

Minutes

Planning Committee

17th January 2012



Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	D Mann	Yes
E Bishop	Apologies	Lady Newton	Yes
R J Bolton	Yes	J O'Reilly-Cicconi	Yes
C A Cadman	Apologies	R Ramage	Yes
L B Flint	Yes	W D Scattergood (Chairman)	Yes
T J W Foster	Yes	L Shepherd	Apologies
P Horner	Yes	G A Spray	Yes (from 7.20pm)
S C Kirby	Yes		

Councillor H D Johnson was also in attendance.

86 DECLARATIONS OF INTEREST

The following interest was declared:

Councillor R J Bolton declared a personal and prejudicial interest in Application No. 11/001378/OUT – Abbots Farm, Water Lane, Shalford as the applicants were known to him as personal friends. Councillor Bolton indicated that he did not wish to make a statement on the application during Question Time.

In accordance with the Code of Conduct, Councillor Bolton left the meeting whilst the application was discussed and determined.

87 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 20th December 2011 be approved as a correct record and signed by the Chairman.

88 QUESTION TIME

INFORMATION: There were three 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.

89 TREE PRESERVATION ORDER NO. 20/2011 – 47 GROOMS LANE, SILVER END

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 20/2011, which related to a walnut tree within the Silver End Conservation Area and the rear garden of 47 Grooms Lane, Silver End. Objections to the making of the Order had been submitted by the owner of the property and a neighbour.

The Tree Preservation Order had been served in July 2011 following an assessment of the tree, which had shown that the making of an Order was appropriate.

In discussing this matter, Members of the Committee agreed that the tree was an important visual feature within the area. However, Councillors acknowledged also that the tree was large and that it was located within a small garden in close proximity to the owner's property and a neighbouring property.

DECISION: That Tree Preservation Order No. 20/2011 relating to 47 Grooms Lane, Silver End be confirmed, subject to works to reduce the crown of the tree by up to 50% being considered favourably.

90 PLANNING APPLICATIONS WITHDRAWN

INFORMATION: The Chairman reported that the undermentioned planning applications had been withdrawn from the Agenda. Details of the 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>
*11/01590/OUT (WITHDRAWN)	Braintree	Ms C Langley	Erection of 2 no. semi-detached dwellings along with associated hardstanding, land adjacent to 28 Cavendish Gardens.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01596/FUL (WITHDRAWN)	Hatfield Peverel	Mr M J Ranton	Erection of replacement of detached garage, 2 Crix Corner Cottages, London Road.

91 PLANNING APPLICATIONS APPROVED

Planning Application No. 11/01550/FUL – 9 Orchard Close, Ridgewell 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 the 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>
*11/01549/FUL (APPROVED)	Coggeshall	Mr & Mrs A Ronsky	Conversion of former B1 business unit to C3 annexe for an elderly relative. Construction of a new dormer window and installation of two new rooflights and new upvc double glazed doors and windows throughout the annexe (proposed building works have not been carried out), 18 Priors Way.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01485/FUL (APPROVED)	Gosfield	Hunwick Engineering Ltd	Erection of replacement engineering works for Hunwick Engineering Ltd, Orange Hall, Gosfield Airfield.

Councillor Ford, Chairman of Gosfield Parish Council, and Councillor Johnson, District Council Ward Councillor for Hedingham and the Maplesteads, attended the meeting and spoke in support of this application.

The Committee approved this application against the Development Manager's recommendation of refusal.

This application was approved for the reasons, and subject to the Conditions, as follows. Officers were authorised to add more Conditions/Informatives considered necessary:-

Reasons for Departure from the Braintree District Local Development Framework Core Strategy and Local Plan Review

The Council is aware that there is a close inter-relationship between Hunwick Engineering (the applicant) and Transporter (the business operating on the site adjoining the application site) and that by allowing Hunwick Engineering Ltd to relocate from Halstead to the application site adjacent to Transporter will produce significant benefits in terms of business efficiency and sustainability – removing the need for vehicular movements of staff and goods between the sites.

In light of Policy RLP 39 of the Braintree District Local Plan Review, Policy EC11 of Planning Policy Statement 4, 'Planning for Sustainable Economic Growth' and The 'Planning for Growth' ministerial statement by the Rt. Hon Greg Clarke MP and having regard to the synergy between Transporter and Hunwick Engineering which will result in significant improvements in business productivity, along with the importance of both firms to the local economy (including the employment that they provide), it is considered that the proposed development is acceptable due to the significant and unique special circumstances of the applicant. In reaching this decision, the Council

has also had regard to previous decisions by the Planning Inspectorate on other sites on Gosfield Airfield.

Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 Prior to occupation of the development a Travel Plan which shall include monitoring shall be submitted to and approved in writing by the local planning authority. The provision of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the local planning authority.
- 4 The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB between 06:00 and 18:00 Monday to Friday and 0 dB at any other time. The noise levels shall be determined at the boundary of the nearest noise-sensitive premises. The measurements and assessments shall be made in accordance with BS4142:1997.
- 5 Prior to the commencement of development details shall be submitted in writing to and approved by the local planning authority for the provision of an external amenity area / area of open space for use by the employees of the development. The approved scheme shall be implemented and available for use by the employees prior to the first use of the building and shall be thereafter permanently retained as such.
- 6 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 areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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 five 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.

- 7 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. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.
- 8 The first occupier / user of the development hereby permitted shall be Hunwick Engineering Ltd.
- 9 Development shall not be commenced until a scheme of measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development has 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 development and thereafter so maintained.
- 10 Development shall not be commenced until details of energy-efficient construction materials and processes, including measures for the long term energy efficiency of the building(s), and renewable energy resources have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the agreed details, and shall thereafter be maintained in the approved form.
- 11 Development shall not be commenced until a scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing with the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the proposed development.
- 12 No external storage shall take place in connection with the development hereby approved other than in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority prior to first use of the development.
- 13 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 14 Prior to the commencement/occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning

authority. The approved facilities shall be provided before occupation and retained at all times.

- 15 The external materials and finishes shall be as indicated on the approved plans and/or schedule unless otherwise agreed in writing by the local planning authority.
- 16 Development shall not be commenced until details of all gates / fences / walls, or other means of enclosure 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.

Information to Applicant

- 1 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. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 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 can be emailed. Please phone 01376 552525 for assistance.
- 4 In discharging Condition No.6 you are advised that the proposed landscaping scheme should include planting along the northern and western site boundaries.
- 5 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.

- 6 Your attention is drawn to the contents of the letter of the Environment Agency dated 01.12.2011 a copy of which is enclosed.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01550/FUL (APPROVED)	Ridgewell	Mr & Mrs Anderson Jones	Erection of single storey side extension and single storey rear extension and garage extension, 9 Orchard Close.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/01378/OUT (APPROVED)	Shalford	Mrs C Eves	Erection of agricultural dwelling, Abbots Farm, Water Lane.

Members of the Committee were advised that the Development Manager's recommendation to approve this application subject to a Section 106 Agreement had been amended to a recommendation to Grant the application.

92 PLANNING APPEAL DECISIONS – DECEMBER 2011

INFORMATION: Consideration was given to a report, for information, on planning appeal decisions received during December 2011. The report included a summary of each case and a précis of the decision.

Particular reference was made to the appeal allowed in respect of Application No. 11/00318/FUL – 2 Horsham Hall Cottages, Haverhill Road, Helions Bumpstead and it was agreed that the precedent and implications of this decision should be considered by the Council's Planning Policy Team. Regarding the dismissed appeal in respect of Application No. 11/00193/FUL – land adjacent to Newcombes, Poole Street, Great Yeldham it was noted that the Council had lodged a complaint with the Planning Inspectorate against a partial award of costs made against the Council regarding open space contributions.

DECISION: That the report be noted.

The Chairman agreed to consider the following item as a matter of urgent business in order to enable the matter to proceed without further delay.

Urgent Item

93 TREE PRESERVATION ORDER – APPLICATION TO FELL A PRESERVED TREE, LAND AT THE GREEN, FRONTING 40 FIRWOODS ROAD, HALSTEAD

INFORMATION: Consideration was given to a report regarding an application made by Braintree District Council under Section 198 of the Town & Country Planning Act 1990 to fell an Oak tree subject to Tree Preservation Order No. 13/2001(Group 7).

The tree was situated within a small amenity green space at Firwoods Road, Halstead which was owned and maintained by the District Council. The application to fell the Oak tree had been made in response to the tree being identified as the cause of subsidence at a neighbouring residential property.

As the application had been made by the District Council, the Constitution required that it be determined by the Planning Committee. The application had been considered by an Essex County Council Tree Officer who had recommended granting consent subject to conditions.

DECISION: That the application be approved and consent granted to fell an Oak tree subject to Tree Preservation Order No. 13/2001(Group 7) on amenity green space fronting 40 Firwoods Road, Halstead.

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)

APPENDIX
PLANNING COMMITTEE
17TH JANUARY 2012
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Agenda Item 5 - Tree Preservation Order No. 20/2011 – 47 Grooms Lane, Silver End

Statement by Mr Tony Cheek, 47 Grooms Lane, Silver End (Objector)

2. Statement Relating to Application No. 11/01549/FUL – 18 Priors Way, Coggeshall

Statement by Mr Tim Hoskins, Turner & Hoskins Architects Ltd, 77A High Street, Edenbridge, Kent (Agent)

3. Statement Relating to Application No. 11/01485/FUL – Orange Hall, Gosfield Airfield, Gosfield

Statement by Mr John Coulson, Tambride Ltd, Teal Cottage, Abberton Road, Fingringhoe, Colchester, Essex (Agent)