



BRANTHAM PARISH COUNCIL PLANNING COMMITTEE

Minutes

2018, 7.30pm at Brantham Village Hall

PRESENT: Jackie Heywood (JH) (Substitute)
Clare Phillips (CP)
Paul Saward (PS) (Chair)

IN ATTENDANCE:
Sarah Keys (SK) (Clerk)
2 members of the public

PLC 08.18.01	<p>APOLOGIES FOR ABSENCE Apologies received from Cllr Aherne and the Committee noted the absence of Cllr J Richardson.</p>
PLC 08.18.02	<p>MINUTES The minutes of the meeting on 25 July 2018 were approved and signed as a true record of the meeting.</p>
PLC 08.18.03	<p>DECLARATION OF INTEREST None</p>
PLC 08.18.04	<p>PLANNING APPLICATIONS DC/18/01383 Land At Brantham Hill, Brantham, Suffolk, CO11 1SH Re-Consultation re: erection of a single dwelling. Revised plans and addendum to planning statement received 03.08.18 Following discussion the Committee agreed the following comments for submission: Application DC/18/01383 included a supporting statement prepared by FJG Solicitors on behalf of the developer. The introduction to that document stated that BDC has provided pre application advice that it is necessary to demonstrate why, in planning terms, the complete loss of the public open space is acceptable. That statement was therefore prepared in order to justify the developer's position with regard to an amendment to the consented application. The developer has now submitted an amended Application, now providing a revised site layout involving an additional residential unit, and a consequent reduction in area of the open space. This is accompanied by further supporting information. BPC Comments Note: The following essentially reiterates the earlier BPC comments where it is felt that these continue to be relevant and germane. Further comment has been added as it relates to the amended application and supporting argument. <i>1. The quantum of development proposed by this application is a single bungalow located in anatural and logical position rounding off and supporting the form and layout of the development as a whole.</i> BPC Comment The proposed bungalow is still not contiguous with the built frontages of the</p>



development currently under construction. The proposal site remains seriously compromised by a drainage easement which defines where the proposed bungalow can be sited, significantly behind the established building line of the overall development, thereby failing to support the remainder of the now completed development.

2. The provision of a further bungalow will create punctuation, a matching bookend at either end of the development leading it to appear more cohesive and well balanced

BPC Comment

The NPPF contains a requirement that any development is to include good design. Good design should naturally include cohesion and balance from the start, and not rely upon a later unexpected building to provide it. The amended proposal does nothing to resolve this.

3. The provision of an additional dwelling will neither appear cramped or contrived

BPC Comment

Please refer to BPC comments (1) and (2) above. BPC considers that this proposed layout remains both cramped and contrived, for the reasons given. To simply state it not to be so is not a justification.

4. Subsequently it has been realised that the area of land is more extensive than had perhaps been perceived

BPC Comment

The original application contained a masterplan. Later post-approval detailed planning drawings included detailed housing and landscape layouts.

The approved landscape plan, for example, was provided at 1:250 scale which is quite sufficient to inform a development team with a full understanding of the extent of the overall site. Such matters are basic industry practice in considering the viability of a development and its subsequent successful construction.

It is noted however that the scale of the supplied drawing cannot fully justify the placement of the bungalow within the limitations of the site.

There appears for example to be no allowance for foundations to be placed outside of the drainage easement, the proposed corner appearing to be set out from the easement line. BPC are concerned that this will require the building to be set back even further into the already limited rear garden. This is sufficiently tight to warrant justification by a detailed survey and layout.

5. There were neither planning conditions nor a legal obligation to provide the public open space

BPC Comment

This comment, and several others are included within the amended supporting statement.

BPCs comments are as follows, and are a collected response to the severally repeated arguments that the open area is now not required, for whatever reason given by the developer within the supporting statement.

A planning authority is unlikely to stipulate or impose such matters prior to an application, but quite usually impose them as conditions to an approval.

As in this instance, conditions were imposed on an area of open space freely



offered and included by the developer within his application. The developer has, until now, readily accepted and discharged those conditions, including the preparation of a detailed landscape plan and landscape management plan, both of which include, and take account of, the approved open space. This condition has subsequently been discharged and BPC would wish to see the consented scheme constructed as approved.

Additional Notes:

The application seeks planning permission for one dwelling utilising the approved vehicular access for Planning Application B/15/01737/FUL

BPC Comment

The supplied site and block plans show a red boundary line to the new house, but this also includes the already consented access road. This would suggest that the new application will somehow affect the approved access road. Clarification on this point may be required.

BPC Comment

An open space is currently provided within both the original consent and in a limited form within the current amended application under discussion. BPC would advise that responsibility for dog mess will inevitably fall to BPC as this is the public view of such matters.

Should this amendment be approved, and since this land will remain in private hands, BDC should ensure that the developer includes for the provision of a Dog Bin and for its maintenance within the Landscape Management Plan. Similarly for the maintenance of the relocated footpath adjacent to the southern boundary.

BPC Comments regarding the Addendum Application supporting statement.

1. The reason that this application has been referred to Committee is understood to be because it is deemed to be of more than local significance in terms of its impact. It is unclear how a small area of privately owned open space that is intended to be made available to the public can be deemed to be of more than local significance. It was never going to be adopted; it was never going to contain play equipment. It was simply an open area, with seating, nothing more. Open space and seating continues to be retained as part of this application, alongside the footpath, which is not a public right of way. These are not lost.

BPC Comments

A planning authority is unlikely to stipulate or impose such matters prior to an application, but quite usual to impose them as conditions to an approval.

As in this instance, conditions were imposed on an area of open space freely offered and included by the developer within his application.

The developer has, until now, readily accepted and discharged those conditions, including the

preparation of a detailed landscape plan and landscape management plan, both of which include, and take account of, the open space as now approved.

This condition has subsequently been discharged and BPC would wish to see the original consented scheme constructed as approved.



It is not acceptable that a developer should depart from a consented scheme in such a significant manner, and to the detriment of the open space which was freely offered by the developer within the original application.

If this amended application were to be granted, this would be setting a precedent that an applicant, having submitted for, and obtained, a Planning Permission, can then dispute any agreed provision of Public Open Space arrangements (consented under B/15/01737) and apply for further development at a later date.

2. The original application was submitted pre the adoption of CIL and where there was no requirement for any public open space.

3. In consideration of the CIL contributions for this application these can be used for offsite open space, by implication not onsite provision. The proposed new dwelling will attract CIL contributions and therefore those funds can be utilised for offsite open space provision in accordance with the adopted CIL strategy. Notwithstanding the fact that open space is retained as part of this application proposal.

BPC Comment (items 2 and 3)

The provision of other facilities elsewhere is irrelevant generally, and especially with regard to this current application.

4. Planning Policy Policies CS11 and CS15 were considered at the time of the last application; reference B/15/01737 where the proposal was considered generally compliant with Policy CS11 and CS15.

5. The criterion for Policy CS11 for hinterland villages inter alia considers layout, relationship, character. The proposed development is for a single dwelling. Greater space has been achieved onsite because the footpath (not a PROW) has been realigned. The footpath now runs along the boundary. The footpath is retained, open space is retained and a seated area for the public are all maintained as part of this application. The layout, relationship, character and other policy requirements of CS11 are met

BPC Comment Item 5.

No “greater space has been achieved on site” since the overall site area has always been established. It was always possible for the developer to design the original scheme with the old footpath being relocated. The position of the old footpath was after all on private land, as noted by the supporting statement.

6. Policy CS15 criterion (ix) discusses making provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the District and where criterion (x) discusses creation of green space. When the previous application was objectively assessed it made no requirement for the indicated open space to be retained as such, by a planning condition, nor did it identify with or require it to be controlled for retention through the imposition of a Section 106 obligation.

BPC Comment

As noted previously, the area of open space was freely included and defined by the developer within the original approved application, this then being subject to conditions, one of which was the creation and maintenance of the landscaping etc of that area noted as open space. The developer has presumably accepted that as a valid condition as landscaping details have recently been submitted in order to discharge that condition.



It is understood that that condition is now discharged, thereby requiring its creation as approved, - being a direct requirement of the scheme as approved and now constructed.

7. It is noted that in respect of the Application Reference 15/01737 the Corporate Manager - Public Realm/Open Space made no response to the application submission and where it was further noted that the District Council "...would not normally adopt areas of open space such that proposed on the master plan layout".

BPC Comment

See Note at Item 6 above.

8. The Section 106 and associated Deed of Variation make no provision for public open Space

BPC Comment

See Note at Item 6 above

9. With the previous scheme the public open space again was intended to be privately owned and privately maintained, but available for public use. It was not going to be adopted by the Council.

10. In planning policy terms the site is simply not large enough to warrant onsite public open space.

BPC Comment

BPC would question why open space was offered within the original approved scheme, and also now as a token gesture, if that were the case.

11. There is open space that is retained as part of this application, alongside the footpath. It will be privately maintained, but intended to be made available for the public in perpetuity.

12. There was and is no requirement, should this application be refused, for the open space to be made publicly available. The area can simply be retained as an open area with public access denied.

BPC Comment

This appears at odds with the preceding item.

BPC note that the developer appears to be reserving the right, should this amended application be refused, to prevent public access to the open space. BPC would request that the LPA investigate the legality of that stance as it appears to be at odds with the approval and the now discharged condition regarding the landscaping and its maintenance.

17. In its revised form it is considered that the proposal, no longer set at an angle, does reflect the surrounding form of development, including the new housing development of Poppy Field.

BPC comment Items 16-17

As noted previously, the proposed bungalow is still not contiguous with the built frontages of the development generally. The proposal site remains seriously compromised by a drainage easement which defines where the proposed bungalow can be sited, significantly behind the established building line of the overall development, thereby failing to support the remainder of the now completed development.

The amenity space might meet with requirements but it is cramped and uneasy



within the site.

18. The revised open space proposes 205 square metres. This is not a small inconsequential area given the proposal was/is only for 13 + 1 dwellings and does not provide an unreasonable standard of public open space when taking into account the quantum of development. The proposal is considered compliant with Policy HS28

BPC Comment

The original approved application was for 13 units. The current application is for one unit, not 13+1 as noted.

The resultant proposed open area will thereby be significantly less than submitted within the scheme as approved.

19. In summary the approved scheme for the 13 dwellings made no requirement for public open space and whilst offered it is now proposed in a revised format. It was always, either by virtue of the previous scheme, or as provided for with the application proposal, going to be adjacent to the public highway where the same considerations must apply. The seated area has moved marginally closer to the road in a position that it is far more likely to be utilised looking outward to where greater activity is occurring. Previously it looked inward at an oblique angle where views of the surrounding countryside would have been limited.

BPC Comment

See our response at Item 6 above. Since this is fundamental to the current application, and is repeated here.

The area of open space was freely included and defined by the developer within the original approved application, this being subject to certain conditions, one of which was the creation and the landscaping etc of that area noted as open space. The developer has presumably accepted that as a valid condition, as landscaping details have recently been submitted in order to discharge that condition and to legalise the development as a whole.

It is understood that that condition is now discharged, thereby requiring its creation as approved, - being a direct requirement of the scheme as approved and essentially completed.

20. This application appears to have become linked to the failure to provide onsite affordable housing. The simple fact as to why this was not provided onsite was because the Housing Department's staircasing clause was not acceptable to many registered providers including the Council's own Housing Department who eventually declined the site. This staircasing problem lost the applicant's time in their determined effort to find a registered provider to take the site

BPC Comment

This is perhaps correct, but irrelevant.

21. The scheme of the 13 as built and nearing completion, with all plots reserved provides a well-balanced, highly attractive scheme to the benefit of Brantham village – comparable to that of Summers Park at Lawford, but on a smaller scale.

BPC Comment

This is perhaps correct, but irrelevant.

22. The provision of the single additional dwelling provides a natural infill commensurate to the spatial context of the area



	<p>BPC Comment</p> <p>Please refer to our original comments as above, which BPC considers still relevant. The proposed bungalow is still being shoe-horned into a space left over after the planning of the development.</p> <p><i>23. In conclusion it is considered firstly, that this matter is not of more than local significance because there was no requirement for public open space in consideration of planning policy, it was a voluntary offer. This offer is retained, but in an alternative format. The resultant scheme in total (13 + 1 dwellings) provides for a well-designed, well planned scheme to the benefit of the street scene. The application meets planning policy requirements, contributes to the supply of housing, is fully sustainable and completes the development of Poppy Field retaining the design principles of the main scheme.</i></p> <p>BPC Comment</p> <ol style="list-style-type: none"> 1. A decision in favour of the amended plan, both from the point of view of an additional unit and the consequent reduction of green space would not reflect well on the LPAs authority in applying and enforcing planning conditions, in this case for freely offered open space within a housing application. 2. The additional unit might contribute to the supply of housing, but it is not a necessity given that the LPA has apparently met its 5 year requirement.” <p>Summary to amended application</p> <p>BPC remain of the opinion that the developer has failed to demonstrate within the amended layout that, in planning terms, the loss of the open space is acceptable. BPC do not agree, for the reasons given, that the proposed bungalow is a suitable or adequate design response to this residual and restricted area, The offer of an open landscaped space within the original application was welcomed by BPC, as was the inclusion of an element of affordable housing, both of which prompted a kindly response from BPC to this development.</p> <p>Should this application be approved the LPA should perhaps consider the devaluing of, and potential precedents created by, a planning process in which worthy planning conditions are clearly set, considered in depth by others, and then are not enforced or capable of being by-passed.</p>
<p>PLC 08.18.05</p>	<p>PLANNING RESULTS</p> <p>DC/18/02656 31 Temple Pattle, Brantham, Manningtree, Suffolk CO11 1RW Conversion of integral garage to living accommodation and alterations to porch PLANNING PERMISSION GRANTED</p> <p>DC/18/02218 ITW Imagedata, Factory Lane, Brantham, Manningtree Suffolk CO11 1NL Erection of Palisade style security fencing 2.4m high around factory site with new gates and modified existing gates PLANNING PERMISSION GRANTED</p> <p>DC/18/02335 Land On The South Western Edge Of The Chestnut Queech Wood , Victoria</p>



	<p>Cottage, Brantham Hall, Brantham, Suffolk Manningtree CO11 1PF Removal of 1 No. 15m Swann sectored column on concrete base, 3 No. antennas and 2 No. 0.3m dishes and replacement with 1 No. 25m Swann lattice tower on new concrete base, 3 No. antennas and 2 No. 0.3m dishes and ancillary development thereto. PLANNING PERMISSION GRANTED</p>
PLC 08.18.06	<p>CORRESPONDENCE AND LATE PLANNING APPLICATIONS The Committee noted the correspondence from Babergh District Council informing the Council that Planning Application DC/18/01386 (former HMS Ganges site) has been withdrawn.</p>
PLC 08.18.07	<p>DATE OF NEXT MEETING Wednesday 26 September 2018, 7.45pm at Brantham Village Hall</p>

MEETING FINISHED AT 7.38pm

SIGNED.....DATED.....