

Minutes

Planning Committee

17th August 2010



Present

Councillors	Present	Councillors	Present
J E Abbott	Yes	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Yes
J C Collar	No	Lady Newton	Apologies
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	Yes
Mrs B A Gage	Yes	Mrs G A Spray	Yes
Mrs M E Galione	Apologies		

35 DECLARATIONS OF INTEREST

Councillor J M Money declared a personal interest in Application No. 10/00922/FUL and 10/00431/OUT as she was a member of Witham Town Council.

Councillor T J W Foster declared a personal interest in Application No. 10/00922/FUL due to vehicles of his company being serviced at the application site.

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

36 MINUTES

DECISION: That the minutes of the meeting held on 3rd August 2010 be approved as a correct record and signed by the Chairman.

37 QUESTION TIME

INFORMATION: There were six 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.

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>
*10/00897/FUL (APPROVED)	Sible Hedingham	Mr T Lawrence	Erection of garage to side of property, 43 Hawkwood Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00922/FUL (APPROVED)	Witham	Harris Holdings (Grays) Ltd.	Proposed mezzanine floor to Unit 4 and new additional external doors to Units 5 & 6, Wheaton Court Commercial Centre, Wheaton Road

The Committee approved this application, subject to three additional Conditions and an Informative as follows:-

Additional Conditions:

(6) All external shutters proposed shall be closed between the hours of 0600 and 0700 hours Monday-Friday.

(7): SIGN38 - Development shall not be commenced until details of the external lighting to the site including position, design, height, levels of luminance, hours of use and energy efficiency have been submitted to the local planning authority for approval. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such. No additional lighting shall be inserted at any time without the prior approval of the local planning authority.

(8): No sounding of horns from vehicles visiting the site shall take place before 0700 hours Monday-Friday, or 0800 hours Saturdays.

Informative to Applicant:

You are advised that visitors to the site should be informed that the sounding of reversing mechanisms on vehicles can be heard in the nearest residential area, and therefore that this practice should be minimised where possible, particularly in the early hours of the morning.

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 cover a contribution of £1,570.63 towards the provision of open space and sport and recreation facilities in the local area, the Development Director be authorised to grant planning permission under powers delegated to him, subject to the conditions and reasons set out in his report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed by the target date for determining this application, the Development Director be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00808/FUL	Great Maplestead	Mr J Wicks	Erection of a two storey three bedroom detached house with additional parking for no. 8, land adjacent 8 Mill lane.

The Committee approved this application, subject to an amendment to Condition 11, addition of Condition 12 and addition of an Informative to Applicant as follows:-

Amended Condition:

(11) The driveway and parking areas shall be constructed using permeable block paving on a porous base and maintained as such.

Additional Condition:

(12) The two new parking spaces for the existing dwelling shall be built, laid out and made available for use prior to the construction of the new dwelling.

Informative to Applicant:

(1) You are advised that Mill Lane is a narrow road and therefore requested to minimise any parking of contractors vehicles, etc. on Mill Lane during the period of development.

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 cover a contribution of £2,290.51 towards the provision of open space and sport and recreation facilities in the local area, the Development Director be authorised to grant planning permission under powers delegated to him, subject to the conditions and reasons set out in his report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed by the target date for determining this application, the Development Director be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00838/FUL	Shalford	Mr T Smith	Erection of 1 no. chalet style house and garage, Windyridge, Cliff Crescent.

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

Additional Condition:

(11): CON48 - 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Sundays and Bank Holidays - no work

DECISION: That, subject to the applicants entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the required contribution towards the provision or enhancement of public open space within the vicinity of the site, the Development Director be authorised to grant planning permission under powers delegated to him, subject to the conditions and reasons set out in his report. Alternatively, in the event that a suitable planning obligation is not agreed, the Development Director be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00856/FUL	Wethersfield	Mr & Mrs Simon Jennings	Change of use of "The Dog Inn" to form a single dwellinghouse and erection of bungalow at rear of car park, The Dog Inn, High Street.

40 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning application be refused for the reasons contained in the Development Director's report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00875/FUL (REFUSED)	Great Yeldham	Mr R Oliver	Erection of detached dwelling and outbuilding. Land adjoining Newcombes, Poole Street.

DECISION: That the undermentioned planning application be refused for the reasons stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00431/OUT (REFUSED)	Witham	J S Bloor (Sudbury) Ltd.	Hybrid application for detailed planning permission for 32 no. dwellings (social units) access from Carraways and outline planning permission for 73 no. dwellings (private units) accessed from Constance

Councillor Paul Heath representing Witham Town Council joined the table for this application and repeated the serious concerns of the Town Council – namely on overdevelopment. The Carraways area already suffers from serious congestion, and the nearby Anglian Water sewage works close to the proposed development raises concern, especially of sewage seeping into gardens and the general sewerage smell. On the issue of affordable housing it was considered that building a mini estate onto a development was a backward step, and putting in over 35 units of social housing will attach a stigma to it. Reference was made to nearby developments where at least a third was of affordable housing with the rest being in private property. Essentially a mix of affordable and private housing would be an ideal example to diminish the social stigma and to lessen the impact of any affordable developments. In conclusion it was considered that the development is too close to the A12 and that noise is already an issue, traffic and congestion aside. In summary, there were too many negative impacts on residential amenity and on the community as a whole, and a masterplan for the whole site was preferred. The payment of the S106 agreement money during the development process was a concern, and that more involvement from residents is required. If the development did go ahead, it was proposed that no more than 20 dwellings could be occupied before the full agreement has to occur. With regards to extra traffic an extra 200 cars was considered optimistic.

Reasons for Refusal

1. Policies RLP3, RLP62 and RLP90 of the Braintree District Local Plan Review state that planning permission will not be granted for development that could give rise to polluting emissions or harm to nearby residents including noise, smell, fumes or vibration. Government Guidance within PPG24 states that when determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider the likely level of noise exposure at the time of the application. It states that local planning authorities should determine which of the four noise exposure categories (NECs) the proposed site falls, taking account of both day and night-time noise levels. Within NEC D planning permission should normally be refused, and within NEC C planning should not normally be granted, but accepts that there are circumstances where permission should be given, for example because there are no alternative quieter sites available. The site falls partly within NEC C and no alternative quieter sites have been identified. The day time noise levels are accepted as being in NEC C. Night time noise levels have been predicted as NEC C, however, this based on measurements taken when road works were occurring on the A12 which would have affected the speed of road traffic and consequently the associated noise levels. It has not been confirmed by updated night time monitoring that the site is not within NEC D. The proposed housing development would therefore be harmful to the amenities of future occupiers of the proposed dwellings by way of an excessive exposure to significant noise disturbance from the A12 Trunk Road. As such, the proposal would be contrary to the above policies and Government Guidance.
2. Policy RLP7 of the Braintree District Local Plan Review states that new residential development should seek to achieve mixed communities. RLP5 states that in new developments of 15 dwellings or more, provision should be made for up to 30% of the total number of dwellings to be in the form of affordable housing. The Council has also adopted a supplementary planning document on affordable housing, which states that the Council

should seek an 80:20 split in affordable housing between rent and shared ownership units. The proposed development proposes 32 social rented houses within Phase 1, with no shared ownership or market housing. As such, the proposal would be contrary to the above policies and adopted Supplementary Planning Document

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 9:14PM.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

17th AUGUST 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mrs Karen Skinner – Sunday Market Site – App No. 10/00431/OUT

Mrs Skinner represented residents of Carraways and Clayshotts Drive and requested the proposed application be rejected. The need for affordable housing was acknowledged but it was believed neither the site nor the layout was appropriate. There was no guarantee of a Phase 2 completion, and it was considered that better integration could be achieved by peppering the development across and that under S33.2 a maximum number of 10 affordable homes could be grouped together. The design of the affordable homes contravenes several sections of the Local Development Plan as being out of keeping with existing developments. It was considered that the main development was at risk of not being commenced given the economic climate and peppering the units throughout the whole development would alleviate this.

Carraways as a minor access road may only serve 100 dwellings and that any further development envisaged in the planning application would contravene this. Parking and congestion is already an issue and would deteriorate further if development in its current form is permitted. Carraways will need appropriate road markings as the development would create a T junction and rights of way would have to be established.

2. Statement by Mr David Varley – Sunday Market Site - App No. 10/00431/OUT

Mr Varley advised he also spoke on behalf of local residents who wished the proposed application to be rejected. The effect on surroundings was considered dire as the sewage works cannot cope with existing waste levels, and the area already had problems with unpleasant smells and further development would deteriorate it further. The development will mean amenity loss to many people and contravene policy RLP140 and the health and development plan. Additionally, some of the developments would be sited on a flood plain. Residential amenities of Witham cannot support further housing as doctors, nurseries and schools are all oversubscribed; with existing patients being referred to a drop-in Clinic at Chelmsford or Boreham and midwifery hours fallen by a third in recent years. More housing will put excessive pressure on these resources. Local schools are also oversubscribed with some class sizes being 33 and more. ECC calculates there will be a shortfall for school places in 2014, even prior to this development. There is no full day nursery provision either and all local nurseries hold a waiting list and no provision of such amenities are proposed by the developer. Mr Varley stated that no residents of Carraways or Clayshotts Drive were invited to the consultation meeting.

3. Statement by Mrs Vicky Dennett – Sunday Market Site – App No. 10/00431/OUT

Mrs Dennett also spoke on behalf of local residents and requested rejection of the proposal as the residents had written over 110 letters of objection together with a 90 signature petition together with online petitions. Councillors were requested to listen to residents concerns and stated that whilst the land was included on the Local Development Plan it was on the condition of a noise assessment report. Mrs Dennett considered that the land was never rated satisfactory in this category therefore no development should occur. The constant A12 traffic instigated a great level of noise already even prior to any development. A nature reserve was in the close vicinity and the level of disruption caused by building works would be unacceptable to wildlife, its habitat and local residents. Mrs Dennett cited numerous other objections and concerns and asked the Committee to reject the application.

4. Statement by Mrs Georgina Challis – Sunday Market Site – App No. 10/00431/OUT

Mrs Challis introduced herself as being instructed by the residents of 42 Carraways to make representations, and focused to why the application should be refused on noise grounds alone as the development is contrary to national guidance. When setting out the application for residential development local authorities are required to determine which category of noise the residential area is in; and reports have concluded that the site falls within Category C but planning guidance states that even on such a level development should be refused with the exception of no other suitably available sites for the development are available. Mrs Challis referred to the revised noise report that recommends a bund and other mitigating measures – however, this calculation fails to take into consideration the ratings taken by the A12 when a 50MPH speed limit was in place. This situation is no longer the case. Mrs Challis considered that the visual impact of a seven metre high structure would also negatively impact on residential amenity and amount to inappropriate development which the Council has not adequately considered. Mechanical ventilation systems would also prevent residents from opening their windows as increasing noise levels would be unacceptable for living. In summary, Mrs Challis stated the application is contrary to PPG24 and should be refused. The fact that the site is allocated on the local development plan does not deter the guidance of PPG24. No subsequent tests have been taken and it was considered that the Council was in great danger of third party challenge if development was to continue.

5. Statement by Mr Will Trowse on behalf of applicant– Sunday Market Site – App No. 10/00431/OUT

Mr Trowse stated the site was allocated in the Local Plan review adopted in 2005, when the Council's own capacity study concluded it could contain up to 125 houses. A further study reduced this to approximately a 100 home development. Due to its complex nature the site has failed to obtain suitable development. At the time of initial consultation with the Council it was considered that the development plans were welcomed as the need for affordable housing had become more acute due to an increase on the Council home allocation list. Mr Trowse stated the site is dependant on the securement of grant funding and has to date secured £1.4m of funding for this development, and if the application was rejected the funding could be lost until market conditions improve. Members' attention was drawn to the increasing constraints on grant funding and of no guarantee in the future that funding will be

received. It was noted that the allocation is ringfenced until the end of 2010 afterwards it will be re-allocated to other sites within the region. Therefore, the opportunity for this development and funding should be supported.

6. Statement by Mr Alan Waight, Grove Residents' Association - Wheaton Court, Witham – App No. 10/00922/FUL

Mr Waight read from a prepared statement and advised that the proposed site is close to residential properties in Barwell Way, and was previously occupied by a wood company for office and warehousing and raised no complaints from residents. Last year, Harris Holdings, acquired the site and applied for change of use to establish a Heavy Goods Vehicle service and repair facility – to which local residents objected on grounds of increased noise and disturbance. However, planning permission was granted in October 2009.

The proposed application is to expand the facility by converting the present two bay workshop into a 5 bay workshop. The applicant is conscious of impact by increased noise disturbance and has proposed a two metre high wooden fence as a sound barrier. To demonstrate effectiveness of this barrier the applicant commissioned a BS4142 noise assessment, that displayed the current level of noise experienced by local residents is in excess of acceptable norms – and confirms residents fears about noise levels, as put forward to the earlier application.

Mr Waight considers that the resident's case meets criteria by central Government in Planning Policy Guidance Note 24 calling for special consideration, i.e. Paragraphs 10, 11, 12 and 17. It is further believed that the proposed fence will provide no barrier to the irritating, disturbing and stressful noise of the beeper whilst reversing, especially as directional sound will be heard at first floor bedroom level.

In conclusion, Mr Waight stated that expansion would compound the previous error of granting permission in October 2009 for the facility to operate at such a noise sensitive site. Therefore, Members were requested to support residents and vote against the application.

Mr Waight's final comment related to the application being in Part B of the agenda – straightforward and minor applications – when there is legitimate opposition from local residents and Witham Town Council to the proposals.