

Minutes

Planning Committee

10th November 2015



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Lady Newton	Yes
R Bolton	Yes	J O'Reilly-Cicconi	Yes
Mrs L Bowers-Flint	Yes	Mrs I Parker	Apologies
P Horner	Yes	R Ramage	Yes
H Johnson	Yes	Mrs W Scattergood (Chairman)	Yes
S Kirby	Yes (until 8.42pm)	Mrs G Spray	Yes
D Mann	Yes		

Councillors K Bowers and P Schwier were also in attendance.

42 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Application Nos. 15/00799/OUT and 15/00800/FUL - land at North East Witham, Forest Road, Witham as an elected Member of Rivenhall Parish Council which had submitted representations on the applications.

Councillor Abbott declared a non-pecuniary interest also in Application No. 15/01028/FUL - 45 Collingwood Road, Witham as the applicant was a close relative. Councillor Abbott left the meeting whilst this application was discussed and determined.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 15/01012/FUL - land rear of 16 High Street, Halstead as the applicant's agent was currently a customer of the company she worked for. Councillor Mrs Bowers-Flint left the meeting whilst this application was discussed and determined. Councillor Mrs Bowers-Flint declared a non-pecuniary interest also in Application Nos. 15/00799/OUT and 15/00800/FUL - land at North East Witham, Forest Road, Witham as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor S Kirby declared a non-pecuniary interest in Application No. 15/01012/FUL - land rear of 16 High Street, Halstead as he had spoken to some of the objectors, but he had not pre-determined the application.

Councillor Lady Newton declared a non-pecuniary interest in Application Nos. 15/00799/OUT and 15/00800/FUL - land at North East Witham, Forest Road,

Witham 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.

43 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 13th October 2015 be approved as a correct record and signed by the Chairman.

44 **QUESTION TIME**

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

In view of the number of people wishing to speak, it was moved, seconded and agreed that Question Time be extended to enable everyone to be heard.

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

45 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 15/01028/FUL - 45 Collingwood Road, Witham was 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>
*15/00819/FUL (APPROVED)	Black Notley	Cornerstone Church	Alteration and front extension to church building and alterations to chapel building, Cornerstone Centre, 183 - 185 Witham Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01029/FUL (APPROVED)	Feering	Mr and Mrs A Falco	Demolish existing garage and replace with single and two storey side extension and erection of new garage in front garden, Ashwood, 3 Spa Road.

Councillor Mrs Katherine Evans, representing Feering Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00407/FUL (APPROVED)	Great Notley	White Court Primary School	Creation of an additional entrance onto footpath 16 to connect to the school playground, White Court Primary School, Ennerdale Avenue.

The Committee approved this application, subject to the addition of an Information to Applicant as follows:-

Information to Applicant

In regard to Condition 3 of this permission, the applicant is advised that in the event of an emergency the gates may be used outside the hours stipulated in the Condition.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00949/FUL (APPROVED)	White Notley	Mr S Rademaker	Proposed solar farm and infrastructure, land South of Sheepcote Wood, B1018, Witham Road.

The Committee approved this application, subject to the addition of an Information to Applicant as follows:-

Information to Applicant

- 1 (IN40) Please note that in accordance with Government legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £25 for householder applications and £85 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 (IN41) Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use, or material operation has taken place pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a

building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01028/FUL (APPROVED)	Witham	Mrs Catherine Abbott	Proposed dropped kerb and access over footway to front of property, 45 Collingwood Road.

46 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/01012/FUL (APPROVED)	Halstead	Mortier and Sons Limited	Erection of terrace comprising 4 no. dwellings (3 no. two bed and 1 no. three bed) complete with gardens, parking and related works, including partial demolition of wall, land rear of 16 High Street.

In a correction to the report, it was stated that the application was for the erection of a terrace comprising four two-bedroom dwellings, not three two-bedroom dwellings and one three-bedroom dwelling.

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 financial contribution towards the provision or enhancement of Public Open Space, 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 two calendar months of the date of this 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 following additional Condition:-

Additional Condition

- 15 Prior to the first occupation of the development hereby approved, details of the location and design of refuse bin and recycling materials storage areas and collection points shall be submitted to and approved in writing by the Local

Planning Authority.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*15/00799/OUT & 15/00800/FUL (APPROVED)	Witham	Mrs Sarah Cornwell Bellway Homes Limited and Swan Hill Homes Limited	Hybrid planning application comprising: (i) full application for 222 dwellings including affordable homes, 279 sq m gross floorspace for retail (Class A1) (or 3 additional dwellings in the event that no operator commits contractually to the retail element), public open space including local equipped area for play, sustainable drainage systems, landscaping and associated development: and, (ii) outline application with all matters reserved for up to 148 dwellings including affordable homes, public open space including allotments, sustainable drainage systems, landscaping and associated development, land at North East Witham, Forest 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;
- Community/Indoor Sports Hall;
- Cycling;
- Ecological Mitigation;
- Education;
- Health Facilities;
- Highway Related Improvements & Requirements;
- Public Open Space;
- Railway Station cycle parking improvements;
- Outdoor Sports Provision;
- Town Centre Improvements;
- Phasing Plan;
- Residential Travel Plan;

- Retail floorspace

and subject to the completion of the required archaeological evaluation of the agreed areas of interest within the area of Phase One of the development and the receipt of confirmation from the Council's Historic Environment Adviser that they have no objection to the granting of full planning permission on Phase One of the development, the Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans, the terms set out above, and the amended conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed within six calendar months of the resolution by the Planning Committee to approve the application, the Development Manager be authorised to refuse planning permission. Details of these planning applications are contained in the Register of Planning Applications.

The Committee approved these applications, subject to a single Decision Notice being issued under Application No. 15/00799/OUT and to the revised Conditions and Information to Applicant set out in a document circulated to Councillors at the Committee meeting, which are repeated below. The Committee agreed also to the imposition of an additional Condition regarding external lighting, which is included as Condition A35 below and an additional paragraph to the Information to Applicant drawing attention to the gas pipe-line and power cables which cross the site, which is included as paragraph 17 below.

Conditions numbered with the prefix A are in respect of land identified as the 'Detailed Component' of the application shown on drawing BW 149 PL – 12 – REV D dated October 2015 (Phasing Plan) (hereafter referred to as the 'Detailed Component').

Conditions numbered with the prefix B are in respect of land identified as the 'Outline Component' of the application shown on drawing BW 149 PL – 12 – REV D dated October 2015 (Phasing Plan) (hereafter referred to as the 'Outline Component').

Conditions numbered with the prefix C apply to the whole development site.

Where it is expressly stated, Conditions may be discharged by submission for an individual Phase of the development.

Where a Condition is being discharged on a Phase of the development, any pre-commencement requirement(s) shall apply separately to each Development Plot or Phase of development.

Any agreement or approval by the Local Planning Authority shall be given in writing.

Conditions and Reasons

A. Conditions Relating to the 'Detailed Component' Only:

Time Limits, Approved Drawings / Documents and Content of Development

- A1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

- A2 The development hereby permitted shall be carried out in accordance with the approved plans listed above, with the exception of the following elements which are specifically excluded:-

- Proposed verge and eaves details
- Bay window on house type Osbourne B
- The fenestration on ground floor bay windows on house type Langham A & B
- The fenestration on the Side [Front] elevation and the Front [Side] elevation on house type Hawthorn B
- Bay window on house type Laurel

For each element listed above details shall be submitted to and approved in writing prior to the commencement of construction of the dwellings hereby approved. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- A3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the retail unit in Apartment Block A shall be used solely for purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005) or in any provisions equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Archaeology

- A4 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with ASE's Written Scheme of Investigation dated September 2015 and agreed with Essex County Council Historic Environment Team on 8th September 2015.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Noise

- A5 Prior to installation details of any external refrigeration, ventilation or air

handling equipment to be installed at the commercial/retail unit proposed in Apartment Block A shall be submitted to and agreed in writing with the Local Planning Authority.

Details of any proposed external refrigeration, ventilation or air handling equipment shall include means of minimising the transmission of structure borne sound.

A6 The development shall be carried out in accordance with all the recommendations specified within the Noise Impact Assessment Report produced by Ardent Consulting Engineers (Reference No F282-06a, dated September 2015), unless otherwise first agreed in writing by the Local Planning Authority.

A7 There shall be no deliveries to or from the retail premises hereby granted permission outside the following times:-

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sunday and Bank Holidays - no vehicular movements

A8 The retail unit hereby permitted shall not be open for business outside the following hours:-

Monday to Friday 0700 hours - 2200 hours
Saturday 0700 hours - 2200 hours
Sunday and Public Holidays 0700 hours - 2200 hours

Transport

A9 Prior to occupation of the development, the bus stop on Forest Road opposite Lime Close shall be upgraded, these upgrades shall include but not be limited to a new shelter, raised kerbs and telematics. Details of these upgrades shall have been submitted to and agreed in writing with the Local Planning Authority and provided thereafter only in accordance with the details approved.

A10 Prior to occupation of the 100th dwelling, the provision of the junction alterations and associated works at the Junction of Cypress Road with Braintree Road shall be implemented as shown in principle on drawing F282-035 dated June 2015, and in accordance with full details submitted to and approved in writing by the Local Planning Authority prior to their implementation.

A11 Prior to occupation of the 100th dwelling, the provision of the roundabout alterations and associated works at the Morrison's roundabout shall be implemented as shown in principle on either drawing F282-047 dated October 2015 or drawing F282 -045 dated September 2015, and in accordance with full details submitted to and approved in writing by the Local Planning Authority prior to their implementation.

A12 Prior to occupation of the 100th dwelling, pre-signals shall be installed on the

Chipping Hill arm of the Chipping Hill / Braintree Road roundabout, as shown in principle on drawing F282-053 dated October 2015, and in accordance with full details submitted to and approved in writing by the Local Planning Authority prior to their implementation.

- A13 Prior to occupation of the development, the footway improvements and associated works shall be implemented as shown in principle on drawing F282-034 dated June 2015, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to their provision. The footway shall run from the site access, North West along Forest Road to the junction with Rickstones Road.
- A14 Prior to occupation of the 100th dwelling, a new 3 metre wide footway/cycleway linking from the Southern corner of the development site to Motts Lane shall be constructed, as shown in principle on drawing F282-053 dated October 2015, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to its provision. This condition is subject to Braintree District Council, as landowner, completing a licence agreement to allow the applicant access rights to carry out the necessary works.
- A15 Prior to occupation of the 200th dwelling, the provision of the cycleway / footway shall be implemented as shown in principle on drawing BW149 -PL-01 Rev D dated June 2015, details of which shall have been submitted to and approved in writing with the Local Planning Authority.

Ecology

- A16 Prior to commencement of the works to construct the new footway on the Western side of Forest Road, an Arboricultural Impact Assessment for the proposed works shall be submitted to the Local Planning Authority for approval.

The statement shall include:

- A further survey of the condition of the trees identified as being covered by ivy in the original report carried out on 24th September 2015. The reassessment shall be carried out following removal of the ivy from the trees and specify any additional recommended tree works.
- An updated Tree Protection Plan including details of Ground Protection to reflect any change in circumstances.
- Details of the suitably qualified Project Arboricultural Consultant who will be appointed to monitor the footway construction, 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 their monitoring and supervision of the site.

The works shall be carried out in accordance with the approved details.

Following each site inspection during the construction period, the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of the works to construct the new footway. The footway shall have been completed prior to occupation of the development.

A17 Prior to commencement of works to construct the new footway on the Western side of Forest Road, including site clearance, a site meeting between the Site Manager, the Project Arboricultural Consultant and the Local Planning Authority will be held on site to discuss the agreed tree protection measures and the programme of works.

A18 No development shall be commenced until a survey of the application site has been carried out by a suitably qualified and experienced ecologist no more than 50 days prior to commencement of the works to investigate the potential presence on the application site of badgers or bats, as specified in the Extended Phase One Habitat Survey (SES, June 2015) and Phase 2 Ecological Surveys and Assessments (SES, June 2015). Details of the methodology, findings and conclusions of the survey shall be submitted to the Local Planning Authority for approval prior to the commencement of development.

Should the results of the survey indicate that protected species are present within the application site, then details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on protected species;
- (b) a scheme of translocation to be submitted if necessary;
- (c) a programme of timings for the works referred to in a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

A19 Prior to the occupation of the development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The 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. The landscaping scheme should be in accordance with the general principles established in the Outline Landscape proposals (as shown on drawing PR043/01) and the Design and Access Statement. The scheme of landscaping shall include a scheme of phasing of landscaping that has been approved in writing by the Local Planning Authority.

The landscaping shall be carried out in the first planting and seeding season

following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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 hard surface areas agreed as part of the scheme shall be carried out following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase.

- A20 Prior to commencement of construction of the dwellings hereby approved, a detailed programme of works for both the central woodland belt and the retained hedge on the Northern side of the current access road leading to the golf course shall have been submitted to and approved in writing by the Local Planning Authority. The programme shall include a timetable setting out the timing of the works.

A suitably qualified Project Arboricultural Consultant shall be appointed to monitor the works to the woodland belt and the retained hedge on the Northern side of the current access road to the golf course. The programme of works shall include details of how monitoring of the site will be undertaken (frequency of visits; key works which will need to be monitored, etc.) and how the monitoring and supervision of the site will be recorded. The works shall be carried out in accordance with the approved details.

Following each site inspection during the construction period, the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority in accordance with the agreed site monitoring arrangements.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of the works to the central woodland belt and the retained hedge.

- A21 Prior to occupation of any of the dwellings hereby approved, additional construction drawings that show details of the proposed new Play Fort at appropriate scales shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and completed prior to occupation of the 200th dwelling and shall be permanently maintained as such.
- A22 The garages hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and shall not be used for living accommodation.
- A23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration

of the dwelling-house, as permitted by Class A, B, D, E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

- A24 Construction of any buildings shall not be commenced until samples of the materials 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.

Design

- A25 All windows and doors in masonry walls shall be inset at least 55mm, fitted with sub cills and permanently maintained as such.
- A26 Development shall not be commenced until detailed plans showing cross sections of the site indicating existing and proposed ground levels, both inside and immediately adjoining the site, and the slab levels of the dwelling(s) have been submitted to and approved in writing by the Local Planning Authority.
- A27 Prior to their installation, details of all gates / fences / railings /walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / railings / walls as approved shall be provided prior to the occupation of the buildings hereby approved and shall be permanently maintained as such.
- A28 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.
- A29 All single garages should have a minimum internal measurement of 6m x 3m. Any garage erected with its vehicular door(s) facing the highway shall not be set back more than 1.5m from the highway boundary, unless a full 6m parking space is provided in front of the garage.
- A30 Prior to the occupation of the development, the bicycle parking facilities shown within the approved plans shall be provided and retained at all times.
- A31 Plans specifying how all areas of public realm will be treated, which could incorporate 'public art', shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwellings hereby approved. The plans shall include, but not be limited to, details of road kerbs/edging, street furniture, walls and railings.

The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

- A32 Prior to construction of Apartment Block 1, if Option 1 is to be constructed, additional drawings that show details of the proposed shopfront, including fascia and signage, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as

such.

- A33 Prior to construction of Apartment Block A, if Option 2 is to be constructed, additional drawings that show details of proposed hard and soft landscaping around the block shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- A34 Prior to occupation of the 200th dwelling, the provision of the Adventure Playground, Play Equipment, Outdoor Exercise Equipment, street furniture and associated works shall be implemented as shown on plan PR043, Drawing 02 Rev D dated 2015. Any marketing material prepared for prospective occupants shall indicate the location of such facilities / equipment.
- A35 (New Condition) Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. 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. There shall be no other sources of external illumination.

B. Conditions Relating to the 'Outline Component' Only:

Time Limits, Approved Drawings / Documents and Content of Development

- B1 Approval of the details of the:-
- (a) scale, appearance and layout of the building(s);
 - (b) access thereto; and the
 - (c) landscaping of the site
- (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority.
- Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this decision-notice.
- The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.
- B2 Details of appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development hereby granted outline planning permission begins. The development shall be carried out as approved.
- B3 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 148 dwellings, car parking, public open space, landscaping, surface water attenuation, drainage, allotments, and associated infrastructure and demonstrate compliance with the

approved plans listed above.

- B4 Prior to submission of the first application for reserved matters pursuant to this planning permission, an updated Noise Report shall be produced by a suitably qualified acoustician assessing the potential for noise disturbance for the occupiers of the proposed dwellings within this development. The report shall include a mitigation strategy detailing any measures that will be required for protecting the proposed dwellings and amenity spaces from noise from the railway line. The report shall be submitted by the applicant and approved by the Planning Authority prior to submission of the first application for reserved matters pursuant to this planning permission.

Archaeology

- B5 Prior to submission of the first application for reserved matters pursuant to this outline planning permission and prior to the commencement of any development or preliminary groundworks hereby granted outline planning permission a programme of archaeological trial trenching shall have been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved by the Local Planning Authority.

The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Transport

- B6 Prior to occupation of any dwelling forming part of the development hereby granted outline planning permission, widening on the Chipping Hill approach to the junction of Chipping Hill and the B1018 shall be implemented, as shown in principle on drawing F282-056 dated November 2015, in accordance with full details submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Ecology

- B7 Prior to submission of the first application for reserved matters pursuant to this planning permission, an updated survey of the application site will have been carried out by a suitably qualified and experienced ecologist to investigate the

potential presence on the application site of badgers or bats, as specified in the Extended Phase One Habitat Survey (SES, June 2015) and Phase 2 Ecological Surveys and Assessments (SES, June 2015).

Details of the methodology, findings and conclusions of the survey shall be submitted to the Local Planning Authority for approval as part of the first application for reserved matters pursuant to this planning permission.

Design

- B8 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include 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, refuse storage, signs and lighting. 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 phases to be agreed as part of that scheme 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.

- B9 Each reserved matters application that seeks approval of appearance, layout, or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates to and shall be retained in the approved form thereafter.

- B10 The reserved matters application for layout shall include a site wide design guide for all areas of public realm and character areas, including the incorporation of public art, and shall be submitted to and approved in writing by the Local Planning Authority prior to the approval of any reserved matters. All reserved matters submissions shall accord with the approved site wide guidance, unless otherwise agreed in writing by the Local Planning Authority. The agreed strategy for each area shall be implemented within 12 months of occupation of the dwellings in each respective phase to which it relates.

C. Conditions Relating to the Whole Development:

Construction

- C1 There shall be no vehicular movements to, from, or within the site relating to the construction of the development outside the following times:-
- Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sunday, Bank Holidays and Public Holidays - no vehicular movements
- C2 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
Sunday, Bank Holidays and Public Holidays - no work
- C3 No burning of refuse, waste materials, or vegetation shall be undertaken in connection with the site clearance, or construction of the development.
- C4 No development shall take place on either Phase of the development, including any ground works or site clearance, until a Construction Management Plan covering that Phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall provide for the following all clear of the highway:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. safe access to/from the site, including the routing of construction traffic
 - d. storage of plant and materials used in constructing the development
 - e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - f. wheel and underbody washing facilities
 - g. measures to control the emission of dust and dirt during construction
 - h. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - i. a scheme to control noise and vibration during the construction phase, including details of any piling operations
 - j. details of how the approved Plan will be implemented and adhered to

The approved Plan shall be adhered to throughout the construction period.

Design

- C5 All service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.
- C6 Prior to installation of any external meter cupboards on the dwellings, details of

the location, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- C7 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the Local Planning Authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings, or to roofs.
- C8 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Transport

- C9 Prior to occupation of each Phase of the proposed development, the Developer shall be responsible for the provision and implementation of a Residents Travel Information Pack for sustainable transport, which shall have been previously submitted to and approved in writing by the Local Planning Authority. The Residents Travel Information Pack shall include:
- i) six one day travel vouchers for use with the relevant local public transport operator,
 - ii) details of the nearby Level Crossing at Cut Throat Lane and include information on how to use Level Crossings safely.

Such Packs are to be provided to the first occupiers of each new residential unit on the development site.

- C10 No part of any building shall over hang the public highway.
- C11 Prior to the commencement of the development hereby permitted, arrangements shall have been agreed in writing with the Local Planning Authority for the safeguarding, temporary diversion, or closure of any public rights of way across the site during construction, including the provision and maintenance of temporary fencing and signposting where appropriate.
- C12 The internal roads and footways within the development shall be constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Such details shall accord with the construction type required for adoption by the Highway Authority.

Ecology

- C13 Prior to the commencement of development on each Phase of the development hereby permitted, a wildlife protection plan shall be submitted to and approved by the Local Planning Authority identifying appropriate measures for the safeguarding of protected species and their habitats within that Phase.

The plan shall include:

- a) an appropriate scale plan showing protection zones where any construction activities are restricted and where protective measures will be installed, or implemented;
- b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) capturing and translocation of common lizards and slow-worms away from these areas will be implemented to mitigate injury, or destruction. The plan will identify the receptor site. The capture and translocation of animals will be undertaken following best practice guidelines;
- d) details of how development work will be planned to mitigate potential impacts on protected species, as informed by the project ecologist;
- e) a person responsible for:
 - (i) compliance with legal consents relating to nature conservation;
 - (ii) compliance with planning conditions relating to nature conservation;
 - (iii) installation of physical protection measures during construction;
 - (iv) implementation of sensitive working practices during construction;
 - (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - (vi) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

- C14 Prior to the commencement of development on each Phase of the development hereby permitted, a Landscape and Ecology Management Plan (LEMP), to specify long term habitat management prescriptions, and based upon the approved detailed landscape scheme, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the extent and location of proposed works; aftercare and long term management; the personnel responsible for the work; the timing of the works; and monitoring.

The LEMP shall include for the provision of nest/roost sites for bats and birds and to enhance reptile habitats, through features such as log piles and reptile hibernacula.

The development shall be implemented in accordance with the approved details and thereafter so maintained.

- C15 Development shall not be commenced in each Phase of the development until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority for that Phase of the development. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space

for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, 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 their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details.

Following each site inspection during the construction period, the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The approved means of protection shall be installed prior to the commencement of any building, engineering works, or other activities within that Phase of the development and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

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

Flood Risk, Hydrology and Water Resources

- C16 The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy reference F282-003 Rev A, dated June 2015.

The scheme shall include:

1. Run-off Rates for all storms up to 1 in 100 inclusive of climate change limited to a maximum of 12.3l/s for Phase 1 West and 7l/s for Phase 1 East.
2. Attenuation storage that contains the 1 in 100 year event inclusive of climate change and urban creep.
3. An appropriate level of treatment for all run-off leaving the site in line with table 3.3 of the CIRA SuDS Manual.
4. Appropriate mitigation against any high ground water levels found on the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- C17 No Development Phase of the development hereby permitted shall be commenced until such time as a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works for that Phase of the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

- C18 No Development Phase of the development hereby permitted shall be commenced until such time as 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 for the development has been submitted to, and approved in writing by, the Local Planning Authority. The development of each Phase shall be carried out and managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- C19 The applicant must maintain yearly Maintenance Logs for maintenance of the approved surface water drainage scheme which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Information to Applicant

- 1 Please note that in accordance with Government legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition.

Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use, or material operation has taken place pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit, or bond may be required.
- 4 Your attention is drawn to conditions A4 & B5 of this planning permission and that there may be archaeological remains on the site. A professional archaeological contractor should undertake any fieldwork. Any financial implications resulting from the need for archaeological investigation and

subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

- 5 All works within or affecting the highway are to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.
- 6 All trees and planting within the highway will be subject to a commuted sum, or licence.
- 7 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licences required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations).
- 8 You are advised to notify the Local Planning Authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.
- 9 All construction, or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk, at Planning Reception, or can be emailed. Please phone 01376 552525 for assistance.
- 10 Your attention is drawn to condition A23 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 11 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 12 Anglian Water has assets close to or crossing this site, or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways, or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

- 13 Your attention is drawn to the contents of the letter from Network Rail dated 16th October 2015 - a copy of which can be viewed on the Council's website - www.braintree.gov.uk
- 14 You are advised that the reserved matters application should include the proposed landscaping scheme. There will be a fee for the application.
- 15 The applicant is advised that the Local Planning Authority's expectation is that the programme of works to the central tree belt and the retained hedge, which is the subject of condition A20, shall be commenced at an early stage in the development in order that these works can become established and enhance the appearance and amenity value of these important landscape features.
- 16 In discharging condition A2, the applicant's attention is drawn to the comments of the Council's Urban Design Adviser in their letter dated 8th October 2015.
- 17 (New Paragraph) The applicant's attention is drawn to the consultation responses from UK Power Network (dated 24.07.2015) and National Grid (dated 13.07.2015). This planning permission does not confer any consent to impede National Grid or UK Power Network's easements or wayleaves. The applicant is advised to contact National Grid and UK Power Network prior to commencement of development to confirm any restrictions, or requirements concerning construction activity.

Councillor Jack Prime, representing Rivenhall Parish Council, attended the meeting and spoke on these applications, particularly with regard to the allocation of Section 106 Agreement benefits to Rivenhall Parish.

Councillor J Abbott did not vote on these applications.

47 **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>
*15/00959/FUL (REFUSED)	Bulmer	Mr and Mrs D Ablitt	Erection of first floor rear extension and first floor side extension over existing garage, 14 St Andrews Rise.

48 **PLANNING AND ENFORCEMENT APPEAL DECISIONS – SEPTEMBER 2015**

INFORMATION: Consideration was given to a report, for information, on planning and enforcement appeal decisions received during September 2015. The report included a summary of each case and a précis of the decision.

DECISION: That the report be noted.

At 10.15pm, in accordance with the Constitution, it was moved, seconded and agreed that the meeting should continue until all business on the Agenda had been dealt with.

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 10.45pm.

Councillor Mrs W Scattergood
(Chairman)

APPENDIX
PLANNING COMMITTEE
10TH NOVEMBER 2015
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 15/00819/FUL - Cornerstone Centre, 183 - 185 Witham Road, Black Notley
 - (i) Statement by Mrs Carol Hope, 181 Witham Road, Black Notley (Objector)
 - (ii) Statement by Mr Peter Upson, 23 Brain Valley Avenue, Black Notley (submitted a representation)
- 2 Statements Relating to Application No. 15/01012/FUL - Land rear of 16 High Street, Halstead
 - (i) Statement by Mr Richard Hall, 9 Hedingham Road, Halstead (Objector)
 - (ii) Statement by Mr Colin Williams, 14 High Street, Halstead (Objector)
 - (iii) Statement by Mr Chris Loon, Springfields Planning and Development Limited, 15 Springfields, Great Dunmow (Agent)
- 3 Statement Relating to Application No. 15/00949/FUL - Land South of Sheepcote Wood, B1018, Witham Road, White Notley

Statement by Mr Luke Simpson, RPS Planning and Development, 20 Milton Park, Abingdon, Oxfordshire (Agent)
- 4 Statement Relating to Application Nos. 15/00799/OUT and 15/00800/FUL - Land at North East Witham, Forest Road, Witham

Statement by Mr Olivier Spencer, Andrew Martin Planning Ltd, Town Mill, Mill Lane, Stebbing, Dunmow (Agent)
- 5 Statement Relating to Application No. 15/00959/FUL - 14 St Andrews Rise, Bulmer

Statement by Mr Des Ablitt, 14 St Andrews Rise, Bulmer (Applicant)

- 6 Statements Relating to Application No. 15/01029/FUL - Ashwood, 3 Spa Road, Feering
- (i) Statement by Mr Graham Gyford for Mr Ron Cook, 100A Feering Hill, Feering (Objector)
 - (ii) Statement by Mr Neil Jennings, Neil Jennings Architect, Bridgefoot Studios, Maldon Road, Kelvedon (Agent)
- 7 Statement Relating to Application No. 15/00407/FUL - White Court Primary School, Ennerdale Avenue, Great Notley
- Statement by Mr Chris McCann, Chairman of the Governors, White Court Primary School, Ennerdale Avenue, Great Notley (for Applicant)