

Minutes

Planning Committee

30th July 2013

Present



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

31 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor L B Bowers-Flint declared a non-pecuniary interest in Application No. 13/00516/FUL - Cressing Park, Braintree Road, Cressing as the applicant was known to her and she had visited the site.

Councillor T J W Foster declared a non-pecuniary interest in Application No. 13/00074/FUL - land adjacent to 2 Sherwood Way, Feering as two objectors were known to him.

Councillor S C Kirby declared a non-pecuniary interest in Application No. 13/00007/FUL - 24 - 34 Bridge Street, Halstead as he was a Member of Halstead Town Council, but he had not taken part in any discussion on the application. Councillor Kirby declared a disclosable pecuniary interest in Application No. 13/00599/FUL - land adjacent to Civil Defence Hut, Oxford Meadow, Sible Hedingham 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 a non-pecuniary interest in Application No. 13/00599/FUL - land adjacent to Civil Defence Hut, Oxford Meadow, Sible Hedingham 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 Mann declared a non-pecuniary interest also in Application No. 13/00516/FUL - Cressing Park, Braintree Road, Cressing as the applicant was known to him.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 13/00007/FUL - 24 - 34 Bridge Street, Halstead as she was Patron of Halstead Day Centre which adjoined the site; a non-pecuniary interest in Application No. 13/00599/FUL - land adjacent to Civil Defence Hut, Oxford Meadow, Sible Hedingham as the Cabinet Member for Planning and Property with responsibility for affordable housing and the management of the Council's assets; and a non-pecuniary interest in Application No. 13/00516/FUL - Cressing Park, Braintree Road, Cressing as Essex County Council Highways had been consulted on the application and she was the County Council's elected Member for the Braintree Eastern Division.

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.

32 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 16th July 2013 be approved as a correct record and signed by the Chairman.

33 QUESTION TIME

INFORMATION: There were seven 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.

34 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 13/00391/FUL - Roundlay Farm, London Road, Black Notley; 13/00516/FUL - Cressing Park, Braintree Road, Cressing; and 13/00623/FUL - Whittons Farm, Upper Howe Street, Finchingfield 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. 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>
*13/00391/FUL (APPROVED)	Black Notley	Mr Robert White	Erection of steel framed open sided hay/straw barn with low pitch roof, Roundlay Farm, London Road.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00634/FUL (APPROVED)	Coggeshall	Mr C J Neale	Erection of single storey rear extension and internal alterations, 18 Kings Acre.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00516/FUL (APPROVED)	Cressing	AWM Potatoes	Siting of modular buildings to provide temporary office accommodation and staff facilities for existing workers, Cressing Park, Braintree Road.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00623/FUL (APPROVED)	Finchingfield	The Trustees of Tom Evetts	Erection of two storey side extension and conservatory to rear and works to driveway, Whittons Farm, Upper Howe Street.

35 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00074/FUL (APPROVED)	Feering	Mr Tony Howard	Erection of two bedroom dwelling in garden of 2 Sherwood Way (following removal of existing double garage), land adjacent to 2 Sherwood Way.

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 a financial contribution of £1,217.61 towards the provision of open space

and sports and recreation facilities in the local area, 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. Alternatively, in the event that a suitable planning obligation is not agreed by 15th August 2013, 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00007/FUL (APPROVED)	Halstead	Bercleys Management	Conversion of first floor offices to create 8 no. 1 bed flats and new roof terrace and allocated spaces for residential and retail parking, new cycle store and bin store, 24 - 34 Bridge Street.

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 two calendar months of this decision to secure a financial contribution of £7096.56 towards the provision, enhancement, or maintenance of public open space in the vicinity, 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. Alternatively, in the event that a suitable planning obligation is not agreed within two months, 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00599/FUL (APPROVED)	Sible Hedingham	Greenfields Community Housing	Demolition of 7 garages and erection of 2 affordable dwellings, including landscaping, parking and highways works, land adjacent to Civil Defence Hut, Oxford Meadow.

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 two calendar months of this decision to secure a financial contribution of £3,843.95 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. Alternatively, in the event that a suitable planning obligation is not agreed within two months, 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.

36 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons contained in the Development Manager's report, as amended 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>
*13/00652/FUL (REFUSED)	Steeple Bumpstead	Mr and Mrs Hodge	Erection of four bay detached garage and alterations to existing access, Springside, Old Hall Road.

The Committee refused this application, subject to the amendment of the reason for refusal as follows:-

The site lies outside any village envelope or town development boundary where countryside policies apply. Policy CS5 of the Core Strategy seeks to strictly control development in the countryside in order to protect and enhance the landscape character and amenity of the countryside. Policies CS9 of the Core Strategy and RLP18 and 90 of the Local Plan Review seek to restrict the scale, density, height and massing of buildings in the countryside. Policy RLP18 provides for the extension of existing dwellings in the countryside, subject to the size, siting, design and materials of the extension being subordinate to the existing dwelling. Policy RLP18 goes on to state that the Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings. RLP90 also states that developments shall be in harmony with the character and appearance of the surrounding area.

The proposed garage, due to its size and siting, results in an overly large and dominant form of development that is not subordinate to the existing dwelling on the site and is an unjustified intrusion in this countryside location. Furthermore, when considered together with existing extensions and out-buildings on the site, the proposal would have a cumulative impact on both the original character of the property and its surroundings. In addition, the proposed revised access is considered

to be out of character with the surrounding rural area. Accordingly, the proposal is contrary to the above policies.

The Chairman agreed to consider the following item as a matter of urgent business in order to ensure that the Council is able to determine new 'prior approval' planning applications within required timescales.

Urgent Item

37 OFFICER SCHEME OF DELEGATION AMENDMENT – PRIOR APPROVAL APPLICATIONS

INFORMATION: Members of the Committee were advised that the Government had introduced new legislation governing development which could take place as 'permitted development' without the need for planning permission.

A note summarising the changes to permitted development was attached as an Appendix to the Agenda report. This indicated that proposals for home extensions and certain changes of use would be subject to an application to the local planning authority to determine whether 'prior approval' would be required. The local planning authority would have a specific timescale within which to determine whether its prior approval was required, given or refused. The timescale relating to home extensions was 42 days from receipt and for changes of use it was 56 days from receipt. If the local planning authority failed to determine a 'prior approval' application within the timescale, approval would be granted by default. It was important therefore that the local planning authority should determine such applications on time.

Whilst the Council's 'Officer Scheme of Delegation' authorised Officers to determine 'prior approval' applications, Section C2.3, sub-clauses 3.3 (b), (c) and (d) set out exceptions when applications had to be referred to the Planning Committee for determination. These included where written representations had been submitted contrary to the Officer's recommendation; the proposal was contrary to Council policy; or a District Councillor wished the application to be considered by the Planning Committee. If such 'prior approval' applications were determined by the Planning Committee, there was a risk that they would not be determined on time and that they would be approved by default. In the circumstances, Members were asked to consider if the Officer Scheme of Delegation should be amended to enable Officers to determine all 'prior approval' applications without reference to the Planning Committee.

DECISION: That the Officer Scheme of Delegation be amended by the insertion of the following paragraph at the beginning of sub-clauses 3.3 (b) (c) and (d) of Section C2.3:-

'With the exception of those applications for prior approval arising from the amendments to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which came into force on 30th May 2013'

PLANNING APPLICATION DEFERRED - ECKARD HOUSE, EASTON ROAD, WITHAM

Members were reminded that on 2nd July 2013, the Planning Committee had agreed to defer consideration of Application No. 13/00277/OUT - erection of 9 no. residential units and off-street car parking (re-submission of 12/01683/OUT) at Eckard House, Easton Road, Witham to the Committee's meeting scheduled for 13th August 2013. This was pending Council approval of the Submission Local Development Framework Site Allocations and Development Management Plan on 29th July 2013.

However, Members were advised that approval of the Plan had subsequently been postponed to 23rd September 2013 and, in the circumstances, it was proposed that consideration of the planning application should be deferred until after that date. Members of the Committee supported this proposal and noted that the applicant's agent had also agreed to it.

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 8.35pm.

T J W FOSTER

(Chairman)

APPENDIX
PLANNING COMMITTEE
30TH JULY 2013
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1 Statements Relating to Application No. 13/00599/FUL – Land adjacent to Civil Defence Hut, Oxford Meadow, Sible Hedingham

- (i) Statement by Mrs Geraldine Dover, 11 Castle Meadow, Sible Hedingham (Objector)
- (ii) Statement by Mr Andrew Babbs, 76 Oxford Meadow, Sible Hedingham (Objector)
- (iii) Statement by Mrs Kathryn Abrey, 77 Oxford Meadow, Sible Hedingham (Objector)
- (iv) Statement by Mr Andrew Collett, Ingleton Wood, 43 All Saints Green, Norwich (Agent)

2 Statement Relating to Application No. 13/00516/FUL - Cressing Park, Braintree Road, Cressing

Statement by Mr Andrew Morton, AWM Potatoes, Cressing Park Farm, Braintree Road, Cressing (Applicant)

3 Statements Relating to Application No. 13/00623/FUL – Whittons Farm, Upper Howe Street, Finchingfield

- (i) Statement by Mr Richard Evetts, 20 St Johns Crescent, Stansted (for the Applicant)
- (ii) Statement by Mr Tom Longley, Cowan Architects, 9-10 Old Stone Link, Ship Street, East Grinstead, West Sussex (Agent)