

Minutes

Planning Committee

22nd January 2013

Present



Councillors	Present	Councillors	Present
J E Abbott	Yes	D Mann	Yes
P R Barlow	Yes	Lady Newton	Yes
E Bishop	Yes	J O'Reilly-Cicconi	Yes
R J Bolton	Apologies	R Ramage	Yes
C A Cadman	Apologies	W D Scattergood (Chairman)	Yes
T J W Foster	Yes	L Shepherd	Apologies
P Horner	Yes	G A Spray	Yes
S C Kirby	Yes		

Councillors Allen, Beavis, Fincken, Pell and Sutton were also in attendance.

111 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor S C Kirby declared a disclosable pecuniary interest in Application Nos. 12/01373/FUL, 12/01374/CON and 12/01405/LBC - land East of High Street, Halstead as his business premises were located adjacent to the site and as a Member of Halstead Town Council; and a disclosable pecuniary interest in Application Nos. 12/01340/FUL - Garage Court, Sarcel, Stisted and 12/01341/FUL - Garage Court and land off Christina Road, Witham as the applicant held an account with his business. Councillor Kirby left the meeting whilst these applications were discussed and determined.

Councillor D Mann declared a non-pecuniary interest in Application Nos. 12/01373/FUL, 12/01374/CON and 12/01405/LBC - land East of High Street, Halstead as a Director of Greenfields Community Housing which had objected to the applications. Councillor Mann indicated that he had not commented on, or taken part in the formulation of the objection. Councillor Mann remained in the meeting for the consideration of these items. Councillor Mann declared a non-pecuniary interest also in Application Nos. 12/01340/FUL - Garage Court, Sarcel, Stisted and 12/01341/FUL - Garage Court and land off Christina Road, Witham as a Member of Greenfields Community Housing's Board of Directors. Councillor Mann left the meeting whilst these applications were discussed and determined.

Councillor Lady Newton declared a non-pecuniary interest in Application Nos. 12/01373/FUL, 12/01374/CON and 12/01405/LBC - land East of High Street, Halstead as the Cabinet Member for Planning and Property with responsibility for the management of the Council's assets which included part of the site. Councillor Lady Newton left the meeting whilst these applications were discussed and determined.

Councillor J P L P O'Reilly-Cicconi declared a non-pecuniary interest in Application No. 12/01574/FUL - Ellis Farm, Church Street, Gestingthorpe as he knew some of the objectors and had in the past played cricket for Gestingthorpe cricket team.

Councillor W D Scattergood declared a non-pecuniary interest in Application No. 12/01574/FUL - Ellis Farm, Church Street, Gestingthorpe as she was a District Councillor for Hedingham and Maplestead Ward and she knew some of the objectors. Councillor Scattergood stated that she had not discussed the application with any of the objectors.

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

112 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 8th January 2013 be approved as a correct record and signed by the Chairman.

113 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.

In view of the number of people wishing to speak, it was moved, seconded and agreed that Question Time be extended to enable everyone to be heard.

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

114 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 contained in the Development Manager's report, as amended below. 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>
*12/01574/FUL (APPROVED)	Gestingthorpe	Mr A Lay	Change of use of land to: residential garden associated with the residential use of Ellis Farm; equestrian use associated with the residential use of Ellis Farm. Erection of stable/tack room/store building and fencing, gates and engineering works to reprofile land, Ellis Farm, Church Street.

Councillor Steve Bolter, representing Gestingthorpe Parish Council, and Councillor Joanne Beavis, District Councillor for Hedingham and Maplestead Ward, attended the meeting and spoke against this application.

The Committee approved this application, subject to the amendment of Condition Nos. 7 and 9 as follows:-

Amended Conditions

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking and re-enacting that Order) no gate, fence, wall, or other means of enclosure shall be erected, constructed or placed within either the hatched or cross hatched areas on the plan attached to this decision notice, as permitted by Class A of Part 2 of Schedule 2 of that Order, other than in accordance with the approved plans, without first obtaining planning permission from the local planning authority.
9. Details of any proposed external lighting to the stables shall be submitted to, and approved in writing by, the local planning authority prior to installation. Such details shall specifically exclude floodlighting. Prior to the first occupation of the development, any such approved external lighting shall be installed in accordance with details and thereafter so maintained. There shall be no other sources of external illumination.

115 SECTION 106 AGREEMENTS

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01340/FUL (APPROVED)	Stisted	Greenfields Community Housing Ltd	Erection of 6 no. residential dwellings with associated landscaping, car parking and highway works, Garage Court, Sarcel.

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 ensure that at least two of the residential units at the site remain as affordable housing units, 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 by 31st March 2013, 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 addition of the following Information to Applicant:-

Information to Applicant

1. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage

and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

2. Your attention is drawn to the concerns of the occupiers of No. 17 Sarcel regarding both pedestrian and vehicle access to their property during construction. You are advised to make suitable arrangements for access to all properties to be maintained during construction and to ensure that any disruption is kept to a minimum. Furthermore, the occupiers of No. 6 Sarcel have advised that their oil tank is located in their rear garden and normally filled from the application site. You are asked to investigate this with a view to identifying an alternative solution.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01341/FUL (APPROVED)	Witham	Mr P Cook Greenfields Community Housing	Erection of 3 no. affordable dwellings with associated landscaping, car parking and highway works, Garage Court and land off Christina Road.

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 secure a contribution of £4,154.16 towards the provision of open space and sports and recreation facilities in the local area, 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 planning obligation is not agreed by 4th March 2013, the Development Manager be authorised to refuse planning permission on the basis of the failure to make appropriate public open space provision in accordance with the relevant policies and the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

116 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning applications be refused for the 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>
*12/01373/FUL (REFUSED)	Halstead	Tesco Stores Ltd	Erection of a food store (Use Class - A1 Retail) and car park with associated landscaping and highway works and provision of new vehicular accesses to the rear of High Street properties, land East of High Street.

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

The Committee refused this application, subject to the following additional reason:-

Additional Reason for Refusal

8. Paragraph 56 of the National Planning Policy Framework states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. Furthermore, paragraph 125 states that 'by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

Policy CS9 of the Braintree District Council Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development.' Policy CS8 of the Braintree District Council Core Strategy states that 'all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. This will include where appropriate protection from: air, noise, light and other types of pollution and excessive use of water and other resources'.

Policy RLP90 of the Braintree District Local Plan Review states that 'the Council seeks a high standard of layout and design in all developments, large and small, in the District.' Furthermore, Policy RLP65 of the Braintree District Local Plan Review states that proposals for external lighting will only be permitted if: the lighting is designed as an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky; the lighting intensity is no greater than necessary to provide adequate illumination; there is no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users; and there is no unacceptable harm to natural ecosystems.

In this case, it is considered that the proposed lighting scheme would be visually prominent within the surrounding area and would result in unacceptable levels of light spill, which would have an adverse impact on the amenities of local residents and the surrounding area.

For the above reasons it is considered that the proposal is contrary to the policies set out above.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01374/CON (REFUSED)	Halstead	Tesco Stores Ltd	Erection of a food store (Use Class - A1 Retail) and car park with associated landscaping and highway works and provision of new vehicular accesses to the rear of High Street properties, land East of High Street.

Councillor J 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>
*12/01405/LBC (REFUSED)	Halstead	Tesco Stores Ltd	Removal of 8 no. underground and 1 no. overground air raid shelters, land East of High Street.

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

117 PLANNING AND ENFORCEMENT APPEAL DECISIONS – DECEMBER 2012

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during December 2012. 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).

The meeting closed at 10.12pm.

W D SCATTERGOOD

(Chairman)

APPENDIX
PLANNING COMMITTEE
22nd JANUARY 2013
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 12/01574/FUL – Ellis Farm, Church Street, Gestingthorpe
 - (i) Statement by Mrs Debbie Nott, Laura House, Gestingthorpe, Halstead (Objector)
 - (ii) Statement by Mr Tony Dagnall, Alvaston Cottage, Church Street, Gestingthorpe (Objector)
 - (iii) Statement by Mr Hugh Cannell, Thorpe Barn, Church Street, Gestingthorpe (Objector)
 - (iv) Statement by Mrs Sharon Smith, Linda S Russell, Solicitors & Planning Consultants, 57 North Hill, Colchester (Agent)
 - (v) Statement by Mr Adam Lay, c/o Linda S Russell, Solicitors & Planning Consultants, 57 North Hill, Colchester (Applicant)
 - (vi) Statement by Mrs Swati Lay, c/o Linda S Russell, Solicitors & Planning Consultants, 57 North Hill, Colchester (For Applicant)
2. Statements Relating to Application Nos. 12/01373/FUL, 12/01374/CON and 12/01405/LBC – Land East of High Street, Halstead
 - (i) Statement by Mr Grahame Bell, 11 Factory Terrace, Factory Lane East, Halstead (Objector)
 - (ii) Statement by Dr David Johnson, 38 Godwin Close, Halstead (Objector)
 - (iii) Statement by Mr Geoffrey Willis, 6 Portway Court, Halstead (Objector)
 - (iv) Statement by Mrs Louise Ford, Regional Town Planning Manager, Tesco Stores Ltd, New Tesco House, Delamare Road, Cheshunt, Hertfordshire (Applicant)

3 Statements Relating to Application No. 12/01340/FUL – Garage Court, Sarcel, Stisted

- (i) Statement by Mrs Heather Hearn, 5 Sarcel, Stisted (Objector)
- (ii) Statement by Mr Andrew Collett, Ingleton Wood LLP, 43 All Saints Green, Norwich (Agent)

4 Statement Relating to Application No. 12/01341/FUL – Garage Court and land off Christina Road, Witham

Statement by Mr Andrew Collett, Ingleton Wood LLP, 43 All Saints Green, Norwich (Agent)