

Minutes

Planning Committee

8th October 2019



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	Mrs W Scattergood (Chairman)	Apologies
P Horner	Yes	Mrs G Spray	Apologies
H Johnson	Yes	N Unsworth	Apologies
D Mann	Yes	J Wrench	Yes
A Munday	Yes		

Councillor S Hicks was also in attendance (until 9.02pm).

32 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor T Cunningham declared a joint non-pecuniary interest in Application No. 19/00026/FUL - Land at Conrad Road, Witham as Councillor M Lager, who was speaking on behalf of Witham Town Council during Question Time, was known to some of them.

Councillor J Abbott declared a non-pecuniary interest in Application No. 19/00026/FUL - Land at Conrad Road, Witham as Councillor S Hicks, Braintree District Ward Councillor, who was speaking during Question Time was known to him and he was a fellow member of the Green and Independent Group of District Councillors. Councillor Abbott declared a non-pecuniary interest in this application also as the Elected Member for the Witham Northern Division of Essex County Council, which bordered the site.

Councillor T Cunningham declared a non-pecuniary interest in Application No. 19/00950/ADV - A131 Bypass, 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 an interest in this application also in his role as Cabinet Member for Economic Development on the basis of pre-determination and bias. Councillor Cunningham left the meeting when the application was considered and determined.

Councillor A Munday declared a non-pecuniary interest in Application No. 18/01876/OUT - Land North of Oak Road, Halstead as a Member of Halstead Town Council and as Councillor P Caulfield, who was speaking on behalf of Halstead Town Council during Question Time, was known to him. Councillor Munday stated that he had not been involved with the determination of the Town Council's comments.

Councillor Mrs I Parker declared a non-pecuniary interest in Application No. 19/00635/FUL - Land adjacent to Ashen Road, Ridgewell as Councillor N Benwell, who was speaking on behalf of Ridgewell Parish Council during Question Time, was known to her. Councillor Mrs Parker stated that she had not discussed the application with Councillor Benwell.

Councillor F Ricci declared a non-pecuniary interest in Application No. 19/00026/FUL - Land at Conrad Road, Witham in his role as Cabinet Member for Communities, Culture and Tourism. Councillor Ricci left the meeting during the consideration and determination of the application.

Councillor Ricci declared a non-pecuniary interest also in Application No. 19/00950/ADV - A131 Bypass, Great Notley Garden Village, London Road, Great Notley as a Member and Vice-Chairman of Great Notley Parish Council, which was referred to in the Agenda report.

Councillor J Wrench declared a non-pecuniary interest in Application No. 19/00368/FUL – 13 Vaughan Close, Rayne as a member of the public who was in attendance at the meeting was a former work colleague and was known to him.

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.

33 **MINUTES**

DECISION: That the Minutes of the meetings of the Planning Committee held on 10th, 18th and 24th September 2019 be approved as a correct record and signed by the Chairman.

34 **QUESTION TIME**

INFORMATION: There were eleven 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. 18/01876/OUT - Land North of Oak Road, Halstead

Application No. 19/00026/FUL - Land at Conrad Road, Witham

Application No. 19/00084/FUL - Scrips Farm, Cuthedge Lane, Coggeshall

Application No. 19/00635/FUL - Land adjacent to Ashen Road, Ridgewell

Application No. 19/00368/FUL – 13 Vaughan Close, Rayne

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

35 **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. 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>
*19/00950/ADV (APPROVED)	Great Notley	Mr David Warbuton	Proposed erection of two temporary signage boards, A131 Bypass, Great Notley Garden Village, London Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01294/LBC (APPROVED)	Halstead	Mr Jennings	Conversion of barn to 2no. four bedroom dwellings with associated demolition of outbuilding and erection of garage/carport, boundary treatments and ancillary works, Crowbridge Farm, Chapel Hill.

36 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01876/OUT (APPROVED)	Halstead	Mr Ian Woodward-Court	Outline planning application (all matters reserved) for up to 70 residential dwellings, public open space and associated development, land North of Oak Road.

In considering this application, reference was made to an error on page 36 of the Agenda report regarding the status of the application site. In a correction, Members of the Planning Committee were advised that the site did not have a draft allocation

within the Braintree District Publication Draft Local Plan 2017 for residential development.

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 Term:

- **Affordable Housing** – 40% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage/s, but with a 70/30% ratio of affordable rent over shared ownership; to include two bungalows to be provided for Affordable Rent and with all houses and ground floor flats built to conform to the Nationally Described Space Standards and be compatible with Building Regulations Part M4(2);
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces Supplementary Planning Document and the number and size of dwellings approved at Reserved Matters stage/s;
- **Community Facilities** - Financial contribution towards the provision of new facilities in Halstead of £34,974;
- **Ecological Mitigation** - Financial contribution of £122.30 per dwelling for delivery of visitor management at the Blackwater Estuary Special Protection Area & Ramsar site;
- **Education** - Financial contributions for Early Years and Childcare provision and Primary School provision in the locality. Contribution to be calculated in accordance with standard Essex County Council provisions based on the number of dwellings to be constructed, index linked to April 2018, but equate to £17,422 per Early Years and Childcare place and £15,281 per Primary School;
- **Equipped Play Facility** – To be provided on-site with equipment to a minimum value as calculated in accordance with updated figures from the Open Spaces Supplementary Planning Document;
- **Healthcare** - Financial contribution towards the provision of additional floorspace at The Elizabeth Courtauld Surgery of up to £26,496 (£371.51 per dwelling);
- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces Supplementary Planning Document and the number and size of dwellings approved at Reserved Matters stage/s;
- **Pedestrian Link** – Applicant to submit a strategy for delivery of a pedestrian only link between the site and Grange Close, through the garage parking court at the end of Grange Close, and use reasonable endeavours to deliver the link;
- **Public Open Space (on-site)** - A minimum area of 0.37ha for Public Open Space

and equipped play; all to be managed by a Management Company to an agreed specification.

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 Condition No. 26 and an additional Condition as follows:-

Amended Condition

26. No above ground development shall commence unless and until a lighting design scheme for 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 adjoining the site that are particularly 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 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.

Additional Condition

28. The development hereby permitted shall provide for a minimum of 20% 1 or 2 bed market houses of the total market housing mix.

Councillor Peter Caulfield, representing Halstead Town Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/00026/FUL (APPROVED)	Witham	Mr Conan Farningham	Full planning application for the erection of 150 residential dwellings with associated infrastructure and landscaping, land at Conrad 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 Term:

- **Public Open Space** – On-site provision of public open space. Management Company be appointed for the maintenance of the proposed open space. Financial contribution of £140,139.65 for Outdoor Sports Contribution and £4447.14 for Allotments. Provision and maintenance of equipped play.
- **Highways** - The provision of a minimum 2 metre footway from the junction of Conrad Road to Elm Hall School/Rickstones Academy; the relocation and upgrade of bus stops at Hemingway Road (adjacent and opposite) and Virgil Road (adjacent and opposite); and Residential Travel Information Packs. The applicant to provide dropped kerb crossings as part of the Section 278 Highways Works Agreement.
- **Education** - Financial contributions of £209,325 for Early Years and Childcare and £612,004 for primary education.
- **NHS** - Financial contribution of £56,787 towards the provision of a new health facility in the Witham locality.
- **HRA/RAMS** - Management and maintenance of promotion of the open space and nearby Public Rights of Way and a financial contribution of £18,045 towards off-site visitor management measures for the Blackwater Estuary Special Protection Area & Ramsar site.
- **Wayleave Agreement** - To allow Braintree District Council waste crews to access residents' waste with the assurance that Braintree District Council will not be held accountable to repairing the road surface of the private access roads, following waste collections.
- **Community Buildings** – The financial contribution can be spent on new, or improved community facilities in the town of Witham.
- **Skylark Mitigation Strategy**

- **Affordable Housing** – Provision of 30% affordable housing.

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 Heads of Term of the legal agreement relating to Public Open Space and Highways being amended; to three additional Heads of Term relating to Community Buildings, Skylark Mitigation Strategy and Affordable Housing; the amendment of Condition Nos. 4, 8 and 19; two additional Conditions and an Informative to Applicant; and the amendment of the Approved Plans as follows:-

Amended Heads of Term

Public Open Space – On-site provision of public open space. Management Company be appointed for the maintenance of the proposed open space. Financial contribution of £140,139.65 for Outdoor Sports Contribution and £4447.14 for Allotments. Provision and maintenance of equipped play

Highways - The provision of a minimum 2 metre footway from the junction of Conrad Road to Elm Hall School/Rickstones Academy; the relocation and upgrade of bus stops at Hemingway Road (adjacent and opposite) and Virgil Road (adjacent and opposite); and Residential Travel Information Packs. The applicant to provide dropped kerb crossings as part of the Section 278 Highways Works Agreement.

Additional Heads of Term

Community Buildings – The financial contribution can be spent on new, or improved community facilities in the town of Witham.

Skylark Mitigation Strategy

Affordable Housing – Provision of 30% affordable housing.

Amended Conditions

4. No occupation of the development of each phase shall take place unless and until details of all gates / fences / walls or other means of enclosure within the relevant phase of the development have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of each phase of the development and shall be

permanently retained as such and only in accordance with the approved details.

8. 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 gate, fence, wall, or other means of enclosure shall be erected or constructed, as permitted by Class A of Part 2 of Schedule 2 of that Order, nor shall be carried out to Plots 49-52 and 78-87 inclusive, without first obtaining planning permission from the local planning authority.
19. No occupation of the development shall take place unless and until a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and approved in writing by the local planning authority.

Additional Conditions

26. No occupation of the development shall take place unless and until details for the on-site provision of equipped play have been submitted to and approved in writing by the local planning authority. The equipped play shall thereafter be implemented in accordance with the approved details prior to the first occupation of the site.
27. No occupation of the development shall take place unless and until a scheme of landscaping has been 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. 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 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 unless otherwise previously 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 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 unless the local planning authority gives written consent to any variation.

Information to Applicant

The applicant is encouraged to consider whether it would be possible to provide an area for the turning of refuse and delivery vehicles serving Elm Hall Cottages and The

Willows.

Amended Approved Plans

Additional plan to be added:-
18-044/SK002 (Section of the SUDS)

Councillor Michael Lager, representing Witham Town Council, attended the meeting and spoke against this application.

Councillor Steven Hicks, Braintree District Ward Councillor for Witham North, attended the meeting and spoke about this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/00635/FUL (APPROVED)	Ridgewell	Mr J Williams	Erection of 17 residential dwellings, new vehicular accesses and associated parking, landscaping and open space on land on the south-east side of Ashen Road, Ridgewell, land adjacent to Ashen 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 Term:

- Affordable Housing – Means six (6) x two (2) bedroom dwellings and one (1) x three (3) bedroom dwelling constructed as part of the development which shall comprise five (5) units as Affordable Housing for Rent and two (2) units as Other Affordable Routes to Home Ownership in accordance with the Accommodation Schedule all provided without reliance on public subsidy and in accordance with the NDSS at the date of the Commencement of Development with any ground floor flats and all houses complying with Part M4 Category 2 Building Regulations 2015
- Open Space Contribution - Financial contribution of £28,837.51 for Open Space Contributions.
- Amenity Areas - Management Company be appointed for the maintenance of the proposed on-site amenity spaces.

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.

Councillor Nigel Benwell, representing Ridgewell Parish Council, attended the meeting and spoke against this application.

37 **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>
*19/00084/FUL (REFUSED)	Coggeshall	Mr Colm Campbell	Erection of a storage warehouse for B8 Use with landscaping, Scrips Farm, Cuthedge Lane.

In considering this application, reference was made to an error on page 95 of the Agenda report regarding Coggeshall Parish Council's opinion of the application. In a correction, Members of the Planning Committee were advised that Coggeshall Parish Council supported the application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/00368/FUL (REFUSED)	Rayne	Miss Gemma Smith	Retention of single storey building used as a D2 gym/fitness studio, 13 Vaughan Close.

Councillor Mrs Ann Hooks, representing Rayne 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).

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 10.15pm if required to enable all business on the Agenda to be transacted.

The meeting closed at 10.10pm.

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