

Minutes

Planning Committee

19th August 2008



Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	Mrs M E Galione	Yes
J Baugh	Yes	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Yes
R J Bolton	Apologies	Lady Newton	Yes
J C Collar	Yes	J O'Reilly-Cicconi	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
A V E Everard	Yes	Mrs W D Scattergood (Chairman)	Yes
J H G Finbow	Yes	Mrs L Shepherd	Yes
Ms L B Flint	Yes	Mrs G A Spray	Apologies
T J W Foster	Yes	R N Wilkins	Apologies
Mrs B A Gage	Yes		

57 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor J Baugh declared a personal and prejudicial interest in Application No. 08/01146/FUL – 35 Chaucer Crescent, Braintree as he was the agent for the application. Councillor Baugh left the meeting whilst the application was discussed and determined. Councillor Baugh indicated that he wished to speak on the application during Question Time.

Councillor A V E Everard declared a personal interest in Application No. 08/01053/LBC – Abbots Hall, Braintree Road, Shalford as he had met the applicant once in the past.

Councillor J H G Finbow declared a personal and prejudicial interest in Application No. 08/01213/FUL – Petches Yew Farm, Petches Bridge, Finchingfield as the applicant was a customer of his son. Councillor Finbow did not take part in the discussion on, or determination of this application.

Councillor Ms L B Flint declared a personal interest in Application No. 08/01204/FUL – 25 Longacre Road, Cressing as the property was in the road in which she lived. Councillor Ms Flint stated that she could not see the application site from her property and that she did not know the applicant. Councillor Ms L B Flint declared a personal and prejudicial interest also in Application No. 08/01053/LBC – Abbots Hall, Braintree Road, Shalford as the applicant was a past client of her employer's company. Councillor Ms Flint left the meeting whilst the application was discussed and determined.

Councillor T J W Foster declared a personal interest in Application No. 08/01053/LBC – Abbots Hall, Braintree Road, Shalford as his company had previously undertaken work to the driveway of the property.

Councillor Mrs B A Gage declared a personal and prejudicial interest in Application No. 08/01257/FUL – land adjacent to 1 Sudbury Road, Halstead as she and the applicant had been involved with a company in the past. Councillor Mrs Gage left the meeting whilst the application was discussed and determined.

Councillor D Mann declared a personal interest in Application No. 08/01204/FUL – 25 Longacre Road, Cressing as the applicant was known to him.

Councillor Mrs J M Money declared a personal interest in Application No. 08/01394/FUL – 15 St Nicholas Close, Witham as she was a Member of Witham Town Council's Planning Sub-Committee.

Councillor Lady Newton declared a personal interest in Application No. 08/01053/LBC – Abbots Hall, Braintree Road, Shalford as the applicant was known to her.

Councillor Mrs J A Pell declared a personal interest in Application No. 08/01212/FUL – land between Bois Field Terrace and Track, Mill Chase, Halstead and also in Application No. 08/01257/FUL – land adjacent to 1 Sudbury Road, Halstead as the neighbours to each application site were known to her and she was a Member of Halstead Town Council.

In accordance with the Code of Conduct Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the respective items were considered.

58 MINUTES

DECISION: That the approval of the Minutes of the meeting of the Planning Committee held on 22nd July 2008, which had been circulated recently, be deferred to the next meeting as Members had had insufficient time to read them.

59 QUESTION TIME

INFORMATION: There were eight statements made, a summary of which is contained in the Appendix to these Minutes.

Any amendments to the Officers' recommendations having taken into account the issues raised by members of the public would be dealt with by conditions, a summary of which is contained within the appropriate minute. Full details of the Decision Notices are contained in the Register of Planning Applications.

60 PLANNING APPLICATION WITHDRAWN

INFORMATION: Members were advised that the following application had been withdrawn from the Agenda at the request of the applicant.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01190/FUL (WITHDRAWN)	Coggeshall	The Croll Group	Replacement of redundant semi-detached cottages with one detached dwelling, Mill Cottages, Robinsbridge Road.

61 PLANNING APPLICATIONS APPROVED

It was moved, seconded and agreed that planning applications 08/01213/FUL – Petches Yew Farm, Petches Bridge, Finchingfield and 08/01244/FUL – 4 Colne Road, Sible Hedingham contained within Part B of the Agenda be approved en bloc in accordance with the Head of District Development's recommendations.

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 Head of District Development's report, as amended below, details of which are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01319/FUL (APPROVED)	Coggeshall	Mr and Mrs G Jarrad	Change of use of land to form extension to residential curtilage. Erection of two storey side extension, first floor rear extension and other alterations. Erection of detached garage with storage over, 100 Tilkey Road.

The Committee approved this application, subject to the addition of the following 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.
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.

3. IHS40 - All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2008." A copy can be viewed on the Council's web site www.braintree.gov.uk, at Planning Reception, or it can be emailed. Please phone 01376 552525 for assistance.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01204/FUL (APPROVED)	Cressing	Mr A Hutchinson	Erection of new house built onto end of existing terrace, 25 Longacre Road.

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

12. TREE33 - 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 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
08/01213/FUL (APPROVED)	Finchingfield	Mr A O'Leary	Erection of two storey extension, Petches Yew Farm, Petches Bridge.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01284/FUL (APPROVED)	Gosfield	Mr & Mrs B J Hillman-Crouch and B T & E A Crouch	Erection of a one and a half storey dwelling, 51 Braintree Road.

Councillor R Waters, Vice-Chairman of Gosfield Parish Council, joined the table and spoke on this application. Councillor Waters stated that the Parish Council's view on this application was unanimous. He stated that the Parish Council was concerned about the definition of this area as a 'hamlet' rather than 'ribbon development' and that as such, the whole area would be within the village envelope and more development could take place. Councillor Waters stated that the Parish Council had been expressed concern about building on garden land, that it wished to protect the rural environment and that it was against the urbanisation of the village. Councillor Waters stated that the development would be on quite a small plot of land.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01257/FUL (APPROVED)	Halstead	Mr B Day	Erection of a single dwelling with attached garaging and associated landscaping works – revised application following withdrawal of application no. 08/00326/FUL, land adjacent to 1 Sudbury Road.

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

17. TREE37 - Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
08/01053/LBC (APPROVED)	Shalford	Mr B Mather	Proposed works to front elevation - remove modern bay window; proposed new balcony at first floor level;

replace two existing sash windows with casement doors; replace masonry paint on stone porch with pozilime. Proposed works to rear elevation – replace existing Georgian wired glass to verandah roof with clear toughened, Abbots Hall Braintree Road.

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

1. TIME33 - The works hereby permitted shall be begun on or before the expiration of three years beginning with the date of this consent.
2. Works shall not be commenced until details of the new doors are submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
3. Works shall not be commenced until detailed plans showing a typical section of the balcony have been submitted to and approved in writing by the local planning authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01244/FUL (APPROVED)	Sible Hedingham	Mr S Goldthorp	Erection of single storey rear extension, two storey side extension and front porch extension, 4 Colne Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01394/FUL (APPROVED)	Witham	Po Ming Cheung	Amendments to previously approved application 08/00274/FUL – Erection of 2 bed house, 15 St Nicholas Close.

The Committee approved this application, subject to the following 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.

62 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning applications be refused for the reasons contained in the reports, as amended below:-

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01222/OUT (REFUSED)	Black Notley	Mr S Baker	Erection of single dwelling, The Colourwheel Montessori Nursery, Denton Crescent.

The Committee refused this application, subject to the following additional reason:-

2. The Day Nursery was identified as an important focal point in the 1988 Black Notley Hospital Brief. Design Criteria stated that the layout should provide a low density development around this nursery, and accord with the general principles contained within the Essex Design Guide. It is considered that the introduction of a further dwelling within the grounds of the Day Nursery building is contrary to the aims of the design brief, and Policies RLP9, 10 and 90 of the Local Plan Review.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01146/FUL (REFUSED)	Braintree	Mr Bob Azevedo	Proposed new dwelling and new porch, 35 Chaucer Crescent.

The Committee refused this application, subject to the deletion of reason 2.

DECISION: That the undermentioned planning application be refused for the following reasons:-

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/01212/FUL (REFUSED)	Halstead	Mr William Bettley	Erection of one and a half storey dwelling with car port and associated parking, land between Bois Field Terrace and Track, Mill Chase.

1. The property lies within the Halstead Conservation Area wherein it is the policy of the Council as set out in RLP3, RLP17 and RLP95 of the Braintree District Local Plan Review and Supplementary Planning Guidance contained within the Essex Design Guide for Residential and Mixed Use Areas to ensure that any new development is in harmony with the existing street scene and does not detract from the character, appearance and views into and from the Conservation Areas.

In this case it is considered that the size, scale and siting of the dwelling, and the materials proposed alters the character and appearance of this area to the detriment of the setting of the Conservation Area. The development neither preserves and /or enhances the character or appearance of the Conservation Area, contrary to the policies referred to above.

2. Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review, require proposals for residential development to be of a scale, design and intensity which is in harmony with surrounding existing development and where it satisfies amenity, design, environmental and highway criteria.

In this case, it is considered that the proposed development would have an overbearing and detrimental impact upon the adjacent residential properties in terms of loss of natural light, which would be exacerbated by the height and footprint of the proposed development, to the detriment of neighbouring residential amenity and contrary to the above policies.

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

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of Planning Services, 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 9.15 pm.

MRS W D SCATTERGOOD
(Chairman)

APPENDIX

PLANNING COMMITTEE

19TH AUGUST 2008

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Miles Weiger, 8 Hadfield Drive, Black Notley
Application No. 08/01222/OUT – The Colourwheel Montessori Nursery, Denton Crescent, Black Notley

Mr Weiger stated that he was a resident of Hadfield Drive, Black Notley and that he was representing the views of the residents of Hadfield Drive and Denton Crescent

Mr Weiger indicated that this was the second application to build on the site. It had been considered that the first application would have a detrimental impact and Mr Weiger could not see any difference between it and the current application. Mr Weiger considered that the proposal would affect the historic nature of the nursery building. Mr Weiger stated that the access to the property would in fact be from Hadfield Drive and not Denton Crescent and that Hadfield Drive was a much busier road. Mr Weiger expressed serious concern about vehicle and pedestrian safety. He stated that there were parking issues in Hadfield Drive caused by parents picking up and dropping off their children at the nursery. He indicated that there was not sufficient parking at the nursery which led to double parking and the parking of vehicles across driveways. Mr Weiger stated that this gave limited access for emergency vehicles. Mr Weiger expressed concern for the safety of residents' children who used the play area. Mr Weiger indicated that there were no other chalet style, or one and a half storey buildings on the estate. Mr Weiger stated that the outlook would be spoilt by the proposal and that the original plan of the estate identified the land as open space.

2. Statement by Councillor J Baugh, 67 Church Lane, Braintree (Agent)
Application No. 08/01146/FUL – 35 Chaucer Crescent, Braintree

Councillor Baugh corrected some of the statements made in the Officer's report. He indicated that the application was vastly different to previous applications and that it was more modest in scale, matching the existing house more closely.

3. Statements Relating to Application No. 08/01284/FUL – 51 Braintree Road, Gosfield

- (i) Statement by Mr Kenneth Hammond, 49 Braintree Road, Gosfield

Mr Hammond stated that a previous appeal relating to the site had been dismissed on the grounds that the proposed development conflicted with policies RLP9 and RLP 90 and that it should reflect local distinctiveness. Mr Hammond stated that it was proposed to build a four bedroom house on a relatively small plot. Mr Hammond considered that this contravened policy RLP9 as it was not in keeping with adjoining properties. Mr Hammond stated that overlooking was now a matter of concern to him as it was proposed to insert a rear window which would overlook his property. He indicated that

although obscure glass was proposed for this window, it could still be opened and he queried whether obscure glass was appropriate for a bedroom. Mr Hammond considered that the proposal would set a precedent for further development along Braintree Road and that this would lead to urban sprawl and take away the present rural nature of the area.

(ii) Statement by Mr Barry Hillman-Crouch, 12 Brook Terrace, Sible Hedingham (Applicant)

Mr Hillman-Crouch stated that the original plans for this development had been dismissed on appeal, but that he had subsequently sought the advice of the Council's Planning Officers on the revised proposals now submitted and they had indicated that these met the criteria set out in the Local Plan and the Essex Design Guide.

4. Statements Relating to Application No. 08/01212/FUL – Land between Bois Field Terrace and Track, Mill Chase, Halstead

(i) Statement by Mrs Sarah Jane Wood, 22 Bois Field Terrace, Halstead

Mrs Wood stated that she lived at 22 Bois Field Terrace, Halstead which was adjacent to the plot and that she had lived there for two to three years. Mrs Wood stated that the scale, design and intensity of the development were not in harmony with surrounding properties. Mrs Wood considered that the height and scale of the proposal in relation to the size of the plot and the street scene would lead to overshadowing. With respect to the design, Mrs Wood stated that existing properties were constructed in red brick and rendering, whereas the proposed building would be pre-fabricated introducing different materials which would not be in keeping with the street scene. Mrs Wood stated that despite statements to the contrary she had objected to a previous application.

(ii) Statement by Mr Peter Cox, Breathe Architecture Ltd, The Workplace, Oakington Road, Girton, Cambridge (Agent)

Mr Cox stated that following the refusal of the previous application, he had taken note of the Council's views, he had met with Officers of the District and County Councils and he had revised the design of the house. Mr Cox referred to the dimensions of the proposed building and he indicated that there would be no overlooking from the ground floor to No.22. He indicated that there would be velux windows in the roof.

5. Statement by Mrs Claire Cannon, 109 Head Street, Halstead
Application No. 08/01257/FUL – Land adjacent to 1 Sudbury Road, Halstead

Mrs Cannon indicated that she lived next door to the site and she referred to a letter and some photographs which she had circulated to Members previously. Mrs Cannon stated that the proposed dwelling would take up two thirds of the site and she considered that the proposal would have a detrimental impact on 1 Sudbury Road, Halstead which was a large property that had been there for many years. Mrs Cannon indicated that 1 Sudbury Road had originally been built with the adjoining properties as one residence and that the majority of its windows were on one side of the building facing the garden.

6. Statement by Mr Barry Mather, Abbots Hall, Braintree Road, Shalford (Applicant)
Application No. 08/01053/LBC – Abbots Hall, Braintree Road, Shalford

Mr Mather stated that he was the owner of Abbots Hall, Shalford, he had lived there for seven years and that he had done much to improve the property. Mr Mather indicated that the original building had been built in 1830 and that the extensions had been added at a later date. However, Mr Mather considered that the extensions were out of keeping with the building and he proposed to make the original building more prominent. Mr Mather stated that he had worked closely with his architect regarding the design and that Essex County Council's Historic Buildings Advisor considered this to be attractive and in keeping with other recent works and the character of the building. Mr Mather stated that despite this the District Council's Officers were recommending refusal of the application.