

Minutes

Planning Committee

22nd May 2018



Present

Councillors	Present	Councillors	Present
K Bowers	Apologies	Lady Newton	Yes
Mrs L Bowers-Flint	Apologies	Mrs I Parker	Yes
T Cunningham	Yes	F Ricci	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Apologies
H Johnson	Yes	P Schwier	Yes
S Kirby	Apologies	Mrs G Spray (Vice-Chairman in the Chair)	Yes
D Mann	Yes		

Councillor C Siddall was also in attendance (until 9.02pm).

12 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor D Mann declared a non-pecuniary interest in Application No. 17/02064/REM - land adjacent to Peacehaven, London Road, Black Notley as some of the residents who had submitted representations about the application were known to him. Councillor Mann stated that he had not discussed the application with the residents.

Councillor Mann declared a non-pecuniary interest also in Application No. 17/02259/FUL - 41 Colchester Road, White Colne as some of the residents who had submitted representations about the application were known to him. Councillor Mann stated that he had not discussed the application with the residents.

In accordance with the Code of Conduct, Councillor Mann remained in the meeting and took part in the discussion when the applications were considered.

13 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 8th May 2018 be approved as a correct record and signed by the Chairman.

14 **QUESTION TIME**

INFORMATION: There were six statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes. Those people who

had registered to speak about a planning application spoke immediately prior to the consideration of the application.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

15 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 18/00347/ADV - Causeway House, Bocking End, Braintree was 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>
*17/01885/FUL (APPROVED)	Greenstead Green	Mr Scott Vaughan-Baker	Replacement of existing flat roof porch with traditional pitch roof using slates to match existing. Erection of a lean to, oak framed flat roof car port, over existing drive, Stones Throw, Crocklands.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/02064/REM (APPROVED)	Black Notley	Mr B Tann	Application for approval of Reserved Matters for access, appearance, landscaping, layout and scale pursuant to outline planning permission 16/02055/OUT - Erection of 4 no. dwellings, land adjacent to Peacehaven, London Road.

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

Additional Condition

- 5 During the construction phase of the development, the applicant shall provide fibre to the premises (FTTP) connections to all residential properties within the

development hereby approved. No dwelling shall be occupied unless and until a FTTP connection for the respective dwelling has been installed.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/02259/FUL (APPROVED)	White Colne	Shalamar Children Limited	Change of use of existing dwelling house (C3 Use) and its associated plot to a residential children's home (C2 Use), 41 Colchester Road.

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

Amended Condition

- 4 The premises shall be used as a children's care home for children aged between 4 and 17 years old only and for no other purpose, whether or not that purpose falls within Use Class C2 of Part C of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking, or re-enacting that Order.

Councillor Chris Siddall, Braintree District Ward Councillor for The Colnes, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00347/ADV (APPROVED)	Braintree	Braintree District Council	Application for consent to display an advertisement - 2 no. building signs within the property and 2 no. list of tenants on each side of the door fixed to wall, Causeway House, Bocking End.

16 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning applications be refused for the reasons contained in the Development Manager's report. 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>
*17/02178/FUL (REFUSED)	Cressing	Stephanie Joslin	Erection of 6 no. dwellings and associated roads, car parking and landscaping, land adjacent to Leyfield, Braintree Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/02197/FUL (REFUSED)	Cressing	Mr and Mrs Athanasiadis	Erection of 4 no. four bedroom detached 2-storey houses, land adjoining and to the rear of 1 to 8 Leyfield, Braintree Road.

17 **DEVELOPMENT MANAGEMENT ENFORCEMENT PLAN**

INFORMATION: Consideration was given to a report on a proposed Development Management Enforcement Plan.

The Government's National Planning Policy Framework (NPPF) recommended that all Planning Authorities should produce a local Enforcement Plan to assist with managing enforcement in a way that was appropriate for their area. The Plan had been prepared in accordance with guidance set out in the NPPF.

It was proposed that the Plan should provide a structured approach to the investigation of alleged breaches of planning control within the Braintree District and should be a best practice and informative guide to customers using the service. The Plan included information on how to report breaches of planning control; how the Council would investigate reported breaches; what did and did not constitute a breach of planning control; how the Council prioritised enforcement cases; the legal powers available to the Council and how these could be used; and how the Council determined whether or not enforcement action should be taken.

The draft Plan had been subject to consultation with District Councillors and Town and Parish Councils during February and March 2018 and a summary of the responses submitted was attached as an Appendix to the report. Where appropriate, the Plan had been amended to reflect the comments made. If approved, the Plan would be published on the Council's website along with additional information around planning legislation and working practices.

The aim of the planning enforcement service was to discourage unauthorised development and, where planning breaches were evidenced, to take proportionate action to remedy any harm to amenity, or the built, or natural environment.

The Plan was based on the principles that enforcement action was a discretionary power and would only be taken where it was expedient to remedy harm and was in

the public interest. Enquiries would be prioritised for investigation, dependent on their gravity, impact upon local amenity and the material planning considerations involved. The Plan included information on what people who were subject to an investigation should expect and where independent advice could be sought.

Following the receipt of an enquiry about a possible breach of planning control, the enforcement service would carry out an initial desk based assessment to ascertain the validity of the information supplied and to establish whether an investigation was necessary. Priorities would be based on the 'significance of the harm' being caused by the breach. It was also proposed that the time taken by the enforcement service to deal with matters and to advise all interested parties of the decision taken should be reduced.

It was proposed that the Plan should be updated as and when required, with a full review being carried out after a five year period.

DECISION: That the Development Management Enforcement Plan be approved as a guidance document.

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 9.32pm.

Councillor Mrs G Spray
(Vice-Chairman in the Chair)

APPENDIX

PLANNING COMMITTEE

22ND MAY 2018

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 17/02064/REM - Land adjacent to Peacehaven, London Road, Black Notley
 - (i) Statement by Mr Ray Jobsz, The Friary, Bakers Lane, Black Notley (Neutral stance)
 - (ii) Statement by Mrs Erika Tann, c/o Mr Andrew Ransome, Plainview Planning Ltd, Oliver House, Hall Street, Chelmsford, Essex, CM2 0HG (Applicant)
- 2 Statement Relating to Application Nos. 17/02178/FUL - Land adjacent to Leyfield, Braintree Road, Cressing and 17/02197/FUL - Land adjoining and to the rear of 1 to 8 Leyfield, Braintree Road, Cressing

Statement by Ms Tania Goss, 8 Leyfield, Braintree Road, Cressing (Objector)
- 3 Statements Relating to Application No. 17/02259/FUL - 41 Colchester Road, White Colne
 - (i) Statement by Mr Matthew Heathcote, Coney Byes, Bures Road, White Colne (Objector)
 - (ii) Statement by Mrs Linda Lowe, Ten Per Cent Corner, Bures Road, White Colne (Objector)
 - (iii) Statement by Councillor Chris Siddall, Braintree District Council Councillor for The Colnes Ward, 56 Park Lane, Earls Colne (Objector)