

# Minutes

## Planning Committee 16th April 2024



### Present

Councillors	Present	Councillors	Present
J Abbott	Yes (from 7.20pm)	A Hooks	Yes
J Beavis	Yes	A Munday	Yes
L Bowers-Flint	Yes	I Parker (Chairman)	Yes
T Diamond	Yes	F Ricci	Apologies
M Fincken	Yes	P Schwier	Yes
J Hayes	Apologies	G Spray	Yes
D Holland	Yes		

### Substitutes

Councillor K Bowers attended the meeting as a substitute for Councillor J Hayes.  
Councillor G Prime attended the meeting as a substitute for Councillor F Ricci.

### 73 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

On behalf of Members of the Committee, Councillor I Parker, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 23/03030/TPO - Priory House, Ashen Road, Ovington as the applicant was an employee of Braintree District Council, who was known to them.

On behalf of Members of the Committee, Councillor Parker, declared a joint non-pecuniary interest also in Application No. 24/00290/LBC - September Barn, North End, Little Yeldham as the applicant was an employee of Braintree District Council, who was known to them.

Councillor J Abbott declared a non-pecuniary interest in Application No. 24/00352/FUL - New Rickstones Academy, Conrad Road, Witham as the site was within Rivenhall Parish and he was a Member of Rivenhall Parish Council. Councillor Abbott stated that he had vacated the room when the Parish Council had considered the application and he had not taken part in the debate, or decision.

Councillor K Bowers declared a non-pecuniary interest in Application No. 23/03067/FUL - Sports Ground, Spinks Lane, Witham; Application No. 24/00027/FUL

- Notley High School, Notley Road, Braintree; Application No. 24/00352/FUL - New Rickstones Academy, Conrad Road, Witham; and Application No. 24/00578/FUL - Sports Ground, Spinks Lane, Witham in his role as the Council's Cabinet Member for Resources and Performance. Councillor Bowers stated that he had voted on these matters when they had been considered by Cabinet. Councillor Bowers left the meeting when the applications were considered and determined.

Councillor Bowers declared a non-pecuniary interest also in Application No.

23/02807/OUT - Land West of Horizon 120, Horizon Boulevard, Great Notley in his role as the Council's Cabinet Member for Resources and Performance, which included responsibility for Horizon 120. Councillor Bowers left the meeting when the application was considered and determined.

Councillor L Bowers-Flint declared a non-pecuniary interest in Application No.

23/03067/FUL - Sports Ground, Spinks Lane, Witham; Application No. 24/00027/FUL - Notley High School, Notley Road, Braintree; Application No. 24/00352/FUL - New Rickstones Academy, Conrad Road, Witham; and Application No. 24/00578/FUL - Sports Ground, Spinks Lane, Witham in her role as the Council's Cabinet Member for Housing, Health and Well-being. Councillor Bowers-Flint stated that she had voted on these matters when they had been considered by Cabinet. Councillor Bowers-Flint left the meeting when the applications were considered and determined.

Councillor Bowers-Flint declared a non-pecuniary interest also in Application No.

23/02367/FUL - The Grange, 33 Lyons Hall Road, Braintree as a representative of the applicant, who was also speaking at the meeting during Question Time, was known to her. Councillor Bowers-Flint stated that she had not seen or spoken to the applicant's representative for some years and she had not discussed the application with him. Councillor Bowers-Flint remained in the meeting when the application was considered and determined.

Councillor G Spray declared a non-pecuniary interest in Application No.

23/03067/FUL - Sports Ground, Spinks Lane, Witham; Application No. 24/00027/FUL - Notley High School, Notley Road, Braintree; Application No. 24/00352/FUL - New Rickstones Academy, Conrad Road, Witham; and Application No. 24/00578/FUL - Sports Ground, Spinks Lane, Witham in her role as the Council's Cabinet Member for Planning and Infrastructure. Councillor Spray stated that she had presented a report to Cabinet in September 2023 supporting the projects and that she had voted in favour of them proceeding subject to planning approval. Councillor Spray left the meeting when the applications were considered and determined.

Councillor Spray declared a non-pecuniary interest also in Application No.

23/02807/OUT - Land West of Horizon 120, Horizon Boulevard, Great Notley in her role as the Council's Cabinet Member for Planning and Infrastructure, as she had attended Portfolio Briefings at which the Horizon 120 business park had been discussed. Councillor Spray stated that she had not spoken about or been involved with any decision making process regarding this particular matter. Councillor Spray remained in the meeting when the application was considered and determined.

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.

74 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 26th March 2024 be approved as a correct record and signed by the Chairman.

75 **QUESTION TIME**

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

Application No. 23/02367/FUL – The Grange, 33 Lyons Hall Road, Braintree

Application No. 24/00352/FUL – New Rickstones Academy, Conrad Road, Witham

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

76 **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>
*23/02334/FUL (APPROVED)	Hatfield Peverel	Mrs Sarah Gaeta, Hatfield Peverel Parish Council	Construction of two outdoor tennis courts with associated floodlighting, Strutt Memorial Ground, Maldon Road.
The Committee approved this application, subject to the addition of a Condition as follows:-  <b><u>Additional Condition</u></b>  12. No development shall commence until further lighting details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed tilt of the light fixtures and shall demonstrate how the lighting would achieve a 0% upward light ratio (ULR) including any proposed spill control lighting mechanisms. The lighting shall be installed in			

accordance with the approved details which shall be confirmed at the time of, and along with, the requirements of post-installation assessment required by Condition No. 7.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*23/03030/TPO (APPROVED)	Ovington	Mr and Mrs Havers	Notice of intent to carry out works to trees protected by Tree Preservation Order TPO - 11A/76 - T1: Poplar stem pollarded down to approximately 4.5m (approx. 15ft). Leaning heavily towards applicants property. Also removal of lowest limb (L1). T2: Remove overhanging Poplar limb (L2) to eliminate risk if the limb were to fail. T3: Poplar stem pollarded down to approximately 4.5m (approx. 15ft). Leaning heavily across paddock and is unbalanced, Priory House, Ashen Road.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*23/03067/FUL (APPROVED)	Witham	Braintree District Council	Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights and an access footpath, Sports Ground, Spinks Lane.
<p>The Committee approved this application, subject to the addition of a Condition and the amendment of Informative No. 3 as follows:-</p> <p><u>Additional Condition</u></p> <p>20. (External lighting) No development shall commence until further lighting details have been submitted to and approved in writing by the Local Planning Authority.</p>			

The details shall include the proposed tilt of the light fixtures and shall demonstrate how the lighting would achieve a 0% upward light ratio (ULR) including any proposed spill control lighting mechanisms. The lighting shall be installed in accordance with the approved details which shall be confirmed at the time of, and along with, the requirements of post-installation assessment required by Condition No. 9.

Amended Informative

- 3 You are advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation.

Councillor K Bowers, Councillor L Bowers-Flint and Councillor G Spray each declared a non-pecuniary interest in this application and they left the meeting when it was considered and determined.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*24/00027/FUL (APPROVED)	Braintree	Mr Marc Mabbott, Notley High School and Sixth Form	3G synthetic pitch with sports lighting, perimeter fencing, storage container, and access paths, Notley High School, Notley Road.
<p>The Committee approved this application, subject to the amendment of Condition No. 9 and the addition of a Condition as follows:-</p> <p><u>Amended Condition</u></p> <p>9. No development above ground level shall commence until a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed biodiversity enhancements, has been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p><u>Additional Condition</u></p> <p>22. No development shall commence until further lighting details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a revised lighting contour plan which shall include a 1 Lux contour and details of the proposed tilt of the light fixtures and shall demonstrate how the lighting would achieve a 0% upward light ratio (ULR) including any proposed spill control lighting mechanisms. The lighting shall be installed in accordance</p>			

with the approved details which shall be confirmed at the time of, and along with, the requirements of post-installation assessment required by Condition No. 11.

Councillor K Bowers, Councillor L Bowers-Flint and Councillor G Spray each declared a non-pecuniary interest in this application and they left the meeting when it was considered and determined.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*24/00290/LBC (APPROVED)	Little Yeldham	Mr and Mrs Aidan Corbishley	Replacement of 11 No. windows, September Barn, North End.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*24/00313/FUL (APPROVED)	Braintree	IMD Trading Ltd	Change of use from Class B2 (General Industrial) to Class B8 (Storage or Distribution), 8 Swinbourne Drive.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*24/00352/FUL (APPROVED)	Witham	Mr Ian Dickinson	Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, hard-standing areas, storage container, floodlights, access paths and bund, New Rickstones Academy, Conrad Road.

In an update to the Agenda report, Members of the Planning Committee were advised that Rivenhall Parish Council had objected to this application and had expressed concern about lighting and its visibility; extra traffic being generated and exacerbating existing problems with parking on Rickstones Road and the access to Forest Road; and the possibility of noise affecting local residents. The Parish Council had suggested, that because of their concerns about lighting and noise, the proposed pitch should not be used after 8.00pm.

The Committee approved this application, subject to the addition of two Conditions and the deletion of Informative No. 2 as follows:-

Additional Conditions

27. No development shall commence until further lighting details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed tilt of the light fixtures and shall demonstrate how the lighting would achieve a 0% upward light ratio (ULR) including any proposed spill control lighting mechanisms. The lighting shall be installed in accordance with the approved details which shall be confirmed at the time of, and along with, the requirements of post-installation assessment required by Condition No. 11.
28. No development shall commence until further lighting details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a revised lighting contour plan which shall include a 1 Lux contour to demonstrate that the lighting levels at the school site boundary to the north of the application site, and to the John Ray Walk to the east of the application site, will be below 1 Lux. The lighting shall be installed in accordance with the approved details which shall be confirmed at the time of, and along with, the requirements of post-installation assessment required by Condition No. 11.

Deleted Informative

2. The approved facility should comply with the Sport England's Natural Turf for Sport design guidance <https://www.sportengland.org/guidance-and-support/facilities-andplanning/design-and-cost-guidance/outdoor-surfaces> and the England & Wales Cricket Board's TS6 document on Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use and for the system installed to be an ECB approved non turf system - see <https://www.ecb.co.uk/news/74645/cricket-surface-types> for further details of the ECB TS6 document and approved non-turf systems.

Councillor K Bowers, Councillor L Bowers-Flint and Councillor G Spray each declared a non-pecuniary interest in this application and they left the meeting when it was considered and determined.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*24/00578/FUL (APPROVED)	Witham	Braintree District Council	Erection of 2.5m high acoustic fencing, Sports Ground, Spinks Lane.

Councillor K Bowers, Councillor L Bowers-Flint and Councillor G Spray each declared a non-pecuniary interest in this application and they left the meeting when it was considered and determined.

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## **SECTION 106 AGREEMENT**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*23/02807/OUT (APPROVED)	Great Notley	Mr D Warburton, Cronos Construction Projects Ltd on behalf of the Marsh Group	Hybrid planning application for part full, part outline consent for up to 55,000sqm of employment floorspace. Full planning permission for a 15,925sq.m (GEA) building for Storage and Distribution (Use class B8), with ancillary office (Use class E(g)(i)) and associated amenity space landscaping, car and cycle parking, refuse storage, servicing area, and other associated infrastructure works. Outline planning permission (with all matters reserved) for up to 39,075sq.m of employment space for Research and Development (E(g)(ii)), and/or Industrial Process (E(g)(iii)), and/or General industrial (B2), and/or Storage or distribution (B8) with ancillary office (Use class E(g)(i)) with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and utilities infrastructure, land West of Horizon 120, Horizon Boulevard.

**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:



## Highways

- Highway Works - Complete highway capacity improvement works at the B1256 Pods Brook Road arm of the A120 Pannors junction, as shown in principle on planning application drawing number IT2359/TA/02 produced by Intermodal Transportation. No occupation of any buildings in the Outline element of the application will take place until the improvement works have been provided or completed.
- Public Transport Contribution - A financial contribution of £440,000 (index-linked from April 2023) payable to Essex County Council, to be used towards public transport service improvements (including digital or on-demand services) serving the development. No occupation of any buildings in the Full or Outline elements of the application will take place until the payment has been made.
- Bus Stops - A financial contribution of £110,000 (index-linked from April 2023) payable to Essex County Council, to be used towards the provision of up to two bus stops at the northern end and a maximum of two bus stops at the southern end of that part of Horizon 120, on land that is owned by the District Council, and which is subject of the Local Development Order. No occupation of any buildings in the Full or Outline elements of the application will take place until the payment has been made.
- Commercial Travel Plan - Monitoring Fee to Essex County Council (£6,760 (index-linked) one-off payment prior to commencement).

## On-Site Open Space and Amenity Space

- The development as a whole shall provide a minimum area of 3.35ha of structural landscaping as shown in principle on plan number SK 005, and further areas of Open Space and Amenity Areas as shall be identified in the Reserved Matters applications. As well as the specification for the areas of structural landscaping, the Open Space Specification and Amenity Areas Specification shall include details of planting, tree management, street furniture, outdoor gym equipment, signage (including public right of way), Surface Water Drainage features, dog waste bins, treatment of Public Rights of Way and pathways and estate roads. Details of the management of Open Spaces and Amenity Spaces, including details of a management company and its funding arrangements, shall also be included.

## Monitoring Fees

- Applicant to pay Section 106 Monitoring Fees to Braintree District Council and Essex County Council.

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.

The Committee approved this application, subject to the amendment of the Head of Term relating to bus stops, the amendment of Condition Nos. F16, F23, F36, F39, F40 and O42, and the deletion of Condition Nos. F11 and O7 as follows:-

#### Amended Head of Term

Bus Stops – A financial contribution of £110,000 (index-linked from April 2023) payable to Essex County Council, to be used towards the provision of up to two bus stops at the northern end and a maximum of two bus stops at the southern end of that part of Horizon 120, on land that is owned by the District Council, and which is subject of the Local Development Order. No occupation of any buildings in the Full or Outline elements of the application will take place until the payment has been made.

#### Amended Conditions

F16. (Wildlife Sensitive/ Lighting Design Scheme) Prior to installation of any external lighting, a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity shall be 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, in accordance with Guidance Note 08/23 (Institute of Lighting Professionals).
- 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.

F23. (Refuse and Recycling) Prior to occupation, details of the location and design of refuse bins, recycling materials storage areas and bin collection points shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the timescales for provision. The development shall only be implemented in accordance with the approved details and thereafter retained.

F36. (External Storage) No permanent external storage or display of equipment, plant, goods or materials shall exceed 2.5m in height.

F39. (Use of Site/Buildings) The building/use hereby permitted shall only be used for B8 use (Storage and Distribution) and any ancillary uses, and for no other purposes including any other purpose in Use Class B2 (General Industrial) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order).

F40. (Trade Counters) No trade counters, customer collection points, or retail facilities shall be operated within the development, whether ancillary or otherwise, regardless of how these goods are purchased.

O42. (Trade Counters) No trade counters, customer collection points, or retail facilities shall be operated within the development, whether ancillary or otherwise, regardless of how these goods are purchased.

#### Deleted Conditions

F11. (Accessible Landscaping) All landscaping provided as part of the development hereby permitted, shall be fully accessible and useable by disabled people, including wheelchair and scooter users and people with sight impairment.

O7. (Accessible Landscaping) All landscaping provided as part of the development hereby permitted, shall be fully accessible and useable by disabled people, including wheelchair and scooter users and people with sight impairment.

Councillor K Bowers declared a non-pecuniary interest in this application and he left the meeting when it was considered and determined.

## 78 **PLANNING APPLICATION REFUSED**

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report, as amended below. Details of this planning application 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>
*23/02367/FUL (REFUSED)	Braintree	R J Waddell Properties Ltd	Erection of 8 No. dwellings with associated access and landscaping, The Grange, 33 Lyons Hall Road.
<p>The Committee refused this application, subject to the deletion of Reason No. 3 as follows:-</p> <p><b><u>Deleted Reason</u></b></p> <p>3. Insufficient information has been submitted to demonstrate the drainage calculations for the 1 in 100 year event plus 45% climate change, the drainage plan is insufficiently detailed and clarification on attenuation tanks has not been provided. It has not therefore been demonstrated that an adequate surface water drainage strategy can be provided. The proposal is therefore considered to be contrary to Policy LPP74 of the Braintree District Local Plan (2013-2033) and the National Planning Policy Framework.</p>			

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.

The meeting closed at 10.20pm.

Councillor I Parker  
(Chairman)