

# Minutes

## Planning Committee

28th March 2017



### Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Yes
Mrs L Bowers-Flint	Yes	J O'Reilly-Cicconi (Vice-Chairman)	Yes
T Cunningham	Yes	Mrs I Parker	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Apologies	P Schwier	Yes
S Kirby	Yes	Mrs G Spray	Yes
D Mann	Yes		

### 138 **DECLARATIONS OF INTEREST**

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

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 16/01813/OUT - land South of Stonepath Drive, Hatfield Peverel as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 16/01813/OUT - land South of Stonepath Drive, Hatfield Peverel 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 application was considered.

### 139 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 28th February 2017 be approved as a correct record and signed by the Chairman.

### 140 **QUESTION TIME**

**INFORMATION:** There were nine statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application.

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

141 **VARIATION TO SECTION 106 LEGAL AGREEMENT - APPLICATION NO. 15/01580/OUT LAND SOUTH OF HALSTEAD ROAD, EARLS COLNE**

**INFORMATION:** Consideration was given to a report on a proposed change to the Section 106 legal agreement relating to planning application no. 15/01580/OUT. The outline application by The Hunt Property Trust related to the construction of up to 80 dwellings (Use Class C3), open space and associated ancillary works at land South of Halstead Road, Earls Colne. The application had been approved by the Planning Committee on 27th September 2016, subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. One of the Heads of Terms of the agreement had required that land be offered for the possible extension to the car park at The Pump House Doctors' Surgery, Earls Colne. However, the applicant had subsequently requested to vary the agreement and to remove this Term due to a change in circumstances. No other changes to the original Heads of Terms were proposed.

As part of the process of securing the land for the car park, it had become apparent that a separate parcel of land, owned by a third party, was situated between the existing Doctors' Surgery car park and the land in the applicant's control. This had complicated the process for extending the car park. Discussions had taken place with Earls Colne Parish Council; the managers at the Doctors' Surgery; the owner of the Doctors' Surgery site; and NHS England, but none was prepared to fund the extension to the car park. Consequently, it was proposed that the Heads of Terms of the Section 106 Agreement should be amended to delete the requirement for the car park extension.

**DECISION:** That that the resolution to grant planning application no. 15/01580/OUT - land South of Halstead Road, Earls Colne be modified to omit the reference to securing land for an extension to the car park at The Pump House Doctors' Surgery, Earls Colne; and 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 (40% of units provided on-site);
- Pedestrian link to Nonancourt Way;
- Provision of a minimum of 0.84ha of on-site Public Open Space including Equipped Play Area and suitable management arrangements for the on-site Public Open Space within the site;
- Financial contribution towards secondary school transport;

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 original report to the Planning Committee. Alternatively, in the event that a suitable planning obligation is not agreed within two calendar months of the date of the Planning Committee's decision, the Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

**INFORMATION:** Consideration was given to a report on a proposed change to the Section 106 legal agreement relating to planning application no. 16/01475/FUL. The application by Crest Nicholson Eastern related to the construction of 50 new homes with highway access from Monks Road; public open space; SUDs; and associated hard and soft landscaping and infrastructure at land East of Monks Road, Earls Colne. The application had been approved by the Planning Committee on 22nd November 2016, subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. One of the Heads of Terms of the agreement had required the payment of £28,719.38 towards the provision of off-site play equipment at Hillie Bunnies Playground, Earls Colne. However, it had subsequently been suggested that part of the financial contribution could be used to fund equipment for older children/teenagers at Earls Colne Recreation Club, Halstead Road, Earls Colne. The suggestion was supported by Earls Colne Parish Council and the applicant. Consequently, it was proposed that the agreement should be varied to amend this Term. No other changes to the original Heads of Terms were proposed.

In an amendment to the report, Members of the Committee were advised that the references to the 'Recreation Ground, Station Road' Earls Colne should state 'Earls Colne Recreation Club, Halstead Road, Earls Colne'.

**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:-

- 20 units to be provided as affordable housing;
- A financial contribution of £42,759.92 towards off-site Outdoor Sports for improvements to the artificial training pitch at Halstead Leisure Centre;
- A financial contribution of £1,357.07 towards improvements to allotment capacity;
- A financial contribution of £28,719.38 towards play equipment at Hillie Bunnies Playground, Earls Colne and Earls Colne Recreation Club, Halstead Road, Earls Colne;
- A financial contribution of £5,000 towards a review of on-street parking controls;
- A Management Company to manage all areas of Public Open Space within the development.

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 original report to the Planning Committee. Alternatively, in the event that a suitable planning obligation is not agreed within two calendar months of the date of the Planning Committee's decision, the Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

## 143 PLANNING APPLICATIONS WITHDRAWN

**INFORMATION:** The Committee was advised that the undermentioned planning applications had been withdrawn by the applicants. 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>
*16/01951/FUL (WITHDRAWN)	Witham	Day Lewis Plc	Hardstanding and siting of temporary portacabin for a temporary dispensary for a period of 24 months, site of proposed portacabin, Owers Road.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/02152/FUL (WITHDRAWN)	Braintree	Mr R Jewitt	Erection of a new dwelling, land rear of 106 Rosemary Avenue.

## 144 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 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>
*16/01721/FUL (APPROVED)	Rayne	Mr Stuart Ryder	Retrospective application for installation of 2 x additional windows on chimney (southern side) elevation; non-installation of the window on the northern side elevation; additional third middle dormer on front elevation; the change of design of 2 x rear conservatory doors and kitchen window and alterations to driveway, 11 Shalford Road.

The Committee approved this application, subject to the following additional Condition:-

### Additional Condition

9. The access and driveway shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority.

Councillor Don Smith, representing Rayne Parish Council, attended the meeting and spoke against this application.

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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>
*16/01788/FUL (APPROVED)	Colne Engaine	Mr Stuart Rust	Retention of demountable second hall allowed under temporary permission 11/01206/FUL, Village Hall, 1 Station Road.

The Committee approved this application against the Officers' recommendation, subject to the following Conditions and Information to Applicant:-

### Conditions

1. This permission shall expire on 31st December 2021 and on or before that date the demountable building shall be removed and the site reinstated to its former condition in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: The retention of the building on a permanent basis would not be considered acceptable in view of the impact it has on the setting of the Village Hall. A temporary consent for almost five years will provide the applicants with sufficient time to implement plans for a permanent replacement building extension.

2. There shall be no amplified music played in the demountable building at any time.

Reason: To protect the amenities of the occupiers of neighbouring residential properties and the surrounding area.

### Information to Applicant

1. The applicant is advised that the Local Planning Authority would not be supportive of a third application to retain this temporary structure for the reason outlined above.

## 145 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*16/01813/OUT (APPROVED)	Hatfield Peverel	Gladman Developments Ltd	Outline planning permission for up to 140 dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water mitigation and attenuation, site access off Stonepath Drive with associated ancillary works. All matters to be reserved with the exception of site access, land South of Stonepath Drive.

#### **DECISION:**

- (1) That, subject to the Habitat Regulations (HRA) Screening Report concluding that no likely significant effect will be caused and;
- (2) 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 as amended:-
  - **Affordable Housing** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered in three areas of the site; to be delivered equally across each phase for a multi-phase development; delivered without reliance on public subsidy; with an accessibility requirement for 25% of any ground floor flats and all 3 bed houses to meet Lifetime Homes equivalent Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction).
  - **Site Wide Housing and Phasing Strategy** (to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan).
  - **Education** (financial contribution towards Early Years and Childcare required based on the County Council's standard formula, index linked to April 2016. Trigger point for payment to be 25% paid prior to the first occupation of any units, a further 25% being paid prior to the first occupation of not more than 25% of the units and the remaining balance to be paid on occupation of more than 50% of the units).
  - **Health** (financial contribution of £52,992.00 Trigger point for payment being prior to the commencement of development).

- **Public Open Space** (financial contribution toward outdoor sports provision and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document. Trigger point for payment being prior to occupation of 10% of the dwellings).
- **Provision of Locally Equipped Area of Play (LEAP)** (on site at 0.066 ha for a development of 140 dwellings (or otherwise calculated in accordance with the requirements of Policy CS10 for a lesser number of dwellings). Provision of informal open space calculated in accordance with the requirements of Policy CS10 and the Council's Open Spaces Supplementary Planning Document to be provided across the site as a whole, but to exclude strategic landscaping, or SUDS water features. Management of on-site open space and LEAP to be transferred to a Management Company. Submission and approval of Landscape Strategy required prior to submission of first Reserved Matters application).
- **Public Amenity Land** (provision of 3.54ha of public amenity land as identified on the submitted Development Framework Plan 3015-L-101 REV H dated October 2016 to be maintained in its current form. Ownership of the land to be transferred to Hatfield Peverel Parish Council for nil consideration upon commencement of development (unless the Parish Council state they do not wish to take ownership) and a restriction to be placed on the land which prevents any disposal of the application site (red line land) until the ownership of the public amenity land (blue line land of approximately 3.54ha) has been transferred to the Parish Council. If the Parish Council state that they do not want to take ownership of the blue line land it is to be transferred to a Management Company and its maintenance as managed public open space would be secured in the same way as the on-site open space. Covenant also to be placed on the blue line land preventing any development in perpetuity).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Upgrading of bus stops** (two stops located on The Street, east of Church Road in the vicinity of The Swan. Provision of pole and timetable information and real time passenger information on the southern side of The Street and provision of real time passenger information within the shelter on the northern side of the street. Trigger point being prior to occupation of 40th dwelling and details to be agreed in writing with the Local Planning Authority). Financial cap of £40,000.00 to be placed on the contribution.

- **Farmland Bird Strategy** (submission and implementation of a strategy for off-site mitigation for Farmland Birds which will need to be informed by supplementary surveys. This is likely to include a financial contribution. The strategy is required to be submitted prior to any Reserved Matters application relating to layout or landscaping being submitted and shall include timescales associated with the implementation of the strategy which will be agreed with the Local Planning Authority).
- **Ecology (footpaths)** The developer to promote the local footpath network by supplying all new residents with a map and guide to local circular footpath routes near the application site.
- **Ecology (Blackwater Estuary)** The developer to provide a proportionate financial contribution to off-site management measures for the Blackwater estuary, likely to be in the form of interpretation boards at Maldon and Heybridge Basin.

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. Alternatively, in the event that a suitable planning obligation is not agreed within three calendar months of the date of the Planning Committee's decision, the Development Manager be authorised to refuse planning permission. Members were advised that if the HRA Screening Report concluded that a likely significant effect was expected and a further appropriate assessment was required, the application would be brought before the Planning Committee again after due consideration by Officers. Details of this planning application are contained in the Register of Planning Applications.

The Committee approved this application, subject to an amended Head of Term and two additional Heads of Term to the Section 106 Agreement as follows:-

#### Amended Head of Term

- **Education** (financial contribution towards Early Years and Childcare required based on the County Council's standard formula, index linked to April 2016. Trigger point for payment to be 25% paid prior to the first occupation of any units, a further 25% being paid prior to the first occupation of not more than 25% of the units and the remaining balance to be paid on occupation of more than 50% of the units).

#### Additional Heads of Term

- **Ecology (footpaths)** The developer to promote the local footpath network by supplying all new residents with a map and guide to local circular footpath routes near the application site.
- **Ecology (Blackwater Estuary)** The developer to provide a proportionate



financial contribution to off-site management measures for the Blackwater estuary, likely to be in the form of interpretation boards at Maldon and Heybridge Basin.

Councillor Mrs Diane Wallace, representing Hatfield Peverel Parish Council and the Neighbourhood Development Plan Group, attended the meeting and spoke against this application.

Councillor Derrick Louis, Essex County Councillor for Witham Southern Division, attended the meeting and spoke against this application.

Councillor David Bebb, Braintree District Ward Councillor for Hatfield Peverel and Terling, attended the meeting and spoke against this application.

146 **PLANNING AND ENFORCEMENT APPEAL DECISIONS – FEBRUARY 2017**

**INFORMATION:** Consideration was given to a report, for information, on planning and enforcement appeal decisions received during February 2017. The report included a summary of each case and a précis of the decision.

**DECISION:** That the report be noted.

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 9.45pm.

Councillor Mrs W Scattergood  
(Chairman)

APPENDIX

PLANNING COMMITTEE

28TH MARCH 2017

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 16 01813 OUT - Land South of Stonepath Drive, Hatfield Peverel
  - (i) Statement by Ms Elise Gwyn Williams, for Stonepath Meadow Residents Group, c/o 18 Stonepath Drive, Hatfield Peverel (Objector)
  - (ii) Statement by Ms Carly Mayes, c/o 18 Stonepath Drive, Hatfield Peverel (Objector)
  - (iii) Statement by Councillor Mrs Diane Wallace, for Hatfield Peverel Parish Council and the Neighbourhood Development Plan Group, Woolsmore, Maldon Road, Hatfield Peverel (Objector)
  - (iv) Statement by Councillor Derrick Louis, Essex County Councillor for Witham Southern Division, 10 Priory Farm Road, Hatfield Peverel (Objector)
  - (v) Statement by Councillor David Bebb, Braintree District Councillor for Hatfield Peverel and Terling Ward, White Hart Cottage, Maldon Road, Hatfield Peverel (Objector)
  - (vi) Statement by Mr John Mackenzie, Planning Manager, Gladman Developments Ltd, Gladman House, Alexandria Way, Congleton, Cheshire (Applicant)
- 2 Statement Relating to Application No. 16 01721 FUL - 11 Shalford Road, Rayne

Statement by Councillor Don Smith, for Rayne Parish Council, 11 Phillips Close, Rayne (Objector)
- 3 Statements Relating to Application No. 16 01788 FUL - Village Hall, 1 Station Road, Colne Engaine
  - (i) Statement by Mr Gordon Townsend, 14 Oddcroft, Colne Engaine (Supporter)
  - (ii) Statement by Mr Geoffrey Marcoolyn, 21 Brook Street, Colne Engaine (Supporter)