

Minutes

Planning Committee 15th December 2020



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	Yes	Mrs I Parker (Vice-Chairman in the Chair)	Yes
K Bowers	Yes	F Ricci	Yes
T Cunningham	Yes (until 9.04pm)	Mrs W Scattergood (Chairman)	Apologies
P Horner	Yes	Mrs G Spray	Yes
H Johnson	Yes	N Unsworth	Yes (until 9.04pm)
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

98 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs I Parker, the Vice-Chairman of the Planning Committee (in the Chair), declared a joint non-pecuniary interest in Application No. 19/01025/FUL - Land West of Kelvedon Station, Station Road, Kelvedon as Mr Matthew Wood, who had registered to participate during Question Time and had submitted a written statement, was a former employee of Braintree District Council and he was known to some of them.

Councillor J Abbott declared a non-pecuniary interest in Application No. 20/01421/VAR - Gridserve Electric Forecourt, Edison Way, Great Notley as a Member of Braintree District Council's Horizon 120 Project Reference Group.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 19/01025/FUL - Land West of Kelvedon Station, Station Road, Kelvedon as he had received representations from the Kelvedon community about the application, but he had not commented on them.

Councillor Cunningham declared an enhanced non-pecuniary interest in Application No. 20/01261/ADV - Travelodge, Victoria Street, Braintree in his role as Cabinet Member for Economic Development and Infrastructure and because of the

association of the application with the Council's redevelopment project for Manor Street and Victoria Square, Braintree, which he had spoken in support of. Councillor Cunningham did not take part in the meeting when this application was considered and determined.

Councillor Cunningham declared also an enhanced non-pecuniary interest in Application No. 20/01421/VAR - Gridserve Electric Forecourt, Edison Way, Great Notley as, in his roles as Cabinet Member for Economic Development and Infrastructure and Chairman of Braintree District Council's Horizon 120 Project Reference Group, he had spoken in support of the proposals.

Councillor Cunningham declared a non-pecuniary interest in the same application as a Member of Great Notley Parish Council which had been consulted on the application and was referred to in the Agenda report.

Councillor Cunningham did not take part in the meeting when this application was considered and determined and he did not return to the meeting.

Councillor F Ricci declared a non-pecuniary interest in Application No. 20/01421/VAR - Gridserve Electric Forecourt, Edison Way, Great Notley as Vice-Chairman of Great Notley Parish Council which had been consulted on the application. Councillor Ricci stated that when the Parish Council had considered the application he had been moved from its meeting into a virtual waiting room and he had not been involved in the Parish Council's discussion 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.

99 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 8th December 2020 be approved as a correct record.

100 **QUESTION TIME**

INFORMATION: There were seven statements made about the following matters. Those people who had registered to participate during Question Time had submitted written statements in advance of the meeting and these were read to the Committee either by the registered speaker or by the Council's Governance and Member Services Officer immediately prior to the consideration of the applications.

Application No. 19/01025/FUL - Land West of Kelvedon Station, Station Road, Kelvedon

Application No. 20/01421/VAR - Gridserve Electric Forecourt, Edison Way, Great Notley

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

101 **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>
*20/01261/ADV (APPROVED)	Braintree	Travelodge Hotels	Installation of 6 externally illuminated signs, Travelodge, Victoria Street.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01421/VAR (APPROVED)	Great Notley	Gridserve	Variation of Condition 1 (Approved Plans) and Condition 3 (Arboricultural impact assessment) of approved application 20/00155/VAR granted 15/05/2020 for: Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved application 19/01092/FUL granted 30/09/2019 for: Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. To allow updated design drawings and materials to main building, Updated landscaping scheme and lighting, Updated ecological statement. Variation

would allow: Condition 1: Extension to the clearance of the tree belt and revision to retail store, Condition 3: Updated arboricultural impact assessment, Gridserve Electric Forecourt, Edison Way.

The Committee approved this application, subject to the amendment of Condition No. 5 as follows:-

Amended Condition

5. The approved scheme of soft landscaping shall be carried out during the first available planting season after the first use of the development, and shall include full details of an irrigation system to ensure the long term viability of the planting, which shall be submitted to and approved in writing by the Local Planning Authority, and thereafter carried out in accordance with the approved details.

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 with others of a similar size and species.

All hard surface areas approved as part of the hard landscaping scheme shall be carried out before the first use of the buildings, or upon the completion of the development, whichever is the earlier.

Councillor G Butland, Braintree District Councillor for Great Notley and Black Notley Ward, submitted a written statement against this application, which he read to the Committee prior to the consideration of the application.

102 **SECTION 106 AGREEMENT**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01025/FUL (APPROVED)	Kelvedon	CALA Homes (North Home Counties) Ltd	Proposed new residential development comprising the construction of 238 new dwellings (including both houses and apartments) with associated garden and parking provision dedicated improved access from Coggeshall Road, new public open space, a

Sustainable Urban Drainage System and associated development, land West of Kelvedon Station, Station Road.

DECISION:

- (1) That, subject to Natural England confirming that they have no objection to the Council's Habitat Regulations Assessment and proposed mitigation measures and 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 Term:
- **Affordable Housing** - 95 dwellings on-site to be Affordable Housing, with 67 dwellings provided for affordable rent and 28 dwellings provided through shared ownership; to include the provision of 2 x 2 bed 4 person wheelchair bungalows (wheelchair user dwellings, compliant with Part M(4) Cat 3(b) of Building Regulations); and all affordable dwellings to meet or exceed the Nationally Described Space Standards and any ground floor accessed dwellings complying with Building Regulations 2015 Part M(4) Category 2;
 - **Allotments** - Financial contribution of £7,082.82 (index linked) to fund improvements at Stoney Flint allotment site, Church Hill, Kelvedon;
 - **Community Facility** - Financial contribution of £118,490 to be used for improvements at the Pavilion building, or towards the erection of a new building at Kelvedon Recreation Ground;
 - **Education** - Financial contributions for Early Years and Childcare provision in the locality of £267,341; and financial contribution of £171,693.50 towards the cost of secondary school transport for future residents (both contributions to be index linked to April 2019).
 - **Equipped Play:**
 - Children's play equipment to be provided on-site, with a value of up to £60,000; and
 - Financial contribution of £88,771.55 (index linked) to fund the expansion, modification or improvement of the Multi Use Games Area at Kelvedon Recreation Ground, The Chase, Kelvedon;
 - **Health** - Financial contribution of £90,080 (index linked) towards the provision of capacity improvements at the Kelvedon & Feering Health Centre, or new Primary Health care facilities to serve patients from the village of Kelvedon;

- **Highways & Transport:**

- Financial Contributions:

- £238,000 (index lined) towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction;
 - Contributions totalling £46,500 for the Highway Authority to widen and surface to a minimum of 2 metres PRow 92_12 to connect the PRowS to the east and west of the site, and provide links from the PRow to the development; and Off-site works to surface the existing PRow 92_12 to a width of 1 metre connecting the application site to Kings Meadow Court in the east and a width of 1.5 metres to the footbridge over the railway line to the west;

- Highway Works:

- Bus stop improvements at two locations for buses serving the site;
 - Improvements to the footway along the south side of Coggeshall Road and Station Road between Observer Way and the High Street;
 - The provision of a new pedestrian footbridge on PRow 92_21 over the ditch on the north western site boundary.

- Monitoring Fee:

- Payable to Essex County Council to allow for the monitoring of the Residential Travel Plan imposed by condition.

- **Outdoor Sports** - Financial contribution of £221,505.79 (index linked) to be spent at Kelvedon Recreation Ground;
- **Public Open Space** - (on-site) a minimum area of 1.9535ha for informal Open Space and equipped play area; a further 0.6572 ha of land to be managed for Ecological purposes. Areas of Public Open Space; equipped play and amenity spaces, along with internal estate roads and pathways (unless adopted as Public Highway) to be managed by a Management Company. The Ecology Land to be managed by the landowner;
- **HRA/RAMS** - £29,888.04 (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).

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 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.

- (2) That, as there have been a number of revisions to the plans, the Planning Development Manager be authorised to finalise and cross check the details of the Approved Plans and documents that will be listed in the Decision Notice.

In discussing this application, Members of the Planning Committee considered an update report on the recommended Conditions and minor revisions to the development. In particular, it was proposed that minor changes should be made to the elevations of the Apartment Blocks and to the Bin and Cycle Stores and that the tenure of Units 182 Block J and 183 Block J should be changed to affordable rent and the tenure of Units 201 Block M and 212 Block P changed to shared ownership. Minor modifications were also proposed to the orientation of Apartment Block E and its parking arrangements; and to the roof form of house type HT AH 3B6P and the streetscene.

The Committee approved this application, subject to the amendment of Condition Nos. 3, 5, 11, 16, 18 and 22, two additional Conditions and an additional Information to Applicant as follows:-

Amended Conditions

3. The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

5. Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme approved in writing by the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

11. Aside from the construction of the haul road which has been previously approved and implemented pursuant to 17/00418/OUT, no development shall commence until written confirmation from an Approved Inspector or Local Authority Building Control Service has been submitted to and approved in writing by the Local Planning Authority to certify that Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 51, 52, 76, 106, 107, 108, 112, 113, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the approved layout plan have been designed to comply with Building Regulations 2015 Part M(4) Category 2; and Plots 50, 53, 74, 75, 115, 116, 117, 118, 119, 120 have been designed to comply with Building Regulations 2015 Part M4 Category 2, with the exception of Paragraph 2.12 of the Regulations; and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b).
16. Prior to the first occupation of the development, details of an electric vehicle charging strategy for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The strategy will contain details of electric vehicle charging points that will be installed as part of the development and measures that will be incorporated into the development for additional electric vehicle charging points to be installed in the future. Where the strategy states electric vehicle charging points will be installed as part of the construction of the development these shall be installed in accordance with the approved details prior to the occupation of each dwelling to which they relate.
18. Prior to occupation of each of the following Plots 14, 15, 28, 29, 36, 37, 43, 44, 45, 46, 51, 52, 76, 106, 107, 108, 112, 113, 114, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 151, 152, 155, 156, 160, 161, 181, 184, 187, 190, 194, 195, 196, 197, 198, 201, 204, 207, 210, 212, 215, 218 as indicated on the layout drawing hereby approved, written confirmation from an Approved Inspector or Local Authority Building Control Service to certify that each respective plot (as indicated above) has been constructed in accordance with Building Regulations 2015 Part M4 Category 2; and Plots 50, 53, 74, 75, 115, 116, 117, 118, 119, 120 have been designed to comply with Building Regulations 2015 Part M4 Category 2, with the exception of Paragraph 2.12 of the Regulations; and Plots 21 and 22 have been designed to comply with Building Regulations 2015 Part M(4) Category 3(b) shall be submitted to and approved in writing by the Local Planning Authority.
22. No above ground development shall commence until details of all gates/fences/walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of each dwelling to which they relate and shall be permanently maintained as such.

Additional Conditions

42. Construction above ground level shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges, headers and cills to be used by 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.
43. Details of any proposed external lighting to the site shall be submitted to and approved in writing by the local planning authority prior to installation. 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). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Additional Information to Applicant

9. The applicant's attention is drawn to the comments of the Designing Out Crime at Essex Police and they are encouraged to engage with Essex Police and to seek Secured By Design accreditation.

Kelvedon Parish Council submitted a written statement against this application, which was read to the Committee by the Council's Governance and Member Services Officer prior to the consideration of the application.

Councillor P Thorogood, Braintree District Councillor for Kelvedon and Feering Ward, submitted a written statement against this application, which he read to the Committee prior to the consideration of the 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 Vice-Chairman wished everyone a Merry Christmas and a Happy New Year.

The meeting closed at 10.02pm.

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