

Minutes

Planning Committee

13th September 2011



Present

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

Councillors J C Beavis and R Wright were also in attendance.

40 DECLARATIONS OF INTEREST

The following interests were declared:

All Councillors declared a personal interest in Application No. 11/01071/FUL – 19 Hadley Close, Braintree as the applicant was a serving District Councillor who was known to them.

Councillor J E Abbott declared a personal interest in Application Nos. 11/01021/FUL and 11/01022/CON – Land adjacent to Kaduna, Church Street, Kelvedon as several of the objectors were known to him; and a personal interest in Application No. 11/00887/FUL – Rivenhall Oaks Golf Course, Forest Road, Rivenhall as he was a Member and the Chairman of Rivenhall Parish Council which had made representations on the application.

Councillor J C Beavis declared a personal interest in Application No. 11/00545/FUL – New Leisure Centre Site, land adjacent to Malting Academy, Spinks Lane, Witham as the District Council Cabinet Member with responsibility for Communities including leisure centres.

Councillor E Bishop declared a personal interest in Application No. 11/00545/FUL – New Leisure Centre Site, land adjacent to Malting Academy, Spinks Lane, Witham as one of the objectors was known to him.

Councillor R J Bolton declared a personal interest in Application No. 11/00702/FUL – Blois Meadow Business Centre, Blois Road, Steeple Bumpstead as the applicant speaking during Question Time was known to him.

Councillor C A Cadman declared a personal and prejudicial interest in Application No. 11/00702/FUL – Blois Meadow Business Centre, Blois Road, Steeple Bumpstead as the applicant and objectors were known to him. Councillor Cadman indicated that he wished to speak on this application during Question Time. Councillor Cadman left the meeting whilst the application was discussed and determined.

Councillor T J W Foster declared a personal and prejudicial interest in Application No. 11/00887/FUL – Rivenhall Oaks Golf Course, Forest Road, Rivenhall as the applicant was known to him socially. Councillor Foster left the meeting whilst the application was discussed and determined.

Councillor Lady Newton declared a personal interest in Application No. 11/00545/FUL – New Leisure Centre Site, land adjacent to Malting Academy, Spinks Lane, Witham as she had been the District Council Cabinet Member with responsibility for leisure centres until April 2011.

Councillor G A Spray declared a personal interest in Application No. 11/00545/FUL – New Leisure Centre Site, land adjacent to Malting Academy, Spinks Lane, Witham as she had been the District Council Deputy Cabinet Member with responsibility for leisure centres until April 2011.

Councillor R Wright declared a personal interest in Application No. 11/00887/FUL – Rivenhall Oaks Golf Course, Forest Road, Rivenhall as he was a Member of Rivenhall Parish Council which had made representations on the application.

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.

41 MINUTES

INFORMATION: The Minutes of the meeting of the Planning Committee held on 23rd August 2011 were not available and their approval was deferred to the next meeting.

42 QUESTION TIME

INFORMATION: There were twelve 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. An audio recording of the meeting is available from Member Services.

43 TREE PRESERVATION ORDER NO. 12/2011 – BAILEY LODGE, PYE CORNER, CASTLE HEDINGHAM

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 12/2011, which related to two sycamore trees within the grounds of Bailey Lodge, Pye Corner, Castle Hedingham. Objections had been submitted to the making of the Order.

The Tree Preservation Order had been served in June 2011 following an assessment of the trees, which had shown that the making of an Order was appropriate.

DECISION: That Tree Preservation Order No. 12/2011 relating to Bailey Lodge, Pye Corner, Castle Hedingham be confirmed.

44 TREE PRESERVATION ORDER NO. 14/2011 – LAMBOURNE, HEDINGHAM ROAD, GOSFIELD

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 14/2011, which related to two cypress trees within the rear garden of Lambourne, Hedingham Road, Gosfield. An objection had been submitted to the making of the Order.

The Tree Preservation Order had been served in June 2011 following an assessment of the trees, which had shown that the making of an Order was appropriate.

DECISION: That Tree Preservation Order No. 14/2011 relating to Lambourne, Hedingham Road, Gosfield be confirmed.

45 TREE PRESERVATION ORDER NO. 9/2011 – OAK MEADOW, GORE ROAD, RAYNE

Councillor Jiggins and Councillor Phillips of Rayne Parish Council attended the meeting and spoke in support of the objection.

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 9/2011, which related to a number of trees within Oak Meadow, Gore Road, Rayne. An objection had been submitted to the making of the Order specifically in respect of three poplar trees referred to in the Order as G2.

The Tree Preservation Order had been served in April 2011 following an assessment of the trees, which had shown that the making of an Order was appropriate.

A copy of a tree survey provided by Rayne Parish Council had been circulated to Members of the Committee in advance of the meeting.

DECISION: That Tree Preservation Order No. 9/2011 relating to Oak Meadow, Gore Road, Rayne be confirmed.

46 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 11/01071/FUL - 19 Hadley Close, Braintree; 11/00794/FUL and 11/00795/LBC - 7 Falcon Square, Castle Hedingham; 11/00873/FUL - 50 Maldon Road, Witham; and 11/01011/FUL - 1 Blunts Hall Road, Witham 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 the 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>
*11/01071/FUL (APPROVED)	Braintree	Mrs Wendy Schmitt	Demolition of existing rear ground floor conservatory and replacement with new, 19 Hadley Close.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00794/FUL (APPROVED)	Castle Hedingham	St Giles Property Developments Ltd	Retention of new lightwell at the rear of the property, new spiral staircase to garden level and internal alterations as set out in the design and access statement, 7 Falcon Square.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00795/LBC (APPROVED)	Castle Hedingham	St Giles Property Developments Ltd	Retention of new lightwell at the rear of the property, new spiral staircase to garden level and internal alterations as set out in the design and access statement, 7 Falcon Square.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00887/FUL (APPROVED)	Rivenhall	Mr S Brice	Removal of condition 3 to enable the use of the clubhouse for purposes unconnected with the golf course, e.g. for wedding receptions, parties and use of bar/restaurant for members of the general public, Rivenhall Oaks Golf Course, Forest Road.

Councillor R Wright, District Council Ward Councillor, attended the meeting and spoke against this application.

The Committee approved this application, subject to the amendment of Condition Nos. 2 and 3 and the addition of a Condition and an Information to Applicant as follows:-

Amended Conditions

2. All visitors shall leave the clubhouse by 23.30 hours.
3. Details of any proposed additional external lighting to the site shall be submitted to and approved in writing by the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Additional Condition

5. There shall be no more than 20 functions in any one calendar year. A record of the days on which a function took place must be recorded and made available for inspection by the local planning authority if requested.

Additional Information to Applicant

2. (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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00702/FUL (APPROVED)	Steeple Bumpstead	MCS Investments Ltd	Erection of a new commercial building (proposed children's nursery), Blois Meadow Business Centre, Blois Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00545/FUL (APPROVED)	Witham	Braintree District Council	Erection of new leisure centre, outdoor tennis and netball courts and associated landscaping, car parking and access, New Leisure Centre Site, land adjacent Malting Academy, Spinks Lane.

The Committee approved this application, subject to the amendment of Condition Nos. 26 and 27 and the addition of three Conditions and an Information to Applicant as follows:-

Amended Conditions

26. All tree removal shall be undertaken outside of the bird breeding season.
27. The column lighting in drawing number SP23-LD00002/01 Issue C and described in the additional plan submitted by Urbis is not approved. Further plans/details shall be submitted to and approved in writing by the local planning authority prior to commencement of development. All lighting shall be flat glass and of a different design to that shown. All circuits will be switched 'ON' via an external photocell and will be overridden via a multi-channel time-switch which will provide a number of separate 'ON/OFF' times for the various groups of luminaires. All car park lighting must be switched off between the hours of 2300 and 0700.

Additional Conditions

28. Further details showing the location, specification and appearance of Solar Photovoltaic panels on the rear elevation shall be submitted to and agreed in writing by the local planning authority prior to commencement of the building of the leisure centre.
29. (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.
30. (SUS70) Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

Additional Information to Applicant

(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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00873/FUL (APPROVED)	Witham	Mr A Gillespie	Erection of timber building in rear garden to provide a fitness studio, 50 Maldon Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01011/FUL (APPROVED)	Witham	Mr Paul Gould	Erection of two storey rear extension, 1 Blunts Hall Road.

47 SECTION 106 AGREEMENT

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00945/FUL (APPROVED)	Cressing	Mr Alan Milton	Erection of two bedroom detached bungalow, land adjacent 8 Wrights Avenue.

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 £1,173.96 towards the provision of open space and sport 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 as amended below. Details of this planning application are contained in the Register of Planning Applications.

Councillor A Liebscher of Cressing Parish Council attended the meeting and spoke against this application.

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

Additional Condition

17. Development shall not be commenced until details of the design of the soakaways, or alternative means of surface water drainage, have been submitted to and approved in writing by the local planning authority. Where soakaways are proposed the details shall include the design and the results of a series of percolation tests carried out upon the subsoil in accordance with BRE Digest 365 to demonstrate they are of appropriate sizing and construction for the site. No building shall be occupied until the approved means of surface water drainage has been provided and is operational.

NOTE: Members requested that references to ‘coppicing’ of the Field Maple should be replaced by ‘pollarding’. After discussion with, and a further site visit by, the Council’s Landscape Officer it has been determined that coppicing is the appropriate method of reducing limbs to this tree, and therefore no changes to Condition 8 of this permission are recommended.

48 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning application be refused for the reasons stated below. Details of the 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>
*11/01021/FUL (REFUSED)	Kelvedon	Mr M Pilbeam	Demolition of 2 no. sheds and erection of new dwelling, land adjacent to Kaduna, Church Street.

The Committee refused this application for the following reasons:-

- 1 The property lies within the Kelvedon Conservation Area wherein it is the policy of the Council, as set out in Policy RLP95 of the Braintree District Local Plan Review, to ensure that any new development protects, conserves and, where appropriate, enhances the character, appearance and views into and from the Conservation Area.

In this case, it is considered that the location of the proposed new dwelling and consequent removal of part of the front boundary fencing would have an unacceptable impact upon the street scene, thus failing to enhance the character and appearance of the Conservation Area.

- 2 The application proposes the creation of two parking spaces for the existing dwelling and one space for the new dwelling. This will result in tandem parking, with vehicles needing to reverse on or off of a busy road, and the creation of an additional access. This will result in increased vehicle movements close to a main junction, resulting in a decrease in highway safety. The proposal is therefore contrary to Policies RLP56 and RLP90 of the Local Plan.

DECISION: That the undermentioned planning application be refused for the reasons stated below. Details of the 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>
*11/01022/CON (REFUSED)	Kelvedon	Mr M Pilbeam	Demolition of 2 no. sheds and erection of new dwelling, land adjacent to Kaduna, Church Street.

The Committee refused this application for the following reasons:-

Policy RLP96 of the Braintree District Local Plan Review states that demolition of an unlisted building in a Conservation Area will only be permitted if, inter alia, the structure to be demolished makes no contribution to the character, or appearance of the Conservation Area; consent for demolition will only normally be granted where a contract for the redevelopment of the site has been let; and redevelopment proposals preserve or enhance the character and appearance of the area.

It is considered that the proposed removal of these two sheds, without a satisfactory scheme in place which preserves or enhances the Conservation Area, will result in unsatisfactory development and is therefore contrary to the above policy.

49 PLANNING APPEAL DECISIONS – JULY 2011

INFORMATION: Consideration was given to a report, for information, on planning appeal decisions received during July 2011. The report included a summary of each case and a précis of the decision.

DECISION: That the report be noted.

At 10.15pm, in accordance with the Constitution, it was moved, seconded and agreed that the meeting should continue until all business on the Agenda had been dealt with.

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).

NOTE: At the close of the meeting the Chairman referred to the following matters:-

Planning Committee - Additional Meetings

The Chairman referred to the long duration of recent Planning Committee meetings and she advised that, in future, additional meetings would be arranged if required.

Steeple Bumpstead Flood Alleviation Scheme – Site Visit

It was agreed that the pre-arranged site visit should take place on Wednesday, 5th October 2011 at 5.00pm.

The meeting closed at 10.40pm.

W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

13TH SEPTEMBER 2011

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Agenda Item 5 – Tree Preservation Order No. 12/2011, Bailey Lodge, Pye Corner, Castle Hedingham

Statement by Mr Paul McFaull, Bailey Lodge, Pye Corner, Castle Hedingham (Owner)
2. Statement Relating to Application No. 11/00945/FUL – 8 Wrights Avenue, Cressing

Statement by Mr Edward Gittins, Edward Gittins Associates, Unit 5, Patches Yard, Glemsford (For Applicant)
3. Statements Relating to Application Nos. 11/01021/FUL & 11/01022/CON – Land Adjacent to Kaduna, Church Street, Kelvedon
 - (i) Statement by Mr Kevin Cooke, Old Timbers, Church Street, Kelvedon (Objector)
 - (ii) Statement by Mr Mr Barry Nee (Objector)
 - (iii) Statement by Mr Mr Toby Gould, 3 High Street, Kelvedon (Objector)
 - (iv) Statement by Mr Mr Andrew Panting, Ayletts, Church Street, Kelvedon (Objector)
4. Statements Relating to Application No. 11/00702/FUL – Blois Meadow Business Centre, Blois Road, Steeple Bumpstead
 - (i) Statement by Mrs Harriet Mitchell, 15 Blois Road, Steeple Bumpstead (Objector)
 - (ii) Statement by Mrs Carole Newall for Steeple Bumpstead Pre-School Playgroup (Objector)
 - (iii) Statement by Mr Richard Argent c/o Blois Meadow Business Centre, Blois Road, Steeple Bumpstead (Applicant)
 - (iv) Statement by Councillor C Cadman, The Willows, Broad Green, Steeple Bumpstead

5. Statements Relating to Application No. 11/00545/FUL – Land adjacent to Malting Academy, Spinks Lane, Witham
- (i) Statement by Mrs Katie Farr, Pine House, Spinks Lane, Witham (Objector)
 - (ii) Statement by Mr Wayne Scrivener, Chairman of Bramston Sub Aqua Club