

# Minutes

## Planning Committee

4th July 2017



### Present

Councillors	Present	Councillors	Present
K Bowers	Yes	Mrs I Parker	Apologies
Mrs L Bowers-Flint	Yes	R Ramage	Yes
T Cunningham	Apologies	F Ricci	Yes
P Horner	Yes	Mrs W Scattergood (Chairman)	Yes
H Johnson	Yes	P Schwier	Yes
D Mann	Apologies	Mrs G Spray (Vice-Chairman)	Yes
Lady Newton	Apologies		

### 22 DECLARATIONS OF INTEREST

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

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Application Nos. 15/01193/FUL (Variation) - land between London Road and East of Pods Brook Road, Braintree; 16/02096/OUT - land at Station Road, Hatfield Peverel; and 17/00482/FUL - land adjacent to Lodge Farm, Hatfield Road, Witham as the Cabinet Member for Planning and Housing with responsibility for affordable housing.

Councillor Mrs G Spray declared a non-pecuniary interest in Application Nos. 15/01193/FUL (Variation) - land between London Road and East of Pods Brook Road, Braintree; 16/02096/OUT - land at Station Road, Hatfield Peverel; and 17/00482/FUL - land adjacent to Lodge Farm, Hatfield Road, Witham as the Deputy Cabinet Member for Planning and Housing with responsibility for affordable housing.

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.

### 23 MINUTES

**DECISION:** That the Minutes of the meeting of the Planning Committee held on 20th June 2017 be approved as a correct record and signed by the Chairman.

### 24 QUESTION TIME

**INFORMATION:** There were three statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes. Those people

who had registered to speak about a planning application spoke immediately prior to the consideration of the application.

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

25 **VARIATION TO RESOLUTION TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT - APPLICATION NO. 15/01193/FUL LAND BETWEEN LONDON ROAD AND EAST OF PODS BROOK ROAD, BRAINTREE**

**INFORMATION:** Consideration was given to a report on a proposed change to the decision relating to planning application no. 15/01193/FUL. The application by Countryside Properties (UK) Ltd and Mr Hawkes related to the construction of 215 residential dwellings, new vehicular access from London Road in the form of a new roundabout, public open spaces, play spaces, pedestrian and cycle links, extension to Braintree River Walk and landscaping on land at London Road, at land between London Road and East of Pods Brook Road, Braintree. The application had been approved by the Planning Committee on 19th July 2016, subject to conditions and to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

Members were advised, that following the Committee's decision a number of unexpected issues had arisen, which meant that it would not be possible for the development to proceed as originally proposed. Changes were required to the development and as these varied from the details previously presented the matter had been referred back to the Committee for consideration. Details of the changes were set out in the report. The changes would not fundamentally alter the nature of the proposed development. It was proposed that the resolution to grant the application should be varied to reflect the changes.

The changes to the application included revisions to proposed roundabout and cycleway improvements at London Road to ensure that the technical requirements of the Highways Authority were met; design alterations to dwelling units 60 and 67 to ensure full compliance with wheelchair accessibility standards; alterations to temporary construction access arrangements via Pods Brooks Road to reflect advice from the Highways Authority; and revisions to the Conditions. The approved plans had been amended to reflect the proposed changes and an updated list of approved plans had been circulated prior to the meeting.

The original resolution to grant planning permission had been subject to 44 Conditions. The applicant had started work on assembling the information required to discharge these conditions, which had identified some issues and it was proposed that Condition Nos. 12, 33, 34, 35, 36 and 37 should be amended and Condition No. 16 deleted.

**DECISION:** That the resolution to grant planning application no. 15/01193/FUL - land between London Road and East of Pods Brook Road, Braintree be modified, 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 (unchanged) Heads of Terms:-

- **Affordable Housing** - 30% provision; 70/30 tenure split (rent over shared ownership); in accordance with Affordable Housing Mix Plan; delivered without reliance on public subsidy; all ground floor flats to be fitted with level access showers; 1 x 3-bed five person ground floor flat and 1 x 2-bed four person ground floor flat to comply with Part M4(3) of the Buildings Regulations (wheelchair user dwellings); flats to comply with Part M4(2) of the Building Regulations (accessible and adaptable); all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction); and in accordance with a Phasing Plan which is to be agreed and which will require proportionate delivery of affordable and market housing through the development of the site
- **Allotments** – financial contribution of £6,182.75 towards allotment provision improvements at Rose Hill, Braintree
- **Cycleway / Pedestrian Link** – provision for the Council to be able to construct a footbridge and / or cycleway bridge in the north-west corner of the site, near Pods Brook Road, to allow for the Council to create new pedestrian / cycle connections to adjoining land
- **Off-Site Cycleway Signage / Improvements** - prior to occupation of the first dwelling the applicant shall make a contribution of £75,000 towards improvements to cycleway signage and off-site cycle parking to include, but not be limited to, signs within the vicinity of the site and towards the town centre, Flitchway and train station
- **Education** - financial contribution for primary education
- **Footpath Connection** - to connect footpaths within the site to the Public Right of Way at the south-western corner of the site (between Plots 150-155 and 156-161) and to connect the new footpath running to the southern boundary (between Plots 107-112 and 101-106) with the Public Right of Way (Footpath 73) to the south of the site
- **Health** - financial contribution of £60,600 to be used towards improving capacity, or the relocation, of either the Mount Chambers or St Lawrence surgeries
- **Public Open Space: On Site** – the provision of land to be used as Public Open Space, as shown on the submitted layout, and which will be transferred to a Management Company (funded by future residents) for on-going maintenance
- **Public Open Space: Off Site** - financial contribution of £194,828.04 toward outdoor sports provision, to be spent on the provision of a 3G Artificial Training Pitch in the town of Braintree
- **Public Art** – a package of ‘sculptures’ to be designed with input from community groups and created and installed at locations along the Public Open Space within the site

and that the Development Manager be authorised to grant planning permission for the above development in accordance with the approved plans, as amended, and subject to:-

- i) the amendment of Condition Nos. 12, 33, 34, 35, 36 and 37 (as further amended) and the deletion of Condition No. 16 as set out below and
- ii) the remaining Conditions and reasons set out in the original report to the Planning Committee.

Alternatively, in the event that a suitable planning obligation is not agreed within one calendar month of the date of the Planning Committee's decision, the Development Manager be authorised to refuse the application. Details of this planning application are contained in the Register of Planning Applications.

### Amended Conditions

12. Prior to the occupation of the development hereby approved, a scheme of landscaping for the amenity spaces being provided for individual dwellings and the apartment blocks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

The scheme of landscaping shall include a phasing scheme for the proposed landscaping.

The landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) within that phase of the development.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the Local Planning Authority. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the dwelling to which the hard landscaping relates.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

33. The visitor car parking spaces identified on Approved Plan ref. PL-008 Rev B Parking Layout shall be provided in accordance with the approved plans and thereafter be kept available at all times for the parking of vehicles of visitors to the development hereby permitted.
34. Prior to occupation of the first dwelling, the provision of the cycleway improvements shall be implemented as shown in principle on drawing

E3561/770 & E3561/771, details of which shall have been submitted to and approved in writing with the Local Planning Authority. These improvements shall include, but not be limited to, a new section of 3 metre wide cycleway on the western side of London Road between the proposed site access roundabout and the A120; widening of part of the footway to a 3 metre cycleway on the eastern side of London Road; and relocation of the bus shelter.

35. Prior to first use of the construction access, the access and associated highways works shall be implemented as shown in principle on drawing E3561/721, details of which shall have been submitted to and approved in writing with the Local Planning Authority. The works shall include, but not be limited to, visibility splays of 4.5 metres by 215 metres. Upon completion of the development, the temporary construction vehicular access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge and kerbing.
36. Prior to occupation of the first dwelling, the provision of the proposed roundabout on London Road shall be implemented as shown in principle on drawing E3561/770, details of which shall have been submitted to and approved in writing with the Local Planning Authority.
37. Prior to occupation of the 200th dwelling, the provision of the cyclepath / footway shall be implemented as shown in principle on drawing PL-001 Rev C, details of which shall have been submitted to and approved in writing with the Local Planning Authority.

#### Deleted Condition

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling along the boundary with Pods Brook Road as permitted by Class A of Part 2 of Schedule 2 of that Order without first obtaining planning permission from the Local Planning Authority.

The Committee approved this application, subject to the plan references within amended Condition Nos. 33 and 37 being corrected as follows:-

#### Proposed Amended Conditions

33. 'Approved Plan ref PL-008 Rev C' being amended to 'Approved Plan ref PL-008 Rev B'
37. 'Approved Plan ref PL-001 Rev B' being amended to 'Approved Plan ref PL-001 Rev C'

Planning Application No. 17/00482/FUL - land adjacent to Lodge Farm, Hatfield Road, Witham 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 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>
*17/00388/FUL (APPROVED)	Black Notley	Ms S Jones	Alterations to existing single storey later addition including re-roofing, erection of single storey front extension, loft conversion including insertion of dormer window and associated landscaping and erection of attached annexe, 5 Dewlands.

The Committee approved this application, subject to the following additional Condition:-

**Additional Condition**

5. Prior to occupation, the north-east facing dormer window shall be glazed with obscure glass to a minimum of level 3, vents shall be top hung, with the opening set no lower than 1.7 metres above floor level, and shall be so maintained at all times.

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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>
*17/00482/FUL (APPROVED)	Witham	Redrow Homes Ltd	Temporary construction access onto Hatfield Road until the 31st December 2019, land adjacent to Lodge Farm, Hatfield Road.

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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>
*17/00660/FUL (APPROVED)	Halstead	Mr B Edwards	Erection of 1 No. three bedroom dwelling with associated parking and landscaping, land adjacent to The Chase, Pretoria Road.

The Committee approved this application, subject to the amendment of Condition No. 3, an additional Condition and an Information to Applicant as follows:-

#### **Amended Condition**

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or provision of extensions to the roof as permitted by Classes A, B and C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

#### **Additional Condition**

10. Prior to above ground construction details of:

- a) the arrangements for the storage and collection of refuse; and
- b) any proposed external lighting to the site

shall have been submitted to and approved in writing by the Local Planning Authority and thereafter provided and maintained in accordance with the approved details.

#### **Information to Applicant**

In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the Local Planning Authority prior to the formal submission of details.

## **27 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>
*16/02096/OUT (APPROVED)	Hatfield Peverel	Arla Foods UK	Outline planning application for residential development for up to 145 dwellings (Use Class

C3) with public open space, vehicular access and associated infrastructure, land at Station Road.

**DECISION:**

- (1) That, subject to the Habitat Regulations (HRA) Screening Report concluding that no likely significant effect will be caused 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 as amended:-
  - **Affordable Housing** (40% provision; 70/30 tenure split (affordable rented over intermediate tenure); clustered in three areas of the site; delivered proportionately; delivered without reliance on public subsidy; house types plus ground floor flats to be compliant with either lifetime homes standards or Part M 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction).
  - **Site Wide Housing and Phasing 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).
  - **Healthcare** (financial contribution of £54,878.00. Trigger point for payment being prior to the commencement of development).
  - **Public Open Space** (financial contribution toward outdoor sports provision, equipped children's play space and allotments to be calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document. Financial contribution towards informal open space provision if the Reserved Matters site layout does not provide the total required amount on site as required by Policy CS10 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).
  - **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).
  - **Highways** (adjustments to an existing roadway within the site to enable the provision of an improved access between Station Road and the



Railway Car Park. Upgrading of the bus stop located on the north side of The Street, west of Station Road and relocation of the bus stop (shelter) located on the south side of The Street, east of Station Road).

- **Education** (financial contribution toward Early Years and Childcare and toward Primary School provision required based on the County Council's standard formula, index linked to April 2016, subject to the financial contribution for primary school place provision being increased from £12,218.00 per pupil to £15,826.00 per pupil).
- **Ecology** (mitigation package to mitigate the development's impact upon natura 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites and to the improvement of the public rights of way network within the vicinity of Hatfield Peverel and the promotion of circular walking routes near the application site. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA screening process).

the 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 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 a Head of Term of the Section 106 Agreement and Condition No. 3 being amended as follows:-

#### Amended Head of Term

- **Education** (financial contribution toward Early Years and Childcare and toward Primary School provision required based on the County Council's standard formula, index linked to April 2016, subject to the financial contribution for primary school place provision being increased from £12,218.00 per pupil to £15,826.00 per pupil).

#### Amended Condition

3. No Reserved Matters application shall be submitted until a site wide strategy for the following has been submitted and approved in writing by the Local Planning Authority:
  - Details of a parking strategy for the development;
  - Details of a waste management strategy for the development;
  - Details of a pedestrian and cycle links strategy from the application site to Bury lane to the West and to land to the South of the application site.

Reserved matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved strategy.

Councillor Robin Dixon, representing Terling and Fairstead Parish Council, attended the meeting and spoke about this application.

Councillor Mrs Diane Wallace, representing Hatfield Peverel Parish Council and the Neighbourhood Development Plan Group, attended the meeting and spoke about this application.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the 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 8.27pm.

Councillor Mrs W Scattergood  
(Chairman)

APPENDIX  
PLANNING COMMITTEE  
4TH JULY 2017  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Application No. 16/02096/OUT - Land at Station Road, Hatfield Peverel
- (i) Statement by Councillor Robin Dixon, for Terling and Fairstead Parish Council, c/o Mrs F Killby, Clerk to Parish Council, 16 Vicarage Avenue, Witham
  - (ii) Statement by Councillor Mrs Diane Wallace, for Hatfield Peverel Parish Council and the Neighbourhood Development Plan Group, Woolsmore, Maldon Road, Hatfield Peverel
  - (iii) Statement by Mr Andrew Thomson, 9 Willow Drive, Bunbury, Cheshire (Agent)