

# Minutes

## Planning Committee

2nd July 2019



### Present

Councillors	Present	Councillors	Present
J Abbott	Apologies	Mrs I Parker	Yes
K Bowers	Yes	F Ricci	Yes
T Cunningham	Apologies	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		

Councillors S Hicks and I Partridge were also in attendance.

### 1 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared:-

### 2 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 23rd April 2019 be approved as a correct record and signed by the Chairman.

### 3 **QUESTION TIME**

**INFORMATION:** There were three 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. 15/01319/OUT - land West of Panfield Lane, Braintree

Application No. 18/01758/FUL - 50 Broadway, Silver End

Application No. 19/00520/FUL - White Hart, Newland Street, Witham

Application No. 19/00521/LBC - - White Hart, Newland Street, Witham

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

#### 4 **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>
*18/01758/FUL (APPROVED)	Silver End	Miss Trott	Replacement of Crittall windows with aluminium windows to front elevation only, 50 Broadway.

The Committee approved this application, subject to the amendment of the Approved Plans as follows:-

##### Amended Approved Plans

Location Plan  
Window Details  
Window Location Plan

Councillor Alan Waine, representing Silver End Parish 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>
*19/00520/FUL (APPROVED)	Witham	Mr and Mrs Arnott	Removal of existing timber smoking shelter and replace with new metal framed smoking shelter with retractable awning. Insertion of bi-folding windows to rear elevation and replacement of damaged timber flooring in bar area, White Hart, Newland Street.

The Committee approved this application, subject to two additional Conditions and the amendment of the Approved Plans as follows:-

### Additional Conditions

3. Construction of the awning and canopy shall not be commenced 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.
4. Construction of any new smoking shelter/canopy shall not be commenced until additional drawings that show details of proposed joinery/metalwork and roof details at section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

### Amended Approved Plans

Location Plan                      Plan Ref: 2280-008  
Proposed Block Plan              Plan Ref: 2280-007  
Proposed Elevations              Plan Ref: 2280-004  
Joinery Details                      Plan Ref: 2280-005  
Proposed Ground Floor Plan – Drawing 2280-002 (Feb'19)

Councillor Steve Hicks, representing Witham Town Council, attended the meeting and spoke against this application.

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*19/00521/LBC (APPROVED)	Witham	Mr and Mrs Arnott	Removal of existing timber smoking shelter and replace with new metal framed smoking shelter with retractable awning. Insertion of bi-folding windows to rear elevation and replacement of damaged timber flooring in bar area, White Hart, Newland Street.

The Committee approved this application, subject to the amendment of the Approved Plans as follows:-

### Amended Approved Plans

Location Plan                      Plan Ref: 2280-008

Proposed Block Plan                      Plan Ref: 2280-007  
Proposed Elevations                      Plan Ref: 2280-004  
Joinery Details                              Plan Ref: 2280-005  
Proposed Ground Floor Plan – Drawing 2280-002 (Feb'19)

Councillor Steve Hicks, representing Witham Town Council, attended the meeting and spoke against this application.

5                      **SECTION 106 AGREEMENT**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*15/01319/OUT (APPROVED)	Braintree	Mersea Homes Ltd and Hills Residential Ltd	Hybrid planning application for a mixed-use development for up to 825 Residential Units, with part submitted in outline (with all matters reserved) and part submitted in detail, where: The Outline Component of the application seeks approval for: i. Up to 636 Residential Units (Use Class C3); ii. Up to 0.95ha of land for Business Use (Use Class B1, B2, B8); iii. Up to 2.38ha of land for the provision of a Neighbourhood Centre with possible uses including Retail, Commercial, Residential Care, Health, Veterinary and Crèche Uses (Use Classes A1, A2, A3, A4, A5, B1a, C2, D1a, D1b); iv. Up to 2ha of land for a Primary School; v. Up to 2.88ha of land for Community Sports Facilities; and vi. All associated open space, landscaping, parking, utilities, drainage and infrastructure The Detailed Component of the application seeks approval for: vii. 189 Residential Units (Use Class C3) including parking and utilities; viii.

New link road between Panfield Lane and Springfield Drive and new roundabout at junction of Panfield Lane and Churchill Road, land West of Panfield Lane.

**DECISION:**

- (1) That subject to the Habitat Regulations Appropriate Assessment report being agreed with Natural England; and
- (2) 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** – 30% of units on-site to be provided as Affordable Housing, with 70% Affordable Rent and 30% Other Tenures Routes; In respect of Phase 1, 20% of the units to be provided as Affordable Housing on a 70/30 split;
  - **Allotments** – 0.45ha of land to be cultivated, fenced with water supply and communal storage building. When set out the site to be offered to the District Council to manage the site. In the event that the District Council do not accept a transfer of the land then an Allotment Management Company to be established for the purpose;
  - **Community Sports Facility Land** – Transfer to the District Council, prior to occupation of the 100<sup>th</sup> dwelling, 2.88ha of land, shown on the Land Use Parameter Plan, for use as a community sports facility;
  - **Education Contribution** – Financial contribution towards the development of the additional Primary School and Early Years & Childcare places;
  - **Education Land** – Provision of a 2ha of serviced land for use by the Education Authority to provide Educational Facilities, such as a Primary School and Early Years & Childcare);
  - **Employment Initiatives Contribution** – Financial contribution of £2,925,000 index linked paid to the District Council to be spent on measures and initiatives to provide/promote employment opportunities within 5km of the Edith Borthwick school;
  - **Habitat Regulations** – A financial contribution of £122.30 per dwelling, or in the event that the RAMS Strategy is adopted by the Council at date of commencement then the payment will be whatever figure per dwelling is included in the adopted RAMS Strategy. The contribution will be payable for each phase prior to commencement of development of that phase. The contribution to be used to fund additional wardens and/or resources for wardens at Natura 2000 sites, to manage the impact of additional visitors. The Section 106 Agreement will also require on-site mitigation such as 2.7km

- circular walk and dog bins and notice boards. (The mitigation is subject to approval by Natural England as part of the Appropriate Assessment process);
- **Healthcare Contribution** – A financial contribution of £312,271 towards capacity improvements in primary health care in Braintree;
  - **Highway Contribution** - County Council can serve notice on developer requiring payment of £565,000 index linked towards improvements to the Springwood Drive / Rayne Road roundabout if they want to take the contribution instead of the developer undertaking the agreed works at the junction;
  - **Highway Works:**
    - Installation of a right-hand turn lane in Panfield Lane to serve the link road prior to occupation;
    - Prior to first occupation of the 51<sup>st</sup> dwelling –
      - Completion of a link road between Panfield Lane and Springwood Drive;
      - Improvements at the Springwood Drive/Rayne Road/Pods Brook Road roundabout as shown in principle on the planning application drawings.
    - Prior to first occupation of the 66<sup>th</sup> dwelling:
      - Installation of a zebra crossing on Panfield Lane;
      - Upgrading of the footpath between Panfield Lane (located between no's 240 and 242) and Bailey Bridge Road to a footpath/cycleway;
    - Prior to first occupation of Parcel H7 or H8:
      - Construction of a roundabout at the Panfield Lane/Churchill Road junction prior to occupation of parcel H7 and/or H8.
  - **Housing Phasing & Open Space Strategy** - To be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing provision and a phasing plan.
  - **Neighbourhood Centre** – Preparation and implementation of an agreed Marketing Strategy to secure businesses to operate at the Neighbourhood Centre, prior to occupation of the 180<sup>th</sup> dwelling, and the provision of services to the 2.36ha Neighbourhood Centre site, as shown on the Land Use Parameter Plan, prior to occupation of the 250<sup>th</sup> dwelling;
  - **Public Open Space** - A minimum of 1.56 hectares of land for use as natural or semi-natural green space providing opportunities for informal recreation, which may include areas for sustainable drainage plus not less than 0.39 hectares of play space land.  
An Open Spaces specification and management plan to be required for each phase of the development to establish how it would be set out and how the Open Space and Amenity Areas will be managed by a resident funded Management Company;
  - **Public Transport Contribution** - Financial contribution of £150,000 for Braintree District Council or Essex County Council to use for the improvement of public transport facilities within Braintree;
  - **Towerlands Link Safeguarding** – Obligation to incorporate a specified Estate Road design into the Reserved Matters application for the parcel of land adjoining the Towerlands site and an obligation to safeguard a route so

as to enable the Towerlands developer to connect to the estate roads on the application site.

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 six 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 Head of Term of the legal agreement relating to Public Transport being amended; the amendment of Condition No. A1; and the addition of three conditions and an Information to Applicant as follows:-

#### Amended Head of Term

**Public Transport Contribution** - Financial contribution of £150,000 for Braintree District Council or Essex County Council to use for the improvement of public transport facilities within Braintree;

#### Amended Condition

##### A1. Reserved Matters Submission

Details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as the Reserved Matters) shall be submitted to the local planning authority. No development (other than the construction of the highway works and the residential properties specified on the approved plans listed at Condition A3 below) within any part of the application site shall commence until details of the Reserved Matters for that phase of the development have been approved in writing by the local planning authority. The development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 9 years from the date of this permission.

Each phase of the development shall be commenced not later than 2 years from the date of approval of the last reserved matters approval for that phase.

#### Additional Conditions

##### Letter Boxes

Construction above ground of all apartment blocks hereby approved shall not be commenced until additional drawings that show details of proposed letter boxes /

receptacles for postal deliveries have been submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be installed and available for use prior to first occupation of the apartment block which the facility will serve and shall be permanently maintained as such thereafter.

#### Travel Plan

Notwithstanding the submitted details, the development hereby approved shall not be brought into use until a Travel Plan (in accordance with Essex County Council guidance) has been submitted to and approved in writing by the local planning authority. The Travel Plan shall thereafter be implemented and monitored as approved.

#### Housing Mix

The Planning Committee agreed that Officers should draft and agree the wording of this Condition.

#### Information to Applicant

4. During the construction of the development, the applicant is encouraged to ensure that each of the new dwellings is provided with a fibre broadband connection for the benefit of future occupiers.  
The applicant is encouraged to consider the provision of electric car charging facilities within the development and each Reserved Matters application for the development should contain details of the electric car charging facilities that will be provided within that phase of the development.

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 8.56pm.

Councillor Mrs W Scattergood  
(Chairman)