

# Minutes

## Planning Committee

5<sup>th</sup> February 2013

Present



Councillors	Present	Councillors	Present
J E Abbott	Apologies	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	Yes	W D Scattergood (Chairman)	Yes
T J W Foster	Yes	L Shepherd	Yes
P Horner	Yes	G A Spray	Yes
S C Kirby	Yes		

### 118 DECLARATIONS OF INTEREST

The following interests were declared:-

All Councillors declared a non-pecuniary interest in Application No. 12/01538/OUT - land off Tenter Close and rear of 51 - 57 Church Lane, Braintree as a fellow District Councillor had submitted an objection; and a non-pecuniary interest in Application No. 12/01091/FUL - Owls Hall Farm, Blackmore End, Wethersfield as the applicant was a relative of a fellow District Councillor.

Councillor S C Kirby declared a disclosable pecuniary interest in Application No. 12/01538/OUT - land off Tenter Close and rear of 51 - 57 Church Lane, Braintree as he was a Member of a Masonic Lodge. Councillor Kirby left the meeting whilst this application was discussed and determined.

Councillor D Mann declared a non-pecuniary interest in Application No. 12/01538/OUT - land off Tenter Close and rear of 51 - 57 Church Lane, Braintree as a number of the objectors were known to him.

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.

### 119 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 22<sup>nd</sup> January 2013 be approved as a correct record and signed by the Chairman.

## 120 QUESTION TIME

**INFORMATION:** There were five statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

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

## 121 PLANNING APPLICATIONS APPROVED

Planning Application No. 12/01511/FUL - Park Farm House, Toppesfield Road, Finchingfield was 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 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>
*12/01591/FUL (APPROVED)	Alphamstone/ Pebmarsh	Mr R Wheeler	Erection of detached dwelling (revised proposal following approval 09/00546/FUL), Scotts Farm, Cripple Corner

This application had been incorrectly included within Part B of the Agenda, but it was dealt with as a Part A application at the meeting.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01511/FUL (APPROVED)	Finchingfield	Mr John Warner	Erection of extension to annexe, creation of swimming pool and erection of plant building for use in association with the enjoyment of the dwelling house, Park Farm House, Toppesfield Road.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01674/FUL (APPROVED)	Gestingthorpe	Mr J Cutter	Erection of detached cartlodge, The Great Barn, Little Maplestead Road.

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

Additional Condition

3. Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/00763/FUL (APPROVED)	Hatfield Peverel	Mr S Papworth	Erection of additional storey to create an additional 3 no. self contained flats, proposed demolition of existing garage block and the construction of a new detached carport block, additional parking and storage facilities, Priory Court, The Street.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01091/FUL (APPROVED)	Wethersfield	Mr C Finbow	Erection of new office building in connection with the continuation of the existing agricultural and environmental drainage business, Owls Hall Farm, Blackmore End.

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

Amended Condition

4. There shall be no vehicular movements to, from or within the site outside the following times:-  
Monday to Friday 0600 hours - 1800 hours  
Saturday 0600 hours - 1300 hours  
Sundays, Bank Holidays and Public Holidays - no vehicular movements  
There shall be no deliveries to the site before 08:00 hours or after 18:00 hours on any day.

Additional Conditions

20. The office building hereby approved shall be occupied only in connection with the existing agricultural and environmental drainage business and for no other

use, including any use that may be permitted by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

21. Development shall not be commenced until details of measures to protect the listed barn on the site from damage during construction of the office hereby approved have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of any demolition, building, engineering works or other activities on the site and shall remain in place throughout the site clearance and construction process.

## 122 SECTION 106 AGREEMENTS

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01538/OUT (APPROVED)	Braintree	Royal Masonic Benevolent Institution	Demolition of 4 no. dwellings (nos. 51, 53, 55 and 57 Church Lane) and erection of 19 no. dwellings with associated access road, garages, car parking areas, amenity open space and landscaping, land off Tenter Close and rear of 51 - 57 Church Lane.

**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) within four calendar months of this decision to secure an open space contribution towards the provision and enhancement of public open space; a contribution towards primary and secondary education; and to four of the dwellings being made available for affordable housing, 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 the four month period, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies, the Open Spaces Supplementary Planning Document and the Affordable Housing Supplementary Planning Document.

The Committee approved this application, subject to the replacement of Condition No. 12 and the addition of two conditions and an Information to Applicant as follows:-

### Replacement Condition

12. Development shall not be commenced until details of the design of the soakaways or alternative means of surface water drainage have been submitted to and approved in writing by the local planning authority. Where soakaways are proposed the details shall include the design and the results of a series of

percolation tests carried out upon the subsoil in accordance with BRE Digest 365 to demonstrate they are of appropriate sizing and construction for the site. No building shall be occupied until the approved means of surface water drainage has been provided and is operational.

#### Additional Conditions

23. Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.
24. The car parking areas shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

#### Information to Applicant

1. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, and whether it will be rubble filled.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01476/FUL (APPROVED)	Witham	Mr Stewart May	Erection of 3 no. new build houses with associated amenity spaces and a new access drive, Cedar House, 21A Collingwood 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 £7,520.40 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, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed by 28th February 2013, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with the relevant policy and the Open Spaces Supplementary Planning Document.

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

### Additional Condition

19. Prior to the commencement of development details of the provision of car parking spaces shall be submitted to and approved in writing by the local planning authority. The details shall include two spaces per dwelling and shall have minimum dimensions of 2.9 metres x 5.5 metres. The parking spaces shall be provided in accordance with the approved details prior to occupation of the development.

### 123 PLANNING APPLICATION REFUSED

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Development Manager's report. 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>
*12/01501/FUL (REFUSED)	Cressing	Mr and Mrs White	Erection of three bedroom dwelling, land adjacent to 9 Claud Ince Avenue.

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 8.45pm.

W D SCATTERGOOD

(Chairman)

APPENDIX  
PLANNING COMMITTEE  
5<sup>th</sup> FEBRUARY 2013  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Application No. 12/01538/OUT – Land off Tenter Close and rear of 51 - 57 Church Lane, Braintree  
  
Statement by Mr David Andrews, 17 Church Lane, Braintree (Objector)
2. Statement Relating to Application No. 12/01501/FUL – Land adjacent to 9 Claud Ince Avenue, Cressing  
  
Statement by Mr William White, 60 Rickstones Road, Witham (Applicant)
3. Statement Relating to Application No. 12/01091/FUL – Owls Hall Farm, Blackmore End, Wethersfield  
  
Statement by Mr Ralph Bintley, Blakeney, Stortford Road, Little Hadham (Agent)
4. Statement Relating to Application No. 12/01591/FUL - Scotts Farm, Cripple Corner, Alphamstone/Pebmarsh  
  
Statement by Mr Robert Pomery, Pomery Planning Consultants Ltd, Abbeygate One, 8 Whitewell Road, Colchester (Agent)
5. Statement Relating to Application No. 12/01674/FUL – The Great Barn, Little Maplestead Road, Gestingthorpe  
  
Statement by Mr David Temporal, Tudor Lodge Farm, Little Maplestead Road, Gestingthorpe (Objector)