

Minutes

Planning Committee 17th December 2019



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Yes
K Bowers	Yes (from 7.40pm)	F Ricci	Yes (from 7.19pm)
T Cunningham	Yes	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	Apologies		

Councillor S Hicks (until 11.14pm), Councillor Mrs J Sandum (until 10.17pm) and Councillor P Thorogood (until 10.17pm) were also in attendance.

61 **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. 19/01222/REM - Land North East of Inworth Road, Feering as Essex County Councillor R Mitchell and Braintree District Councillor P Thorogood, who were speaking at the meeting during Question Time, and Braintree District Councillor Mrs J Sandum, who was in attendance at the meeting, were known to them.

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest also in Application Nos. 19/01230/FUL - 55 Braintree Road, Witham and 19/02057/FUL - Sauls Bridge Sports Ground, Riverview, Maldon Road, Witham as Councillor S Hicks, who was speaking at the meeting during Question Time, was known to them as an Elected Member of Braintree District Council.

Councillor J Abbott declared a non-pecuniary interest in Application Nos. 19/01230/FUL - 55 Braintree Road, Witham and 19/02057/FUL - Sauls Bridge Sports Ground, Riverview, Maldon Road, Witham as an Ordinary Member of Witham and Countryside Society, which had submitted representations about the applications.

Councillor F Ricci declared a non-pecuniary interest in Application No. 19/02057/FUL - Sauls Bridge Sports Ground, Riverview, Maldon Road, Witham as he was a member of a football club which played at the application site. Councillor Ricci stated that he had had no involvement with the application.

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.

62 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 3rd December 2019 be approved as a correct record and signed by the Chairman.

63 **QUESTION TIME**

INFORMATION: There were nineteen statements made about the following matters. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application:-

Application No. 18/00408/FUL - Land off Water Lane (South of Freezes Farm), Steeple Bumpstead

Application No. 19/00604/FUL - The Bird In Hand, Coggeshall Road, Earls Colne

Application No. 19/00998/OUT - Gosfield Tennis Club, Braintree Road, Gosfield

Application No. 19/01222/REM - Land North East of Inworth Road, Feering

Application No. 19/01230/FUL - 55 Braintree Road, Witham

Application No. 19/02057/FUL - Sauls Bridge Sports Ground, Riverview, Maldon Road, Witham

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

64 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 19/01805/HH - 18 Brain Valley Avenue, Black Notley was determined en bloc.

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>
*19/01230/FUL (APPROVED)	Witham	Mr Piers Bulgin	Subdivision of existing structure to form 2 separate

dwelling (1 no. 2 bed and 1 no. 1 bed dwelling) with addition of single storey front porch extension, 55 Braintree Road.

Councillor Steven Hicks, representing Witham Town Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01698/FUL (APPROVED)	Wickham St Paul	Mr David Hurley	Erection of a new 4-bed detached dwelling, land adjacent to Kingsmead, School Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01805/HH (APPROVED)	Black Notley	Mr Norman Chan	Two storey side extension, 18 Brain Valley Avenue.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/02057/FUL (APPROVED)	Witham	Mrs Samantha Stephenson	Erection of semi-demountable cricket ball stop fencing (15m high x 48m wide), Sauls Bridge Sports Ground, Riverview, Maldon Road.

The Committee approved this application, subject to the amendment of Condition No. 3 and two additional Conditions as follows:-

Amended Condition

3. The management and maintenance of the ball stop netting shall be carried out in accordance with the following agreed principles:
 - Bellway Homes (or neighbouring site developer) will fund the initial installation of the netting. Bellway (or neighbouring site developer) will pay Braintree District Council (BDC) the cost of the nets as specified on an up-to-

date quote. This amount would be index-linked to account for possible cost increase. The Council would issue a permit for Foresport Fencing Ltd to go on the site and install the netting;

- BDC will assume responsibility for the nets once erected, including erecting, demounting, maintaining and storing the netting. The maintenance of the netting will be based on the manufacturer's (Foresport Fencing Ltd) specified maintenance plan. Thus, BDC will require a commuted sum for the yearly maintenance cost of the nets/poles (including erecting and demounting) for a 15 year period, this will include the appointment of a specialist company to undertake the required work. The commuted sum is also required for the replacement of the nets after a 15 year period (their lifespan) after which BDC will be responsible for the funding of replacement netting. BDC have calculated that the cost of all of this would be £15,000. This will be secured by way of a Section 106 Agreement;

- BDC would ensure that tarpaulin or sheeting is provided at the base of the netting to avoid trapping any wildlife;

- Witham Cricket Club use the Sauls Bridge Sports Ground yearly from mid-April to mid-September. Consequently, the netting will be assembled at the beginning of April and taken down at the end of September;

- Out of season BDC will store the nets in one of its depot storage buildings;

- Witham Cricket Club or any other cricket club that may use the site in the future has no liability for erecting, demounting, maintaining or storing the netting, or funding its maintenance, or replacement in the future. Witham Cricket Club only hires Sauls Bridge Sport Ground when it uses it over the summer and therefore would not have any responsibilities in relation to the netting;

These arrangements as necessary shall be carried out for the 15 year management period proposed, until thereafter that Braintree District Council take on all responsibilities for the replacement and management of the nets, however retaining the agreed erection and demounting schedule.

Additional Conditions

4. Details of the colour of the 4 posts shall be submitted to and approved by the local planning authority prior to their installation.
5. Details of the height and materials of the low level security fencing shown on drawing 857-PL-95 C to be sited alongside the footpath to the access road serving the proposed residential development shall be submitted to and approved by the local planning authority and installed prior to commencement of use of the proposed sportsground.

Councillor Steven Hicks, representing Witham Town Council, attended the meeting and spoke against this application.

65 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00408/FUL (APPROVED)	Steeple Bumpstead	Enterprise Property Group Ltd	Erection of 28 no. dwellings and associated works including landscaping and access, land off Water Lane (South of Freezes Farm).

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 Terms:

- **Affordable Housing:** 11 units comprising tenure of 8 x Affordable Rent and 3 x Shared Ownership.
- **Public Open Space:** On-site provision of public open space. Management Company to be appointed for the maintenance of the proposed open space. Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:

Sports - £45,065.49 to the provision of Outdoor Sports facilities within Steeple Bumpstead Parish.
- **Education:** Financial contributions for Secondary education transport cost - £25,175.

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. 9 and two additional Conditions as follows:-

Amended Condition

9. 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.

Additional Conditions

(Re-numbered as Condition No. 10).

24. Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. 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). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

25. Notwithstanding the submitted details of the proposed footpath route, detailed plans including sections and levels across the site shall be submitted showing an option for an alternative route which, if acceptable, shall be carried out in accordance with the new approved drawings.

In the event of such an alternative route not being feasible and approved by the local planning authority, the route shall revert to the one shown on drawing SBA – XX – ZZ – DR - A-500 Rev B.

The new route shall be implemented in accordance with the approved plans within 6 months of the occupation of the final unit and thereafter be available for use by the proposed occupiers and local residents in perpetuity.

Councillor Jonathan Borges, representing Steeple Bumpstead Parish Council, attended the meeting and spoke about this application.

66 **PLANNING APPLICATION DEFERRED**

DECISION: That the undermentioned planning application be deferred to enable discussion to take place with the applicant regarding the location of the proposed children's play area; the positioning of the attenuation basins and their impact on the provision of open space; the location of affordable housing; room sizes; and the

location of blocks of flats, in particular, their proximity to a listed building. Details of this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01222/REM (DEFERRED)	Feering	Mr Giuseppe Cifaldi (Agent)	Application for approval of reserved matters following outline approval 16/00569/OUT - Approval of Reserved Matters (layout, scale, appearance, and landscaping) comprising the construction of 162 dwellings, new public open space, car parking and associated infrastructure works, land North East of Inworth Road.

Councillor Paul Lees, representing Feering Parish Council, attended the meeting and spoke against this application.

Councillor Robert Mitchell, Essex County Councillor for Braintree Eastern Division, attended the meeting and spoke about this application.

Councillor Paul Thorogood, joint Braintree District Ward Councillor for Kelvedon and Feering, attended the meeting and spoke against this application on behalf of himself and Councillor Mrs Jenny Sandum.

67 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning applications be refused for the 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>
*19/00604/FUL (REFUSED)	Earls Colne	Mr Kent	Demolition of Public House and erection of office building (828 sqm) with car parking, The Bird In Hand, Coggeshall Road.

The Committee refused this application, subject to the amendment of Reason No. 1 as follows:-

Amended Reason

1. The proposed B1 building, palisade fencing and storage of shipping containers would be of a large scale that would not be sensitive to its surroundings or be well designed to the detriment of the rural character of the area. It would also be located in a remote location, physically and functionally isolated from services and facilities resulting in an overreliance on the private car. Accordingly, the proposal would therefore be contrary to the provisions of the National Planning Policy Framework, contrary to Policies RLP2, RLP27, RLP40 and RLP90 of the Braintree District Local Plan Review (2005), Policies CS5, CS7 and CS9 of the Braintree District Core Strategy (2011) and Policies SP1, LPP8, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan (2017).

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/00998/OUT (REFUSED)	Gosfield	Mr Doherty	Erection of 5 no. dwellings with access and car park for Tennis Club, Gosfield Tennis Club, Braintree Road.

Councillor Bob Waters, representing Gosfield Parish Council, attended the meeting and spoke in support of this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/02042/PIP (REFUSED)	Halstead	Mr G Payze	Permission in principle for 1 no. residential dwelling, land at Forest Nursery, White Ash Green.

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 wished everyone a Happy Christmas.

The meeting closed at 11.14pm.

Councillor Mrs W Scattergood
(Chairman)