

Minutes

Planning Committee

5th March 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	Yes	R Ramage	Apologies
C A Cadman	Apologies	W D Scattergood (Chairman)	Apologies
T J W Foster (Vice Chairman in the Chair)	Yes	L Shepherd	Yes
P Horner	Yes	G A Spray	Yes
S C Kirby	Yes		

Councillor Reid was also in attendance.

133 DECLARATIONS OF INTEREST

The following interests were declared:-

All Councillors declared a non-pecuniary interest in Application No. 12/01670/FUL - Pyefleet Lodge, Leywood Close, Braintree and Application No. 12/01620/FUL - Sunday Market Site, Maldon Road, Witham as fellow District Councillors had submitted representations on these applications.

Councillor J E Abbott declared a non-pecuniary interest in Application No. 12/01500/FUL - The Reindeer Public House, 111 The Street, Black Notley as he knew some of the people who had submitted representations; a non-pecuniary interest in Application No. 12/01586/ADV - Bradwell Service Station, Coggeshall Road, Bradwell as he knew some of the people who had submitted representations, including Parish Councillors in his capacity as Ward Councillor for Bradwell, Silver End and Rivenhall; and a non-pecuniary interest in Application No: 12/01620/FUL - Sunday Market Site, Maldon Road, Witham as he knew some of the people who had submitted representations and he had taken part in an Inquiry relating to a previous application for this site.

Councillor Lady Newton declared a non-pecuniary interest in Application No12/01620/FUL - Sunday Market Site, Maldon Road, Witham as she was the Cabinet Member for Planning and Property which included 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.

134 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 19th February 2013 be approved as a correct record and signed by the Chairman.

135 QUESTION TIME

INFORMATION: There were eight 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.

136 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>
*12/01586/ADV (APPROVED)	Bradwell	Sectorsure Limited	Application to display various signage, Bradwell Service Station, Coggeshall Road.

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

Amended Condition

4. The external building sign C and trough lighting on the north facing elevation of the existing building and the Canopy Fascias A, C, E and G shall not be illuminated after 22:00 hours, or before dusk on the following day.

Councillor Debbie Tyrie, representing Bradwell Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01682/FUL (APPROVED)	Great Bardfield	Mr and Mrs D Hockley	Proposed replacement dwelling including detached garaging and landscaping, Mill View, Mill Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01500/FUL (APPROVED)	Black Notley	Mr Frank Ladkin	Demolition of public house and erection of new dwelling, The Reindeer Public House, 111 The Street.

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 £1,743.50 towards the provision/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, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within six weeks of this decision, the Development Manager be authorised to refuse planning permission on the basis of the failure to make appropriate public open space provision/enhancement in accordance with the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition Nos. 6 and 12 as follows:-

Amended Conditions

6. All existing trees shall be retained on site and development shall not commence until a tree survey plan has been provided identifying the size, species and location of existing trees and vegetation. Details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development shall be 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 complete 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.

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, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

12. Prior to the proposed access being brought into use, vehicular visibility splays of site maximum by 2.4m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01670/FUL (APPROVED)	Braintree	Cassek Ltd	Application for a new application to replace an extant planning permission (09/01521/FUL) - Erection of 40 bed residential care home with ancillary parking, amenity space and servicing, Pyefleet Lodge, Leywood Close.

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 £3,549.20 towards the provision and/or enhancement of public open space within the vicinity of the site in line with the Open Spaces Supplementary Planning Document, 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 20th 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 following additional condition:-

Additional Condition

20. Prior to the commencement of the development hereby approved a scheme of measures, to ensure that the fire door hereby approved at the North West end of the building is only used at times of emergency, shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, all agreed measures shall be implemented prior to the first use of the building and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01620/FUL (APPROVED)	Witham	Bloor Homes Eastern	Erection of 94 no. 1, 2, 3, 4 & 5 bedroom dwellings with new site access, estate roads, drainage, carports, parking, landscaping and acoustic barrier to A12 boundary together with all ancillary works, Sunday Market Site, Maldon 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 the following matters:-

Heads of Terms

Affordable Housing provision of 28 units
 Education Contribution of £327,383
 Cycleway Contribution of £70,000
 Contribution of £60,000 split between the River Walk, Whetmead and Town Park
 Transport Information and Marketing Scheme Pack
 Transfer of amenity areas within the site to a management company
 Healthcare contribution requested by the Primary Care Trust £19,200
 Art and Public Realm Strategy
 Considerate Contractor Code of Practice

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. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition Nos. 7 and 13 as follows:-

Amended Conditions

7. 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 areas of hard-standing shall be constructed using porous materials laid on a permeable base. All hard-standing 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 unless otherwise previously agreed in writing by the Local Planning Authority.

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

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. All new affordable dwellings shall achieve Code Level 3 and all new market dwellings shall achieve Code Level 2 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until an Interim Certificate has been issued for it certifying that the relevant Code has been achieved. A copy of the interim and final certificates certifying that the relevant Codes have been achieved shall be submitted to the Local Planning Authority.

It was moved and seconded that all dwellings be required to achieve Code Level 3, but on being put to the vote this amendment to the Motion was declared LOST.

138 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>
*12/00565/FUL (REFUSED)	Gosfield	Mrs Maria McGrouther	Retention of existing timber type building for a temporary period of three years, Magnolia Stud, Parkhall Road.

139 PLANNING AND ENFORCEMENT APPEAL DECISIONS – JANUARY 2013

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during January 2013. 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 9.50pm.

T J W Foster

(Vice Chairman in the Chair)

APPENDIX

PLANNING COMMITTEE

5TH MARCH 2013

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 12/01670/FUL – Pyefleet Lodge, Leywood Close, Braintree
 - (i) Statement by Mr Steve Brudenell, 51 Leywood Close, Braintree (Objector)
 - (ii) Statement by Mr Nigel Lewis, 42 Leywood Close, Braintree (Objector)
2. Statements Relating to Application No. 12/00565/FUL - Magnolia Stud, Parkhall Road, Gosfield
 - (i) Statement by Mrs Margaret Nash, The Nursery, Parkhall Road, Gosfield (Supporter)
 - (ii) Statement by Mrs Maria McGrouther, Magnolia Stud, Parkhall Road, Gosfield (Applicant)
 - (iii) Statement by Mrs Louise Theobald, Acorus Rural Property Services, Old Market, Office, 10 Risbygate Street, Bury St Edmunds (Agent)
3. Statements Relating to Application No. 12/01620/FUL – Sunday Market Site, Maldon Road, Witham
 - (i) Statement by Mrs Karen Skinner, 40 Carraways, Witham (Objector)
 - (ii) Statement by Mr Ray Ricks, Boyer Planning, 15 De Grey Square, Colchester (Agent)
4. Statement Relating to Application No. 12/0586/ADV – Bradwell Service Station, Coggeshall Road, Bradwell

Statement by Mrs Victoria Nice, 8 Mill View, Coggeshall Road, Bradwell (Objector)