

# Minutes

## Planning Committee

18<sup>th</sup> December 2012



### Present

| Councillors  | Present            | Councillors                | Present   |
|--------------|--------------------|----------------------------|-----------|
| J E Abbott   | Yes                | D Mann                     | Yes       |
| P R Barlow   | Yes (until 9.10pm) | Lady Newton                | Apologies |
| E Bishop     | Yes                | J O'Reilly-Cicconi         | Yes       |
| R J Bolton   | Apologies          | R Ramage                   | Yes       |
| C A Cadman   | Yes                | W D Scattergood (Chairman) | Yes       |
| T J W Foster | Yes                | L Shepherd                 | Yes       |
| P Horner     | Yes                | G A Spray                  | Apologies |
| S C Kirby    | Yes                |                            |           |

Councillor J C Beavis and Councillor H D Johnson were also in attendance.

### 98 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor Foster declared a non-pecuniary interest in Application No. 12/01320/FUL - Willow Land, Maldon Road, Kelvedon as he lived near to the site; his wife had submitted an objection to the application; and he had expressed a view against the application. Councillor Foster left the meeting whilst this application was discussed and determined.

Councillor Kirby declared a disclosable pecuniary interest in Application Nos. 12/01425/FUL - Garages at Allectus Way, Witham and 12/01426/FUL - Garages at King Edward Way, Witham as the applicant held an account with his business. Councillor Kirby left the meeting whilst these applications were discussed and determined.

Councillor D Mann declared a non-pecuniary interest in Application Nos. 12/01425/FUL - Garages at Allectus Way, Witham and 12/01426/FUL - Garages at King Edward Way, Witham as a Member of Greenfields Community Housing's Board of Directors. Councillor Mann left the meeting whilst these applications were discussed and determined.

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.

99 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 4<sup>th</sup> December 2012 be approved as a correct record and signed by the Chairman.

100 QUESTION TIME

**INFORMATION:** There were seven 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.

101 TREE PRESERVATION ORDER NO. 21/2012 – 17 BROAD ROAD, BRAINTREE

**INFORMATION:** Consideration was given to a report on Tree Preservation Order No. 21/2012, which related to a Poplar tree and a Silver Birch tree located in the front garden of 17 Broad Road, Braintree. Objections to the making of the Order had been submitted by the owner of the site and the occupiers of neighbouring properties.

The Tree Preservation Order had been served in August 2012 following an assessment of the trees, which had shown that the making of an Order was appropriate.

**DECISION:** That Tree Preservation Order No. 21/2012 relating to 17 Broad Road, Braintree be confirmed.

102 TREE PRESERVATION ORDER NO. 33/2010 – APPLICATION TO FELL A TREE, LAND FRONTING 9 AJAX CLOSE, BRAINTREE

**INFORMATION:** Consideration was given to a report regarding an application made by Braintree District Council under Section 198 of the Town and Country Planning Act 1990 to fell a Lime tree subject to Tree Preservation Order No. 33/2010 (T1).

The tree was situated within an amenity green space fronting 9 Ajax Close, Braintree which was owned and maintained by the District Council. The application to fell the Lime tree had been made as the tree had been identified as the cause of subsidence at a neighbouring residential property.

As the application had been made by the District Council, the Constitution required that it be determined by the Planning Committee. The application had been considered by an Essex County Council Tree Officer who had recommended granting consent subject to conditions.

**DECISION:** That the application be approved and consent granted to fell a Lime tree subject to Tree Preservation Order No. 33/2010 (T1) on land fronting 9 Ajax Close, Braintree, subject to the conditions and advisory notes set out in the Agenda report and subject to Condition No. 3 being amended to read:-

3. By giving 5 working days notice of intent to carry out the works.

**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>  |
|-----------------------------|--------------------|---------------------|--|
| *12/01177/FUL<br>(APPROVED) | Wickham St<br>Paul | Mrs E Lambert       | Erection of a permanent agricultural workers dwelling, Scriveners Field, Old Road. |

The Committee approved this application, subject to the following conditions:-

Conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 The occupation of the dwelling hereby permitted shall be limited to persons wholly or mainly employed or last employed, locally in agriculture as defined by section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him (but including a widow or a widower of such a person).
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 5 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-  
Monday to Friday 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sundays, Bank Holidays and Public Holidays - no work
- 6 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.
- 7 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
8. The existing mobile home on the site shall be removed from the site within one month of the completion and occupation of the development hereby granted planning permission.

### Reason for the Decision

- 1 The proposed development would not have an adverse effect on the rural character or appearance of the area, highway safety or on the amenity of occupiers of nearby residential properties and is in accordance with the above policies in the Development Plan.

*The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.*

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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>   |
|-----------------------------|------------------------|-------------------------------------|--|
| *12/01425/FUL<br>(APPROVED) | Witham                 | Greenfields<br>Community<br>Housing | Demolition of three garages and development of 11 no. car parking spaces with associated hard standing, Garages at Allectus Way. |

The Committee approved this application, subject to the amendment of Condition No. 3 and an additional Information to Applicant as follows:-

### Amended Condition

3. 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 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.

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.

### Additional Information to Applicant

2. Further to Condition No. 4 of this permission, the applicant is advised to consider the use of LED lights, flat to ground, at zero tilt.

| <b><u>Plan No.</u></b>      | <b><u>Location</u></b> | <b><u>Applicant(s)</u></b>          | <b><u>Proposed Development</u></b>  |
|-----------------------------|------------------------|-------------------------------------|---|
| *12/01426/FUL<br>(APPROVED) | Witham                 | Greenfields<br>Community<br>Housing | Development of 10 car parking spaces with associated hard standing, Garages at King Edward Way. |

The Committee approved this application, subject to the amendment of Condition No. 3 as follows:-

**Amended Condition**

3. 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 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.

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.

## 104 **PLANNING APPLICATIONS REFUSED**

**DECISION:** That the undermentioned planning applications be refused for the reasons contained in the Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

| <b><u>Plan No.</u></b>     | <b><u>Location</u></b> | <b><u>Applicant(s)</u></b> | <b><u>Proposed Development</u></b>  |
|----------------------------|------------------------|----------------------------|---|
| *12/01329/FUL<br>(REFUSED) | Great<br>Maplestead    | Mr C Gagen                 | Continuation of permission for siting of temporary mobile home for farm worker's residential use, The Treehouse, Hulls Mill Lane. |

Councillors J C Beavis and H D Johnson, District Councillors for Hedingham and Maplestead Ward, and Councillor P Schwier, representing Great Maplestead Parish Council, spoke in support of this application.

| <u>Plan No.</u>            | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u>   |
|----------------------------|-----------------|---------------------|---|
| *12/01320/FUL<br>(REFUSED) | Kelvedon        | Mr L Haltof         | Proposed siting of two steel storage containers for the purpose of working forestry land, Willow Land, Maldon Road. |

#### 105 PLANNING AND ENFORCEMENT APPEAL DECISIONS – NOVEMBER 2012

**INFORMATION:** Consideration was given to a report, for information, on planning and enforcement appeal decisions received during November 2012. 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 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).

At the close of the meeting, the Chairman wished everyone a Merry Christmas and a Happy New Year.

The meeting closed at 9.20pm.

W D Scattergood

(Chairman)

APPENDIX  
PLANNING COMMITTEE  
18<sup>th</sup> DECEMBER 2012  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 12/01329/FUL - The Treehouse, Hulls Mill Lane, Great Maplestead
  - (i) Statement by Mr John Cunningham, Meersbrook, Toppesfield Close, Hadleigh, Ipswich (Supporter)
  - (ii) Statement by Mr Chris Gagen, Hulls Mill Farm, Great Maplestead (Applicant)
2. Statement Relating to Application No. 12/01320/FUL - Willow Land, Maldon Road, Kelvedon

Statement by Mr Leo Haltof, 257 Mundon Road, Maldon (Applicant)
3. Statements Relating to Application No. 12/01177/FUL - Scriveners Field, Old Road, Wickham St Paul
  - (i) Statement by Mr Martin Cooper, Brickwall Farm, Park Road, Wickham St Paul (Supporter)
  - (ii) Statement by Miss Anita Kittle, Orchard View, Spring Gardens Road, Chappel (Agent)
4. Statement Relating to Application No. 12/01425/FUL - Garages at Allectus Way, Witham

Statement by Mr Jason Page, for Greenfields Community Housing, Greenfields House, Charter Way, Braintree (Applicant)
5. Statement Relating to Application No. 12/01426/FUL - Garages at King Edward Way, Witham

Statement by Mr Jason Page, for Greenfields Community Housing, Greenfields House, Charter Way, Braintree (Applicant)