

# Minutes

## Planning Committee 2nd June 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 Microsoft Teams and YouTube.

### Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Yes
K Bowers	Yes	F Ricci	Yes
T Cunningham (until 9.36pm)	Yes	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	Mrs G Spray	Yes
H Johnson	Yes	N Unsworth	Yes
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

### 9 DECLARATIONS OF INTEREST

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

Councillor J Abbott declared a non-pecuniary interest in Application No. 19/02095/VAR - The Garden Field, land South of Western Road, Silver End as Mr K McDonald who had registered to submit a statement about the application during Question Time and had submitted a representation was a Parish Councillor for Silver End and he was known to him. Councillor Abbott stated also that in the past he had personally commented about access to the site.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 20/00281/FUL - Discovery Centre, Great Notley Garden Village, London Road, Great Notley as a Member of Great Notley Parish Council which was referred to in the Agenda report.

Councillor Cunningham declared also an enhanced non-pecuniary interest in Application No. 20/00382/VAR - Block B Braintree Enterprise Centre, 46 - 48 Enterprise Drive, Braintree in his role as Cabinet Member for Economic Development and Infrastructure. Councillor Cunningham stated that he had spoken in favour of the I Construct project, of which this application formed a part, on a number of occasions.

Councillor Cunningham did not take part in the meeting when this application was considered and determined. Councillor Cunningham was also not present at the

meeting when an application in Part B of the Agenda was considered, namely Application No. 19/01971/HH - 41 Francis Way, Silver End

Councillor D Mann declared a non-pecuniary interest in Application No. 19/01744/FUL - Land opposite Jaspers, Jaspers Green, Shalford, as in the past, he had advised objectors about material planning issues. Councillor Mann stated that he had not declared an opinion on this application.

Councillor F Ricci declared a non-pecuniary interest in Application No. 20/00281/FUL - Discovery Centre, Great Notley Garden Village, London Road, Great Notley as Vice-Chairman of Great Notley Parish Council which was referred to in the Agenda report.

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.

## 10 **MINUTES**

**DECISION:** It was reported that there were no Minutes of previous meetings of the Planning Committee for approval.

## 11 **QUESTION TIME**

**INFORMATION:** There were five 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 by the Council's Governance and Member Services Officer immediately prior to the consideration of the applications.

Application No. 18/02007/FUL – Land off The Street, Gosfield

Application No. 19/01744/FUL - Land opposite Jaspers, Jaspers Green, Shalford

Application No. 19/02095/VAR - The Garden Field, land South of Western Road, Silver End

Application No. 20/00281/FUL - Discovery Centre, Great Notley Garden Village, London Road, Great Notley

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

## 12 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 20/00090/FUL - 9 Jackmans, Shalford; and 20/00091/FUL - 11 Jackmans, Shalford were 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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*19/01744/FUL (APPROVED)	Shalford	Essex Village Properties Ltd	Construction of three dwelling houses alongside ancillary vehicle access, parking, landscaping and other associated works, land opposite Jaspers, Jaspers Green.

The Committee approved this application, subject to the amendment of Condition No. 12 as follows:-

**Amended Condition**

12. Development shall not be commenced until a construction management plan has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process. The plan shall include the following details:
- i. A mud control management scheme specifically related to wheel washing;
  - ii. The parking of construction vehicles during the length of the build.

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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>
*19/01971/HH (APPROVED)	Silver End	Mr Steven Thain	Replacement of existing windows, 41 Francis Way.

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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>
*20/00090/FUL (APPROVED)	Shalford	Mr A Grove Smith	Loft conversion to provide storage through installation of 3 rooflights, 9 Jackmans.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/00091/FUL (APPROVED)	Shalford	Mr W Grove Smith	Loft conversion to provide storage through installation of 2 rooflights and installation of rear window within the gable, 11 Jackmans.

### 13 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/02007/FUL (APPROVED)	Gosfield	Chelsteen Homes Ltd.	17 dwellings with associated access, parking, garaging, landscaping and amenity space, land off The Street.

**DECISION:** That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing:** 6 units comprising tenure of 4 x affordable rent and 2 shared ownership.
- **Public Open Space:** A financial contribution of £30,973.61 in accordance with the Open Spaces Action Plan towards the provision of a new skateboard ramp at the Recreation Ground, Church Road, Gosfield, Essex
- **Amenity Areas:** Management Company be appointed for the maintenance of the proposed public open space and ecology land.

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.

The Committee approved this application, subject to the amendment of the Heads of Terms; the amendment of Condition Nos. 8, 11, 12 and 13; and an additional Condition as follows:-

#### Amended Heads of Terms

- **Affordable Housing:** 6 units comprising tenure of 4 x affordable rent and 2 shared ownership.
- **Public Open Space:** A financial contribution of £30,973.61 in accordance with the Open Spaces Action Plan towards the provision of a new skateboard ramp at the Recreation Ground, Church Road, Gosfield, Essex
- **Amenity Areas:** Management Company be appointed for the maintenance of the proposed public open space and ecology land.

#### Amended Conditions

8. Prior to the occupation of the development hereby approved a scheme of landscaping 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. Details will be required with regards the management and maintenance of the proposed new lime tree located to the north of plot 5.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

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

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.

11. No above ground development shall commence unless and until a lighting design scheme to protect biodiversity for the whole site has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are sensitive for

bats, including those areas where lighting could cause disturbance along important bat foraging routes; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that any areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the approved scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

12. Prior to the commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

13. Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the

developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

#### Additional Condition

20. Prior to the commencement of development an Arboricultural Method Statement shall be submitted in writing and approved by the local planning authority. Once approved the development shall be carried in accordance with the approved statement.

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/02095/VAR (APPROVED)	Silver End	c/o Agent Phase 2 Planning	Variation of Condition 2 (Approved Plans) of permission 18/00442/OUT granted 30.09.2019 for: 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. Variation of condition would allow for: - Re-positioned access point, The Garden Field, land South of Western Road.

**DECISION:** That, subject to the applicant entering into a deed of variation to ensure that the commitments of the legal agreement secured under consent reference 18/00442/OUT, pursuant to Section 106 of the Town and County Planning Act 1990 (as amended), are transferred to the varied consent, 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.

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

**Additional Condition**

15. Prior to first occupation, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and 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.

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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>
*20/00382/VAR (APPROVED)	Braintree	Janet Whyte Braintree District Council.	Variation of Condition 2 Approved Plans of permission 19/01013/FUL granted 28.10.2019 for: New Innovation Centre with conference and office facilities and alterations to the existing Braintree Enterprise Centre. Variation would allow: -Re-orientation of the access to the building affecting the elevations, Block B Braintree Enterprise Centre, 46 - 48 Enterprise Drive.



**DECISION:** That, subject to the applicant entering into a suitable legal agreement, or Unilateral Undertaking pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to cover the following Head of Term:

**Highways:** A financial contribution towards improvements at the Springwood Drive/Rayne Road roundabout, Braintree

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. 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.

14 **PLANNING APPLICATION DEFERRED**

**DECISION:** That the undermentioned planning application be deferred to request the applicant to submit details of the design and specification of proposed lighting and how light spillage will be controlled. Details of this planning application 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>
*20/00281/FUL (DEFERRED)	Great Notley	Stephanie Clark Braintree District Council	Replacement of metal Halide luminaires with LED luminaires to the existing floodlighting of the artificial turf pitch and MUGA, Discovery Centre, Great Notley Garden Village, London Road.

15 **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.

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*19/02249/FUL (REFUSED)	Great Saling	Mr L Gilbert	Erection of two-storey, 3 bedroomed detached dwellinghouse, Medlars, Blake End.

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 9.56pm.

Councillor Mrs W Scattergood  
(Chairman)