

Minutes

Planning Committee

8th October 2013

Present



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

60 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor R J Bolton declared a non-pecuniary interest in Application No. 13/00882/FUL - Moat Hall Farm, Cornish Hall End Road, Stambourne as the applicant and objectors were known to him.

Councillor S C Kirby declared a disclosable pecuniary interest in Application No. 13/00846/FUL - Garage Block, Bailey Bridge Road, Braintree as the applicant held an account with his business. Councillor Kirby left the meeting whilst this application was discussed and determined.

Councillor D Mann declared a non-pecuniary interest in Application No. 13/00846/FUL - Garage Block, Bailey Bridge Road, Braintree as a Board Director of Greenfields Community Housing which had submitted the application. Councillor Mann left the meeting whilst this application was discussed and determined.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 13/00846/FUL - Garage Block, Bailey Bridge Road, Braintree as the Cabinet Member for Planning and Property with responsibility for affordable housing.

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.

61 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 24th September 2013 be approved as a correct record and signed by the Chairman.

62 QUESTION TIME

INFORMATION: There were seven 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.

63 PLANNING APPLICATIONS APPROVED

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>
*13/00888/FUL (APPROVED)	Braintree	Mr Jeremy Rogers	Retention/ erection of children's play area/equipment including: house on stilts, tunnel, domed playhouse, sandpit and decking area, Old College House, Courtauld Road.

The Committee approved this application against the Development Manager's recommendation, with the exception of the 'house on stilts' which was not approved. The Committee approved this application, subject to the following Condition, Reason and Information to Applicant:-

Condition

1. Notwithstanding the approved plans listed above, the following elements are specifically excluded:-
The 'house on stilts'

Reason for Condition

Policies CS9 of the Council's Core Strategy and Policies RLP36 and RLP90 of the Braintree District Local Plan Review seek to ensure a high standard of design and layout in new development which respects and harmonises with the character of the surrounding area. Policy RLP90 also seeks to ensure that new development does not have an unacceptable impact upon neighbouring residential amenity.

The bird watching tower/'house on stilts', by virtue of its design and height,

appears as an alien feature that is prominent within the skyline and which is not in harmony with the character and appearance of the surrounding area.

Furthermore, one of the core principles of the planning system is to secure a good standard of amenity for all existing and future occupants of land and buildings. This is reiterated in Policy RLP90 of the Braintree District Local Plan Review which states that new development should not result in undue, or unacceptable impact on the amenity of any nearby residential properties. It is considered that this structure gives rise to an unacceptable degree of overlooking of neighbouring residential gardens to the detriment of the amenity of the occupants of the adjacent dwellings.

Information to Applicant

1. The applicant's attention is drawn to the comments of the Council's Environmental Services Department. They advise that before the play area and equipment are used, a post installation inspection should be carried out by a registered and certificated RPII (Register of Play Inspectors International) inspector to confirm that the play equipment complies with EN1176 and that there is sufficient and appropriate safety surfacing that complies with EN1177. The play equipment will need regular inspections to ensure that it does not deteriorate with time and weathering.
2. The applicant is advised that, as the house on stilts has not been granted planning permission, the structure is now considered a breach of planning control and this matter has been referred to the Council's Planning Enforcement Team. The applicant should contact Planning Officers to agree details for the removal of the 'house on stilts'.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00960/FUL (APPROVED)	Braintree	Mr Michael Coffey	Demolition of brick out-building and garage and erection of two storey rear extension and insertion of new windows to side elevations, 52 Courtauld Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00882/FUL (APPROVED)	Stambourne	Mr O Pickess	Variation of condition no. 3 for Planning Permission 12/01498/FUL - Retention of Building 7 (complete) and demolition of Buildings 2, 3 and 8 as identified on

The Committee approved this application, subject to the addition of an Information to Applicant as follows:-

Information to Applicant

1. The applicant is advised that further applications, or revisions relating to the planning permission granted for this site would not be welcomed by the Planning Committee.
2. (ITRE38) You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licences required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations).

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00880/ADV (APPROVED)	Witham	Marston's PLC	Display of externally illuminated and non-illuminated signage, The Old Pottery Kiln, Gershwin Boulevard.

The Committee approved this application, with the exception of the large externally illuminated, free-standing sign and its means of lighting, and subject to an additional Condition, Reason and paragraph to the Information to Applicant as follows:-

Additional Condition

5. Notwithstanding the approved plans listed above, the following elements are specifically excluded:-
 1. All illumination of 'Sign M' (all illumination includes all LED's and slimline pelmet uplighters).
 2. Use of 80W Bulbs in the MBF Floodlights.

Reason for Condition

The Town and Country Planning (Control of Advertisement) Regulations 2007 require that decisions be made only in the interests of amenity, and where applicable, public safety.

Policy RLP107 of the Braintree District Local Plan Review states that

advertisements should be designed to ensure that all relevant issues affecting visual amenity are taken into account and that particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations such as urban fringes, countryside and residential areas.

The use of 80W MFD Floodlights and the proposed illumination of Sign M would result in a level of illumination and associated glare that would be harmful to the visual amenity of the area. Furthermore the approval of such illumination could set an unacceptable precedent for excessive illumination of signage at proposed nearby commercial developments.

Additional Information to Applicant

2. The applicant is reminded that the floodlights hereby approved for illuminating advertising signs shall be fitted with LED lights which do not exceed 30W.

64 SECTION 106 AGREEMENT

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00846/FUL (APPROVED)	Braintree	Greenfields Community Housing	Demolition of garages and erection of 2 affordable dwellings, with associated landscaping, parking and highways works, Garage Block, Bailey Bridge 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 financial contribution of £2,513.38 towards the provision and/or enhancement of public open space, 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. Details of this planning application are contained in the Register of Planning Applications.

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 8.25pm.

T J W FOSTER

(Chairman)

APPENDIX
PLANNING COMMITTEE
8TH OCTOBER 2013
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No 13/00846/FUL – Garage Block, Bailey Bridge Road, Braintree
 - (i) Statement by Mr Keith Buchanan, 20 Bailey Bridge Road, Braintree (Objector)
 - (ii) Statement by Mr Andrew Collett, Ingleton Wood LLP, 43 All Saints Green, Norwich, Norfolk (Agent)
- 2 Statements Relating to Application No. 13/00888/FUL – Old College House, Courtauld Road, Braintree
 - (i) Statement by Mr Rashmi Madhvani, 24a Courtauld Road, Braintree (Objector)
 - (ii) Statement by Mrs Karen Summers, 6 Mill Park Drive, Braintree (Supporter)
 - (iii) Statement by Mr Jeremy Rogers, Kidorable Pre-School, Old College Building, Courtauld Road, Braintree (Applicant)
- 3 Statements Relating to Application No.13/00882/FUL - Moat Hall Farm, Cornish Hall End Road, Stambourne
 - (i) Statement by Mr Dale Pickess, c/o Moat Hall Farm, Cornish Hall End Road, Stambourne (Son of Applicant)
 - (ii) Statement by Mr David Paterson, Church Farm Barn, Church Road, Stambourne (Supporter)