

# Minutes

## Planning Committee

9th October 2018



### Present

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
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	Yes		

Councillor M Banthorpe was also in attendance (until 8.40pm).

### 58 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

Councillor T Cunningham declared a non-pecuniary interest in Application No. 18/00042/FUL - Great Notley Country Park and Discovery Centre, Great Notley Garden Village, Great Notley as a Member of Great Notley Parish Council. Councillor Cunningham stated that he had not been involved in the Parish Council's discussions about the application.

Councillor F Ricci declared a non-pecuniary interest in Application No. 18/00042/FUL - Great Notley Country Park and Discovery Centre, Great Notley Garden Village, Great Notley as Vice-Chairman of Great Notley Parish Council. Councillor Ricci stated that he had not been involved in the Parish Council's discussions and decision about the application.

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

### 59 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 11th September 2018 be approved as a correct record and signed by the Chairman.

60 **QUESTION TIME**

**INFORMATION:** There were six 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. 18/00042/FUL - Great Notley Country Park and Discovery Centre, Great Notley Garden Village, Great Notley

Application No. 18/01343/FUL - Land rear of Four Elms, Bardfield Road, Bardfield Saling

Application No. 18/00951/FUL- The Cart Lodge, West Street, Coggeshall

Application No. 18/01283/ADV - Roman Originals, 1 - 2 Newlands Precinct, Witham

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

61 **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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/00951/FUL (APPROVED)	Coggeshall	Mrs Morris	Erection of single storey side extension, The Cart Lodge, West Street.

In approving this application, the Committee authorised the Planning Development Manager to determine application reference number 18/00952/LBC for Listed Building Consent, which relates to the same site.

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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>
*18/01282/FUL (APPROVED)	Witham	Savers	Existing retail unit to be stripped out and refitted as new Savers store. Fit out to include new signage, shopfront, shelving, ceramic flooring and ceiling tiles, Roman Originals, 1 - 2 Newlands Precinct.

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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>
*18/01283/ADV (APPROVED)	Witham	Savers	2no. aluminium fascia panels to be installed with pushed through internally illuminated Savers signage. 1no. projecting sign to be installed onto existing landlord bracket to match other projecting signs in area. 3no. sections of vinyl to be installed to glazing, 2no. on front elevation to block views to rear of tills and 1no. on side return of shopfront, Roman Originals, 1 - 2 Newlands Precinct.

Councillor Rob Williams, representing Witham Town 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>
*18/01343/FUL (APPROVED)	Bardfield Saling	F H Nash Ltd	Erection of a storage building and creation of an altered/extended lorry parking area, together with associated drainage infrastructure, land rear of Four Elms, Bardfield Road.

The Committee approved this application against the Planning Development Manager's recommendation for refusal, subject to the following Conditions, Reasons and Information to Applicant:-

**Conditions and Reasons**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason - This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Construction of the building hereby approved shall not be commenced above ground until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - To ensure an appropriate choice of materials having regard to the location of this site in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

- 4 Prior to the construction above ground of the building 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 unless otherwise previously agreed in writing by the Local Planning Authority.

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.

Reason - To enhance the appearance of the development and provide effective screening of the development hereby approved, in the interests of visual amenity.

- 5 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Oisin Kelly, dated 16th April

2018. No alterations or variations to the approved works, or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason - To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 6 Details of any proposed external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason - To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 7 No works 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:

- Limiting discharge rates to as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events, noted as 2.2lps within Section 10.8 of the Draft Flood Risk Assessment and Drainage Strategy.
- Provide sufficient surface water storage so that the run-off volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 years event in any part of a building, utility plant susceptible to water within the development.
- 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 climate change event.
- Final modelling and calculations for all areas of the drainage system. Calculations for storage should consider the potential drowning of the outlet at the point of discharge into the receiving ditch, and demonstrate where appropriate that there is no risk of the outlet being under the effects of surcharge, where no provision is made within the analysis for elevated flows within the receiving ditch.
- The appropriate level of treatment for all run-off leaving the site, in line with the CIRIA SuDS Manual C753 including details of how spillage risk will be managed.

- 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.

The scheme shall subsequently be implemented prior to first beneficial use of the development hereby approved.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective treatment of surface water run-off to prevent pollution. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk, or pollution hazard from the site.

- 8 No works shall take place until 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, has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk, or pollution hazard from the site.

- 9 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.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 10 No works 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 prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 103 and paragraph 109 state that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to

water pollution. This information is required prior to commencement of development as failure to provide the above required information could result in construction activity being undertaken in a manner that could increase flood risk, or pollution hazard from the site.

- 11 No burning of refuse, waste materials, or vegetation shall be undertaken in connection with the site clearance, or construction of the development.

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 12 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 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason - To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

#### Information to Applicant

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £116 will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 3 In seeking to discharge the external lighting scheme condition you are advised

that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the Local Planning Authority prior to the formal submission of details.

- 4 In discharging condition no. 4 the applicant is advised that a more robust form of planting to the north of the building hereby approved is required, along with details for planting up the gaps in the hedge along the boundary to the lane which runs along the southern boundary of the land owned by the applicant. The new planting on both boundaries should include native evergreen components.

Councillor Mike Banthorpe, Braintree District Ward Councillor for Rayne, attended the meeting and spoke in support of this application.

## 62 **PLANNING APPLICATIONS REFUSED**

**DECISION:** That the undermentioned planning applications be refused for the 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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/00042/FUL (REFUSED)	Great Notley	Essex County Council	Introduction of a double zip wire at Great Notley Country Park, this includes a tower at the take-off point and a landing area with landscaped mound. There will also be facilitating works, with new pathways and improvements to the Discovery Centre reception, Great Notley Country Park and Discovery Centre, Great Notley Garden Village.

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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>
*18/00451/FUL (REFUSED)	Coggeshall	Mr Tombs	Retrospective change of use from agricultural to



residential use ancillary to the main dwelling incorporating conversion of 2 No. existing barns with alterations, part demolition of existing storage buildings and proposed erection of new outbuilding including new hardstanding and landscaping areas, Gate House Farm, Ambridge 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>
*18/01385/VAR (REFUSED)	Wethersfield	Mr Richard Campbell	Application for removal of condition 4 of planning permission BTE/328/78 - removal of agricultural tie, Boydells Farm Nursery, Braintree Road.

The Committee refused this application, subject to the following Information to Applicant:-

**Information to Applicant**

The applicant is advised that before conducting any further marketing, approval of the marketing approach and detail should be agreed with the Local Planning Authority (LPA). The LPA expect to see a detailed marketing strategy provided which should include:

- Marketing Agent and their credentials
- How the unit is intended to be marketed
- The terms on which the unit is offered (including sale price)
- Evidence to support the value asked for

The applicant is also advised that a technical appraisal should be conducted assessing the demand for this type of use and site in the wider locality.

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 9.21pm.

Councillor Mrs W Scattergood  
(Chairman)