

# Minutes

## Planning Committee 31st May 2022



### Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	F Ricci	Yes
Mrs J Beavis	Yes (from 7.20pm)	Mrs W Scattergood (Chairman)	Yes
K Bowers	Yes	P Schwier	Yes (from 7.17pm)
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	Mrs S Wilson	Apologies
A Munday	Yes	J Wrench	Apologies
Mrs I Parker	Yes		

### Substitutes

Councillor T Cunningham attended the meeting as a substitute for Councillor J Wrench.  
Councillor A Hensman attended the meeting as a substitute for Councillor Mrs S Wilson.  
Councillor P Thorogood attended the meeting as a substitute for Councillor J Abbott.

Councillor Mrs A Kilmartin attended the meeting in her capacity as an elected Member of Witham Town Council. Councillor Mrs Kilmartin read a written statement during Question Time on behalf of the Town Council in support of Application No. 21/03618/FUL - Gershwin Park, Land North East of Reid Road, Witham.

## 7 **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. 21/00059/VAR – Morrisons Supermarket, Braintree Road, Witham as Councillor M Lager, who was speaking at the meeting during Question Time on behalf of Witham Town Council, was known to some of 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 No. 21/03618/FUL - Gershwin Park, Land North East of Reid Road, Witham as Councillor Mrs A Kilmartin, who was speaking at the meeting during

Question Time on behalf of Witham Town Council, was an Elected Member of Braintree District Council and she was known to them.

Councillor K Bowers declared a non-pecuniary interest in Agenda Item 6 – ‘Members’ Forum Proposals – Consultation’ as his wife was an elected Member of Essex County Council and the role of Essex County Councillors was considered as part of the discussion.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 21/00059/VAR – Morrisons Supermarket, Braintree Road, Witham; Application No. 21/03101/FUL - Land North of Oak Road, Halstead; Application No. 21/03618/FUL - Gershwin Park, Land North East of Reid Road, Witham; and Application No. 21/03699/HH - Brambles, White Ash Green, Halstead in his capacity as an elected Member of Essex County Council.

Councillor A Munday declared a non-pecuniary interest in Application No. 21/03699/HH - Brambles, White Ash Green, Halstead as the applicant’s agent was known 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.

## 8 **MINUTES**

**DECISION:** It was reported that the Minutes of the meeting of the Planning Committee held on 3rd May 2022 were not available for approval.

## 9 **QUESTION TIME**

**INFORMATION:** There were six statements made about the following applications. Those people who had registered to participate during Question Time made their statements immediately prior to the Committee’s consideration of each application.

Application No. 21/00059/VAR – Morrisons Supermarket, Braintree Road, Witham  
Application No. 21/03101/FUL - Land North of Oak Road, Halstead  
Application No. 21/03618/FUL - Gershwin Park, Land North East of Reid Road, Witham

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

## 10 **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>
*21/03699/HH (APPROVED)	Halstead	Mr and Mrs Gage	Construction of detached two storey cart lodge together with ground floor side extension to existing dwelling, Brambles, White Ash Green.

## 11 **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>
*21/00059/VAR (APPROVED)	Witham	Wm Morrison Supermarkets Plc	Variation of Condition 11 'Trading Restrictions' of permission 20/00014/VAR granted 11/02/2014. Variation would allow: The opening created following the demolition of the section of wall shall be kept open for pedestrians and cyclists only, and shall not prejudice the formation of future vehicular access through the opening, Morrisons Supermarket, Braintree Road.

**DECISION:** That, subject to the applicant entering into a suitable Deed of Variation to the original legal agreement made pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) in respect of access, the Planning Development Manager, or an authorised Officer, be authorised to grant planning permission for the above development in accordance with the approved plans and documents 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.

In discussing this application, Members of the Planning Committee were advised that the Heads of Term within the original Section 106 legal agreement relating to town centre improvements, public art and travel plan monitoring would not be amended by the Deed of Variation. However, it was proposed that schedule 1 of the Agreement relating to access arrangements should be replaced.

The Committee approved this application, subject to the amendment of Condition No. 11 as follows:-

Amended Condition

11. Within two years of the date of this decision the wall adjacent to Cut Throat Lane within the small area shown edged red on Drawing No. 13964-DB3-290-00-DR-A-90\_04 REV B shall be removed and the site of the wall made up to highway adoption standards and to the immediately adjacent level of Cut Throat Lane. The opening thereby created shall thereafter be kept open for pedestrians and cyclists at all times.

Councillor M Lager attended the meeting and spoke against this application on behalf of Witham Town Council prior to the Committee's consideration of the application.

Mr M Bradley, Essex Highways, attended the meeting for the consideration of this application

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/03101/FUL (APPROVED)	Halstead	Bellway Homes (Essex) Ltd	Erection of 80 dwellings (Class C3) including affordable homes, public open space including local equipped area for play, access from Tidings Hill, sustainable drainage systems, landscaping and all associated infrastructure and development, land North of Oak 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 – 35% of units on-site (28 units in total) to be affordable housing, with a mix of 20 affordable rent and 8 shared ownership as set out within the Accommodation Schedule - revision D.
- Allotments – Financial contribution calculated in accordance with the Open Spaces Supplementary Planning Document (SPD) updated financial contributions for 2022-2023. Contribution (£2,736.70) to be spent on new or

improved allotment facilities within 2km of Townsford Mill, as identified in the District Council's Open Spaces Action Plan.

- Community Facilities – Financial contribution of £45,014 towards either the provision of new facilities at land adjacent to the car park at Butler Road, Halstead and/or the provision of new community facilities and/or upgrading of existing community facilities, and/or alterations to existing community facilities within a 2km radius of Townsford Mill.
- Ecological Mitigation – Financial contribution of £137.71 per dwelling for delivery of visitor management at the Blackwater Estuary Special Protection Area (SPA) and Ramsar site.
- Education – Financial contributions for Early Years and Childcare provision and Primary School provision in the locality. Contributions to be calculated in accordance with standard Essex County Council provisions based on the number of qualifying dwellings to be constructed, index-linked, but equating to £17,268 per additional Early Years and Childcare place and £17,268 per additional Primary School place.
- Healthcare – Financial contribution towards the provision of additional capacity at the Elizabeth Courtauld Surgery, with a financial contribution of £30,400 to mitigate the impacts of this proposal.
- Libraries – Financial contribution of £77.80 per dwelling (up to £6,224 for 80 dwellings) towards improvements to Halstead Library (or such other library as serves the town).
- Outdoor Sports – A financial contribution calculated in accordance with the Open Spaces Supplementary Planning Document (SPD) updated contribution levels for 2022-2023 (£86,233.30) to be spent on new or improved outdoor sports facilities within 2km of Townsford Mill, as identified in the District Council's Open Spaces Action Plan.
- Pedestrian Link – To submit a strategy to secure a pedestrian only link between the site and the garage parking court at the end of Grange Close. (Such a link will involve third party land – in this case Eastlight Housing and the District Council, and as such an additional pedestrian link in this location will only be possible with the landowners' consent).
- Public Open Space – (On-site) All Public Open Space and Amenity Space to be set out to an agreed specification and managed by a Management Company to an agreed specification.
- Refuse Collection – To ensure that any private roads in the development (roads which are not adopted by the Highway Authority) are built and maintained to a standard commensurate with that required by the Local

Highway Authority; to allow the Council the right to use the private roads; and that the Council shall not be subject to any claim for damage to the private roads caused as a result of reasonable use by refuse collection vehicles.

- Residential Travel Plan Monitoring Fee – Annual monitoring fee of £1,533 pa (index-linked) to be paid to Essex County Council for the monitoring of a Residential Travel Plan (which has been approved by the Council and implemented by the applicant).
- Western Link – Obligation to allow the developer of the adjoining land to construct a 3 metre wide foot/cycleway route through the Western Link Land to connect to publicly accessible and useable foot/cycle routes or estate roads within the site (only in the event that planning permission is granted for the development of the adjoining land).
- Monitoring Fees – For the District and County Councils.

(NB - All financial contributions to be index-linked).

the Planning Development Manager, or an authorised Officer, be authorised to grant planning permission for the above development in accordance with the approved plans and documents 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.

In discussing this application, Members of the Planning Committee were advised that the application had been considered by the Planning Committee on 19th April 2022, when it had been agreed that it should be granted subject to a Section 106 Agreement. However, it had subsequently transpired that the report relating to the application's site history had been incorrect. In the circumstances, the Committee had been requested to re-determine the application. The previous report had referred to there being an extant 'outline' planning permission for the site reference no. 18/01876/OUT, dated 19th December 2019. This extant permission had been subject to a condition requiring the submission of a 'reserved matters' application within a period of two years. However, whilst the applicant, Bellway Homes (Essex) Ltd, had submitted the current 'full' application reference no. 21/03101/FUL on 20th October 2021, a 'reserved matters' application had not been submitted within the timescale and the 'outline' planning permission had therefore ceased to be extant on 20th December 2021.

## 12 **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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*21/03618/FUL (REFUSED)	Witham	BGF4 (Witham) LLP, Barchester Healthcare, and Churchmanor Estate	Development of the site to include erection of single storey building of 262m2 to provide 3 no. neighbourhood retail units (Class E), a three storey building to provide a 70 bedroom Care Home (Class C2) and 44 residential dwellings (Class C3) comprising of dwellinghouses and a three storey apartment building, alongside access, parking, landscaping and other associated works, Gershwin Park, land North East of Reid Road.

Councillor Mrs A Kilmartin attended the meeting and spoke in support of this application on behalf of Witham Town Council prior to the Committee's consideration of the application.

### 13 **MEMBERS' FORUM PROPOSALS – CONSULTATION**

**INFORMATION:** Consideration was given to a report on the proposed introduction of a Members' Forum as part of the process for determining planning applications.

Members of the Planning Committee were reminded that on 7th December 2020 the Council had approved a new Scheme of Delegation for the determination of planning applications, which included the proposed Members' Forum. The Forum would enable applicants and agents to present their proposals to Members of the Planning Committee during the pre-application, pre-submission, or application stages of the planning process prior to determination by the Committee. The draft Terms of Reference for the proposed Members' Forum were set out at Appendix A to the report. This proposal had previously been considered by the Planning Committee on 13th October 2020.

Currently, Officers and statutory consultees engaged with applicants at the early stages of the planning process, but it was considered that the process would also benefit from earlier engagement by Members. This would enable Members to gain an understanding of what applicants sought to achieve and how they intended to engage with the local community. It would also enable applicants and Officers to note any issues of concern that Members might have and how proposals might be improved before being presented to the Planning Committee.

It was acknowledged that the Members' Forum would not be a decision-making body and that it would not express a view on the acceptability of a proposal. Meetings of the Forum could be held either 'in person' and/or virtually and they would be recorded. The Forum's Terms of Reference and meeting dates would be published on the Council's website. Applications referred to the Members' Forum would primarily be those defined within Part A of the Scheme of Delegation, namely major development proposals. Nationally Significant Infrastructure Projects (NSIPs), Council-led proposals and 'significant' applications may also be referred to the Forum. The membership of the Members' Forum would comprise all Members and all Substitute Members of the Planning Committee. In addition, Braintree District Council Ward Member(s) for the Ward in which the development was proposed and the neighbouring Ward, if relevant, would be invited, together with up to two representatives of the relevant Town Council or Parish Council(s).

Prior to a meeting of the Members' Forum, Officers would prepare a factual briefing note for all Members and other representatives who would be attending in order to summarise the proposal. The applicant would also prepare an information pack which would be circulated in advance of the meeting. It was envisaged that up to three proposals could be considered at each meeting of the Forum depending on the scale of the schemes. Applicants would be invited to present their proposals, following which Members and other representatives would be able to ask questions and to seek clarification.

All Members of the Planning Committee would be required to undertake additional training prior to attendance at a Members' Forum meeting and a new guidance note would be issued to Councillors to explain the parameters of their involvement in the Forum process and to provide information on pre-determination and bias. Guidance would also be issued to representatives of Town Councils and Parish Councils. It was noted that decisions relating to the planning process would continue to be taken in accordance with the Council's Scheme of Delegation and the Planning Committee's Terms of Reference. As the Members' Forum was not a Committee of the Council, the Council's 'Members' Allowance Scheme' did not currently apply to it. However, Councillors would be able to claim expenses for attending meetings. It was proposed that meetings of the Forum should take place in the evening once every three weeks dependent on demand and that the number of Planning Committee meetings should reduce from 26 to 17 meetings per year. It was also proposed that the cost of a Forum should be met by applicants and that the Council's current fees and charges should be revised.

The Members' Forum proposals had been considered by the Developing Democracy Group on 27th May 2022 and by the Governance and Audit Scrutiny Committee on 30th May 2022. The proposals would also be subject to consultation with Town Councils and Parish Councils in June 2022 following which a final report would be submitted to Full Council at its meeting on 25th July 2022 for approval.



In discussing the proposal, Members of the Planning Committee raised a number of points, which the Planning Development Manager responded to. Specifically, it was queried whether Essex County Councillors might be invited to attend a Members' Forum meeting particularly if a site within an unparished area of the District was being considered. Furthermore, it was queried if the period for consultation with Town and Parish Councils could be extended from June 2022 to July 2022 as some local Councils might not meet again until July. It was agreed that these matters should be investigated.

**DECISION:** That the proposed Members' Forum and the draft Terms of Reference, as set out in the Agenda report and at Appendix A to the report, be noted.

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 meeting closed at 9.35pm.

Councillor Mrs W Scattergood  
(Chairman)