

# Minutes

## Planning Committee 2nd February 2021



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

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

### 108 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interest was declared:-

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 20/01107/FUL - land East of Pentlow Hill, Pentlow as a number of people who had submitted representations were known to her. However, Councillor Mrs Parker had not discussed the application with them. Councillor Mrs Parker stated also that Pentlow Parish Council had sought her advice on a number of procedural matters. Councillor Mrs Parker stated that, as the District Councillor for the Ward, she had assisted the Parish Council on these matters, but she had not given any view on the merits of the application.

In accordance with the Code of Conduct, Councillor Mrs Parker remained in the meeting and took part in the discussion when the application was considered.

### 109 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 19th January 2021 be approved as a correct record.

110 **QUESTION TIME**

**INFORMATION:** There were nine 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 either by the registered speaker or by the Council's Governance and Member Services Officer immediately prior to the consideration of the applications.

Application No. 19/01025/FUL - Land West of Kelvedon Station, Station Road, Kelvedon

Application No. 20/00906/REM - Land North East of Gleneagles Way, Hatfield Peverel

Application No. 20/00978/FUL - Lynderswood Farm, London Road, Black Notley

Application No. 20/01107/FUL - Land East of Pentlow Hill, Pentlow

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

111 **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, 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>
*20/00906/REM (APPROVED)	Hatfield Peverel	Barratt David Wilson Homes (Eastern Counties)	Application for approval of reserved matters (layout, appearance, scale and landscaping) of outline planning consent 16/02156/OUT - Erection of 100 dwellings, land North East of Gleneagles Way.

The Committee approved this application, subject to the amendment of Condition Nos. 15 and 16 and two additional Conditions as follows:-

**Amended Conditions**

15. No development shall commence on Plots 84 and 85 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 84 and 85 have been designed to comply with Building Regulations 2015

Part M(4) Category 3(b).

16. No development shall commence on Plots 9; 52; 53; 59; 71; 78; 79 and 82 until written confirmation from an appropriately qualified Lifetime Homes Assessor has been submitted to and approved in writing by the Local Planning Authority to certify that Plots 9; 52; 53; 59; 71; 78; 79 and 82, as indicated on the approved layout plan, have been designed to comply with Lifetime Homes.

Additional Conditions

21. Details of any proposed external lighting to the site shall be submitted to and approved in writing by the local planning authority prior to commencement of development above ground level. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). For the avoidance of doubt the details shall also:
- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All lighting shall be installed, maintained and operated in accordance with the approved details.
22. The development hereby permitted shall be carried out in accordance with the approved plans listed above, with the exception of the self-binding gravel path and trim trail which is not approved. Details of a revised alignment of the self-binding gravel path and trim trail, retaining as many of the semi mature trees and as much of the vegetation as possible, shall be submitted to and approved in writing by the local planning authority prior to the removal of any vegetation on the North Eastern Boundary. The development shall be implemented in accordance with the approved details and thereafter so retained.

112 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*19/01025/FUL (APPROVED)	Kelvedon	CALA Homes (North Home Counties) Ltd	Proposed new residential development comprising the construction of 238 new dwellings (including both houses and apartments) with associated garden and

parking provision dedicated improved access from Coggeshall Road new public open space a Sustainable Urban Drainage System and associated development, land West of Kelvedon Station, Station 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** - 95 dwellings on-site to be affordable housing, with 67 dwellings provided for affordable rent and 28 dwellings provided through shared ownership; to include the provision of 2 x 2 bed 4 person wheelchair bungalows (wheelchair user dwellings, compliant with Part M(4) Cat 3(b) of Building Regulations); and all affordable dwellings to meet or exceed the Nationally Described Space Standards and any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2;
- **Allotments** - Financial contribution of £7,082.82 (index linked) to fund improvements at Stoney Flint allotment site, Church Hill, Kelvedon;
- **Community Facility** - Financial contribution of £118,490 to be used for improvements at the Pavilion building, or towards the erection of a new building at Kelvedon Recreation Ground;
- **Education** - Financial contributions for Early Years and Childcare provision in the locality of £267,341; and financial contribution of £171,693.50 towards the cost of secondary school transport for future residents (both contributions to be index linked to April 2019);
- **Equipped Play:**
  - Children's play equipment to be provided on-site, with a value of up to £60,000; and
  - Financial contribution of £88,771.55 (index linked) to fund the expansion, modification, or improvement of the Multi Use Games Area at Kelvedon Recreation Ground, The Chase, Kelvedon;
- **Health** - Financial contribution of £90,080 (index linked) towards the provision of capacity improvements at the Kelvedon and Feering Health Centre, or new Primary Health care facilities to serve patients from the village of Kelvedon;

- **Highways & Transport:**

Financial Contributions:

- £238,000 (index lined) towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction;
- Contributions totalling £46,500 for the Highway Authority to widen and surface to a minimum of 2 metres PRow 92\_12 to connect the PRowS to the east and west of the site, and provide links from the PRow to the development; and off-site works to surface the existing PRow 92\_12 to a width of 1 metre connecting the application site to Kings Meadow Court in the east and a width of 1.5 metres to the footbridge over the railway line to the west;

Highway Works:

- Bus stop improvements at two locations for buses serving the site;
- Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street;
- The provision of a new pedestrian footbridge on PRow 92\_21 over the ditch on the north western site boundary.

Monitoring Fee:

- Payable to Essex County Council to allow for the monitoring of the Residential Travel Plan imposed by condition.

- **Outdoor Sports** - Financial contribution of £221,505.79 (index linked) to be spent at Kelvedon Recreation Ground;
- **Public Open Space** - (on-site) a minimum area of 1.9535ha for informal Open Space and equipped play area; a further 0.6572 ha of land to be managed for ecological purposes. Areas of Public Open Space; equipped play and amenity spaces, along with internal estate roads and pathways (unless adopted as Public Highway) to be managed by a Management Company. The Ecology Land to be managed by the landowner;
- **HRA/RAMS** - £29,888.04 (index linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA and Ramsar and Essex Estuaries Special Area of Conservation (SAC).

the Planning 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 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.

Members of the Planning Committee were reminded that this application had been granted by the Committee on 15th December 2020. However, amendments had subsequently been made to a small number of Affordable Housing units within the proposed apartment blocks as an issue had been identified regarding mixed tenure. No other changes were proposed. It was proposed that five Shared Ownership flats located within mixed tenure blocks should be relocated to Apartment Block A, which would comprise properties entirely of Shared Ownership tenure. Properties for Affordable Rent which had previously been located in Block A would be transferred to apartment blocks providing accommodation for Affordable Rent. The total number of Affordable Rent and Shared Ownership units would remain unchanged.

It was noted also that Natural England had confirmed that they had no objection to the Habitat Regulations Assessment for the site and the proposed mitigation measures and they considered that the proposal should not have an adverse effect on the integrity of the European designated sites included within the Essex Coast RAMS.

Members of the Committee were requested to confirm a revised resolution to grant planning permission, subject to the completion of a Section 106 Agreement and the Conditions set out in the Agenda report, which included updates agreed by the Committee on 15th December 2020.

In discussing this application, Members of the Planning Committee considered an update report regarding the Council's five year housing land supply position. In particular, it was reported that the Government had published the Housing Delivery Test results, which showed that the Council would no longer have to add a 20% buffer to its five year housing land supply calculation and that the standard 5% buffer would now apply. This represented a material change to the housing position. Previously, the Council had considered that the five year housing land supply figure for the District was 4.52 years, but given the evidence currently available this was now thought to be 4.59 years. However, it was not considered that this very modest change would affect the assessment of the application in terms of planning balance and that the 'tilted balance' set out in the National Planning Policy Framework remained engaged.

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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>
*20/00978/FUL (APPROVED)	Black Notley	Mrs Susan D Fisher	Erection of three single-storey buildings to provide 1963sqm Light Industrial (B1) floor space (20 flexible units), associated parking, cycle parking and landscaping, Lynderswood Farm, London Road.

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

- A financial contribution of £11,095.56 towards the provision of off-site open space.

the Planning 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, 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 Condition No. 3 and to the amendment of the date of the Arboricultural Report referred to in the list of Approved Plans as follows:-

#### Amended Condition

3. No development shall commence until the tree protection measures detailed in the submitted Arboricultural Method Statement and Arboricultural Impact Assessment dated 6th January 2021 and completed by AT Coombes Associates Ltd are fully in place in order to protect the trees and hedges to be retained on and adjacent to the site from damage during the carrying out of the development. The protection measures shall remain in place and all other safeguarding and protection measures and methods set out in these reports shall be adhered to until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods, or articles of any description shall be stacked, stored, or placed at any time within the limits of the spread of any of the existing trees, shrubs, or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges. No machinery of any kind shall be used, or operated within the extent of the spread of the existing trees, shrubs, hedges.

#### Amended Approved Plan

Arboricultural Report - Plan Ref: AT Coombes Ass Ltd - Version: 6 January 2021  
*(All other Approved Plans remain unchanged)*

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01107/FUL (APPROVED)	Pentlow	NextPower SPV 11 Limited	Solar farm and associated development, land East of Pentlow Hill.

**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 Head of Term:

- The provision of 30 skylark plots on nearby land.

the Planning 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, 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 Condition Nos. 9 and 14 as follows:-

#### Amended Conditions

9. Details of any proposed external lighting to the site shall be submitted to and approved in writing by the local planning authority prior to commencement of development above ground level. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). For the avoidance of doubt the details shall also:
  - identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 All lighting shall be installed, maintained and operated in accordance with the approved details.
14. Development shall not be commenced until a detailed Landscape Management Scheme has been submitted to and approved by the local planning authority, which provides details of the following:



- a) Details of the means of protecting all of the existing trees, shrubs and hedges shown to be retained on the Landscape Masterplan P0434 Rev.B (received 16th November 2020) on land within the red and blue lines, together with confirmation of any excavation, changes in ground levels, laying of services in proximity to these, together with express confirmation that the approved means of protection shall remain in place for the duration of construction and that no machinery, materials, goods, or articles of any description shall be operated stacked, stored, or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.
- b) Details of soft landscaping works (as identified on the Landscape Masterplan P0434 Rev.B received 16th November 2020) to include the plant type, size, planting numbers and distances, and a programme detailing the timing of the landscaping works in relation to the phasing of construction together with express confirmation that any trees, or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless otherwise specified and agreed.
- c) Details of a long term management plan for the landscaping shown on Landscape Masterplan P0434 Rev.B (received 16th November 2020) within the red and blue lines, which allows for the hedgerows to be maintained at a minimum height of 3m at all times and confirmation of the maintenance regime to ensure that all the identified landscaping on the site is continually managed for the lifetime of the development; to the objective of ensuring that the visual impact of the development is minimised from both close range views and those available from the wider surrounding landscape.

Development shall only commence in strict accordance with the Landscape Management Scheme, which shall subsequently be implemented only in accordance with the approved details for the lifetime of the use hereby approved.

Pentlow Parish Council submitted a written statement against this application, which was read to the Committee by Parish Councillor Ms R Simnett prior to the 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.

The meeting closed at 10.32pm.

Councillor Mrs W Scattergood  
(Chairman)