

# Minutes

## Planning Committee

21st June 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
Ms L B Flint	Apologies	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Yes	Mrs L Shepherd	Apologies
P Horner	Yes	Mrs G A Spray	Yes
S C Kirby	Yes		

### 9 DECLARATIONS OF INTEREST

The following interests were declared:

Councillor D Mann declared a personal interest in Application Nos. 11/00157/FUL and 11/00158/CON – 62 – 66 East Street, Coggeshall as some supporters and objectors were known to him, and he was a Member of a Co-operative Society, although not the East of England Co-operative Society. Councillor Mann declared a personal interest also in Application No. 11/00526/FUL – 23 Braintree Road, Gosfield as some of the objectors were known to him.

Councillor Lady Newton declared a personal interest in Application Nos. 11/00157/FUL and 11/00158/CON – 62 – 66 East Street, Coggeshall as some supporters and objectors were known to her.

Councillor Mrs G A Spray declared a personal and prejudicial interest in Application No. 11/00528/FUL – Glebe Cottage, Boley Road, White Colne as the site was within the Ward which she represented and she had asked for the application to be considered by the Planning Committee based on the recommendation for refusal. Councillor Mrs Spray indicated that she wished to make a statement about this application during Question Time. Councillor Mrs Spray left the meeting whilst the application was discussed and determined.

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.

10 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 1st June 2011 be approved as a correct record and signed by the Chairman.

11 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. The Committee agreed to extend the period allocated for Question Time by three 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.

12 TREE PRESERVATION ORDER NO. 4/2011 – 13, 15, 17, 19, 21 and 23 JULIEN COURT ROAD, BRAINTREE

**INFORMATION:** Consideration was given to a report on Tree Preservation Order No. 4/2011, which related to seven Scots pine trees fronting properties at 13, 15, 17, 19, 21 and 23 Julien Court Road, Braintree. An objection had been submitted to the making of the Order.

The Tree Preservation Order had been served on 5th April 2011 following an assessment of the trees, which had shown that the making of an Order was appropriate.

On 30<sup>th</sup> April 2011 the owners of 15 Julien Court Road, Braintree had submitted an objection to the Order stating, in particular, their concern about nuisance and the potential hazard posed by the mature tree within the curtilage of their property (T3). No other objections had been submitted.

Members of the Committee acknowledged that the trees were significant individually and collectively they formed a distinctive and attractive feature in the street scene which contributed to the amenity of the local area. Furthermore, the trees were considered to be worthy of protection.

**DECISION:** That Tree Preservation Order No. 4/2011 relating to 13, 15, 17, 19, 21 and 23 Julien Court Road, Braintree be confirmed.

13 PLANNING APPLICATION WITHDRAWN

**INFORMATION:** The Chairman reported that the undermentioned planning application had been withdrawn from the Agenda. The application had been withdrawn by the applicant. Details of this planning application are contained in the Register of Planning Applications.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00527/FUL (WITHDRAWN)	Ridgewell	Mr Trevor Revell	Demolition of existing buildings and erection of replacement building to be used for motor vehicle repairs and MOT testing station. Construction of concrete hardstandings, Great Meadow End Farm, Tilbury Road.

#### 14 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 11/00524/FUL – 3 Stephen Marshall Avenue, Finchingfield, and 11/00204/LBC – The Smithy, Lower Green Road, Blackmore End, Wethersfield 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 planning applications are contained in the Register of Planning Applications.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00377/FUL (APPROVED)	Bardfield Saling	Northeast Demolition UK Ltd	Erection of single storey workshop attached to an adjoining office block (yet to be constructed), Eastern Plant Aggregates, Saling Airfield.

The Committee approved this application, subject to the addition of the following Information to Applicant:-

#### **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.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00158/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 - 66 East Street.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00524/FUL (APPROVED)	Finchingfield	Mr B Gilbey	Erection of two storey front, side and rear extension and erection of conservatory to rear, 3 Stephen Marshall Avenue.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00526/FUL (APPROVED)	Gosfield	Mr D M Ikeda	Change of use of land for grazing of horses and erection of a stable, 23 Braintree Road.

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

**Amended Condition**

4. No further development of the stable building shall be carried out until details of an alternative means of enclosure of the western side of the application site have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the fences. The existing green mesh fencing shall be removed and the means of enclosure as approved shall be provided and implemented prior to the recommencement of development and in any event no later than three months from the date of this decision notice and shall be permanently maintained as such.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00204/LBC (APPROVED)	Wethersfield	Mrs M Kingston	Rebuilding of chimney stack and repairs to roof caused by storm damage, The Smithy, Lower Green Road, Blackmore End.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00484/FUL (APPROVED)	Witham	Miss C Wade	Change of use from a ladies gym and weight loss centre to Pickles Play House, a soft play activity centre, Unit 12, 27 Crittall Road,

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00411/OUT (APPROVED)	Braintree	Jackson Land Limited	Demolition of chalet bungalow (no. 39), creation of new vehicular access onto Clare Road, layout of new road and vehicle turning area. Erection of 12 houses and garages with associated parking spaces, amenity area and landscaping, land rear of 37- 45 Clare 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) to secure:-

- A contribution towards primary and secondary education in line with the standard Essex County Council formulae.
- A contribution towards the provision and/or enhancement of open space within the vicinity of the site in line with a formula that will reflect the content of the Council's Adopted Open Space Supplementary Planning Document.
- A contribution of £15,000 towards highway improvements in the vicinity of the site.
- A contribution of £5,000 towards the improvement of the Flitch Way.
- Agreement to upgrade the facilities of Braintree Bowling Club.
- Agreement of a scheme for the maintenance of on-site open space that is not attributable to individual units.
- Agreement to considerate construction methods.

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 the target date for determining the application, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application on the basis that the Section 106 Agreement would require the construction and provision of the new Bowling Club Pavilion before the next bowling season and before the dwellings are constructed/occupied.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00438/FUL (APPROVED)	Braintree	Mr Steve Pain	Erection of three bedroom dwelling, detached outbuilding and free-standing solar panel installations and the re-positioning of the existing poly-tunnel, land rear of 46 Challis Lane.

**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 contribution of £1,657.32 towards the provision and/or enhancement of public open space within the vicinity of the site in accordance with the Council's adopted Open Space Supplementary Planning Document, 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 19<sup>th</sup> July 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications

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

Additional Conditions

14. (CONS48) No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-  
  
Monday to Friday 0730 hours - 1800 hours  
Saturday 0730 hours - 1300 hours  
Sundays and Bank Holidays - no work
15. (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.
16. (CONS41) No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
17. (CONS40) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority and shall be adhered to throughout the construction process.
18. (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.
19. (SUS73) 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. Prior to the first occupation of the development, any such approved external lighting shall be installed in accordance with details and

thereafter so maintained. There shall be no other sources of external illumination.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*11/00157/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 - 66 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) 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 3 months 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 3 months 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 by 16<sup>th</sup> August 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to two additional conditions and the amendment of condition nos. 17, 21 and 23 as follows:-

**Additional Conditions**

32. The retail unit hereby approved shall be used only as a convenience foodstore and for no other purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the floorspace dedicated to retail sales shall not exceed the area identified hatched on the approved plan (approximately 474 square metres).

33. (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.

#### Amended Conditions

17. Original condition deleted and replaced by SUS65, as amended, as follows:-  
(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,

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

21. Prior to the commencement of the development hereby approved, a noise assessment shall be submitted to demonstrate that the commercial use noise will not unduly impact on the residential use (both proposed and existing). This shall include details of the noise sources including refrigeration, air handling equipment, boiler units and any other noisy machinery, the noise levels, any attenuation measures and the noise levels inside the nearest residential properties. The resultant noise levels shall be assessed against relevant criteria so as to demonstrate the objective and subject to providing an acceptable level of noise mitigation such equipment shall be provided and maintained only in accordance with the approved details.

23. Details of odour control equipment shall be submitted to and approved in writing by the local planning authority prior to any cooking of food being undertaken at the site for commercial purposes. Subsequently, the development shall only be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

A motion to refuse this application was moved and seconded, but on being put to the vote it was declared LOST.



<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00366/FUL (APPROVED)	Witham	Mr J Azzopardi	Erection of first floor extension to create a separate 2 bed dwelling, 12 Greenfield.

**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. Alternatively, in the event that a suitable planning obligation is not agreed by 13<sup>th</sup> July 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

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

Additional Conditions

5. No development shall commence until further details showing 2 no. vehicle parking spaces for each residential unit with minimum dimensions of 2.9m x 5.5m have been submitted to and approved in writing by the local planning authority. Neither residential unit shall be occupied until the vehicle parking spaces have been provided in accordance with the approved details and they shall thereafter be maintained in the approved form.
6. The additional details required under Condition 5 above shall incorporate a separation distance of 6m between the end of the parking spaces and the opposite boundary feature and such distance shall thereafter be maintained clear of obstruction.
7. (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.

16 PLANNING APPLICATION DEFERRED

**DECISION:** That the undermentioned planning application be deferred for the reason stated 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>
*11/00388/FUL (DEFERRED)	Silver End	Mr G Leckie	Erection of annexe including four additional bedrooms and ancillary accommodation, Rascasse, Sheepcotes Lane.

The Committee deferred this application to enable the description of the development to be amended by the inclusion of the words 'and change of use from Use Class C3 (b) to Use Class C2 (residential institution)', and to re-advertise the application.

## 17 PLANNING APPLICATION REFUSED

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Development Manager's report. 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>
*11/00528/FUL (REFUSED)	White Colne	Mr & Mrs R Church	Revised application for erection of two bay cartlodge with garden store and studio/games room over linked to the existing dwelling with a single storey study, Glebe Cottage, Boley Road.

## 18 PLANNING APPEAL DECISIONS – MAY 2011

**INFORMATION:** Consideration was given to a report, for information, on planning appeal decisions received during May 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 Code of Conduct, 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).

The meeting closed at 10.35pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX  
PLANNING COMMITTEE  
21ST JUNE 2011  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Application No. 11/00411/OUT - Land rear of 37-45 Clare Road, Braintree
  - (i) Statement by Mr Mark Plummer, 1 Woodfield Road, Witham (Applicant)
2. Statement Relating to Application No. 11/00438/FUL – Land rear of 46 Challis Lane, Braintree
  - (i) Statement by Mr Steve Pain, 46 Challis Lane, Braintree (Applicant)
3. Statements Relating to Application Nos. 11/00157/FUL and 11/00158/CON – 62 – 66 East Street, Coggeshall
  - (i) Statement by Mr David Patience, 52 East Street, Coggeshall (Objector)
  - (ii) Statement by Mr Neil Sragg, 60 East Street, Coggeshall (Objector)
  - (iii) Statement by Mr Alan Willis, 66A East Street, Coggeshall (Objector)
  - (iv) Statement by Mr Ray Ricks, Boyer Planning, 49 North Hill, Colchester (Agent)
4. Statements Relating to Application No. 11/00526/FUL – 23 Braintree Road, Gosfield
  - (i) Statement by Mrs Jane Griffiths, 19 Braintree Road, Gosfield (Objector)
  - (ii) Statement by Mr David Ikeda, 23 Braintree Road, Gosfield (Applicant)
5. Statements Relating to Application No. 11/00388/FUL – Rascasse, Sheepcotes Lane, Silver End
  - (i) Statement by Dr Katy Arscott, c/o Zero Three Care Homes, Suite 1, The Exchange Court, London Road, Feering (For Applicant)
  - (ii) Statement by Mr Stephen Huggons c/o Zero Three Care Homes, Suite 1, The Exchange Court, London Road, Feering (For Applicant)

6. Statements Relating to Application No. 11/00528/FUL – Glebe Cottage, Boley Road, White Colne
- (i) Statement by Mr Peter Johnson, The Johnson Dennehy Planning Partnership, The Coach House, Beacon End House, London Road, Stanway (Agent)
  - (ii) Statement by Councillor Mrs Gabrielle Spray, 21 Morleys Road, Earls Colne (Ward Member)