

Minutes

Planning Committee

15th February 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	Yes	J O'Reilly-Cicconi	Apologies
Ms L B Flint	Yes	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Yes	Mrs L Shepherd	Yes
Mrs B A Gage	Yes	Mrs G A Spray	Yes
Mrs M E Galione	Yes		

102 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor Mrs E Edey declared a personal and prejudicial interest in Agenda Item 5 - Tree Preservation Order No. 35/2010 – 8 Valley Road, Braintree as she had been discussing the matter with the owner of the land and she supported his opposition to the making of the Order. Councillor Mrs Edey indicated that she would be making a statement about the matter during Question Time. Councillor Mrs Edey left the meeting whilst this item was discussed and determined.

Councillor Ms L B Flint declared a personal and prejudicial interest in Agenda Item 5 - Tree Preservation Order No. 35/2010 – 8 Valley Road, Braintree as, in her capacity as Vice-Chairman of the District Council, she had been consulted on a stage three complaint submitted by the owner of the land. Councillor Ms Flint left the meeting whilst this item was discussed and determined.

Councillor D Mann declared a personal and prejudicial interest in Agenda Item 6 - Tree Preservation Order No. 41/2010 - Toulmin Road, Hatfield Peverel as Greenfields Community Housing (GCH) had objected to the Order. Councillor Mann indicated that he represented the Council on the GCH Board and was Chairman of the Operations' Committee. Councillor Mann left the meeting whilst this item was discussed and determined.

Councillor Mrs J M Money declared a personal interest in Application No. 10/01704/FUL – 47 The Avenue, 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.

103 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 18th January 2011 be approved as a correct record and signed by the Chairman.

104 QUESTION TIME

INFORMATION: There were three 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.

105 TREE PRESERVATION ORDER NO. 35/2010 – 8 VALLEY ROAD, BRAINTREE

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 35/2010 relating to a copper beech tree in the rear garden of 8 Valley Road, Braintree to which an objection had been submitted.

The Tree Preservation Order had been served on 1st September 2010 and had been made following information received about a potential threat to the tree. The tree had been assessed against recognised criteria, which had shown that the making of an Order was appropriate.

On 14th September 2010 the owners of 8 Valley Road, Braintree had submitted an objection to the Order stating that they had no intention of developing the garden on which the tree stood, as had been suggested, and that a Covenant restricted further dwellings being built on the plot.

Members expressed concern about the manner in which this matter had been initiated and they noted that the tree did not appear to be under threat. However, Members acknowledged that the tree had amenity value and that it was worthy of preservation.

It was noted that the making of an Order was not a constraint on the management of the tree and that the owners could apply to the Council to undertake work to it.

DECISION: That Tree Preservation Order No. 35/2010 relating to 8 Valley Road, Braintree be confirmed.

106 TREE PRESERVATION ORDER NO. 41/2010 – TOULMIN ROAD, HATFIELD PEVEREL

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 41/2010 relating to four oak trees on land to the rear of properties in Toulmin Road Hatfield Peverel to which an objection had been submitted.

The Tree Preservation Order had been served following an assessment of the trees against recognised criteria and it was considered that the trees had great prominence and made a worthwhile contribution to the area.

On 10th December 2010 OCA UK Limited had submitted an objection to the Order on behalf of Greenfields Community Housing. The objection had been lodged on the basis that the reason for making the Order had not been explained and that, as one of the trees had been implicated in property damage, the Order complicated the procedure for alleviating the damage.

Members considered that the trees were worthy of protection.

DECISION: That Tree Preservation Order No. 41/2010 relating to land to the rear of properties in Toulmin Road Hatfield Peverel be confirmed.

107 PLANNING APPLICATION WITHDRAWN

INFORMATION: The Chairman reported that the objection submitted in respect of the undermentioned planning application had been withdrawn and that the application would be determined under delegated powers.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01581/FUL (WITHDRAWN)	Pentlow	Mrs J Southin	Change of use of land from garden to guest accommodation in the form of tented accommodation (2 units), School Barn Farm.

108 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 10/01635/FUL - 1 Finch Hill, Bulmer and 10/01704/FUL - 47 The Avenue, Witham 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 Control 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>
*10/01635/FUL (APPROVED)	Bulmer	Mr T Dartnell	Proposed alteration of external materials from painted render to off white hardiplank boarding and new first floor window, 1 Finch Hill.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00676/FUL (APPROVED)	Stisted	Mrs Annabel Came	Proposed demolition of existing dwelling and erection of replacement dwelling, Tumble Tye, Tumblers Green.

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

Information to Applicant

4. (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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01704/FUL (APPROVED)	Witham	Mr & Mrs L Cain	Erection of white PVCU conservatory to rear of dwelling, 47 The Avenue.

109 PLANNING APPEAL DECISIONS – JANUARY 2011

INFORMATION: Consideration was given to a report, for information, on planning appeal decisions received during January 2011. 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 Control 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 7.55pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

15TH FEBRUARY 2011

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Councillor Mrs E Edey, Ward Councillor for Bocking Blackwater
Agenda Item 5 – Tree Preservation Order No. 35/2010 – 8 Valley Road, Braintree

Councillor Mrs Edey stated that she was speaking on behalf of Mr Young the owner of 8 Valley Road, Braintree on whom the Order had been served. Councillor Mrs Edey stated that Mr Young objected to the Order on the grounds that it had been made on the basis of the reports of another party. Councillor Mrs Edey indicated that no preliminary enquiries had been made to the Council about the potential development of the land, a covenant prevented future development, and Mr and Mrs Young wished to remain at the property.

2. Statement by Ms Margaret McQueen, OCA UK Limited, 4 The Courtyard, Phoenix
Square, Wyncolls Road, Colchester CO4 9PE (Agent for Objector)
Agenda Item 6 - Tree Preservation Order No. 41/2010 – Toulmin Road, Hatfield
Peveler

Ms McQueen read from a prepared statement. Ms McQueen stated that OCA UK Limited's reports in respect of damage to 19 Toulmin Road had at no time recommended that tree T3 should be felled. Furthermore, OCA UK's preliminary notification to the Council had made no reference to the three other trees which had subsequently been made part of the Order. Ms McQueen considered that the TEMPO assessment was incorrect and she stated that there was not a level 5 expediency threat. Ms McQueen indicated that a meeting had taken place on 20th January 2011 between representatives of the Council, Greenfields Community Housing and OCA UK. At the meeting, the appointed chartered engineers had confirmed that in cases where visually prominent trees might be associated with property damage their preferred approach was to carry out a number of investigations and to submit the results to the District Council for consideration.

3. Statement by Mr Tim Came, Gate Cottage, Bounds Farm, Goldhanger CM9 8AX
(Applicant)
Application No. 10/00676/FUL – Tumble Tye, Tumblers Green, Stisted

Mr Came stated that Tumble Tye had been in his wife's family for many years. Mr Came stated that the existing building was of poor construction and that it would not be possible to redevelop it in an efficient way. It was proposed to erect a new property of a modest scale, but with traditional and energy efficient features. Mr Came indicated that he and his agent had worked closely with the Council's Planning Officers regarding the proposals and that the plans had changed appropriately. Mr Came asked the Committee to approve the application.