

Minutes

Planning Committee

17th July 2018



Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Yes
Mrs L Bowers-Flint	Yes	Mrs I Parker	Apologies
T Cunningham	Apologies	F Ricci	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	P Schwier	Yes
S Kirby	Yes	Mrs G Spray	Yes
D Mann	Yes		

Councillor J Abbott was also in attendance.

34 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests was declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 18/00121/OUT - land West of Station Road, Earls Colne as Mr Bernie Gaught, who was in attendance at the meeting, was both a former Elected Member and a former employee of Braintree District Council and he was known to some of them.

Councillor K Bowers declared a non-pecuniary interest in Application No. 18/00650/FUL - Silver End Pavilion and Playing Fields, Silver Street, Silver End as he had been consulted about the application in his capacity as one of the Braintree District Councillors who represent the Silver End and Cressing Ward. Councillor Bowers left the meeting when the application was considered and determined.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 18/00121/OUT - land West of Station Road, Earls Colne as a number of the objectors were known to her.

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

35 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 3rd July 2018 be approved as a correct record and signed by the Chairman.

36 **QUESTION TIME**

INFORMATION: There were seven statements made about the following matters. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application:-

Application No. 18/00121/OUT - land West of Station Road, Earls Colne

Application No. 18/00516/FUL - Barn at Newmans Farm, Yeldham Road, Castle Hedingham

Application No. 18/00650/FUL - Silver End Pavilion and Playing Fields, Silver Street, Silver End

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

37 **PLANNING APPLICATION APPROVED**

DECISION: That the undermentioned planning application be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Development Manager's report, as amended below. Details of this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00650/FUL (APPROVED)	Silver End	Braintree District Council	Change of use from changing rooms and showers to nursery/multi-use room(s). Creation of external play area with child security fencing. Creation of block paved link from entrance to footpath, Silver End Pavilion and Playing Fields, Silver Street.

The Committee approved this application, subject to the amendment of Condition Nos. 4 and 5 as follows:-

Amended Conditions

- 4 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday - 0900 hours - 1700 hours
 Saturday - 0900 – 1300 hours
 Bank Holidays & Sundays - No working

- 5 Construction of the fencing and gates shall not be commenced until details of the proposed fencing and gates at a scale of 1:20 or 1:50 have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

38 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00121/OUT (APPROVED)	Earls Colne	Gladman Developments Ltd	Outline planning application for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Station Road. All matters reserved except for means of access, land West of Station Road.

DECISION: That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms as amended:-

- **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered in two areas of the site; delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations.
- **Public Open Space** (financial contribution toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document. Financial contribution towards equipped play space required if it is not provided on site. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Specific projects to be identified by Officers. Trigger point for payment being prior to first occupation of more than 10% of the dwellings. Open space specification, plan and management plan required for approval by the Council in relation to on-site public open space. Landscape and Ecological Management Plan required for the retained woodland area, SUDs features and boundary trees/hedges).

- **Education** (financial contribution towards primary school provision and towards secondary school transport provision is required based on Essex County Council's standard formula, index linked to April 2017).
- **Healthcare Provision** (financial contribution of £10,000. Trigger point for payment being prior to commencement of development).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Highway Works** (provision of a footway along the west side of Station Road between the proposal site access and the existing footway at De Vere Road; provision of dropped kerb crossing points with tactile paving in De Vere Road immediately west of its junction with Station Road and in Station Road outside number 21. Trigger point being prior to occupation of the first unit).
- **Upgrading of Bus Stops** (the upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority. Trigger point being prior to occupation of the first unit).

the Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans and the conditions and reasons set out in the report, as amended below. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the Planning Committee's decision, the Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to an additional Condition and amendments to the Section 106 Agreement Heads of Terms as follows:-

Additional Condition

- 23 (To require the provision of a pedestrian and cycle link to De Vere Road, Earls Colne and a pedestrian link to Millennium Green, Earls Colne).

Amended Heads of Terms

The trigger point for the education contribution to be changed to payment of 25% on the commencement of development; 25% upon first occupation and 50% prior to first occupation of the 30th dwelling. The footway to be provided along the western side of Station Road to be specified at 2 metres in width; installation of two bus stops in Station Road near De Vere Road - the infrastructure at each stop should include raised kerbs (three raised kerbs and two transitions) and a dropped kerb crossing point on either side of the road, also bus stop poles, flags and timetables. This may

also include an additional dropped kerb crossing point in De Vere Road, if deliverable due to physical constraints.

Councillor John Bendall, representing Earls Colne Parish Council, attended the meeting and spoke against this application.

39 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Development Manager's report, as amended below. Details of this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00516/FUL (REFUSED)	Castle Hedingham	Mr Michael Sullivan	Change of use to a separate residential dwellinghouse (Use Class C3), Barn at Newmans Farm, Yeldham Road.

The Committee refused this application, subject to the amendment of the reasons for refusal as follows:-

Amended Reasons for Refusal

- 1 The proposal represents a new dwelling in the countryside, beyond settlement limits, which is not required for agricultural purposes. Although the development would result in social benefits, namely the addition of a single dwelling to the Council's housing supply, and social/economic benefits once occupied, due to the small scale nature of the proposal these benefits are considered to carry limited weight in favour of the proposal. The proposal is considered to result in environmental and social harm by virtue of the location of the site in an inaccessible and unsustainable location which would place reliance on the private car to gain access to essential facilities and services. Whilst Paragraph 14 of the NPPF is engaged, in accordance with Paragraph 49 when considering the planning balance and having regard to the requirements of the NPPF as a whole it is concluded that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be contrary to the NPPF, Policy RLP2 of the Braintree District Local Plan Review, Policies CS5 and CS7 of the Braintree District Core Strategy, and Policy LPP1 of the Braintree District Publication Draft Local Plan.
- 2 In this case it is considered that insufficient information has been submitted to demonstrate that the applicant has sufficient land to provide the required vehicular visibility splays of 2.4 metres x 215 metres. Whilst the access is already in use by the existing dwelling, it is considered that the access has been in use before the most recent published highway standards and therefore it is considered that any intensification of the use of this access would result in an unacceptable degree of hazard to all road users travelling both north and

south along the A1017 and for vehicles egressing the site access to the detriment of highway safety. The proposal is therefore considered to be contrary to the Local Transport Plan 2006-2011, Appendix G – Highway and Transportation Development Control Policies as refreshed 19th October 2007.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Development Manager, 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 8.43pm.

Councillor Mrs W Scattergood
(Chairman)