

# Minutes

## Planning Committee

5<sup>th</sup> August 2008



### Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	Mrs M E Galione	Yes
J Baugh	Yes	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Yes
R J Bolton	Apologies	Lady Newton	Yes
J C Collar	Yes	J O'Reilly-Cicconi	Yes
Mrs E Edey	Yes	Mrs J A Pell	Apologies
A V E Everard	Yes	Mrs W D Scattergood (Chairman)	Yes
J H G Finbow	Yes	Mrs L Shepherd	Yes
Ms L B Flint	Yes	Mrs G A Spray	Yes
T J W Foster	Apologies	R N Wilkins	Yes
Mrs B A Gage	Apologies		

Councillor A F Shelton was also in attendance.

### 49 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor J Baugh declared a personal and prejudicial interest in Application No. 08/01145/FUL – 9 Grenville Road, Braintree as he was the agent for the application. Councillor Baugh did not take part in the discussion on, or determination of this application. Councillor Baugh declared a personal interest also in Application No. 08/01152/LBC – 11 Feering Hill, Feering as he was known by the applicant.

Councillor J H G Finbow declared a personal and prejudicial interest in Application No. 08/01112/FUL – Tucklands Farm, North End Road, Gestingthorpe as the applicant was a personal friend. Councillor Finbow did not take part in the discussion on, or determination of this application

Councillor J P L P O'Reilly-Cicconi declared a personal interest in Application No. 08/01118/FUL – Riefelds, Burtons Green, Greenstead Green as he was the Ward Councillor, he had been present when the application had been discussed by the Parish Council and he had been asked for procedural advice. Councillor O'Reilly-Cicconi declared a personal interest also in Application No. 08/01112/FUL – Tucklands Farm, North End Road, Gestingthorpe as the applicant was known to him.

Councillor Mrs G A Spray declared a personal interest in Application No. 08/01154/FUL – Riverside Business Park, Station Road, Earls Colne as she was a Councillor for the Ward.

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

50 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 8th July 2008 be approved as a correct record and signed by the Chairman.

51 QUESTION TIME

**INFORMATION:** There were 10 statements made, a summary of which is contained in the Appendix to these Minutes.

Any amendments to the Officers' recommendations having taken into account the issues raised by members of the public would be dealt with by conditions, a summary of which is contained within the appropriate minute. Full details of the Decision Notices are contained in the Register of Planning Applications.

52 PLANNING APPLICATIONS APPROVED

It was moved, seconded and agreed that planning applications 08/01145/FUL - 9 Grenville Road, Braintree, 08/01152/LBC - 11 Feering Hill, Feering and 08/01112/FUL - Tucklands Farm, North End Road, Gestingthorpe contained within Part B of the Agenda be approved en bloc in accordance with the Development Director's recommendations.

**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 contained in the Development Director's report, as amended below, details of which are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01117/FUL (APPROVED)	Alphamstone	Mr & Mrs Wells	Removal of condition no. 4 (working hours) of planning permission no. 07/01407/FUL, Cedar Holme, Pebmarsh Road.

Councillor D Rutledge, Chairman of Alphamstone and Lamarsh Parish Council, joined the table and spoke on this application. Councillor Rutledge stated that Alphamstone was a very quiet village and that noise issues should be taken into account when considering this application. He stated that the restriction of working hours in the determination of the application would be a proactive step, whereas taking action for noise nuisance under control of pollution legislation would be a more difficult reactive step.

Councillor A F Shelton, Ward Councillor for Stour Valley South, joined the table and spoke on this application. Councillor Shelton stated that Alphamstone was a very special community and that the residents protected the peace and quiet of the village on Sundays. Councillor Shelton stated that the time limits with respect to the hours of work at the site had originally been imposed on the commercial builders undertaking the work. However, the work was in fact being carried out by the owner-occupiers of the property who were both teachers working away from home. They were therefore requesting an extension of the hours of work in order that they could undertake this when they not at work. Councillor Shelton referred to the Parish Council's letter of 11<sup>th</sup> July 2008 which suggested an extension to the hours of working which it considered to be acceptable.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/01216/FUL (APPROVED)	Black Notley	Mr Sean Marten	Erection of single storey bungalow with garage and alterations to existing site access, 245 London Road.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/01145/FUL (APPROVED)	Braintree	Mr N Bashford	Erection of single storey rear extension, 9 Grenville Road.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/00882/FUL (APPROVED)	Cressing	Mr Gary Leckie	Proposed extension to form studio living unit and change of use of existing building from C3 (residential) to C2 (residential institution), Imola, Lanham Green.

The Committee approved this application, subject to the amendment of condition 3 and the addition of two conditions as follows:-

**Amended Condition**

3. No more than 7 residents shall occupy the building as extended at any one time.

**Additional Conditions**

4. Development shall not be commenced until details of the means of protecting the existing vegetation on the western boundary of the site during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection 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 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 on the western boundary.

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 or hedges.

5. The proposal shall be undertaken in accordance with the details submitted in the completed sustainable design and construction checklist unless agreed otherwise in writing by the local planning authority.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/01154/FUL (APPROVED)	Earls Colne	Tarmec Limited	Erection of warehouse, Riverside Business Park, Station Road.

The Committee approved this application, subject to the following additional condition and Information to Applicant:-

**Additional Condition**

4. Development shall not be commenced until details of external lighting to the site have been submitted to, and approved in writing by the local planning authority. Prior to the first occupation of the development external lighting shall be installed in accordance with details, which shall have been submitted to and approved in writing by the local planning authority.

**Information to Applicant**

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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/01152/LBC (APPROVED)	Feering	Ms D Ruffell	Demolish ancillary lean-to timber sheds and remove aspen tree. Rebuild west wing to same design as east, restore existing central and east wing to original design and re-roof. Change of use and refurbish interior to form three residential units. Extend existing garden wall to form communal amenity space. Provide five car parking spaces enclosed by new boundary wall and railings, 11 Feering Hill.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/01112/FUL (APPROVED)	Gestingthorpe	Mr I Yeldham	Alterations to fenestration and details – amendment to new replacement dwelling approved under planning reference no. 07/02240/FUL, Tucklands Farm, North End Road.

## 53 PLANNING AGREEMENT

**DECISION:** That, subject to either the applicant agreeing to a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or, if considered appropriate by the Development Director, the imposition of a suitably worded condition to cover the payment of a financial contribution of £6,613 towards the provision of a raised kerb at the bus stop, Swan Street, Sible Hedingham, the Development Director be authorised to grant planning permission under powers delegated to him, subject to the conditions and reasons set out in the report, and as amended below, details of which are contained in the Register of Planning Applications. In the event that a suitable planning obligation (where necessary) is not provided, the Development Director be authorised to Refuse the grant of planning permission.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/01079/FUL (APPROVED)	Sible Hedingham	T Rippon & Sons (Holdings) Ltd	Demolition of attached shop unit and construction of 3 no. two storey detached houses, Land rear of 133/135 Swan Street.

The Committee approved this application, subject to the following additional conditions and Information to Applicant.

Additional Conditions

12. Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such 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.

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.

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no enlargement of the dwelling-house, nor the provision of any building within the curtilage of the dwelling-house with the exception of one shed/building of not more than 10 cubic metres as permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the local planning authority.
14. The vehicle access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 4.8 metres and retained at that width for 6 metres within the site.
15. Prior to occupation of the development a 2.4 metre parallel band visibility splay, as measured from and along the nearside edge of the carriageway, shall be provided across the whole of the site's frontage. The area within the splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
16. Prior to the first use of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay, as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

### Information to Applicant

With regard to discharging Condition No. 6, you are advised that the neighbours have expressed a wish to see a 1.8 metre brick wall along the boundary in the interests of safeguarding the privacy of neighbouring premises.

#### 54 PLANNING APPLICATION DEFERRED

**DECISION:** That the following application be deferred to enable legal advice to be sought on the interpretation of Policy RLP18.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01162/FUL (DEFERRED)	Wickham St Paul	Gloria Jones	Demolition of existing small timber framed barn and erection of single storey building on same footprint as ancillary accommodation, Manderley, School Road.

Councillor P Snazell, Chairman of Wickham St Paul Parish Council, joined the table and spoke on this application. Councillor Snazell stated that, if the new building was to be built on the same footprint as the existing barn, it would not be possible to gain access for maintenance as the site boundary was hard against a wall of the existing barn. Councillor Snazell indicated that the Parish Council objected to the design and appearance of the proposed building which it considered would be out of keeping, particularly being located next to a footpath, and it would be high maintenance. In addition, a ranch style fence was proposed along the boundary and this was considered to be inappropriate for a rural location. Councillor Snazell stated that the development was no longer being described as a summerhouse, but as ancillary accommodation and that two residential units were being proposed. He indicated that the Parish Council was concerned about the intended use of the accommodation and whether it might be used for a commercial purpose such as bed and breakfast.

A motion to approve the above-mentioned application was moved and seconded, but on being put to the vote it was declared LOST.

#### 55 PLANNING APPLICATION REFUSED

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01118/FUL (REFUSED)	Greenstead Green	Ms N Newton	Erection of replacement dwelling and detached garage and swimming pool building, Riefields, Burtons Green.

**INFORMATION:** Members received a verbal update on the discharge of conditions relating to the following approved planning application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
07/02047/COU (APPROVED)	Sible Hedingham	Stuart Radley	Change of use of land for the stationing of mobile home, Corders Builders Yard, Parkfields.

Members were reminded that at their meeting on 22<sup>nd</sup> July 2008 consideration had been given to a report on the discharge of three conditions imposed on the above-mentioned planning application. At that time, Members had agreed that conditions 1 and 2 of the planning approval, which related to the provision of a fence and hedge, had been met and that these could be discharged. However, it had been considered that the discharge of condition 3, which related to the location of a mobile home on the site, should be deferred pending the receipt of legal advice on possible enforcement action/the service of a breach of condition notice.

Members were advised that legal advice had recently been received which stated that it would not be possible to take enforcement action as there had not been a breach of condition. A full report on this would be submitted to the Committee's meeting to be held on 2nd September 2008. In discussing this matter, Members requested that the report should also address the points raised by the applicant in his E-Mail to Members dated 3rd August 2008.

**DECISION:** That the update be noted and a full report on the state of compliance with all three conditions and the possibility of taking enforcement action in respect of the siting of the mobile home submitted to the Planning Committee on 2<sup>nd</sup> September 2008; the report to address the points raised by the applicant in his E-Mail of 3<sup>rd</sup> August 2008.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of Planning Services, 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 9.30 pm.

MRS W D SCATTERGOOD  
(Chairman)



## APPENDIX

### PLANNING COMMITTEE

5<sup>TH</sup> AUGUST 2008

### PUBLIC QUESTION TIME

#### Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr John Hovell, 243 London Road, Black Notley  
Application No. 08/01216/FUL – 245 London Road, Black Notley

Mr Hovell stated that he objected to the proposed development which he stated would be behind his property. Mr Hovell said that he understood the property would be occupied by nurses and that it would be a commercial premises rather than a private dwelling. Mr Hovell expressed concern about the adequacy of the drainage system. He indicated that drainage from the existing property currently fed into the drainage system at his property. Mr Hovell stated that the proposal would generate increased traffic and that this would lead to hazards on London Road which was already a dangerous road. Mr Hovell expressed concern about disturbance being caused during construction works and he considered that the accommodation should be built within the grounds of the adjoining residential home instead.

2. Statement by Dr Katy Arscott representing Mr Gary Leckie of Zero Three Care Homes Ltd (Applicant)  
Application No. 08/00882/FUL – Imola, Lanham Green, Cressing

Dr Arscott explained that she was a Clinical Psychologist. Dr Arscott stated that she would address the comments which had been made in the letters of representation. Dr Arscott stated that the applicant was a professional organisation and that the premises were occupied by adults with IQs of less than 70 who required care. Each resident lived near to their family home. Dr Arscott said that the premises were a small and well run home which currently catered for six people. With regard to noise levels, Dr Arscott stated that it was proposed to erect a domestic size extension at the property and she did not envisage that this would lead to additional noise. Dr Arscott indicated that Imola was an ideal property for its residents and that they were also able to access and use local facilities. Two vehicles were available to take residents out and about every day and visitors to the premises were able to access it using private cars.

3. Statements Relating to Application No. 08/01118/FUL – Riefields, Burtons Green, Greenstead Green

- (i) Statement by Ms Nichola Newton, The New School House, Ozier Field, Halstead (Applicant),

Ms Newton stated that her proposal sought to replace the existing 1970's style bungalow on the site. She indicated that the proposed dwelling would be set back from the road, that it would be less intrusive than the current property and that it would be appropriate to the area. Ms Newton indicated that no trees would be removed and additional trees would be planted creating a haven for wildlife. Ms Newton stated that the property would be appropriate to

the area and that its footprint would be only slightly different to the overall footprint of the existing buildings on the site. Ms Newton stated that the proposed development sought to protect the character of the area and that the highest possible energy efficiency measures would be included within its design and construction.

(ii) Statement by Mr Shaun Greaves, G C Planning Partnership, 61-63 St Peter's Street, Bedford (Agent)

Mr Greaves stated that the proposed building would be a significant improvement in architectural design terms to the existing dwelling and that the proposal would lead to the removal of the large outbuildings and concrete hard-standing which currently detracted from the appearance of the site.

Mr Greaves stated that the proposed individually designed house would be beneficial to this site. He indicated that the property would be constructed at a significant distance from the road and that, although it would be two-storey in height, it would have less impact than the current proposal as it would be built on a depression in the land. Mr Greaves stated that sustainable measures were proposed in the construction of the property. Mr Greaves stated that Greenstead Green and Halstead Rural Parish Council did not object to the proposal and that the immediate neighbour to the site supported it. Mr Greaves indicated that the application represented significant investment in the site and that it would result in a high quality designed house and landscaping.

4. Statements Relating to Application No. 08/01079/FUL – Land rear of 133/135 Swan Street, Sible Hedingham

(i) Statement by Mr David Drury, 131 Swan Street, Sible Hedingham

Mr Drury stated that there had been many new developments in Swan Street and that a number of these had been bungalows. Mr Drury suggested that bungalows should also be built on this site. Mr Drury stated that there were ten entrances near to the site.

(ii) Statement by Mr Doug Coxall, 2 Alexandra Road, Sible Hedingham

Mr Coxall referred to the height and width of the proposed properties and he indicated that Sible Hedingham Parish Council considered the development to be too intensive. Mr Coxall stated that if the occupiers of each property had two cars, visitors' car parking would spill over into Alexandra Road and Swan Street causing congestion at a dangerous junction. Mr Coxall expressed concern that emergency vehicles would have difficulty accessing the site. Mr Coxall suggested that bungalows should be built on the site instead of houses and that if the application was to be granted, boundary walls should be a minimum of 1.8 metres in height and of brick construction.

(iii) Statement by Mr Alan Ilett, 127 Swan Street, Sible Hedingham

Mr Ilett stated that the gable of the proposed properties was over 8 metres in height and that this would be very intrusive in the surrounding area. Mr Ilett stated that the access to the site would be very narrow and that the only

parking spaces available would be at the front of the site.

(iv) Statement by Mr Roger Corbett, 141 Swan Street, Sible Hedingham

Mr Corbett referred to the impact of the proposal on the local area and he stated that once it was developed he would no longer have a view from his property onto Swan Street. Mr Corbett expressed concern that a fire engine would not be able to access the area and he referred to the difficult access onto Swan Street.

5. Statement by Mrs Sarah Wells, Cedar Holme, Pebmarsh Road, Alhamstone (Applicant),  
Application No. 08/01117/FUL – Cedar Holme, Pebmarsh Road, Alhamstone

Mrs Wells stated that she was seeking the removal of condition 4 of the planning approval which currently restricted the hours of construction work on the site. Mrs Wells explained that this was a self-build development and that, as she and her husband both worked full-time, it was difficult for them to undertake the work. Mrs Wells stated that they would not be able to complete the work during this Summer holiday, but that they wanted to do this as quickly as possible. Mrs Wells indicated that Alhamstone was a very quiet village and that she and her husband wished to limit noise disturbance. She stated that she had spoken to her neighbours and that most of them were not against lifting the restriction on hours. Mrs Wells stated that Alhamstone and Lamarsh Parish Council supported a limited relaxation of the restrictions to enable work to continue to 8.00pm on Monday to Friday and from 1.00pm to 8.00pm of Saturdays. Mrs Wells stated that it had never been their intention to work on Sundays, but that they would like to be able to work on Bank Holidays.

6. Statement by Mr Gerry Wiles, Colvanbridge, Coggeshall  
Application No. 08/01154/FUL – Riverside Business Park, Station Road, Earls Colne

Mr Wiles stated that the additional warehouse was required due to business success and continued growth. It was proposed that the warehouse would be used by a Coggeshall based company which imported shoes.