

Minutes

Planning Committee

9th June 2015



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Lady Newton	Yes
R Bolton	Yes	J O'Reilly-Cicconi	Yes
Mrs L Bowers-Flint	Yes	Mrs I Parker	Yes
P Horner	Yes	R Ramage	Yes
H Johnson	Yes	Mrs W Scattergood (Chairman)	Yes
S Kirby	Yes	Mrs G Spray	Yes
D Mann	Yes		

1 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Application No. 14/01320/FUL - Cardinals, Magdalene Crescent, Silver End as residents who had submitted representations were known to him. Councillor Abbott declared a non-pecuniary interest also in Application No. 14/01644/FUL - land at Forest Road, (Former Community Centre Site), Witham as an Ordinary Member of Witham and Countryside Society, which had submitted representations on the application.

Councillor S Kirby declared a disclosable pecuniary interest in Application No. 14/01644/FUL - land at Forest Road, (Former Community Centre Site), Witham as the applicant held an account with his business. Councillor Kirby left the meeting whilst this application was discussed and determined. Councillor Kirby declared also a non-pecuniary interest in Application No. 15/00246/MMA - Mill House, Church Road, Greenstead Green as the application related to a property in the village where he lived, but he did not know the applicants.

Councillor D Mann declared a non-pecuniary interest in Application No. 14/01644/FUL - land at Forest Road, (Former Community Centre Site), Witham 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. 14/01644/FUL - land at Forest Road, (Former Community Centre Site), Witham as the Cabinet Member for Planning and Housing 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 applications were considered.

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 28th April 2015 be approved as a correct record and signed by the Chairman.

3 **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.

4 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 14/00313/LBC - Cooks Farm Cottage, Walthams Cross, Finchingfield; 15/00392/FUL - Henny House, Fenn Farm Road, Great Henny; and 15/00246/MMA - Mill House, Church Road, Greenstead Green were 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 and reasons 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>
*14/00313/LBC (APPROVED)	Finchingfield	Mr G Collins	Replacement of existing 26 casement windows, French doors and external stable door to utility, Cooks Farm Cottage, Walthams Cross.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00392/FUL (APPROVED)	Great Henny	Mr and Mrs J Rumsey	Erection of single storey link extension to existing detached dwelling, Henny House, Fenn Farm Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00176/FUL (APPROVED)	Great Notley	Mrs S T Brown	Demolition of former farm shop, piggeries, vacant dwelling and existing recreation room and erection of 6 No. detached houses with associated new access to London Road, private access road, turning head, garages and car parking spaces, foul and surface drainage and landscaping, Highfields, 224 London Road.

The Committee approved this application, subject to the amendment of Condition No. 21 and the addition of an Information to Applicant as follows:-

Amended Condition

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-houses shown on the approved plans, as permitted by Part B and C of Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the Local Planning Authority.

Additional Information to Applicant

- 4 With regard to the Bat Survey submitted with the application, which is now two years old, 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 Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations).

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00246/MMA (APPROVED)	Greenstead Green	Mr Michael and Richard Button	Application for a minor material amendment - variation of condition No. 2 of planning approval 13/01154/FUL - (Erection of 1 bedroom, single storey detached annexe, replace existing double garage with 2 storey side extension, replacement of existing conservatory with new

orangery (garden room) and new porch) - addition of single storey extension, Mill House, Church Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00090/FUL (APPROVED)	Terling	Mrs S Smith	Erection of 1 no. three bed two storey dwelling. Demolition of part of existing cottage and removal of existing garage, Barn Cottage, Gambles Green.

5 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/01182/FUL (APPROVED)	Witham	Mr R Mackay	Demolition of the existing buildings and removal of the fencing and erection of 10 bungalows (instead of 14) with associated access, car parking and landscaping, former Magistrates Court, The Court House, Newland Street.

Councillor Christopher Bailey, representing Witham Town Council, attended the meeting and spoke in support of this application.

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 payment of a financial contribution of £5,448.00 towards education, 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 two calendar months of the Planning Committee's decision, 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 amended Conditions and Information to Applicant:-

Amended Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the

approved plans listed above.

- 3 Construction of any buildings shall not be commenced until samples of the materials to be used on the external finishes, including surface treatments, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4 Prior to the commencement of the works to the wall, detailed drawings shall be submitted to and agreed in writing with the Local Planning Authority marking up repairs and detailing the methods for the works for the wall fronting onto Chess Lane, running along the western and northern edge of the site. The submitted details shall also indicate details of the time-table for the implementation of the repairs to the wall.
- 5 With regard to Condition 4, all existing fabric shall be reused where possible and lime mortar used for pointing. In the event that new bricks are to be used, a sample shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of those particular repairs.
- 6 The works to the wall required by Conditions 4 and 5 above shall be completed in accordance with the approved details prior to the first occupation of any of the residential units hereby approved.
- 7 Prior to first occupation, details of all meter cupboards to be positioned on the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- 8 No development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- 9 No ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological field work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 10 Detailed scaled drawings of the proposed entrance gates shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Classes A, B, C, D and E of Schedule 2 of that Order shall be carried out, other than the shed/cycle stores shown on the submitted drawings, without first obtaining planning permission from the Local Planning Authority.
- 12 The protection of the retained trees shall be carried out in accordance with the submitted Tree Protection Plan and Arboricultural Method Statement referred to

above and shall be achieved as follows:

- a) no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the approved Tree Protection Plan which shall have been previously approved by the Local Planning Authority in writing;
 - b) if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Authority;
 - c) the fencing shall be maintained in position to the satisfaction of the Authority, until all equipment, machinery and surplus materials have been moved from the site;
 - d) within any area fenced in accordance with this Condition nothing shall be stored, placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing of cement or use of other contaminating materials or substances shall take place, nor shall any fires be lit, without the prior written consent of the Authority; and
 - e) no equipment, machinery or structure shall be attached to or supported by a retained tree.
- 13 No alterations or variations to the approved works or Tree Protection Plan shall be made without the prior written consent of the Local Planning Authority.
- 14 The development shall be carried out in accordance with the submitted landscaping scheme unless agreed otherwise by the Local Planning Authority.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise 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 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.

- 15 Prior to the first occupation of the dwellings hereby approved, details of a native species hedge to be planted on the north and west boundaries to supplement the existing hedge shall have been submitted to and approved in writing by the Local

Planning Authority.

The hedge planting shall be carried out in the first planting season after the commencement of the development unless otherwise previously agreed in writing by the Local Planning Authority.

Any 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.

- 16 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.
- 17 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 18 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Bank Holidays and Public Holidays - no work
- 19 Unless otherwise agreed in writing with the Local Planning Authority the screen walls and/or fences, as indicated on the approved layout plan, shall be erected before the dwellings are occupied and shall be permanently maintained as such.
- 20 Prior to the occupation of the dwellings hereby approved, details of any proposed external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority.
- 21 Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 70 metres to the north east and 2.4 metres by 70 metres to the south west, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
- 22 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 23 Prior to commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 24 The provision of suitable access arrangements to the application site in

connection with the demolition/construction operations, to include wheel washing facilities, turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site. Details to be submitted to and agreed in writing with the Local Planning Authority.

Information to Applicant

- 1 Your attention is drawn to Condition 11 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the Condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such Conditions then those Conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Please note that in accordance with Government legislation, a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a Condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 4 Your attention is drawn to Conditions 8 and 9 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council Heritage Conservation Branch (01245 437638).
- 5 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/01644/FUL (APPROVED)	Witham	Greenfields Community Housing	Erection of 31 no. dwellings comprising 1 x 3 bedroom house and 2 x 2 bedroom houses for shared ownership, 8 x 2 bedroom houses and 20 x 1 bedroom apartments for affordable rent. The development will also be provided with associated parking and amenity, land at Forest Road, (Former Community Centre Site).

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 ensure that all residential units at the site remain affordable housing units and to secure a financial contribution towards open space enhancement, 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 three calendar months of the Planning Committee's decision, 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 amendment of Condition Nos. 15 and 23 as follows:-

Amended Conditions

- 15 Prior to the beneficial occupation of the development hereby permitted, details of the design, appearance and height of all new boundary treatments and the details of the proposed car ports shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments as indicated on the approved layout plan shall be erected before the dwellings bounded by those enclosures are occupied and shall be permanently maintained as such. The car ports shall be provided in accordance with the approved details prior to the first use of the parking areas.
- 23 A suitable tree protection plan shall be put in place and approved for all those trees to be retained on the site including the tree identified as T4 in the submitted tree survey. If any tree fails, or the building layout on site precludes its retention, then there should be replacement trees on a 3:1 basis; details of species and size shall be agreed with the Council's Landscape Services in writing.

6 **PLANNING APPLICATION DEFERRED**

DECISION: That the undermentioned planning application be deferred to enable the Council to obtain further advice from the Environment Agency. 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>
*14/01320/FUL (DEFERRED)	Silver End	Creative Support Solutions	Change of use from residential dwelling, Use Class C3 to Use Class C2 (care home), Cardinals, Magdalene Crescent.

7 **PLANNING AND ENFORCEMENT APPEAL DECISIONS – MARCH 2015**

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during March 2015. The report included a summary of each case and a précis of the decision.

In a correction to the report, it was noted that the appeal against the refusal of Application No. 14/00490/FUL – 16 Chapel Street, Steeple Bumpstead had been allowed.

DECISION: That the report be noted.

8 **PLANNING AND ENFORCEMENT APPEAL DECISIONS – APRIL 2015**

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during April 2015. The report included a summary of each case and a précis of the decision.

In a correction to the report, it was noted that Application No. 14/00359/FUL – Nightingale Farm, Brickhouse Road, Colne Engaine had been refused by the Planning Committee, not under Delegated Authority as stated.

DECISION: That the report be noted.

9 **PLANNING AND ENFORCEMENT APPEAL DECISIONS – MAY 2015**

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during May 2015. 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 9.29pm.

Councillor Mrs W Scattergood
(Chairman)

APPENDIX
PLANNING COMMITTEE
9TH JUNE 2015
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No.14/01320/FUL - Cardinals, Magdalene Crescent, Silver End
 - (i) Statement by Mr Ryan Butcher (for Mr Kevin Butcher), Baraha, Magdalene Crescent, Silver End (Objector)
 - (ii) Statement by Mr Chris Lawrence, The Keys, Magdalene Crescent, Silver End (Objector)
 - (iii) Statement by Mr Robert Barker, Amapola, Magdalene Crescent, Silver End (Objector)
- 2 Statement Relating to Application No. 15/00176/FUL - Highfields, 224 London Road, Great Notley

Statement by Mr Tony Harrison, 4 The Chase, Upper London Road, Great Notley (Objector)
- 3 Statements Relating to Application No. 15/00090/FUL - Barn Cottage, Gambles Green, Terling
 - (i) Statement by Mr John Dagg, Trinity Chambers, Highfield House, Moulsham Street, Chelmsford (for Mr and Mrs Colin Smith, Orchard House, Gambles Green, Terling) (Objectors)
 - (ii) Statement by Mrs Susan Smith, Barn Cottage, Gambles Green, Terling (Applicant)
- 4 Statement Relating to Application No. 14/01182/FUL - Former Magistrates Court, The Court House, Newland Street, Witham

Statement by Mrs Lisa Skinner, WYG, 100 St John Street, London, EC1M 4EH (Agent)
- 5 Statement Relating to Application No. 14/01644/FUL - Land at Forest Road, (Former Community Centre Site), Witham

Statement by Mr Brian Barnes, 31 Rowan Way, Witham (Objector)