

# Minutes

## Planning Committee

19<sup>th</sup> February 2013

Present



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

Councillors Howell, Johnson, Lager and Rose were also in attendance.

### 124 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor J E Abbott declared a non-pecuniary interest in Application No. 12/01569/FUL - Morrisons Supermarket, Braintree Road, Witham as he knew some of the people who had submitted representations, and one person, in particular, was known to him through his role as a Councillor for Rivenhall Parish Council. Councillor Abbott left the meeting whilst this application was discussed and determined.

Councillor P R Barlow declared a non-pecuniary interest in Application No. 12/01569/FUL - Morrisons Supermarket, Braintree Road, Witham as he lived near to the site and he knew some of the people who had submitted representations.

Councillor M C M Lager declared a non-pecuniary interest in Application No. 12/01569/FUL - Morrisons Supermarket, Braintree Road, Witham as a Member of Witham Town Council which had been consulted on the application.

Councillor W J Rose declared a non-pecuniary interest in Application No. 12/01569/FUL - Morrisons Supermarket, Braintree Road, Witham as a Member of Witham Town Council which had been consulted on the application.

Councillor W D Scattergood declared non-pecuniary interests in Application No. 12/00945/FUL - Monks Ley, Lucking Street, Great Maplestead and Application No. 12/00562/FUL - Tile Kiln Barn, Braintree Road, Sible Hedingham as she was a District Councillor for Hedingham and Maplestead Ward and she knew some of the objectors and supporters.

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.

125 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 5<sup>th</sup> February 2013 be approved as a correct record and signed by the Chairman.

126 QUESTION TIME

**INFORMATION:** There were thirteen statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

In view of the number of people wishing to speak, it was moved, seconded and agreed that Question Time be extended to enable everyone to be heard.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

127 TREE PRESERVATION ORDER NO. 23/2012 - 7 and 7A THE STREET, RAYNE

**INFORMATION:** Consideration was given to a report on Tree Preservation Order No. 23/2012 relating to land at 7 and 7A The Street, Rayne. An objection to the making of the Order had been submitted by a neighbour living at 15 The Maltings, Rayne against the inclusion of an oak tree (T11) within the Order.

The Tree Preservation Order had been served in August 2012 following an assessment of the trees, which had shown that the making of an Order was appropriate. The Order included all trees which had been protected by an earlier Order relating to the site (Order No. 29/2000), but it also included tree T11.

The objector had indicated that she did not want the tree to be removed, but reduced in size. The objector had been advised that the presence of a Tree Preservation Order should not prevent work being carried out to the tree, such as the reduction of overhanging branches and/or the lifting of the crown, subject to an application being submitted to the Council as appropriate.

**DECISION:** That Tree Preservation Order No. 23/2012 relating to land at 7 and 7A The Street, Rayne be confirmed in its entirety.

128 PLANNING APPLICATION WITHDRAWN

**INFORMATION:-** The Committee was advised that the following application had been withdrawn by the Applicant.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01230/FUL (WITHDRAWN)	Stisted	Mr John Clark	Construction of two ponds on meadow land at Pickstones Farm, Pickstones Farm, Greenstead Green Road.

## 129 PLANNING APPLICATIONS APPROVED

Planning Application No. 12/01527/FUL - 57 Tilkey Road, Coggeshall 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>
*12/01527/FUL (APPROVED)	Coggeshall	Mrs S Linger	Erection of first floor side extension supported on ground floor columns, erection of rear extension to detached garage, 57 Tilkey Road.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01431/FUL (APPROVED)	Earls Colne	Mrs C Leach & Mrs S L Goldney	Change of use from retail/A2 business use to residential, 73 High Street.

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

### Condition

1. (TIME31) The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

### Reason for Granting

The site lies within a local centre where permission for a change of use from retail to residential is not normally permitted. However, this site has previously been occupied as a residential dwelling and the Council is satisfied that marketing of the site for alternative retail uses is unlikely to result in a continued retail use.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*12/01614/LBC (APPROVED)	Sible Hedingham	Mr Paul Sarel	Conversion of listed barn to form new dwelling including live/work office space (renewal of 09/00187/LBC), Tile Kiln Barn, Braintree Road.

130 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*12/00945/FUL (APPROVED)	Great Maplestead	Mr Graham Cuddeford	Demolition of existing dwelling, subsequent erection of replacement single storey dwelling, three no. additional dwellings and associated works, utilising existing vehicular access, Monks Ley, Lucking 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 a contribution of £6,732.54 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. Details of this planning application are contained in the Register of Planning Applications.

Councillor Hylton Johnson, District Councillor for Hedingham and Maplestead Ward, attended the meeting and spoke against this application.

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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>
*12/01271/FUL (APPROVED)	Sible Hedingham	Mr Paul Sarel	Application for a new planning permission to replace an extant planning permission (09/00186/FUL), in order to extend the time limit for implementation - Conversion of listed barn to form new dwelling including live/work office space, Tile Kiln Barn, Braintree 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 of £2,506.80 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. Details of this planning application are contained in the Register of Planning Applications.

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

Additional Condition

11. Development shall not be commenced until a drawing showing the extent of the roof area which will remain uninhabited to allow continued use of the barn by bats has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and permanently maintained as such.

131 PLANNING APPLICATION DEFERRED

**DECISION:** That the undermentioned planning application be deferred to clarify issues regarding access and visibility. 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>
*12/00562/FUL (DEFERRED)	Sible Hedingham	Tile Kiln Estate Ltd	Creation of a new vehicular access to create a new entrance to a field to replace the existing access, Tile Kiln Barn, Braintree Road.

Councillor Fred Swallow, representing Sible Hedingham Parish Council, and Councillor Hylton Johnson, District Councillor for Hedingham and Maplestead Ward, attended the meeting and spoke against this application.

132 PLANNING APPLICATIONS REFUSED

**DECISION:** That the undermentioned planning applications be refused for the reasons 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>
*12/01496/OUT (REFUSED)	Bardfield Saling	Mr G Coe	Erection of permanent agricultural workers dwelling with continued occupation of the previously approved temporary dwelling in the interim, Kitchen Farm, Bardfield Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/01569/FUL (REFUSED)	Witham	Mr J Robson WM Morrison Supermarkets Plc	Erection of extensions to existing supermarket with associated works to existing car park, Morrisons Supermarket, Braintree Road.

Councillor Paul Ryland, representing Witham Town Council, and Councillor Michael Lager and Councillor Sandra Howell, District Councillors for Witham Chipping Hill and Central Ward, attended the meeting and spoke in support of this application.

The Committee refused this application, subject to the following amendments to the reasons for refusal to correct typing errors:-

*Reason 2- Amend second sentence of second paragraph to ‘would impact negatively upon the vitality and viability **of the** town centre’.*

The amended sentence now reads:-

‘An expanded Morrisons is likely to divert a significant amount of trade away from the Town Centre’s anchor foodstore which in turn would impact negatively upon the vitality and viability of the town centre’.

*Reason 3 – Amend second sentence of first paragraph to ‘and private investment **is** a key consideration’*

The amended sentence now reads:-

‘The National Planning Policy Framework advises at paragraph 26 that the impact of a proposal on existing, committed and planned public and private investment is a key consideration when considering applications for retail and other town centre uses, Paragraph 27 states that where the application is likely to have significant adverse impact, it should be refused’.

At 10.15pm, in accordance with the Constitution, 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 10.29pm.

W D SCATTERGOOD

(Chairman)

APPENDIX  
PLANNING COMMITTEE  
19<sup>th</sup> FEBRUARY 2013  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Agenda Item No. 5 - Tree Preservation Order No. 23/2012 - 7 & 7A The Street, Rayne  
  
Statement by Mrs Louise Sutton, c/o 15 The Maltings, Rayne (for Mrs C E Brown - Objector)
2. Statements Relating to Application No. 12/01496/OUT - Kitchen Farm, Bardfield Road, Bardfield Saling
  - (i) Statement by Mr Richard Gleed, Hall Farm Barn, 10 Hall Farm Green, Great Saling (Supporter)
  - (ii) Statement by Mr Greg Coe, Kitchen Farm, Bardfield Road, Bardfield Saling (Applicant)
3. Statements Relating to Application No. 12/00945/FUL – Monks Ley, Lucking Street, Great Maplestead
  - (i) Statement by Ms Lisa Skinner, Alliance Planning, 35 Old Queen Street, London (Agent for Mr Robert Latham of Chifneys, Lucking Street, Great Maplestead - Objector)
  - (ii) Statement by Mr Dean Pearce, Dean Jay Pearce Architectural Design & Planning, 2/3 Milestone, Long Melford, Sudbury (Agent)
4. Statement Relating to Application Nos. 12/01271/FUL and 12/01614/LBC - Tile Kiln Barn, Braintree Road, Sible Hedingham  
  
Statement by Mr Joseph Greenhow, c/o Mr Paul Sarel, Tile Kiln Barn Limited, Braintree Road, Sible Hedingham (Agent)
5. Statements Relating to Application No. 12/01569/FUL - Morrisons Supermarket, Braintree Road, Witham
  - (i) Statement by Councillor Bill Rose, 110 Humber Road, Witham (Supporter)

- (ii) Statement by Mr Robert Ward, Talofa, Maldon Road, Witham (Supporter)
  - (iii) Statement by Mr John Robson (Property Asset Manager - Wm Morrison Supermarkets Plc), c/o Mr Anthony Ferguson, Peacock and Smith Limited, Second Floor, 1 Naoroji Street, London (Applicant)
6. Statement Relating to Application No. 12/01431/FUL - 73 High Street, Earls Colne
- Statement by Mrs C Leach, C & S Curtain Design, 73 High Street, Earls Colne (Applicant)
7. Statements Relating to Application No. 12/00562/FUL - Tile Kiln Barn, Braintree Road, Sible Hedingham
- (i) Statement by Mr Gary Martin, 2 Cut Maple Cottages, Braintree Road, Sible Hedingham (Objector)
  - (ii) Statement by Mr Jim Lock, Little Boaleys, Braintree Road, Sible Hedingham (Objector)
  - (iii) Statement by Mr Mark Fox, 20 Gurton Road, Coggeshall (Agent)