

Minutes

Planning Committee

27th May 2008



Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	Mrs M E Galione	Apologies
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	Yes
A V E Everard	Apologies	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 (until 9.52pm)
Mrs B A Gage	Yes		

Councillor Mrs J C Beavis was also in attendance.

17 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor J Baugh declared a personal interest in Application No. 08/00712/FUL – The Coach House, 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. 08/00684/FUL – Land adjacent to 13 Bayley Street, Castle Hedingham as he did trade with the applicant. Councillor Finbow left the meeting whilst the application was discussed and determined by the Committee.

Councillor Mrs J A Pell declared a personal interest in Application No. 08/00655/FUL – Fern Lodge, Broad Road, Braintree as the Agent was known to her. Councillor Mrs Pell declared a personal interest also in Application No. 08/00707/FUL – Water Tower, Conies Road, Halstead as the objectors were known to her.

Councillor Mrs W D Scattergood declared a personal interest in Application No. 08/00684/FUL – Land adjacent to 13 Bayley Street, Castle Hedingham as some of the objectors were known to her.

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.

18 MINUTES

There were no Minutes available for approval.

19 QUESTION TIME

INFORMATION: There were nine 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.

20 TREE PRESERVATION ORDER

INFORMATION: The Committee considered a report on the following application to fell two trees subject to a Tree Preservation Order.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00493/TPO (APPROVED)	Sible Hedingham	Owner of Land	To fell one common Ash tree and one Sycamore tree at Alderford House, 15 Alderford Street Subject to Tree Preservation Order No. 4/74

The applicant had stated that the roots of the trees were causing the brick wall adjacent to Alderford Brook to bulge and crack with a risk of it collapsing and obstructing the stream. Sible Hedingham Parish Council had requested the application following the approved felling of a line of adjoining trees which had been causing similar problems. There had been a multi-agency approach to flood risk and associated problems in the Hedingham area which had identified the condition of the channel and side walls of Alderford Brook as being of serious concern. It had been agreed that the main cause of the failure of the wall was the root system of the adjacent trees, the removal of which would allow the retention and repair of the wall of the Brook. A requirement for replacement planting further back from the Brook would restore the green character of the area with better specimen trees. An objection had been submitted to the felling of the trees on the basis that this would have a damaging effect on the Conservation Area and that the trees were not having an adverse effect on the stability of the wall.

DECISION: That consent be granted for the removal of one common Ash tree and one Sycamore tree adjacent to Alderford Brook in the grounds of Alderford House, 15 Alderford Street, Sible Hedingham, subject to the following conditions:-

1. The trees are replaced with others of a type, size and in positions to be agreed in writing with the Landscape Services Manager.
2. The replacement trees to be planted within nine months of the removal of the original trees.
3. The consent to be valid for two years from the date of the decision notice.

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>
*08/00655/FUL (APPROVED)	Braintree	Braintree Healthcare Ltd	Extension of Fern Lodge to provide additional building for supported living accommodation for 10 residents with associated facilities, Fern Lodge, Broad Road.

The Committee approved this application, subject to condition 10 being amended from SUS38 to SIGN 38 and to the addition of an Information to Applicant as follows:-

Amended Condition

10. Development shall not be commenced until details of the external lighting to the site including position, design, height, levels of luminance, hours of use and energy efficiency have been submitted to the local planning authority for approval. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such. No additional lighting shall be inserted at any time without the prior approval of the local planning authority.

Information to Applicant

ISIGN34 - In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution and maximise energy efficiency. Light units should be flat to ground and appropriate 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00385/FUL (APPROVED)	Feering	Mr R Brady	Erection of self contained annex extension and lean-to carport, 15 Hunt Close.

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

3. The first floor window on the east elevation is not approved. Further details shall be submitted to and agreed in writing, which show an alternative window serving that area, prior to development being commenced.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00712/FUL (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 The Coach House, 11 Feering Hill.

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

Additional Condition

11. Development shall not be commenced until details of the external lighting to the site including position, design, height, levels of luminance, hours of use and energy efficiency have been submitted to the local planning authority for approval. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such. No additional lighting shall be inserted at any time without the prior approval of the local planning authority.

Additional Information to Applicant

3. IN40

22 PLANNING AGREEMENTS

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 £5,000 towards highway improvements, 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 by the target date for determining the application, the Development Director be authorised to Refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00069/OUT (APPROVED)	Witham	Derek J Nicholson	Proposed extension and conversion to 10 no. residential flats, Cullen Mill, Unit 8, Pool Club, 49 Braintree Road.

DECISION: That, subject to the applicant agreeing to a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters, 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.

Heads of Terms:

£100,000 towards highway works (improvements to the signals at the junction of Newland Street/ The Grove/ The Avenue)
£42,000 towards bus stop infrastructure improvements
£50,000 contribution towards the Blackwater Rail Trail
£10,000 towards environmental improvements within Witham Town Centre
Staff Travel Plan and Monitoring Fee
Considerate Contractor's Clause

(Note these figures are combined with planning application 08/00410/OUT, and represent the total contribution requested).

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00228/FUL (APPROVED)	Witham	Swanvale Management Ltd	Demolition of existing buildings and the erection of a class A1 DIY retail store and garden centre, together with car parking, landscaping and associated works. Alterations to the existing access from Newland Street, Unit 16-17 Swan Vale Industrial Estate, Colchester Road.

The Committee approved this application, subject to Conditions 4 and 5 being amended to read as follows:

Amended Conditions

4. Development shall not be commenced until details of external lighting to the site has been submitted to, and approved in writing by the local planning authority. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details prior to the occupation of the Development. There shall be no other sources of external illumination. All external lighting shall be turned off no more than 30 minutes after the store has closed.
5. No development shall commence until details of the siting and design of spaces identified for internal and external separation, storage and collection of waste and recyclable materials have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the buildings and thereafter so maintained.

DECISION: That, subject to the applicant agreeing to a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters, 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.

Heads of Terms:

£100,000 towards highway works (improvements to the signals at the junction of Newland Street/ The Grove/ The Avenue)
£42,000 towards bus stop infrastructure improvements
£50,000 contribution towards the Blackwater Rail Trail
£10,000 towards environmental improvements within Witham Town Centre
Staff Travel Plan and Monitoring Fee
Considerate Contractor's Clause

(Note these figures are combined with planning application 08/00228/FUL, and represent the total contribution requested).

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00410/OUT (APPROVED)	Witham	Swanvale Management Ltd	Demolition of existing buildings and the redevelopment of the site for B1, B2 and B8 employment uses, together with associated car parking and landscaping and the erection of a class A1 DIY retail store and garden centre, together with car parking, landscaping and associated works. Improvements to the junction with Newland Street, Unit 16-17 Swan Vale Industrial Estate, Colchester Road.

The Committee approved this application, subject to Conditions 12 and 13 being amended to read as follows and to the deletion of Condition 17 (cycle parking):-

12. Prior to the occupation of development details of external lighting to the site shall be submitted to, and approved in writing by the local planning authority. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details prior to the occupation of the Development. There shall be no other sources of external illumination. All external lighting shall be turned off no more than 30 minutes after the store has closed.

13. No development shall commence until details of the siting and design of spaces identified for internal and external separation, storage and collection of waste and recyclable materials have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the units and thereafter so maintained.

23 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning applications be refused for the reasons stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00684/FUL (REFUSED)	Castle Hedingham	Mr R Beagrie	Erection of new dwelling and garage, land adjacent to 13 Bayley Street.

Councillor Ian Higgins of Castle Hedingham Parish Council and Councillor Mrs Joanne Beavis, District Councillor for Hedingham and Maplestead Ward, joined the table and spoke on this application.

Councillor Higgins stated that this application had been vigorously opposed locally. He indicated that the site was a key location in this historic village and that the development would face onto Castle Lane where there was no footpath. Councillor Higgins stated that the Parish Council was opposed to the position of the proposed property and considered that a property of a more suitable scale and design would be better. Councillor Higgins stated that the proposal failed to meet the requirements of either Policy RLP5 of the Braintree District Local Plan Review which required development to enhance the character of Conservation Areas, nor RLP100 regarding the setting of Listed Buildings. Councillor Higgins stated that the Parish Council had also expressed concern about there being inadequate surface water drainage, access onto Castle Lane and the loss of an ancient hedge. Councillor Higgins indicated that publication of the Village Design Statement was imminent and that this reflected the views of the community. He considered that this should not be dismissed as guidance only as indicated in the Agenda report. Councillor Higgins understood that the land required for the provision of visibility splays was outside the application site and he queried whether this was legal. He indicated also that there was an electricity pole located on the boundary of the site. Councillor Higgins stated that the Parish Council wished to manage change in the village responsibly and considered that any new properties should be in harmony with existing properties.

Councillor Mrs Beavis stated that she had listened to the views of the objectors and that she agreed with them all. Councillor Mrs Beavis stated that Castle Hedingham was a unique village and that it was one of the District's gems. Councillor Mrs Beavis indicated that the Council's policy required that development should not detract from the village. However, she considered that the design of the proposed development was too large and modern and that it would erode the charm of the village.

The Committee refused this application for the following reasons:-

1. The property lies within the Castle Hedingham Conservation Area wherein it is the policy of the Council as set out in Policies RLP3, RLP17 and RLP95 of the Braintree District Local Plan Review and Supplementary Planning Guidance contained within the Essex Design Guide for Residential and Mixed Use Areas to ensure that any new development is in harmony with the existing street scene and does not detract from the character, appearance and views into and from the Conservation Areas.

In this case it is considered that the size, scale and siting of the new dwelling alters the character and appearance of this area to the detriment of the setting of the Conservation Area. The development neither preserves and /or enhances the character or appearance of the Conservation Area, contrary to the policies referred to above.

2. The application site lies within close proximity to properties in Castle Lane which are statutorily listed as being of Grade II value in the list of Buildings of Special Architectural or Historic Interest. It is the policy of the Council as set out in Policy RLP100 of the Braintree District Local Plan Review to protect such buildings from unsympathetic change and to safeguard their settings.

In this case the proposed new dwelling would be detrimental to the setting of the listed buildings eroding the spaciousness of their setting and detracting from the historic character and appearance of the listed properties.

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

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00707/FUL (REFUSED)	Halstead	Anglian Water Services Limited	Installation of transmission dishes for telemetry data network and ancillary works, Water Tower, Conies Road.

The Committee refused this application for the following reason:-

Planning Policy Guidance Note 8 "Telecommunications" sets out the Government's policy in relation to telecommunications proposals. Policy RLP162 of the Braintree District Local Plan Review sets out the development plan policies for telecommunications proposals. These policies seek to encourage the reuse of existing tall buildings and other structures for telecommunications equipment as a starting point, to avoid an over proliferation of new masts. However, it is also necessary to ensure that the siting, design and height of any equipment keeps the amenity impacts to a minimum and that installations are sited and designed to harmonise with existing structures, especially with regard to their height and profile. It is considered that the installation of two pole mounted transmission dishes on the top of the Water Tower would introduce additional apparatus on the structure than those already authorised adding significantly to the apparatus on the tower. Introducing further equipment in the central part of the tower will be out of harmony with the existing provision perpetuating a cluttered appearance to the detriment of visual amenity. The proposal is therefore considered to represent an over intensification of the acceptable level of use of this structure for the installation of telecommunications equipment.

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>
*08/00630/FUL (REFUSED)	Pebmarsh	Mr Julian Fenner	Erection of retirement bungalow, land to the rear of Rickhams, The Street.

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 10.03pm.

MRS W D SCATTERGOOD
(Chairman)

APPENDIX

PLANNING COMMITTEE

27TH MAY 2008

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Duncan Gilfillan, 9 Alderford Street, Sible Hedingham
Application No. 08/00493/TPO – Alderford House, 15 Alderford Street, Sible Hedingham

Mr Gilfillan stated that in his view it was not necessary to remove the trees in order to repair the wall, that there was no risk of flooding and that the collapse of the wall would have no impact on restricting the flow of water in the brook. Mr Gilfillan indicated that if there was a risk of flooding there were other options which could be considered and that the wall would collapse in the future due to its poor state of repair. Mr Gilfillan stated that the trees were in a Conservation Area and that they were a considerable source of wildlife.

2. Statement by Mrs Jenny Woolliams, Manager, Braintree Healthcare Ltd, Fern Lodge, Broad Road, Braintree
Application No. 08/00655/FUL – Fern Lodge, Broad Road, Braintree

Mrs Woolliams explained that Fern Lodge had been built in 1999 on the closure of Monken Hadley and it provided support for people requiring care. Mrs Woolliams stated that there was currently a waiting list of people seeking accommodation at Fern Lodge and the development would provide additional beds and two urgent need beds.

3. Statements Relating to Application No. 08/00684/FUL – Land adjacent to 13 Bayley Street, Castle Hedingham

- (i) Statement by Mr Stephen Hendry, 1 Castle Lane, Castle Hedingham

Mr Hendry stated that he lived next door to the site and he considered that the site should not be developed as it was one of the few remaining areas of open space left in the village. Mr Hendry stated that the site was opposite the entrance to Hedingham Castle which was a Grade I Listed Building. He considered that if the site was to be developed it should be in keeping with Bayley Street. Mr Hendry said that the proposal would lead to the loss of light to his property. He considered it important that the distinct character of Castle Hedingham village should be kept and that further development should not be permitted.

- (ii) Statement by Mr P Gransden, Birch House, 3 Castle Lane, Castle Hedingham

Mr Gransden stated that he had lived in Castle Lane, which he considered to be precious, for ten years and that it was increasingly being targeted for development. Mr Gransden indicated that Castle Lane was only 150 yards

long and ten feet wide at its narrowest point. Mr Gransden stated that the proposed dwelling would be constructed on what was currently a well-kept garden and he considered that further development of the site would be sought. Mr Gransden stated that the site was within the Conservation Area and that it was important that the views of the Parish Council and the villagers should be heard. Mr Gransden considered that no further development should be permitted in Castle Hedingham until the Village Design Statement had been approved.

(iii) Statement by Mr John Cook, 8 Castle Lane, Castle Hedingham

Mr Cook stated that he lived opposite the site and that whilst he was not totally against development the site was within the Conservation Area and opposite the entrance to the castle. Mr Cook stated that this was a sensitive part of the village and he queried why it was considered appropriate to squeeze in a building adjacent to two thatched properties. Mr Cook stated that the view to Hedingham Castle would be obstructed by the development. Mr Cook indicated that the proposal was to sink the new dwelling into a pit. However, he did not consider this to be suitable due to drainage problems in the area. Mr Cook stated that local residents had preferred a previously submitted proposal for the site, but this had been withdrawn on the basis of comments made by the Historic Buildings Advisor. Mr Cook considered the preservation of open spaces and gardens to be important and he felt that further development of Castle Lane would be to the detriment of the village.

(iv) Statement by Mr Poole, Andrew Martin Associates, Croxton's Mill, Little Waltham, Chelmsford (Agent)

Mr Poole stated that the site was within the defined settlement boundary. However, as the site was also in a Conservation Area the development had to be considered in the context of the area and it should enhance and preserve it. Mr Poole stated that the necessary tests had been met and that the proposal would not impact on neighbouring dwellings. Mr Poole stated that advice received following the submission of two previous applications had been incorporated within the current application. In particular, the concerns of the Historic Buildings Advisor had been addressed. Mr Poole indicated that the height of the proposal had been reduced and, whilst a small amount of open space would be lost, some would remain.

4. Statement by Mr Richard Long, St Andrews, Feering Hill, Feering
Application No. 08/00712/FUL – The Coach House, 11 Feering Hill, Feering

Mr Long stated that The Coach House abutted his property providing a boundary wall between his property and the Old Vicarage. Mr Long considered that this particular application was excessive for the situation and that a single storey rather than two storey development would be more acceptable. Mr Long considered that the proposal would present a towering edifice of brick along two thirds of his boundary which would detract from his property. Mr Long requested that the application be refused and a further application submitted on the basis of one single storey dwelling rather than three properties.

5. Statement by Mr Roger Cuthbert, Brook Cottage, The Street, Pebmarsh
Application No. 08/00630/FUL – Land to rear of Rickhams, The Street, Pebmarsh

Mr Cuthbert stated that he lived next door to the site and that the proposed property would be behind his. Mr Cuthbert considered that the plot was too small to accommodate the proposed property, that it did not preserve or enhance the Conservation Area and that it would have an adverse impact. Furthermore, Mr Cuthbert stated that the proposed dwelling would be on higher ground causing over looking to his property. Mr Cuthbert stated that the proposal would take away existing parking provision and that it would cause flooding.

6. Statement by Mrs Margaret Jones, 12 Conies Road, Halstead
Application No. 08/00707/FUL – Water Tower, Conies Road, Halstead

Mrs Jones stated that she was speaking on behalf of herself and her neighbours who lived in close proximity to the water tower. Mrs Jones expressed concern that the application had been submitted by Anglian Water Services Limited, who must have known their requirements and should have determined these before. Mrs Jones stated that people had been told at previous meetings that 'enough is enough'. Mrs Jones expressed concern about the possible harmful effect of emissions from the apparatus on the tower. Mrs Jones noted that whilst the proposed dishes were to match the design of the existing dishes, she considered that the tower was already an eyesore. Mrs Jones stated the water tower had been built after she moved to her house many years ago and at that time it had been a necessity, but it was now a monstrosity.