

# Minutes

## Planning Committee 18th April 2023



### Present

Councillors	Present	Councillors	Present
J Abbott	Yes	F Ricci	Yes
Mrs J Beavis	Yes	Mrs W Scattergood (Chairman)	Yes
K Bowers	Apologies	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	Mrs S Wilson	Yes
A Munday	Yes	J Wrench	Yes
Mrs I Parker	Yes		

### Substitute

Councillor A Hensman attended the meeting as a substitute for Councillor K Bowers.

### 90 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

### 91 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 28th March 2023 be approved as a correct record and signed by the Chairman.

### 92 **QUESTION TIME**

**INFORMATION:** There were six statements made about the following applications. The statements were made immediately prior to the Committee's consideration of each application.

Application No. 22/00450/FUL - 31A Julien Court Road, Braintree

Application Nos. 22/01686/FUL and 22/01687/LBC - Colne House, Station Road, Earls Colne

Application No. 22/02283/FUL - Land North of Colchester Road, Witham

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

93 **PLANNING APPLICATIONS APPROVED**

**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 Planning 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>
*22/00450/FUL (APPROVED)	Braintree	Paul Hopkins Clara Developments Limited	Construction of 3 No. bungalows within the residential garden and new access off Beaufort Gardens, 31A Julien Court Road.
<p>The Committee approved this application, subject to the amendment of Condition Nos. 12 and 18 as follows:-</p> <p><b><u>Amended Conditions</u></b></p> <p>12. Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed on the site.</p> <p>18. The development shall be carried out in accordance with the Arboricultural Impact Assessment (AIA) (prepared by Moore Partners Ltd dated September 2022) and Tree Survey Plan (drawing HGN/JCR/01rev A) with the exception of paragraph 7.2 of the Arboricultural Impact Assessment (AIA) which refers to raising the crown of T22 (Oak tree). These works referring to raising of crown to T22 are not approved.</p>			

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*22/01686/FUL (APPROVED)	Earls Colne	Kingsley Healthcare Ltd	Internal and external alterations to Colne House, demolition of existing 5 bed annex building, construction of two-storey extension with underground link to provide net 27 additional specialist care bedrooms with associated car parking, sustainable drainage and hard and soft landscaping enhancements, Colne House, Station Road.

The Committee approved this application, subject to the amendment of Condition Nos. 11 and 14 and to three additional Informatives as follows:-

**Amended Conditions**

11. No development above slab level shall commence until a detailed Landscaping Scheme has been submitted to and approved in writing by the Local Planning Authority which shall include the following:
- A Scheme for Compensatory Planting which accords in principle with the Landscape Proposals Drawing 102C submitted 22nd June 2022.
  - Details of plant/trees to be planted (location, type, size, number, and planting distances).
  - Details of walls, fences and other boundary treatments (location, type, height, material).
  - Written specifications including cultivation and other operations associated with plant and grass establishment.
  - Details of hard surface areas (colour, material, method of laying).
  - Method and frequency of irrigation for all newly planted trees.
  - A programme for implementation for all the elements listed above.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All landscaping elements, including planting, seeding, turfing and hard surface areas shall be implemented in accordance with the implementation programme agreed.

Any trees or plants which die, are removed, or become seriously damaged, or

diseased within a period of five years from the completion of the development shall be replaced in the next planting season in accordance with the approved Landscaping Scheme.

14. Prior to first use of the building(s) hereby approved, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent of the Local Planning Authority.

#### Additional Infomatives

5. You are advised that you should seek to make provision for full fibre broadband (fibre to the premises (FTTP)) to ensure that ultra fast broadband can be provided for occupants of the building(s).
6. Two parking spaces are identified as electric vehicle charging point spaces. You are advised that you should make provision for an electric vehicle charging strategy to ensure that provision can be made to accommodate the charging of these types of vehicles on the site.
7. The Applicant is advised that in seeking to discharge Condition 5 (Construction Management Plan), reference should be made within the submission to how the Applicant will seek to mitigate the impact upon existing residents remaining on site during the construction phase of the development.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/01687/LBC (APPROVED)	Earls Colne	Kingsley Healthcare Ltd	Internal and external alterations to Colne House, demolition of existing 5 bed annex building, construction of two-storey extension with underground link to provide net 27 additional specialist care bedrooms with

			associated car parking, sustainable drainage and hard and soft landscaping enhancements, Colne House, Station Road.
<p>The Committee approved this application, subject to the amendment of Condition No. 6 as follows:-</p> <p><u>Amended Condition</u></p> <p>6. All new work and finishes, or works of making good to the existing building shall match the existing original work in respect of materials used, detailed execution and finished appearance, except where specifically indicated otherwise on the drawings, or documents hereby approved.</p>			

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/01881/DAC (APPROVED)	Bradwell	Mr James Hartley-Bond	Application for approval of details as reserved by condition 6 (Landscaping details) of approved application 21/01878/FUL - (Construction and operation of a solar photovoltaic farm), land East of Periwinkle Hall, Links Road, Perry Green.
<p>The Committee authorised the Planning Development Manager to grant this application, subject to the applicant submitting additional information to address the following issues:-</p> <ol style="list-style-type: none"> <li>1. Planting of the hedgerow before construction commences or as early as possible to enable the hedgerow to establish earlier.</li> <li>2. Gapping up of existing hedgerows around the perimeter of the whole of the site as far as possible.</li> <li>3. Ensure the distance/buffer between the hedge and the ditch/Public Right of Way and the length of this buffer is adequate to ensure the usability of the Public Right of Way (primarily to the east of the Jubilee plantation, but partially to the north and west) is not diminished.</li> <li>4. Enhancement to the species mix of the proposed hedgerow planting (currently no Guelder Rose, Small-Leaved Lime, Elder, or Holly).</li> </ol>			

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*23/00395/DAC (APPROVED)	Bradwell	Mr James Hartley-Bond	Application for approval of details as reserved by conditions 3 (Full details) & 4 (Hard standing & internal vehicle routes) of approved application 21/01878/FUL, land East of Periwinkle Hall, Links Road, Perry Green.

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### **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/02283/FUL (APPROVED)	Witham	C/o Agent Mr Simon Garesse, Strutt and Parker	Erection of two B8 (storage / distribution) units with office space and associated infrastructure, land North of Colchester Road.

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

- **Open Space** - Financial contribution of £109,867.17 (index-linked) to be used for a scheme in Witham. Trigger – 50% paid prior to occupation of a building, 100% paid prior to occupation of the second building.
- **Travel Plan Monitoring Fee** - £6,383 (index-linked) secured by a covenant given to Braintree District Council to ensure payment to Essex County Council prior to the commencement of development and evidence to be produced to Braintree District Council of that payment.
- **Biodiversity Net Gain Off-Site** - The submission of a biodiversity off-setting scheme (including details of timescales for implementation) to be submitted prior to the occupation of any part of the development, and not to occupy the second building until the biodiversity off-setting scheme has been approved.
- **Provision of a Cycleway/Footway** - Prior to occupation of any building on the site, a scheme to include:
  - a) a minimum 3m wide footway/cycleway from Eastways through the site to the new A12 cycleway/footway (which route may partially be provided as a

shared surface between pedestrians, cycles and motor vehicles on the site access road); and

- b) details to show that the on-site cycleway/footway will be constructed to the local Highway Authority's adoptable standards and include appropriate drainage, signage and street lighting and be available for use for the public on foot and with cycles in perpetuity, and
- c) a road safety audit to demonstrate that the on-site cycleway/footway is safe for use by the public; and
- d) details of arrangements for future maintenance to adoptable standards of the on-site cycleway/footway in perpetuity; and
- e) provision for a covenant to be given to the Council by the owners of the site to secure the right for the public to use the entire approved cycleway/footway route at all times and for all purposes on foot or on pedal cycle, in perpetuity; and
- f) details to make provision for the Council to receive the on-site cycleway/footway certificate by a chartered highway engineer; and
- g) a detailed programme of construction with a timescale for the completion of the on-site cycleway/footway.

Not to occupy the second building constructed on the site as part of the development unless and until the scheme has been approved by the Council; and

To permit National Highways and/or their contractor access to the protected land and land within the site in the vicinity of the protected land to enable National Highways and/or their contractor to construct the off-site cycleway/footway and connect it to the on-site cycleway/footway.

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

It was reported that this application had been considered by the Planning Committee on 20th December 2022 when it had been agreed to grant planning permission, subject to the completion of a Section 106 Agreement. However following discussions with the applicant regarding the Agreement, it had transpired that the

proposed biodiversity net gain and cycleway/footway requirements would need to be updated, which would modify some of the Heads of Term of the Agreement originally proposed. Furthermore, Condition No. 4 (Biodiversity Net Gain report) of the planning permission would require an update. The application was therefore being reported to the Committee again to enable Members to consider the changes to the Heads of Terms and Condition No. 4. These changes were set out in an update report.

The Committee approved this application, subject to the amendment of the Heads of Term and Condition No. 4 as set out in the update report and summarised in these Minutes.

#### Amended Condition

4. No development shall commence until a finalised Biodiversity Net Gain report for the on-site provision of Biodiversity net gain is submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Net Gain report should include the following:

- A) A commitment to measures in line with the mitigation hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- B) Provision of the full BNG calculations, with detailed justifications for the choice of habitat types and their condition;
- C) Details of the implementation measures and management of proposals;
- D) Details of any monitoring and auditing measures.

The proposed measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

## 95 **PLANNING APPLICATION REFUSED**

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Planning 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>
*23/00152/OUT (REFUSED)	Witham	Kingsland Stock Essex Ltd	Outline planning application with all matters reserved for redevelopment of the site involving the erection of 10 residential units and associated access and gardens, Cullen Mill, 49 Braintree Road.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning 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).

At the close of the meeting, it was reported that Mrs Juliet Kirkaldy, Senior Planner, would be leaving the Council to take up a new role. The Chairman and the Members of the Planning Committee thanked Juliet for her work and they wished her well for the future.

It was also reported that this was the last meeting of the Committee in the current Civic Year and Council Administration. Councillor Mrs W Scattergood, the Chairman of the Committee, indicated that she would not be standing for re-election as a Councillor and she wished to thank the Members of the Committee and Planning Officers and Governance Officers for their help and support. In response, Members and Officers thanked Councillor Mrs Scattergood for the competent way in which she had managed meetings of the Planning Committee as the Chairman since its formation sixteen years ago.

The meeting closed at 9.17pm.

Councillor Mrs W Scattergood  
(Chairman)