

Minutes

Planning Committee

25th May 2010



Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Yes
J C Collar	Yes	Lady Newton	Yes
Mrs E Edey	Yes	J O'Reilly-Cicconi	Yes
Ms L B Flint	Yes (from 7:35)	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Yes	Mrs L Shepherd	Yes
Mrs B A Gage	Apologies	Mrs G A Spray	Apologies
Mrs M E Galione	Yes		

3 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor J O'Reilly-Cicconi declared a personal and prejudicial interest in Application No. 10/00512/FUL – Simpsons Farm, Belchamp Road, Pentlow as the applicant Nigel Harley was known to him and a good friend. Councillor J O'Reilly-Cicconi left the meeting whilst this application was discussed and determined.

All other Councillors present declared a personal interest in Application No. 10/00512/FUL – Simpsons Farm, Belchamp Road, Pentlow as the applicant Nigel Harley was known to them. Members remained in the meeting whilst this application was discussed and determined.

Councillor R Bolton joined the meeting to make representations regarding Application No. 10/00340/FUL & 10/00341/LBC; Ridgewell Village Stores and declared a personal interest in both items as many 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 items were considered.

4 MINUTES

DECISION: That the minutes of the meeting held on 27th April, 10th and 11th May 2010 be approved as a correct record and signed by the Chairman.

5 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 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.

6 TREE PRESERVATION ORDER NO. TPO44A/2009 - 9 Morton Way, Halstead

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 44A/2009 to which an objection had been submitted. The Order related to a tree in the property boundary of 9 Morton Way, Halstead. The Council became aware last year of an intention to fell the tree subject to the above TPO where it abuts the adjacent St. Andrews Primary School. The tree has in the past been reduced as a result of damage incurred in the 1987 storms and the tree has recovered well since then. Previously the school took advice from County Council arboricultural experts who recommended the tree should remain but undergo further reduction. The original Order was served on Mr and Mrs Hardy (the owners) and on the neighbours as the tree overhung into their property; however they have not made a separate objection. The objection had been submitted on behalf of the owner of the property who considered that the preserved tree did not have significant visual and amenity value as it obscured roughly 50% of the garden of the property it is situated in.

DECISION: That Tree Preservation Order No. 44A/2009 in respect of 9 Morton Way, Halstead, be confirmed.

7 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 Head of District Development'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>
*10/00434/OUT (APPROVED)	Coggeshall	Mr & Mrs Julien	Application for a new planning permission to replace an extant planning permission (06/02322/OUT), in order to extend the time limit for implementation – Subdivision of existing domestic garden to provide new plot for a bungalow. Land to rear of 41A Queen Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00512/FUL (APPROVED)	Pentlow	Mr N Harley	Erection of new outbuilding including garage, cart lodge and storage facilities plus new tennis court and small changing pavilion for private use. Existing use of land is grass field for horse grazing. Simpsons Farm, Belchamp Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00340/FUL (APPROVED)	Ridgewell	Mr A Rahman	Proposed new shop entrance door and amended window openings to front elevation replacement of existing front and side elevation window frames, new roof mounted extraction system ductwork and associated raised parapet screen walls. Also to permit the use of the premises without complying with Condition 1 of planning permission 98/01259/COU, with regard to the internal layout of the unit. Ridgewell Village Stores, Mill Road.

The Committee approved this application, subject to two additional conditions as follows:-

Additional Conditions

- 2 The development hereby permitted shall be carried out in accordance with the approved plans.

6. No external lighting shall be installed at the premises without the prior written approval of the local planning authority. Any proposals for lighting shall include details of the position, design, height, levels of luminance, hours of use and energy efficiency of luminaries. The provision of any lighting shall be in accordance with the prior approved details and permanently maintained as such.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00341/LBC (APPROVED)	Ridgewell	Mr A Rahman	Proposed new shop entrance door and amended window openings to front elevation, replacement of existing front and side elevation window frames, new roof mounted extraction system ductwork and associated raised parapet screen walls. Ridgewell Village Stores, Mill Road.

Parish Councillor Rouse and Councillor Bolton joined the Committee in discussing application 10/00340/FUL and 10/00341/LBC in their capacity as Parish Councillors making representations on behalf of their constituents.

Parish Councillor Rouse acknowledged that the general store on its own is likely not sustainable and emphasised that the majority of the Parish Council comments do not concern the take-away. He expressed four concerns – firstly Shop frontage: He said the owner had modified shop frontage by installing without permission new PVC windows that were very much larger than existing windows and door. He was concerned that the current application seeks to change the frontage from new PVC to wood, but makes no attempt to consider the original design. Secondly, he disagreed with the proposal to move the kitchen and servery to a much more highly visible area. It is close to the pavement and most prominent in the conservation area and is close to the neighbouring properties, having a greater impact on their amenity. Thirdly, the application seeks to open premises everyday of the year from 7:30AM till 10:30PM. The Parish Council recommends changing the opening times to 12:30 onwards. Finally, low quality block walls that were erected without planning permission are of concern to the Parish Council. In view of the continued unauthorised work on this site the Parish Council believes that it should be a mandatory condition that any proposed signage should require advertisement consent rather than advisory consent.

Councillor Bolton believed the application should have been re-submitted as it is a material change of use and of concern to residents. He was mainly concerned by the damage it could do to the two listed cottages either side. He said that the application has been a muddle since 1998 and thought that this application by changing the internal layout is going to have a greater amenity effect on the residents of Bell Cottage. He added that it was RLP62 that gave him the greatest concern.

The Committee approved this application, subject to one additional condition as follows:-

Additional Condition

2. The works hereby permitted shall be carried out in accordance with the approved plans.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00200/FUL (APPROVED)	Ridgewell	Mr N Mascall	Erection of first floor bedroom extension. Molley Cottage, Sparks Lane.

8 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons set out in the Head of District Development's report, 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>
*10/00469/FUL & 10/00470/LBC (REFUSED)	Shalford	Mr Simon Abbas	Erection of extension and conversion of existing garage to form a gym and internal swimming pool and erection of new "cartshed" garage. The Granary, Jaspers Green.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Head of District Development, 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 9:12pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE 25th MAY 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mrs Kelly Tibble – 64 Walford Way Coggeshall, Application No. 10/00434/OUT

Mrs Tibble expressed concern that the proposed building would be sited on the border of her garden, incurring loss of privacy and sunlight. She said that the build is likely to cause devaluation to her property in the long-term; building works would cause a lot of noise and dust for up to six to eight months and cause the loss of peace and quiet in Mrs Tibble's garden and home. She questioned why planning applications such as these are accepted year after year when the people who it affects have protested time after time.

2. Statement by Mr Philip Fick – Bell Cottage, Ridgewell, Application No. 10/00340/FUL

Mr Fick was concerned that part of the proposed building to be designated for food use is on the boundary of the application site and in close proximity to Bell Cottage Garden. He said that the proposal to change the use of the building by not complying with Condition 1 of the existing permission was not publicised and opportunity to comment was not granted. He and his neighbours did not want to put up with the noise and smell everyday and opposed the installation of extract ducting. He said the peace and tranquillity of Ridgewell should not be sacrificed and the application allegedly does not provide any detail on the control of odour and noise of kitchen extract systems. He went on to say that he failed to see how anyone could assess the impact of odour and noise on the surrounding buildings without this detail. He asked the Committee to reject the application on the basis of not meeting the requirements of DEFRA, adding that privacy would be violated if the extract ducts were to be cleaned manually. He said many of the concerns raised were not raised in the report and he asked the Committee to support the Historic Buildings Advisor's view that the shop front ought to be returned to its previous state by the insertion of timber sills on either side of the entrance door.

3. Statement by Mrs Angela Fick – Bell Cottage, Ridgewell 10/00340/FUL

Mrs Fick objects to the proposed change of use to the building and to the extraction unit as it is only three feet away from her property. She said she had Multiple sclerosis and was worried by the emission of noise and disturbance which would cause stress and anxiety and that this is known to cause relapses in multiple sclerosis. She said she was extremely worried that this stress would bring about deterioration in her condition and firmly believed that she had a right to a life that is not spoilt by other people's activities. She said there is no need for a business such as this, certainly not for the amount of hours proposed especially in the heart of a small village and conservation area.

4. Statement by Mr Barry Whymark (Agent) - Ridgewell 10/00340/FUL

Mr Whymark said the proposal aimed to establish an important village facility, an essential part of the village community. He said the applicant was aware of unsanctioned building works being carried out by the previous owner. He added that the applicant has negotiated fully with planning officers and acquiesced to their demands and that it was always his intention to return the premises to their original agreed condition. He said that re-opening the Village shop can not be against the interests of the village as Mr Rahman has already invested in the property and is willing to take a considerable risk in investing further amounts of money so as to make improvements to the property. To summarise; Mr Rahman proposes to re-open the shop for the benefit of the local and wider community, rectify the unauthorised works to the building, install a modern ventilation extraction system and re-fit the kitchen for A3 use.

5. Mr Anthony Weaver (Agent) – 9D Radwinter Road Saffron Walden, 10/00200/FUL, Molly Cottage

Mr Weaver said the bungalow was outdated when originally purchased by applicant and has been refurbished extensively, provides an excellent family home close to the conservation area of Ridgewell with good accommodation space. The inadequacy of the bedroom's is its supposed downfall; the design has been amended in accordance with suggestions from the conservation officer and planning department, resulting in the latter recommending the application for approval. Approval will result in one extra bedroom and one better proportioned bedroom – given the high standard of finish in close proximity to the conservation area and the generous plot size the Parish Council's objection of overdevelopment is completely without foundation especially when Molly Cottage is compared with adjoining dwellings which are higher and have greater bulk and form.

6. Mr Richard Waite (Agent) - 34 Bridge Street, Kings Lynn, 10/00469/FUL and 10/00470/LBC

Mr Waite said his client initially approached Breckland District Council for advice and was directed to Essex County Council Historical Branch Dr. Scott. Dr Scott visited to inspect and comment prior to the application; the advice of Dr Scott of ECC then was contrary to advice received after the application was made. He claimed her opinion at the time of her visit, when the client outlined the size and scope of the application, was that the extensions being sought would not detract from the main bulk of the barn. Her view then was that the separate cartshed of this footprint and location was not inappropriate provided this was at single storey level. In his view the application is in keeping with the farm buildings ethos and that the Parish Council is sympathetic and is supporting the application. He added that the application, despite recommendations should be approved as the extension was modest, low-key, single-storey, attaches in a similar format to the present end-building and is tucked away, thereby not impinging on the main building.

7. Mr Keith Hardy – 9 Morton Way Halstead – TPO44A/2009

Mr Hardy said he was in support of felling this tree and added he also had a petition from surrounding neighbours supporting the felling of the tree – this had not been admitted to the report either. He said he had planted over thirty trees on a school site and questioned whether members had all the information that was submitted.