

# Minutes

## Planning Committee

29th March 2011



### Present

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

### 122 DECLARATIONS OF INTEREST

The following declarations of interest were made:

All Councillors declared a personal interest in Application No. 11/00143/FUL – Grubbs Cottage, Church End, Shalford as the applicant's agent was a serving District Councillor who was known to them.

Councillor Mrs J M Money declared a personal interest in Application Nos. 11/00034/FUL – 6 Avenue Road, Witham and 11/00130/FUL – 14 Chalks Road, Witham as she was a Member of Witham 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.

### 123 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 15th March 2011 be approved as a correct record and signed by the Chairman.

### 124 QUESTION TIME

**INFORMATION:** There was one statement 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.

Planning Application Nos. 11/00143/FUL – Grubbs Cottage, Church End, Shalford and 11/00110/FUL – Dawn View, Chapel End Way, Stambourne 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 which are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00076/REM (APPROVED)	Black Notley	Mr T Martin	Approval of Reserved Matters following outline approval of 10/00962/OUT- (Erection of a detached dwelling for worker at slaughterhouse), land adjacent 2 Row Green, Bakers Lane.

Councillor Mrs Karen Adams, Vice-Chairman of Black Notley Parish Council, attended the meeting and spoke on this application on behalf of the Parish Council.

Councillor Mrs Adams stated that it was the Parish Council's opinion that the application for a 'worker's' dwelling did not meet the legislative criteria as the applicant lived within one mile of the site. Furthermore, Councillor Mrs Adams stated that there was a property nearby that was currently available to let. Councillor Mrs Adams queried the uses which were permitted to take place at the site. Councillor Mrs Adams stated that approval of the application would open up land for development beyond the village envelope and she referred to Planning Policy Statement No. 7 which stated that a building of the type proposed should be demountable in the first instance. Councillor Mrs Adams referred to Police reports of metal thefts from the site and she queried whether any agricultural activity was taking place there. Councillor Mrs Adams asked the Committee to defer the application.

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

Additional Condition

3. (PDEV31) 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 of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C and E of Part 1 of Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the local planning authority.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00144/FUL (APPROVED)	Gosfield	Wicks Construction Ltd	Renewal of planning approval 07/01503/COU with an

increased area for the storage of portable building sections and empty containers, Airfield Strip, Gosfield Airfield.

The Committee approved this application, subject to the amendment of Condition No. 2 as follows:-

Amended Condition

2. The development hereby permitted shall be carried out in accordance with the approved plans listed above except as follows: the access to the adjoining site shown on the additional plan Rev A received on 1st March 2011 shall be maintained free of obstruction at all times.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01569/CON (APPROVED)	Helions Bumpstead	Mr Conrad Swinfield-Wells	Application for a new planning permission to replace an extant planning permission (07/02485/FUL & 07/02486/CON), in order to extend the time limit for implementation - Demolition of existing bungalow and re-development comprising 2 no. detached dwellings, Crossroads, Water Lane.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00143/FUL (APPROVED)	Shalford	Mr Melvyn Tubbs	Erection of shed within curtilage of property, Grubbs Cottage, Church End.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00110/FUL (APPROVED)	Stambourne	Mr Michael Playle	Erection of single storey side and rear extensions and loft conversion, Dawn View, Chapel End Way.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00009/FUL (APPROVED)	Halstead	Mr & Mrs M Musgrave	Change of use of domestic outbuilding to residential dwelling separate from the main dwelling and cottage, and the erection of a boundary fence and gate, Pitchards Coach House, Trinity 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 financial contribution of £758.32 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, the Development Manager be authorised to refuse the grant of planning permission.

The Committee approved this application, subject to the amendment of Condition No. 3 as follows:-

Amended Condition

3. The visibility splay at the existing access on to Trinity Street with dimensions of 2 metres by 90 metres to the north west and 2 metres by 90 metres to the south east, as measured from and along the nearside edge of the carriageway and specified in the Transport Statement by The Highway Traffic and Transport Consultancy Limited dated 18<sup>th</sup> October 2010, shall be maintained at all times. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01707/FUL (APPROVED)	Hatfield Peverel	Mr T Wharton	Application for a new planning permission to replace an extant planning permission (08/01047/FUL), in order to extend the time limit for implementation - Erection of single storey annexe in rear garden, Midmar House, Nounsley 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 financial contribution of £1,112.55 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, the Development Manager be authorised to refuse the grant of planning permission.

The Committee approved this application, subject to an additional condition being inserted as Condition No. 2, to the re-numbering of the remaining conditions and to the amendment of Condition No. 7 (previously Condition No. 6) as follows:-

New Condition (Inserted as Condition No. 2 – subsequent Conditions renumbered))

2. (PLAN33) The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Amended Condition (Re-numbered as Condition No. 7 – previously Condition No. 6)

7. The development hereby approved shall not be occupied until the parking provision for the development has been provided in accordance with the approved details and retained at all times for such purpose.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01568/FUL (APPROVED)	Helions Bumpstead	Mr Conrad Swinfield-Wells	Application for a new planning permission to replace an extant planning permission (07/02485/FUL & 07/02486/CON), in order to extend the time limit for implementation - Demolition of existing bungalow and re-development comprising 2 no. detached dwellings, Crossroads, Water 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 financial contribution of £1,570.63 towards the provision and/or enhancement of public 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, the Development Manager be authorised to refuse the grant of planning permission.

The Committee approved this application, subject to the amendment of Condition No. 9 as follows and to the deletion of Condition No. 15:-

Amended Condition

9. The vehicle access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall be 4.8m.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00130/FUL (APPROVED)	Witham	Mr T Healey	Application for a new planning permission to replace an extant permission 08/00380/FUL - Erection of detached 3 bed dwelling, 14 Chalks 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 financial contribution of £1,570.63 towards the provision 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, the Development Manager be authorised to refuse the grant of planning permission.

The Committee approved this application, subject to the amendment of Condition No. 4 and to the addition of an Information to Applicant as follows:-

Amended Condition

4. Development shall not be commenced until details of any proposed external lighting to the site have been submitted to, and approved in writing by, the local planning authority. Prior to the first occupation of the development the external lighting shall be installed in accordance with the details and thereafter so maintained.

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.

127 PLANNING APPLICATION REFUSED

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

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00034/FUL (REFUSED)	Witham	Mr A McCarthy	Erection of single storey dwelling, 6 Avenue Road.

Councillor Barry Fleet of Witham Town Council attended the meeting and spoke on this application on behalf of the Town Council.

Councillor Fleet stated that the site plan for this application incorrectly incorporated the driveway of No. 4 Avenue Road within the site which gave the impression of the site being wider than it was. Councillor Fleet stated that the Town Council considered the proposal to be out of keeping with other dwellings along the road. Concern had been expressed also about the effect of the proposal on existing trees and loss of light to the kitchen of No. 8 Avenue Road. Councillor Fleet stated that the proposal to move the driveway for No. 6 Avenue Road to run adjacent to the boundary with No. 8 could lead to potential conflict.

#### Reason for Refusal

The application site lies within the Witham Town Development Boundary where Policies RLP3, RLP10 and RLP90 of the Braintree District Local Plan Review require new residential development to be of a scale, design and intensity which is in harmony with the surrounding pattern of development and reflects or enhances local distinctiveness.

It is considered that the proposed single storey dwelling is of a poor design and out of character with the larger detached and semi-detached properties in Avenue Road. The layout of the site is contrived. The amended access arrangements for No. 6 Avenue Road, together with the hardened parking and turning area to the front of the proposed dwelling, represent an intensity of development which will be intrusive in the street scene. The proposals will be out of character with the surrounding pattern of development and do not reflect or enhance local distinctiveness.

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 8.40pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

29TH MARCH 2011

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Conrad Swinfield-Wells, Crossroads, Water Lane, Helions Bumpstead (Applicant)  
Application Nos. 10/01568/FUL and 10/01569/ CON – Crossroads, Water Lane, Helions Bumpstead

Mr Swinfield-Wells stated that he had purchased the property in 2009 with planning permission for development. Mr Swinfield-Wells stated that his Architect was currently unable to deal with this project due to other work commitments and therefore a time extension for the planning consent was being requested. Mr Swinfield-Wells stated that the new applications did not alter the proposal substantially and that any changes would provide positive improvements, for example in respect of drainage.

In referring to the objections which had been submitted, Mr Swinfield-Wells indicated that the substantial line of evergreen trees on the boundary with Hanover House would be retained. Mr Swinfield-Wells stated that, although the site was not in a flood zone, there had been a freak flooding incident in 2007 following which local infrastructure improvements had taken place. It was hoped that these would prevent any problems in the future. However, Mr Swinfield-Wells indicated that at the time of the incident in 2007 water had not reached the site and, as far as he was aware, Hanover House had not been flooded either. Mr Swinfield-Wells stated that Hanover House was some distance from the site and that it was located at a higher elevation.