

Minutes

Planning Committee

27th September 2016



Present

Councillors	Present	Councillors	Present
K Bowers	Apologies	J O'Reilly-Cicconi (Vice-Chairman)	Yes
Mrs L Bowers-Flint	Apologies	Mrs I Parker	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	Vacancy	
Lady Newton	Yes		

Councillors J Abbott and Mrs J Pell (until 8.30pm) were also in attendance.

67 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor S Kirby declared a non-pecuniary interest in Application No. 15/01138/FUL - EMD Ltd, Kings Road, Halstead as an independent retailer trading in Halstead town centre.

Councillor Lady Newton declared a non-pecuniary interest in Application Nos. 15/01580/OUT - land South of Halstead Road, Earls Colne and 16/00605/FUL - land adjacent to Bakers Lane, Black Notley 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 applications were considered.

68 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 13th September 2016 be approved as a correct record and signed by the Chairman.

69 **QUESTION TIME**

INFORMATION: There were thirteen 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 planning applications spoke immediately prior to the consideration of the respective applications.

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

70 **PLANNING APPLICATIONS WITHDRAWN**

INFORMATION: Members of the Committee were advised that the undermentioned planning applications had been withdrawn by the applicant. Details of these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01007/FUL (WITHDRAWN)	Great Bardfield	Miss Katrina O'Brien	Change of use from office to D1 (children's nursery) and erection of fencing adjacent to the building, 28 - 30 Bardfield Centre, Braintree Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01008/LBC (WITHDRAWN)	Great Bardfield	Miss Katrina O'Brien	Change of use from office to D1 (children's nursery) and erection of fencing adjacent to the building, 28 - 30 Bardfield Centre, Braintree Road.

71 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 16/01055/FUL - 1 Elm Rise, Witham; 16/01216/FUL - Mill Lane Stores, Mill Lane, Witham; 16/01229/FUL - 63A Chelmer Road, Witham; and 16/01330/FUL - 3 Whiteways Court, Witham 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/00879/VAR (APPROVED)	White Colne	CCC Property	Application for variation of condition nos. 3 and 7 of approved application 10/00537/OUT (Erection of two storey rear extension and first floor side extension to existing dwelling and alterations including reduction in building width, rationalise existing parking area and erection of two storey dwellinghouse with parking and amenity areas and formation of new vehicular access) - Levels and turning facilities, 41 Colchester Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01055/FUL (APPROVED)	Witham	Miss Carla Beck	Erection of two storey side extension, removal of chimney stack, replacement of all existing windows and doors, extension to driveway, removal of fencing and erection of retaining wall, 1 Elm Rise.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01216/FUL (APPROVED)	Witham	Mr Hamish Borno Borno Chemists Ltd	Demolition of existing single storey store, Mill Lane Stores, Mill Lane.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01217/ADV (APPROVED)	Witham	Mr Simon Boulter	Replacement of sign with larger, illuminated sign, Foremost House, Waterside Business Park, Eastways.

The Committee approved this application, subject to the amendment of Condition No. 3 and the addition of an Information to Applicant as follows:-

Amended Condition

3. Prior to the first use of any external lighting within the development site and notwithstanding the submitted details, the light source shall be positioned above the sign so as to down-light it and shall be shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Additional Information to Applicant

6. In order to minimise energy use and the impact on the amenity of the area, the applicant is advised to restrict the hours of illumination of the sign to those during which the host premises are open.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01229/FUL (APPROVED)	Witham	Mr William Roach	Proposed single storey front and rear extensions, 63A Chelmer Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01330/FUL (APPROVED)	Witham	Mrs Sigrid Ponder	Erection of single storey ground and first floor extensions, 3 Whiteways Court.

72 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01138/FUL (APPROVED)	Halstead	Lidl Uk GmbH	Demolition of existing buildings and construction of a Lidl foodstore and formation of car parking, EMD Ltd, Kings 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 secure:-

- A Travel Plan monitoring fee of £3000.00
- A residents' parking scheme contribution (£1000.00)
- Customer parking spaces (2 hours free)

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 amendment of Condition Nos. 16 and 25 and the addition of two paragraphs to the Information to Applicant as follows:-

Amended Conditions

16. No development shall commence before details of all gates, fences, including the extent and specification of the proposed acoustic fence, walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details as approved shall be those implemented on site, prior to the first use of the building hereby approved and thereafter retained in the approved form.

25. Prior to the first use of the building hereby permitted, details of the method of operation, measures to prevent light spillage beyond the site boundary and hours of use of the lighting as shown on Revision A of the submitted 'Car park Lighting Layout' drawing as produced by Phillips shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be that implemented on site in perpetuity.

Additional Information to Applicant

5. The applicant is advised to consider the provision of a lockable gate at the entrance to the car park and to keep such gate closed outside opening hours, in order to minimise the risk of nuisance to neighbouring premises caused by its inappropriate use at these times.

6. The applicant is advised to consult with Halstead Town Council on its proposals for the public art to be displayed on the wall fronting Kings Road, prior to the submission of such details to the Local Planning Authority in accordance with Condition No. 4.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01580/OUT (APPROVED)	Earls Colne	The Hunt Property Trust	Outline planning application with all matters reserved (except means of access on to Halstead Road and Thomas Bell Road) to include: up to 80 dwellings (Use Class C3); open space and associated ancillary works, land South of Halstead 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 secure:-

- Affordable Housing (40% of units provided on-site)
- Pedestrian link to Nonancourt Way
- Provision of a minimum of 0.84ha of on-site Public Open Space including Equipped Play Area and suitable management arrangements for the on-site Public Open Space within the site
- Financial contribution towards secondary school transport
- Land to be offered for the possible extension to the car park at The Pump House Doctors' Surgery

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. 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/00605/FUL (APPROVED)	Black Notley	Crest Nicholson Eastern	Erection of 96 residential dwellings (inc. Affordable Housing) and the creation of a new primary vehicular access from London Road and new vehicular accesses from London Road and Bakers Lane. The provision of open space (inc. children's play area), sustainable urban drainage systems, associated landscaping, infrastructure and

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 secure:-

- Affordable Housing - 29 dwellings to be provided as affordable housing – 20 units to be affordable rent and 9 units of intermediate housing / shared ownership. Affordable Housing to be constructed to Lifetime Homes standards
- Bus stop improvements - provision of Real Time Passenger Information (RTPI) at the two bus stops on either side of London Road to the south of the site.
- Education - financial contribution of £102,803 for Early Years and Childcare and £300,563 for Primary Education provision
- Health - financial contribution of £31,630 towards capacity improvements in Primary Care Facilities at the Great Notley GP Practice
- Highways – Prior to occupation of the first dwelling, construction of a footpath/cycleway from the south-western corner of the site to link to the cycleway adjacent to PROW 311-26 on the western side of London Road, including a toucan crossing to link to the east and west sides of the cycleway, and appropriate signing and traffic regulation orders. For the avoidance of doubt, such cycleway to include full depth construction/reconstruction of any existing footway and surfacing of the entire width of the cycleway to the satisfaction of the Local Planning Authority, as shown in principle on Drawing T530-013 Rev B
- On-Site Public Open Space, including an equipped play area, and arrangements for a Management Company to manage all areas of Public Open Space within the development
- Public Open Space – on-site provision of equipped play and informal open space; management arrangements for on-site provision
- Provision of land to allow construction of a 3m wide strip adjacent to plot 47 from the carriageway to the northern boundary of the site to allow for future provision of footway /cycleway link if necessary
- Outdoor Sports - a financial contribution of £87,435.62 towards off-site Outdoor Sports improvements to playing pitches at Notley Green and the Discovery Centre

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 amendment of Condition Nos. 23 and 25 as follows:-

Amended Conditions

23. A Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, shall be submitted to and agreed in writing by the Local Planning Authority within six months of commencement of the development.
25. Details of new fire hydrants shall be submitted to and approved in writing by the Local Planning Authority within six months of commencement of the development. The submitted scheme shall include details of the timing of the installation of the fire hydrants. The new fire hydrants shall be installed in accordance with the approved details.

73 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons contained in the Development Manager's report. 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>
*15/00391/FUL (REFUSED)	Great Notley	Aldi Store Ltd	Erection of foodstore, including associated car parking and landscaping, land at Avenue West, Skyline 120.

74 PLANNING AND ENFORCEMENT APPEAL DECISIONS – AUGUST 2016

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during August 2016. The report included a summary of each case and a précis of the decision.

DECISION: That the report be noted.

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.

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 10.32pm.

Councillor Mrs W Scattergood
(Chairman)

APPENDIX
PLANNING COMMITTEE
27TH SEPTEMBER 2016
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 15/00391/FUL - Land at Avenue West, Skyline 120, Great Notley
 - (i) Statement by Mr Noel Pereira, Penteira, Queenborough Lane, Braintree (Supporter)
 - (ii) Statement by Councillor David Price, for Great Notley Parish Council, c/o Mrs Suzanne Walker, Clerk to Great Notley Parish Council, 7 Mallard Close, Great Notley (Against application)
 - (iii) Statement by Mr Alastair Close, Planning Potential Ltd, Magdalen House, 148 Tooley Street, London, SE1 2TU (Agent)
- 2 Statement Relating to Application No. 15/01138/FUL - EMD Ltd, Kings Road, Halstead

Statement by Mr Nick Hardy, Bilfinger GVA, 3 Brindley Place, Birmingham, West Midlands, B1 2JB (Agent)
- 3 Statements Relating to Application No. 15/01580/OUT - Land South of Halstead Road, Earls Colne
 - (i) Statement by Mr John Tuffen, 15 The Castings, Earls Colne (Objector)
 - (ii) Statement by Mrs Jenny Grinter, 14 Nonancourt Way, Earls Colne (Objector)
 - (iii) Statement by Mr William Lee, for The Hunt Property Trust, c/o Mr Stuart Williamson, Amec Foster Wheeler, Gables House, Kenilworth Road, Leamington Spa, Warwickshire (Applicant)
- 4 Statements Relating to Application No. 16/00605/FUL - Land adjacent to Bakers Lane, Black Notley
 - (i) Statement by Mr Ray Jobsz, The Friary, Bakers Lane, Black Notley (Objector)
 - (ii) Statement by Mr Adrian Haylock, 291 London Road, Black Notley (Objector)

- (iii) Statement by Councillor David Price, for Great Notley Parish Council, c/o Mrs Suzanne Walker, Clerk to Great Notley Parish Council, 7 Mallard Close, Great Notley (Against application)
- (iv) Statement by Councillor Mrs Jackie Smith, for Black Notley Parish Council, Badgers, Bakers Lane, Black Notley (Against application)
- (v) Statement by Mr Andrew Wilford, Barton Willmore, The Observatory, Southfleet Road, Ebbsfleet, Dartford, Kent, DA10 0DF (Agent)

5 Statement Relating to Application No. 16/01217/ADV - Foremost House, Waterside Business Park, Eastways, Witham

Statement by Councillor James Abbott, Braintree District Councillor for Silver End and Cressing Ward and Essex County Councillor for Witham Northern Division, 1 Waterfall Cottages, Park Road, Rivenhall (Support for application in principle, subject to lighting being downward facing and hours of operation)