

# Minutes

## Planning Committee

5th January 2010



### Present

Councillors	Present	Councillors	Present
J E Abbott	Apologies	D Mann	Yes
E Bishop	Apologies	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	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Yes	Mrs L Shepherd	Apologies
Mrs B A Gage	Apologies	Mrs G A Spray	Yes
Mrs M E Galione	Yes		

Councillor R Elliston was also in attendance.

### 120 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor Mrs Edey declared a personal interest in Application No. 09/01449/FUL – Howard Hall, 36 Bocking End, Braintree as a local resident was known to her.

Councillor D Mann declared a personal interest in Application No. 09/01449/FUL – Howard Hall, 36 Bocking End, Braintree as a local resident was known to her.

Councillor Lady Newton declared a personal interest in Application No. 09/01449/FUL – Howard Hall, 36 Bocking End, Braintree as the immediate neighbouring resident to the Howard Hall was known to her.

Mr Trefor Jones, a Member of the District Council's Standards Committee, declared a personal and prejudicial interest in Application No. 09/01449/FUL – Howard Hall, 36 Bocking End, Braintree as he was employed by a car parking company and lived near to the application site. Mr Jones indicated that he wished to speak on the application during Question Time, but he left the meeting whilst the application was discussed and determined.

In accordance with the Code of Conduct Councillors remained in the meeting and took part in the discussion when the application was considered.

### 121 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 1st December 2009 be approved as a correct record and signed by the Chairman.

122 QUESTION TIME

**INFORMATION:** There were five 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.

123 PLANNING APPLICATIONS APPROVED

It was moved, seconded and agreed that planning applications 09/01435/FUL – 18 Mary Ruck Way, Black Notley; 09/01467/FUL – Morning Mist, 4 Henny Road, Lamarsh; and 09/01433/FUL – 26 St Nicholas Road, Witham contained within Part B of the Agenda be approved en bloc in accordance with the Head of District Development's recommendations.

**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>
*09/01435/FUL (APPROVED)	Black Notley	Mrs Coleman	Erection of single storey side extension for new utility room (amendment to previous approval which also included new garage - not now required), 18 Mary Ruck Way.

The Committee approved this application, subject to the first sentence of Condition No. 4 being amended to read as follows:-

Amended Condition

4. Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site and adjoining the site from damage during the carrying out of the development have been submitted to the local planning authority for approval.

---

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/1449/FUL (APPROVED)	Braintree	Total Car Park Ltd	Installation of "pay and display" machine within the grounds of the car park, Howard Hall, 36 Bocking End.

---

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01410/FUL (APPROVED)	Hatfield Peveler	Mr A Gibbs	Erection of four bedroom, double storey dwelling with two-car garage, Elmcote, London Road.

The Committee approved this application, subject to the amendment of Condition Nos. 6, 7, 8, 13 and 14 and the addition of an Information to Applicant as follows:-

Amended Conditions

6. This planning permission shall not be implemented 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.
7. This planning permission shall not be implemented until a scheme for protecting the proposed dwelling from noise from the A12 has been submitted to and approved in writing by the local planning authority in consultation with the operations director; all works which form part of the approved scheme shall be completed before any part of the development is occupied.
8. (TREE53) This planning permission shall not be implemented 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.

13. This planning permission shall not be implemented until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local

planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the implementation of this planning permission.

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

The first floor windows in the gable end on the north west elevation

Further window details showing a single window shall be submitted to and approved in writing prior to the implementation of this planning permission.

#### Additional Information to Applicant

5. (ISIGN34) 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01467/FUL (APPROVED)	Lamarsh	Mr Wayne Bragg	Demolition of existing single storey flat roofed garage and erection of new single storey pitched roofed garage with additional room to rear for storage, Morning Mist, 4 Henny Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/1433/FUL (APPROVED)	Witham	Mr & Mrs M Guest	Erection of PVCu conservatory to rear of property, 26 St Nicholas Road.

#### 124 PLANNING APPLICATION REFUSED

**DECISION:** That the undermentioned planning application be refused for the following reasons:-

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01442/FUL (REFUSED)	Hatfield Peverel	Hatfield Peverel Parish Council	Variation of condition no. 3 of planning approval 09/00782/FUL to allow Hatfield Peverel Football Club to use the MUGA pitch after dusk and to secure the pitch via CCTV and signage advising that pitch is closed after dusk to general public, The Strutt Memorial Ground, Maldon Road.

Councillor Ian Goldsmith, Chairman of Hatfield Peverel Parish Council, joined the meeting and spoke on this application on behalf of the Parish Council. Councillor Goodfellow stated that a CCTV system was to be installed at the suggestion of Braintree District Council and that the CCTV would be monitored by the Parish Council Clerk with the Police being given access to it. Councillor Goldsmith suggested that the reference to 'dusk' in the existing condition should be changed to 'sunset'. Councillor Goldsmith stated that Hatfield Peverel Football Club currently trained on Wednesday, Thursday and Friday nights from 7.00pm under floodlights and that there were no objections to this use. It was proposed that the Football Club should be able to use the MUGA under the existing floodlights on the same days from 7.00pm until 9.30pm.

Councillor Ron Elliston, District Councillor for Hatfield Peverel, joined the meeting and spoke on this application. Councillor Elliston stated that there was an on-going problem in Hatfield Peverel with anti-social behaviour and he expressed concern

about the potential impact of mis-use of the MUGA area on nearby residential properties. Councillor Elliston indicated that the Recreation Ground was mainly used during daylight hours. However, as the MUGA would restrict activity to one area, it should be secured to prevent anti- social use. Councillor Elliston requested that if the application was to be approved, use of the MUGA should be restricted to Wednesdays, Thursdays and Fridays.

#### Reasons for Refusal

The use of CCTV and signage alone would inadequately secure the MUGA, the consequences of which would likely give rise to an unacceptable loss of amenity to adjoining residential properties beyond the permitted hours of use. Such loss of amenity would result from general noise and disturbance caused by late night use by youths for purposes other than those intended for the MUGA. The proposal would therefore be contrary to Policies RLP3, RLP90 and RLP136 of the Braintree District Local Plan Review.

#### Information to Applicant

You are advised that the local planning authority raises no objection to the use of the MUGA by Hatfield Peverel Football Club on Wednesday, Thursday and Friday evenings up to 21.30 hours, or the installation of CCTV. A further application to vary Condition 3 of 09/00782/FUL will be required to enable this use beyond the currently permitted hours of 08.00 to dusk. In respect of discharging Condition 3, the local planning authority will expect the MUGA to be secured ie. locked outside its hours of use.

### 125 PLANNING APPEAL DECISIONS – NOVEMBER 2009

**INFORMATION:** Consideration was given to a report, for information, on planning appeal decisions received during November 2009. 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 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 8.25pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

5TH JANUARY 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 09/01449/FUL – Howard Hall, 36 Bocking End, Braintree

(i) Statement by Mrs Angela Comfort, High Cedars, 34 Bocking End, Braintree

Mrs Comfort stated that originally permission had been granted for the use of the land as a car park when George Yard Shopping Centre was under construction and there was a shortage of parking spaces in the town. The permission had subsequently been extended for use by Braintree District Council staff only. Mrs Comfort stated that the land had never been used as a public car park, she considered that it was not the appropriate place for such a use and that there was no need for a car park there. Mrs Comfort stated that the entrance to the car park was hidden from public view, there were no security arrangements and she expressed concern that this posed a risk to local residents. Mrs Comfort queried whether the Police had been consulted on the application.

(ii) Statement by Mr Trefor Jones, Rivelin, 41 Courtauld Road, Braintree

Mr Jones stated that whilst the application related to the installation of a pay and display machine, he was concerned about the use of the site. Mr Jones stated that the car park could be used 24 hours a day 365 days a year. Mr Jones considered that the area wasn't suitable for use by the public and he indicated that lighting was at lower than standard level. Mr Jones asked who was likely to use the car park and he questioned whether it might be used by people taking flights from Stansted Airport, in which case it would lead to night-time parking.

2. Statements Relating to Application No. 09/01442/FUL – The Strutt Memorial Ground Maldon Road, Hatfield Peverel

(i) Statement by Mr Tony French, Ramley, The Spinney, Church Road, Hatfield Peverel

Mr French stated that his property backed onto the Recreation Ground where the MUGA was situated. Mr French indicated that he supported the provision of the MUGA in principle as he considered it important to provide facilities for young people, although he would have preferred it to have been sited nearer to the Village Hall. Mr French considered that the question of whether the MUGA should be kept secure when not available for use was irrelevant as people were able to use the Recreation Ground at any time and they were

also likely to use the MUGA. Mr French considered that the main issue was whether the MUGA should be illuminated. Mr French requested that lighting should be restricted to three nights per week and, if the planning application was to be approved, the imposition of a condition stipulating no additional floodlighting, nor the re-arrangement of the existing floodlighting.

(ii) Statement by Mr George Boyd-Ratcliff, 3 Salisbury Cottages, Maldon Road, Hatfield Peverel

Mr Boyd-Ratcliff stated that he objected to the planning application and he considered that it would not be possible to keep the MUGA area secure by the use of CCTV. Mr Boyd-Ratcliff stated that his property backed on to the Recreation Ground and he indicated that there had been problems with anti-social behaviour. Mr Boyd-Ratcliff indicated that the Police had experienced difficulty in dealing with this behaviour due to the number of exits and entrances. Whilst Mr Boyd-Ratcliff objected to where the MUGA was positioned, he had welcomed the restrictions which Braintree District Council had imposed on its use. Mr Boyd-Ratcliff considered that any change to the restrictions would exacerbate problems with drug issues which existed at present.

(iii) Statement by Mrs Valerie Deal, Cantabrigia, Maldon Road, Hatfield Peverel

Mrs Deal stated that she had suffered severely over the past two to three years from anti-social behaviour and that she had had to call the Police on a number of occasions. Mrs Deal stated that there were significant problems in Hatfield Peverel with the behaviour of youths and she considered that the extended use of the MUGA would provide another place where they would be able to congregate. Mrs Deal expressed concern that there could be a serious incident as a result of objects being hurled about. Mrs Deal expressed concern about the effectiveness of the CCTV system.