

Minutes

Planning Committee

11th September 2018



Present

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

Councillor J Abbott and Councillor Mrs A Kilmartin were also in attendance.

52 **DECLARATIONS OF INTEREST**

INFORMATION: The following interest was declared:-

Councillor J Abbott declared a non-pecuniary interest in Application No. 18/00947/OUT - land South of Rickstones Road, in the Parish of Rivenhall, Witham as a Member of Rivenhall Parish Council and as a Member of Witham and Countryside Society, both of which had objected to the application.

In accordance with the Code of Conduct, Councillor Abbott remained in the meeting when the application was considered.

53 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 28th August 2018 be approved as a correct record and signed by the Chairman.

54 **QUESTION TIME**

INFORMATION: There were nine 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. 18/00092/OUT - land North of Rayne Road, Braintree

Application No. 18/00871/FUL - The Farm, Colne Green Farm, Halstead Road, Earls Colne

Application No. 18/00947/OUT - land South of Rickstones Road, in the Parish of Rivenhall, Witham

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

55 **PLANNING APPLICATION WITHDRAWN**

INFORMATION: The Committee was advised that the undermentioned planning application had been withdrawn by the applicant. Details of this planning application are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01123/FUL (WITHDRAWN)	Gestingthorpe	Framar Developments	Conversion and extension of one barn building (labelled 1 on the block plan) into 1 no. residential dwelling with associated parking, private amenity space and landscaping, Nether Hall Farm, Nether Hill.

56 **PLANNING APPLICATIONS APPROVED**

Planning Application Nos. 18/01127/FUL - 77 Oxford Meadow, Sible Hedingham; 18/01250/FUL - 4 Perry Road, Witham; and 18/01275/FUL - 127 Broad Road, Braintree 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00871/FUL (APPROVED)	Earls Colne	Mr and Mrs Pritchett	Conversion of existing barn dwelling to 2x 3 bedroom dwellings and porch extensions and creation of 1x 4 bedroom detached dwelling, The Farm, Colne Green Farm, Halstead Road.

In considering this application, Members of the Planning Committee were informed that a Section 106 Agreement relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) would not be needed as currently there were no identified projects for which a 'RAMS' financial contribution was required.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01127/FUL (APPROVED)	Sible Hedingham	Kathryn Abrey	Detached garden annexe to rear of property, 77 Oxford Meadow.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01250/FUL (APPROVED)	Witham	Mr Ian Goodall	Installation of new smoking shelter, 4 Perry Road.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/01275/FUL (APPROVED)	Braintree	Mr Barry Edwards	Removal of existing roof, installation of new roof to incorporate 2 additional bedrooms and bathroom. Erection of front porch, 127 Broad Road.

57 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00092/OUT (APPROVED)	Braintree	Manor Oak Homes	Outline application for up to 45 dwellings (with all matters other than means of access reserved) comprising Phase 2 of the Rayne Lodge Farm development with associated open space, landscaping and access to Rayne Road, land North of Rayne 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 Terms:

- **Affordable Housing** - 30% provision; 70/30 tenure split (affordable rent over shared ownership); delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction.
- **Education** - Financial contribution towards Early Years and Childcare and local primary provision is required based on Essex County Council's standard formula, index linked to April 2017.
- **Health** - NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice does not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution is therefore requested of £17,043 to mitigate the impacts of the proposal, which equates to £378.73 per new dwelling, based on 45 new dwellings.
- **Public Open Space** - Financial contribution towards outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 of the adopted Core Strategy 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. Specific projects to be identified by Officers. Trigger point for payment being prior to occupation of the first unit.
- **Highways** - Essex County Council request a financial contribution towards junction improvements.

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 date 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.

In considering this application, Members of the Planning Committee were informed that further advice had been received regarding the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This required the Council to assess all planning applications submitted and, if appropriate, to identify if a financial contribution would be necessary to mitigate the likely effect of proposed development on the RAMS. In this case it was reported that a Habitat Regulations Assessment would not be needed as currently there were no identified projects for which a 'RAMS' financial contribution was required.

The Committee approved this application, subject to the deletion of the Head of Term relating to ecology, and the revised Conditions, Reasons and Information to Applicant as follows:-

Conditions and Reasons

1 Details of the:-

- (a) scale
- (b) appearance
- (c) layout of the building(s) and
- (d) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and 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 3 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason - This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason - For the avoidance of doubt and in the interests of proper planning.

3 Construction of any buildings shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved samples.

Reason - To ensure that the development does not prejudice the appearance

of the locality.

- 4 Any reserved matters application relating to scale or layout shall be accompanied by detailed sections through the site, as existing and as re-profiled, and details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason - To ensure that the development does not prejudice the appearance of the locality.

- 5 Each reserved matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by full details of the location and design of the refuse bins and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the reserved matters application relates to and shall be retained in the approved form thereafter.

Reason - In order to ensure sufficient provision for refuse storage and collection, in the interests of amenity.

- 6 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include 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, refuse storage, signs and lighting.

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.

Reason - To enhance the appearance of the development and in the interests of amenity.

- 7 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- a) Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - b) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - c) Final modelling and calculations for all areas of the drainage system, in addition this also includes the modelling of any potential for surcharging of the outfall to demonstrate the development will still be safe from internal flooding.
 - d) The appropriate level of treatment for all run-off leaving the site, in line with the CIRIA SuDS Manual C753.
 - e) Detailed engineering drawings of each component of the drainage scheme.
 - f) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - g) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm, which may be caused to the local water environment.

- 8 No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 160 states that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 9 No development shall take place 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 agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 10 The applicant or any successor in title must maintain yearly logs of maintenance for the SuDs which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 11 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason - In the interests of residential amenity.

- 12 No burning of refuse, waste materials, or vegetation shall be undertaken on the application site in connection with the site clearance, or construction of the development.

Reason - In the interests of amenity.

- 13 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason - In the interests of amenity.

- 14 No development shall take place (works to the ponds, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of biodiversity protection zones
- c) Practical measures (both physical measures and sensitive working

practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and must include pollution prevention/control)

- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - The information is needed prior to commencement of the development to ensure the long term survival of protected species.

- 15 Prior to occupation a lighting design Strategy for the river corridor, tree and hedge lines, or any areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The Strategy 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 external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and these shall be maintained thereafter in accordance with the Strategy and the approved details. No additional external lighting shall be installed.

Reason - To protect amenity and to ensure there is no harm or disturbance to a protected/priority species.

- 16 Updated otter, badger, breeding birds, water vole and invertebrates surveys must be completed prior to development commencing and should be undertaken 6 weeks before any works commence on site. The results of the surveys must be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site (including vegetation clearance and ground works and any works to ponds).

Reason - This information is needed prior to the commencement of development to ensure there is no harm to a protected species.

- 17 No development shall take place until details of the proposed ecological enhancement of the site are submitted to and approved in writing by the Local Planning Authority.

Reason - This information is needed prior to commencement of the development in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 18 A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. 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 5 year period)
 - g) Details of the body or organisation responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason - This information is required to ensure the protection, through long-term management, of ecological features and protected/priority species.

- 19 No occupation of the development shall take place until Residential Travel Information Packs in accordance with Essex County Council guidance have been provided to all households.

Reason - To ensure the proposal site is accessible by more sustainable modes of transport in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 20 No development shall commence until an updated Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted to and approved by the Local Planning Authority. The tree works/protection shall be carried out in accordance with the details approved.

Reason - To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 21 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the Local Planning Authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete

satisfaction of the Local Planning Authority. No materials, goods, or articles of any description shall be stacked, stored, or placed at any time within the limits of the spread of any of the existing trees, shrubs, or hedges.

No development involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the Local Planning Authority has previously been obtained. No machinery of any kind shall be used, or operated within the extent of the spread of the existing trees, shrubs and hedges.

Reason - To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

- 22 No development shall commence until the appointment of an Arboricultural Clerk of Works (ACoW) to oversee the protection of trees during the development has been agreed with the Local Planning Authority.

Reason - To ensure that all works are overseen and carried out in accordance with the details approved under Condition 20.

- 23 No occupation of the development shall take place until the following has been provided:

The site access as shown in principle on the planning application drawings. Access shall include, but not be limited to, a visibility splay with dimensions of 2.4 metres by 120 metres to the west and 2.4 metres by 120 metres to the east, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason - To protect highway efficiency of movement and safety in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 24 Prior to commencement of the development, a construction traffic management plan to include, but not be limited to, details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason - To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 25 No development shall commence until a levels plan has been submitted to and approved in writing by the Local Planning Authority. The alterations to levels and tree works/protection shall be carried out in accordance with the details approved. The levels plan shall be informed by the documents required by Condition 20.

Reason - In the interests of visual amenity.

Information to Applicant

- 1 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

- 2 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority. Prior to any works taking place in the highway, the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible). All highway related details should be agreed with the Highway Authority. The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.
- 3 With regard to Condition 7, you are advised that failure to provide the required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from

the site.

- 4 With regard to Condition 8, you are advised that construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased run-off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing, or mitigating this should be proposed.
- 5 With regard to Condition 9, you are advised that failure to provide the required information before commencement of development may result in the installation of a system that is not properly maintained and may increase flood risk, or pollution hazard from the site.
- 6 In relation to Condition 15, you are advised that the Lighting Strategy should:
 - i Identify areas/features on the site that are sensitive for all bat species and otters and that are likely to cause disturbance in or around the breeding sites and resting places, or along important territory routes used to access key areas of their territory, for example foraging: and
 - ii Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb, or prevent bats or otters using their territory, or having access to their breeding sites or resting places, and show how dark corridors and areas will be retained.
- 7 To avoid disturbance to nesting birds, building works including site clearance, groundworks and works to fill in the ponds should take place outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must commence, prior to any works being undertaken, by a suitably qualified ecologist. Any active nesting sites found must be cordoned off and remain undisturbed until young birds have fledged. You are reminded that under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use, or being built.
- 8 With regard to Condition 17, you are advised that the proposed ecological enhancement of the site, including the proposed SuDs scheme should provide new habitat creation, biodiversity enhancement, wildflower planting/seeding of attenuation basins and detail the proposed habitat improvement/retention of the buffer zones and green infrastructure/wildlife corridors (including treatment of gaps in hedging to allow continuous foraging

commuting routes for bats and badgers and provision of dark areas), refugia sites and hibernaculum creation, as well as connectivity to wider habitats. The provision of bird nesting and bat roosting boxes should be integrated into the building design where appropriate and must include integrated swift bricks/boxes. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

- 9 With regard to Condition 18, you are advised that the LEMP should include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured together 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 development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- 10 With regard to Condition 14, you are advised that the CEMP should refer to the recommendations arising from the Ecological Appraisal and Protected Species Surveys and give particular regard to: badgers and otters (and other small mammals i.e. hedgehogs) during construction and vegetation removal, nesting birds, protection of the stream from pollution run-off, lighting of areas/features used by bats for feeding, roosting and foraging, protection of retained trees and hedgerows and reptile protection.
- 11 You are advised that if you wish to supply fish, or move fish between sites, you will need to hold a Supplier Permit from the Environment Agency. You must get written consent to remove fish from a fishery using fishing instruments like nets and traps. Further advice on fish permits can be obtained from:
ENSFishPermits@environment-agency.gov.uk
<https://www.gov.uk/guidance/permission-to-move-live-fish-to-or-from-a-fishery>.

Councillor Martyn Phillips, representing Rayne Parish Council, attended the meeting and spoke against this application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/00947/OUT (APPROVED)	In the Parish of Rivenhall, Witham	Bellway Homes Limited	Outline application with all matters reserved for up to 58 dwellings including affordable homes, public space including local equipped area for play, sustainable drainage systems, landscaping including retention of Rickstones Road hedgerow

on site and all associated development, land South of Rickstones 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 Terms:-

- **Affordable Housing** - 30% provision of total dwellings, comprising 20% for affordable rent and 10% intermediate tenure; delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all units to be compliant with standards acceptable to Homes England at point of construction. Affordable rented provision must include 1no. 6 bed (11 person) house which must be no smaller than 1,730sqft and 1no. 3 bed (5 person) wheelchair accessible bungalow compliant with Part M Cat 3a of Building Regulations.
- **Public Open Space** - Financial contribution toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 of the Adopted Core Strategy 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. Specific projects to be identified by Officers. Trigger point for payment being prior to occupation of the first unit.
- **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 the site; 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 Habitats Regulations Assessment screening process.
- **Education** - Financial contribution towards Early Years and Childcare provision is required based on Essex County Council's standard formula, index linked to April 2017.
- **Healthcare Provision** - Financial contribution of £21,919. Trigger point for payment being prior to commencement of development.
- **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.

- **Highway Works** - Provision of dropped kerb/tactile paving crossing points in Rickstones Road south of its junction with Forest Road. Provision of tactile paving at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road. Continuation of the footway on the east side of Rickstones Road (north of Forest Road) into the proposal site.
- **Upgrading of Bus Stops** - The upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority. Trigger point being prior to occupation of the first unit.
- **On-site Management Plan for public open space**

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 date 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 addition of a Head of Term requiring an on-site Management Plan for public open space, and the amendment of Condition No. 26 as follows:-

Additional Head of Term

On-site Management Plan for public open space.

Amended Condition

- 26 No development shall commence until a Method Statement has been submitted to and approved by the Local Planning Authority setting out how the sections of hedge identified for retention and re-location on approved drawing Proposed Landscape Plan PR106-01 REV G will be re-located and detailing all stages of work and timescales for such work in relation to the development construction timescales. The Method Statement shall also identify relevant stages of the process at which an appropriately qualified Independent Specialist shall both certify that the work has been carried out in accordance with the approved details of the Method Statement and submit a certification statement to the Local Planning Authority for approval. The Method Statement shall also set out details for the regular long-term inspection of the irrigation system which will serve the hedge and for the keeping of a log of these inspections. The re-location of the identified sections of hedgerow shall

be carried out in accordance with the approved details and timescales.

Councillor Mrs Angela Kilmartin, representing Witham Town Council, attended the meeting and spoke against this application.

Councillor Bob Wright, representing Rivenhall Parish Council, attended the meeting and spoke against this application.

Councillor James Abbott, Braintree District Ward Councillor for Silver End and Cressing and Essex County Councillor for Witham Northern Division, 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).

The meeting closed at 8.46pm.

Councillor Mrs W Scattergood
(Chairman)