

Minutes

Planning Committee

24th September 2019



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	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	Apologies
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

Councillor R van Dulken was also in attendance (until 9.50pm).

26 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Application No. 19/00739/REM – Land adjacent to Braintree Road, Cressing as Councillor Mrs Susan Simpson, who was speaking on behalf of Cressing Parish Council during Question Time, was known to him.

Councillor T Cunningham declared an interest in Application No. 19/01013/FUL - Braintree Enterprise Centre, 46 Enterprise Drive, Braintree in his role as Cabinet Member for Economic Development on the basis of pre-determination and bias. Councillor Cunningham left the meeting when the application was considered and determined.

Councillor T Cunningham declared an interest in Application No. 19/01092/FUL - Land West of A131, London Road, Great Notley in his role as Cabinet Member for Economic Development on the basis of pre-determination and bias. Councillor Cunningham left the meeting when the application was considered and determined.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 19/01157/FUL – Land adjacent to 5 Coniston Close, Great Notley as a Member of Great Notley Parish Council, which had submitted a representation about the application. Councillor Cunningham stated that he had not been involved with the

determination of the Parish Council's comments. Councillor Cunningham stated that representations regarding the application had been submitted to him by members of the public, but that he had not expressed a view about the application. Councillor Cunningham stated that Mrs Suzanne Walker, Parish Clerk, who was speaking on behalf of Great Notley Parish Council during Question Time, was known to him and that residents of Great Notley who were in attendance at the meeting were also known to him.

Councillor F Ricci declared a non-pecuniary interest in Application No. 19/01157/FUL – Land adjacent to 5 Coniston Close, Great Notley as a Member and Vice-Chairman of Great Notley Parish Council, which had submitted a representation about the application. Councillor Ricci stated that he had not been involved with the determination of the Parish Council's comments. Councillor Ricci stated also that representations regarding the application had been submitted to him.

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.

27 **MINUTES**

DECISION: It was reported that the Minutes of the meetings of the Planning Committee held on 10th and 18th September 2019 were not available and it was therefore agreed that they should be deferred to the next meeting for approval.

28 **QUESTION TIME**

INFORMATION: There were eleven 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. 19/00735/FUL - Land South of Silver Street, Wethersfield
Application No. 19/00739/REM – Land adjacent to Braintree Road, Cressing
Application No. 19/00802/REM – Land West of Station Road, Earls Colne
Application No. 19/01092/FUL - Land West of A131, London Road, Great Notley
Application No. 19/01157/FUL – Land adjacent to 5 Coniston Close, Great Notley

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

29 **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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/00739/REM (APPROVED)	Cressing	Countryside Properties PLC	Development of up to 225 residential dwellings; associated access (including provision of a new roundabout on Braintree Road); public open space; play space; pedestrian and cycle links; landscaping; and provision of land for expansion of Cressing Primary School, land adjacent to Braintree Road.

The Committee approved this application, subject to an additional Information to Applicant as follows:-

Additional Information to Applicant

5. The applicant is advised that in discharging condition 17 of the Outline planning permission (16/02144/OUT) the Council would encourage the use of softer coloured LED lights.

Councillor Mrs Susan Simpson, representing Cressing Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/00802/REM (APPROVED)	Earls Colne	c/o Agent Ms Catherine Williams, Savills	Application for approval of reserved matters following outline approval 18/00121/OUT - Relating to the development of the site to provide 90 residential dwellings (Use Class C3) and associated infrastructure works, land West of Station Road.

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

Deleted Condition

3. No development shall commence unless and until a biodiversity monitoring strategy is submitted to, and approved in writing by, the local planning authority. The content of the strategy shall include the following.
 - a) Aims and objectives of monitoring to match the stated purpose of the Landscape and Nature Conservation Management Plan.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Additional Condition

3. (New Condition No. 3)
Prior to the first occupation of the development, details of the means of restricting vehicular access at the Millennium Green access point shall be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Councillor Richard van Dulken, Braintree District Ward Councillor for Yeldham, attended the meeting and spoke about this application in his capacity as a Trustee of Earls Colne Millennium Green Trust.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01092/FUL (APPROVED)	Great Notley	Mr Raoul Tufnell	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley, land West of A131, London Road.

The Committee approved this application, subject to the amendment of Condition Nos. 4, 6 and 13, four additional Conditions, and the amendment of the Approved Plans as follows:-

Amended Conditions

4. The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment completed by Treework Environmental Practice, dated 24th September 2019.

The approved means of tree/hedge protection shall be installed prior to the commencement of any building, engineering works, or other activities on the site and shall remain in place 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 unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

6. No above ground development shall commence unless and until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification,

seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. It shall also include details of a maintenance regime for any green walls proposed on the site.

Areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding, or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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.

13. Prior to commencement of development or any preliminary groundworks the programme of archaeological trial trenching as set out in the submitted Written Scheme of Investigation completed by Cotswold Archaeology, dated September 2019 shall be carried out in accordance with the agreed programme. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following completion of this work.

Additional Conditions

21. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:
 - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all run-off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

22. No development shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.
23. Prior to occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and agreed in writing by the local planning authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

24. The applicant or any successor in title must maintain yearly logs of maintenance, which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the local planning authority.

Amended Approved Plans

Other	Plan Ref: Sustainable Drainage Strategy
Other	Plan Ref: Energy Storage Container Version: REV A
Other	Plan Ref: Substation Details Version: REV A
Other	Plan Ref: Transformer Details Version: REV A
Other	Plan Ref: Sectional Elevations Version: 004 P1
Section	Plan Ref: Cross Section Version: 267494-00 P02
Access Details	Plan Ref: IW-ARP-HSR-EFB-DR-CH-000003 Version: P02
Access Details	Plan Ref: IW-ARP-HSR-EFB-DR-CH-000001 Version: P03
Planning Layout	Plan Ref: 8266-BOW-A-002 Version: P1
3D Visual Plan	Plan Ref: 8266 009
Proposed Block Plan	Plan Ref: 8266 003 Version: P1
Proposed Floor Plan	Plan Ref: 8266 005
Proposed Elevations	Plan Ref: 8266 006
Proposed Roof Plan	Plan Ref: 8266 007
Proposed Site Plan	Plan Ref: 8266 008 Version: P4
Junction layout	IW-ARP-HSR-EFB-DR-CH-000001 REV P05 (<i>from PO3</i>)
Junction Plan	IW-ARP-HSR-EFB-DR-CH-000003 REV P04 (<i>from PO2</i>)
Cross section	267494-00 REV P03 (<i>from PO2</i>)

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01157/FUL (APPROVED)	Great Notley	Mr Daniel Batchford	Erection of 1no. 3-bedroom dwelling, land adjacent to 5 Coniston Close.

The Committee approved this application, subject to four additional Conditions as follows:-

Additional Conditions

7. Prior to the occupation of the dwelling hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding, or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings, or upon the completion of the development whichever is the earlier.

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 the local planning authority gives written consent to any variation.

8. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no provision of any outbuilding within the curtilage of the dwelling-house, as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order amending, revoking and re-enacting that Order) no gate, fence, wall, or other means of enclosure shall be erected, constructed, or placed within the area designated as 'Open Space' shown on approved plan A1844/202 F without first obtaining planning permission from the local planning authority.

Mrs Suzanne Walker, Parish Clerk, representing Great Notley Parish Council, attended the meeting and spoke against this application.

A motion to refuse this application was moved and seconded, but on being put to the vote the motion was declared **LOST**.

30 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01013/FUL (APPROVED)	Braintree	Janet Whyte	New Innovation Centre with conference and office facilities and alterations to the existing Braintree Enterprise Centre, Braintree Enterprise Centre, 46 Enterprise Drive.

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

- **Highways** – A financial contribution towards improvements at the Springwood Drive/Rayne Road roundabout

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.

31 **PLANNING APPLICATION REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons contained in the Planning Development Manager's report. 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>
*19/00735/FUL (REFUSED)	Wethersfield	Wethersfield Developments Ltd	Erection of 1 no. two storey detached dwelling, detached double garage, access and associated works, land South of Silver Street.

Members of the Planning Committee were advised that as an appeal had been lodged with The Planning Inspectorate against the non-determination of this application the Local Planning Authority could not determine it.

The Planning Committee agreed that if it had been able to determine the application it would have been refused for the reasons contained in the Planning Development Manager's report, as set out below:-

1. The proposal by way of its layout and design would result in a contrived development, appearing at odds with the adjacent development. The dwelling is poorly considered in scale, form and appearance, distinct from the dwellings adjacent with which it should form one cohesive development. Furthermore, the development of this site, given the topography of the land and position of adjoining residential properties, is detrimental to the amenity of neighbouring properties and the amenity of future occupiers would be compromised. Moreover, the development by way of the approach to the southern boundary fails to ensure a sympathetic transition between the site and the open countryside beyond. The proposed development fails to secure a high quality design or a good standard of amenity for future occupiers or the occupiers of neighbouring properties, nor does it successfully integrate into the street scene or the immediate countryside setting, of harm to the settlement and amenity of the countryside.

Cumulatively the adverse impacts of the development outweigh the benefits and the proposal fails to secure sustainable development, contrary to the National Planning Policy Framework, Policies CS5, CS7, CS8 and CS9 of the Braintree District Core Strategy, Policies RLP80 and RLP90 of the Braintree District Local Plan Review and Policies LPP55 and LPP71 of the Braintree District Publication Draft Local Plan.

2. The proposed development triggers the need for an affordable housing contribution when considered cumulatively with the adjacent development (planning application reference 17/02253/FUL). However, the submitted application fails to demonstrate a provision of affordable housing and therefore is considered contrary to the National Planning Policy Framework, Policy CS2 of the Braintree District Core Strategy and Supplementary Planning Document Affordable Housing (2006).

Councillor Nick Godley, representing Wethersfield Parish Council, attended the meeting and spoke against this 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 10.27pm.

Councillor Mrs W Scattergood
(Chairman)