

Minutes

Planning Committee

2nd February 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	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	Yes	Mrs L Shepherd	Yes
Mrs B A Gage	Yes	Mrs G A Spray	Yes
Mrs M E Galione	Yes		

132 DECLARATIONS OF INTEREST

The following declarations of interest were made:

All Councillors declared a personal interest in Application No. 09/01621/FUL – Fairy Farm, Toppesfield Road, Wethersfield as the applicant was a fellow District Councillor who was known to them.

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

133 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.

134 QUESTION TIME

INFORMATION: There were three 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.

135 TREE PRESERVATION ORDER NO. 11A/2008 – THE THREE ASHES PUBLIC HOUSE, ASHES ROAD, CRESSING

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 11A/2008 to which an objection had been submitted. The Order related to two ash trees at The Three Ashes Public House, Ashes Road, Cressing. The objection had been submitted on behalf of the owner of the property who considered that the preserved trees did not have significant visual and amenity value and that the landscape and environmental importance of the site could be better enhanced through a detailed landscape strategy.

Members were advised that planning application 08/01155/FUL had been submitted in 2008 for residential development at The Three Ashes Public House, Ashes Road, Cressing. A landscape assessment submitted with the application showed three significant trees on the site - a large Weeping Willow and two young ornamental Ash. However, the proposed layout of the site had indicated the removal of the Ash trees and the Weeping Willow had subsequently been felled. The planning application had been refused and a subsequent appeal had been dismissed with the Inspector concluding that the trees made a positive contribution to the appearance of the area.

A provisional Tree Preservation Order had been made in June 2009 to protect the Ash trees, but despite an objection being lodged by the owner's agent, he had failed to respond to correspondence and the Order had subsequently been confirmed. Following a claim by the agent that he had not received three separate pieces of correspondence, the Planning Committee had agreed on 28th April 2009 to revoke the Order and it had been re-served as No. 11A/2008.

A further planning application (09/01002/FUL) for residential development of the site had been approved and this provided for the retention of preserved tree no. T1 in situ and tree no. T2 being moved a short distance within the site. The Order required the planting of a replacement tree should tree no. T2 die after being moved.

DECISION: That Tree Preservation Order No. 11A/2008 in respect of The Three Ashes Public House, Ashes Road, Cressing be confirmed.

136 TREE PRESERVATION ORDER NO. 21/2001 – LAND ADJACENT TO HOWBRIDGE HALL ROAD, WITHAM

INFORMATION: Consideration was given to a report on an application to undertake work to a tree subject to Tree Preservation Order No. 21/2001, to which an objection had been submitted. The application related to an Oak tree (T1) on land adjacent to Howbridge Hall Road, Witham. The objection had been submitted by Witham Town Council on the grounds that insufficient information had been provided regarding the extent of the proposed reduction work to the tree.

Members were advised that agents for the owners of the tree had applied for permission to crown lift and reduce the spread of the Oak tree as part of routine maintenance.

Following an inspection, a Council Officer had assessed that the tree had two areas of decay along the trunk and evidence of crown thinning. Given the condition of the tree

and its location near to the road and an open space it was proposed that specific work should be carried out to the tree to reduce its risk of failure.

DECISION: That consent be granted for the following works to the Oak tree (T1) preserved under Tree Preservation Order No. 21/2001 on land adjacent to Howbridge Hall Road, Witham:-

- 20% crown reduction
- the removal of deadwood from the crown
- the provision of 1.5m clearance from overhead wires
- the lifting of the crown over the open space to achieve a 2.5m clearance from ground level.

137 TREE PRESERVATION ORDER NO. 9/2009 – BUTLERS WOOD, BULMER

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 9/2009 which related to Butlers Wood, Bulmer.

Members were advised that Butlers Wood, Bulmer had been subject to a Tree Preservation Order No. 19/49 which had been made by Essex County Council in 1949. However, the County Council had decided to revoke the Order, along with all other such Orders, as it wished to relinquish responsibility for their administration.

Butlers Wood was a very prominent feature in the landscape immediately to the west of the A131 Halstead to Sudbury road to the south of Bulmer. It was a remnant of ancient, semi-natural woodland, containing mainly Oak and Ash standards over Hazel coppice and it was registered in the Ancient Woodland Inventory. Following an assessment, it was considered that the woodland was still worthy of preservation and the District Council had made a new Tree Preservation Order (No. 09/2009). The Order had been served on two parties who were understood to own the woodland and they had not objected to it. However, it had subsequently been discovered that there were a further five parties who owned parcels of the woodland. In the circumstances, it was considered appropriate to revoke the Order and to re-serve it on all parties giving them all an opportunity to object.

DECISION: That Tree Preservation Order No. 09/2009 in respect of Butlers Wood, Bulmer be revoked and a new Order served on all owners of the woodland.

138 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>
*09/01630/OUT (APPROVED)	Braintree	Mr W Hardy	Erection of 1 no. dwelling, land rear of 73 Park Drive.

The Committee approved this application, subject to the amendment of Condition No. 2 and to an additional Condition as follows:-

Amended Condition

- 2 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house, as permitted by Class A, B, C or E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Additional Condition

- 14 Any windows at first floor level on the north and west elevations shall be obscure glazed and shall be maintained so at all times.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/1629/OUT (APPROVED)	Great Notley	Mr Keith Hunt	Demolition of existing bungalow and the erection of four one and a half storey houses, The Laurels, 180 London Road.

The Committee approved this application, subject to the amendment of Condition No. 12 and to the deletion of Condition No. 22 as follows:-

Amended Condition

12. The driveway and all areas of vehicle hardstanding shall be constructed using permeable block paving on a porous base and maintained as such.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01580/FUL (APPROVED)	Ridgewell	Mr A Rahman	Application for a new planning permission to replace an extant planning permission (06/02085/FUL and 06/02086/CON), in order to extend the time limit for implementation - Rebuilding of existing village shop and incorporation of attached house, Ridgewell Village Stores, Mill Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/01595/CON (APPROVED)	Ridgewell	Mr A Rahman	Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation - Rebuilding of existing village shop and incorporation of attached house, Ridgewell Village Stores, Mill Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*09/1637/FUL (APPROVED)	Sible Hedingham	Mr Trevor Lawrence	Demolition of existing single storey extension and conservatory and erection of extension to side and rear of existing property, 43 Hawkwood Road.

139 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons contained 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>
*09/01621/FUL (REFUSED)	Wethersfield	Cllr John & Mrs M A Finbow	Erection of "granny annexe" within curtilage, Fairy Farm, Toppesfield Road.

140 PRE-APPLICATION CHARGING

Consideration was given to a revised report on draft proposals for the introduction of pre-application charging.

It was noted that the principle of charging for pre-application advice on planning matters had been agreed by the Council following a review by the Scrutiny Committee's Task and Finish Group. It had been proposed that charging should be introduced in October 2009, but this had been delayed for six months in view of the effect of the recession on local businesses.

Members were advised that the Council received a number of preliminary planning enquiries, which ranged from queries about whether planning permission was required for a development, to comments on the likelihood of planning permission being granted for a proposal. These enquiries took time for Officers to assess and to respond to. In addition, a number of major and minor planning applications were processed.

Major and minor schemes were often discussed at Planning Area Surgeries held each week at Causeway House, Braintree, Witham Library and Halstead Area Office and for larger developments it was not unusual for Officers to have several meetings to discuss a proposal.

It was noted that there had been a significant increase in the number of local planning authorities charging for pre-application advice for major and minor schemes and a few examples were attached as an Appendix to the report. Local authorities were able to make a charge to cover their reasonable service cost, but could not generate a profit.

It was proposed that the Council should introduce a scheme of charging for written advice or meetings for all major and minor development proposals. The Highways and Historic Buildings Sections of Essex County Council had been consulted and had raised no objections in principle to the proposed charging. Officers would still be available at Area Surgeries to offer free advice on householder development, and any permitted development enquires would continue to be dealt with by the Duty Planner who was available at Causeway House, Braintree from 9.30am to 12.30pm on Mondays, Wednesdays and Fridays. Officers would also continue to provide advice to Parish Councils at no charge. It was proposed that the new charges should be introduced from 1st April 2010 and that the system should be subject to review in October 2010.

DECISION: That it be **Recommended to Cabinet** that the following charges be introduced for pre-application planning advice:-

	Letter	Meeting (1 hour)	Meeting (30mins)
Major Proposals	£240	£380	n/a
Minor Proposals	£100	£245	£130

(Post Meeting Note:- The Assistant Chief Executive had advised that as the introduction of charges for pre-application planning advice had already been agreed, the setting of fees did not have to be recommended to Cabinet and could be approved by Officers in accordance with the Council's Scheme of Delegation as set out in the Constitution).

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

2ND FEBRUARY 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Paul Winder, 5 Panton Mews, Braintree (statement read by Alison Webb, Member Services Officer)
Application No. 09/01630/OUT – Land rear of 73 Park Drive, Braintree

Mr Winder stated that he objected to the proposal on the grounds that the first floor windows of the proposed dwelling would be facing directly towards the bedroom windows of his property and into his garden which would not give him any privacy. Furthermore, Mr Winder expressed concern about the height of the proposed dwelling and he considered that, due to surrounding trees and other obstructions, this would block all sunlight to his house and that he would be completely overlooked. Mr Winder indicated also that the land was on a gradient and that the new dwelling would be at a higher level than his garden. Mr Winder stated that the area was already crowded and that the proposal would enclose his property making his family feel claustrophobic. Mr Winder considered that the proposal would devalue his property and he suggested that it should be reduced to a single storey, not exceeding five metres in height.

2. Statement by Mr Albert Ryde, 178 London Road, Great Notley
Application No. 09/01629/OUT – The Laurels, 180 London Road, Great Notley

Mr Ryde stated that he and his wife objected to the proposal and that, since moving to their property, a number of planning applications had been submitted for the development of adjacent land. Mr Ryde expressed concern that the proposal, if approved, would lead to overlooking, loss of privacy and have a detrimental impact on local wildlife. Mr Ryde felt that his quality of life was being put under pressure.

3. Statement by Mr John Finbow (son of applicants), c/o Mr David Sadler, Kicking Dicky, Petches Bridge, Finchingfield (Agent)
Application No. 09/01621/FUL – Fairy Farm, Toppesfield Road, Wethersfield

Mr Finbow stated that the application was for an annexe to be built in the garden of the family's current house. The applicants were taking retirement from the family farm which their son would be taking over and the annexe would provide independent living accommodation, but with family close by. Mr Finbow stated that the proposed building would be erected at the western end of the current garden where buildings had and still stood. There was also a variety of other buildings to the east. Mr Finbow considered that the proposed building had been well-designed, that it was appropriate and that it would relate well to the farm complex causing no loss of amenity or harm. It was considered that there would be no increase in traffic. Mr Finbow stated that the application was not for a new dwelling, but for an annexe which would be occupied by members of the same family residing at the farm. The applicants were willing to enter into a legal agreement to ensure that this remained so.