

# Minutes

## Planning Committee

15<sup>th</sup> April 2014

Present



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

Councillor J C Beavis, Councillor W D Scattergood and Councillor C Thompson were also in attendance.

### 118 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor J E Abbott declared a non-pecuniary interest in Item 5 - Tree Preservation Order No. 20/2013, 14 High Garrett as an elected Member of Essex County Council which owned the land on which the tree was located.

Councillor P R Barlow declared a non-pecuniary interest in Application No. 14/00054/FUL - Icen House, Newland Street, Witham as objectors to the application were known to him.

Councillor J C Beavis declared a non-pecuniary interest in Application No. 14/00139/FUL - The Woodyard, Southey Green, Sible Hedingham as an elected Member of Sible Hedingham Parish Council.

Councillor R J Bolton declared a non-pecuniary interest in Application No. 13/00051/FUL - Ridgewell Airfield, Foxes Road, Ashen as some members of Essex Gliding Club and some objectors to the application were known to him.

Councillor S C Kirby declared a disclosable pecuniary interest in Application No. 14/00194/FUL - Gosfield School, Halstead Road, Gosfield as the applicant held an account with his business and one of the objectors to the application was known to him. Councillor Kirby left the meeting whilst this application was discussed and determined. Councillor Kirby declared also a non-pecuniary interest in Application

No. 14/00139/FUL - The Woodyard, Southey Green, Sible Hedingham as the applicant was known to him. Councillor Kirby stated that he had not discussed the application with the applicant.

Councillor D Mann declared a non-pecuniary interest in Application No. 13/01435/FUL - land adjacent to The Old Vicarage, The Street, Shalford as one of the objectors to the application was known to him.

Councillor Lady Newton declared a non-pecuniary interest in Item 5 - Tree Preservation Order No. 20/2013, 14 High Garrett as an elected Member of Essex County Council which owned the land on which the tree was located.

Councillor J P L P O'Reilly-Cicconi declared a non-pecuniary interest in Application No. 14/00194/FUL - Gosfield School, Halstead Road, Gosfield as objectors to the application were known to him.

Councillor R Ramage declared a non-pecuniary interest in Application No. 14/00054/FUL - Icen House, Newland Street, Witham as objectors to the application were known to him.

Councillor G A Spray declared a non-pecuniary interest in Application No. 13/00051/FUL - Ridgewell Airfield, Foxes Road, Ashen as Chairman of Earls Colne Airfield Liaison Group.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the applications were considered.

#### 119 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 1<sup>st</sup> April 2014 be approved as a correct record and signed by the Chairman.

#### 120 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.

#### 121 TREE PRESERVATION ORDER NO. 20/2013 - 14 HIGH GARRETT

**INFORMATION:** Consideration was given to a report on Tree Preservation Order No. 20/2013 relating to land on the highway verge in front of 12 and 14 High Garrett, Braintree. Objections to the making of the Order had been submitted by the owner of 14 High Garrett and the agent acting as consultant arboriculturist for the insurers of 14 High Garrett, against the inclusion of an oak tree (T1) within the Order. The objectors had stated that the tree had been implicated in subsidence damage to 14 High Garrett.

Members of the Committee noted that the tree was located on land owned by Essex County Council and that the County Council had not objected to the service of the Order. It was also noted that it was not inappropriate for Braintree District Council to serve a Tree Preservation Order on another Local Authority.

The Tree Preservation Order had been served in December 2013 following an assessment of the tree, which had shown that the making of an Order was appropriate. To date, no evidence had been submitted to the District Council to demonstrate that the tree was causing structural damage to 14 High Garrett. However, the reduction, or removal of the tree would not be prevented by the presence of the Order should it be proven conclusively that the tree was responsible for damage, subject to an application for consent being submitted to the Council.

**DECISION:** That Tree Preservation Order No. 20/2013, relating to 14 High Garrett, Braintree, be confirmed.

## 122 PLANNING APPLICATIONS APPROVED

Planning Application No. 14/00141/FUL - Belvoir, 35 Sportsmans Lane, Hatfield Peverel 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 these 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>
*14/00194/FUL (APPROVED)	Gosfield	Mr P Sakal	Proposed development of a preparatory school with vehicle drop off, parking, footpath and external lighting facilities, drainage, landscaping and associated infrastructure (incorporating the demolition and removal of three prefabricated classroom buildings), Gosfield School, Halstead Road.

The Committee approved this application, subject to the amendment of Condition No. 12, an additional Condition and an additional paragraph to the Information to Applicant as follows:-

### Amended Condition

12. The three existing pre-fabricated buildings identified within the application site shall be completely dismantled and removed not later than nine months from

the date of the first use of the development hereby granted planning permission. The demolition / removal shall be carried out in accordance with the details contained in approved plan 16/SK-104 Rev.C. All materials resulting from the demolition shall be removed from the site and the site reinstated as shown on the approved plan.

#### Additional Condition

14. No development shall take place including any works of demolition until a Construction Management Plan and construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

Access & egress arrangements / routes for construction traffic entering and leaving the site, to include details of signage at site entrances and measures to be taken to ensure that contractors are aware of the arrangements;

Parking and turning facilities for delivery vehicles, construction vehicles and workers;

Works access warning signage;

Wheel washing facilities for the duration of the development to prevent the deposition of mud and other debris onto the highway;

Pedestrian and cyclist protection;

Proposed temporary traffic restrictions (if applicable)

All works shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

#### Additional Information to Applicant

6. The applicant is advised that the Council has received a number of representations from local residents regarding the management of the School. These concerns include maintenance of the sewage treatment plant; surface water issues; site access and the impact of special events that the school hosts. Whilst not all of these issues relate to the development hereby approved, the Council recommends that the School considers appointing a Community Liaison Officer. The nominated Officer could arrange meetings as necessary to discuss the concerns of local residents and consider reasonable measures that the School can take to address residents' concerns.

Furthermore, you are advised that in discharging Condition No.14 the Council would expect that the Construction Management Plan addresses concerns raised by local residents regarding construction traffic and it is recommended that the applicant engages with representative(s) of local residents and Parish Councils to discuss their concerns. Evidence of discussions / engagement with

local residents regarding the Construction Management Plan should be submitted as part of the application to discharge Condition No.14.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*14/00141/FUL (APPROVED)	Hatfield Peverel	Mr Douglas Rollings	Erection of stable block, hardstanding and new tree planting and change of use of the field for the keeping of horses, Belvoir, 35 Sportsmans Lane.

123 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*13/00051/FUL (APPROVED)	Ashen	Essex Gliding Club	Change of use from agriculture to use as part of the Airfield for the purposes of a gliding club including winch launching of gliders. (Please note that the applicant has proposed that, as part of the planning application, the applicant and the Local Planning Authority enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 which will govern the gliding club's flying activities), Ridgewell Airfield, Foxes Road.

**DECISION:**

- (1) That the application be approved in principle, subject to negotiations between the applicant and the Development Manager on the terms of a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), which the applicant will be required to enter into.
- (2) That the application and the terms of the Section 106 Agreement be reported to a future Planning Committee meeting for determination, including a legal opinion on whether Environmental Impact Assessment Regulations have been complied with. Details of this planning application are contained in the Register of Planning Applications.

In determining this application, Members of the Planning Committee considered an E-Mail dated 15<sup>th</sup> April 2014 from Mrs L Bogie to Mr I Hunt, Head of Governance, stating that the Council had failed to comply with Environmental Impact Assessment Regulations as part of the application process.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*14/00131/FUL (APPROVED)	Cressing	Mr Savio	Erection of extension and erection of three bedroom dwelling on land adjacent together with a new crossover and parking for both properties, 20 Mill 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) within one calendar month of this decision to secure a financial contribution of £1,774.11 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. Alternatively, in the event that a suitable planning obligation is not agreed within one calendar month of this decision, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies and the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*13/01435/FUL (APPROVED)	Shalford	Jenny Moody Properties Ltd	Erection of two no. detached dwellings and garages, land adjacent to The Old Vicarage, The 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) within one calendar month of this decision to secure a financial contribution of £5,174.52 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 within one calendar month of this decision, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies and the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to an additional Condition and Information to Applicant as follows:-

Additional Condition

19. 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.

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](http://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; and any work of demolition of a building. 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. 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.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*14/00054/FUL (APPROVED)	Witham	Mr R Mackay	Erection of roof top terrace to provide 7 no. residential apartments, Icen House, Newland Street.

Councillor C Thompson, representing Witham Town Council, attended the meeting and spoke against this application.

**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) within two calendar months of this decision to secure a financial contribution of £6,948.73 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 within two calendar months of this decision, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies and the Open Spaces Supplementary Planning Document. 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. 8, an additional Condition inserted as new Condition No. 9, the re-numbering of existing Conditions Nos. 9, 10 and 11 to Condition Nos. 10, 11 and 12 and an additional paragraph to the Information to Applicant as follows:-

#### Amended Condition

8. Prior to the first occupation of any residential apartment, the obscure glazed screens around the roof terrace fronting on to Newland Street shall be installed in accordance with the approved plans and glazed with obscure glass to be consistent with level 3, 4 or 5 of the Pilkington Glass standards and so maintained at all times thereafter.

#### Additional Condition (New Condition No. 9)

9. Notwithstanding the approved plans, the screens around the south facing roof terrace at the rear of the building are not approved. Additional details by section and elevation at scales between 1:20 and 1:1 as appropriate of screens to provide enclosure and safeguard neighbouring privacy at a minimum height of 1.7m shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed prior to the first occupation of any of the residential units and thereafter maintained in the approved form at all times.

#### Additional Information to Applicant

4. In seeking to discharge the requirements of Condition No. 9 it is recommended that consideration is given to louvered screening rather than steel and glass.



## 124 PLANNING APPLICATION REFUSED

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Development Manager's report. 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>
*14/00139/FUL (REFUSED)	Sible Hedingham	Elmsett Engineering	Change of use of part agricultural machinery workshop to enable live/work accommodation, The Woodyard, Southey Green.

Councillor J C Beavis and Councillor W D Scattergood, Ward Members for Hedingham and Maplestead, attended the meeting and spoke in support of this application.

At 10.15pm, in accordance with the Constitution, it was moved, seconded and agreed that the meeting should continue until all business on the Agenda had been dealt with.

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 10.20pm.

Councillor T J W Foster  
(Chairman)

APPENDIX  
PLANNING COMMITTEE  
15TH APRIL 2014  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1     Statement Relating to Agenda Item 5 – Tree Preservation Order 20/2013, 14 High Garrett  
  
Statement by Ms Margaret McQueen, 4 The Courtyard, Severalls Park, Wyncolls Road, Colchester (Agent).
- 2     Statement Relating to Application No. 13/00051/FUL - Ridgewell Airfield, Foxes Road, Ashen  
  
Statement by Mr Anthony Brook, House in the Wood, Bakers Lane, Little Baddow Road, Danbury, Chelmsford (for Applicant)
- 3     Statement Relating to Application No. 14/00194/FUL - Gosfield School, Halstead Road, Gosfield  
  
Statement by Ms Georgina Brotherton, Lawson Planning Partnership Ltd, 882 The Crescent, Colchester Business Park, Colchester (Agent).
- 4     Statements Relating to Application No. 13/01435/FUL - Land adjacent to The Old Vicarage, The Street, Shalford
  - (i)     Statement by Mrs Claire Richardson, Barnsdale, The Street, Shalford (Objector).
  - (ii)    Statement by Mr Doug Sillett, Chestnut Cottage, The Street, Shalford (Objector).
- 5     Statement Relating to Application No. 14/00139/FUL - The Woodyard, Southey Green, Sible Hedingham  
  
Statement by Mrs Julia Smith, 32 Alexandra Road, Sible Hedingham (for Applicant)

- 6     Statements Relating to Application No. 14/00054/FUL - Icen House,  
Newland Street, Witham
- (i)     Statement by Mr Peter Northfield, 9 Avenue Road, Witham  
(Objector)
  - (ii)    Statement by Mrs Leah Groves, 7 Avenue Road, Witham  
(Objector)
  - (iii)   Statement by Mr Rob MacKay, Julia MacKay Properties, PO Box  
11161, Colchester (Applicant)