

# Minutes

## Planning Committee 7th March 2023



### Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	F Ricci	Yes
Mrs J Beavis	Yes	Mrs W Scattergood (Chairman)	Apologies
K Bowers	Apologies	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	Mrs S Wilson	Yes
A Munday	Yes	J Wrench	Yes (from 7.17pm)
Mrs I Parker (Vice-Chairman in the Chair)	Yes		

### 80 DECLARATIONS OF INTEREST

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

Councillor P Schwier declared a non-pecuniary interest in Application No. 22/01848/FUL – Land adjacent to 1 Church Road, Stambourne as the Elected Member for the Hedingham Division of Essex County Council, which incorporated Stambourne.

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

### 81 MINUTES

**DECISION:** It was reported that the Minutes of the meeting of the Planning Committee held on 14th February 2023 were not available for approval.

### 82 QUESTION TIME

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

Application No. 20/01493/OUT – Land at Mount Hill, Halstead  
Application No. 22/01808/REM – Land off Church Street, Bocking, Braintree  
Application No. 22/01848/FUL – Land adjacent to 1 Church Road, Stambourne

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

### 83 **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>
*22/03313/FUL (APPROVED)	Hatfield Peverel	Mr Kampandila Kaluba National Highways	Change of use to ecological mitigation area 5 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 2 bunds and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping, land West of Bury Lane.
<p>The Committee approved this application, subject to the description of the development being amended; the inclusion of three Policies within Appendix 2 of the Agenda report; the addition of a Condition; and the deletion of an Approved Plan as follows:-</p> <p><u>Amended Description</u></p> <p>Add the words 'and one area of wider re-grading of land' after the word 'bunds'.</p> <p>The description of the development now reads:-</p> <p>'Change of use to ecological mitigation area 5 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 2 bunds and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping.'</p> <p><u>Additional Policies</u></p> <p>The inclusion of Braintree District Local Plan 2013 – 2033 Policies:-</p> <p>LPP47 (Built and Historic Environment) LPP59 (Archaeological Evaluation, Excavation and Recording) LPP67 (Landscape Character and Features)</p>			

**Additional Condition**

5. No development, including preparatory works or construction, shall commence until the tree protection fencing as shown on plan HE551497-JAC-ELS-5\_SCHME-DR-L-0309 REV P03 and as detailed within the 'Environmental Technical Note – Tree Protection Measures' document March 2023 has been fully implemented. The means of protection shall remain in place until the completion of the construction works.

**Amended Approved Plans**

Delete plan reference Habitat Survey Plan DR-LE-0002 P02

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*22/03315/FUL (APPROVED)	Hatfield Peverel	Mr Kampandila Kaluba National Highways	Change of use to ecological mitigation areas 6 and 7 (linked to the A12 widening scheme) including the creation of 3 ponds, creation of 5 bunds and the raising of ground level from on-site excavated material, perimeter fencing and associated landscaping, land South East of The Street.
<p>The Committee approved this application, subject to the addition of two Conditions; and the deletion of an Approved Plan as follows:-</p> <p><b><u>Additional Conditions</u></b></p> <p>5. No development, including preparatory works or construction, shall commence until the tree protection fencing as shown on plan HE551497-JAC-ELS-5_SCHME-DR-L-0311 REV P02 and as detailed within the 'Environmental Technical Note – Tree Protection Measures' document March 2023 has been fully implemented. The means of protection shall remain in place until the completion of the construction works.</p> <p>6. Prior to the commencement of any works at the site to facilitate the wider area of land re-grading, a soil management plan detailing how airborne particulate material will be prevented from travelling beyond the boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Plan shall be implemented as approved prior to any works to facilitate the wider area of land re-</p>			

grading.

Amended Approved Plans

Delete plan reference Habitat Survey Plan 0002 (DR-LE-0002 P02).

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*22/03461/FUL (APPROVED)	Hatfield Peverel	Mr Kampandila Kaluba National Highways	Change of use to ecological mitigation area 8 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 1 bund and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping, land North East of Hatfield Road.
<p>The Committee approved this application, subject to the description of the development being amended; the inclusion of a Policy within Appendix 2 of the Agenda report; and the addition of a Condition as follows:-</p> <p><u>Amended Description</u></p> <p>Add the words ‘and one area of wider re-grading of land’ after the word ‘bund’.</p> <p>The description of the development now reads:-</p> <p>‘Change of use to ecological mitigation area 8 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 1 bund and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping.’</p> <p><u>Additional Policy</u></p> <p>The inclusion of Braintree District Local Plan 2013 – 2033 Policy:-</p> <p>LPP57 (Heritage Assets and their Settings)</p> <p><u>Additional Condition</u></p> <p>7. No development, including preparatory works or construction, shall commence until the tree protection fencing as shown on plan HE551497-JAC-ELS-5 SCHME-DR-L-0313 REV P02 and as detailed within the ‘Environmental</p>			

Technical Note – Tree Protection Measures’ document March 2023 has been fully implemented. The means of protection shall remain in place until the completion of the construction works.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*22/03462/FUL (APPROVED)	Hatfield Peverel	Mr Kampandila Kaluba National Highways	Change of use to ecological mitigation area 4 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 3 bunds and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping, land East of Terling Hall Road.
<p>The Committee approved this application, subject to the description of the development being amended; the inclusion of two Policies within Appendix 2 of the Agenda report; and the addition of a Condition as follows:-</p> <p><b><u>Amended Description</u></b></p> <p>Add the words ‘and one area of wider re-grading of land’ after the word ‘bunds’.</p> <p>The description of the development now reads:-</p> <p>‘Change of use to ecological mitigation area 4 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 3 bunds and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping.’</p> <p><b><u>Additional Policies</u></b></p> <p>The inclusion of Braintree District Local Plan 2013 – 2033 Policies:-</p> <p>LPP47 (Built and Historic Environment) LPP67 (Landscape Character and Features) i</p> <p><b><u>Additional Condition</u></b></p> <p>5. No development, including preparatory works or construction, shall commence until the tree protection fencing as shown on plan HE551497-JAC-ELS-5_SCHME-DR-L-0307 REV P02 and as detailed within the ‘Environmental Technical Note – Tree Protection Measures’ document March 2023 has been</p>			

fully implemented. The means of protection shall remain in place until the completion of the construction works.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*22/03463/FUL (APPROVED)	Witham	Mr Kampandila Kaluba National Highways	Change of use to ecological mitigation area (linked to the A12 widening scheme) including the creation of 3 ponds, creation of 8 bunds and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping, land South of Howbridge Hall Road.
<p>The Committee approved this application, subject to the amendment of Condition No. 4 as follows:-</p> <p><b><u>Amended Condition</u></b></p> <p>4. No development, including preparatory works or construction, shall commence until the tree protection fencing as shown on plan HE551497-JAC-ELS-5_SCHME-DR-L-0317 REV P02 and as detailed within the 'Environmental Technical Note - Tree Protection Measures' document March 2023 has been fully implemented. The means of protection shall remain in place until the completion of the construction works.</p>			

## 84 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*20/01493/OUT (APPROVED)	Halstead	Orchestra (Mount Hill) Ltd	Outline application with all matters reserved except access for up to 55 dwellings with new landscaping, open space, access and associated infrastructure, land at Mount Hill.

**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** - 30% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. The Affordable Housing shall include one 2-bed 4-person wheelchair user bungalow and one 3-bed 5-person wheelchair user bungalow. All affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2 and wheelchair user bungalows compliant with Building Regulations Part M(4)(3)(2)(b).
- **Allotments** - Financial contribution calculated in accordance with the Open Spaces Supplementary Planning Document to be spent on either extending, or carrying out improvements to, allotment site(s) within the town of Halstead.
- **Community Building** - Financial contribution towards the provision of either a new building/facility, or improvements to existing community buildings within a 2km radius of Townsford Mill calculated at £499.62 per dwelling.
- **Education** - Financial contributions towards the provision of additional Early Years and Childcare places with the contribution to be calculated when the number of qualifying dwellings are known and at a cost of £17,268 per additional place required, in accordance with Essex County Council Developer Guide to Infrastructure Contributions (2020) and index-linked to Q1 2020.
- **Health** - Financial contribution to be calculated at £498.85 per dwelling (index-linked) towards the provision of capacity improvements at the Elizabeth Courtauld Surgery, Halstead.
- **Highways and Transport:**  
 Highway works under sections 38 and 278 of the Highway Act 1980.  
 Obligation upon the developer to enter into a Highway Works Agreement with the Highway Authority for the following:
  - Prior to first occupation, provision of a footway (minimum 2m wide) along the site frontage to the east as shown in principle on drawing 25807\_03\_020\_02 Rev F together with a drop kerb pedestrian crossing point to link with the existing provision on the opposite side of Mount Hill in accordance with details previously submitted to and previously agreed with the Local Highway Authority.
  - Cycleways - Financial contribution of £82,500 towards the provision of improved cycle infrastructure, or cycling schemes, within the vicinity of the town of Halstead.
- **Libraries** - Financial contribution of £77.80 per dwelling (index-linked) to be spent on improvements at Halstead Library, or other library serving the town of Halstead.

- **Public Open Space** - (On-site) a minimum area of 3.05ha of Public Open Space, in accordance with Parameters Plans to include area of locally equipped area of play provided with equipment to a minimum value calculated in accordance with the current updated figures in the Open Spaces Supplementary Planning Document. All Public Open Space and Amenity Space, including internal estate roads, pathways and any lighting falling outside Highway Authority land, to be managed by a Management Company. Details for the setting out and management of the Open Space and Amenity Areas to be agreed by the Council.
- **Outdoor Sports** - Financial contribution calculated in accordance with the current updated figures from the Open Spaces Supplementary Planning Document and the number and size of dwellings approved through the Reserved Matters, to be spent on new or improved Outdoor Sports Facilities identified in the Council's Open Spaces Action Plan and located within 2km radius of Townsford Mill.
- **HRA/RAMS** - Financial contribution of £137.71 per dwelling (index-linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA & Ramsar and Essex Estuaries Special Area of Conservation (SAC).
- **Monitoring Fees** - for the District and County Councils.

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 the Head of Term relating to Public Open Space and to the amendment of Condition Nos. 4 and 33 as follows:-

Amended Head of Term

- **Public Open Space** - (On-site) a minimum area of 3.05ha of Public Open Space, in accordance with Parameters Plans to include area of locally equipped area of play provided with equipment to a minimum value calculated in accordance with the current updated figures in the Open Spaces Supplementary Planning Document. All Public Open Space and Amenity Space, including internal estate roads, pathways and any lighting falling outside Highway Authority land, to be managed by a Management Company. Details for the setting out and management of the Open Space and Amenity Areas to be



agreed by the Council.

Amended Conditions

4. The landscaping scheme required by Condition 2(b) of this permission shall incorporate a detailed specification of hard and soft landscaping works for the site. This shall include the following:
- A Scheme for Compensatory Planting which provides for an appropriate number of relocated or replacement trees, to compensate for those removed as a consequence of the development.
  - Details of plant/trees to be planted (location, type, size, number, and planting distances).
  - Details of walls, fences and other boundary treatments (location, type, height, material).
  - Written specifications including cultivation and other operations associated with plant and grass establishment.
  - Details of hard surface areas (colour, material, method of laying).
  - A programme for implementation for all the elements listed above.
  - Details of the means, duration and frequency of irrigation for all newly planted/relocated trees.”

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All landscaping elements, including planting, seeding, turfing and hard surface areas shall be implemented in accordance with the implementation programme agreed.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

33. The applicant or any successor in title must maintain yearly Logs of SuDS Maintenance which should be carried out in accordance with any approved Maintenance Plan under condition 28 of this decision. The Logs of SuDS Maintenance must be available for inspection upon a request by the Local Planning Authority.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*22/01808/REM (APPROVED)	Braintree	Redrow Homes (Eastern) Ltd	Application for the approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 17/01304/OUT (approved at Appeal APP/Z1510/W/17/3187374 on 17th August 2020): for 253 residential dwellings (including up to 30% affordable housing), planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS) and the approval of Condition 18 (hard and Soft Landscaping), land off Church Street, Bocking.

**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 Head of Term:

**Refuse Vehicles – Use of private roads**

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 Nos. 8 and 16, to two additional Informatives, and to the amendment of the Approved Plans as follows:-

**Amended Conditions**

8. No above ground development shall commence until a strategy to provide fibre broadband, or the best available access has been submitted to and approved in

writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained.

16. The development hereby permitted shall not be occupied until all first floor windows for plot 228/229 on the south eastern facing elevation have been fitted with obscured glazing to a minimum of level 3, and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished internal floor level of the room in which the window is installed and thereafter retained as such.

Additional Informatives

3. When discharging Condition 22 (Construction Management Plan) attached to the Outline Permission (17/01304/OUT), parking prevention details in relation to the construction/contractor and other vehicles associated with the development must be included to prevent such vehicles parking in the surrounding area.
4. When discharging Condition 17 (Biodiversity Management Plan) attached to the Outline Permission (17/01304/OUT), a Biodiversity Net Gain must be achieved on the site.

Amended Approved Plans

Amend Highways Plan 2135.18 P3.1 to 2135.18 P3.2  
Amend Elevations 2135.T24.01.P3 to 2135.T24.01  
Amend Elevations 2135.T24.02.P3 to 2135.T24.02

85 **PLANNING APPLICATION REFUSED**

**DECISION:** That the undermentioned planning application be refused for the reasons contained in the Planning 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>
*22/01848/FUL (REFUSED)	Stambourne	Mr M Jones	Proposed 2 No. 4 bed chalet bungalows and associated works, land adjacent to 1 Church 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 9.21pm.

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