

# Minutes

## Planning Committee

20th July 2021



### Present

Councillors	Present	Councillors	Present
J Abbott	Yes	F Ricci	Yes
K Bowers	Apologies	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Yes	N Unsworth	No
A Munday	Yes	J Wrench	Yes
Mrs I Parker	Yes		

### Substitutes

Councillor T Cunningham attended the meeting as a substitute for Councillor K Bowers.

### **24      DECLARATIONS OF INTEREST**

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

Councillor T Cunningham declared an enhanced non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his role as Cabinet Member for Economic Growth and Chairman of Braintree District Council’s Horizon 120 Project Reference Group on the basis of pre-determination and bias. Councillor Cunningham left the meeting when the Item was considered and determined.

Councillor Cunningham declared a non-pecuniary interest in the same Agenda Item in his capacity as a Member of Great Notley Parish Council, which had submitted representations about the revised Local Development Order/Design Code and proposed Wayfinding Strategy following consultation.

Councillor F Ricci declared a non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his capacity as Vice-Chairman of Great Notley Parish Council, which had submitted representations about the revised Local Development Order/Design Code and proposed Wayfinding Strategy following consultation. Councillor Ricci stated that he had not been in attendance at the Parish Council’s meeting when this matter had been discussed.

Councillor P Schwier declared a non-pecuniary interest in Agenda Item No. 6 – ‘Horizon 120 Revised Local Development Order and Design Code and Proposed Wayfinding Strategy’ in his role as a Member of Braintree District Council’s Horizon 120 Project Reference Group.

Councillor Mrs G Spray declared a non-pecuniary interest in Application No. Application No. 20/02205/REM - land South of Halstead Road, Earls Colne as she had exchanged E-Mails with Earls Colne Parish Council and Braintree District Council Planning Officers regarding the access to the site and she had had a telephone conversation with a member of the public regarding the Planning Committee Agenda. Councillor Mrs Spray stated that she had not declared a view on 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 Agenda Item/application were considered.

25 **MINUTES**

**DECISION:** That the Minutes of the meetings of the Planning Committee held on 8th June 2021 and 22nd June 2021 be approved as a correct record and signed by the Chairman.

26 **QUESTION TIME**

**INFORMATION:** There were two statements made about the following matter. Those people who had registered to participate during Question Time had submitted statements in advance of the meeting and these were referred to at the meeting by the registered speakers immediately prior to the consideration of the application.

Application No. 20/02205/REM - land South of Halstead Road, Earls Colne

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

27 **PLANNING APPLICATIONS APPROVED**

Planning Application No. 21/00666/HH - 4 Highlands, Gosfield 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 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>
*20/02205/REM (APPROVED)	Earls Colne	Persimmon Homes Essex	Reserved Matters (relating to scale, appearance, layout and landscaping) made pursuant to Outline Planning Permission ref: 15/01580/OUT for 80 dwellings, open space and associated ancillary works, land South of Halstead Road.

The Committee approved this application, subject to the amendment of Condition No. 4 and three additional Conditions as follows:-

Amended Condition

- 4. The development shall only be carried out in accordance with the full Arboricultural Method Statement completed by SES dated 9th July 2021.

Additional Conditions

- 8. The proposed landscaping scheme for the development shall be fully implemented no later than the first planting season following the occupation of the 68th dwelling.
  - 9. A 600mm high metal railing, or similar, shall be installed running parallel to and to the North of the new footpath link to Nonancourt Way, in accordance with details submitted to and approved by the Local Planning Authority under the licence required to be granted to facilitate the footpath link works being carried out on Braintree District Council land by the applicant. The railing (or similar) shall be installed at the same time as the new footpath link.
  - 10. Electric vehicle charging points shall be provided to all the dwelling houses on the development. The charging points shall be installed prior to the occupation of each dwelling house.
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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00666/HH (APPROVED)	Gosfield	Mr M Jarvis	Increase the height of eaves to side extension, change right hand gable end wall to solid wall and substitute rear facing window to side extension with double doors, 4 Highlands.

28 **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>
*20/00694/OUT (REFUSED)	Witham	Kingsland Stock Essex Ltd	Outline planning application with all matters reserved - Demolition of existing factory/warehouse unit and construction of new apartment development consisting of 10 flats. Cullen Mill, 49 Braintree Road.

29 **HORIZON 120 – REVISED LOCAL DEVELOPMENT ORDER AND DESIGN CODE AND PROPOSED WAYFINDING STRATEGY**

**INFORMATION:** Consideration was given to a report on the proposed revision of the Local Development Order (LDO) and accompanying Design Code for the Horizon 120 Business and Innovation Park, and a proposed Wayfinding Strategy for the site.

Braintree District Council had made the LDO in April 2020 pursuant to Section 61A (2) of the Town and Country Planning Act 1990 (as amended). The LDO provided planning permission for the development of a range of employment uses at Horizon 120, subject to conditions and limitations. The LDO was accompanied by a Design Code, which set further parameters for the development of the site, including the design of buildings, landscaping and parking standards.

The Council proposed to make a new LDO for the Horizon 120 site and to amend the accompanying Design Code. A Wayfinding Strategy was also proposed. The proposed revisions to the LDO and Design Code reflected changes in national policy and legislation, including amendments to the Use Classes Order. Other changes were proposed in respect of the floorspace cap and in response to the experience of working with the LDO and the Design Code to date. The proposed changes to the

LDO were summarised in the Agenda report. No changes were proposed to the arrangement of the Zones across the Horizon 120 site.

It was reported that the Government had amended the Town and Country Planning (Use Classes) Order 1987 to provide flexibility and to enable the use of buildings to change more easily. With regard to the floorspace cap, it was reported that the original LDO had restricted the total gross internal floor area within the Horizon 120 site to 65,000sq.m. This restriction had been imposed based on the transport assessment analysis undertaken at the time and had sought to ensure that proposals did not have a detrimental impact on the strategic and local highway networks. The revised LDO sought to amend this restriction by increasing the floorspace cap to 75,000sq.m.

The Wayfinding Strategy reflected the aspirations for the Horizon 120 site and it set out how wayfinding proposals would be implemented, particularly with regard to signage, public art, and furniture and exercise equipment.

Public consultation on the revised LDO and Design Code and the proposed Wayfinding Strategy had commenced on 3rd June 2021 and had expired on 15th July 2021. Details of the representations which had been submitted at the time of publication of the Agenda report, and the Council's response to each of these, were set out in Appendices 1 and 2 of the report. Highways England had not objected to the proposals, but had requested the inclusion of a condition (G12) within the revised LDO for off-site mitigation. The wording of this condition had subsequently been agreed with Highways England.

**DECISION:** That it be Recommended to Council that:-

- (1) The revised Local Development Order and Design Code and the proposed Wayfinding Strategy for Horizon 120 be approved.
- (2) That the existing Local Development Order and Design Code for Horizon 120 be revoked.

30      **TREE PRESERVATION ORDER NO. 04/2021 – HOLLY COTTAGE, THE STREET, GREAT SALING**

**INFORMATION:** Consideration was given to a report on Tree Preservation Order No. 04/2021 relating to Holly Cottage, The Street, Great Saling to which objections had been submitted. The Order had been made on 2nd February 2021 in respect of a Monterey cypress tree (T1) within the rear garden of Holly Cottage, The Street, Great Saling.

The Order had been served following the submission of a Notice by the owners of the property under Section 211 of the Town and Country Planning Act 1990 to carry out works to a tree in a Conservation Area, which would involve the felling of the cypress tree. An assessment of the amenity value of the tree had been carried out

by the Council using the standard TEMPO assessment, which had shown that the making of an Order was appropriate. This assessment was attached at Appendix 2 to the Agenda report. It was considered that the tree was a prominent evergreen, which was visible from various public spaces within the village and that its retention would help to sustain the amenity of the local Conservation Area. Furthermore, as there was evidence that the health of other trees in the area was in decline and could lead to the loss of canopy cover, it was considered that other established trees in the area should be protected.

Three objections had been lodged against the making of the Order by the owners of the property and by the occupiers of adjoining properties at Poppy Cottage, The Street, Great Saling and Thorpe House, The Street, Great Saling. The content of the objections was set out at Appendix 3 to the Agenda report. The objections related to the size of the tree, the shade cast by it, and that it was not a native species. It had also been stated that other trees surrounding the cypress had more amenity value due to their comparable size, visibility and native origin. The applicants had also stated in their objection that a previous application to fell the tree in 2015 (Application Reference 15/00065/TPOCON) had been approved. However, as the tree had not been removed within a period of two years following the decision the permission had lapsed.

It was noted that the making of a Tree Preservation Order would not exclude the possibility of consent being granted in the future for work to the tree, including a crown lift. Furthermore, trees subject to a Notice under Section 211 of the Town and Country Planning Act 1990 were assessed on the basis of how they appeared within their setting at the time.

**DECISION:** That Tree Preservation Order No. 04/2021 relating to Holly Cottage, The Street, Great Saling be confirmed in the interests of visual amenity.

**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 9.02pm.

Councillor Mrs W Scattergood  
(Chairman)

*(page 32 not used)*