

Minutes

Planning Committee

10th September 2013

Present



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

Councillor S A Wilson was also in attendance until 8.55pm.

Miss Pam Sharp, Environmental Health Officer, was also in attendance for the consideration of Application Nos. 13/00480/FUL and 13/00541/CON - 62 East Street, Coggeshall.

49 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor P R Barlow declared a non-pecuniary interest in Application Nos. 13/00480/FUL and 13/00541/CON - 62 East Street, Coggeshall as he was a member of a retail co-operative society, but not the East of England Co-Operative Society; and he was a small-scale shareholder of the East of England Co-Operative Society.

Councillor D Mann declared a non-pecuniary interest in Application Nos. 13/00480/FUL and 13/00541/CON - 62 East Street, Coggeshall as he was a member of a retail co-operative society, but not the East of England Co-Operative Society.

Councillor Lady Newton declared a non-pecuniary interest in Application Nos. 13/00480/FUL and 13/00541/CON - 62 East Street, Coggeshall as a number of objectors sitting in the audience were known to her and she had met with some of them, but had not expressed a view on the applications.

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.

50 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 27th August 2013 be approved as a correct record and signed by the Chairman.

51 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.

52 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 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>
*13/00541/CON (APPROVED)	Coggeshall	East of England Co-Operative Society	Demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access, 62 East Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00524/LBC (APPROVED)	Shalford	Stevenson Brothers	Demolition of agricultural buildings and conversion of existing barns to create two dwellings, with associated works including the erection of cart-lodge, Shalford Hall Farm, The Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00866/FUL (APPROVED)	Wethersfield	Mr Neale and Ms Lewis	Change of use from a mixed used comprising of a public house/restaurant (class A4/A3) and residential dwelling (class C3) to residential dwelling and external appearance of entrance porch, The Cock Inn, Beazley End.

53 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00767/FUL (APPROVED)	Braintree	Bowdean Properties Ltd	Erection of 1 no. dwelling - revised application 13/00097/REM, land rear of 73 Park Drive.

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 £1,774.11 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 calendar 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>
*13/00480/FUL (APPROVED)	Coggeshall	East of England Co-Operative Society	Demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access, 62 East 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:-

- The provision of a pedestrian crossing across East Street prior to the first use of the building hereby approved.

- A scheme of marketing of the applicant's properties at Doubleday Corner to be submitted and agreed prior to the first occupation of the building hereby approved and subsequently undertaken for a time period that shall be agreed.

- A scheme of decoration and repair of the applicant's properties at Doubleday Corner to be submitted and agreed prior to the first occupation of the building hereby approved and subsequently undertaken within an agreed time span of the first occupation of the building hereby approved.

- A scheme of decoration and repair of the residential units at Doubleday Corner that are within the applicant's control to be submitted and agreed prior to the first occupation of the building hereby approved and subsequently undertaken within an agreed time span of the first occupation of the building hereby approved.

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 two calendar months, 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 Nos. 13, 30 and 31 and to the addition of an Information to Applicant as follows:-

Amended Conditions

13. Notwithstanding the details shown on the submitted plans, details of any proposed 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 details of the hours of illumination, 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) and the lighting scheme shall be designed so as to prevent the spillage of any light beyond the boundary with 60 East Street. All lighting shall be installed, maintained and operated in accordance with the approved details. All external lighting shall be switched off outside store opening hours other than for a period not exceeding 30 minutes at the end of each trading day. There shall be no other sources of external illumination.
30. No deliveries shall take place before 05.30 nor after 18.00 hours on Monday to Saturday and before 05.30 or after 12.00 on Sundays or Bank or Public Holidays. No deliveries by vehicles exceeding 7.5 tonnes and no more than two deliveries by vehicles less than 7.5 tonnes shall take place before 08.00 on Monday to Saturday or before 09.00 on Sundays or Bank or Public Holidays. No deliveries of any kind shall be made to the store other than through the delivery area at the rear of the store.

31. The noise level of the fixed plant shall not exceed a noise level of 5dB below background level (LA90) as measured (free field) at the façade of any noise sensitive receptor. The maximum noise level of plant shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved.

Information to Applicant

1. (IN41) Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
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. (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>
*13/00523/FUL (APPROVED)	Shalford	Stevenson Brothers	Demolition of agricultural buildings and conversion of existing barns to create two dwellings, with associated works including the erection of cart-lodge, Shalford Hall Farm, The 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 one calendar month of this decision to secure financial contributions of £16,000.00 (commuted payment) for affordable housing, and £5,174.52 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 calendar month, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant provisions of the Local Plan and Supplementary Planning Documents. 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. 11 as follows:-

Amended Condition

11. Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved. A minimum of a type 1 (desktop) survey will be required to identify whether or not further investigation is required.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation

scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

54 PLANNING APPLICATION DEFERRED

DECISION: That the undermentioned planning application be deferred to clarify land ownership details. 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>
*13/00790/FUL (DEFERRED)	Stisted	Hastoe Housing Association	Erection of 8 no. affordable houses comprising 4 no. one bedroom houses, 2 no. two bedroom houses and 2 no. three bedroom houses, land adjacent to 36 Sarcel.

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 9.13pm.

T J W FOSTER

(Chairman)

APPENDIX
PLANNING COMMITTEE
10TH SEPTEMBER 2013
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application Nos. 13/00480/FUL and 13/00541/CON - 62 East Street, Coggeshall
 - (i) Statement by Mr Neil Spragg, 60 East Street, Coggeshall (Objector)
 - (ii) Statement by Mrs Liz Barnett, 45 East Street, Coggeshall (Objector)
 - (iii) Statement by Mrs Anna Ashton, 59 East Street, Coggeshall (Objector)
 - (iv) Statement by Mrs Ruby Lilley, 27 Prail Court, Coggeshall (Supporter)
 - (v) Statement by Mr Ray Ricks, Boyer Planning, 15 De Grey Square, Colchester (Agent)
- 2 Statement Relating to Application Nos. 13/00523/FUL and 13/00524/LBC – Shalford Hall Farm, The Street, Shalford

Statement by Mr Jonathan Buckley, Shalford Hall, Shalford (Objector)
- 3 Statement Relating to Application No. 13/00866/FUL – The Cock Inn, Beazley End, Wethersfield

Statement by Mr Mark Woodger, Smart Planning Ltd, Old School House, Rettendon Turnpike, Battlesbridge, Essex (Agent)