

# Minutes

## Planning Committee

25th April 2017



### Present

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

Councillors Mrs J Beavis and D Bebb were also in attendance.

\*The Chairman reported that at the Council's Annual General Meeting on 24th April 2017, Councillor R Ramage and Councillor F Ricci had been appointed as Members of the Planning Committee. However, as new Members to the Committee Councillor Ramage and Councillor Ricci would not be able to participate in meetings, or vote on matters until they had received appropriate training, which was being arranged.

Councillor Ramage attended the meeting to observe the proceedings from the public seats, but he did not participate. Councillor Ricci did not attend the meeting.

### 1 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were 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. 17/00119/OUT - 10 and land rear of New Road, Gosfield as Mr Matthew Wood, who was speaking at the meeting during Question Time, was a former member of Braintree District Council staff and he was known to them.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application Nos. 16/00802/OUT - land at Greenways, Balls Chase, Halstead and 16/02156/OUT - land North-East of Gleneagles Way, Hatfield Peverel as the Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor D Mann declared a non-pecuniary interest in Application No. 16/00802/OUT - land at Greenways, Balls Chase, Halstead as two objectors were known to him.

Councillor Mrs G Spray declared a non-pecuniary interest in Application Nos. 16/00802/OUT - land at Greenways, Balls Chase, Halstead and 16/02156/OUT - land North-East of Gleneagles Way, Hatfield Peverel as the Deputy 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 applications were considered.

## 2 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 11th April 2017 be approved as a correct record and signed by the Chairman.

## 3 **QUESTION TIME**

**INFORMATION:** There were eighteen statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application.

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

## 4 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 16/01815/FUL - 13 Coggeshall Road, Earls Colne; 17/00002/FUL - Bakers Cottage, Waltham Road, Terling; and 17/00029/FUL - Drummonds, The Street, Feering were determined en bloc.

**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 and reasons contained in the Development Manager's report, as amended below. Details of these planning applications 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>
*16/01815/FUL (APPROVED)	Earls Colne	Mr and Mrs James Anderson	Conversion of integral garage and study to annexe and erection of proposed car lodge building with home office and gym in loft space, 13 Coggeshall Road.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*16/02124/OUT (APPROVED)	White Colne	Mr Richard Browning, Granville Developments	Outline planning application for the erection of up to 8 no. dwellings and associated garages, land on the South side of Colchester Road.

The Committee approved this application, subject to the description of the Approved Plan being amended, the amendment of the Reason for Condition No. 6; and an additional Information to Applicant as follows:-

**Amended Approved Plan**

Location Plan Ref 3244:002, approved only insofar as it defines the red line of the site.

**Amended Reason for Condition**

6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

**Additional Information to Applicant**

15. In seeking to discharge Condition No. 23, the applicant is advised that the Local Planning Authority would expect that White Colne Parish Council is consulted regarding the new location of the bus stops.

Councillor James Bond MBE, representing White Colne Parish Council, attended the meeting and spoke against this application.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*17/00002/FUL (APPROVED)	Terling	Mr Darren Noakes	Erection of a timber clad garage extension to existing detached garage, Bakers Cottage, Waltham Road.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*17/00029/FUL (APPROVED)	Feering	Mr Tom Lyons, Black Swan Care Group	Erection of single storey study/private living area, Drummonds, The Street.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*17/00119/OUT (APPROVED)	Gosfield	Mr Antony Wood and Paul Archer	Application for outline planning permission with some matters reserved - demolition of existing buildings and hardstanding and construction of 8 no. new dwellings together with new vehicular access onto New Road and associated development, 10 and land rear of New Road.

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

20. No development shall take place before an Arboricultural Impact Assessment, an Arboricultural Method Statement and Tree Protection Plan, all compliant to BS5837 – 2012, have been submitted to and approved in writing by the Local Planning Authority identifying the impact of the development on significant boundary trees, specifying precautions and procedures required to ensure that third party trees are not harmed by the development. The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the development has been completed.
21. No works or development shall take place until a scheme of supervision for the arboricultural measures has been submitted to and approved in writing by the Local Planning Authority.

Councillor Bob Waters, representing Gosfield Parish Council, attended the meeting and spoke against this application.

## 5 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*16/00802/OUT (APPROVED)	Halstead	Mr and Mrs R and J Wright	Outline application for the erection of up to 14 dwellings with all matters reserved

except for access, land at  
Greenways, Balls Chase.

**DECISION:** That, subject to the applicant and other relevant parties entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a financial contribution towards public open space, the on-site provision of affordable housing and the provision of visibility splays, 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. Details of this planning application are contained in the Register of Planning Applications.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/02156/OUT (APPROVED)	Hatfield Peverel	David Wilson Homes Eastern	Application for outline planning permission with all matters reserved except for access for the erection of up to 120 dwellings, public open space, landscaping, new vehicular and pedestrian access, highway work and drainage infrastructure works, land North-East of Gleneagles Way.

**DECISION:**

- (1) That, subject to the Habitat Regulations (HRA) Screening Report concluding that no likely significant effect will be caused and;
- (2) 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** - (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered in three areas of the site; delivered without reliance on public subsidy; with house types and ground floor flats meeting either Lifetime Homes Standards or Part M Category 2 of the Building Regulations.
  - **Allotments** – financial contribution calculated in accordance with updated figures from the Open Spaces Supplementary Planning Document and the number and size of dwellings approved at Reserved Matters stage.
  - **Community Facilities** – financial contribution of £50,600 towards improvements to Community Hall(s).

- **Education** - financial contribution toward Early Years and Childcare required based on Essex County Council's standard formula, index linked to April 2016.
- **Habitat Regulations Screening Mitigation** – a financial contribution may be required to finance off-site mitigation of potential impacts to be agreed with Natural England.
- **Health** - financial contribution of £378.54 per dwelling, to be spent at Sidney House Surgery, Hatfield Peverel.
- **Outdoor Sports Facilities** - financial contribution calculated in accordance with updated figures from the Open Spaces Supplementary Planning Document and the number and size of dwellings approved at Reserved Matters stage.
- **Public Open Space (On-Site)** – to be a minimum of 1.6ha and to include the provision of Equipped Play Areas to a minimum value specified in the Open Spaces Supplementary Planning Document (updated figures).
- **Management of on-site open space and play areas** - to be transferred to a Management Company. Submission and approval of Landscape Strategy required prior to submission of first Reserved Matters application.
- **Parking survey and resulting strategy for a parking remedial scheme** – to improve highway safety along The Street/Gleneagles Way.
- **Site Wide Housing and Phasing Strategy** - to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan.

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. Members were advised that if the HRA Screening Report concluded that a likely significant effect was expected and a further appropriate assessment was required, the application would be put before the Planning Committee again after due consideration by Officers. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to the amendment of Condition No. 13 and seven additional Conditions as follows:-

### Amended Condition

13. Prior to the submission of the first reserved matters application, details of the proposed boundary mitigation (air quality) must be submitted to and approved in writing by the Local Planning Authority. The details must demonstrate that ambient concentrations of nitrogen dioxide will not exceed the UK annual mean objective concentration of 40µg/m<sup>3</sup> at any residential property location within the development.

### Additional Conditions

37. The first Reserved Matters application shall be accompanied by full details of a pedestrian link connecting the development site to the Public Rights of Way Network (Footpath 90\_40) to the South of the application site, including the design and location of signage denoting the route. The approved pedestrian link and signage shall be provided and made available for use prior to occupation of the 80th dwelling.
38. Prior to the first occupation of each dwelling, the developer shall be responsible for the provision of literature, approved in writing by the Local Planning Authority, promoting the local footpath network, including a map and guide to local (circular) walking routes.
39. No burning of refuse, waste materials, or vegetation shall be undertaken in connection with the site clearance, or construction of the development.
40. 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 0800 hours - 1800 hours  
Saturday 0800 hours - 1300 hours  
Sundays, Public and Bank Holidays - no work
41. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - Safe access to / from the site including the routing of construction traffic;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing and underbody washing facilities;
  - Measures to control the emission of dust, dirt and mud during

- construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours;
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

42. Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

43. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be



produced, and submitted to and approved in writing by the Local Planning Authority.

Councillor Mrs Diane Wallace, representing Hatfield Peverel Parish Council and the Neighbourhood Development Plan Group, attended the meeting and spoke against this application.

Councillor Derrick Louis, Essex County Councillor for Witham Southern Division, attended the meeting and spoke against this application.

Councillor David Bebb, Braintree District Councillor for Hatfield Peverel and Terling Ward, attended the meeting and spoke against this application.

Mr Matthew Bradley, Essex Highways, attended the meeting and provided information/answered questions on highway related matters.

## **6 PUBLIC RIGHT OF WAY DIVERSION – FOOTPATH 22, GOSFIELD**

**INFORMATION:** Members of the Committee were advised that, in accordance with a Service Level Agreement between Braintree District Council and Essex County Council, the County Council was processing an application under Section 257 of the Town and Country Planning Act 1990 to divert part of Footpath 22 in Gosfield.

The diversion was required as the existing alignment of the Footpath was directly affected and obstructed by a development of residential mobile homes which had been authorised by planning permission 96/00011/FUL. The District Council could make an Order to divert a footpath to enable development to be carried out in accordance with a planning permission and it was considered that the proposed diversion satisfied the legal tests for the making and confirming of a Diversion Order. The proposed path had already been constructed on site at the requisite width of two metres and it was in use. The applicant had agreed to defray all costs associated with the diversion.

Once the Order had been made, it would be advertised for a 28 day period. If there were no objections, the Order could be confirmed by Braintree District Council. If objections were lodged the Order would be forwarded to the appropriate Secretary of State for confirmation.

**DECISION:** That the processing and making of an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of public Footpath 22, Gosfield be approved.

Councillor Bob Waters, representing Gosfield Parish Council, attended the meeting and spoke in support of this application.

## **7 PLANNING AND ENFORCEMENT APPEAL DECISIONS – MARCH 2017**

**INFORMATION:** Consideration was given to a report, for information, on planning and enforcement appeal decisions received during March 2017. 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 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).

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 10.15pm to enable all business on the Agenda to be transacted.

The meeting closed at 10.35pm.

Councillor Mrs W Scattergood  
(Chairman)

APPENDIX  
PLANNING COMMITTEE  
25TH APRIL 2017  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 16/00802/OUT - Land at Greenways, Balls Chase, Halstead
  - (i) Statement by Mr Phil Moakes, 19 Balls Chase, Halstead (Objector)
  - (ii) Statement by Mr George Knight, 37 Balls Chase, Halstead (Objector)
  - (iii) Statement by Mr Richard Wright, Greenways, Balls Chase, Halstead (Applicant)
  - (iv) Statement by Mr Andrew Porter, A J Porter (Building Consultant), 5 Rifle Hill, Braintree (Agent)
- 2 Statements Relating to Application No. 16/02124/OUT - Land on the South side of Colchester Road, White Colne
  - (i) Statement by Mr John Wild, 75 Colchester Road, White Colne (Objector)
  - (ii) Statement by Mr Gavin Mason, 83 Colchester Road, White Colne (Objector)
  - (iii) Statement by Councillor James Bond MBE, for White Colne Parish Council, c/o Mr D Williams, Clerk to Parish Council, Greenlands Farm, Lamberts Lane, Earls Colne (Objector)
  - (iv) Statement by Mr Edward Gittins, Edward Gittins & Associates, Unit 5, Patches Yard, Cavendish Lane, Glemsford, Sudbury (Agent)
- 3 Statements Relating to Application No. 16/02156/OUT - Land North-East of Gleneagles Way, Hatfield Peverel
  - (i) Statement by Mr John Webb, 1 Ferndown Way, Hatfield Peverel (Objector)
  - (ii) Statement by Mr John Maitland, 26 Gleneagles Way, Hatfield Peverel (Objector)

- (iii) Statement by Councillor Mrs Diane Wallace, for Hatfield Peverel Parish Council and the Neighbourhood Development Plan Group, Woolsmore, Maldon Road, Hatfield Peverel (Objector)
- (iv) Statement by Councillor Derrick Louis, Essex County Councillor for Witham Southern Division, 10 Priory Farm Road, Hatfield Peverel (Objector)
- (v) Statement by Councillor David Bebb, Braintree District Councillor for Hatfield Peverel and Terling Ward, White Hart Cottage, Maldon Road, Hatfield Peverel (Objector)
- (vi) Statement by Mr Sean Marten, for David Wilson Homes Eastern, c/o Mr Jonathan Dixon, Savills (UK) Ltd, Unex House, 132-134 Hills Road, Cambridge (Applicant)

4 Statements Relating to Application No. 17/00119/OUT - 10 and land rear of New Road, Gosfield

- (i) Statement by Mr Mark Holt, for Mr Brian Holt, 4 New Road, Gosfield (Objector)
- (ii) Statement by Councillor Bob Waters, for Gosfield Parish Council, c/o Mrs J Beavis, Clerk to Parish Council, Easter Cottage, Park Hall Road, Gosfield (Objector)
- (iii) Statement by Mr Matthew Wood, Phase 2 Planning, 250 Avenue West, Skyline 120, Great Notley (Agent)

5 Statement Relating to Agenda Item 6 - Public Right of Way Diversion – Footpath 22, Gosfield

Statement by Councillor Bob Waters, for Gosfield Parish Council, c/o Mrs J Beavis, Clerk to Parish Council, Easter Cottage, Park Hall Road, Gosfield (Supporter)