

Minutes

Planning Committee

22nd October 2013

Present



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

65 DECLARATIONS OF INTEREST

The following interests were declared:-

All Councillors declared a non-pecuniary interest in Application No. 13/00992/FUL - 32 Courtauld Road, Braintree as the applicant was a relative of a fellow District Councillor.

Councillor L B Bowers-Flint declared a non-pecuniary interest in Application No. 13/00922/FUL - Old Woodyard, Southey Green, Sible Hedingham as Mr M Kingdom, who spoke during Question Time, was known to her as a business man in Great Dunmow.

Councillor D Mann declared a non-pecuniary interest in Application No. 13/01002/FUL - land rear of 39 - 41 Broad Road, Braintree as a number of the objectors were known to him.

Councillor Lady Newton declared a non-pecuniary interest in Item No. 6 Deferred Application - Subject to Appeal (Application No. 13/00277/OUT - Eckard House, Easton Road, Witham) as the Cabinet Member for Planning and Property with responsibility for the management of the Council's assets.

Councillor J P L P O'Reilly-Cicconi declared an Other Pecuniary Interest in Item No. 6 Deferred Application - Subject to Appeal (Application No. 13/00277/OUT - Eckard House, Easton Road, Witham) as the Deputy Cabinet Member for Planning and Property with responsibility for the management of the Council's assets. Councillor O'Reilly-Cicconi left the meeting whilst this application was discussed and determined.

Councillor R Ramage declared a non-pecuniary interest in Application No. 13/01002/FUL - land rear of 39 - 41 Broad Road, Braintree as some of the objectors were 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 respective applications/item were considered.

66 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 8th October 2013 be approved as a correct record and signed by the Chairman.

67 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.

68 PLANNING APPLICATIONS APPROVED

Planning Application Nos. 13/00992/FUL - 32 Courtauld Road, Braintree and 13/00685/FUL - Toad Hall, Colchester Road, White Colne were determined en bloc.

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>
*13/00992/FUL (APPROVED)	Braintree	Mr and Mrs M McKee	Demolition of existing side extension and erection of two storey rear extension and single storey side extension, 32 Courtauld Road.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/00685/FUL (APPROVED)	White Colne	Mr G Smith	Erection of two storey front and single storey rear and side extensions, erection of replacement garaging and store, Toad Hall, Colchester

69 SECTION 106 AGREEMENT

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*13/01002/FUL (APPROVED)	Braintree	Mr and Mrs Allen	Erection of two dwellings, land rear of 39 - 41 Broad Road.

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 a financial contribution of £4,361.37 towards the provision and/or enhancement of open space within 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, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed by the statutory date for the determination of the application (30th October 2013), the Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the following additional Condition and Information to Applicant:-

Additional Condition

15. Any removal of trees and shrubs shall be undertaken outside of the nesting season (the months of March to August inclusive) unless otherwise specified within an approved ecological report.

Information to Applicant

1. (IN40) Please note that in accordance with Government legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £25 for householder applications and £85 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
2. (ISGN34) In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the Local Planning

70 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>
*13/00922/FUL (REFUSED)	Sible Hedingham	Mr G Smith	Change of use from all commercial to part residential use, Old Woodyard, Southey Green.

71 DEFERRED APPLICATION SUBJECT TO APPEAL – ECKARD HOUSE, EASTON ROAD, WITHAM

INFORMATION: Members were reminded that on 2nd July 2013 the Planning Committee had considered Application No. 13/00277/OUT for the erection of nine residential units and off-street car parking at Eckard House, Easton Road, Witham.

The application had been deferred at the 2nd July 2013 meeting pending the Council's approval of the Pre-Submission Draft Local Development Framework Site Allocations and Development Management Plan on 29th July 2013. However, this matter had subsequently been delayed until the Council meeting of 23rd September 2013 and, in consultation with the applicant's agent, it had been agreed to further defer determination of the planning application. On 23rd September 2013, the Council had approved the Pre-Submission Draft document including the allocation of land at Eckard House for use as a car park. The draft document would be subject to further public consultation before being submitted for examination in public by an independent planning Inspector in 2014.

On 3rd October 2013, the applicant had submitted an appeal for non-determination against the Local Planning Authority's failure to determine the application within the requisite time period. As an appeal had been lodged, the Local Planning Authority could not now determine the planning application. However, in order to present a case to the Planning Inspectorate, the Local Planning Authority was required to consider its position had it been able to determine the application.

In discussing this item, Members of the Committee recognised that Easton Road and the area around Witham railway station was an extremely busy area of the town, particularly at peak times and they highlighted the need for a comprehensive traffic study to be carried out.

DECISION: That, had the Planning Committee been in a position to determine Application No. 13/00277/OUT for the erection of nine residential units and off-street

car parking at Eckard House, Easton Road, Witham, it would have been minded to refuse the application for the reasons set out in the Officer's report (Appendix A, page 114).

72 PLANNING AND ENFORCEMENT APPEAL DECISIONS – SEPTEMBER 2013

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during September 2013. 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).

The meeting closed at 8.28pm.

T J W FOSTER

(Chairman)

APPENDIX
PLANNING COMMITTEE
22ND OCTOBER 2013
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 13/01002/FUL - Land rear of 39 - 41 Broad Road, Braintree
 - (i) Statement by Mrs Jenny Woolliams, 7 Highfield Close, Braintree (Objector)
 - (ii) Statement by Mrs Glynis Youles, 9 Highfield Close, Braintree (Objector)
 - (iii) Statement by Mrs Jane Wheeler, 1 Highfield Close, Braintree (Objector)

- 2 Statements Relating to Application No. 13/00922/FUL - Old Woodyard, Southey Green, Sible Hedingham
 - (i) Statement by Mrs Margaret Lewis, Pevors Farm, Southey Green, Sible Hedingham (Supporter)
 - (ii) Statement by Mr Mike Kingdom, c/o Elmsett Engineering, 32 Alexandra Road, Sible Hedingham (Supporter and Valuer)
 - (iii) Statement by Mr Graham Smith, Elmsett Engineering, 32 Alexandra Road, Sible Hedingham (Applicant)