

Minutes

Planning Committee

21st May 2013

Present



Councillors	Present	Councillors	Present
J E Abbott	Yes	S C Kirby	Yes
P R Barlow	Yes (until 9.35pm)	D Mann	Yes
E Bishop	Apologies	Lady Newton	Yes
R J Bolton	Yes	J O'Reilly-Cicconi	Yes
L Bowers - Flint	Yes	R Ramage	Yes
C A Cadman	Apologies	L Shepherd	Yes
T J W Foster (Chairman)	Yes	G A Spray	Apologies
P Horner	Yes		

1 DECLARATIONS OF INTEREST

The following interests were declared:-

All Councillors declared a non-pecuniary interest in Application No. 13/00259/CON - 75 and 77 South Street, Braintree as elected Members of Braintree District Council which was the applicant and the owner of the land.

Councillor J E Abbott declared a non-pecuniary interest in Application No. 13/00259/CON - 75 and 77 South Street, Braintree as a Member of Braintree District Local Highways Panel which had considered the proposal.

Councillor L B Bowers-Flint declared a non-pecuniary interest in Application No. 13/00323/FUL - Land adjacent to 3 Halstead Road, Braintree as the applicant was known to her from living in the same village.

Councillor S C Kirby declared a disclosable pecuniary interest in Application No. 13/00189/FUL - Land at Walford Way and Vesta Close, Coggeshall 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 the following interests - a non-pecuniary interest in Application No. 13/00323/FUL - Land adjacent to 3 Halstead Road, Braintree as the applicant and an objector were known to him; a non-pecuniary interest in Application No. 13/00175/OUT - Kyra, Hall Road, Panfield as objectors were known to him; and a non-pecuniary interest in Application No. 13/00273/ADV - Inn On The Green, Coldnailhurst Avenue, Braintree as objectors were known to him. Councillor Mann declared a non-pecuniary interest also in Application No. 13/00189/FUL - Land at

Walford Way and Vesta Close, Coggeshall 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. 13/00259/CON - 75 and 77 South Street, Braintree as the Cabinet Member for Planning and Property with responsibility for the management of the Council's assets which included the site. Councillor Lady Newton declared a non-pecuniary interest also in Application No. 13/00189/FUL - Land at Walford Way and Vesta Close, Coggeshall as she had met with the applicant and objectors, and as the Cabinet Member for Planning and Property with responsibility for affordable housing.

Councillor J P L P O'Reilly-Cicconi declared a non-pecuniary interest in Application No. 13/00323/FUL - Land adjacent to 3 Halstead Road, Braintree as an objector was known to him.

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.

2 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 7th May 2013 be approved as a correct record and signed by the Chairman.

3 QUESTION TIME

INFORMATION: There were ten 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 TREE PRESERVATION ORDER NO. 4/2013 – 51 LODGE ROAD, BRAINTREE

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 4/2013 relating to land at 51 Lodge Road, Braintree. Objections to the making of the Order had been submitted by the owners of 51 Lodge Road and a neighbour living at 11 Faraday Close, Braintree against the inclusion of a whitebeam tree (T1) within the Order.

The Tree Preservation Order had been served in February 2013 following an assessment of the tree, which had shown that the making of an Order was appropriate.

The objectors had been advised that the presence of a Tree Preservation Order should not prevent work being carried out to the tree, subject to an application for consent being submitted to the Council.

DECISION: That Tree Preservation Order No. 4/2013 relating to land at 51 Lodge Road, Braintree be confirmed.

5 TREE PRESERVATION ORDER NO. 6/2013 – 3 GILPIN WAY, GREAT NOTLEY

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 6/2013 relating to land at 3 Gilpin Way, Great Notley. An objection to the making of the Order had been submitted by the owner of 3 Gilpin Way, Great Notley against the inclusion of a blue cedar tree (T1) within the Order.

The Tree Preservation Order had been served in March 2013 following an assessment of the tree, which had shown that the making of an Order was appropriate.

The objector had been advised that the presence of a Tree Preservation Order should not prevent work being carried out to the tree, subject to an application for consent being submitted to the Council.

In discussing this matter, Members of the Committee indicated that any future applications received by the Council for a reduction in the height of the tree should be considered sympathetically as it was known that blue cedar trees could grow quite high.

DECISION: That Tree Preservation Order No. 6/2013 relating to land at 3 Gilpin Way, Great Notley be confirmed.

6 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 13/00273/ADV - Inn On The Green, Coldnailhurst Avenue Braintree; and 13/00336/FUL - 64 Little Yeldham Road, Little Yeldham 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 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>
*13/00259/CON (APPROVED)	Braintree	Braintree District Council	Demolition of dwellings and basements of 75 and 77 South Street, demolishing up to boundary of 32 Fairfield Road, retention of existing surface water drainage system for re-use and boundary treatments, 75 and 77 South Street.

The Committee was advised that as this application proposed the demolition of properties located in a Conservation Area, it would be referred to the Secretary of State for Communities and Local Government for final determination. The Committee approved this application, subject to the following additional Condition:-

Additional Condition

6. Prior to demolition, a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall demonstrate: i) how the buildings are to be demolished; ii) how associated material will be removed from the site; and iii) the extent to which the materials arising from the demolition will be recycled and/or sent for disposal. The demolition of the buildings shall be undertaken only in complete accordance with the approved site waste management plan.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00273/ADV (APPROVED)	Braintree	Mr N Riches	Application to display advertisements, Inn On The Green, Coldnailhurst Avenue.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00336/FUL (APPROVED)	Little Yeldham	Mr & Mrs M Finch	Erection of garage/store building, 64 Little Yeldham Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00202/FUL (APPROVED)	Wethersfield	Mr Keith Stout	Erection of a bungalow within the car park to the rear of Chase House (which is currently used for parking) with associated off road parking for two cars and landscaping, Chase House, High Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00265/FUL (APPROVED)	Wethersfield	Mr Keith Stout	Change of use of former public house to dwellinghouse, including internal and external alterations and construction of garage in former public house

The Committee approved this application, subject to the amendment of Condition Nos. 6, 7, 11 and 13, and the addition of a Condition as follows:-

Amended Conditions

6. The development shall not be occupied 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 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.

7. Prior to the commencement of construction of the garage, details of the means of protecting all the existing trees, shrubs and hedges on and adjacent to the site from damage during the carrying out of 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 including any trenches required in connection with the construction of foundations for the proposed garage, 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 and hedges.

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

11. The development shall not be occupied until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
- (a) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development
 - (b) measures for the long-term energy efficiency of the building(s), and renewable energy resources
 - (c) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

13. The development shall not be occupied until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

Additional Condition

15. Prior to the construction of the garage hereby approved, details of the method of its construction, including the details of any works proposed in the proximity of the boundary wall neighbouring the site, shall have been submitted to and approved in writing by the Local Planning Authority. The construction of the garage shall be implemented only in accordance with the approved construction details.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00266/LBC (APPROVED)	Wethersfield	Mr Keith Stout	Change of use of 'The Dog Inn' now known as Chase House to form a single dwelling house including the construction of a single garage within the former car park. The modern extension which incorporates the ladies toilet is to be demolished and the rear

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00314/FUL (APPROVED)	Wethersfield	Mr C Finbow	Demolition of existing buildings and reinstatement of area of agricultural land, erection of all-purpose agricultural barn, Owls Hall Farm, Blackmore End.

The Committee approved this application, subject to the deletion of Condition No. 7 and the addition of an Information to Applicant as follows:-

Information to Applicant

1. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and 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.

7 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00323/FUL (APPROVED)	Braintree	Mr Mathew Morton	Proposed dwelling, land adjacent to 3 Halstead 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) within one calendar month of this decision to secure a contribution of £1,718.94 towards the provision and 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 one month, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies and 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 following additional Conditions and Information to Applicant:-

Additional Conditions

16. 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 / provision of any building within the curtilage of the dwelling-house, as permitted by Class A to C 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.
17. (CONS42) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the site clearance and construction process.
18. (SUS65) Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
 - (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction
 - (b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development
 - (c) measures for the long-term energy efficiency of the building(s), and renewable energy resources
 - (d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
 - (e) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Information to Applicant

1. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and 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.

2. (IN40) 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 £25 for householder applications and £85 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.
3. The applicant is advised to carefully consider the use of soakaways to ensure adequate surface water drainage on the site and to prevent run-off.
4. With respect to Condition No. 3, please note that the use of weatherboarding is not approved and the Local Planning Authority will expect materials to be used that harmonise with the surrounding area.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00189/FUL (APPROVED)	Coggeshall	Greenfields Community Housing	Demolition of 16 existing 'Unity' flats and garages and erection of 36 affordable dwellings including displacement of garage parking from Walford Way to Vesta Close, land at Walford Way and Vesta 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 ensure that all of the residential units at the site remain affordable housing units, and that a financial contribution of £24,853.14 is made towards the enhancement of 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 by the statutory date for the determination of the application, 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 No. 5 and additional paragraphs to the Information to Applicant as follows:-

Amended Condition

5. All new dwellings shall achieve a minimum of Code Level 3 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).

Prior to the commencement of the development, a schedule of any external renewable energy installations that are proposed to be used in the development shall be submitted to and approved in writing by the Local Planning Authority.

This schedule shall include details of the installations and their position on the site (if different from that shown on the plans hereby approved).

Additional Information to Applicant

3. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and 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.
4. In respect of Condition No. 24, you are advised that all foul and surface water drainage arrangements will need to satisfy the requirements of the Building Regulations. The applicant is urged to engage with potentially affected neighbours at the earliest opportunity.

8 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons set out below. 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>
*13/00175/OUT (REFUSED)	Panfield	Mr M Reid	Demolition of side extension and erection of detached dwelling, Kyra, Hall Road.

Councillor Anne Cole, Vice-Chairman of Panfield Parish Council, attended the meeting and spoke against this application.

The Committee refused this application for the following Reason:-

Reason for Refusal

The application site is located in an area identified as countryside in the adopted Braintree District Local Plan Review and the adopted Braintree District Council Core Strategy. In this location it is the Council's strategic approach, as set out in Policy RLP2 of the adopted Local Plan and Policy CS5 of the adopted Core Strategy, to confine new development to locations within Town Development Boundaries and Village Envelopes and to strictly control new development in the countryside to that which is appropriate to the countryside. This application would therefore be contrary to Braintree District Local Plan Review Policy RLP2 and Braintree District Council Core Strategy Policy CS5.

The adopted Local Plan does allow, through its Hamlets Policy RLP 16, for infill development in certain circumstances. It states 'Where there is a defined nucleus of at

least ten dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made to Policies RLP 2 and RLP 12 for the filling of a gap for a single dwelling between existing dwellings in hamlets and small groups of dwellings. This Policy will not apply to proposals for individual isolated dwellings, or the extension of ribbon development, and will not apply to gaps which could accommodate more than one dwelling. Proposals which set a precedent for the consolidation of sporadic or ribbon development, or for the further infilling of large gaps, will also be resisted.'

Policy RLP 90 covers a range of planning considerations that should apply to the assessment of all developments, large and small. It requires new development to reflect or enhance local distinctiveness, achieving a high standard of design, in harmony with the character and appearance of the surrounding area. It states that 'planning permission will only be granted where specific criterion are met; these criterion include the following;... iii) there shall be no undue or unacceptable impact on the amenity of any nearby residential properties... v) the layout, height, mass and overall elevational design of buildings and development shall be in harmony with the character and appearance of the surrounding area, including their form, scale and impact on the skyline in the locality.'

The proposal, the subject of this application, requires the removal of part of the existing dwelling to create a gap rather than the filling of a gap between the dwelling and its neighbour, contrary to Policy RLP16. This indicates that the existing gap is too small to accommodate a new dwelling and this factor, together with the scale and layout of the proposed dwelling, will result in a development which would appear contrived, cramped within its plot, consolidating existing ribbon development in this section of Hall Road, to the detriment of the character of the group of dwellings, contrary to Policies RLP 16 and RLP 90 of the adopted Local Plan.

It was moved and seconded that this application be granted subject to a Section 106 Agreement, but on being put to the vote this Motion was declared LOST.

9 PLANNING AND ENFORCEMENT APPEAL DECISIONS – APRIL 2013

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during April 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 10.04pm.

T J W FOSTER

(Chairman)

APPENDIX
PLANNING COMMITTEE
21st MAY 2013
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Item 5 - TPO 4/2013 - 51 Lodge Road Braintree

Statement by Mr Graham Sands, 51 Lodge Road, Braintree (owner of tree)
- 2 Statement Relating to Application No. 13/00259/CON – 75 and 77 South Street, Braintree

Statement by Mr Mark Whitehead, 52 Notley Road, Braintree (Objector)
- 3 Statement Relating to Application No. 13/00323/FUL – Land adjacent to 3 Halstead Road, Braintree

Statement by Mrs Kathleen Prior, Wright House, Gosfield Road, Braintree (Objector)
- 4 Statements Relating to Application No. 13/00189/FUL - Land at Walford Way and Vesta Close, Coggeshall
 - (i) Statement by Mr James Firth, Strutt & Parker LLP, Coval Hall, Chelmsford (Objector)
 - (ii) Statement by Mr Andrew Collett, Ingleton Wood, 43 All Saints Green, Norwich (Agent)
- 5 Statements Relating to Application No.13/00175/OUT – Kyra, Hall Road, Panfield
 - (i) Statement by Mr Simon Wilson, Panfield Farm, Hall Road, Panfield (Objector)
 - (ii) Statement by Mr Michael Reed, Kyra, Hall Road, Panfield (Applicant)

6 Statements Relating to Application Nos. 13/00202/FUL, 13/00265/FUL
and 13/00266/LBC – Chase House, High Street, Wethersfield

- (i) Statement by Ms Cherry Twydell, Virginia House, High Street,
Wethersfield (Objector)
- (ii) Statement by Mr Keith Stout, Bridport Capital Limited,
Broadgates Farm, High Roding (Applicant)

7 Statement Relating to Application No. 13/00314/FUL - Owls Hall Farm,
Blackmore End, Wethersfield

Statement by Mr Ralph Bintley, Blakeney, Stortford Road, Little
Hadham, Ware, Herts. (Agent)