

# Minutes

## Planning Committee

4<sup>th</sup> August 2009



### Present

Councillors	Present	Councillors	Present
J E Abbott	Apologies	D Mann	Apologies
E Bishop	Yes	Mrs J M Money	Apologies
J C Collar	Yes	Lady Newton	Yes
Mrs E Edey	Yes	J O'Reilly-Cicconi	Yes
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 (from 7.17pm)
Mrs M E Galione	Apologies		

### 57 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor Lady Newton declared a personal interest in Application No. 08/00582/FUL – 2-5 Popes Leeze, Coggeshall as she had met with an objector and with the owner of 5 Popes Leeze, Coggeshall.

Councillor J P L P O'Reilly-Cicconi declared a personal interest in Application No. 09/00754/LFUL – land adjacent to The Cottage, Hornes Green Road, Bures Hamlet as a person speaking during Question Time was a neighbour and a personal friend. Councillor O'Reilly-Cicconi declared a personal interest also in Application No. 09/00794/FUL as the representative of the Parish Council speaking during the meeting was a personal friend.

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.

### 58 MINUTES

**DECISION:** It was noted that the Minutes of the meeting of the Planning Committee held on 12<sup>th</sup> May 2009 were not available and it was agreed to defer them for consideration at a future meeting.

### 59 QUESTION TIME

**DECISION:** Due to the number of people requesting an opportunity to speak it was moved, seconded and subsequently resolved that the period of 30 minutes allocated for Question Time be extended to enable everyone to speak.

**INFORMATION:** There were twelve 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.

## 60 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 Head of District Development'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>
*08/00754/FUL (APPROVED)	Bures Hamlet	Mr N Blake	Replacement gatehouse store and re-sited straw/machinery store building, land adjacent to The Cottage, Hornes Green Road

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00794/FUL (APPROVED)	Castle Hedingham	St Giles Property Developments Ltd	Erection of two no. cottages (revisions to approved design allowed under appeal), land rear of 7 Falcon Square.

Councillor Mrs Sonia Allfrey, representing Castle Hedingham Parish Council, joined the meeting and spoke on this application. Councillor Mrs Allfrey stated that whilst the new design submitted with this application was a great improvement, the dwellings would almost abut the lane making access to and egress from the site almost impossible. Councillor Mrs Allfrey indicated that the width of the lane at this point was only 3.4 metres and she considered there to be a safety issue as there would be a blind access onto the lane which was used frequently. Councillor Mrs Allfrey asked the Committee to seek the view of Essex County Council Highways on this.

The Committee approved this application, subject to condition 2 being amended to read as follows:-

### Amended Condition

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

The parking and turning area  
The access to Castle Lane

Details shall be submitted to and approved in writing prior to the commencement of development showing that the site can accommodate adequate turning space and provide sufficient access and egress so a vehicle can enter and leave the site in a forward gear. Detailed drawings shall be agreed with the Highways Authority. The development as approved shall be made available prior to the first occupation and shall be retained as such thereafter.

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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>
*09/00582/FUL (APPROVED)	Coggeshall	St Giles Development	Proposed garden extensions to nos. 2-5, 2 - 5 Popes Leeze, East Street.

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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>
*09/00713/FUL (APPROVED)	Cressing	Mr G Leckie	Erection of single storey extension to provide single bedroom living unit, Imola, Lanham Green.

The Committee approved this application, subject to the following additional condition and Information to Applicant.

**Additional Condition**

3. Development shall not be commenced until details of the 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.

**Information to Applicant**

In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution and maximise energy efficiency. Light units should be flat to ground and appropriate 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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*09/00686/FUL (APPROVED)	Earls Colne	Fleuty and Robinson	Change of use of existing single storey office building with internal conversion to provide residential accommodation (2 bed) and two car parking spaces provided, Whitegates, 11 York Road.

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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>
*09/00772/FUL (APPROVED)	Earls Colne	Mr Glen Sibley	Erection of two storey side extension to form 2 no. two bedroom flats, 47 Atlas Road.

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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>
*09/00756/FUL (APPROVED)	Lamarsh	Mr T Roberts	Erection of pool house, Paradise Centre, Twinstead Road.

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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>
*09/00761/FUL (APPROVED)	Stambourne	Mr Gary Monk	Erection of stable block and ménage, Fieldside Lodge, Dyers End.

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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>
*09/00767/FUL (APPROVED)	Witham	Kwik Fit Properties Ltd	Erection of extension to existing building, Kwik-Fit, Newland Street.

The Committee approved this application, subject to the amendment of Condition No. 4 and the addition of the following conditions and Information to Applicant:-

**Amended Condition**

4. Prior to the commencement of development the parking area proposed shall be marked out as shown on the approved plan 33C, shall be used for the parking of vehicles only and for no other purpose. No external storage of articles, goods, or materials of any kind shall take place on the site.

### Additional Conditions

5. Development shall not be commenced until details of the replacement tyre and exhaust storage areas 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 the extension and thereafter so maintained.
6. The roof of the extension hereby permitted shall not be used for any purpose including the storage or placement of equipment, stock or materials.
7. The doors of the MOT Bays shall be closed at all times. The only exception being whilst a vehicle is being driven into the building to undergo an MOT following which the door shall then be closed and remain closed until the vehicle is being driven out again having completed its MOT.
8. The door at first floor level shall only be used in the case of an emergency and shall remain closed outside of these events.
9. No burning of waste refuse or other material shall occur on the application site at any time.
10. The details of any fume extraction or ventilation equipment shall have been submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved and shall be permanently retained so long as the development remains in use. There shall be no discharge of fumes or gases etc. over residential properties.

### Information to Applicant

As activities are moving closer to residential property there will be a requirement to ensure that no significant additional noise impact is caused to the nearest residents and you are reminded of the requirement to abide by current Environmental Health legislation, particularly with regard to hours of use, for the whole of the site.

## 61 PLANNING APPLICATION REFUSED

**DECISION:** That the undermentioned planning application be refused for the reason stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/00665/FUL (REFUSED)	Finchingfield	Mr A Plume	Demolition of existing residential unit and associated barns and erection of new dwelling, Ashwell Hall, Walthams Cross.

Councillor Keith Munro, representing Finchingfield Parish Council, joined the meeting and spoke on this application. Councillor Munro stated that the Parish Council objected to this application. Councillor Munro indicated that the site was in a rural location overlooking the river valley and it was considered that the design of the proposed dwelling was inappropriate to the area.

The Committee refused this application for the following reasons:-

The site lies within an area of countryside within the Special Landscape Area and beyond the village envelope where rural planning policies apply, as set out in Policies RLP2, RLP78 and RLP79 of the Braintree District Local Plan Review. RLP90 seeks a high standard of layout and design in all developments. Furthermore, RLP15 states that the replacement of an existing dwelling in the countryside will be allowed where it would not have a greater impact or be more intrusive in the landscape than the original dwelling. Government Guidance in PPS7 (Key Principles) states that all development in local areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

In this case, it is considered that the scale, height, character and design of the replacement dwelling would result in a more intrusive dwelling than the original dwelling on this plot, and the dwelling would not be sensitive to the character of the countryside given that this is within the Special Landscape Area of the Pant Valley. The proposal therefore fails to satisfy the abovementioned policy criteria.

## 62 PLANNING APPEAL DECISIONS – JUNE 2009

**INFORMATION:** Consideration was given to a report, for information, on planning appeal decisions received during June 2009. 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 Head of District Development, 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 9.45pm.

MRS W D SCATTERGOOD

(Chairman)

## APPENDIX

### PLANNING COMMITTEE

4<sup>TH</sup> AUGUST 2009

### PUBLIC QUESTION TIME

#### Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Peter Kendall, 4 Falcon Square, Castle Hedingham  
Application No. 09/00794/FUL – Land rear of 7 Falcon Square, Castle Hedingham

Mr Kendall stated that this third application for the site was better visually, but the new footprint of the development would be more intrusive on views of the castle, there would be overlooking of properties, a parking space had been lost, and vehicular access to the site would be more difficult.

2. Statement by Mr Martyn Jackson, York Park Lodge, York Road, Earls Colne  
Application No. 09/00686/FUL – Whitegates, 11 York Road, Earls Colne

Mr Jackson stated that approval of the application would lead to the loss of a business and jobs and that this would result in the loss of privacy to his property which adjoined the site. Mr Jackson stated that the shared drainage system and off-street parking provision were both inadequate. Mr Jackson indicated that he had built the wall referred to in the application and that he had a legal right of way.

3. Statements Relating to Application No. 09/00761/FUL – Fieldside Lodge, Dyers End, Stambourne

- (i) Statement by Mr Russell Sears, Rosebank, Dyers End, Stambourne

Mr Sears stated that he lived adjacent to the site and that he objected to the application on the grounds that it was incorrect and misleading; that the proposal would severely affect the amenity of his family; that it contravened planning policies; that it was unnecessary; that heavy vehicles would be using a residential road; pedestrians had a right of way to the site; adjoining land was on a different level; the effect on the countryside; and problems with flies and contamination. Mr Sears stated that a recent planning approval for the extension of his garden had stipulated that buildings should not be erected and he queried why this did not apply to this application.

- (ii) Statement by Mr Alan Steele, Jonjo, Dyers End, Stambourne

Mr Steele spoke in support of the application. Mr Steele stated that the proposal would improve the site and that the provision of a fence would improve security.

- (iii) Statement by Mrs Dawn Monk, Fieldside Lodge, Dyers End, Stambourne  
(Applicant)

Mrs Monk stated that the land would be used for the stabling of horses and

that there should be minimal impact on the area. Mrs Monk indicated that the site would be screened, there would be a rubber surface which would not smell, horse effluent would be removed from the site on a weekly basis, the only heavy goods vehicle using the site would be a horse box and this would be quite infrequent, and there would be no commercial use of the site. Mrs Monk stated that there would be under ground and above ground water tanks and it was not envisaged that there would be any contamination to the surrounding land.

4. Statements Relating to Application No. 09/00754/FUL – Land adjacent to The Cottage, Hornes Green Road, Bures Hamlet

(i) Statement by Mr Simon Ward, Colne Stour Countryside Association, The Dower House, Bulmer

Mr Ward stated that the site was in a beautiful rural valley, that the site was not served by mains water and that water had to be drawn from a well. Mr Ward understood that the buildings at the site were to be used for pig rearing, although an application for this had not been made and he queried how effluent would be dealt with. Mr Ward suggested that the application should be deferred to enable the Council to obtain more information on the proposed use.

(ii) Statement by Mr Stephen Blake, 55 Villa Road, Stanway, Colchester (For Applicant)

Mr Blake stated that the application was not for the rearing of pigs, but to keep a few pigs for their meat which would be sold through the applicant's butchers shop, and to renovate some of the existing buildings. Mr Blake stated that it was proposed to provide high level water storage and to pump water from the well. It was not envisaged that there would be any contamination to water.

5. Statements Relating to Application No. 09/00582/FUL – 2 to 5 Popes Leeze, East Street, Coggeshall

(i) Statement by Mrs Lyn Taylor, 72 East Street, Coggeshall

Mrs Taylor referred to earlier planning applications regarding the site and to a previous statement by the District Council that the land was agricultural, not domestic garden and that the Council would object to its use as garden land. Mrs Taylor referred also to an appeal decision and to the comments of the Inspector who had stated that the proposal would be a significant intrusion into the countryside. Mrs Taylor queried what had changed to the policy on the use of the land and she indicated that a proposed comprehensive planting scheme had not been implemented.

(ii) Statement by Mrs Samantha Washington, 5 Popes Leeze, East Street, Coggeshall (Applicant)

Mrs Washington stated that she had purchased her property on the assumption that she would be able to plant trees and shrubs to soften the outlook. Mrs Washington stated that a 2 metre height restriction would



prevent high structures being erected. Mrs Washington stated that the issue regarding the use of the land should have been resolved at the time of the planning application for the erection of the houses.

6. Statement by Dr Katy Arscott, Zerothree Care Home Ltd, Suite Three, The Exchange Court, London Road, Feering (Applicant)  
Application No. 09/00713/FUL – Imola, Lanham Green, Cressing

Dr Arscott stated that Imola provided accommodation for adults with mental disabilities who required support with independent living. Dr Arscott indicated that the property was subject to regular inspection and that it was run professionally by a regulated organisation which worked closely with Essex County Council. Dr Arscott stated that Imola was a small but very successful home, which provided an ideal location for its residents and their families.

7. Statement by Mrs Janice Sibley, 14 The Croft, Earls Colne (Applicant)  
Application No. 09/00772/FUL – 47 Atlas Road, Earls Colne

Mrs Sibley stated that the current application sought an amendment to a previously approved scheme. Mrs Sibley stated that four car parking bays were proposed and that Earls Colne Parish Council was being consulted about the removal of a street light which would enable more parking spaces to be provided.

8. Statement by Mr Peter Geraghty, 5 Avenue Road, Witham  
Application No. 09/00767/FUL – Kwik-Fit, Newland Street, Witham

Mr Geraghty stated that he had lived in Avenue Road for 15 years and that when he had purchased his property the application site was being used as a furniture store. However, since being occupied by Kwik-Fit the site had been a bad neighbour particularly with noise, disturbance and light pollution. Mr Geraghty stated that as the business operated seven days a week, 52 weeks a year there was no respite from the noise and disturbance. Mr Geraghty asked the Committee to refuse the application, but if it was to be approved he requested that the conditions which he had submitted to the Council should be imposed.