

Minutes

Planning Committee

11th May 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	Yes	Mrs L Shepherd	Yes
Mrs B A Gage	Yes	Mrs G A Spray	Yes
Mrs M E Galione	Yes		

161 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor Collar declared a personal interest in item 10/00305/OUT as the applicant is known to him as a Parish Councillor.

Councillor Mrs Flint declared a personal interest in item 10/00220/FUL as the applicant and objectors were known to her.

Councillor Abbott declared a personal interest in item 10/00220/FUL as he is a member of CPRE; an objecting party.

Councillor Mann declared a personal interest in item 10/00220/FUL as both the applicant and objectors were known to him.

Councillor Mrs Shepherd declared a personal interest in item 10/00220/FUL as both the applicant and objectors were known to her.

Councillors Mrs Galione declared a personal interest in item 10/00220/FUL as the applicant was known to her.

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

162 MINUTES

DECISION: That the Minutes of the meeting of the Planning Committee held on 2nd and 30th March 2010 be approved as a correct record and signed by the Chairman.

163 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.

164 PLANNING APPLICATION WITHDRAWN

INFORMATION: The Chairman reported that the undermentioned planning application had been withdrawn by the applicant.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00339/LBC & *10/00379/FUL	Kelvedon	Mr Jamie Hooper	Addition of extra storey to existing single storey rear extension, demolition of part of existing rear extension, moving of detached cottage at rear and construction of double garage attached to it. 166 High Street.

165 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</u>	<u>Proposed Development</u>
*10/00329/FUL (APPROVED)	Cressing	Mr Selami Cosar	Demolition of existing brick shed and toilet and erection of single storey rear extension, removal of existing porch and erection of new pitch roof lobby/porch with lounge extension. 34 Mill Lane.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant</u>	<u>Proposed Development</u>
10/00305/OUT (APPROVED)	Steeple Bumpstead	Mr I Westrope	Application for a new planning permission to replace an extant planning permission (07/00441/OUT), in order to extend the time limit for implementation – Erection of five dwellings with covered parking. Land to rear of 40-58 North Street.

The Committee approved this application against the Officers recommendation, on the grounds that:-

The application site is situated within the development boundary wherein the principle of development is acceptable. The proposed development is not materially different to that which was previously approved by the Local Planning Authority and any threat to flood risk is overcome by the works to Bumpstead Brook that have been undertaken by the Environment Agency and the additional works that are planned. The proposal is in accordance with the above policies in the Development Plan.

The Committee approved this application subject to the following conditions:-

Conditions

1. Approval of the details of the:-

- A) Scale of the development, and;
- B) Appearance of the development and;
- C) Landscaping of the development.

(Hereinafter referred to as “the reserved matters”) shall be obtained from the local planning authority.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision-notice.

The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.

2. The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing Numbers 4268/05/1, Flood Risk Assessment and Design and Access Statement received 1st March 2007, unless otherwise agreed in writing by the local planning authority.

3. Notwithstanding the details in the plans hereby approved, this planning permission does not convey consent for the scale and appearance of the built form indicated within drawing number 4268/05/01.

4. 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, 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 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 five 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. Prior to the commencement of development, details of screen walls/fences to all boundaries of the site and dwellings within the scheme, and the areas of recreational open space, shall be submitted to the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The screen walls/fences shall be provided in accordance with the approved details prior to the occupation of the building(s) hereby approved and shall be maintained at all times thereafter to the satisfaction of the local planning authority.

6. No development shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the local planning authority. Once approved the scheme shall only be undertaken in full accordance with the approved details.

7. No plant, machinery or power tools shall be operated in connection with the site clearance or construction of the development before 08.00 hours weekdays and Saturdays, nor after 18.00 hours weekdays and 13.00 hours Saturdays, nor at any time on Sundays and Bank Holidays.

8. No movement of heavy goods vehicles or plant shall occur to, from or within the site in connection with the site clearance or construction of the development before 07.00 hours weekdays and Saturdays, nor after 18.00 hours weekdays and 13.00 hours Saturdays, nor at any time on Sundays and Bank Holidays.

9. No burning of refuse, waste materials or vegetation shall be undertaken on the application site in connection with the site clearance or construction of the development.

10. Before any development is commenced, the written approval of the local planning authority shall be obtained in respect of detailed plans to be submitted showing cross

sections of the site indicating existing and proposed ground levels, both inside and immediately adjoining the site, and the slab and finished roof heights and levels of the dwellings and other buildings in relation to the neighbouring properties.

11. All existing trees, shrubs and hedges within the application site of whatever species shall be retained and shall not be felled, lopped or pollarded without the previous written consent of the local planning authority. If any existing trees or shrubs (including hedges) are removed without such consent; or if any become dead or dying or seriously diseased or are severely damaged, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the local planning authority.

12. No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the local planning authority in consultation with the Head of Environmental Services, and shall be adhered to throughout the construction process.

13. Prior to the commencement of the development, the applicant shall submit a scheme of measures to secure recycling of rain water and other devices to ensure the more efficient use of water within the completed buildings. Such scheme as may be agreed by the local planning authority shall be implemented prior to the occupation of each dwelling.

14. No floodlighting or other means of external lighting, including street lighting, shall be installed except in accordance with details of a illumination scheme (to include position, height, aiming points, lighting levels and a polar luminous diagram) have been submitted to and approved in writing by the local planning authority and shall be retained and implemented as approved.

15. Prior to the commencement of the development hereby approved, a dust and a mud control management scheme shall be submitted to and approved in writing by the local planning authority. Such scheme as may be agreed shall be implemented during the entirety of the construction process.

16. Prior to the commencement of the development hereby approved, details to indicate the means of storage of refuse containers, including for materials for collection for recycling shall be submitted to and approved in writing by the local planning authority. Such details as may be agreed shall be made available for use prior to the first occupation of any of the dwellings hereby approved.

17. Prior to the commencement of development a comprehensive soil survey shall be undertaken to assess the nature and extent of any contamination. The survey shall be completed in accordance with a recognised code of practice such as the British Standards Institution Code of Practice. "The Investigation of Potentially Contaminated Sites", BS 10175:2001. A copy of the survey findings and a scheme for the remediation of any contaminated land shall be submitted to the local planning authority for consideration and approval. All work shall then be carried out in accordance with the approved scheme and on completion of the works of remediation the developer shall sign a declaration which confirms that the works have been completed in accordance with the approved documents and plans.

18. All residential accommodation shall have a finished floor level of no less than 61.58m AOD.

19. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order) no enlargement, improvement or other alteration of the dwelling-house nor the provision of any building within the curtilage of the dwelling-house with the exception of one shed/building of not more than 10 cubic metres in size, as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

20. Prior to the commencement of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

21. Prior to commencement of the development hereby permitted a turning space of a design to be agreed in writing by the local planning authority enabling a motor car to enter and leave the highway in forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

22. The vehicle access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 4.1 metres and retained at that width for 6 metres within the site.

23. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

24. The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter.

25. Prior to the commencement of this development, a scheme for the provision of bat and bird boxes within the development site shall be submitted to and approved in writing by the local planning authority. Before each dwelling is occupied, the bird and bat boxes related to that dwelling and its curtilage, including other buildings in the same ownership, whether individually or as part of communal provision, shall have been installed to the satisfaction of the local planning authority, and thereafter permanently retained as such.

26. Development shall not be commenced until details of energy-efficient construction materials, including measures for the long term energy efficiency of the building(s), and renewable energy resources have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the agreed details, and shall thereafter be maintained in the approved form.

27. All single garages/ cart lodges should have a minimum internal measurement of 7 metres x 3 metres and shall be provided with vehicular doors a minimum width of 2.3 metres unless otherwise agreed in writing by the local planning authority.

28. All open parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres unless otherwise agreed in writing by the local planning authority.

Information to Applicant

1. The applicant is also advised that a formal application must be made to local planning authority for Conservation Area Consent to demolish the existing buildings. Without prejudice to the formal decision of the local planning authority, it is considered that, having had regard to this decision to grant planning permission, it is unlikely an objection would be made. If Conservation Area Consent is granted, it may be subject to a number of conditions.

2. All works within the limits of the highway to be agreed with the Area Manager Mid prior to the commencement of works on this site.

3. 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.

167 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>
*10/00220/FUL	Stisted	Braintree Golf Club	Erection of 8-bay driving range building on existing golf course driving range on land adjacent Stisted Mill, Kings Lane.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*10/00365/FUL	Twinstead	Mr & Mrs P Chance	Erection of new dwelling and garage. Hollies, Pebmarsh Road.

The Committee refused this application subject to Reason 2 being amended to read as follows:-

2. Policy RLP80 of the Braintree District Local Plan Review states that proposals for new developments should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Policy RLP90 states that proposals should be sensitive to the need to conserve local features of landscape importance.

In this case, a full tree survey in accordance with BS5837:2005 'Trees in relation to construction – Recommendations' has not been submitted (including a full constraints plan, arboricultural implications assessment, arboricultural method statement and tree protection plan) and as such, it is therefore considered that insufficient information has been submitted to fully assess the impact of the proposed development to ensure that it would not result in harm to existing trees on and/or immediately adjacent to the site contrary to the abovementioned policies.

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 8:38PM.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE

11th MAY 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr John Pearce, Memories Cottage, High Street, Wethersfield
Application No. 10/00305/OUT

Mr Pearce said that full weight should have been applied to PPS25 and not to national policy as the circumstances had not changed. Mr Pearce drew the Members attention to flood risk and mentioned an objection made by the Environment Agency in 2007. He stated that since then the site had been downgraded from Flood Risk Level 3 to 2 and that the land is supplied as housing land. He said that on the advice of the Environment Agency the land may be contaminated, however this was dealt with by way of Condition 4. He concluded, saying the development is not over 10 units in size – only a quarter hectare. He referred to an acknowledgement by the Environment Agency that flood risk on the site is extremely low.

2. Statement by Mr I Westrope (Applicant), 39 North Street, Steeple Bumpstead
Application No. 10/00305/OUT

Mr Westrope stated that the site had been in his family for over 50 years and that part of the aim of the planning application was to improve the Conservation Area. He said that no objections had been received from the village. He went on to say that alternative commercial use would not be of benefit to the village. He referred to the risk of water on site being extremely low, with no danger to people as exit routes were available to people in flood zones. He added that there was no evidence of flooding on site for over 50 years.

3. Statement by Mr Ron Sanderson, 12 The Street, Stisted
Application No. 10/00220/FUL

Mr Sanderson noted the amendments to the original proposals which have addressed some of the earlier objections. However, he was concerned that the location is in an area of special landscape value within a Conservation Area and that it is incompatible with the surroundings. He reminded Members that 15 years ago similar concern was expressed to extract gravel from the area which he claimed was supported by both Braintree District Council and Essex County Council. He said that the inspector at the time in his reason for refusal stated the factor of special landscape value. Mr Sanderson said he spoke for several people in the community who were concerned by the application.

4. Statement by Mrs Susan Procter, The Granary, Kings Lane, Stisted
Application No. 10/00220/FUL
(STATEMENT READ OUT BY MEMBER SERVICES OFFICER)

From the owners of Stisted Mill, The Granary, Mill Cottage and Mill House, the four nearest properties to the Application No. 10/00220/FUL – Golf Driving Range Building.

We are very pleased that the Council is recommending that this application for a Golf Driving Range Building, be rejected.

16 years ago when planning permission was granted for change of use from agricultural land, to a golf club practice field, we as the nearest residents, were given an assurance by the Chairman of the Committee of the day, that there would never be any development, on this practice field.

If this current application by the present Golf Club Committee, for an 8 bay range, were to get planning permission, what assurances have we that a future Committee would not want to extend the facilities further, by extending the number of bays, installing flood lighting and netting etc., all of which have been featured on the three earlier planning applications which were withdrawn.

In September 2009, Mr Robin Roper of the Environment Agency, was on this stretch of the River Blackwater, to carry out the latest Otter Survey of England. He was delighted to inform us that otters are present on this part of the river Blackwater, and fresh droppings were found in the garden of The Granary. This part of the river runs parallel with the proposed golf driving range.

5. Statement by Mr Tony Smith, Braintree Golf Club Ltd, Kings Lane, Stisted
Application No. 10/00220/FUL (Agent)

Mr Smith introduced himself as co-ordinator of the Essex County Caddy programme and made reference to the England Golf Partnership supported by the Golf Foundation & Sport England and outlined the organisation's objective of making Great Britain the leading golf nation by 2020. He added that many young children were now given the opportunities to participate in a sport they would not normally be able to do. He said that planning application was necessary to facilitate the aims of the organisation and that the Club is in an excellent position to become an Academy Centre for golf. He went on to say that while the club has facilities in place for fair weather coaching, there are no provisions for poor weather and neighbouring districts such as Chelmsford and Colchester have such adequate facilities. He emphasised the club's competitiveness and potential to become an Academy for the training of young people.

6. Statement by Mr Ken Winckle, Braintree Golf Club Ltd, Kings Lane, Stisted
Application No. 10/00220/FUL (Applicant)

Mr Winckle outlined that the golf club was owned by its members, all of whom are precluded from making any financial gain out of the club as its purpose was to serve the community. He thought the application acquiesced to the objections of residents and demonstrated that there will be no impact on species or wild habitats. He added that netting and lighting conditions have also been altered to comply with objections raised. He referred to a commercially driven company that was given permission to build a driving range in a Conservation Area; which he thought had many of the same points of application that his golf club did. He urged Members to recognise the value of the golf club to the district and its future potential. He requested that if the application would not be granted that it be deferred to allow enough time to comply with planning regulations.

7. Statement by Mr David Andrews, Minern, Fairy Hall Lane, Rayne
Application No. 10/00365/FUL

Mr Andrews said that Twinstead is a dispersed settlement and as such does not have a village plan. He referred to Policy RLP16 as specifically allowing single plot infilling within hamlets and small groups of dwellings akin to this application. He believed that all criteria has been met and complied with and that any shortfall is compensated by the cohesive quality. He added that there was diversity in the age and make-up of dwellings and that the proposal had been redesigned and reduced in scale since the previous refusal, which was partly on grounds of excessive size. He thought that the plans submitted now show how well the proposal would blend in with the existing gap. He concluded, saying that he failed to see how the proposal could be seen to result in any demonstrable harm to any planning interests.