

Minutes

Planning Committee

16th February 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	Apologies
Mrs E Edey	Apologies	J O'Reilly-Cicconi	Yes
Ms L B Flint	Yes	Mrs W D Scattergood (Chairman)	Yes
T J W Foster	Apologies	Mrs L Shepherd	Yes
Mrs B A Gage	Yes	Mrs G A Spray	Apologies
Mrs M E Galione	Yes		

141 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor Mrs J M Money declared a personal interest in Application Nos. 09/01430/OUT and 09/01432/CON – Cedar House, 21A Collingwood Road, Witham as she was a Member of Witham Town Council which had considered the applications.

In accordance with the Code of Conduct Councillor Mrs Money remained in the meeting and took part in the discussion when the applications were considered.

142 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 5th January 2010 be approved as a correct record and signed by the Chairman.

143 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.

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>
*09/01665/FUL (APPROVED)	Coggeshall	Brand Developments (Essex) Ltd	Application as required by conditions 3 and 5 of application 07/01529/FUL to permit installation of 4 no. rooflights in rear roof slopes, 16 St Peters Road.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00014/FUL (APPROVED)	Gosfield	Mr & Mrs Mileham	Erection of detached double garage, West Lodge, Gosfield School, Halstead Road.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01668/FUL (APPROVED)	Rayne	Mr & Mrs David Claydon	Erection of single storey rear extension, 40 Shalford Road.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01507/FUL (APPROVED)	White Colne	Mr Stuart Ryder	Erection of detached dwelling, 7 Colne Park Road.
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The Committee approved this application, subject to the deletion of Condition No. 8.			
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/1432/CON (APPROVED)	Witham	Mr Dean Stennett (Plurimus LLP)	Demolition and replacement of dwelling at 21a Collingwood Road and erection of 3 no. detached cottages fronting Lockram Lane, layout of associated amenity areas and parking spaces, alteration to access drive and vehicular

access onto Collingwood Road and form new pedestrian access onto Lockram Lane, Cedar House, 21A Collingwood Road.

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

Additional Conditions

2. (DEM31) Demolition shall not be commenced until details of the letting of the contract for the carrying out of the works of the redevelopment of the site have been submitted to and approved in writing by the local planning authority.
3. (DEM33) In the event the existing dwelling within the application site is to be demolished it shall be completely demolished not later than three months from the date of the first occupation of the development hereby granted planning permission. All materials resulting from the demolition shall be removed from the site.

145 SECTION 106 AGREEMENTS

DECISION: That, subject to the applicant entering into a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £34,963 towards highway improvements in the local area, the Head of District Development be authorised to grant planning permission for the following development, in accordance with the conditions and reasons set out in his report, as amended below. Alternatively, in the event that a suitable planning obligation is not provided by the target date for determining this application, the Head of District Development be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01521/FUL (APPROVED)	Braintree	Cassek Ltd	Erection of 40 bed residential care home with ancillary parking, amenity space and servicing, land rear of, Leywood Close.

The Committee approved this application, subject to the amendment of Conditions 13 and 15 and the addition of two Conditions and an Information to Applicant as follows:-

Amended Conditions

13. Development shall not be commenced until a revised parking layout showing the maximum practical on site parking provision has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the revised car parking area as approved, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
15. Development shall not be commenced 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.

Additional Conditions

18. (SUS71) The development shall not be occupied until the area for bin storage indicated on the approved plans is provided. The area shall be retained and available for use as approved at all times.
19. Prior to occupation of the development a Travel Plan which shall include monitoring shall be submitted to and approved in writing by the local planning authority. The provision of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the local planning authority.

Additional Information to Applicant

1. (IN41) Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
2. (IN40) Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £25 for householder applications and £85 for all other types of application will be required for each written request.
3. (IHS40) All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2008." A copy can be viewed on the Council's web site www.braintree.gov.uk , at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.
4. (ISGN34) 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.

DECISION: That, subject to the applicant entering into a suitable planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 or, if considered appropriate the imposition of a suitably worded condition, to secure a financial contribution of £5,000 towards bus stop and pram crossing improvements within Witham, the Head of District Development be authorised to grant planning permission for the following development, in accordance with the conditions and reasons set out in his report, as amended below. Alternatively, in the event that a suitable planning obligation is not provided by the target date for determining this application, the Head of District Development be authorised to refuse the grant of planning permission.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01430/OUT (APPROVED)	Witham	Mr Dean Stennett (Plurimus LLP)	Demolition and replacement of dwelling at 21a Collingwood

Road and erection of 3 no. detached cottages fronting Lockram Lane, layout of associated amenity areas and parking spaces, alteration to access drive and vehicular access onto Collingwood Road and form new pedestrian access onto Lockram Lane, Cedar House, 21A Collingwood Road.

The Committee approved this application, subject to the amendment of Conditions 4 and 5 and the addition of four Conditions and an Information to Applicant as follows:-

Amended Conditions

4. (Original Condition replaced by TREE51) The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, the provision of at least three heavy standard size replacement trees, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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.

5. (Original Condition replaced by SUS65) Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the local planning authority:-
- (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction,
 - (b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development,
 - (c) measures for the long term energy efficiency of the building(s), and renewable energy resources,
 - (d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
 - (e) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Additional Conditions

5. (New condition 5 - subsequent Conditions re-numbered)
The development shall be carried out in accordance with Condition 4 and recommendations set out in the Arboricultural Impact Assessment dated 7th December 2009 unless otherwise agreed in writing by the local planning authority.
19. The first floor west facing window and three north facing windows on Plot 1; the two first floor north facing windows on Plot 2; the three first floor south east facing windows and the south west facing window on Plot 3; and the first floor south east facing window on Plot 4 shall be glazed with obscure glass and shall be fixed shut where so shown on the approved plans and shall be maintained in the approved form at all times.
20. (WIN31) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no additional windows, doors, rooflights, voids or openings, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans, shall be placed or formed in the walls or roof of the extension hereby permitted without first obtaining planning permission from the local planning authority.

21. (PARK31) The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Additional Information to Applicant

1. (IN41) Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
2. (IN40) Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £25 for householder applications and £85 for all other types of application will be required for each written request.
3. (IHS40) All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2008." A copy can be viewed on the Council's web site www.braintree.gov.uk , at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.
4. (ISGN34) 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.
5. In respect of the landscaping details, you are advised that the details should include details of the appointment of an Arboricultural Consultant to oversee the construction along with a programme for site inspections and the submission of monitoring reports to the developer, site manager and local planning authority.

146 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>
*09/01184/FUL (REFUSED)	Finchingfield	Mr T Block	Retrospective planning permission for the temporary siting of a mobile home for residential occupation by an agricultural worker, Carriage Field, Walthams Cross.

Reasons for Refusal

The site lies within an area where rural planning policies of restraint apply, as set out in Planning Policy Statement 1, Planning Policy Statement 7 and the Braintree District Local Plan Review (Policies RLP2, RLP78 and RLP79). These state that the countryside, including all land outside village envelopes or town development boundaries, will be protected from development and permission will not normally be given for development in the rural areas unless the proposals are related to agriculture or some other form of development which must take place in the countryside.

Paragraph 2 of Annex A of PPS7 states that it is essential that all applications for planning permission for new occupational dwellings are scrutinised thoroughly. Furthermore, paragraph 13 states that temporary permissions should not normally be given in locations where permanent dwellings would not be permitted and successive extensions to a temporary permission over a period of more than three years should not normally be granted. Annex A of Planning Policy Statement 7 and Local Plan Policies RLP12 and RLP13 relate to the provision of both permanent and temporary agricultural dwellings and set out a number of criteria which need to be satisfied.

On 25th January 2006 retrospective planning permission was granted for the 'retention of mobile home for a period of 3 years to be used in association with agricultural purposes' (05/01269/FUL). This permission expired on 10th January 2009.

In this case insufficient evidence has been submitted to demonstrate that the enterprise has been planned on a sound financial basis, there is a firm intention and ability to develop the enterprise concerned, that the application site could financially sustain a full-time agricultural wage, or fund a dwelling on a permanent basis. Therefore it is considered that the tests as set out within PPS7 and Policies RLP12 and RLP13 of the Local Plan have not been satisfied and planning permission should therefore be refused.

147 PLANNING APPEAL DECISIONS – DECEMBER 2009

INFORMATION: Consideration was given to a report, for information, on planning appeal decisions received during December 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 8.47pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

16TH FEBRUARY 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 09/01184/FUL – Carriage Field, Walthams Cross, Finchingfield

(i) Statement by Mr Richard Tattersall, Fortescues, Good Easter, Chelmsford (Agent for Mr Redman – an objector)

Mr Tattersall stated that he had been instructed to speak on behalf of Mr Redman who lived adjacent to the site. Mr Tattersall referred to the rigorous policy guidelines for new dwellings. Mr Tattersall indicated that there had been a period of 10 years for the business at Carriage Field to be established. However, Mr Tattersall stated that proper accounts had not been produced for the last eight years and only one business plan had been prepared which he considered was not necessarily accurate. Mr Tattersall considered that there was insufficient land on which to keep enough birds to make the business viable. Mr Tattersall indicated that there were various buildings and items of equipment positioned across the field and he suggested that Members of the Committee should undertake a site visit. Mr Tattersall considered that there was not a functional need for someone to be present at Carriage Field and he indicated that there were suggestions that non-agricultural activities were taking place at the site. Mr Tattersall stated that a detailed submission had not been presented and he considered that the Committee could not determine the application.

(ii) Statement by Mr Russell Forde, Smart Planning Ltd, Old School House, Rettendon Turnpike, Battlesbridge (Agent for Mr O'Leary – an objector)

Mr Forde stated that he had been instructed to speak on behalf of Mr O'Leary who lived opposite the site. Mr Forde referred to a general presumption against the grant of temporary permissions. Mr Forde stated that the applicant had failed to provide some important financial information to support the application including how the business would be funded and he considered that the proposal was unlikely to be viable. Mr Forde considered that this was not an agricultural enterprise, that there were clear policy objections to the proposal and that if planning permission was to be granted for the caravan there would be a breach of planning control.

(iii) Statement by Mr Patrick Gardner, Pauls Farm, Little Bardfield

Mr Gardner spoke in support of the planning application. Mr Gardner stated that planning permission had been granted in December 2009 for a hatchery building and work was now in progress to produce eggs and to rear chickens to be sold across the Country. Mr Gardner stated that the applicants

maintained machinery on the site during the hatching season and it was necessary to have someone at the site to supervise the enterprise.

(iv) Statement by Mrs Lucy Block, Carriage Field Farm, Walthams Cross, Finchingfield (Applicant)

Mrs Block thanked the Council's Officers and consultant for their work on this application. Mrs Block stated that she wished to retain a mobile home at the site for a period of two years which would enable her to prove that the business could be run at the site. Mrs Block stated that the hatchery building had been granted planning permission and that residential accommodation was therefore now required. Mrs Block indicated that Carriage Field was a viable site and that it was linked to operations at Pauls Farm, Little Bardfield. Mrs Block referred to a new Planning Policy Statement which supported agriculture, the rural economy and local businesses. Mrs Block stated that if the planning application was not approved her family would lose their home and her son would have to be moved from a local school. Mrs Block stated that local people had written letters in support of the proposal and she considered that the single storey dwelling would not have a significant effect on the area.

2. Statement by Mr Stewart Rowe, The Planning and Design Bureau, 45 Hart Road, Thundersley, Benfleet (Agent)
Application Nos. 09/01430/OUT and 09/01432/CON – Cedar House, 21A Collingwood Road, Witham

Mr Rowe stated that planning permission had been granted for a two-storey block of six flats with six parking spaces and access off Collingwood Road, Witham. However, it was felt that this scheme would be difficult to market at the current time and it was proposed that three bedroom houses should be built at the site instead. Mr Rowe indicated that this scheme would have a similar footprint and parking arrangements to the original proposal and it would have the same proximity to Lockram Lane, Witham. Mr Rowe stated that as the site was within a Conservation Area, the applicant had liaised with Essex County Council's Conservation Officer who did not object to the proposal. Mr Rowe stated that the design of the building was 'arts and crafts' which was a local style. Mr Rowe indicated that, as with the previous scheme, some trees would be felled, but three, heavy replacement trees would be planted. Mr Rowe stated that the proposal accorded with the Council's policy and, if approved, it would provide three family houses close to Witham town centre.

3. Statements Relating to Application No. 09/01665/FUL – 16 St Peters Road, Coggeshall

(i) Statement by Mr Stephen Ince, 15 St Peters Road, Coggeshall

Mr Ince stated that the properties had been constructed at the site higher than originally proposed and approved, despite assurances to the contrary. The properties now contained a third storey which could be utilised as bedroom space. Mr Ince indicated that a Section 106 Agreement was in place regulating the use of the properties, but it was not clear how this could be enforced. Mr Ince considered that neighbours would suffer problems as a

consequence of rooflights being installed at the properties.

(ii) Statement by Mr Stewart Rowe, The Planning and Design Bureau, 45 Hart Road, Thundersley, Benfleet (Agent)

Mr Rowe referred to the detailed history relating to the approval and construction of the dwellings on this site. Mr Rowe indicated that the properties lacked natural light and the installation of rooflights would overcome this. Mr Rowe stated that the developer had entered into a unilateral agreement which prevented the use of the second floor of the dwellings as a bedroom.