

# Minutes

## Planning Committee

29th August 2017



### Present

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

Councillor D Bebb (until 9.40pm) and Councillor G Butland (until 10.11pm) were also in attendance.

### 40 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interest was declared:-

Councillor K Bowers declared a non-pecuniary interest in Application No. 17/00738/FUL - 3 Waterfall Cottages, Park Road, Rivenhall as the applicant was known to him in his capacity as a Braintree District Ward Councillor for Silver End and Cressing. Councillor Bowers stated that he had not expressed a view about the application.

In accordance with the Code of Conduct, Councillor Bowers remained in the meeting and took part in the discussion when the application was considered.

### 41 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 1st August 2017 be approved as a correct record and signed by the Chairman.

### 42 **QUESTION TIME**

**INFORMATION:** There were 12 statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes. Those people who had registered to speak about a planning application spoke immediately prior to the consideration of the application.

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

#### 43 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 17/00853/FUL - Morelands Farm, Bures Road, White Colne 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 Development Manager's report. Details of these planning applications 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>
*17/00503/OUT (APPROVED)	Black Notley	David Lidford	Application for outline planning permission with all matters reserved for the erection of 5 no. detached dwellings, garages and access, land South of Longmead Court Nursing Home, London Road.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*17/00738/FUL (APPROVED)	Rivenhall	Vicky Long	Demolition of rear conservatory, erection of two storey side extension and loft conversion, 3 Waterfall Cottages, Park Road.

Councillor Bob Wright, representing Rivenhall Parish Council attended the meeting and spoke against this application.

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<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*17/00853/FUL (APPROVED)	White Colne	Mr and Mrs S Snowling	Alterations and extensions consisting of replacement porch, demolition of rear lean-to and erection of two storey rear extension, Morelands Farm, Bures Road.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*16/00569/OUT (APPROVED)	Feering	The Crown Estate	Outline planning application to include up to 165 dwellings (C3), vehicular access from London Road, public open space, landscaping, associated infrastructure, drainage works and ancillary works. Detailed approval is sought for access arrangements from London Road, with all other matters reserved, land North East of Inworth 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 Head of Terms:-

- **Affordable Housing** – 40% affordable (in accordance with Core Strategy Policy CS2), of which 70% are to be affordable rented and 30% shared ownership. The specific mix to be agreed at reserved matters stage to reflect the latest affordable need at the time, but to include 1 x 2 bed 4 person wheelchair bungalow and 1 x 3 bed 5 person wheelchair bungalow (compliant with Part M Cat 3 of Building Regulations).
- **Education**
  - (i) Financial contribution towards secondary school transport costs to Thurstable College. The level of contribution will be based on a standard Education Authority formula, dependent on the actual number and size of dwellings that will be constructed. Payment to be index linked to April 2017.
  - (ii) Financial contribution for Early Years and Childcare provision in the locality. Contribution to be calculated in accordance with standard Essex County Council provisions based on the number and size of dwellings to be constructed, index linked to April 2017.
- **Highways & Transport**
  - (i) A financial contribution of £300,000 for the design and provision of such capacity, safety or accessibility enhancements that the Highway Authority deem necessary to mitigate the impact of the development on the London Road and/or Inworth Road and in particular at the junction of Inworth Road/London Road/Rye Mill Lane. Monies to be retained for a period of 10 years after first occupation of the development;

- (ii) No dwelling to be occupied until an access on to the B1024 (London Road) has been provided as shown on drawing 'Proposed site access Priority Junction (Ref 37518-Lea081b.dwg Pricg02) July 2016' to include a 6.75 metre carriageway, two 2 metre footways, and a minimum radius of 8m. Said access to be provided with visibility splays with dimensions of 4.5m by a minimum of 120m to the north east and 114m to the south west along the nearside edge of the carriageway, provided before first use of the junction and thereafter retained free of obstruction;
- (iii) No dwelling shall be occupied until:-
  - 1) a 2m wide footway has been provided on the B1024 (London Road) to link the footway on the proposed access and the existing footway to the south east of the site and;
  - 2) a pedestrian crossing in the form of an island refuge (minimum of 1.5m in width) with associated drop kerbs, tactile paving and localised widening of the existing footway to 2m on the south eastern side of the road (as shown in principle in drawing London Road/ Coggeshall Road junction proposed layout January 2016) has been provided.
- iv) No dwelling shall be occupied until the two bus stops on either side of the B1024 (London Road) to the south west of the site have been upgraded with new shelters, seating, raised kerbs, and to be made Real Time Passenger Information ready. All details to be agreed with the Local Planning Authority in consultation with the Highway Authority.
- **Public Open Space** (on-site) - A minimum area of at least 0.88 hectares of formal and informal Public Open Space, to include at least 0.08 hectares of 'Provision for Children and Young People' to include an equipped play facility, to meet the requirements of the Council's Open Spaces Supplementary Planning Document. The setting up of a management company to deal with the on-going maintenance of the on-site open space. In the event that the Parish Council wanted to take on responsibility for the open space, a commuted sum to cover maintenance for a 25 year period would be agreed, in accordance with the updated figures from the Open Spaces Supplementary Planning Document.
- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces Supplementary Planning Document and the number and size of dwellings approved at Reserved Matters stage, to be spent on the provision of new, or improved outdoor sports facilities.
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces Supplementary Planning Document and the number and size of dwellings approved at Reserved Matters stage.

the 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 Development Manager be authorised to refuse planning permission. Details of this planning application are contained in the Register of Planning Applications.

Councillor Mrs Katherine Evans, representing Feering Parish Council, attended the meeting and spoke against this application.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*17/00341/OUT (APPROVED)	Hatfield Peverel	The Honourable J F Strutt	Application for outline planning permission, with all matters reserved with the exception of access, for the erection of up to 46 dwellings (Use Class C3), public open space, vehicular access and associated infrastructure, Bury Farm, Bury Lane.

#### **DECISION:**

- (1) That, subject to the Habitat Regulations (HRA) Screening Report concluding that no likely significant effect will be caused and;
- (2) 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** (40% provision; 70/30 tenure split (affordable rent over shared ownership); clustered in two areas of the site; delivered without reliance on public subsidy; with an accessibility requirement for 25% of ground floor flats and all houses to meet Lifetime Homes or equivalent Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction).
  - **Education** (financial contribution towards Early Years and Childcare and towards Primary School provision required based on the County Council's standard formula for new build primary provision, not extension to existing provision, index linked to April 2016).
  - **Healthcare** (financial contribution of £17,342. Trigger point for payment being prior to the commencement of development).

- **Public Open Space** (financial contribution towards outdoor sports provision, equipped children's play space and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. 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 closest bus stops to 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 may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites and to the improvement of the public rights of way network within the vicinity of Hatfield Peverel and the promotion of circular walking routes near the application site. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA screening process).
- **Management of on-site open space and play areas** (to be transferred to a Management Company).

the 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 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 amended and an additional Head of Term to the Section 106 Agreement, and the amendment of the 'access details' plan reference contained in Condition No. 4 and the list of Approved Plans as follows:-

#### Amended Head of Term

- **Education** (financial contribution towards Early Years and Childcare and towards Primary School provision required based on the County Council's standard formula for new build primary provision, not extension to existing provision, index linked to April 2016).

### Additional Head of Term

- **Management of on-site open space and play areas** (to be transferred to a Management Company).

### Amended Condition

4. Prior to the occupation of the development the access shall be implemented as shown on drawing MMD-370442-E-DR-00-XX-003 including the highway improvements (signs and slow marking) to the A12 slip road subject to such design modifications as the appropriate Highway Authority may decide to make.

### Approved Plans

Access Details Plan Ref: MMD-370442-E-DR-00-XX-003

## 45 **PLANNING APPLICATION REFUSED**

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the 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>
*17/00681/FUL (REFUSED)	White Notley	Mr C and Mrs J Blatch	Erection of replacement dwelling with associated landscaping, Green Farm, The Green.

Councillor David Bebb, Braintree District Ward Councillor for Hatfield Peverel and Terling, attended the meeting and spoke in support of this application.

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

### Submission of Late Representations

During the meeting, reference was made to the late representations relating to a planning application which had been circulated to Members of the Committee immediately prior to the commencement of the meeting. Concern was expressed that this general practice did not give Members sufficient time to read the representations in detail.

The Development Manager was requested to review the Council's procedure for dealing with such representations.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the 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 10.11pm.

Councillor Mrs W Scattergood  
(Chairman)



## APPENDIX

### PLANNING COMMITTEE

29TH AUGUST 2017

### PUBLIC QUESTION TIME

#### Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 16/00569/OUT - Land North East of Inworth Road, Feering
  - (i) Statement by Mr Tim Pailthorpe, for Kelvedon and Feering Heritage Society, Windrush, Coggeshall Road, Feering (Objector)
  - (ii) Statement by Mr Alan Stones, for A12 Villages Traffic Action Group, Fullerthorne, Church Street, Kelvedon (Objector)
  - (iii) Statement by Councillor Mrs Lee Blackburn, for Feering Neighbourhood Plan Group, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering (Objector)
  - (iv) Statement by Councillor Mrs Katherine Evans, for Feering Parish Council, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering (Objector)
  - (v) Statement by Mr Neil Hall, Amec Foster Wheeler Environment & Infrastructure UK Limited, Gables House, Kenilworth Road, Leamington Spa, Warwickshire CV32 6JX (Agent)
- 2 Statement Relating to Application No. 17/00341/OUT - Bury Farm, Bury Lane, Hatfield Peverel

Statement by Mr Andrew Thomson, Thomson Planning Partnership Ltd, 9 Willow Drive, Bunbury, Cheshire, CW6 9NY (Agent)
- 3 Statements Relating to Application No. 17/00681/FUL - Green Farm, The Green, White Notley
  - (i) Statement by Councillor David Bebb, Braintree District Councillor for Hatfield Peverel and Terling Ward, White Hart Cottage, Maldon Road, Hatfield Peverel (Supporter)
  - (ii) Statement by Mr Charles Blatch, Home View, The Green, White Notley (Applicant)

4     Statements Relating to Application No. 17/00738/FUL - 3 Waterfall Cottages, Park Road, Rivenhall

- (i)     Statement by Mrs Christine Hall, 2 Waterfall Cottages, Park Road, Rivenhall (Objector)
- (ii)    Statement by Mrs Cheryl Gerrard, 1 Waterfall Cottages, Park Road, Rivenhall (Objector)
- (iii)   Statement by Councillor Bob Wright, for Rivenhall Parish Council, c/o Mr Keith Taylor, Clerk to Rivenhall Parish Council, 23 Mersey Road, Witham (Objector)
- (iv)    Statement by Mr Darren Hammond, 3 Waterfall Cottages, Park Road, Rivenhall (for Applicant)