

Minutes

Planning Committee

30th March 2021



This meeting was held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 via Zoom and YouTube.

Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	Mrs I Parker	Yes
K Bowers	Yes	F Ricci	Apologies
T Cunningham	Yes	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	Mrs G Spray	Yes
H Johnson	Yes	N Unsworth	Apologies
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

Councillor Mrs J Pell attended part of the meeting in her capacity as an elected Member of Halstead Town Council. Councillor Mrs Pell read a written statement during Question Time on behalf of the Town Council against Application No. 20/01170/FUL - Parkfields Baptist Church, White Horse Avenue, Halstead.

134 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

Councillor Mrs W Scattergood declared a joint non-pecuniary interest in Application No. 20/01170/FUL - Parkfields Baptist Church, White Horse Avenue, Halstead as Councillor Mrs J Pell, who was speaking at the meeting during Question Time on behalf of Halstead 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 Application No. 20/00478/FUL - land to rear of 27 Duggers Lane, Braintree and Application No. 20/00950/FUL - land to rear of 25 Duggers Lane, Braintree as he had spoken to a local resident about the applications, mainly in respect of a possible breach of the General Data Protection Regulation.

Councillor D Mann declared a non-pecuniary interest in Application No. 20/02126/FUL - land South of Highfield Stile Road, Braintree as the site was within

the Ward which he represented and a number of the objectors who had submitted representations regarding the application were known to him. Councillor Mann stated that he had not spoken to the objectors about the application.

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.

135 **MINUTES**

DECISION: That the Minutes of the meetings of the Planning Committee held on 16th February 2021 and 16th March 2021 be approved as a correct record.

136 **QUESTION TIME**

INFORMATION: One statement was made about the following matter. The person who had registered to participate during Question Time had submitted a written statement in advance of the meeting and this was read to the Committee by the registered speaker immediately prior to the consideration of the application.

Application No. 20/01170/FUL - Parkfields Baptist Church, White Horse Avenue, Halstead

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

137 **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>
*20/01170/FUL (APPROVED)	Halstead	Mr K Gee	Demolition of Baptist Church and construction of two pairs of semi-detached dwellings - revised application, Parkfields Baptist Church, White Horse Avenue.

Halstead Town Council submitted a written statement against this application, which was read to the Committee by Town Councillor Mrs J Pell prior to the consideration of the application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01555/FUL (APPROVED)	Shalford	Mr A McLean	Erection of agricultural farm building, Hubbards Farm, Shalford Green.

The Committee approved this application, subject to the amendment of Condition No. 3 and an additional Information to Applicant as follows:-

Amended Condition

- No above ground development shall commence until samples of the external cladding, including details of the colour of the cladding, have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Additional Information to Applicant

- The applicant is advised that in seeking to discharge Condition 3 (Materials) that a dark green colour should be utilised for the external cladding to ensure that the building is more in keeping with the rural surroundings.

138 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01515/FUL (APPROVED)	Black Notley	Regent Square Ltd	Erection of 2 x 2, 3 x 3, and 5 x 4 bedroom (10 units) two-storey dwelling houses, together with new vehicular and pedestrian access, associated car parking and landscaping, land rear of 197 London 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: A £301,875.00 contribution towards other affordable housing projects in the District.

Habitat Regulations Assessment (HRA): A contribution of £1255.80 towards off-site visitor management measures for the Blackwater Estuary SPA and Ramsar site.

Public Open Space: A contribution of £23,199.34 towards a project to be agreed.

Management Company: To be appointed for the maintenance of the proposed open space and landscape area.

Waste: Indemnity against any damage from waste vehicles.

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 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.

Members of the Planning Committee were advised that some of the text on page 71 of the published Agenda relating to this application was missing. The missing text related to the Habitat Regulations Assessment (HRA) and it should read as follows:-

'Habitat Regulations Assessment (HRA

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards off-site visitor management measures for the Blackwater Estuary SPA and Ramsar site (£125.58 per dwelling). In this case, the developer has sought to agree these particulars by way of a Section 106 Agreement. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site, subject to the Section 106 being completed.'

139 **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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00478/FUL (REFUSED)	Braintree	Mr T Poulter	Erection of 2 x 3 bedroom, two-storey, detached dwellinghouses with access from Mill Park Drive, land to rear of 27 Duggers Lane.

In discussing this application, Members of the Planning Committee considered an update report.

It was reported, that following the publication of the Planning Committee Agenda a consultation response had been received from Essex County Council, the Highway Authority. The Highway Authority objected to the application on the grounds that the developer had not demonstrated that the proposal was acceptable in terms of highway safety, efficiency and accessibility. A copy of the response dated 29th March 2021 was attached to the report.

As a consequence of this response, it was proposed that an additional reason for refusal should be recommended.

The Committee refused this application, subject to an additional Reason for Refusal as follows:-

Additional Reason for Refusal

5. The applicant has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility. The proposal is therefore contrary to Policy RLP3 of the Adopted Local Plan, Policy LPP1 of Section 2 of the Draft Local Plan, and Policies DM1 and DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00950/FUL (REFUSED)	Braintree	Mr Sam Pickford	Erection of 1 x 3 bedroom, two-storey, detached dwellinghouse with access from Mill Park Drive, land to rear of 25 Duggers Lane.

In discussing this application, Members of the Planning Committee considered an update report.

It was reported, that following the publication of the Planning Committee Agenda a consultation response had been received from Essex County Council, the Highway Authority. The Highway Authority objected to the application on the grounds that the developer had not demonstrated that the proposal was acceptable in terms of highway safety, efficiency and accessibility. A copy of the response dated 29th March 2021 was attached to the report.

As a consequence of this response, it was proposed that an additional reason for refusal should be recommended.

The Committee refused this application, subject to an additional Reason for Refusal

as follows:-

Additional Reason for Refusal

6. The applicant has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility. The proposal is therefore contrary to Policy RLP3 of the Adopted Local Plan, Policy LPP1 of Section 2 of the Draft Local Plan, and Policies DM1 and DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/02126/FUL (REFUSED)	Braintree	Dimora Homes Ltd	Erection of 10 detached dwellings on land off of Highfield Stile Road, land South of Highfield Stile Road.

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 9.00pm.

Councillor Mrs W Scattergood
(Chairman)