

# Minutes

## Planning Committee 27th October 2020



This meeting was held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 via Zoom and YouTube.

### Present

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

### 78 DECLARATIONS OF INTEREST

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

Councillor T Cunningham declared an enhanced non-pecuniary interest in Application No. 20/00501/FUL - Great Notley Skate Park, Notley Green, Great Notley as a Member of Great Notley Parish Council. Councillor Cunningham remained in the meeting whilst a statement was read by Councillor Ricci during Question Time in support of the application on behalf of the Braintree District Councillors for Great Notley and Black Notley Ward - Councillor G Butland, Councillor T Cunningham and Councillor F Ricci. Councillor Cunningham withdrew from the meeting for the remainder of Question Time and he did not take part in the meeting when the application was discussed and determined.

Councillor F Ricci declared an enhanced non-pecuniary interest in Application No. 20/00501/FUL - Great Notley Skate Park, Notley Green, Great Notley as Vice-Chairman of Great Notley Parish Council and having been involved with the Skate Park project. Councillor Ricci remained in the meeting to read a statement during Question Time in support of the application on behalf of the Braintree District Councillors for Great Notley and Black Notley Ward - Councillor G Butland, Councillor T Cunningham and Councillor F Ricci. Councillor Ricci withdrew from the meeting for the remainder of Question Time and he did not take part in the meeting when the application was discussed and determined.

In accordance with the Code of Conduct, Councillors did not take part in the discussion when the application was considered.

79 **MINUTES**

**DECISION:** That the Minutes of the meetings of the Planning Committee held on 18th August 2020 and 13th October 2020 be approved as a correct record.

80 **QUESTION TIME**

**INFORMATION:** There were three statements made about the following matters. Those people who had registered to participate during Question Time had submitted written statements in advance of the meeting and these were read to the Committee by the registered speaker immediately prior to the consideration of the applications.

Application No. 20/00501/FUL - Great Notley Skate Park, Notley Green, Great Notley  
Application No. 20/01100/VAR - Appletree Farm, Polecat Road, Cressing

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

81 **PLANNING APPLICATION APPROVED**

**DECISION:** That the undermentioned planning application 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. 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>
*20/00501/FUL (APPROVED)	Great Notley	Great Notley Parish Council	Installation of concrete skate ramp and teen shelter, Great Notley Skate Park, Notley Green.

Great Notley Parish Council submitted a written statement in support of this application, which was read to the Committee by Mrs S Walker, Clerk to Great Notley Parish Council, prior to the consideration of the application.

Councillor F Ricci, Braintree District Councillor for Great Notley and Black Notley Ward, submitted a written statement in support of this application on behalf of himself and his fellow Ward Councillors Councillor G Butland and Councillor T Cunningham, which he read to the Committee prior to the consideration of the application.

Councillor T Cunningham and Councillor F Ricci were re-admitted to the meeting following the consideration of Application No. 20/00501/FUL.

## 82 **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>
*20/01100/VAR (APPROVED)	Cressing	Mr Patrick Thomas	Application for variation of Condition 2 'Approved Plans' of application 18/00920/FUL granted 13/02/2020 for: Demolition of existing buildings on site and erection of 78 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works. Variation would allow: - Amendment to site layout and house types, (Application reference no. 20/01101/VAR), Appletree Farm, Polecat Road.

**DECISION:** That the Variation application be granted, subject to:

- (1) The completion of a suitable legal agreement to secure a Habitat Regulations Assessment (HRA) financial contribution of £9,795.24 (£125.58 per dwelling);
- (2) The decision on application reference no. 20/01101/VAR being issued;
- (3) The description of development for this Variation application being amended so that it refers to the Variation consent (application reference no. 20/01101/VAR) as opposed to the original planning permission (application reference no. 18/00920/FUL);
- (4) The approved plans and the conditions and reasons set out in the report, as amended below.

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 on 13th October 2020 the Planning Committee had approved application reference no. 20/01101/VAR relating to the same site. This application had sought the variation

of conditions attached to an extant consent (application reference no. 18/00920/FUL), which had been granted subject to a Section 106 Agreement.

As part of the Variation application, the applicant had agreed to the payment of a Habitat Regulations Assessment financial contribution, which would be secured via a Deed of Variation to the Section 106 Agreement. This payment was required to ensure that the proposed development would not have an unacceptable impact on the Blackwater Estuary Special Protection Area/Ramsar sites. The payment would amount to £9,795.24 (£125.58 per dwelling). It was proposed that there should be a single Deed of Variation to ensure that both Variation consents (application reference nos. 20/01100/VAR and 20/01101/VAR) were bound by the provisions of the original Agreement.

It was also proposed that the revised conditions attached to the Variation consent (application reference no. 20/01101/VAR) should be incorporated within the Variation consent for application reference no. 20/01100/VAR.

The Committee approved this application, subject to the Decision Notice being amended to include reference to Policy RLP76 of the Adopted Local Plan and an Information to Applicant as follows:-

#### Additional Local Plan Policy Reference

Braintree District Local Plan Review 2005 - Policy RLP76 (Grey water)

#### Information to Applicant

1. The developer is advised to review the principles contained within the Secured By Design guidance <https://www.securedbydesign.com/guidance/design-guides> prior to discharging Conditions for lighting and boundary treatments etc in order to try and comply with as many of the key principles as possible.

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).

The start of the meeting was delayed until 7.20pm due to a technical problem associated with the connection to the Council's YouTube channel.

The meeting closed at 8.15pm.

Councillor Mrs W Scattergood  
(Chairman)