

Minutes

Planning Committee 19th April 2022



Present

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

Councillor Mrs J Pell attended part of the meeting in her capacity as an elected Member of Halstead Town Council. Councillor Mrs Pell read two written statements during Question Time on behalf of the Town Council against Application No. 21/02449/FUL - Halstead Hall, Braintree Road, Greenstead Green; and Application No. 21/03101/FUL - Land North of Oak Road, Halstead.

135 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 21/02449/FUL - Halstead Hall, Braintree Road, Greenstead Green; and Application No. 21/03101/FUL - Land North of Oak Road, Halstead as Councillor Mrs J Pell, who was speaking at the meeting during Question Time on behalf of Halstead Town Council, was an Elected Member of Braintree District Council and she was known to them.

Councillor Mrs J Beavis declared a non-pecuniary interest in Application No. 21/02449/FUL - Halstead Hall, Braintree Road, Greenstead Green; and Application No. 21/03101/FUL - Land North of Oak Road, Halstead as members of the public who were in attendance at the meeting, including Councillor Mrs J Pell, were known to her.

Councillor K Bowers declared a non-pecuniary interest in Application No. 22/00732/FUL - Land North of Osier Way, Sible Hedingham as, in his role as the

Council's Cabinet Member for Housing, Assets and Skills, he had been involved in the Council's decision to dispose of the land for the proposed development. Councillor Bowers left the meeting when the application was considered and determined.

Councillor P Schwier declared a non-pecuniary interest in Application No. 21/02449/FUL - Halstead Hall, Braintree Road, Greenstead Green; Application No. 21/03101/FUL - Land North of Oak Road, Halstead; and Application No. 22/00732/FUL - Land North of Osier Way, Sible Hedingham in his capacity as an elected Member of Essex County Council.

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.

136 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 5th April 2022 be approved as a correct record and signed by the Chairman.

137 **QUESTION TIME**

INFORMATION: There were ten statements made about the following applications. Those people who had registered to participate during Question Time made their statements immediately prior to the Committee's consideration of each application.

Application No. 21/01772/OUT - Land South of Coggeshall Road, Bradwell
Application No. 21/02449/FUL - Halstead Hall, Braintree Road, Greenstead Green
Application No. 21/03101/FUL - Land North of Oak Road, Halstead
Application No. 22/00732/FUL - Land North of Osier Way, Sible Hedingham

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

138 **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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/01772/OUT (APPROVED)	Bradwell	McDonnell Mohan Ltd	Outline planning permission for the erection of five houses and one bungalow, with

permission sought for access, layout and scale; with appearance and landscaping reserved, land South of Coggeshall Road.

The Committee approved this application, subject to the amendment of Condition No. 3 and the deletion of Condition Nos. 14 and 15 as follows:-

Amended Condition

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- i) The parking of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of plant and materials used in constructing the development;
 - iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) Wheel washing facilities;
 - vi) Measures to control the emission of dust and dirt during construction;
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) A scheme for any piling on site together with details of any associated noise and vibration levels;
 - ix) Delivery, demolition and construction working hours;
 - x) The measures for managing all vehicular movements and deliveries associated with the construction of the development.

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

Deleted Conditions

14. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Low Impact EclA (Hybrid Ecology, September 2021), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.

15. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features

on site that are particularly sensitive for bats and that are likely to 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 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 scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/00150/HH (APPROVED)	Braintree	Bob Jordan	Single-storey rear extension and first floor extension, 34 Buckwoods Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/00732/FUL (APPROVED)	Sible Hedingham	One Medical Property Holding Ltd	Erection of a two-storey medical centre with allocated parking, land North of Osier Way.

The Committee approved this application, subject to the amendment of Condition No. 4 as follows:-

Amended Condition

4. No above ground development shall commence until samples of the bricks and roof tiles to be used on the external finishes of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

139 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/02449/FUL (APPROVED)	Greenstead Green	Mr R Catchpole, Stow Healthcare Group	Demolish outbuildings, extend and refurbish existing redundant building

to form 25 bed dementia unit and erect bin and cycle stores, erect 20 dwellings and layout associated car parking, drainage and landscaping, Halstead Hall, Braintree 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:

- **Affordable Housing** - 30% dwellings on-site to be affordable housing, with 70% of these provided for affordable rent and 30% for shared ownership. All affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M(4) Category 3.
- **Open Space** - Financial contribution of £33,898.18 towards Open Space projects listed in the Council's Open Spaces Action Plan for Halstead Trinity Ward.
- **Open Space** - On-site Open Space Management Plan.
- **NHS** - Financial contribution of £20,000 is sought to go towards the recruitment of additional clinical staff to increase capacity of the Elizabeth Courtauld Surgery.
- **Habitat Regulations Assessment (HRA)** - Financial contribution towards off-site visitor management measures for the Blackwater Estuary Special Protection Area (SPA) and Ramsar site (£137.30 per dwelling).
- **Education** - Financial contribution of £24,866 for Early Years and Childcare and £1,556 for library enhancements.

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 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.

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

Additional Conditions

27. No above ground development shall commence unless and until a lighting design scheme to protect biodiversity for the whole site has been 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 sensitive for bats, including those areas where lighting could cause disturbance along important bat foraging routes; 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 any 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 approved scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

28. Prior to any above ground work a strategy detailing the location and specification of electric vehicle charging points to be provided shall be submitted and which, as a minimum, shall ensure each new dwelling includes provision for one charging point. Prior to its occupation, each dwelling shall be provided with the electric vehicle charging point in accordance with the approved details and shall thereafter be retained in the approved form.

Councillor P Foster attended the meeting and spoke against this application on behalf of Greenstead Green and Halstead Rural Parish Council prior to the Committee's consideration of the application.

Councillor Mrs J Pell attended the meeting and spoke against this application on behalf of Halstead Town Council prior to the Committee's consideration of the application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/03101/FUL (APPROVED)	Halstead	Bellway Homes (Essex) Ltd	Erection of 80 dwellings (Class C3) including affordable homes, public open space including local equipped area for play, access from Tidings Hill, sustainable drainage systems, landscaping and

all associated infrastructure and development, land North of Oak 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 (as amended below):

- **Affordable Housing** – 35% of units on-site (28 units in total) to be affordable housing, with a mix of 20 affordable rent and 8 shared ownership as set out within the Accommodation Schedule - revision D.
- **Allotments** – Financial contribution of £2,736.70 index-linked and calculated in accordance with the Open Spaces Supplementary Planning Document (SPD) updated financial contributions for 2022-2023. Contribution to be spent on new or improved allotment facilities within 2km of Townsford Mill, as identified in the District Council's Open Spaces Action Plan.
- **Community Facilities** – Financial contribution of £45,014 towards either the provision of new facilities at land adjacent to the car park at Butler Road, Halstead and/or the provision of new community facilities and/or upgrading of existing community facilities, and/or alterations to existing community facilities within a 2km radius of Townsford Mill.
- **Habitat Regulations Assessment (HRA) Ecological Mitigation** – Financial contribution of £137.30 per dwelling for delivery of visitor management at the Blackwater Estuary Special Protection Area (SPA) and Ramsar site.
- **Education** – Financial contributions for Early Years and Childcare provision and Primary School provision in the locality. Contributions to be calculated in accordance with standard Essex County Council provisions based on the number of qualifying dwellings to be constructed, index-linked, but equating to £17,268 per additional Early Years and Childcare place and £17,268 per additional Primary School place.
- **Healthcare** – Financial contribution towards the provision of additional capacity at the Elizabeth Courtauld Surgery, with a financial contribution of £30,400 to mitigate the impacts of this proposal.
- **Libraries** – Financial contribution of £77.80 per dwelling amounting to £6,224 index-linked towards improvements to Halstead Library (or such other library as serves the town).
- **Outdoor Sports** – A financial contribution of £86,233.30 index-linked and calculated in accordance with the Open Spaces Supplementary Planning Document (SPD) updated contribution levels for 2022-2023 to be spent on new

or improved outdoor sports facilities within 2km of Townsford Mill, as identified in the District Council's Open Spaces Action Plan.

- **Pedestrian Link** – To submit a strategy to secure a pedestrian only link between the site and the garage parking court at the end of Grange Close. (Such a link will involve third party land – in this case Eastlight Housing and the District Council, and as such an additional pedestrian link in this location will only be possible with the landowners' consent).
- **Public Open Space** - (On-site) All Public Open Space and Amenity Space to be set out to an agreed specification and managed by a Management Company to an agreed specification.
- **Residential Travel Plan Monitoring Fee** – Annual monitoring fee of £1,533 pa (index-linked) to be paid to Essex County Council for the monitoring of a Residential Travel Plan (which has been approved by the Council and implemented by the applicant).
- **Western Link** – Obligation to allow the developer of the adjoining land to construct a 3 metre wide foot/cycleway route through the Western Link Land to connect to publicly accessible and useable foot/cycle routes or estate roads within the site (only in the event that planning permission is granted for the development of the adjoining land).
- **Monitoring Fees** - For the District and County Councils. (NB - All financial contributions to be index-linked).
- **Refuse Collection** – To ensure that any private roads in the development (roads which are not adopted by the Highway Authority) are built and maintained to a standard commensurate with that required by the Local Highway Authority; to allow the Council the right to use the private roads; and that the Council shall not be subject to any claim for damage to the private roads caused as a result of reasonable use by refuse collection vehicles.

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 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.

In discussing this application, Members of the Planning Committee were advised that the site was outside the proposed town development boundary and it had not been identified in the Braintree District Publication Draft Section 2 Local Plan (2017). However, the site had been added to the emerging Plan at the Proposed

Modifications stage to reflect that outline planning permission had been granted for residential development. In the circumstances, residential development of the site would be consistent with the emerging Development Plan and, in the overall planning balance, this weighed in favour of the proposal.

The Committee approved this application, subject to the addition of five Conditions; the amendment of Condition Nos. 25, 31, 32, 33 and 34; the deletion of Condition Nos. 3 and 19; the addition of an Information to Applicant; the amendment of the Approved Plans; and the amendment of/addition to the Heads of Term of the Section 106 Agreement as follows:-

Additional Conditions

35. (Re-numbered Condition No. 33)

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include, but not be limited to:

- Limiting discharge rates to 6l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run-off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

36. (Re-numbered Condition No. 34)

No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented

as approved.

37. (Re-numbered Condition No. 35)
Prior to occupation 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
38. (Re-numbered Condition No. 36)
The applicant or any successor in title must maintain yearly logs of maintenance 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.
39. (Re-numbered Condition No. 37)
No above ground development shall commence until a lighting scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include the following details:
- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
 - Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
 - Assessment of the impacts of the lighting scheme upon biodiversity which identifies 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;
 - Provision of appropriate lighting contour plans, Isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

Amended Conditions

25. (Re-numbered Condition No. 23)
No occupation of the development shall take place until the following have

been provided or completed:

- a. The site access as shown in principle on the planning application drawing 20-095-103 Rev C. Access shall include but not be limited to a clear to ground visibility splay with dimensions of 2.4 metres by 55 metres to the north and 2.4 metres by 64 metres to the south as measured with a maximum 1 metre offset from the carriageway edge in both directions and widening to 4.1 metres of the carriageway along Tidings Hill.
 - b. The provision of a 2 metre footway from the northern side of the site access road (extending approximately as far as opposite plot number 80) to provide a link north to the junction of Tidings Hill and Grange Close as shown in principle on submitted drawing 8960/04 Rev B. Appropriate dropped kerbs/tactile paving to be provided at the junction of Tidings Hill and Grange Close.
 - c. Upgrading the pair of bus stops that best serve the development in accordance with details that shall have had prior written approval of the Local Planning Authority.
31. (Re-numbered Condition No. 29)
No development shall commence on Plots 75 and 76 until written confirmation from an Approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority, to certify that Plots 75 and 76 have been designed to comply with Building Regulations 2015 Part M4 Category 3(b).
32. (Re-numbered Condition No. 30)
No development shall commence on Plots 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37 and 77 until written confirmation from an approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority to certify that Plots 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37 and 77 as indicated on the approved layout plan, have been designed to comply with Building Regulations 2015 Part M4 Category 2.
33. (Re-numbered Condition No. 31)
Prior to occupation of each of the following Plots 75 and 76 as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service to certify that each respective plot (as indicated above) has been constructed in accordance with Building Regulations 2015 Part M4 Category 3(b), shall be submitted to and approved in writing by the Local Planning Authority.
34. (Re-numbered Condition No. 32)
Prior to occupation of each of the following Plots: 5, 7, 8, 9, 10, 15, 16, 17, 18,

19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37 and 77 as indicated on the layout drawing hereby approved - written confirmation from an Approved Inspector or Local Authority Building Control Service to certify that Plots 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 31, 32, 33, 35, 37 and 77 have been constructed in accordance with Building Regulations 2015 Part M4 Category 2, shall be submitted to and approved in writing by the Local Planning Authority

Deleted Conditions

3. The applicant will submit to the Local Planning Authority a post excavation assessment. 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.
19. The development shall be undertaken in accordance with the surface water drainage strategy as outlined in the Flood Risk Assessment 20-095-002 REV A (October 2021).

Additional Information to Applicant

5. The applicant is advised that in discharging Condition No. 28 (*re-numbered to Condition No. 26*) of this planning permission the Council will require details of planting along the Southern site boundary, including details of planting to fill gaps in existing vegetation and appropriate evergreen planting to provide additional year-round screening.

Amended Approved Plans

'8960-20 Rev B' – this should be titled 'Garden Areas Plan' not 'Amenity Space Details'

'8960-29 Rev B' – this should be titled 'Corner Turning Unit Plan' not 'First Floor Plan'

'8960-MAI2-01 Rev' (Proposed Elevations and Floor Plans) - this should be referenced '8960-MAI2-01 Rev B'

'8960-MAI2-02 Rev' (Proposed Elevations and Floor Plans) – this should be referenced '8960-MAI2-02 Rev A'

'8960-MAI2-03 Rev' (Proposed Elevations and Floor Plans) – this should be referenced '8960-MAI2-03 Rev A'

Updated Heads of Term

Amended Heads of Term

- **Allotments** – Financial contribution of £2,736.70 index-linked and calculated in accordance with the Open Spaces Supplementary Planning Document (SPD) updated financial contributions for 2022-2023. Contribution to be spent on new or improved allotment facilities within 2km of Townsford Mill, as identified in the District Council's Open Spaces Action Plan.

- **Libraries** – Financial contribution of £77.80 per dwelling amounting to £6,224 index-linked towards improvements to Halstead Library (or such other library as serves the town).
- **Outdoor Sports** – A financial contribution of £86,233.30 index-linked and calculated in accordance with the Open Spaces Supplementary Planning Document (SPD) updated contribution levels for 2022-2023 to be spent on new or improved outdoor sports facilities within 2km of Townsford Mill, as identified in the District Council's Open Spaces Action Plan.

Additional Head of Term

- **Refuse Collection** – To ensure that any private roads in the development (roads which are not adopted by the Highway Authority) are built and maintained to a standard commensurate with that required by the Local Highway Authority; to allow the Council the right to use the private roads; and that the Council shall not be subject to any claim for damage to the private roads caused as a result of reasonable use by refuse collection vehicles.

Councillor P Foster attended the meeting and spoke against this application on behalf of Greenstead Green and Halstead Rural Parish Council prior to the Committee's consideration of the application.

Councillor Mrs J Pell attended the meeting and spoke against this application on behalf of Halstead Town Council prior to the Committee's consideration of the application.

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).

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.

At the close of the meeting, the Chairman indicated that this was the last meeting of the Planning Committee in the current Civic Year and she thanked Members of the Committee and Officers for their work, particularly Councillor P Horner who was stepping down from

the Committee. In addition, the Chairman thanked everyone for their co-operation whilst the Council continued to adapt to the constraints imposed by the Covid-19 pandemic.

The meeting closed at 10.42pm.

Councillor Mrs W Scattergood
(Chairman)