

# Minutes

## Planning Committee

24<sup>th</sup> June 2008



### Present

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
J E Abbott	Yes	Mrs M E Galione	Yes
J Baugh	Apologies	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	Apologies
Mrs E Edey	Yes	Mrs J A Pell	Yes
A V E Everard	Yes	Mrs W D Scattergood (Chairman)	Yes
J H G Finbow	Yes (from 7.30pm)	Mrs L Shepherd	Yes
Ms L B Flint	Yes	Mrs G A Spray	Yes
T J W Foster	Yes	R N Wilkins	Yes
Mrs B A Gage	Yes		

The Chairman welcomed everyone to the meeting and introduced Fiona Bradley, the new Planning Officer for the Braintree area.

### 31 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors Ms L B Flint and Mrs J A Pell both declared a personal interest in Application Nos. 08/00538/FUL & 08/00539/LBC – The King William PH, 82 Church Street, Braintree as the agent knew them.

Councillor J E Abbott declared a personal interest in Application No. 08/00592/ADV – South Side BP Filling Station, London Road, Rivenhall End as he is a Rivenhall Parish Councillor and they had made comments on the application.

Councillor A V E Everard declared a personal interest in Application Nos. 08/00538/FUL & 08/00539/LBC – The King William PH, 82 Church Street, Braintree as he knew the developer.

Councillor Lady Newton declared a personal interest in

- Application Nos. 08/00538/FUL & 08/00539/LBC – The King William PH, 82 Church Street, Braintree as she was known by the agent, and
- Application Nos. 08/00281/FUL and 08/00282/LBC – Hovells Farm, Potash Farm Road, Coggeshall as she is known by the agent, Strutt & Parker, and used to be in their employ.

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.

32 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 13<sup>th</sup> May 2008 be approved as a correct record and signed by the Chairman.

33 QUESTION TIME

**INFORMATION:** There were four 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.

34 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 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>
*08/00539/LBC (APPROVED)	Braintree	Cambrils Ltd	Refurbishment and alterations to public house to create single dwelling house, refurbishment and single storey extensions to two cottages to rear, The King William PH, 82 Church Street.

The above application was approved subject to an Information to Applicant being added as follows – 'The applicant is advised that the implementation of any change of use associated with the works hereby permitted will require planning permission.'

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00281/FUL & 08/00282/LBC (APPROVED)	Coggeshall	Mr C Hill	Change of use of traditional farm buildings to residential use and demolition of modern agricultural buildings, Hovells Farm, Potash Farm Road.

Members, whilst granting the above application, requested it to be minuted that the location of the site on a protected lane severely restricted the opportunities available for conversion to a commercial or community based use and justified an exception to policy on agricultural buildings being made residential. The specific nature of this application and the retention of the farm buildings of exceptional quality should be recognised and this should not set a precedent for any future applications.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/00503/ELD (APPROVED)	Coggeshall	Mr Obermann	Application of Certificate of Lawfulness for an existing use – use of existing property as a dwelling house, 20 East Street.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/00669/FUL (APPROVED)	Coggeshall	Mr Obermann	Proposal to raise the roof by 0.5m and the southern pitch of the roof by 42 degrees, 20 East Street.

A motion was moved and seconded to grant the above application, but, on being put to the vote was declared LOST. However, a motion to refuse the application was moved but could not be seconded. This resulted with another motion to grant the application and this was GRANTED.

The above application was approved subject to the following two additional Conditions –

No. 2 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no additional windows, doors, rooflights, voids or openings, as permitted by Classes A, B and C of Part 1 of Schedule 2 of that Order, other than those indicated on the approved plans shall be permitted without first obtaining planning permission from the local planning authority.

No. 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling house nor the provision of any buildings within the curtilage of the dwelling house with the exception of one shed/building of not more than 10 cubic metres, as permitted by Classes A and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

### 35 PLANNING APPLICATION DEFERRED

**DECISION:** That the undermentioned planning application be deferred to allow for further consultation with the applicant on height of totem sign, and to seek clarification on the exact nature of the proposed illumination for the canopy lighting at the site.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/00592/ADV (DEFERRED)	Rivenhall End	BP Oil UK Ltd	Signage in association with proposed improvements to existing service station, South Side BP Filling Station, London Road.

## 36 PLANNING APPLICATIONS REFUSED

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

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/00538/FUL (REFUSED)	Braintree	Cambrils Ltd	Change of use of public house and coach-house to residential, refurbishment and extension of existing cottages and erection of 3 houses to provide a total of 7 residential units, The King William PH, 82 Church Street.

### Reasons for Refusal

The application site is located within the Bocking and Braintree town boundary, as identified in the adopted Braintree District Local Plan Review. Policy RLP 3 of the Local Plan relates to development in such locations and requires that new residential development satisfies amenity, design, environmental and highway criteria. The Essex Design Guide for Residential and Mixed Use Areas, adopted as Supplementary Planning Guidance, is also relevant to the consideration of such development proposals. Policy RLP 56 of the Local Plan relates to vehicle parking and requires the provision of off-street parking in accordance with the Council's Adopted Parking Standards.

The proposed development would not provide a sufficient level of private amenity space or sufficient allocated off street parking to serve the proposed dwellings. In these respects, the failure to meet adopted standards and guidance is indicative of an overdevelopment of the site that would fail to provide a satisfactory level of amenity for prospective residents and the likelihood that vehicles would be displaced on to the highway, to the detriment of highway safety, contrary to the policies and adopted Guidance referred to above.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*08/00551/FUL (REFUSED)	Rayne	Mr & Mrs R Beattie	Erection of side extension supported on posts forming an addition to the first floor and roof space over together with a single storey rear extension, 4 Gore Terrace.

Martyn Phillips, Chairman of Rayne Parish Council, joined the table for this item and stated that the proposal is contrary to the Rayne Village Design Statement and detract from the character of neighbouring properties and the street scene. Gore Terrace is within the Conservation Area and currently comprises of two separate blocks of houses, whereas this proposal will link the homes and make one continuous row. Mr Phillips questioned the reference in the report to 'no detrimental impact' and stated that the proposal would affect the character and visual appearance of the area.

#### Reasons for Refusal

The application property is located within the Rayne village envelope, as identified in the adopted Braintree District Local Plan Review. Policy RLP 17 of the Local Plan applies to applications for extensions to dwellings in such locations and it sets out the criteria against which proposals will be considered. The application property is also located within a designated Conservation Area. In Conservation Areas it is the Council's policy, as set out in Policy RLP 95 of the Local Plan, to ensure that development does not detract from the character, appearance and essential features of the Conservation Area.

The proposed first floor side extension would effectively link two distinct terraces of houses. The formation of such a link would detract from the setting of the terraces and the street scene, to the detriment of the character and appearance of the Conservation Area, contrary to the policies referred to above. In addition, the proposed side extension, by reason of its form and location, would have an unacceptable impact upon the amenity of neighbouring premises, contrary to Policy RLP 17 of the Local Plan.

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 9.30pm.

MRS W D SCATTERGOOD  
(Chairman)

## APPENDIX

### PLANNING COMMITTEE

24TH JUNE 2008

### PUBLIC QUESTION TIME

#### Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mrs Nicola Bickerstaff, Strutt & Parker, Covall Hall, Rainsford Road, Chelmsford (Agent)  
Application Nos. 08/00281/FUL & 282/LBC – Hovells Farm, Potash Farm Road, Coggeshall

Mrs Bickerstaff referred to the proposals for the site, including Listed Building status, and the recommendation for approval (with conditions) by Planning Officers and the Historic Buildings Advisor. The buildings are structurally sound, considered capable of conversion and will create an attractive group to the Listed curtilage and farmhouse, with minimum impact on the fabric of the buildings. The two barns have attractive frontages and character, and the overall scheme supports Local Plan Policies PPS7 and PPG15. The proposal will reuse existing materials and restore the traditional buildings into long-term use.

Mrs Bickerstaff did make reference to an earlier approval for office use of the buildings, earlier objections and current objections on highway grounds, and the aim for a long term, viable use of the curtilage buildings to establish a sympathetic and sensitive scheme.

2. Statement by Mr Andy Butcher, Bidwells, Legg Street, Chelmsford (Agent)  
Application Nos. 08/00538/FUL & 08/00539/LBC – King William Public House, 82 Church Street, Braintree

Mr Butcher advised that further explanation/information had been supplied by letter to Members at the meeting, in response to representations received. From the outset the applicant/agent had identified five important objectives to the scheme

- to retain sympathetic use of the buildings, and retain the character of Bocking
- to ensure the future uses of the buildings
- to repair and restore the cottages and cartlodge
- to establish the best use of the site, in its' sustainable location, and
- to be responsible for a building of high quality, in the Conservation Area and Listed Building profile.

The agent had been in close consultation with Planning Officers and Essex County Council to meet objectives, and the applications conform to national policies and Listed Building criteria. Reference was made to the courtyard and traditional vernacular forms, parking provision being within Council standards, sufficient public transport and, although small gardens are included in the development, there is useable amenity space provided.

In conclusion, the application was considered appropriate in design and would enhance the Conservation Area.

3. Statement by Mr Kim Farrell, 84 Church Street, Braintree  
Application Nos. 08/00538/FUL & 08/00539/LBC – King William Public House, 82  
Church Street, Braintree

Mr Farrell stated that his property adjoins the King William Public House and that, on the whole, he is pleased with the proposed applications. However, there are concerns on parking, holly bushes at the site, and on potential overlooking. With regard to parking, the Council requirement was not considered sufficient, as 15 cars daily park in that area and overspill onto the road, and the proposed eight spaces for seven properties is not enough. The two holly bushes at the site currently provide cover to Mr Farrell's garden and it was requested that these be retained. Finally, attention was drawn to the window at the back of the coach-house that would overlook Mr Farrell's garden.

4. Statement by Mrs Lynn Stimson, 18 East Street, Coggeshall  
Application Nos. 08/00503/ELD & 08/00669/FUL – 20 East Street, Coggeshall

Mrs Stimson's raised objection to the applications as her property directly adjoins the application site. Reference was made to the history at the site – including the original outbuildings established in 1999, and the office-use agreed at appeal in 2001. It was considered that to raise the roof pitch by 0.5m would further exacerbate an already overbearing feature restricting their view, open aspect and light. Mrs Stimson's property is Grade II Listed and has a narrow access. Therefore, measures were sought that any building work and large trucks would not damage their property. The water run-off of the proposed roof was queried, as the drainage would affect their outbuildings, and it could not be envisaged how the applicant would build and maintain the new roof without access to the Stimson's property.