLP2 and RLP80 of the Adopted Local Plan, Policies CS5 and CS8 of the Core Strategy and Policy LLP71 of the Draft Local Plan.
- 2 The proposed development would result in the loss of intermittent views of Blamsters (Grade II Listed) which allow the heritage asset to be experienced within an agricultural setting. The proximity of the development to the former farm would also alter outward views from the Blamsters site, bringing the urban sprawl of Halstead into much closer proximity than existing and thus reducing further its sense of detachment and isolation from Halstead town. As such it is considered that the proposed development would result in less than substantial harm to the setting of Blamsters.

Furthermore the development would introduce a new urban edge to the southern approach to the Halstead Conservation Area, detaching the Conservation Area further from its historic open agricultural landscape setting, resulting in less than substantial harm to the character of the Conservation Area.

Whilst the level of harm in this case would be less than substantial harm, taking into account the cumulative impact upon the designated heritage assets, the benefits of the proposal do not outweigh the harm identified. The proposal is therefore contrary to the National Planning Policy Framework, Policies RLP90 and RLP100 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LLP50 and LLP60 of the Draft Local Plan.
- 3 The proposed development by virtue of its layout would be out of keeping with the existing pattern of development in the area and would represent poor design. The proposal would have an urbanising effect in this rural entrance into Halstead and would have a detrimental impact upon the character and appearance of the area contrary to the National Planning Policy Framework, Policies RLP9 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP1, LLP50 and LPP55 of the Draft Local Plan.
- 4 By virtue of the proposed layout of the site and having regard to the relationship to existing residential development adjacent to the site, it is

considered that the proposed development would have a detrimental impact upon neighbouring residential amenity in terms of privacy and outlook. The proposed development is therefore considered to be contrary to the National Planning Policy Framework, Policy RLP90 of the Adopted Local Plan and Policy LLP55 of the Draft Local Plan.

5 The proposed development would trigger the requirement for:

- The delivery of 30% affordable housing on site;
- A financial contribution towards primary school places;
- A financial contribution towards primary health services;
- The provision, maintenance and delivery of public open space, outdoor sports and allotments.
- A financial contribution towards a community building/facility.

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 and the Open Space Supplementary Planning Document.

6 Insufficient information has been submitted with regards to a sustainable urban drainage system, resulting in a holding objection from the Local Lead Flood Authority (Essex County Council). The proposal is therefore considered contrary to the National Planning Policy Framework, Policies RLP78 and RLP80 of the Adopted Local Plan and Policy CS8 of the Adopted Core Strategy.

Councillor Mrs Jackie Pell, representing Halstead Town Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01203/FUL (REFUSED)	Bradwell	Mr and Mrs Clark	Retrospective change of use of The Compasses Inn from public house (Use Class A4) to a venue for weddings and events (Use Class D1 and D2), The Compasses Inn, Compasses Road, Pattiswick.

Councillor Tony Dunn, representing Bradwell with Pattiswick Parish Council, attended the meeting and spoke against this application.

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).

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 10.17pm.

Councillor Mrs W Scattergood
(Chairman)