

Minutes

Planning Committee

27th April 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	Yes
Mrs E Edey	Yes	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	Yes (from 7:25)
Mrs M E Galione	Yes		

161 DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor Mrs Money declared personal interest in items 10/00303/FUL and 10/00322/OUT as she is a Member of Witham Town Council Planning.

Councillor Scattergood declared personal interest in items 09/01578/LBC and 10/00326/FUL as the Objectors were known to her.

Councillor Bolton who joined the meeting in discussing item declared a personal interest in item 10/00247/FUL as the Applicant was known to him.

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 16th February 2010 be approved as a correct record and signed by the Chairman.

163 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.

164 PLANNING APPLICATION WITHDRAWN

INFORMATION: The Chairman reported that the undermentioned planning application had been withdrawn by the applicant.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>
10/00340/FUL & 10/00341/LBC	Ridgewell	Mr & Mrs R Briggs	Erection of side/rear extensions and associated works, White Horse Inn, Mill Road

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>
10/00328/FUL (APPROVED)	Braintree	Mr Shaun Dedman	Erection of 2.58m high boarding around pavilion (retrospective application) The Recreation Ground, John Ray Street

Councillor John Cooke of Castle Hedingham Parish Council joined the Committee in discussing Application Numbers 09/01578/LBC and 10/00326/FUL. He pointed to works being carried out without planning consent – although admitted that whilst this was not a legal requirement, it was not within the spirit of the law. He also stated that the proposed building application was within the conservation area of Castle Hedingham and that the scaffolding already in place encroached upon Queen Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant</u>	<u>Proposed Development</u>
10/00326/FUL	Castle Hedingham	Mr F Ladkin	Demolition of existing garage to be replaced by new double garage, 26 Queen Street

<u>Plan No.</u>	<u>Location</u>	<u>Applicant</u>	<u>Proposed Development</u>
09/01578/LBC	Castle Hedingham	Mr F Ladkin	Demolition of existing garage and partial demolition of boundary wall and general alterations and repair work to 26 Queen Street

The Committee approved this application subject to amendment to Condition 8 and deletion of Condition 9. Condition 8 amended as follows:-

Amended Condition

8. Within four months of the date of this Consent, the fireplaces which were removed during renovation work shall be reinstated in the rooms from which they were removed and shall be permanently maintained as such.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant</u>	<u>Proposed Development</u>
10/00318/FUL (APPROVED)	Coggeshall	Mr T Britton	Erection of dwelling including car parking to front and hard and soft landscaping throughout, 126 Tilkey Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
10/00303/FUL (APPROVED)	Witham	Akwell Ltd.	Change of use to A5 restaurant/takeaway use, 38 Newland Street

Application approved subject to amendment of Condition Number 3 and an additional Condition as follows:-

Additional Condition

1. Amend condition 3 to state 'Friday and Saturday 09:00 to 24:00'

Additional Information to Applicant

2. The applicant is also advised that any lighting scheme associated with any proposed signage should not give rise to light nuisance to any neighbouring properties.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
10/00325/FUL	Kelvedon	H P Smith & Sons	Erection of industrial unit for office and storage. Polish Camp Site, Rivenhall Airfield

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

Additional Condition

1. (TIME31) The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.
2. 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 lightning shall be inserted at any time without the prior approval of the local planning authority.
3. (TREE58) Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site

4. (TREE53) Development shall not be commenced until a scheme of landscaping to the northern boundary of the site occupied by Allshots Enterprises outlined in blue on the submitted location plan 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.

5. Prior to the commencement of the development details shall be submitted to and approved in writing by the local planning authority, of the areas to be allocated for the parking, turning and loading of vehicles. Such provisions, which shall comply with the standards of the local planning authority, shall be hardened and laid out prior to the first occupation of the building and used for no other purpose whatsoever.
6. The activity shall be restricted to the following hours:
Monday – Saturday 0800hrs to 1800hrs
Sunday and Bank Holidays: No activity permitted.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
10/00322/OUT	Witham	Mr N Blackie	Demolition of existing dwelling and erection of five dwellings. Home Farm, Howbridge Hall Road

Application granted subject to the following additional Condition:

Additional Condition

1. All areas of hardstanding shall be constructed using porous material, laid on a permeable base unless otherwise agreed in writing by the local planning authority.

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>
10/0300/FUL	Greenstead Green	Ian Samways	Erection of four bedroom detached house for provision of bed & breakfast accommodation, 2A Parley Beams

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
10/00247/FUL	Ridgewell	Mr & Mrs R Briggs	Erection of side/rear extensions and associated works, The White Horse Inn, Mill Road

Councillor Bolton joined the Committee setting out his support for the application, saying that in spite of an earlier application being refused he had no objection in principle with the design and emphasised that no objections had been received from neighbouring dwellings or the Parish Council.

168 PLANNING APPEAL DECISIONS – FEBRUARY 2010

INFORMATION: Consideration was given to a report, for information, on planning appeal decisions received during February 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 9:53PM.

MRS W D SCATTERGOOD

(Chairman)

APPENDIX

PLANNING COMMITTEE, 27TH APRIL 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement by Mr Dave Farrow, 300 Broad Road, Braintree
Application No. 10/00318/FUL – 126 Tilkey Road (Agent)

Mr Farrow outlined the reasons for refusal of the previous application and pointed to a number of meetings he had held at Causeway House with Planning Officers. He said that design plans had been altered resulting in reduction in size of 25%. Car park spaces have also been modified to comply with the guidelines. He pointed to the Parish Council's objections to a previous plan but none to the new one. He said that the new dwelling would not look cramped or out of place and that it would provide more parking spaces than other properties in the area. He disagreed that there be a loss of light to adjacent properties objection.

2. Statement by Mr Christopher Bailey, Tydemans, 3 Parley Beams, Earls Colne
Application No. 10/00300/FUL – 2A Parley Beams, Earls Colne

Mr Bailey said that contrary to the application, the trees in question would be affected. To date six trees had been cut down. He pointed out that trees on an adjacent property have protection orders and have roots that go into the neighbouring property. He said that sunlight on to adjacent Western property would be affected particularly in winter months and that as pedestrian routes do not exist and present this would be a danger.

3. Statement by Mr Ian Samways, 2A Parley Beams, Earls Colne (Applicant)
Application No. 10/00300/FUL – 2A Parley Beams, Earls Colne

Mr Samways drew attention to paragraph 27 of Inspectors report which mentions that the decision does not prejudice any subsequent lawful development. He said Planning Officers advice had been sought and it had been suggested that the height of building should be lowered and sited nearer the existing garage. He thought the new plan better reflected the appearance of the surrounding area. Mr Samways said that he had support of local tourist boards in Halstead and Colchester for the need for such a bed and breakfast business. He also thought that the existence of a drain demonstrated the existence of a formal dwelling on this site.

4. Statement by Mr Robin Briggs, The White Horse Inn, Mill Road, Ridgewell
(Applicant)
Application No. 10/00247/FUL – The White Horse Inn, Mill Road

Mr Briggs, Landlord of the White Horse Inn, stated his application was for more cooking and office space. He quoted recent news in which 52 pubs a week apparently close in Britain. He said that his pub needed to develop in order to survive. He said there had been no objections from Parish Councils. He thought the new build would not be of hindrance to anybody besides his neighbour who had no

objections. He also thought Conservation Officer's comments should be disregarded as the White Horse does not come within Conservation area.

5. Statement by Mr Peter Fairchild, 3 Howbridge Hall Road, Witham
Application No. 10/00322/OUT – Home Farm, Howbridge Hall Road

Mr Fairchild described what he saw as the appeal of the location being quiet and attractive with a private road. The road is single track with no passing places. He expressed concern that the development of a further five properties would lead to congestion and traffic flow problems on the road. Estate agents had advised him that increased development would detrimentally affect the saleability of all properties concerned. His main concern was the replacement dwelling for the farm where plans show it moving closer to the boundary and to a rear garden. He was concerned that this would lead to lack of privacy and overshadowing and requested the replacement property be sited within the existing space.

6. Statement by Mr Neil Blackie, Home Farm, Howbridge Hall Road, Witham
(Applicant)
Application No. 10/00322/OUT – Home Farm, Howbridge Hall Road

Mr Blackie stated his house was built around 1900. During last two years traffic has been endured whilst the neighbouring house (3 Howbridge Hall Road) was built. He said his original application was passed on the basis that it was within volume and density requirements. With regards to overlooking the neighbouring house, he said that this house overlooked a number of his rooms.

7. Statement by Mr John Goodyear, 24 Queen Street, Castle Hedingham
Application No. 09/01578/LBC and 10/00326/FUL

Mr Goodyear said his property was part of a conversion, once just one part, now three parts. He thought alterations in the application should have been discussed fully with residents. He said that quality of life would be adversely affected as the height of the ridge would increase shading over his garden as it would stand 6 to 7ft above the wall. Mr Goodyear added that the existing garage is well away from the boundary wall and therefore does not cause the same problem. He understands the need for modernisation and does not object in principle to most of the alterations. However, the size and location of the garage is of concern to him. He thought that future leakage from guttering may harm his own property if the development was allowed. He said there was evidence that since re-roofing, movement had occurred between the properties and called for an independent surveyor to inspect this.

8. Statement by Mrs Pauline Cook, 8 Castle Lane, Castle Hedingham
Application No. 09/01578/LBC and 10/00326/FUL

Mrs Cook said she had lived at her current address for 39 years and that work had started before planning permission was granted. She said no plans of original layout were available to her, only revised ones, so alterations could not be commented on. Mrs Cook said that the proposed double garage with pitched roof was objectionable as it is out of line with the area, not in the same style as adjoining properties, and would dominate the skyline. She said that like for like replacement would be in line with planning conditions and did not object in principle to the new garage. She said

that the previous occupant did not seem to have any problems without a double garage.

9. Statement by Mr David Crowdale, Chaseways, Halstead
Application No. 10/00303/FUL

Mr Crowdale referred to objections referred to in the report and pointed to a petition signed by over 200 people. He said that the petition was canvassed by a competitor in town who had got customers to sign as they walked into his shop. He also said many objections are from other competitors in town who gave their home addresses instead of trading addresses.