

# Minutes

## Planning Committee

4th March 2014

Present



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

### 103 DECLARATIONS OF INTEREST

The following interest was declared:-

Councillor G A Spray declared a non-pecuniary interest in Application No. 13/01490/FUL - 21-29 Upper Holt Street, Earls Colne as Mr David Smith, the applicant's Property Managing Agent who was speaking during Question Time, was known to her in her work capacity.

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

### 104 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 18th February 2014 be approved as a correct record and signed by the Chairman.

### 105 QUESTION TIME

**INFORMATION:** There were four 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.

## 106 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 14/00039/FUL and 14/00040/LBC - Primrose Cottage, Parkhall Road, Gosfield 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>
*14/00039/FUL (APPROVED)	Gosfield	Mr Lee Houldershaw	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension, Primrose Cottage, Parkhall Road.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/00040/LBC (APPROVED)	Gosfield	Mr Lee Houldershaw	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension, Primrose Cottage, Parkhall Road.

## 107 SECTION 106 AGREEMENTS

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/01485/FUL (APPROVED)	Finchingfield	Mr & Mrs P & J Teale	Erection of building comprising three no. holiday lets, complete with parking and associated works, land adjacent to Plantation Cottage, Duck End.

Councillor Graham Tobbell, Chairman of Finchingfield Parish Council, attended the meeting and spoke against this application.

**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 a financial contribution of £3,709.11 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, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within one calendar month of this decision, 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.

The Committee approved this application, subject to the amendment of Condition No. 16 as follows:-

#### Amended Condition

16. Prior to the commencement of development a 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 if necessary 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 any required 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. Given the setting, a minimum of a phase 1 survey will be required. A phase 2 survey will only be required if the findings of the phase 1 survey indicate that it is necessary.

Notwithstanding the above, should contamination be found that was not previously identified, or not considered in any 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 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.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/00012/FUL (APPROVED)	Wickham St Paul	Mr and Mrs D Buckley	Use of caravan and outbuilding for private leisure use and/or holiday let with minor alterations to the outbuilding and access, land off Rectory 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 £1,256.69 towards the provision and/or enhancement of open space within the vicinity of the site, 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 the statutory date for the determination of the application, 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. 4 and 6 as follows:-

Amended Conditions

4. The accommodation hereby permitted shall only be occupied on the following basis -
  - (i) the units shall be occupied for leisure or holiday purposes only;
  - (ii) the units shall not be occupied as a person's sole, or main place of residence;
  - (iii) the units shall not be occupied for over-night accommodation by the owner, or any leasee, tenant, or guest for any period exceeding 28 days consecutively, or cumulatively within any calendar year;
  - (iv) the units shall not be sold, transferred, or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans;
  - (v) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of all units on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority at all reasonable times on request.
6. Development shall not be commenced until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.

Such scheme shall incorporate a detailed specification or any proposed 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. The landscaping scheme shall include the provision of hardstanding as required by condition 3 of this permission and the provision of demarked turning and parking facilities, not necessarily in the position shown on the plans hereby approved.

Any 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 first occupation of the structures at the site for the uses hereby approved unless otherwise previously agreed in writing by the Local Planning Authority.

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 hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the structures at the site.

#### 108 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>
*13/01490/FUL (REFUSED)	Earls Colne	H W Bone & Co. UK Ltd	Proposed new vehicular access together with parking and turning area, 21 - 29 Upper Holt Street.

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 8.10pm.

L B BOWERS-FLINT

(Vice-Chairman in the Chair)

APPENDIX  
PLANNING COMMITTEE  
4TH MARCH 2014  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1     Statements Relating to Application No. 13/01485/FUL - Land adjacent to Plantation Cottage, Duck End, Finchingfield
  - (i)     Statement by Mrs Claire Amos, Glyes Cottage, Duck End, Finchingfield (Objector)
  - (ii)    Statement by Mrs Jean Teale, Plantation Cottage, Duck End, Finchingfield (Applicant)
- 2     Statement Relating to Application No. 13/01490/FUL - 21-29 Upper Holt Street, Earls Colne

Statement by Mr David Smith, Percival & Company, High Street, Earls Colne (for Applicant)
- 3     Statement Relating to Application Nos. 14/00039/FUL and 14/00040/LBC - Primrose Cottage, Parkhall Road, Gosfield

Statement by Mr Lee Houldershaw, Primrose Cottage, Parkhall Road, Gosfield (Applicant)