

Minutes

Planning Committee

21st August 2012



Present

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

51 DECLARATIONS OF INTEREST

The following interests were declared:

All Councillors declared a non-pecuniary interest in Application No. 12/00939/FUL - 42 Orchard Drive, Braintree as the applicant's agent was a fellow elected Member of Braintree District Council.

In accordance with the Code of Conduct, Councillors remained in the meeting and took part in the discussion when the application was considered.

52 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 7th August 2012 be approved as a correct record and signed by the Chairman.

53 QUESTION TIME

INFORMATION: There were two 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.

54 PLANNING APPLICATIONS APPROVED

Planning Application No. 12/00939/FUL – 42 Orchard Drive, 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 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>
*12/00939/FUL (APPROVED)	Braintree	Mrs C Reeve	Erection of side and rear extension with first floor additional accommodation and internal alterations, 42 Orchard Drive.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/00729/FUL (APPROVED)	Wethersfield	The United Reformed Church Trust	Conversion of existing redundant monastic buildings to 2 no. dwellings including associated landscaping and parking, Congregational Church, High Street.

The Committee approved this application, subject to the amendment of Condition No. 11 and an additional Information to Applicant as follows:-

Amended Condition

11. Details of any proposed treatment for the resurfacing of the forecourt area, as indicated on Drawing No. 06A, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of such re-surfacing. All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing.

Additional Information to Applicant

5. You are advised that the granting of permission for changes of use to the buildings and grounds does not dissolve you of the carrying out of duties in accordance with the Disused Burial Grounds Act 1984, and other relevant legislation.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/00730/LBC (APPROVED)	Wethersfield	The United Reformed Church Trust	Conversion of existing redundant monastic buildings to 2 no. dwellings including associated landscaping and parking, Congregational Church, High Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/00940/FUL (APPROVED)	Wethersfield	Granville Developments	Demolition of former bus garage and associated outbuildings, erection of two storey detached dwelling and associated garage and alteration to highway access, Brandon Coaches, Blackmore End.

The Committee approved this application, subject to the following Conditions, and for the reason stated:-

Conditions

1. The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed above.
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement or alteration of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C or E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.
4. The garage hereby permitted shall only be used for the parking of vehicles, or for domestic storage associated with the dwelling and not used for living accommodation.
5. Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority.
6. Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise

previously agreed in writing by the Local Planning Authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings, or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

7. Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site that are shown to be retained, from damage during the carrying out of the development, have been submitted to the Local Planning Authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works, or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the Local Planning Authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs and hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

8. Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.
9. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
10. Prior to occupation of the development, a 2.4 metre parallel band visibility splay, as measured from and along the nearside edge of the carriageway, shall be provided across the whole of the site's frontage. The area within the splay shall be kept clear of any obstruction exceeding 600mm in height at all times.
11. Prior to occupation of the development, the vehicular access shall be constructed at right angles to the highway boundary and to the existing

carriageway. The width of the access at its junction with the highway shall be 4.8 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

12. Prior to commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
13. 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,
 - (e) details of any proposed external lighting to the site.

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

14. 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.

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 a 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 (or beneficial occupation of the office building hereby permitted) 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.

15. 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.
16. No burning of refuse, waste materials, or vegetation shall be undertaken in connection with the site clearance, or construction of the development.
17. 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 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays and Bank Holidays - no work

18. The dwelling hereby approved shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved and a copy of the Certificate has been submitted to the Local Planning Authority.
19. The proposed development shall only be undertaken in accordance with the mitigation and further enhancement recommendations of the Extended Phase 1 Habitat Survey Report dated March 2012, unless otherwise agreed in writing by the Local Planning Authority.

Information to Applicant

1. You are advised that works involving the removal of asbestos should be undertaken in accordance with Guidance Note EH36 from the Health and Safety Executive "Work with Asbestos Cement". You should also advise the Health and Safety Executive and the Environment Agency.

2. 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.
3. 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; and any work of demolition of a building. 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.
4. 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

Reason for Approval

1. The development is considered to be compliant with policy RLP35 of the Braintree District Local Plan Review 2005 as it would enable the redevelopment of a site that seriously detracts from the character of its surroundings. The development is also considered to be more appropriate in the countryside than the existing commercial building and is therefore in accordance with policy CS5 of the Braintree District Core Strategy 2011. The scale, layout, appearance, highway arrangements and landscaping of the site are acceptable.

55 PLANNING AND ENFORCEMENT APPEAL DECISIONS – JULY 2012

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during July 2012. The report included a summary of each case and a précis of the decision.

DECISION: That the report be noted.

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 8.00pm.

W D SCATTERGOOD
(Chairman)

APPENDIX

PLANNING COMMITTEE

21st AUGUST 2012

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 12/00940/FUL – Brandon Coaches, Blackmore End, Wethersfield
 - (i) Statement by Mr David Robson, Georgeanne House, School Green, Blackmore End, Essex (Supporter)
 - (ii) Statement by Mr Matthew Firth, Granville Developments, Threshelfords Business Park, Inworth Road, Feering, Essex (Applicant)