

# Minutes

## Planning Committee

1st April 2014

Present



Councillors	Present	Councillors	Present
J E Abbott	Yes	S C Kirby	Yes
P R Barlow	Yes	D Mann	Yes
E Bishop	Apologies	Lady Newton	Yes
R J Bolton	Apologies	J O'Reilly-Cicconi	Yes
L B Bowers-Flint	Yes	R Ramage	No
C A Cadman	Yes	L Shepherd	Yes
T J W Foster (Chairman)	Yes	G A Spray	Yes
P Horner	Yes		

### 109 DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor J E Abbott declared a non-pecuniary interest in Application No. 13/01466/FUL - Picturesque, 40 Newland Street, Witham as he was an Ordinary Member of Witham and Countryside Society who had submitted representations about the application.

Councillor P R Barlow declared a non-pecuniary interest in Application No. 13/01466/FUL - Picturesque, 40 Newland Street, Witham as he was an Ordinary Member of Witham and Countryside Society who had submitted representations about the application.

Councillor L B Bowers-Flint declared a non-pecuniary interest in Application No. 13/01466/FUL - Picturesque, 40 Newland Street, Witham as her employer was in dispute with the applicant. Councillor Bowers-Flint left the meeting whilst this application was discussed and determined.

Councillor C A Cadman declared a non-pecuniary interest in Application No. 14/00091/FUL - Specks Farm, Cooks Green Lane, Lamarsh as Mr R Erith, who was speaking during Question Time in support of the application, was known to him.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 13/01461/FUL - Heathlands Development, land to the West of Mill Park Drive, Braintree as the Cabinet Member for Planning and Property with responsibility for affordable housing. Councillor Lady Newton declared a non-pecuniary interest also in Application No. 14/00091/FUL - Specks Farm, Cooks Green Lane, Lamarsh as Mr

R Erith, who was speaking during Question Time in support of the application, was known to her.

Councillor J P L P O'Reilly-Cicconi declared a non-pecuniary interest in Application No. 14/00091/FUL - Specks Farm, Cooks Green Lane, Lamarsh as Mr R Erith, who was speaking during Question Time in support of the application, was known to him.

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.

#### 110 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 4th March 2014 be approved as a correct record and signed by the Chairman.

#### 111 QUESTION TIME

**INFORMATION:** There were six 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.

#### 112 PLANNING APPLICATION WITHDRAWN FROM THE AGENDA

**INFORMATION:** The Chairman reported that Witham Town Council had withdrawn its objection to the undermentioned planning application. In the circumstances, the application had been withdrawn from the Agenda and it would be determined by the Development Manager under delegated powers.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*14/00073/FUL (WITHDRAWN)	Witham	Mr & Mrs Lins-e-silva	Erection of two storey extension and alterations, 6 Maple Drive.

#### 113 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. 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>
*13/01316/LBC (APPROVED)	Finchingfield	Mr D Balcombe	Site clearance of fire damaged listed building and erection of replacement house. Conversion of outbuildings to 3 dwellings and erection of two garages with associated landscaping, Cottons Farm, Sculpins Lane.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/01466/FUL (APPROVED)	Witham	CM Rent & Sales	Change of use from A1 retail to A2 estate agent office, Picturesque, 40 Newland Street.

#### 114 SECTION 106 AGREEMENTS

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/01461/FUL (APPROVED)	Braintree	Bellway Homes Limited	Amendment to previously approved application 07/00985/FUL for the re-siting and elevation changes to 74 no. previously approved dwellings, to include 12 no. affordable units, with associated access, cycleway, landscaping and public open space, Heathlands Development, land to the West of Mill Park Drive.

**DECISION:** That, subject to the applicant entering into a suitable supplemental legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) by 30<sup>th</sup> April 2014 to cover the following additional matters:

- The mix, tenure and plot numbers for the 12 affordable housing units which remain to be built;
- An education contribution of £12,511.00 towards primary school places and £12,671.00 towards secondary school places.

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 the aforementioned date the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies. Details of this planning application are contained in the Register of Planning Applications.

(Note: This agreement will be supplemental to the Section 106 agreement which accompanies the earlier planning permission. The applicant is bound by all of the provisions set out in the earlier agreement, which includes the provision of public open space).

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/01315/FUL (APPROVED)	Finchingfield	Mr D Balcombe	Site clearance of fire damaged listed building and erection of replacement house. Conversion of outbuildings to 3 dwellings and erection of two garages with associated landscaping, Cottons Farm, Sculpins 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 four months of the date of this decision to cover the following matters:

- A financial contribution towards public open space;
- A financial contribution towards affordable housing if any of the converted barns are sold for a figure above the agreed base value within a period between the grant of planning permission and a date five years after the completion of the conversion of each barn.

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 the aforementioned date the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies. Details of this planning application are contained in the Register of Planning Applications.

#### 115 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>
*14/00091/FUL (REFUSED)	Lamarsh	Mr and Mrs J Raven	Demolition of existing bungalow and erection of one and a half storey dwelling with detached double garage, Specks Farm, Cooks Green Lane.

#### 116 PLANNING AND ENFORCEMENT APPEAL DECISIONS – FEBRUARY 2014

**INFORMATION:** Consideration was given to a report, for information, on planning and enforcement appeal decisions received during February 2014. The report included a summary of each case and a précis of the decision.

**DECISION:** That the report be noted.

#### 117 PLANNING PRACTICE GUIDANCE

**INFORMATION:** Consideration was given to a report for information on a review of Planning Practice Guidance.

Members were advised that following the introduction of the National Planning Policy Framework (NPPF), the Government had initiated a review of Planning Practice Guidance. The review had concluded that Practice Guidance could be significantly streamlined and that benefits could be achieved by making it more accessible to all users of the planning system. The Department for Communities and Local Government had launched the finalised Planning Practice Guidance on 6<sup>th</sup> March 2014.

The new web-based format meant that all relevant Practice Guidance was available in one place with links from it to relevant legislation and the related sections of the NPPF. The Guidance was also in a format which was easier to review and update. Future reports to the Planning Committee would identify any Planning Practice Guidance that was pertinent to the consideration of an application and, if appropriate, the full text of the Guidance would be included in the report.

**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).

The meeting closed at 8.53pm.

T J W FOSTER

(Chairman)

APPENDIX  
PLANNING COMMITTEE  
1ST APRIL 2014  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Application No. 13/01461/FUL - Heathlands Development, Land to the West of Mill Park Drive, Braintree  
  
Statement by Mr David Fletcher, Strutt & Parker, Coval Hall, Chelmsford (Agent)
- 2 Statement Relating to Application Nos. 13/01315/FUL and 13/01316/LBC - Cottons Farm, Sculpins Lane, Finchingfield  
  
Statement by Mr David Balcombe, DB Design, 97 Shrub End Road, Colchester (Applicant)
- 3 Statements Relating to Application No. 14 00091 FUL - Specks Farm, Cooks Green Lane, Lamarsh
  - (i) Statement by Mr Robert Erith, Shrubs Farm, Lamarsh (Supporter)
  - (ii) Statement by Mrs Elizabeth Raven, 25 Maltings Close, Bures (Applicant)
- 4 Statements Relating to Application No. 13/01466/FUL - Picturesque, 40 Newland Street, Witham
  - (i) Statement by Mr Paul Ryland, WitLet Limited, 10 Guithavon Street, Witham (Objector)
  - (ii) Statement by Mr Michael Saville, CM Rent & Sales, Freeport Office Village, Century Drive, Braintree (Applicant)