

Minutes

Planning Committee

26th February 2019



Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Yes
Mrs L Bowers-Flint	Yes	Mrs I Parker	Yes
T Cunningham	Yes	F Ricci	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	Mrs G Spray	Yes
S Kirby	Yes	Vacancy	
D Mann	Apologies		

Councillor C Siddall was also in attendance (until 8.30pm).

115 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application No. 18/00214/OUT - Land rear of Tey Road, Earls Colne as one of the objectors was a former employee of Braintree District Council and he was known to her.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 18/01749/FUL - Land East of Sudbury Road, Halstead as Councillor Mrs Eileen Penn, representing Halstead Town Council, who was speaking at the meeting during Question Time, was known to him.

Councillor S Kirby declared a non-pecuniary interest in Application No. 18/01749/FUL - Land East of Sudbury Road, Halstead as a number of people who were in attendance at the meeting were known to him. Councillor Kirby stated that he had not made known any judgement about the application, or discussed it with the people present.

Councillor Lady Newton declared a non-pecuniary interest in Application No. 18/00214/OUT - Land rear of Tey Road, Earls Colne as one of the objectors was a former employee of Braintree District Council and he was known to her.

Councillor Mrs W Scattergood declared a non-pecuniary interest in Application No. 18/00214/OUT - Land rear of Tey Road, Earls Colne as one of the objectors was a former employee of Braintree District Council and he was known to her.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. 18/00214/OUT - Land rear of Tey Road, Earls Colne as many of the objectors were known to her.

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.

116 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 19th February 2019 be approved as a correct record and signed by the Chairman.

117 **QUESTION TIME**

INFORMATION: There were nine 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. 18/00214/OUT - Land rear of Tey Road, Earls Colne
Application No. 18/01749/FUL - Land East of Sudbury Road, Halstead

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

Housing Land Supply - Update

During the presentation of the Agenda Items relating to Application Nos. 18/00214/OUT - Land rear of Tey Road, Earls Colne and 18/01749/FUL - Land East of Sudbury Road, Halstead for residential development, Officers advised Members of the Planning Committee about the Council's current housing land supply figure. The Planning Development Manager reported that there was no change to his recommendations in respect of the applications.

118 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00214/OUT (APPROVED)	Earls Colne	Mr and Mrs Robinson	Erect 23 no. detached and semi-detached, 1, 2, 3, 4 and 5 bedroom dwellings and associated garages, lay out parking, amenity areas,

public open space, estate roads, private drives, drainage infrastructure and landscaping, land rear of Tey Road.

DECISION: That subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing:** 9 units comprising tenure of 6 x affordable rent and 3 shared ownership. Trigger: not to permit the occupation of more than 50% of the market dwellings until such time as all of the affordable housing dwellings to be provided
- **Public Open Space:** On site provision of public open space, as shown on the site layout plan. Management Company be appointed for the maintenance of the proposed open and amenity space and tree buffer zone. Financial contribution for equipped play, allotments and sports (details of projects to be discussed with the Parish Council). Exact figures to be confirmed at reserved matters stage in accordance with the Council's Supplementary Planning Document
- **Highways:** Highways works to include; access to the site, and works to improve the surface of the Public Right of Way between the site access and Tey Road and works to culvert the ditch along the site boundary and adjacent to the Public Right of Way to reduce surface water flooding on the footpath
- **Education:** Financial contributions for primary education and secondary school transport, amount to be calculated in accordance with standard Essex County Council contribution formula. (For Members information – Essex County Council Education have indicated that if 23 qualifying dwellings are built, then the financial contributions would be £87,865 for primary education and £15,950.50 for secondary school transport contribution. The actual level of contribution will be determined by the number of qualifying dwellings)

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 date 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. 7 and 10 as follows:-

Amended Conditions

7. No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0900 hours - 1800 hours

Saturday 0900 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

10. No development shall commence unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
 - The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery and demolition;
 - A method statement for badger/small mammal protection during construction;
 - No HGV vehicles shall access the site if Tey Road is closed or partially closed to facilitate connection to the main sewer network or other infrastructure connections;
 - Construction traffic is prohibited from accessing Tey Road, Earls Colne from the South and must use the junction of Tey Road and the A1124

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Councillor Ian Sparks, representing Earls Colne Parish Council, attended the meeting and spoke against this application.

Councillor Chris Siddall, Braintree District Ward Councillor for Three Colnes, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01749/FUL (APPROVED)	Halstead	Bellway Homes Ltd	Erection of 218 homes with associated infrastructure including SUDs features, new accesses from Tylneys Road and Winston Way, hard and soft landscaping and provision of public open space, land East of Sudbury Road.

DECISION: That subject to:

- (1) The Habitat Regulations (HRA) Appropriate Assessment Report being agreed with Natural England and;
- (2) The applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
 - **Affordable Housing** (30% provision which equates to 65 units. Unit mix and tenure mix to be in accordance with approved Site Master Plan 8661/03 and Affordable Housing Plan 8661/23. All affordable homes accessed at ground level should be compliant with Building Regulations Part M Cat 2)
 - **Public Open Space** (a financial contribution of £211,111.46 towards outdoor sports provision and £6,699.20 towards allotments calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document using the Council's standard Open Spaces Contributions formula. A Management Company is also required to manage the on-site areas of open space and a minimum of 13.53ha of on-site open space including an equipped play area should be provided. Equipped play area to be provided as early as reasonably possible with details to be agreed with Officers)
 - **Coggeshall Pieces** (a financial contribution of £15,951.22 towards improvements to Coggeshall Pieces including, but not limited to, the provision of footpath links)
 - **Education** (a financial contribution of £319,868 index linked to April 2018 toward Early Years and Childcare and a financial contribution of £935,197 index linked to April 2018 towards Primary School provision required based on Essex County Council's standard formula)

- **Healthcare** (a developer contribution of £82,478 towards the cost of the provision of additional administrative space to increase clinical capacity for the benefit of patients of the Elizabeth Courtauld Surgery. Trigger point for payment is prior to commencement of development)
- **Community Building Contribution** (a financial contribution towards a new community building at Butlers Road, Halstead of £462.30 per unit, (£100,781.40 total)
- **Residential Travel Information Pack** (to be approved by Essex County Council. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit)
- **Upgrading of bus stops** (the upgrading of the two bus stops which would best serve the application site with details to be agreed with the Local Planning Authority)
- **Ecology** (mitigation package to mitigate the development's impact upon natura 2000 sites. This will include a financial contribution towards off-site visitor management measures at the natura 2000 sites and on-site mitigation measures. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA Appropriate Assessment process)

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 date 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 two additional Conditions and the amendment of Condition No. 14 as follows:-

Additional Conditions

22. The applicant shall ensure that each dwelling is provided with access to fibre broadband prior to its first occupation.
23. Prior to the commencement of above ground construction the applicant shall submit for approval a scheme for on-site foul water drainage works, including connection point and discharge rate details. The scheme shall also include a phasing plan. Prior to the occupation of each agreed phase the foul water drainage works relating to that phase shall be completed in accordance with

the approved scheme.

Amended Condition

14. The development shall be carried out in accordance with the detailed surface water drainage scheme submitted on 15th February 2018 by Ardent Consulting Engineers which includes details of drain down times. The detailed surface water drainage scheme shall be implemented in full prior to the occupation of the final dwelling.

Councillor Mrs Eileen Penn, representing Halstead 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>
*18/01917/FUL (APPROVED)	Braintree	RMBI Trading	Demolition of 4 no. dwellings (nos. 51, 53, 55 and 57 Church Lane) and erection of 19 no. dwellings with associated access road, garages, car parking areas, amenity open space and landscaping, land off Tenter Close and rear of 51 - 57 Church Lane.

DECISION: That subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- A financial contribution towards the provision and enhancement of public open space
- Provision of on-site affordable housing (Plots 16 – 19)

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 date 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.

119 **VARIATION TO RESOLUTION TO GRANT PLANNING PERMISSSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT - APPLICATION NO. 17/01081/FUL, LAND ADJACENT TO OXFORD HOUSE, UPPER HOLT STREET, EARLS COLNE**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/01081/FUL (APPROVED)	Earls Colne	Mr Pascoe	Erection of 2 no. dwellings, land adjacent to Oxford House, Upper Holt Street.

INFORMATION: Consideration was given to a report on a proposed change to the grant of planning permission relating to planning application no. 17/01081/FUL. The application by Mr Pascoe related to the erection of two dwellings on land adjacent to Oxford House, Upper Holt Street, Earls Colne. The application had been approved by the Planning Committee on 28th August 2018, subject to conditions and to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

The Head of Term of the Section 106 agreement related to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and required a financial contribution to mitigate the development's impact upon the Blackwater Estuary SPA and Ramsar site. At the time of the previous decision, Members of the Planning Committee had been advised that a financial contribution would be required towards mitigation. However, since the decision had been made, there had been two material changes in circumstances. These related to the Habitat Regulations for which current advice stated that a development of the size proposed should not require a contribution towards mitigation; and the Council's five year housing land supply.

It was considered that the proposal would provide a residential development which would not cause material harm to the character, or appearance of the surrounding area, the amenity of neighbouring residents, or highway safety and that it would be an acceptable form of development within an existing defined settlement. In the circumstances, it was proposed that the Committee's decision should be amended and that planning permission should be granted, subject to the conditions and reasons set out in the original Committee report, but without a requirement to enter into a Section 106 agreement. No other changes to the original decision were proposed.

DECISION: That the above-mentioned 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 report submitted to the Planning Committee on 28th August 2018 and in accordance with the following approved plans:-

APPROVED PLANS

Floor Plan - Plan Ref: 299HGR_101_001_01 Version: A

Proposed Elevations - Plan Ref: 299HGR_101_001_02 Version: B

Site Plan - Plan Ref: 286OH-101-001-03 Version: A

Location Plan - Plan Ref: 299HGR_101_002

Details of this planning application are contained in the Register of Planning Applications.

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).

At the close of the meeting, the Chairman stated that the next meeting of the Planning Committee scheduled for Tuesday, 5th March 2019 had been cancelled.

The meeting closed at 9.29pm.

Councillor Mrs W Scattergood
(Chairman)