

Minutes

Planning Committee

12th July 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 (from 7.24pm)
S C Kirby	Yes		

19 DECLARATIONS OF INTEREST

The following interests were declared:

Councillor J E Abbott declared a personal interest in Application No. 11/00596/FUL – Tudor House, Braintree Road, Cressing as he had visited a neighbouring property by invitation to view the proposed development site, but he had not expressed an opinion.

Councillor L B Flint declared a personal interest in Application No. 11/00596/FUL – Tudor House, Braintree Road, Cressing as she was the Ward Member and she had visited neighbouring properties by invitation to view the proposed development site, but she had not expressed an opinion.

Councillor D Mann declared a personal interest in Application Nos. 11/00437/FUL – Open Space adjacent to Meadowside, Braintree and 11/00532/FUL – land adjacent to 63 Duggers Lane, Braintree as respondents to both applications were known to him.

Councillor Lady Newton declared 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 as part of a programme of environmental improvements across the District.

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.

20 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 21st June 2011 be approved as a correct record and signed by the Chairman.

21 QUESTION TIME

INFORMATION: There were five 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.

22 PLANNING APPLICATIONS APPROVED

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 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>
*11/00532/FUL (APPROVED)	Braintree	Westgate Healthcare Ltd	Erection of 32 bed residential care home, land adjacent to 63 Duggers Lane.

Councillor Douglas Rice, Braintree South Ward Member, attended the meeting and spoke against this application.

The Committee approved this application, subject to the amendment of condition nos. 8, 9 and 22 and the addition of two conditions as follows:-

Amended Conditions

8. 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, except for the parking area, 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 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.

9. Prior to the commencement of the development hereby approved, a Tree Protection Plan shall be submitted and agreed in writing by the local planning authority which shall provide detail of the use of all the protective features detailed at part 7 of the Arboricultural Impact Assessment that has been submitted with the application. Subsequently the development shall only be undertaken in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority. Only those trees identified for removal in the Arboricultural Impact Assessment submitted shall be removed.
22. Prior to the commencement/occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities together with facilities for re-charging of wheelchairs shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.

Additional Conditions

25. (SUS63) The development shall achieve a BREEAM rating of 'Excellent' or 'Very Good' and shall not be occupied until a Post Construction Review Certificate has been issued certifying that a rating of 'Excellent' or 'Very Good' has been achieved and a copy of the Certificate has been submitted to the local planning authority.
26. Prior to commencement of development details of the sensory garden shall be submitted to and approved in writing by the local planning authority to demonstrate that it will not harm the nearby protected Oak tree. The garden shall be implemented and maintained as such thereafter.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/01602/FUL (APPROVED)	Witham	Mr R Tuck	Replacement of existing floodlights for public car park, Car Park, Cut Throat Lane.

The Committee approved this application, subject to the amendment of condition nos. 2 and 3 and the addition of a condition and Information to Applicant as follows:-

Amended Conditions

2. Notwithstanding the information set out in the Additional Plan, all column mounted lights in the car park should be maintained to ensure they are set

below 15 degree horizontal tilt.

3. All column mounted lights in the car park should be programmed by timer switch to deactivate at midnight Monday to Friday. The timer should reactivate the lights at 04:30 Monday to Friday and photocells should then deactivate the lights once daylight activates the cell. The lights shall not be activated on Saturdays and Sundays.

Additional Condition

4. The orientation of the luminaires shall be in accordance with the approved Floor Plan as indicated in Section 2.1.1 of the 'Car Park Lighting' document dated 30.04.2010 and received on 29.03.2011, and permanently maintained as such.

Information to Applicant

You are reminded of the requirement regarding the tilt and orientation of the luminaires as set out in conditions 2 and 4 of this decision. You are advised that failure to comply with these requirements from the date of this decision would result in a breach of these conditions and may be subject to action from the Council's Planning Enforcement Department.

23 PLANNING APPLICATION DEFERRED

DECISION: That the undermentioned planning application be deferred for the reason stated below. 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>
*11/00437/FUL (DEFERRED)	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 deferred this application to enable a noise assessment to be undertaken to establish the background noise level.

24 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reason contained in the Development Manager's report as amended below. 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>
*11/00596/FUL (REFUSED)	Cressing	Mrs Linda O'Keefe	Erection of stables, tack room and hay store, change of use of land from agricultural for the keeping of horses (retrospective), driveway, parking and turning area, and enclosures (works started), Tudor House, Braintree Road.

Councillor Mrs Janet Watkins of Cressing Parish Council attended the meeting and spoke against this application on behalf of the Parish Council.

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

1. The site lies within an area where countryside policies apply and within close proximity to other residential dwellings.

Policy RLP 62 of the Braintree District Local Plan Review states that planning permission will not be granted for development which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, or other similar consequences, unless adequate preventative measures have been taken to ensure that any discharges or emissions will not cause harm to land use, including the effects on health and the natural environment.

Policy RLP 85 provides for equestrian facilities and states that they will be permitted where bridleways and byways in the vicinity are located and designed to accommodate horse riders from the site.

Policy RLP 90 states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

Circular 11/95 (Use of conditions in planning permission) indicates that conditions should only be imposed where they satisfy the 'six tests' set out in the Circular. One of these being 'enforceable'.

The retention of the stable building and continuation of stabling activities is considered to give rise to an unacceptable impact upon the amenity of neighbouring residents as a consequence of the odour and presence of vermin that are attributable to stabling activities of this scale and in such close proximity to residential properties.

Although details have been submitted in the form of a Stables Management Statement, these do not appear to have been applied, nor do they provide mitigation measures that could be the subject of enforceable conditions.

Furthermore, there are no bridleways or byways within the vicinity of the site to accommodate horse riders from the site.

In these circumstances the continuation of stabling activities would be contrary to the policies set out above.

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 9.00pm.

W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

12TH JULY 2011

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 11/00437/FUL – Open Space adjacent to Meadowside, Braintree
 - (i) Statement by Miss Gemma Thurston, Gemco News, 12 Queens Road, Braintree (Objector)
 - (ii) Statement by Mrs Wendy Middleweek, 2 Currants Farm Road, Braintree (Objector)
 - (iii) Statement by Ms Nicola Murphy, Groundwork Hertfordshire, Mill Green, Hatfield, Hertfordshire (Applicant)
2. Statement Relating to Application No. 11/00532/FUL - Land adjacent to 63 Duggers Lane, Braintree
 - (i) Statement by Ms Tara Teubner, Westgate Healthcare, Churchill House, 137 Brent Street, London (Applicant)
3. Statement Relating to Application No. 11/00596/FUL – Tudor House, Braintree Road, Cressing
 - (i) Statement by Mr Tim Wheeler, Grimwood, Braintree Road, Cressing (Objector)