

Minutes

Planning Committee

10th June 2008



Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	Mrs M E Galione	Yes
J Baugh	Yes	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Yes
R J Bolton	Yes	Lady Newton	Yes
J C Collar	Yes	J O'Reilly-Cicconi	Yes
Mrs E Edey	Yes	Mrs J A Pell	Yes
A V E Everard	Yes	Mrs W D Scattergood (Chairman)	Yes
J H G Finbow	Yes	Mrs L Shepherd	Yes
Ms L B Flint	Yes	Mrs G A Spray	Yes
T J W Foster	Yes	R N Wilkins	Yes
Mrs B A Gage	Yes		

Councillors N R H O Harley, M C M Lager and NG McCrea were also in attendance.

24 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor J Baugh declared a personal interest in agenda item 5, the enforcement of planning control at Ridgewell Airfield, as he had spoken to one of the objectors.

Councillor R J Bolton declared a personal interest in agenda item 5, the enforcement of planning control at Ridgewell Airfield, as some of the objectors were known to him and in application 08/00702/FUL, the retention of domestic outbuildings at Sunnybank, New England Road, Birdbrook as he is a Member of Birdbrook Parish Council who had objected to the application.

Councillor J C Collar declared a personal interest in agenda item 5, the enforcement of planning control at Ridgewell Airfield, as he has flown as a glider pilot in the past.

Councillor D Mann declared a personal and prejudicial interest in Application No. 08/00548/FUL – the erection of a two-storey office block on land at Century Drive in Braintree by Greenfields Community Housing as he is a Member of Greenfields Community Housing Board and chairs its Operations Committee. Councillor Mann vacated the Council Chamber during the whole of this item and took no part in the proceedings.

Councillor Mrs J A Pell declared a personal interest in Application No. 08/00631/FUL - the construction of a vehicular access to cover the entire frontage of the property at 4 Crouch Green, Castle Hedingham - as the applicant was known to her.

Councillor N Harley declared a personal interest in agenda item 5, the enforcement of planning control at Ridgewell Airfield as the Cabinet Portfolio holder for Planning and as a number of the objectors were known to him.

Councillor M Lager declared a personal interest in application number 06/01143/OUT – the erection of 268 dwellings, business park etc at land to the south of Maltings Lane, Witham and application number 08/00789/FUL – the erection of a single storey annexe at 42 Collingwood Road, Witham - as he is a Member of Witham Town Council who had made representations on both applications.

Councillor N McCrea declared a personal interest in agenda item 5, the enforcement of planning control at Ridgewell Airfield, as he is a Member of Ashen Parish Council.

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.

25 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 29th April 2008 be approved as a correct record and signed by the Chairman.

26 QUESTION TIME

INFORMATION: There were two 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.

27 ENFORCEMENT OF PLANNING CONTROL – ESSEX GLIDING CLUB, RIDGEWELL AIRFIELD

INFORMATION: The Committee considered a comprehensive report setting out the history to Ridgewell Airfield and its use by Essex Gliding Club. The report also set out details of

- the planning permission issued by the Council in 1976 relating to a strip of land running north-east to south-west (coloured pink on the plan attached to the officer's report)
- the application refused in 1989 and the related three appeals all dismissed by the Planning Inspector in 1994
- enforcement notices issued in 2001, the first alleging operational development which was dismissed on appeal and the second relating to use of adjoining agricultural land (coloured green on the plan attached to the officer's report) for gliding which was upheld on appeal.
- Discussions in 2003 where both the Gliding Club and the Council's advisors agreed that the "green land" could be used for up to 28 days a year as it benefited from permitted development rights

David Whipps, the Council's Solicitor, advised the Committee on the above matters. He reported on the many representations made during email exchanges and public question time in which the Gliding Club claimed that they were operating entirely within the law and the planning permissions, whilst the Airfield Joint Action Group (AJAG) claimed that the Gliding Club were using land (shown blue and green on the plan) illegally.

The Chairman invited Councillors Harley and McCrea, District Councillors for Stour Valley North and Yeldham Wards respectively to come to the table. Councillor McCrea stated that nobody was against gliding and that the use of the winch was not a problem, it was the use of the tug plane which local people found very annoying. He wanted to see a negotiated settlement, but felt this would only come about if the Council took firm action by way of enforcement and prosecution and did not shy away from the cost of taking such action.

Councillor Harley endorsed the words of Councillor McCrea. In doing so he expressed concern that local people had not gone to local Councillors with their concerns. He reiterated his view that the role of District Councillors was very much to take on board concerns of local people and to act on their behalf.

In considering the matter before them, Members were not persuaded that there was evidence of a genuine agricultural use taking place on the green land. This meant that there was no permitted development rights on the green land or the blue land.

DECISION:

- (1) That officers be instructed to serve notice on the Gliding Club that the Council has taken the view that no permitted development rights exist and it intends to commence monitoring use of the land with the view to taking enforcement action should any breaches occur;
- (2) That officers be instructed to carry out negotiations with the parties involved in this long running dispute with a view to bringing about a negotiated settlement that will improve the situation for local residents and enable the Gliding Club to continue to operate effectively. That officers be instructed to report back on the outcome of these discussions within three months.

28 PLANNING APPLICATION WITHDRAWN

INFORMATION: The Committee was advised that the undermentioned planning application had been withdrawn from the Agenda.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
08/00729/FUL (WITHDRAWN)	Witham	Nusoft Trading Ltd.	Application for demolition of telephone exchange and build new two bedroom detached house, land rear of 2 Victoria Cottages, Maltings Lane.

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 Director'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>
*08/00780/FUL (APPROVED)	Belchamp St Paul	Mr B Allsup	Erection of two storey side extension and porch at front with extended roof at The Willows, Baker's Road.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00702/FUL (APPROVED)	Birdbrook	Mr Sharp	Retention of domestic outbuildings (not for habitable use) at Sunnybank, New England Road.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00714/FUL (APPROVED)	Braintree	Bowergrange Estates Ltd.	Amendment to previous approval (07/00723/FUL) – conversion of former water tower to form 7 apartments with link to former fire station converted to restaurant/lounge bar and 7 no. apartments with three further floors, front and rear extensions, incorporating balconies, roof terraces and associated works at Swan Side Water Tower and former Fire Station, Swan Side.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00631/FUL (APPROVED)	Castle Hedingham	Mr M Shelton	Construction of vehicular access to cover entire frontage of property at 4 Crouch Green.
<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00706/FUL (APPROVED)	Feering	Mr and Mrs T Bunton	Erection of single storey rear and side extension at 6 Hunt

Close.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00826/FUL (APPROVED)	Rayne	Mr S Fayyaz	Erection of replacement dwelling and outbuildings for swimming pool and garages including demolition of existing house at The Commons, School Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00745/FUL (APPROVED)	Shalford	Mr S Bacon	Replacement garage roof with velux windows, retention of garden store, retain existing access and rebuild frontage wall at Fairmead Garrets Lane.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00789/FUL (APPROVED)	Witham	Mr & Mrs G Franklin	Proposed single storey annexe at 42 Collingwood Road.

Councillor M Lager, Witham Town Councillor and District Councillor for Witham, joined the table and spoke on this application. Councillor Lager reiterated the concerns of the Town Council that this was an unsuitable backland development as this was a self-contained dwelling in the rear garden and it would be possible to sublet this property in the future.

During the vote, it was moved and seconded that this application be refused. On being put to the vote this was declared LOST 8 votes to 7. It was then moved and seconded that the application be approved, subject to the two additional conditions referred to below. The motion to approve was CARRIED on the casting vote of the Chairman.

The above application was approved subject to adding the following conditions:-

Condition 2: The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 42 Collingwood Road, Witham. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason RCOU33

Condition 3: Notwithstanding the approved plans listed above, the following elements are specifically excluded:- The materials are not approved. Details shall be submitted to and approved in writing prior to the commencement of development. Development shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority.

Reason RDES35

30 PLANNING AGREEMENTS

DECISION: That, the Heads of Terms for the Section 106 Agreement, along with the amendments to the Master Plan, be approved as set out in the Officer's report, and planning permission granted, subject to the conditions and reasons set out in the report, and as amended below and in accordance with the approved plans, 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>
*06/01143/OUT	Witham	The Landowners c/o Andrew Martin Associates	Erection of approximately 268 dwellings, B1 business park, primary school, neighbourhood centre, community facilities, open space, landscaping and ancillary infrastructure at land south of Maltings Lane.

Councillor M Lager, Witham Town Councillor and District Councillor for Witham joined the table and spoke on this application. Councillor Lager welcomed the application but expressed concern about the length of time the development was taking to get off the ground, the lack of benefits for local people, parking concerns in particular for the community facilities/church, the need to strengthen the wording, in particular the feeling that "reasonable endeavours" should be strengthened to "best endeavours", the desire for the Town Council to be involved in selecting the art project, questions about the open space being transferred to a management company, questions about who was eligible for the transport pack and questions about the investment of £690,000 for the community building.

Officers responded to the main concerns of Members of the Committee and Councillor Lager and referred to the concerns of the Bethel Christian Fellowship as outlined in their latest email dated 7th June 2008.

The Committee endorsed the application, subject to the following: -

That officers undertake discussions with Essex County Council regarding the junction requirements at Gershwin Boulevard and review whether lighting could be re-provided as part of works needed to amend the roundabout required by the Section 106 Agreement.

That officers review the conditions regarding cycle parking to ensure these are adequate to encourage cycle useage.

The following lighting informative being added:

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.

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 or, if considered appropriate by the Development Director, the imposition of a suitably worded condition to cover a financial contribution of £20,000 (index linked) towards promoting and improving the cycle/pedestrian links in the vicinity of the proposed development and considerate contractor clauses, the Development Director be authorised to grant planning permission under powers delegated to him, subject to the conditions and reasons set out in the officer's report, and as amended below, details of which are contained in the Register of Planning Applications. In the event that a suitable planning obligation (where necessary) is not provided by the target date for determining the application, the Development Director be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*08/00548/FUL (APPROVED)	Braintree	Greenfields Community Housing	Erection of two-storey office block for Greenfields Community Housing, consisting of an additional rooftop pavilion and a community facility grouped around a communal core, accommodation, stairs, lifts, wcs and reception – land at Century Drive.

The Committee approved the officer's recommendation, subject to adding the following information to applicant:

Informative 3: In seeking to discharge the external lighting scheme condition you are advised that agreement will be required to turning off car park lighting after hours to minimise light pollution and maximise energy efficiency.

Informative 4: In seeking to discharge the requirements of the landscaping condition, you are advised that the scheme should incorporate standards in order that the landscaping is quickly established and complements the development.

Informative 5: You are advised that travel arrangements should be assessed to improve the ability for people to visit the premises on public transport. In particular for people with impaired mobility who may not be able to walk from the nearest public transport interchanges. The operators of Freeport should be consulted to see whether the opportunity of extending the Freeport Bus Route to stop at the application site would be a practical option.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of Planning Services, 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).

At the close of the meeting, the Chairman advised Members that Mr Christopher Paggi would be leaving the Council in a few weeks time and this was his last meeting. On behalf of the Committee the Chairman thanked Mr Paggi for his hard work wished him the very best in his future career.

The meeting closed at 9.55pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

10TH JUNE 2008

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

Statements Relating to Enforcement of Planning Control at Ridgewell Airfield

1. Statement by Mr Tony Brook of Essex Gliding Club

Mr Brook urged Members not to commit further sums of taxpayers' money, but to opt for an option of seeking negotiation.

Mr Brook He stated that the Gliding Club was an amateur sports club with membership having dwindled to 50 members from the original 100 members when the Club was established in 1990. He referred also to the poor facilities, out of date gliders and a small bank balance as reasons why they needed help. He went on to talk about the excellent prospects offered to three 16 year old members, one of whom had already flown in national competitions.

Mr Brook summarised by stating that the Club no longer had the resources or the resolve to fight the District Council, Parish Council and AJAG any further and he urged Members to support negotiations between the parties.

2. Statement by Mr John Moxom of the Airfield Joint Action Group (AJAG)

Mr Moxom expressed the views of AJAG that the Gliding Club's operations should not be expanded beyond the 1976 permission. He believed that enforcement action was required as the Gliding Club continued to carry out unauthorised flying and it was the view of AJAG – most of its members living locally, that this unauthorised activity was very much detrimental to the amenity of local residents.

Mr Moxom and AJAG rejected the proposed option for further discussion as they felt the Gliding Club had ignored the rules so far. They had gone past the point of negotiation and he felt that any expansion would be harmful. He urged the Committee to take enforcement action and to prosecute, if necessary, to prevent further breaches of planning law.