# Minutes



# Planning Committee 25<sup>th</sup> October 2011

#### Present

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

# 57 DECLARATIONS OF INTEREST

The following interests were declared:

Councillor E Bishop declared a personal interest in Application No. 11/01270/FUL Scout and Guide Hut, Windmill Fields, Coggeshall as a past Chairman of Braintree District Scouts.

Councillor L B Flint declared a personal interest in Application No. 11/00158/CON – 62-66 East Street, Coggeshall as the wife of an objector was known to her as a former member of Braintree District Council staff.

Councillor T J W Foster declared a personal and prejudicial interest in Application Nos. 11/00947/FUL and 11/00954/LBC - Greys Cottage, Maldon Road, Kelvedon as he lived near to the site and the applicant was a close friend. Councillor Foster left the meeting whilst the applications were discussed and determined.

Councillor P Horner declared a personal interest in Application No. 11/01270/FUL - Scout and Guide Hut, Windmill Fields, Coggeshall as the Agent was known to him.

Councillor S C Kirby declared a personal interest in Application No. 11/01163/OUT – land rear of 58 Colne Road, Halstead as he was a Member of Halstead Town Council.

Councillor D Mann declared a personal interest in Application No. 11/00437/FUL – open space adjacent to Meadowside, Braintree as several correspondents were known to him; and a personal interest in Application No. 11/01270/FUL - Scout and Guide Hut, Windmill Fields, Coggeshall as an objector was known to him.

Councillor Lady Newton declared a personal interest in Agenda Item 3 - Minutes of  $4^{th}$  October 2011 Application No. 11/00157/FUL – 62-66 East Street, Coggeshall as an objector speaking during Question Time was known to her; a personal interest in Application No. 11/00437/FUL – open space adjacent to Meadowside, Braintree as she was a Member of the Community Housing Investment Partnership (CHIP) Board which was providing funding for the proposed development; a personal interest in Application No. 11/01270/FUL - Scout and Guide Hut, Windmill Fields, Coggeshall as she had supported the Scouts and Guides in Coggeshall in her capacity as the Ward Councillor and had opened their new facility; a personal interest in Application No. 11/00295/OUT – Norman House, Norman Hill, Terling as the applicants' Agent had prepared plans for her seven years ago; and a personal interest in Application No. 11/001147/FUL – 56 Pitt Avenue, Witham as the applicants' Agent had recently undertaken work for her. Councillor Lady Newton remained in the meeting, but abstained from voting on Application No. 11/00295/OUT and Application No. 11/001147/FUL.

Councillor J P L P O'Reilly-Cicconi declared a personal interest in Application No. 11/01206/FUL – Village Hall, 1 Station Road, Colne Engaine as he was the Chairman of the Village Hall Committee for the village where he lived.

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.

#### 58 QUESTION TIME

**INFORMATION:** There were nine 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. An audio recording of the meeting is available from Member Services.

# 59 <u>MINUTES</u>

**INFORMATION:** That the Minutes of the meetings of the Planning Committee held on 23rd August 2011, 13th September 2011 and 4<sup>th</sup> October 2011 be approved as a correct record and signed by the Chairman, subject to the first line of the second paragraph of Reason 2 relating to Application No. 11/00157/FUL – East of England Co-operative Society, demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access, 62 - 66 East Street, Coggeshall (Minute 55 - 4<sup>th</sup> October 2011) being amended to read *'The proposed development includes an area of car parking......Conservation Area.'* 

# 60 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 11/01044/FUL - Rear plot, 7 Colne Park Road, White Colne and 11/01147/FUL - 56 Pitt 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 Manager's

report, as amended below. Details of the planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<b>Location</b>	Applicant(s)	Proposed Development
*11/00437/FUL (APPROVED)	Braintree	Groundwork Hertfordshire	Construction of an in-situ concrete wheeled sports facility (skatepark) within an area of public greenspace, along with associated netpave grass grid vehicular/disabled access, area of hard surfacing, benches, bins, signage, planting and drainage soakaway, Open Space adjacent to Meadowside.

The Committee approved this application, subject to Condition No. 4 being amended as follows:-

#### Amended Condition

4. No lighting shall be installed at the site.

<u>Plan No.</u>	<b>Location</b>	Applicant(s)	Proposed Development
*11/01206/FUL (APPROVED)	Colne Engaine	The Trustees of the Courtauld Memorial Hall	Erection of temporary demountable second hall, Village Hall, 1 Station Road.

The Committee approved this application, subject to three conditions as follows:-

#### **Conditions**

- 1. This permission shall expire on 30<sup>th</sup> December 2016 or upon the first occupation/use of the village hall extension approved under application number 10/01107/FUL which ever is the sooner and on or by that date the use of the site for the stationing of the pre-fabricated building shall cease and the pre-fabricated building, link structure and hardstanding shall be removed and the site shall be reinstated to its former condition in accordance with details to be submitted to and agreed in writing by the local planning authority before demolition/removal.
- 2. (TREE56) Development shall not be commenced until details of additional planting along the eastern boundary have been submitted to and approved in writing by the local planning authority.

The hedge planting shall be carried out in the first planting season after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

Any 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.

3. There shall be no amplified noise played in the pre-fabricated building at any time.

<u>Plan No.</u>	Location	Applicant(s)	Proposed Development
*11/00607/FUL (APPROVED)	Finchingfield	Mr D Hammond	Erection of a multi purpose agricultural livestock building, Fentons Farm, Howe Street.

The Committee approved this application, subject to Condition No. 5 being amended as follows:-

#### Amended Condition

5. Development shall not be commenced until details of any proposed external lighting to the site including position, design, height, levels of luminance, hours of use and energy efficiency have been submitted to the local planning authority for approval. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such. No additional lighting shall be inserted at any time without the prior approval of the local planning authority.

Plan No.	<b>Location</b>	Applicant(s)	Proposed Development
*11/00954/LBC (APPROVED)	Kelvedon	Mr Mark McCann	Proposed conversion of barn into three bedroom dwelling, Greys Cottage, Maldon Road.
Plan No.	Location	<u>Applicant(s)</u>	Proposed Development
*11/01044/FUL (APPROVED)	White Colne	Mr Stuart Ryder	Retention of outbuilding, rear plot, 7 Colne Park Road.
Plan No.	Location	<u>Applicant(s</u> )	Proposed Development
*11/01147/FUL (APPROVED)	Witham	Mr & Mrs Nicholas Rushen	Erection of single storey front/side extension and two storey rear extension, 56 Pitt Avenue.

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<u>Plan No.</u>	Location	Applicant(s)	Proposed Development
*11/01270/FUL (APPROVED)	Coggeshall	Coggeshall Scout & Guides	Application for a new planning permission to replace an extant permission 08/02171/FUL - Demolition of Scout and Guide Headquarters and construction of a single detached house, Scout and Guide Hut, Windmill Fields.
DECISION That	subject to the a	onlicant entering into	a suitable legal agreement

**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 £2,416.94 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 by 8<sup>th</sup> November 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the deletion of Condition No. 3, the amendment of Condition No. 13 (now 12) and four additional conditions as follows:-

Amended Condition (Previously Condition No. 13 now Condition No. 12)

12. 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 details and thereafter so maintained.

Additional Conditions (Following the re-numbering of Conditions)

13. (CON51) No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours Saturday 0800 hours - 1300 hours Sundays and Bank Holidays - no work

14. (CONS40) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority and shall be adhered to throughout the construction process.

- 15. (CONS41) No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 16. (CTAM45) Prior to the commencement of development, a comprehensive 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 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 the 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 of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the 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 reassessed 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 (or beneficial occupation of the office building hereby permitted) 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.

<u>Plan No.</u>	Location	Applicant(s)	Proposed Development
*11/01083/FUL (APPROVED)	Gosfield	St Giles Developments Ltd	Erection of 9 no. dwellings and associated garages, amenity space and access road, land between 4 and 12, Greenways.

**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 £2,416.92 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 by 5th December 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

Councillor A Strudwick of Gosfield Parish Council attended the meeting and spoke on this application and requested the provision of a boundary fence.

The Committee approved this application, subject to the amendment of Condition Nos. 2 and 7 and the addition of two Conditions and an Information to Applicant as follows:-

#### Amended Conditions

2. Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

Plots No. 3 and 4 shall have only one dormer on the front elevation above the garage and two dormer windows on the rear elevation. Further details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

The boundary treatment and extent of garden area for Plot No. 9 is not approved. Further details to show an amended garden and boundary treatment with some open space fronting Greenways shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

The speed reduction hump at the entrance of the site shall be omitted and is not approved.

7. Development shall not be commenced until details of all gates / fences / walls or other means of enclosure including a form of boundary treatment along the boundaries of the site with the adjoining Nature Reserve have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

#### Additional Conditions

20. (CONS40) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority and shall be adhered to throughout the construction process.

21. (CONS42) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

#### Additional Information to Applicant

6. You are advised that the details required under Condition No. 5 cover the whole of the application site including the garden areas of the properties, the area in the middle of the access road, the area fronting Greenways (note Condition No. 2) and any other areas within the site.

<u>Plan No.</u>	Location	<u>Applicant(s</u> )	Proposed Development
*11/01197/FUL (APPROVED)	Great Yeldham	R & P Barrable Ltd	Demolition of existing house and outbuildings and erection of replacement dwelling and garage and two no. additional dwellings and garages and creation of new vehicular entrance, Hamlet, Toppesfield 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 £4,833.88 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 by 2nd November 2011, the Development Manager be authorised to refuse the grant of 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 No. 7 and the addition of three Conditions as follows:-

# Amended Condition

7. All new dwellings shall achieve a Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 4 has been achieved and a copy of the Certificate has been submitted to the local planning authority.

#### **Additional Conditions**

19. (CONS40) No piling shall be undertaken on the site in connection with the

construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority and shall be adhered to throughout the construction process.

- 20. (SUS73) Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. Prior to the first occupation of the development, any such approved external lighting shall be installed in accordance with details and thereafter so maintained. There shall be no other sources of external illumination.
- 21. (SUS70) Development shall not be commenced until details of the location and design of refuse bins, recycling materials storage areas and collection points have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.

<u>Plan No.</u>	Location	Applicant(s)	Proposed Development
*11/01163/OUT (APPROVED)	Halstead	Mr R Monk	Erection of one bed dwelling, land rear of 58 Colne 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 £828.67 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 by 7th November 2011, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the addition of two Conditions and an Information to Applicant as follows:-

#### **Additional Conditions**

- 13. (CONS42) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.
- 14. (CONS40) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority and shall be adhered to throughout the construction process.

#### Information to Applicant

In respect of Condition Nos. 4 and 7 you are reminded that all hard surface areas including the parking areas are to be constructed using porous materials laid on a permeable base. If this is not possible, the local planning authority may give approval to areas of hardstanding which are drained to a soakaway within the site, subject to satisfactory percolation tests.

<u>Plan No.</u>	Location	<u>Applicant(s</u> )	Proposed Development
*11/00947/FUL (APPROVED)	Kelvedon	Mr Mark McCann	Proposed conversion of barn into three bedroom dwelling, Greys Cottage, Maldon Road.

**DECISION:** That, subject to the applicant either entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) or, if considered appropriate by the Development Manager, the imposition of a suitably worded condition to secure a financial contribution of £1,657.32 towards the provision 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, where necessary, is not provided within three weeks of the date of the decision notice, the Development Manager be authorised to refuse the grant of 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 No. 6 and the addition of two Conditions and an Information to Applicant as follows:-

# Amended Condition

6. No development shall commence until details of a scheme for the provision of roost sites for bats have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so maintained.

# Additional Conditions

- 10. (CONS40) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority and shall be adhered to throughout the construction process.
- 11. (CONS42) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance

and construction process.

#### Additional Information to Applicant

4. Your attention is drawn to the bat survey and mitigation plan dated March 2011. You are reminded that no works or development shall be carried out until any bats have been excluded by a licensed bat ecologist.

<u>Plan No.</u>	Location	<u>Applicant(s</u> )	Proposed Development
*11/00295/OUT	Terling	Mr and Mrs B	Erection of two storey house,
(APPROVED)		Hood	Norman House, Norman Hill.

**DECISION:** That, subject to the applicant either entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) or, if considered appropriate by the Development Manager, the imposition of a suitably worded condition to secure a financial contribution of £2,290.51 towards the provision 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 (where necessary) is not provided within three weeks of the date of the decision notice, the Development Manager be authorised to refuse the grant of 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 No. 1 as follows:-

#### Amended Condition

1. Approval of the details of the:scale, appearance and layout of the building(s);

> (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision notice.

The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.

#### 62 PLANNING APPLICATION REFUSED

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Development Manager's report, as amended below. Details of the planning application are contained in the Register of Planning Applications.

Location

<u>Applicant(s</u>)

**Proposed Development** 

\*11/00158/CON Coggeshall (REFUSED) East of England Co-operative Society Demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access, 62 - 66 East Street.

The Committee refused this application, subject to the reason for refusal being amended as follows:-

1 Policy RLP96 of the Braintree District Local Plan Review 2005 states that consent for demolition will only normally be granted where a contract for the redevelopment of the site has been arranged and where proposals for replacement development preserve or enhance the character and appearance of the Conservation Area.

From this basis, given that there is no accepted scheme for the replacement of the existing buildings and that the visual gap caused by the demolition would be harmful to the character and appearance of the Conservation Area, the demolition would be contrary to Policy RLP96 of the Braintree District Local Plan Review.

(It was noted that Conservation Area consent was only required for demolition).

#### 63 PLANNING APPEAL DECISIONS – SEPTEMBER 2011

**INFORMATION:** Consideration was given to a report, for information, on planning appeal decisions received during September 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 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 9.20pm.

# W D SCATTERGOOD

(Chairman)

# <u>APPENDIX</u>

# PLANNING COMMITTEE

# 25<sup>TH</sup> OCTOBER 2011

# PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. <u>Statement Relating to Agenda Item 3 – Minutes of 4<sup>th</sup> October 2011</u> <u>Application No. 11/00157/FUL – 62-66 East Street, Coggeshall</u>

Statement by Mr Ian Brotchie, 56 East Street, Coggeshall (Objector)

- 2. <u>Statements Relating to Application No. 11/00437/FUL Open Space adjacent to</u> <u>Meadowside, Braintree</u>
  - (i) Statement by Mrs Wendy Middleweek, 2 Currants Farm Road, Braintree (Objector)
  - (ii) Statement by Mr Matt Blunderfield, 4 Warren Road, Braintree (Supporter)
  - (iii) Statement by Mrs Nicola Murphy, Groundwork Hertfordshire, Mill Green, Hatfield, Hertfordshire (Agent)
- 3. <u>Statements Relating to Application No. 11/01206/FUL Village Hall, 1 Station Road,</u> <u>Colne Engaine</u>
  - (i) Statement by Mr Terry Hawthorn, 6 Highcroft, Colne Engaine (Supporter)
  - (ii) Statement by Mrs Patricia King, 20 Brook Street, Colne Engaine (Trustee and Supporter)
- 4. <u>Statement Relating to Application No. 11/00607/FUL Fentons Farm, Howe Street,</u> <u>Finchingfield</u>

Statement by Mr Desmond Hammond, Fentons Farm, Howe Street, Finchingfield (Applicant)

- 5. <u>Statements Relating to Application No. 11/01197/FUL Hamlet, Toppesfield Road,</u> <u>Great Yeldham</u>
  - (i) Statement by Mr Owen Bambridge, 204 Swan Street, Sible Hedingham (Objector)
  - (ii) Statement by Mr Philip Barrable, St Paul's Place, Gages Road, Belchamp St Paul (Applicant)

For further information regarding these minutes, please contact Alison Webb, Member Services on 01376 552525 Ext. 2614 or e-mail alison.webb@braintree.gov.uk