

# Minutes

## Planning Committee

3<sup>rd</sup> August 2010



### Present

Councillors	Present	Councillors	Present
J E Abbott	Apologies	D Mann	Yes
E Bishop	Yes	Mrs J M Money	Apologies
J C Collar	Yes	Lady Newton	Yes
Mrs E Edey	Yes	J O'Reilly-Cicconi	Yes
Ms L B Flint	Apologies	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	Yes		

Councillors Mrs J A Beavis and G Butland were also in attendance.

### 29 DECLARATIONS OF INTEREST

All Councillors declared a personal interest in Application No. 10/00407/REM as the Agent was a fellow Councillor and known to them.

Councillor Mrs J A Beavis declared a personal interest in Application No. 10/00770/FUL as the applicant was known to her

Councillor Mrs W D Scattergood declared a personal interest in Application No. 10/00491/FUL as the Agricultural Advisor was known to her.

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

### 30 MINUTES

**DECISION:** That the minutes of the meeting held on 6<sup>th</sup> July 2010 be approved as a correct record and signed by the Chairman.

### 31 QUESTION TIME

**INFORMATION:** There were eight 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.

32 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>
*10/00407/REM (APPROVED)	Braintree	Mr J Langley	Erection of detached dwelling, land adjacent 28 Cavendish Gardens.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00792/FUL (APPROVED)	Gosfield	Mr B Hillman-Crouch	Erection of portable store, Landmark House, Petersfield Lane.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00700/FUL (APPROVED)	Great Notley	Tesco Stores Ltd.	Application for removal or variation of a condition following grant of planning permission 08/02104/FUL – Condition No. 9, Tesco Stores Ltd, 1 The Square, Notley Green.

Councillor Graham Butland joined the table and spoke on this application in his capacity as Chairman of Great Notley Parish Council and District Councillor for Great Notley and Braintree West Ward.

Councillor Butland made reference to the site history in terms of previous planning applications and, in particular, he drew attention to the location of the service yard which was close to residential properties and to the concerns of Environmental Health Officers regarding noise issues. Councillor Butland requested that the hours specified in the proposed condition during which noise should not exceed an agreed level should be amended from 2300 and 0700 hours to 2100 and 0730 hours on Monday to Saturday and 2100 to 0900 hours on Sunday. Councillor Butland acknowledged that no complaints had been received in respect of this application for the variation of Condition 9; but that nevertheless the question was how many deliveries could be expected in future to make use of the increased storage capacity.

The Committee approved this application, subject to the variation of Condition 2 to read as follows:-

Upon the completion of the provision of the acoustic fence that was agreed under the terms of application 08/02104/FUL as amended, noise from deliveries shall not exceed 42dB LAeq, 1 hour, free-field, between 2100 and 0700 hours Monday to Saturday and 2100 and 0930 hours on Sunday, when measured at a position equivalent to first floor window height at the nearest noise sensitive dwelling. The best practice note submitted with the application shall be revised to reflect the above times and submitted to the Local Planning Authority within one month of this permission. All deliveries to the store shall be carried out in accordance with the revised best practice note unless otherwise approved in writing by the Local Planning Authority.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/0092/FUL (APPROVED)	Gosfield	Mr B Hillman-Crouch	Erection of portable store, Landmark House, Petersfield Lane.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00491/FUL (APPROVED)	Stisted	Mrs D Fulgoni	Retention of mobile home for a period of three years as a dwelling for an agricultural worker, Gulls Meadow Farm, Tumblers Green.

### 33 PLANNING APPLICATIONS REFUSED

**DECISION:** That the undermentioned planning applications be refused for the reasons set out in the Head of District Development's report, as amended below:-

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00713/FUL (REFUSED)	Bulmer	Mr R Raymond	Retrospective consent for new vehicular access over The Fox car park leading to rear of 4 Bulmer Tye, 4 Bulmer Tye.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00794/FUL (REFUSED)	Greenstead Green	Mr G Kent	Demolition of Oakleys and Riefields and erection of two replacement detached dwellings, Riefields, Burtons Green.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00770/FUL (REFUSED)	Sible Hedingham	Mr R Fuller	Retrospective consent for change of use from chicken shed to function room and external alterations, Brickwall Farm, Queen Street.

Councillor Mrs Joanne Beavis joined the table and spoke on this application in her capacity as Chairman of Sible Hedingham Parish Council and District Councillor for Hedingham and Maplestead Ward.

Councillor Mrs Beavis stated that the applicant was an experienced business man who had acted on advice given by the Council's Planning Officers that conversion of the building for functions would be acceptable provided that it was used for family events and for only a few occasions per year. Councillor Mrs Beavis sympathised with the objectors. However, the Parish Council considered that the objections could be overcome by increased planting and landscaping to avoid overlooking and the installation of double-glazed windows to prevent noise disturbance. Councillor Mrs Beavis suggested that the application should not be refused, but deferred to enable a joint meeting to take place to discuss the issues.

#### Reason for Refusal

Policy RLP11 of the Braintree District Local Plan Review states that permission will not be given for new uses which by reason of their character or appearance, or the noise, fumes, smell and traffic which they generate, will harm the character of a predominately residential area and make it a less pleasant area in which to live. In addition, PPG24 'Planning and Noise' states that "where it is not possible to site potentially noisy uses away from noise sensitive premises, consideration should be given to noise attenuation and mitigation measures".

No evidence has been submitted to demonstrate that the use of the premises for private functions will not exceed the typical background noise in the area when events are not taking place, which could result in harm to the amenity of the nearest noise sensitive development. Furthermore, the provision of a ramped access creates an elevated platform which allows for unobstructed views into the garden and private amenity area of Fircroft; this is considered to be detrimental to the occupier's amenity. It is therefore considered that the proposal is contrary to the above policies.

#### Information to Applicant

You are invited to contact the Environmental Health Officer, Mrs P Sharp on 01376 552525, to discuss the preparation of an acoustic report and/or appropriate sound mitigation measures. It is also suggested that you contact the Planning Officer, Miss S Ennos, to discuss an appropriately designed access ramp to the building.

34 PLANNING APPEAL DECISIONS – JUNE 2010

**INFORMATION:** Consideration was given to a report, for information, on planning appeal decisions received during June 2010. 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 9:14pm.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

3<sup>rd</sup> AUGUST 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Gary Hutchinson (Agent for Applicant) – Application No. 10/00700/FUL

Mr Hutchinson introduced himself as the planning consultant in respect of this application for the Tesco Great Notley store. He spoke to support the variation of Condition 9; stating that the Condition with regards to excess decibel levels needed changing in order for the service yard expansion taking place to be commercially viable. He said that mitigation measures such as an acoustic fence were to take decibel levels below 42 and it was proposed to vary Condition 9 to reflect this. Mr Hutchinson mentioned the Council's recommendation that a noise absorbing finish ought to be applied to the exterior of the service yard wall and he stated that this was being carried out.

2. Statement by Mr Stephen Jeffries (Architect for Applicant) – Application No. 10/00794/FUL

Mr Jeffries thanked the Committee for the opportunity to speak; outlining his career background and initially expressed his disappointment at the Council's stance regarding the scheme's design as he said the approach was very much in accordance with the advice previously given. Reference to the Appeal Inspector's comment regarding presence in the landscape was, he believed, erroneous in this case if one compared the singular mass of that scheme, two storeys and a roof, with these vernacular designs, one and a half and single storeys. He added that policy RLP15 should in this case be applied with a degree of flexibility given the architecturally poor and largely alien existing set of buildings on the site. He said that the central location of the house where ground levels were lowest had been determined by a thorough landscape investigation and he said that his was the correct strategy given the site location in the countryside and he refuted allegations that design plans were of poor quality and not in keeping with the locality. In summary he said these buildings would be exactly what one would expect to see in the landscape.

3. Statement by Mr Graham Kent (Applicant) – Application No. 10/00794/FUL

Mr Kent introduced himself as the applicant and joint owner of the properties in question and that he wished to speak to the Committee about the benefits of this proposal. He quoted "Braintree Means Business" and "We make a difference" in regards to the authorities approach to promoting growth and development. He said that some previous building developments of the 1970's are negative to the community due to their poor construction style and designs and recent break-in history and he said these areas created a home for social disrespect. He added that Burtons Green was an isolated hamlet, with no shops in walking distance, or decent transport links. Mr Kent said he was fortunate to be able to employ local tradesmen to carry out the works thus keeping investment within the locality of the district and

that he believed this was what was meant by 'Braintree Means Business'.

4. Statement by Mr Neal Cross (Objector) – Application No. 10/00770/FUL

Mr Cross outlined his objections, stating that his family had lived at their current residence for eight years and had enjoyed the peace and quiet of the village, until, he said, the neighbouring chicken barn was converted into a party area and said it was approximately eight inches from their fence. Mr Cross stated that the occupants of this hall would have unhindered views into his own property. He added that his property was the most negatively affected by the hall due to its proximity to the house and that none of the other neighbours had to endure the lack of privacy and noise levels that he and his family have had to. The loud noise, music and shouting he said were unbearable and the frequency of these events was increasing. To date there had been twelve events, some of which the Council might not be aware of. He referred to Sible Hedingham's community hall, saying it was perfectly adequate and an under-utilised village resource. Mr Cross also said that due to his father's ill-health his desire to reject this application was critical; but he understood the applicant's right to expand their outbuilding and their development rights and he suggested a number of other locations where such a building might be situated.

5. Statement by Mrs Jean Fuller (Applicant) – Application No. 10/00770/FUL

Mrs Fuller explained that to date there had been five functions, two of which had included music and the others were for a 90<sup>th</sup> birthday party; a quiz night for Castle Hedingham Tennis Club, and a magic evening to raise funds for Help For Heroes & the local British Legion. She said that she always wrote to organisers of any function asking them to keep the music at a reasonable volume out of respect to her neighbours and that guests were to vacate the premises by midnight and that she was personally present to enforce this.

6. Statement by Cllr Dr Ronnie Green of Sible Hedingham Parish Council – Application No. 10/00770/FUL

Cllr Dr Ronnie Green introduced himself as a resident of Sible Hedingham, explaining that he lived about a quarter of a mile away from Brickwall Farm and so could not in all fairness comment upon any noise disturbance to neighbours created by the change of use of the buildings in question. However, he added that he did have first hand knowledge of the 'excellent and valuable' recreational facilities provided by the Fullers for the benefit of the village. Cllr Green pointed out that in the last 30 years the residential population of Sible Hedingham had almost doubled and that further projects were underway to increase that population further in the near future. In contrast he said that this increase in population had not been matched by any meaningful increase in the essential need to provide facilities for local recreation and job opportunities. In conclusion he believed that the Fullers had gone some way in helping to meet that need and that the retrospective application should be supported, but he admitted that a few restrictions may be necessary to mitigate local objections.

7. Statement by Mr Matthew Carpenter (for Applicant) – Application No. 10/00713/FUL

Mr Carpenter spoke on behalf of the applicant and read out the applicant's statement: The officer describes the area as open countryside which is not strictly accurate for the subject site. Planning permission had previously been granted for a garden extension and outbuilding which is used by the family. The planning application would not encroach into the countryside and would have a positive effect. There was recognition that some residents had been disturbed by light from the

Public House and he apologised as it was not known this was a problem. Assurances were given to the Committee that this would be addressed by the proposal, but the comments of the officer were also noted that this was not sufficient justification for a refusal. In summary, it was stated that the current proposal should now address any objections made and that it translated into a positive impact on the open appearance of the countryside.

8. Statement by Mr Barry Hillman-Crouch (Applicant) – Application No. 10/00792/FUL

Mr Hillman-Crouch introduced himself as the owner and occupier of Landmark House with his wife and two children and that since constructing their house earlier this year they had nowhere to store their outside belongings. He showed the Committee a series of pictures of the house, and detailed his proposal to put up a portable store in the garden behind the fence. He said that he had spoken to neighbours who said it would not impinge on their amenity and gave brief details of the dimensions of the store which should not be able to be seen above the fence. He added he would also lower the ground level so that it would not protrude and added that planning officers were supporting this application.