

Minutes

Planning Committee

9th October 2012



Present

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

Councillor J A Pell was also in attendance (until 8.05pm).

70 DECLARATIONS OF INTEREST

The following interests were declared:

Councillor S C Kirby declared a non-pecuniary interest in Application No. 12/00725/FUL – Former EMD Ltd, Kings Road, Halstead as a Member of Halstead Town Council. Councillor Kirby stated that he had not taken part in the Town Council's discussion of, or decision on, the application.

Councillor Kirby declared a disclosable pecuniary interest in Application No. 12/00770/FUL – Garages at Philip Road, Witham as the applicant held an account with his business. Councillor Kirby left the meeting whilst this application was discussed and determined.

Councillor D Mann declared a non-pecuniary interest in Application No. 12/00770/FUL – Garages at Philip Road, Witham as a Member of Greenfields Community Housing's Board of Directors. Councillor Mann left the meeting whilst this application was 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.

71 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 25th September 2012 be approved as a correct record and signed by the Chairman.

72 QUESTION TIME

INFORMATION: There were four 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.

73 SECTION 106 AGREEMENTS

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/00725/FUL (APPROVED)	Halstead	Scott Properties Ltd	Demolition of existing redundant factory and sheds and erection of A1 retail store and associated parking, Former EMD Ltd, Kings 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 the monitoring and implementation of a Travel Plan; the payment of the cost of formal consideration of a residents' permit parking scheme along Kings Road; and the provision of free, customer parking spaces for two hours per visit, 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 within four months of the date of this Committee meeting, 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 amendment of Condition No. 21, an additional condition, an additional Information to Applicant, and to a term of the Section 106 Agreement being amended as follows:-

Amended Condition

21. Notwithstanding the Lighting Assessment submitted with the application, no development shall take place until additional details of degree of tilt and installation of back baffles have been submitted to and approved in writing by the local planning authority. Furthermore, the building shall not be occupied until the hours and method of operation of all the proposed lighting have been submitted to and approved in writing by the local planning authority. The scheme of lighting shall be installed and operated in accordance with the approved details only and no further lighting shall be installed thereafter without the consent in writing of the local planning authority.

Additional Condition

40. The premises shall not be open for business outside of the following hours:-

Monday to Saturday 07:00 hrs – 22:00 hrs
Sundays, Bank Holidays and Public Holidays 10.00 hrs – 16:00 hrs

Additional Information to Applicant

5. In seeking to discharge Condition 21, the applicant is advised that all lights should be 'flat to ground' and not five degrees of tilt. In addition, back baffles should be fitted to those lights around the site perimeter to avoid unnecessary spillage beyond the site, particularly in close proximity to residential properties.

Amended Section 106 Agreement Term

The availability of parking spaces free of charge to customers for two hours per visit.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*12/00770/FUL (APPROVED)	Witham	Greenfields Community Housing	Demolition of existing garage court and erection of 5 no. affordable homes with associated landscaping and parking, Garages at Philip 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 £8379.90 towards the provision of open space and sports and recreation facilities in the local area, 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 6th November 2012, the Development Manager be authorised to refuse planning permission on the basis of the failure to make provision in accordance with the relevant policy and the Open Spaces Supplementary Planning Document. Details of this planning application are contained in the Register of Planning Applications.

74 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>
*12/01021/FUL (REFUSED)	Terling	T P Meredith Building Company	Erection of 2 no. detached dwellings, Nutshell, Fairstead Road.

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 8.30pm.

Item for Information

After the close of the meeting, reference was made to an appeal by the East of England Co-Operative Society against the Council's refusal of Application No. 11/00157/FUL - demolition of existing commercial workshop buildings and redevelopment for retail store, car parking and new access at 62-66 East Street, Coggeshall.

Members were informed that the appeal decision had recently been received. The Inspector had dismissed the appeal and had approved an application by the appellant for an award of costs against the Council regarding the requirement for a retail impact assessment.

T J W FOSTER

(Vice-Chairman in the Chair)

APPENDIX

PLANNING COMMITTEE

9th OCTOBER 2012

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Application No. 12/00725/FUL – Former EMD Ltd, Kings Road, Halstead

Statement by Mr Phil Luxford, Scott Properties Ltd, Gatehouse Farm, Brightlingsea Road, Thorrington, Essex (Applicant)

2. Statements Relating to Application No. 12/01021/FUL – Nutshell, Fairstead Road, Terling

(i) Statement by Mr Colin Cutler, Twitchers, Fairstead Road, Terling (Objector)

(ii) Statement by Mr Peter Brown, c/o Croeso, Marina Road, Hatfield Peverel (for Applicant)

3. Statement Relating to Application No. 12/00770/FUL - Garages at Philip Road, Witham

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