

Minutes

Planning Committee 20th December 2022



Present

Councillors	Present	Councillors	Present
J Abbott	Yes (until 8.56pm)	F Ricci	Yes
Mrs J Beavis	Yes (from 7.18pm)	Mrs W Scattergood (Chairman)	Apologies
K Bowers	Yes (until 9.33pm)	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	Mrs S Wilson	Yes
A Munday	Apologies	J Wrench	Yes
Mrs I Parker	Yes (Vice-Chairman in the Chair)		

Councillor G Butland was also in attendance.

The Planning Committee considered three applications listed on the Committee's Agenda for 20th December 2022, together with three other applications deferred from the Committee's meeting scheduled for 13th December 2022, which had been cancelled due to adverse weather conditions.

64 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor K Bowers declared a non-pecuniary interest in Application No. 22/03086/PDEM - 4 Crittall Drive, Braintree in his role as the Council's Cabinet Member for Housing, Assets and Skills, as the application had been submitted by Braintree District Council. Councillor Bowers left the meeting when the application was considered and determined and he did not return.

Councillor P Schwier declared a non-pecuniary interest in Application No. 22/00787/REM - Land at The Airfield, Earls Colne as Mr B Hobbs, who was speaking at the meeting during Question Time on behalf of the applicant, was known to him and he had contacted him to query the timescale for presenting the application to the Planning Committee for determination.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 22/00787/REM - Land at The Airfield, Earls Colne as Mr B Hobbs, who was speaking at the meeting during Question Time on behalf of the applicant, was known to her

and he had contacted her to query the timescale for presenting the application to the Planning Committee for determination.

Councillor Mrs S Wilson declared a non-pecuniary interest in Application No. 22/00787/REM - Land at The Airfield, Earls Colne as Mr B Hobbs, who was speaking at the meeting during Question Time on behalf of the applicant, was known to her and he had contacted her to query the timescale for presenting the application to the Planning Committee for determination.

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.

65 **MINUTES**

DECISION: It was reported that the Minutes of the meetings of the Planning Committee held on 1st November 2022, 15th November 2022 and 29th November 2022 were not available for approval.

66 **QUESTION TIME**

INFORMATION: There were five statements made about the following applications. The statements were made immediately prior to the Committee's consideration of each application.

Application No. 22/00450/FUL – 31A Julien Court Road, Braintree
Application No. 22/02283/FUL - Land North of Colchester Road, Witham
Application No. 22/00787/REM - Land at The Airfield, Earls Colne
Application No. 22/02600/VAR - Appletree Farm, Polecat Road, Cressing

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

67 **PLANNING APPLICATION DEFERRED**

DECISION: That the undermentioned planning application be deferred to enable the Planning Development Manager to obtain Information about the location of a spring at the site, and how the spring impacts on neighbours' gardens. 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>
*22/00450/FUL (DEFERRED)	Braintree	Clara Developments Limited	Construction of 3 No. bungalows within the residential garden and new access off Beaufort Gardens, 31A Julien Court Road.

68 **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>
*22/00787/REM (APPROVED)	Earls Colne	Mr Ben Hobbs	Application for the Approval of Reserved Matters (in respect of layout, scale, appearance, access and landscaping) pursuant to application 21/03483/VAR removal of Condition 18 (Maximum finished height) of permission 17/01157/OUT granted on 25/11/2019 for: Outline Planning Application with all matters reserved for the erection of up to 10,220m ² of B1, B2 and B8 employment floor space relating to the development of part of the southern parcel of the site for two buildings to provide B8 floorspace, land at The Airfield.
<p>The Committee approved this application, subject to the list of Approved Plans being amended to include an updated site location plan, as follows:-</p> <p><u>Amended Approved Plans</u></p> <p>Updated Site Plan 21094/301b</p>			

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/01604/FUL (APPROVED)	Lamarsh	Mr Ian Grahame	Erection of Education Centre, associated car park and access, land adjacent to Daws Hall, Henny Road.

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

Additional Conditions

11. Prior to the installation of any external lighting at the site, a Lighting Design Scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the Local Planning Authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; 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 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 scheme.

Under no circumstances should any other external lighting be installed on the site.

12. Prior to the first beneficial use of the development hereby permitted, details of the hours of opening/operation of the facility shall be submitted to and approved in writing by the Local Planning Authority. The facility shall only operate in accordance with the approved hours of operation/opening.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/03086/PDEM (APPROVED)	Braintree	Mr Michael Shorten Braintree District Council	Application for prior notification of proposed demolition - Demolition of disused industrial building, 4 Crittall Drive.

69 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/02283/FUL (APPROVED)	Witham	Tony Chambers (Aquila Estates Ltd) and Simon Boulton (PFE)	Erection of two B8 (storage / distribution) units with office space and associated infrastructure, land North of Colchester 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:

Open Space - Financial contribution of £109,867.17 (index-linked) to be used for a scheme in Witham. Trigger – 50% paid prior to occupation of a building. 100% paid prior to occupation of the second building.

Travel Plan Monitoring Fee - £6,383.00 (index-linked) secured by a covenant given to Braintree District Council to ensure payment to Essex County Council prior to the commencement of development and evidence to be produced to Braintree District Council of that payment.

Biodiversity Net Gain Off-Site - With the measures to be provided as part of this being provided prior to commencement of development and appropriate certificates being produced to the Council to show that this has been done.

Provision of a Cycleway/Footway - Prior to occupation of a building on the site, a scheme for a cycleway/footway link through the site from Eastways to the proposed new A12 cycleway/footway shall be submitted and shall include:

- a) A minimum 3m wide cycleway/footway from Eastways (point A) through the site to a point on the southern site boundary where National Highways agree there can be a connection to the new A12 cycleway/footway (which route may partially be provided as a shared surface between pedestrians, cycles and motor vehicles on the site access road); and
- b) Details to show that the cycleway/footway through the site will be constructed to the Highway Authority's adoptable standards and shall include appropriate drainage, signage and street lighting and be available for use for the public on foot and with cycles in perpetuity; and
- c) A road safety audit to be produced to demonstrate that the cycleway/footway is safe; and
- d) Details of arrangements for future maintenance to adoptable standards in perpetuity; and
- e) Provision for a covenant to be given to the Council by the owners of the site to secure the right for the public to use the entire approved cycleway/footway route at all times and for all purposes on foot or on pedal cycle, in perpetuity; and
- f) Details to make provision for the Council to receive confirmation from a chartered highway engineer when the works to construct the cycleway/footway through the site have been completed that demonstrate that the works have been completed to the approved standards; and

- g) Details of the provision of the link from the southern site boundary to the new A12 cycleway/footway; and
- h) A detailed programme of construction with a timescale for the completion of the works required by the scheme to link to the date of approval by the Council of the scheme.

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 Agenda 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. 24 as follows:-

Amended Condition

24. Prior to the first occupation of the development, a noise assessment in accordance with the recommendations in Section 7 of the Noise Report (Reference EAS Ltd Noise Impact assessment August 2022) shall be submitted to and approved in writing by the Local Planning Authority. The development shall adhere to the agreed principles/recommendations within the approved Noise Report for the lifetime of the development.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/02600/VAR (APPROVED)	Cressing	Mr Patrick Thomas, Appletree Farm Cressing Limited	S73a variation of condition application for the erection of 77 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works including the variation of Condition 2 (Approved Plans); Condition 3 (Materials); Condition 6 (Contamination); Condition 8 (CMP); Conditions 9, 10 & 11 (SUDS); Condition 14

			(CEMP); Condition 16 (Refuse & Lighting); Condition 18 (Hard Landscaping) of application 18/00920/FUL granted 13/02/2020 for the: Demolition of existing buildings on site and erection of 78 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works, Appletree Farm, Polecat Road.
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DECISION: That, subject to the applicant entering into a suitable Deed of Variation to the legal agreement made under Section 106 of the Town and County Planning Act 1990 (as amended) relating to planning permission 18/00920/FUL to cover the following amended Heads of Term:

- Refuse Strategy
- Affordable Housing Plots
- Habitat Regulations Assessment

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 Agenda 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 an additional Condition and to the amendment of the list of Approved Plans. A post-Committee meeting amendment to Condition No. 1 was also agreed by the Planning Development Manager in consultation with the Councillors who had moved and seconded the motion to approve the application. The amendments are as follows:-

Amended Condition

1. The development hereby permitted shall be carried out in accordance with the approved plans listed above.

The approved foul water pumping station shall be implemented in accordance with Drawing No. IN009 PS-01 A and shall be completed prior to first occupation

of any dwelling. The existing unlawful partially installed foul water pumping station shall be removed in its entirety prior to first occupation of any dwelling.

Prior to the 10th occupation of any dwelling on the site, specific details of the brick enclosure to surround the existing retained substation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and completed prior to the 10th occupation of any dwelling on the site.

The approved works/changes to Plot 1, as shown on Drawing No. IN009 HT-15 Revision C, shall be completed in full prior to the first occupation of this unit.

Additional Condition

18. Prior to occupation of each of the following affordable housing plots: 26, 27, 28, 53, 54, 55, 56, 57, 60, 61, 62, 63, 68, 69, 70, 71, 72, 73, 74, 75 and affordable ground floor flat plots: 22, 23, 40, 41, 42 as indicated on Drawing Number IN009 5 Rev C hereby approved, written confirmation from an Approved Inspector or Local Authority Building Control Service to certify that each respective plot (as indicated above) has been constructed in accordance with Building Regulations 2015 Part M4 Category 2, shall be submitted to and approved in writing by the Local Planning Authority.

Amended Approved Plans

IN009-HT09 A (house type 3A-3)
173096/SK/05 (access visibility)
173096/A/02.2 (footway upgrade)
edp4086_d018c
IN009-02 REV C updated to IN009-02 REV D

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).

Planning Members' Forum and Planning Committee - Training Session and Revised Schedule of Meetings

At the close of the meeting, Members of the Planning Committee were advised that the Planning Members' Forum would be introduced with effect from 31st January 2023 and that meetings of the Forum would be scheduled to take place once every three weeks.

Members of the Planning Committee were invited to attend a training session regarding the Members' Forum, which would be held at Causeway House, Bocking End, Braintree on 10th January 2023 starting at 7.15pm.

In addition, with effect from 24th January 2023, meetings of the Planning Committee would be scheduled to take place once every three weeks instead of the current frequency of once every two weeks.

Details of the timetable of meetings for the Members' Forum and the Planning Committee for the remainder of the current Civic Year would be sent to the Members of the Committee.

The meeting closed at 9.36pm.

Councillor Mrs I Parker
(Vice-Chairman in the Chair)