

# Minutes

## Planning Committee

15th March 2016



### Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Lady Newton	Yes
R Bolton	Apologies	J O'Reilly-Cicconi	Apologies
Mrs L Bowers-Flint	Yes	Mrs I Parker	Yes
P Horner	Yes	R Ramage	Yes
H Johnson	Yes	Mrs W Scattergood (Chairman)	Yes
S Kirby	Yes	Mrs G Spray	Yes
D Mann	Yes		

Councillors Mrs J Allen, K Bowers and P Schwier were also in attendance.

### 87 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Agenda Item 6 – Tree Strategy as some of the people who had been consulted about the Strategy were known to him and he was the owner of woodland situated outside the Braintree District.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 15/01312/FUL – Central Park Warehouse, Colchester Road, Halstead as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 15/01312/FUL – Central Park Warehouse, Colchester Road, Halstead as the Cabinet Member for Planning and Housing with responsibility for affordable housing.

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

### 88 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 1st March 2016 be approved as a correct record and signed by the Chairman.

89 **QUESTION TIME**

**INFORMATION:** There were three statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

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

90 **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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*15/01297/FUL (APPROVED)	Witham	Greene King Pub Partners	Demolition of existing outbuilding to create new garden space, replacement 2m high wall and soft internal renovations, The Swan PH, 153 Newland Street.

The Committee approved this application, subject to the amendment of Condition Nos. 3 and 4, the addition of a Condition and the addition of an Information to Applicant as follows:-

**Amended Conditions**

- 3 Construction of the proposed new wall shall not commence until details of its height and appearance and samples of the brick to be used on the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 4 Details of any proposed decking to be provided in the rear outdoor area shall have been submitted to and approved in writing by the Local Planning Authority prior to installation and implemented only in accordance with the approved details.

**Additional Condition**

- 5 This decision does not grant permission for any external lighting to serve the rear yard area and any such provision will require the submission of a further application for planning permission.

## Information to Applicant

If the applicant decides to seek permission for any external lighting, the applicant is advised that any such proposal should seek to minimise light spillage and pollution, 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 such an application.

Councillor Michael Lager, representing Witham Town Council, attended the meeting and spoke on this application.

## 91 **SECTION 106 AGREEMENT**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*15/01312/FUL (APPROVED)	Halstead	Bellway Homes Ltd	Erection of 103 residential dwellings, including affordable housing with associated new access, landscaping, equipped play area and infrastructure, Central Park Warehouse, Colchester 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:-

- Affordable Housing
- Allotments (financial contribution)
- Education (financial contribution)
- Outdoor Sport (financial contribution)
- Health (financial contribution)
- On-Site Public Open Space
- Equipped play area and river walk extension (including financial contribution for maintenance)
- Community Building (financial contribution)

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 the requirement for a Travel Plan being deleted from the terms of the Section 106 Agreement, the amendment of

Condition Nos. 3, 5, 18, 20, 22, 25 and 37, and the addition of two Conditions as follows:-

Amended Conditions

- 3 The external materials and finishes for the dwellings/flats hereby approved shall be as indicated on drawing no. BW150 PL-009 Revision **F**, unless otherwise agreed in writing by the Local Planning Authority.
- 5 No dwelling/flat hereby approved shall be occupied before the garages and hardstandings associated with each dwelling/flat to provide car parking, as shown on drawing no. BW150 PL-005 **Rev D**, have been laid out and constructed in their entirety and made available for use. Thereafter the said garage(s) and hardstandings shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.
- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 16 of this permission, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17 of this permission.
- 20 The landscaping for the site shall be undertaken in accordance with drawing no. PR059 03 Rev F (Landscape Masterplan) and PR059 04 (Tree Pit Details), unless otherwise agreed in writing by the Local Planning Authority. The landscaping scheme should be in accordance with the general principles established in the Landscape Masterplan (as shown on drawing PR059 03 Rev F). The scheme of landscaping shall include a scheme of phasing of landscaping which has been approved in writing by the Local Planning Authority.

The scheme of landscaping indicated upon the above-mentioned plans, or such other scheme as may be agreed in writing by the Local Planning Authority, shall be carried out in accordance with the approved phasing scheme.

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.

Prior to the commencement of the development hereby approved details shall be submitted to and agreed in writing by the Local Planning Authority of a consultant landscape architect (or a landscape clerk of works) who will be

responsible for monitoring the implementation of the agreed landscaping, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record and report their monitoring of the approved works.

The details as agreed shall be those undertaken on site and implemented until such time as the landscaping has been carried out in accordance with the approved drawings/specifications, or any other scheme as may be agreed in writing by the Local Planning Authority.

- 22 No development shall commence until a badger mitigation strategy has been approved by the Local Planning Authority. This strategy shall be in accordance with submitted ecological surveys (Phase 2 Ecological Surveys & Assessment SES, 2015) and the Protection of Badgers Act 1992. It will include, but not be limited to, appropriate measures for the safeguarding of badgers such as:
- a) an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed, or implemented; and
  - b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.

Any amendment to the mitigation strategy will need to be submitted to and agreed in writing with the Local Planning Authority.

- 25 The visitor car parking spaces, identified on Approved Parking Plan BW150 PL-005 **Rev D**, shall be provided in accordance with the approved plans and thereafter be kept available at all times for visitor parking.
- 37 Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the 2 metre wide pedestrian footway along Colchester Road, as shown on drawing no. B462-005 Rev E. The pedestrian footway shall be provided in accordance with the approved details prior to the first occupation of the development.

#### Additional Conditions

- 39 The boundary treatment enclosing the front garden areas of plots 12 and 85, as shown on drawing no. BW150 PL004 Rev E, shall be undertaken in strict accordance with drawing no. SD-9.2-06 prior to the first occupation of the dwelling to which it relates and thereafter retained in the approved form.
- 40 Prior to construction of the dwellings hereby approved, details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details.

**INFORMATION:** Consideration was given to a report on the draft Tree Strategy. The aim of the Tree Strategy was to provide a comprehensive approach to the management, maintenance and protection of trees across the District. Part 1 of the document set out the broad context and policy framework for the conservation and management of trees and Part 2 included practical advice and information on protection, maintenance and management.

A draft version of the document had been subject to consultation with Town and Parish Councils, community tree wardens and specialist interest groups during October 2015 and the responses which had been submitted were set out in the Appendix to the report. The Strategy had been considered by the Local Plan Sub-Committee on 17th February 2016 and approved as a planning guidance document.

A five year action plan for the period 2016 – 2021, as set out in Table 1 of the document, supported the Strategy's management objectives and the Council's broader corporate objectives. The action plan would be subject to annual review. The Strategy would also be subject to revision.

**DECISION:** That the Tree Strategy be approved as a planning guidance document.

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 9.10pm.

Councillor Mrs W Scattergood  
(Chairman)

APPENDIX  
PLANNING COMMITTEE  
15TH MARCH 2016  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Application No. 15/01312/FUL - Central Park Warehouse, Colchester Road, Halstead  
  
Statement by Mr David Fletcher, Strutt and Parker, Coval Hall, Rainsford Road, Chelmsford (Agent)
- 2 Statement Relating to Application No. 15/01297/FUL – The Swan Public House, 153 Newland Street, Witham  
  
Statement by Miss Debra J Pell, 2 Old Waterworks Cottages, Newland Street, Witham (Objector)
- 3 Statement Relating to Agenda Item 6 – Tree Strategy  
  
Statement by Mr Michael Lager, 45 Chipping Hill, Witham