

Minutes

Planning Committee

11th December 2018



Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Lady Newton	Apologies
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 J Abbott (until 8.07pm) and Councillor D Bebb (until 9.19pm) were also in attendance.

87 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood, the Chairman of the Planning Committee, declared a joint non-pecuniary interest in Application No. 18/00442/OUT - The Garden Field, land South of Western Road, Silver End as Mr Matthew Wood, who was speaking at the meeting during Question Time, was a former employee of Braintree District Council and he was known to them.

Councillor Mrs Scattergood declared a joint non-pecuniary interest also in Application No. 18/00887/FUL - Playing Field, Church Road, Gosfield as the applicant Mrs Joanne Beavis was an Elected Member of Braintree District Council and she was known to them.

Councillor Mrs Scattergood declared a joint non-pecuniary interest also in Application No. 18/01628/FUL - Green Farm, The Green, White Notley as Councillor David Bebb, who was speaking at the meeting during Question Time, was an Elected Member of Braintree District Council and he was known to them.

Councillor K Bowers declared a non-pecuniary interest in Application No. 18/00887/FUL - Playing Field, Church Road, Gosfield as Mrs Isla Gill, who was speaking at the meeting during Question Time, was known to him.

Councillor Bowers declared a non-pecuniary interest also in Application No. 18/01930/FUL - Freeport Village, Charter Way, Braintree as Mr Josef O'Sullivan of Land Securities, the applicant, was known to him. Councillor Bowers stated that he had not discussed the application with Mr O'Sullivan.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 18/00887/FUL - Playing Field, Church Road, Gosfield as Mrs Isla Gill, who was speaking at the meeting during Question Time, was known to him. Councillor Cunningham declared a non-pecuniary interest also in Application No. 18/01930/FUL - Freeport Village, Charter Way, Braintree as Mr Josef O'Sullivan of Land Securities, the applicant, was known to him. Councillor Cunningham stated that he had not discussed the application with Mr O'Sullivan.

Councillor H Johnson declared a non-pecuniary interest in Application No. 18/00887/FUL - Playing Field, Church Road, Gosfield as Mrs Isla Gill, who was speaking at the meeting during Question Time, was known to him.

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 18/01640/OUT - land off Colchester Road, Bures Hamlet as she was a member of the Colne Stour Countryside Association which had submitted representations about the application. Councillor Mrs Parker stated that she had not discussed the application with the Association.

Councillor F Ricci declared a non-pecuniary interest in Application No. 18/00887/FUL - Playing Field, Church Road, Gosfield as Mrs Isla Gill, who was speaking at the meeting during Question Time, was known to him. Councillor Ricci declared a non-pecuniary interest also in Application No. 18/01930/FUL - Freeport Village, Charter Way, Braintree as Mr Josef O'Sullivan of Land Securities, the applicant, was known to him. Councillor Ricci stated that he had not discussed the application with Mr O'Sullivan.

Councillor Mrs W Scattergood declared a non-pecuniary interest in Application No. 18/01640/OUT - land off Colchester Road, Bures Hamlet as she was the Elected Member of Braintree District Council for Stour Valley South Ward and many residents who had objected to the application were known to her. Councillor Mrs Scattergood stated that she had not discussed the application with anyone.

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.

88 **MINUTES**

INFORMATION: It was reported that the Minutes of the meeting of the Planning Committee held on 4th December 2018 were not available and it was agreed that they should be deferred to the next meeting for approval.

89 **QUESTION TIME**

INFORMATION: There were twelve 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. 18/00442/OUT - The Garden Field, land South of Western Road, Silver End

Application No. 18/00887/FUL - Playing Field, Church Road, Gosfield

Application No. 18/01299/FUL - land West of Cemolville, Colne Road, Coggeshall

Application No. 18/01628/FUL - Green Farm, The Green, White Notley

Application No. 18/01640/OUT - land off Colchester Road, Bures Hamlet

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

90 **PLANNING APPLICATION APPROVED**

DECISION: That the undermentioned planning application 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. 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>
*17/01918/FUL (APPROVED)	Witham	Mr Mike Devine Lidl GmbH	Erection of a Foodstore and associated parking, Former Bramston Sports Centre, Bridge Street.

91 **SECTION 106 AGREEMENT / DEED OF RELEASE**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00442/OUT (APPROVED)	Silver End	L A Jordan 1989 Rivenhall Settlement	Outline planning application with all matters reserved except access, seeking new residential development of up to 45 new dwellings together with associated off-street car parking, garden amenity space, new access from Western Road, public open space incorporating equipped area of play, and

associated development,
The Garden Field, land
South of Western 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 Heads of Terms:

- **Affordable Housing** ((40% provision of total dwellings) comprising 20% for affordable rent and 10% intermediate tenure; delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all units to be compliant with standards acceptable to Homes England at point of construction).
- **Public Open Space** (financial contribution towards outdoor sports provision, allotments provision and equipped playgrounds to be calculated in accordance with Policy CS10 of the Adopted Core Strategy 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. Specific projects to be identified by Officers. Trigger point for payment being prior to occupation of the first unit).
- **Education** (financial contribution towards secondary education transport provision is required based on Essex County Council's standard formula, index linked to April 2017).
- **Upgrading of Bus Stops** (the upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority. Trigger point being prior to occupation of the first unit).
- **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).

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, 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 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 following additional Condition:-

Additional Condition

15. Details of any proposed external lighting to the development shall be submitted to, and approved in writing by, the Local Planning Authority as part of any Reserved Matters application. 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). For the avoidance of doubt the strategy shall also:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Councillor James Abbott, Braintree District Ward Councillor for Silver End and Cressing, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01930/FUL (APPROVED)	Braintree	Land Securities	Part demolition of Unit C1/4 and B8 and construction of new anchor unit incorporating retail at ground floor and a storage only mezzanine. Works include alterations to the rear service yard, relocation of existing cycle rack to the

Southern entrance, new shopfront to Unit B8, creation of footpath along Western approach heading to the Northern entrance from train station and landscaping works, Freeport Village, Charter Way.

DECISION: That, subject to a Deed of Release being agreed between the Local Planning Authority and the Applicant, 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, as amended below. Alternatively, in the event that a suitable Deed of Release is not agreed within three calendar months of the date 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 deletion of Condition Nos. 7 and 8; the amendment of Condition No. 9; and to two additional Conditions as follows:-

Deleted Conditions

7. No site clearance, demolition, or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following hours:

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

8. There shall be no vehicular movements to, from, or within the premises outside the following times:-

Monday to Friday 08:00 hours – 18:00 hours

Saturday 08:00 hours – 13:00 hours

Sundays and Bank Holidays no vehicular movements

Amended Condition

9. (Old) Prior to the commencement of the development, the applicant must submit for approval a detailed Construction Management Plan detailing how the developer intends to ensure that the following matters are managed on the development site in relation to:

- i. Noise - The developer should have regard to BS:5228 - Part 1 - Code of practice for noise and vibration control on construction and open sites.
- ii. Dust - The developer should have regard to BS:5228 - Part 2 - Code of practice for noise and vibration control on construction and open sites.
- iii. Air Quality.

The Construction Management Plan shall also set out:

a) proposed hours for site clearance, demolition and construction work and it shall detail the types of work which shall occur outside of 08:00 – 18:00 Mondays to Fridays; 08:00 – 13:00 on Saturdays and on Sundays and Bank Holidays.

b) proposed hours for vehicular movements to, from and within the premises and it shall detail the type of movements which shall occur outside of 08:00 – 18:00 Mondays to Fridays; 08:00 – 18:00 on Saturdays and 10:00 – 16:00 on Sundays and Bank Holidays.

The development shall be carried out in accordance with the approved details.

Additional Conditions

- 13. (New) Prior to construction of the anchor store above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the anchor store, the foul water drainage works must have been carried out in accordance with the approved scheme.
- 14. (New) No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas are to be constructed until the works have been carried out in accordance with the approved strategy.

92 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning applications be refused for the reasons contained in the Planning Development Manager's report. 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>
*18/00887/FUL (REFUSED)	Gosfield	Gosfield Foundation	Retention of prefabricated building for use as a village

Community
Interest Company shop allowed under temporary
permission 14/01086/FUL for a
further period of 3 years,
Playing Field, Church Road.

Councillor Bob Waters, representing Gosfield Parish Council, attended the meeting and spoke in support of this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01299/FUL (REFUSED)	Coggeshall	The Rare Breed Meat Company Ltd	Rural worker dwelling and garage, land West of Cemolville, Colne Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01628/FUL (REFUSED)	White Notley	Mr and Mrs Charles Blatch	Proposed replacement dwelling with associated landscaping. (Resubmission of refused application 18/01019/FUL), 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01640/OUT (REFUSED)	Bures Hamlet	Gladman Developments	Outline planning application for the erection of up to 98 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Colchester Road. All matters reserved except for means of access, land off Colchester Road.

Councillor David Lee, representing Bures Hamlet Parish Council, attended the meeting and spoke against this application.

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).

At the close of the meeting the Chairman wished everyone a Happy Christmas.

The Chairman stated also that the next meeting of the Planning Committee scheduled for Wednesday, 2nd January 2019 may be cancelled.

Post Meeting Note: The Planning Committee meeting scheduled for Wednesday, 2nd January 2019 has been cancelled.

The meeting closed at 10.07pm.

Councillor Mrs W Scattergood
(Chairman)