Minutes



Planning Committee

16th April 2013

Present

Councillors	Present	Councillors	Present
J E Abbott	Yes (from 7.20pm)	D Mann	Yes
P R Barlow	Yes (until 8.55pm)	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	Yes
S C Kirby	Apologies		

151 DECLARATIONS OF INTEREST

The following interests were declared;-

Councillor P R Barlow declared a non-pecuniary interest in:-

Application Nos. 13/00181/FUL and 13/00182/LBC - Oastwood, Petches Bridge, Finchingfield as the applicant's agent was known to him as he was a former employee of Braintree District Council.

Application Nos. 13/00012/FUL and 13/00013/LBC - Bushett Farm, Oxen End. Great Bardfield as Mr A Hayward, the tenant farmer, who spoke during Question Time was known to him.

Application No. 13/00166/FUL - West Cottage, Poole Street, Great Yeldham as the applicant's agent was known to him as he was a former employee of Braintree District Council.

Councillor E Bishop declared a non-pecuniary interest in Application No. Application Nos. 13/00181/FUL and 13/00182/LBC - Oastwood, Petches Bridge, Finchingfield as the applicant's agent was known to him as he was a former employee of Braintree District Council.

Councillor P Horner declared a non-pecuniary interest in Application Nos. 13/00012/FUL and 13/00013/LBC - Bushett Farm, Oxen End, Great Bardfield as Mr A Hayward, the tenant farmer, who spoke during Question Time was known to him.

Councillor Mann declared a non-pecuniary interest in:-

Application No. 13/00047/FUL - Garage Site, Ronald Road, Halstead as a Member of Greenfields Community Housing's Board of Directors. Councillor Mann left the meeting whilst this application was discussed and determined.

Application Nos. 13/00181/FUL and 13/00182/LBC - Oastwood, Petches Bridge, Finchingfield as the applicant's agent was known to him as he was a former employee of Braintree District Council.

Application No. 13/00166/FUL - West Cottage, Poole Street, Great Yeldham as the applicant's agent was known to him as he was a former employee of Braintree District Council.

Councillor R Ramage declared a non-pecuniary interest in Application Nos. 13/00012/FUL and13/00013/LBC - Bushett Farm, Oxen End, Great Bardfield as Mr A Hayward, the tenant farmer, who spoke during Question Time was known to him.

Councillor G A Spray declared a non-pecuniary interest in Application Nos. 13/00012/FUL and 13/00013/LBC - Bushett Farm, Oxen End, Great Bardfield as Mr A Hayward, the tenant farmer, who spoke during Question Time was known to her.

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.

152 <u>MINUTES</u>

DECISION: That the Minutes of the meeting of the Planning Committee held on 2nd April 2013 be approved as a correct record and signed by the Chairman.

153 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.

154 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 these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	Location	<u>Applicant(s</u>)	Proposed Development
*13/00181/FUL (APPROVED)	Finchingfield	Mrs P O'Leary	Replacement single storey rear conservatory extension with lean-to extension and replacement of the front upvc door with timber door and replacement of two front elevation upvc casement windows with timber casement windows. Replacement of part tile roof with thatch, Oastwood, Petches Bridge.

The Committee approved this application, subject to the following Conditions and Reason:-

- 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 Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

- The rooflights within the roof slope of the single storey rear extension hereby approved.

Reason for the Decision

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.

<u>Plan No.</u>	Location	<u>Applicant(s</u>)	Proposed Development
*13/00182/LBC (APPROVED)	Finchingfield	Mrs P O'Leary	Replacement single storey rear conservatory extension with lean-to extension and replacement of the front upvc

door with timber door and replacement of two front elevation upvc casement windows with timber casement windows. Replacement of part tile roof with thatch, Oastwood, Petches Bridge.

The Committee approved this application, subject to the following Conditions, Reason and Information to Applicant:-

- 1 The works hereby permitted shall be begun on or before the expiration of three years beginning with the date of this consent.
- 2 The works hereby permitted shall be carried out in accordance with the approved plans listed above.
- 3 Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

- The rooflights within the roof slope of the single storey rear extension hereby approved.

- 4 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority.
- 5 Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- 6 Works shall not be commenced until additional drawings at scales between 1:20 and 1:1 as appropriate have been submitted and approved in writing by the Local Planning Authority that show the following details:

(1) The junction between the proposed thatched roof and the roof of the proposed single storey rear extension;

(2) The junction between the proposed single storey rear extension and the existing single storey rear lean-to extension.

Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason for the Decision

The proposed works do not harm the architectural and historic value of this listed building and are in accordance with the above policies in the Development Plan.

Information to Applicant

Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

<u>Plan No.</u>	Location	<u>Applicant(s</u>)	Proposed Development
*13/00013/LBC (APPROVED)	Great Bardfield	Mrs Rachel Buckingham- Howard	Repair and restoration of listed barn and conversion of traditional buildings to form two new dwellings in addition to three new build residential units. Demolition and dismantling of existing farm buildings with re-erection of equipment storage and erection of new grain store and associated service apron. All with associated landscaping and infrastructure works, Bushett Farm, Oxen End.
<u>Plan No.</u>	Location	<u>Applicant(s</u>)	Proposed Development
*13/00166/FUL (APPROVED)	Great Yeldham	Mr G Tyndall	Demolition of existing dwelling/outbuildings and erection of replacement two storey dwelling and detached garage/store building, West Cottage, Poole Street.

Councillor Iona Parker, District Councillor for Yeldham Ward, attended the meeting and spoke in support of this application.

The Committee approved this application, subject to the following Conditions, Reason and Information to Applicant:-

- 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 existing building known as West Cottage and the outbuildings marked for demolition on Plan J477D5 shall be completely demolished not later than three months from the date of the first occupation of the development hereby granted planning permission. All materials resulting from the demolition shall be removed from the site.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and reenacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Class A, B, C, D, E & F of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
- 5 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority.
- 6 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 areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

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.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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.

- 7 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- 8 Prior to the occupation of the development hereby permitted the redundant stretch of vehicular crossover / dropped kerb shown on the site layout plan shall be removed and the kerb reinstated to full height as approved in writing by the Local Planning Authority.
- 9 Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
- 10 Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing details of the proposed vehicular access into the site, including details of the width of the access and the visibility splays that will be achieved. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
- 11 The development shall not be occupied until the car parking area indicated on the approved plans has been surfaced and made available for use. The car parking area shall be retained in this form at all times.
- 12 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-

(a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction

(b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development

(c) measures for the long term energy efficiency of the building(s), and renewable energy resources

(d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

(e) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

- 13 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.
- 14 No burning of refuse, waste materials or vegetation shall be undertaken in

connection with the site clearance or construction of the development.

15 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

16 The development shall be carried out in accordance with the recommendations set out in the approved Tree Survey, Arboricultural Impact Assessment and Method Statement dated January 2013 carried out by Mel Crow Associates Ltd.

Reason for the Decision

The proposed development would not have a greater impact or be more intrusive in the landscape than the original dwelling that it will replace and as a result will not have an adverse effect on the rural character or appearance of the area, highway safety or on the amenity of occupiers of residential properties in the surrounding area and is in accordance with the above policies in the Development Plan.

Information to Applicant

- 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 £28 for householder applications and £97 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 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2008." A copy can be viewed on the Council's web site www.braintree.gov.uk, at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.
- 4 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including

obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation -Statutory Obligations)

- 5 No works should be commenced within the highway, including rights of way, without the prior approval of the Area Highway Manager, at E.C.C Highways and Transportation Dept., Mid Area 2 Beaufort Road, New Dukes Industrial Park, Chelmsford, Essex CM2 6PS (01245 240000).
- 6 In respect of Condition 12 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.
- 7 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 Authority prior to the formal submission of details.

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.

It was moved and seconded that this application be Refused, but on being put to the vote the Motion was declared <u>LOST</u>.

<u>Plan No.</u>	Location	<u>Applicant(s</u>)	Proposed Development
*13/00141/FUL (APPROVED)	Stisted	Mr Mark Robinson	Construction of a horse-walker and exercise arena, Kentishes Farm, Kentish Farm Road.

155 SECTION 106 AGREEMENTS

<u>Plan No.</u>	Location	Applicant(s)	Proposed Development
*13/00012/FUL (APPROVED)	Great Bardfield	Mrs Rachel Buckingham- Howard	Repair and restoration of listed barn and conversion of traditional buildings to form two new dwellings in addition to three new build residential units. Demolition and dismantling of existing farm buildings with re-erection of equipment storage and erection of new grain store and associated service apron. All with associated landscaping and infrastructure works, Bushett Farm, Oxen End.
	•	applicant entering int	to a suitable legal agreement

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 ensure that development on the new build dwellings does not commence until there has been a commencement on the conversion of the barn; that the new build dwellings are not occupied until both of the barn dwellings are practically complete; and to secure an open space contribution of £11,746.14 towards the provision and enhancement of public open space, 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 31st May 2013, the Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	Location	Applicant(s)	Proposed Development
*13/00047/FUL (APPROVED)	Halstead	Greenfields Community Housing	Demolition of existing garages and erection of four affordable homes, Garage Site, Ronald 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) within two calendar months of this decision to secure an open space contribution of \pounds 6,159.63 towards the provision and enhancement of public open space, the Development Control 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

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suitable planning obligation is not agreed within the two month period, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies and the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition No. 14 and to an additional Condition as follows:-

Amended Condition

14 Prior to commencement of development, details of the proposed roof mounted solar p.v. panels shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained

Additional Condition

24 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.

<u>Plan No.</u>	Location	Applicant(s)	Proposed Development
*13/00204/FUL (APPROVED)	Kelvedon	Kingsland Property Company Ltd	Proposed demolition of existing dwelling and erection of 2 no. four bedroom cottages and landscaping, Brockwell, 30 Brockwell 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 one calendar month of this decision to secure an open space contribution of £2,506.80 towards the provision and enhancement of public open space, the Development Control 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 within the one month period, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies and the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition Nos. 10 and 18 and to an additional Condition and Information to Applicant as follows:-

Amended Conditions

- 10 Prior to occupation of either of the two dwellings the length of the public footpath / access track south west from the site access to where it joins the hardened carriageway shall be topped in a suitable material, which shall have previously been approved in writing by the Local Planning Authority, and rolled to produce a level surface. This shall be provided entirely at the Developer's expense.
- 18 The solar panels as shown on the rear elevation shall be installed, in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the dwellings and thereafter maintained only in accordance with the approved details.

Additional Condition

20 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

Additional Information to Applicant

- 5 The applicant is advised that Condition No. 10 will require a legal agreement between the applicant/developer and the Highway Authority under Section 278 of the Highways Act 1980.
- 6 The applicant is advised to liaise with occupiers of other properties served by the existing access with regards to the arrangements to be put in place to ensure that the access to those properties is not impeded during the construction of the development.

<u>Plan No.</u>	Location	<u>Applicant(s</u>)	Proposed Development
*13/00190/FUL (APPROVED)	Witham	Mr and Mrs Robert Hayward	Erection of 3 bedroomed dwelling, land adjacent to 80 Maldon 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) within four calendar months of this decision to secure an open space contribution of £1,718.94 towards the provision and enhancement of public open space, the Development Control 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 within the four month period, the Development Manager be authorised to refuse planning permission on the basis of failure to make provision in accordance with relevant policies and the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to an additional Condition and Information to Applicant as follows:-

Additional Condition

16 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.

Additional Information to Applicant

5 In the interests of minimising on-street parking and congestion, the applicant is advised that all vehicle parking/deliveries associated with the construction of the development should take place within the site (accessed from the rear) rather than on-street on Maldon Road.

156 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>	Location	Applicant(s)	Proposed Development
*13/00199/FUL (REFUSED)	Pentlow	Mr and Mrs E Chapman	Removal of all commercial storage/hardstanding from site and erection of dwelling house, re-building/restoration of out- building together with associated landscaping works, making use of existing access, Lady Nights Barn, Pentlow Lane.

157 PLANNING AND ENFORCEMENT APPEAL DECISIONS – MARCH 2013

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during March 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 10.10pm.

W D SCATTERGOOD

(Chairman)

<u>APPENDIX</u>

PLANNING COMMITTEE

16TH APRIL 2013

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1 <u>Statements Relating to Application Nos. 13/00012/FUL and</u> <u>13/00013/LBC - Bushett Farm, Oxen End, Great Bardfield</u>

- (i) Statement by Mr Tony Hayward, Littles Farm, Great Bardfield (Supporter tenant farmer)
- (ii) Mr Daniel Jones, Bidwells LLP, Bidwell House, Trumpington Road, Cambridge (Agent)
- 2 <u>Statement Relating to Application No. 13/00166/FUL West Cottage,</u> <u>Poole Street, Great Yeldham</u>

Statement by Mr Chris Loon, Springfields Planning & Development, 15 Springfields, Great Dunmow (Agent)

3 <u>Statement Relating to Application No. 13/00047/FUL - Garage Site,</u> <u>Ronald Road, Halstead</u>

Statement by Mr Andrew Collett, Ingleton Wood, 43 All Saints Green, Norwich (Agent)

- 4 <u>Statements Relating to Application No. 13/00199/FUL Lady Nights</u> <u>Barn, Pentlow Lane, Pentlow</u>
 - (i) Statement by Mr Robert Watts, The Gables, Cavendish, Sudbury, Suffolk (Supporter)
 - (ii) Statement by Mr Edward Chapman, Great Pitley Farm Cottage, Beslyns Road, Great Bardfield (Applicant)
- 5 <u>Statement Relating to Application Nos. 13/00181/FUL and</u> <u>13/00182/LBC - Oastwood, Petches Bridge, Finchingfield</u>

Statement by Mr Mark Jackson, Smart Planning Ltd, Old School House, Rettendon Turnpike, Battlesbridge, Essex (Agent)