

Minutes

Braintree Area Committee

10th January 2006



Present:

Councillors	Present	Councillors	Present
M J Banthorpe	Yes	E R Lynch	Yes
E Bishop	Yes	M Lynch	Yes
G Butland	Yes	D Mann	Yes
R Cavinder	Apologies	A F Millam (until 9.55pm)	Yes
C F Coughlan	Yes	Lady Newton	Yes
N D C Edey (Chairman)	Yes	D M Reid	Yes
W P Edwards	Yes	D E A Rice	Yes
A V E Everard	Yes	Mrs J W Schmitt	Yes
J H G Finbow	Yes	Miss M Thorogood	Yes
Ms L B Flint	Apologies	S M Walsh	Yes
M J Green	Apologies	R G Walters	Yes
R M Haslam	Yes	Ms L R Watson	Apologies
A G W Jenner	Yes	T S Wilkinson	Yes

The Chairman opened the meeting by wishing everyone a Happy New Year.

78 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

- ❖ Councillor A V E Everard declared a personal and prejudicial interest in Planning Application No. 05/02141/COU – The Recreation Ground, John Ray Street, Braintree – as he was a Trustee of AGNES. In accordance with the Code of Conduct for Members, Councillor Everard left the meeting during the consideration of this item and the relevant part of Public Question Time.
- ❖ Councillor G Butland declared:
 - a. A personal interest in Planning Application No. 05/02141/COU – The Recreation Ground, John Ray Street, Braintree - as he had met with the applicant and other Trustees of the Charity.
 - b. A personal and prejudicial interest in Planning Application No. 05/02342/COU – Community Centre Car Park, Great Notley Garden Village, Great Notley – as he lived in the vicinity. In accordance with the Code of Conduct for Members, Councillor Butland left the meeting during the consideration of this item.
- ❖ Councillor M J Banthorpe declared a personal and prejudicial interest in Planning Application No. 05/01978/FUL – 69 Clare Road, Braintree – as the applicant was known to him. In accordance with the Code of Conduct for Members, Councillor Banthorpe

remained in the meeting during the consideration of this item but took no part in the discussion or vote thereon.

- ❖ Councillor D Mann declared personal interests:
 - a. In Planning Application No. 05/02141/COU – The Recreation Ground, John Ray Street, Braintree – as his children had attended the nursery many years ago.
 - b. In Planning Application No. 05/02080/REM – Bridge Motors, Bridge House, 1 Church Street, Braintree – as an objector was known to him.
- ❖ Councillor E Lynch declared a personal interest in Planning Application No. 5/02141/COU – The Recreation Ground, John Ray Street, Braintree – as he was a Scout Leader.
- ❖ Councillor E Bishop declared a personal interest in Planning Application No. 05/02342/COU – Community Centre Car Park, Great Notley Garden Village, Great Notley – as he was the Chairman of Braintree District Scouts and his daughter was Divisional Commissioner of The Braintree Guide Movement.
- ❖ Councillor R G Walters declared:
 - a. A personal interest in Planning Application No. 5/02141/COU – The Recreation Ground, John Ray Street, Braintree – as the applicant was known to him.
 - b. A personal and prejudicial interest in Planning Application No. 05/02310/OUT – Land Rear of 36 Station Road, Braintree – as the applicant had worked for him recently and spoken about the application. In accordance with the Code of Conduct for Members, Councillor Walters left the meeting during the consideration of this item.

In accordance with the Code of Conduct, all Councillors remained at the meeting, unless stated otherwise, and took part in the discussion for all the above items and the vote thereon.

79 MINUTES

DECISION: The minutes of the meeting of the Braintree Area Committee held on 13th December 2005 were approved as a correct record and signed by the Chairman, subject to the amendment of Minute 70 – Declarations of Interest – Councillor Bishop’s declaration to read “... as he was a Trustee of Braintree Museum and 05/01661/FUL – 1 Old Fox Cottages, Church End, Shalford - ...”.

80 PUBLIC QUESTION TIME

INFORMATION: There were seven statements made, a summary of which is contained in the Appendix to these Minutes.

Any amendments to the Officers’ recommendations after having taken into account the issues raised by members of the public would be dealt with by conditions, a summary of which is contained within the appropriate minute. Full details of the decision notices are contained in the Register of Planning Applications.

81 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 Director’s report, as amended below, details of which are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/01978/FUL (APPROVED)	Braintree	Mr A Read	Erection of two storey side extension, 69 Clare Road.

The above application was approved, subject to the amendment of Condition 2 to read:
 “The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing No. AE-2126 and shall be no closer to the boundary with No. 67 Clare Road than 0.15m at the front of the extension and 0.70m at the rear of the extension.”

(Councillor Everard left the meeting during the discussion of the following item).

05/02141/COU (APPROVED)	Braintree	Jane Jansen	Proposed siting of portakabins to use as temporary nursery, The Recreation Ground, John Ray Street.
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The above application was approved, subject to the following additional Condition:
 A minimum of 10 car parking spaces shall be provided on or adjacent the site in accordance with further details to be submitted to and approved in writing by the local planning authority before this permission can take effect. These spaces shall be available for uses of the nursery at all times.

An Informative was also added as follows:

The additional information required by Condition 2 shall also include full details of the proposed staggered drop off times.

(Councillor Walters left the meeting during the discussion of the following item).

*05/02310/OUT (APPROVED)	Braintree	B James	Erection of one pair of semi detached dwellings, Land Rear of 36 Station Road.
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The above application was approved, subject to an additional Condition as follows:
 No site clearance of any vegetation, including trees and shrubs shall occur until a detailed planning application has been granted.

*05/01850/FUL (APPROVED)	Braintree	Lesley Wheeler and Bob Moss	Erection of detached carport and home office on two floors, Dragon House, 41 Bradford Street.
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The above application was approved, subject to the amendment of Condition 2 as follows:
 The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing Nos. AD/DH/101A except as follows: -
 The velux window on the west facing elevation, adjacent to the property boundary with Gresham Place is not approved.

The siting of the structure is not approved. An additional plan indicating revised siting shall be submitted to and approved in writing by the local planning authority in consultation with landscape services prior to the commencement of the development.

Foundation details shall be submitted to and approved in writing by the local planning authority in consultation with landscape services prior to the commencement of the development.

The car ports and log stores shall remain open and used solely for their respective uses.

There shall be no material alterations to the external appearance of the outbuilding without first obtaining planning permission.

Conditions were also added as follows:

7. WIN1.
8. All existing trees, shrubs and hedges within the areas marked green on the approved plans, except for the two Laburnum trees shall be retained and shall not be felled, lopped or pollarded without the previous written consent of the local planning authority. If any existing trees or shrubs (including hedges) are removed without such consent; or if any become dead or dying or seriously damaged, or diseased within a period of five 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.
9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. 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.
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.

*05/02223/FUL (APPROVED)	Braintree	Mrs K Moore	Erection of first floor side extension, 50 Notley Road.
*05/02316/FUL (APPROVED)	Braintree	Mr And Mrs B Oxford	Proposed front and side two storey extension, 38 Queenborough Lane.
*05/02132/OUT (APPROVED)	Cressing	Cressing Service Station Ltd	Erection of residential development, Cressing Service Station, Braintree Road.
*05/01269/FUL (APPROVED)	Finchingfield	Mr & Mrs A Block	Retention of mobile home for a period of 3 years to be used in association with agricultural purposes, Carriage Field, Walthams Cross.

The above application was approved, subject to the amendment of Condition 1 to read 2009 and the replacement of paragraph 1 of Condition 6 as follows:

A scheme of landscaping and site management shall be submitted to and approved in writing by the local planning authority.

An Informative was also added as follows:

With regard to Condition 6 the applicant will be required to submit a detailed site management plan to ensure a tidy and well kept site in order that the site does not prejudice the appearance of the open countryside.

*05/02272/FUL (APPROVED)	Finchingfield	Dennis & Wendy Buckman	Retrospective consent for the erection of a conservatory, 4 Bardfield Road.
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*05/02328/OUT (APPROVED)	Great Notley	L R J Developments	Erection of 4 no. detached dwellings in grounds of existing dwelling, Foxgloves, 186 London Road.
*05/02377/FUL (APPROVED)	Great Notley	Mr and Mrs Cade	Erection of single storey rear extension and loft conversion, 20 Chatsworth Avenue.

(Councillor Butland left the meeting during the discussion of the following item).

*05/02342/COU (APPROVED)	Great Notley	Angela Balcombe – Clerk	Change of use of land for stationing of 5 no. steel containers, Community Centre Car Park, Great Notley Garden Village.
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The above application was approved subject to the following Conditions:

1. This permission shall expire on 10th January 2008 and on or by that date the use of the site for the purposes of stationing of 5 no. steel containers shall be discontinued, the steel containers shall be removed and the site reinstated to its former condition in accordance with details to be submitted to and agreed in writing by the local planning authority 28 days before removal.
2. Within two months of the date of this permission, the containers shall all be painted in a unified colour to be agreed in writing with the local planning authority.

*05/01522/FUL (APPROVED)	Shalford	Mr & Mrs Williams	Erection of one dwellinghouse, Elmdale, Shalford Green Road.
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The above application was approved subject to an additional Condition as follows:

The original dwelling on the site as identified on the submitted plans shall be demolished within three months of the first occupation of the replacement dwelling to the satisfaction of the local planning authority.

82 PLANNING AGREEMENTS

DECISION: That subject to the applicants entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 containing the Heads of Terms Agreement as set out below, the Development Director be authorised to approve the following planning applications in accordance with the conditions set out in the report, and as amended below, details of which are contained in the register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/02020/FUL (APPROVED)	Braintree	Fleet First Developments Ltd	Erection of 5 new dwellings with two-storey parking at rear and associated amenity spaces, South Street Service Station, South Street.

Heads of Terms

1. A financial contribution of £20,000 for Essex County Council Highways towards highway improvements in the locality.
2. A financial contribution of £25,809 for Essex County Council Schools Service towards additional school places.
3. A financial contribution of £30,000 for the District Council Landscape Services Department in lieu of public open space.
4. Affordable Housing Provision.

The above application was approved, subject to an additional Condition as follows:-
Prior to the occupation of the development hereby permitted, full details of the proposed areas and facilities for the storage of refuse and recyclable materials within the site (including the means of access for refuse vehicles) shall be submitted to and approved in writing by the local planning authority. The facilities as approved shall be provided prior to the first occupation of the development.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/02080/REM (APPROVED)	Braintree	Parkland Developments Ltd	Demolition of existing car showroom and workshop and erection of 14 no. one and two bedroom apartments, Bridge Motors, Bridge House, 1 Church Street.

Heads of Terms

1. A financial contribution of £17,206 for Essex County Council Schools Service towards additional school places.

The above application was approved, subject to the amendment of Condition 11 – Angels to read Angles and an additional Condition as follows:

Prior to the occupation of the development hereby permitted, full details of the proposed areas and facilities for the storage of refuse and recyclable materials within the site (including the means of access for refuse vehicles) shall be submitted to and approved in writing by the local planning authority. The facilities as approved shall be provided prior to the first occupation of the development.

83 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning applications be refused under the Town and Country Planning Act 1990 for the reasons set out in the report and as amended below, of the Development Director.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/02339/OUT (REFUSED)	Shalford	Mr S Buckley	Erection of single dwelling, Fairview Cottage, Jaspers Green.

An additional reason for refusal was added as follows:

Policy T3 of the Essex and Southend on Sea Replacement Structure Plan states that inter alia new development should be designed so as to make appropriate provision for access for both people and goods by all forms of transport including passenger transport, cyclists, pedestrians and road traffic. Proposals for new development will be considered against the extent to which the development will minimize the length, duration and number of journeys; how far the development will encourage a greater proportion of journeys by modes other than car; how movement likely to be generated by the development will be properly accommodated on the surrounding transport network and how the transport needs of the development can be accommodated whilst maintaining or improving road safety and the surrounding environmental conditions for the local community.

In this case it is considered that facilities within walking distance are minimal and there is no bus service provided. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. As there is no alternative to the car, it is likely that car use will be higher than average and therefore the movements to and from the site will be significantly higher than the existing use of the site.

At 10.12pm, in accordance with paragraph 8 of Part 4 of the Constitution, it was moved, seconded and AGREED that the meeting be extended until all business had been dealt with.

At the close of the meeting, the Head of Development Control advised Members that a presentation would be given in the week commencing 30th January 2006 regarding the Council's new document imaging system. Members would have the opportunity to see how planning applications would be presented by Officers at future Area Committee meetings.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of Planning Services, Council Offices, Causeway House, Bocking End, Braintree, Essex, CM7 9HB.

(Where applications are marked * this denotes that representations were received and considered by the Committee).

The meeting closed at 10.16pm.

N D C EDEY
(Chairman)

APPENDIX

BRAINTREE AREA COMMITTEE

10th JANUARY 2006

PUBLIC QUESTION TIME

Summary of Questions Asked/Statements Made During Public Question Time

1 Statement Relating to Application No. 05/01850/FUL – Dragon House, 41 Bradford Street, Braintree

Statement by Mrs Julia Eadie, Gresham Place, Friars Lane, Bocking

Mrs Eadie stated that there was a lack of any information about her home which abutted the proposed structure. Mrs Eadie had no objection in principle to any reasonable development of a home office. She disagreed with the conclusions set out in the report and believed that the development would cause significant demonstrable harm to her living conditions. There was a gap of 5.6m between her home and the structure, however, the applicant's house was 30m from the structure. If it was sited 60cm closer, Mrs Eadie would have to apply for planning permission to extend her home. Mrs Eadie also noted that the proposed window in the gable end would face into the principle bedrooms and kitchen of her property and invade her privacy. She further pointed out that there was no protection mentioned in the report for the mature trees which allowed her some privacy from the properties in Bradford Street. Mrs Eadie considered that the structure was too large for the proposed purpose and the footprint and volume approached that of a principle dwelling. She asked the Committee to take into account the lack of balance in the officer's report and referred to her statement which she had circulated. If the Committee was minded to grant the application, Mrs Eadie requested additional Conditions with regard to removing the window facing Gresham Place and retaining the mature trees.

2 Statement Relating to Application No. 05/02223/FUL – 50 Notley Road, Braintree

Statement by Mr Bill Yates, 21 Collins Close, Braintree

Mr Yates stated that the proposed development would bring the building line up to the boundary, he already suffered from a boundary wall at the bottom of his garden. Mr Yates considered the extension would be an eyesore and an intrusion into his privacy. He was in constant dispute with the applicant regarding screening of the boundary wall. He considered that parking was already restricted and noted that the area had not been cleared of building debris. Two small trees had been destroyed due to access difficulties in the road. Mr Yates asked the Committee to take his comments into consideration when making their decision.

3 Statements relating to Application No. 05/02141/COU – Recreation Ground, John Ray Street, Braintree

(Councillor Everard left the meeting during the following statements.)

(a) Statement by Alison Bancroft, 14 Northampton Close, Braintree

Mrs Bancroft stated that St Agnes Nursery had been built many years ago and now

had 13 dedicated staff, many of whom had worked there for 20 years. The Nursery had been sited for some 40 years in Convent Lane however the Convent who owned it had decided to sell the land for housing redevelopment. The Nursery was left with two alternatives: to close or relocate. The parents and staff felt that closing the Nursery was not an option as it would be unsettling for the children and the staff would be made redundant. A.G.N.E.S. Day Nursery, a registered charity was formed and the management group sought alternative premises before the building closed permanently on 21st July 2006. Mrs Bancroft stated that if the application was refused, more pressure would be placed on other nurseries to find places for the St Agnes children.

(b) Statement by Helen Crysell, Chair, St Agnes Nursery

Mrs Crysell stated that the Nursery understood the concerns of local residents and were working to overcome them. She explained that the Nursery had 125 children registered with a maximum of 46 at each session, 8.30-12.30 and 1.00-5.00pm. There were no strict drop off and collection times thus traffic was staggered. Mrs Crysell considered there to be no more than 10 cars parked currently outside the Nursery at any one time. She noted that many people, including staff, walked to the Nursery and this would increase at the new location. Ofsted required that the Nursery be fenced in and more parking would be sought to assist both the Nursery and weekend football attendees. Mrs Crysell noted that the population of Braintree was growing fast, due partly to many new housing developments however there were not many affordable nurseries. Closing another nursery would put pressure on those remaining and remove the option for many parents of returning to work. Mrs Crysell considered that anti-social behaviour would be deterred as the area would be used, also educating the children of today would deter the vandals of tomorrow. Mrs Crysell concluded by stating that St Agnes had provided a safe and secure environment for children for 40 years and was focussed on maintaining the current staff. The average length of service was almost 9 years, 2 members of staff having served more than 20 years each.

(c) Statement/Questions by Mrs Cynthia Hutley, 1 John Ray Street, Braintree

Mrs Hutley's objections were not NIMBY but a genuine cause for concern as she considered the proposal had not been given proper consideration. She was a long term resident of John Ray Street and therefore had a greater understanding of the situation. The portakabins would be placed in an area with no road access, John Ray Street would therefore become the target of large construction vehicles. Mrs Hutley noted that by day, John Ray Street was lined both sides with residents' parked cars, together with the staff from Eley's garage vehicles and the vehicles of the constructors working on Great Bradfords House site. She noted that there was no off-street parking in the road nor garages for residents. At night, the road was lined with residents' vehicles and cars from residents of Coggeshall Road together with users of the Scout Hut. The road was too narrow for residents to have wheelie bins and a fire engine had had difficulty negotiating the road and Mrs Hutley was very concerned should an emergency occur at the Nursery. She questioned where the people attending football matches would park if portakabins occupied the space where they currently parked and also asked where would Nursery staff park. Mrs Hutley was also concerned about vandalism. The police were called to the pavilion frequently and she felt the portakabins would become another target in an area which was difficult to police because of the many entrances. Mrs Hutley hoped her concerns would be given due consideration by the Committee.

4 Statement relating to Application No. 05/02316/FUL – 38 Queenborough Lane, Braintree

Statement by Mr Brett Oxford (Applicant)

Mr Oxford stated that as a result of the Council's comments, the size of the roof to the proposed extension at the side of his property had been amended. He hoped this revision would address the reasons for refusal and that the plans would now be approved.

5 Statement relating to Application No. 05/02339/OUT – Fairview Cottage, Jaspers Green, Shalford

Statement by Joanne Buckley, 26 Clockhouse Way, Braintree

Miss Buckley began by giving her reasons for wanting to build a house on the plot. She explained that her father had been born within a mile of the site and still lived nearby. Most of the residents had lived in the village for some time and knew her family well. The land had been used for the past six years for grazing her horses, it was therefore more practical for Miss Buckley to live there rather than make frequent long round trips to tend the horses. An objection had been withdrawn following discussions between him and Miss Buckley, the neighbours would be happy to see a building on the site again. Miss Buckley noted that the previous application had been refused on design grounds and that was why this application was for outline permission only.