

Minutes

Planning Committee

2nd August 2011



Present

Councillors	Present	Councillors	Present
J E Abbott	Apologies	D Mann	Yes
E Bishop	Yes (until 8.15pm)	Lady Newton	Yes
R J Bolton	Apologies	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	Yes
P Horner	Yes	G A Spray	Yes
S C Kirby	Yes		

25 DECLARATIONS OF INTEREST

The following interests were declared:

Councillor T J W Foster declared a personal and prejudicial interest in Application No. 11/00761/FUL – Lodge Bungalow, Mil Lane, Colne Engaine as he had been a personal friend of the applicant's late husband. Councillor Foster indicated that he did not wish to make a statement about this application during Question Time. Councillor Foster left the meeting whilst the application was discussed and determined.

Councillor D Mann declared a personal interest in Application No. 11/00745/FUL – 28-30 Queen Street, Castle Hedingham as one of the objectors was known to him personally.

Councillor W D Scattergood declared a personal interest in Application No. 11/00745/FUL – 28-30 Queen Street, Castle Hedingham as some of the objectors were known to her and, as a Ward Member, she knew the Chairman of the Parish Council who would be speaking on the application later in the meeting.

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.

26 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 12th July 2011 be approved as a correct record and signed by the Chairman.

27 QUESTION TIME

INFORMATION: There were eight 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.

28 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 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>
*11/00692/FUL (APPROVED)	Bures Hamlet	Master Farm Services (GB) Ltd	Continued use of premises for the assembly and distribution of mobile grain driers and compact tractors and provision of agricultural equipment support services, Master Farm Services Bures Park, Colne Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00745/FUL (APPROVED)	Castle Hedingham	Mr F Ladkin	Conversion of old "stable building" into a double garage with "Granny Annexe" over, 28-30 Queen Street.

Councillor Mrs Sonia Allfrey, Chairman of Castle Hedingham Parish Council, attended the meeting and spoke against this application on behalf of the Parish Council.

The Committee approved this application, subject to the amendment of condition no. 4 as follows:-

Amended Condition

4. The garage area shall be kept available for the parking of motor vehicles at all times. The garage area shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00669/FUL (APPROVED)	Hatfield Peverel	Mr J Farrow and Miss T Wipperman	Proposed conversion of existing bungalow to one and a half storey dwelling, Badgers Hollow, Maldon Road.

Councillor Bernie Heard of Hatfield Peverel Parish Council attended the meeting and spoke against this application on behalf of the Parish Council.

29 SECTION 106 AGREEMENTS

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00411/OUT (APPROVED)	Braintree	Jackson Land Limited	Demolition of chalet bungalow (no. 39), creation of new vehicular access onto Clare Road, layout of new road and vehicle turning area. Erection of 12 houses and garages with associated parking spaces, amenity area and landscaping, land rear of 37- 45 Clare Road.

DECISION: That, due to an administrative error in the terms of the draft Section 106 Agreement approved by the Committee on 21st June 2011 requiring the clubhouse to be provided prior to the occupation of the 6th dwelling, the resolution to grant permission be amended, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure:-

- A contribution towards primary and secondary education in line with the standard Essex County Council formulae.
- A contribution towards the provision and/or enhancement of open space within the vicinity of the site in line with a formula that will reflect the content of the Council's Adopted Open Space Supplementary Planning Document.
- A contribution of £15,000 towards highway improvements in the vicinity of the site.
- A contribution of £5,000 towards the improvement of the Flitch Way.
- Agreement to upgrade the facilities of Braintree Bowling Club prior to the occupation of the first dwelling.
- Agreement of a scheme for the maintenance of on-site open space that is not attributable to individual units.
- Agreement to considerate construction methods.

and 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 by 20th September 2011, the Development Manager be

authorised to refuse the grant of planning permission. 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>
*11/00603/FUL (APPROVED)	Braintree	Family Mosaic	Erection of a two storey detached block comprising of 4 one bedroom flats, communal garden and parking spaces for people with learning disabilities and 2 no. three bedroom bungalows suitable for wheelchair users, together with amenity space and parking, land South of 83 Tabor Avenue.

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) to secure:-

- The units being retained as affordable housing
- A contribution towards the provision and/or enhancement of open space within the vicinity of the site in line with a formula that will reflect the content of the Council's Adopted Open Space Supplementary Planning Document.
- A contribution of £4000 towards highway improvements in the vicinity of the site.

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, the Development Manager be authorised to refuse the grant of planning permission. Details of this planning application are contained in the Register of Planning Applications.

30 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning applications be refused for the reasons contained in the Development Manager's report. 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>
*11/00773/FUL (REFUSED)	Alphamstone	Lord James Abinger	Erection of garden storage building, Upper Goulds Barn, Goulds Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*11/00761/FUL (REFUSED)	Colne Engaine	Ann Clarke	Demolition of existing bungalow and replacement with one and a half storey dwelling, Lodge Bungalow, Mill Lane.

31 PLANNING APPEAL DECISIONS – JUNE 2011

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

DECISION: That the report be noted.

Urgent Item

The Chairman agreed to consider an urgent item of business in Private Session in order to inform Members about a possible legal challenge against the Council and to request the Committee to determine whether a planning application should be reconsidered.

EXCLUSION OF PUBLIC AND PRESS

DECISION: That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6(b) of Part 1 of Schedule 12 (A) of the Act.

Although the following item was taken in Private Session the Minutes do not contain any confidential information and are therefore admissible in the public domain.

Urgent Item

32 MONITORING OFFICER REPORT – APPLICATION NOS. 11/00157/FUL AND 11/00158/CON - 62-66 EAST STREET, COGGESHALL

INFORMATION: Consideration was given to a report by Mrs S Lowe, the Council's Monitoring Officer.

Mrs Lowe, Mr D Whipps of Holmes and Hills Solicitors (the Council's legal representative for planning matters) and Mrs T Lambert, Development Manager, attended the meeting and gave advice to the Committee.

Members were reminded that on 21st June 2011 the Planning Committee had considered planning applications 11/00157/FUL and 11/00158/CON and had resolved to grant planning consent, subject to a Section 106 Agreement, and conservation area consent for the demolition of existing commercial workshop buildings and the redevelopment for a retail store, car parking and new access at 62-66 East Street, Coggeshall.

On 4th July 2011, the Council had received a complaint raising a number of concerns in relation to the information provided to Members and the process followed at the Planning Committee meeting. In particular, the Committee report had not addressed the impact of the development upon ecology and protected species. Additionally, the report had not stated that part of the application site was outside the village envelope. The complaint was being dealt with under Stage 1 of the Council's complaints procedure.

However, Members were advised that the Monitoring Officer had a duty to submit a statutory report where a decision made by a Committee had given rise to, or was likely to, or would give rise to a contravention of any enactment, or rule of law, or maladministration. The failure to take into account all material considerations exposed the Council to very high risks of judicial challenge and, having acknowledged its error, the Council was obliged to rectify that error and to meet its general duty to act reasonably.

DECISION: That no decision notices be issued until the planning applications 11/00157/FUL and 11/00158/CON have been reconsidered by the Planning Committee.

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 9.33pm.

W D SCATTERGOOD

(Chairman)

APPENDIX
PLANNING COMMITTEE
2ND AUGUST 2011
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Application No. 11/00411/OUT - Land rear of 37- 45 Clare Road, Braintree
 - (i) Statement by Mr Mark Plummer, 1 Woodfield Road, Witham (Applicant)
2. Statements Relating to Application No. 11/00692/FUL – Master Farm Services, Bures Park, Colne Road, Bures Hamlet
 - (i) Statement by Mr Charles Hopkins, Bakers Hall, Colne Road, Bures (Objector)
 - (ii) Statement by Mr Paul Roberts, Butlers Farm, Colne Road, Bures (Objector)
 - (iii) Statement by Mr Ray Ricks, Boyer Planning Ltd, 49 North Hill, Colchester (Agent)
3. Statement Relating to Application No. 11/00761/FUL – Lodge Bungalow, Mill Lane, Colne Engaine
 - (i) Statement by Mrs Ann Clarke, Wefan House, 39 West Street, Coggeshall (Applicant)
4. Statements Relating to Application No. 11/00669/FUL – Badgers Hollow, Maldon Road, Hatfield Peverel
 - (i) Statement by Mr Graham Bushby, The Hollies, Maldon Road, Hatfield Peverel (Objector)
 - (ii) Statement by Mr John Farrow, Badgers Hollow, Maldon Road, Hatfield Peverel (Applicant)
 - (iii) Statement by Mr Stephen Jeffrey, Stephen Jeffrey Architects, 26 High Street, Kelvedon (Agent)