

Minutes

Planning Committee 12th October 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Apologies
Mrs J Beavis	Yes	F Ricci	Yes
K Bowers	Yes	Mrs W Scattergood (Chairman)	Yes
P Horner	Yes	P Schwier	Yes
H Johnson	Yes	Mrs G Spray	Yes
D Mann	Apologies	J Wrench	Yes
A Munday	Yes		

Substitutes

Councillor A Hensman attended the meeting as a substitute for Councillor Mrs I Parker.

Councillor R Wright, Braintree District Ward Councillor for Silver End and Cressing attended part of the meeting. Councillor Wright made a statement during Question Time against Application No. 21/00850/OUT - Land West of Boars Tye Road, Silver End.

At the commencement of the meeting, Councillor Mrs W Scattergood the Chairman of the Planning Committee was pleased to welcome Councillor Mrs J Beavis, who had recently been appointed to the Committee in place of Councillor N Unsworth. As Councillor Mrs Beavis had not yet received appropriate training on planning matters she would not be participating in the discussion or voting at this meeting and she would only be observing.

59 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

On behalf of Members of the Committee, Councillor Mrs W Scattergood the Chairman of the Planning Committee declared a joint non-pecuniary interest in Application No. 21/00850/OUT - Land West of Boars Tye Road, Silver End as Councillor R Wright, who was speaking at the meeting during Question Time was an Elected Member of Braintree District Council and he was known to them.

Councillor J Abbott declared a non-pecuniary interest in Application No. 21/00850/OUT - Land West of Boars Tye Road, Silver End as Councillor R Wright,

his fellow Elected Member for Braintree District Council's Silver End and Cressing Ward was speaking at the meeting during Question Time.

Councillor Mrs W Scattergood declared a non-pecuniary interest in Application No. 20/02148/FUL - 70 Little Yeldham Road, Little Yeldham as she had been contacted by the applicant about the proposed development. Councillor Mrs Scattergood stated that she had not expressed a view about the matter.

Councillor P Schwier declared a non-pecuniary interest in Application No. 20/02148/FUL - 70 Little Yeldham Road, Little Yeldham as he had been contacted by the applicant about the proposed development. Councillor Schwier stated that he had not expressed a view about the matter.

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.

60 **MINUTES**

DECISION: It was reported that the Minutes of the meeting of the Planning Committee held on 28th September 2021 were not available for approval.

61 **QUESTION TIME**

INFORMATION: There were seven statements made about the following applications. Those people who had registered to participate during Question Time made their statements immediately prior to the Committee's consideration of each application.

Application No. 20/02148/FUL - 70 Little Yeldham Road, Little Yeldham
Application No. 21/00850/OUT - Land West of Boars Tye Road, Silver End
Application No. 21/01896/FUL - Land at Elizabeth Lockhart Way, Braintree

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

62 **PLANNING APPLICATIONS APPROVED**

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, subject to the conditions and reasons contained in the Planning Development Manager's report, as amended below. Details of these planning applications are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/02148/FUL (APPROVED)	Little Yeldham	Mr Colin Hart	Demolition of existing workshop, sheds and car port and construction of new detached 1.5 storey dwelling and separate garage (Redetermination of Application Reference 20/01142/FUL), 70 Little Yeldham Road.

The Planning Committee approved this application contrary to the Planning Development Manager's recommendation for refusal.

The Planning Committee approved this application, subject to the following Conditions and Approved Plans:-

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed above.
3. No above ground development shall commence until samples of the materials to be used on the external finishes of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.
4. Prior to the first occupation of the development hereby approved, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - Boundary treatments and means of enclosure;
 - Hard surfacing materials, (which shall include porous materials);
 - Soft planting proposals including numbers, densities, species; and
 - Implementation timetables

The hard and soft landscaping works and boundary treatments shall be carried out in accordance with the approved details before any part of the new dwelling is first occupied, or in accordance with the agreed implementation timetables.

5. No existing trees or hedgerow shall be cut down, uprooted or destroyed within a 5 year period from the date of the first occupation of the dwelling without the prior written approval of the Local Planning Authority.
6. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, July 2021). This may include the appointment of an appropriately competent person eg. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.
7. A Biodiversity Enhancement Layout providing the finalised details and locations of the proposed enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby approved, the enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
8. Prior to the first occupation of the development hereby permitted, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions as measured from and along the nearside edge of the carriageway. The visibility splays shall be retained free of any obstruction at all times.
9. 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 dwellinghouse or alterations/additions to the roof, as permitted by Class A of Part 1 of Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the Local Planning Authority.
10. 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 provision of any building or enclosure within the curtilage of the dwellinghouse, as permitted by Class E of Part 1 of Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the Local Planning Authority.
11. Prior to the first occupation of the dwelling hereby approved, details shall be submitted to and approved by the Local Planning Authority to describe the means of providing one or more dedicated electric vehicle charging points, either within the garage or on an external wall convenient to parking spaces. The provision should comprise, as a minimum, a dedicated power supply to allow future provision of such an outlet as may be required by an occupier's vehicle. The approved details shall be implemented accordingly.

Approved Plans

Location Plan – 1226-01-01

Proposed Elevations and Floor Plans Plan Ref: 1226-01-02

Proposed Block Plan, Plan Ref: 1226-01-03B

Access Details Plan Ref: 1226-01-04

Councillor P Gentry, Chairman of Little Yeldham, Tilbury Juxta Clare and Ovington Parish Council attended the meeting and spoke against this application on behalf of the Parish Council prior to the Committee's consideration of the application.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/01896/FUL (APPROVED)	Braintree	Mr Sean Marten Stonebond Properties (Chelmsford) Ltd	Erection of 9 dwellings with access from Elizabeth Lockhart Way and associated landscaping and parking, land at Elizabeth Lockhart Way.

The Committee approved this application, subject to an additional Condition, an additional Information to Applicant and the amendment of an Approved Plan as follows:-

Additional Condition

20. Prior to the installation of any external lighting at the site, a lighting design scheme to protect amenity, the night-time landscape and biodiversity shall be submitted to and approved by the Local Planning Authority.

The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could 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 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 scheme.

Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Additional Information to Applicant

5. The developer is requested to be mindful of the concerns raised by local

residents in respect of vehicular access to the site, particularly during the construction period, and the need to carefully manage deliveries and parking in order that Elizabeth Lockhart Way is kept free for use by vehicular traffic and any disruption to local residents is minimised as far as possible.

Amended Approved Plan

Landscape Master Plan PR219-01 Rev G

63 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01100/VAR (APPROVED)	Cressing	Mr Patrick Thomas Inland Limited	Application for variation of Condition 2 'Approved Plans' of application 18/00920/FUL granted 13/02/2020 for: Demolition of existing buildings on site and erection of 78 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works. Variation would allow: - Amendment to site layout and house types, Appletree Farm, Polecat Road.

DECISION: That the application be granted, subject to the completion of a Deed of Variation to ensure that the application is bound by the obligations within the original Section 106 Agreement pursuant to planning Application Nos. 18/00920/FUL and 20/01101/VAR and in accordance with the approved plans and the conditions and reasons set out in previous reports, as amended below. Details of this planning application are contained in the Register of Planning Applications.

Members of the Planning Committee were advised that Application No. 20/01100/VAR had been considered by the Committee on 27th October 2020. The variation application had sought to amend planning Application No. 18/00920/FUL for the erection, inter alia, of 78 dwellings at Appletree Farm, Polecat Road, Cressing, which had been approved by the Committee on 10th September 2019, subject to a Section 106 Agreement. The variation application had been approved, subject to the completion of a Deed of Variation to the Section 106 Agreement.

It had subsequently transpired that a ransom strip of land running along the entirety of the Eastern and Southern boundaries of the site and measuring 0.5m in width had been included within the development site. However, the original owners of the

ransom strip had gone into liquidation and neither they, nor the liquidator would be signatories to the Deed of Variation, or bound by its terms. As such, there was a possibility that the ransom strip might not be managed in future as it would be beyond the control of the management company to be set up to manage areas of open space at the site. Also, the Council would not be able to enforce the management of the strip. Members of the Committee were therefore requested to determine if Application No. 20/01100/VAR could be granted in accordance with the conditions and reasons as originally proposed. It was also proposed, that two additional conditions regarding the submission of Design and Construction Certificates for the affordable housing elements of the proposal should be attached to the decision if granted and that the description of development proposed by Application No. 20/01100/VAR should be amended to refer to the related Application No. 20/01101/VAR as opposed to the original Application No. 18/00920/FUL.

Members of the Committee were informed that the developer of the site had indicated that the ransom strip would be managed by a management company in addition to other areas of open space, irrespective of ownership.

It was reported that Application No. 20/01101/VAR, which had also sought to vary Application No. 18/00920/FUL and had been granted by the Planning Committee on 13th October 2020 subject to a Deed of Variation, was also affected by the ransom strip issue. This application was included on the Agenda as a separate Item for determination by the Committee and the decision is set out below.

The Committee approved this application, subject to the amendment of the description of the development to refer to Application No. 20/01101/VAR instead of Application No. 18/00920/FUL and to the following two additional Conditions:-

Additional Conditions

20. No development shall commence unless written confirmation from an Approved Inspector or Local Authority Building Control Service to certify that Plots 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 28, 29, 36, 37, 38, 39, 40, 66, 67, 70, 71, 84 and 85 as indicated on drawing number IN009-5 Rev B have been designed to comply with Building Regulations 2015 Part M4 Category 2 has been submitted to and approved in writing by the Local Planning Authority.
21. Prior to occupation of each of the following Plots 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 28, 29, 36, 37, 38, 39, 40, 66, 67, 70, 71, 84 and 85 as indicated on drawing number IN009-5 Rev B hereby approved, written confirmation from an Approved Inspector or Local Authority Building Control Service to certify that each respective plot (as indicated above) has been constructed in accordance with Building Regulations 2015 Part M4 Category 2 shall be submitted to and approved in writing by the Local Planning Authority.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*20/01101/VAR (APPROVED)	Cressing	Mr Patrick Thomas Inland Limited	Application for variation of Conditions 6c, 9, 11, 17 and 18 of application 18/00920/FUL granted 13/02/2020 for: Demolition of existing buildings on site and erection of 78 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works, Appletree Farm, Polecat Road.

DECISION: That the application be granted, subject to the completion of a Deed of Variation to ensure that the application is bound by the obligations within the original Section 106 Agreement pursuant to planning Application Nos. 18/00920/FUL and 20/01100/VAR and in accordance with the approved plans and the conditions and reasons set out in previous reports, as amended below. Details of this planning application are contained in the Register of Planning Applications.

Members of the Planning Committee were advised that Application No. 20/01101/VAR had been considered by the Committee on 13th October 2020. The variation application had sought to amend planning Application No. 18/00920/FUL for the erection, inter alia, of 78 dwellings at Appletree Farm, Polecat Road, Cressing, which had been approved by the Committee on 10th September 2019, subject to a Section 106 Agreement. The variation application had been approved, subject to the completion of a Deed of Variation to the Section 106 Agreement.

It had subsequently transpired that a ransom strip of land running along the entirety of the Eastern and Southern boundaries of the site and measuring 0.5m in width had been included within the development site. However, the original owners of the ransom strip had gone into liquidation and neither they, nor the liquidator would be signatories to the Deed of Variation, or bound by its terms. As such, there was a possibility that the ransom strip might not be managed in future as it would be beyond the control of the management company to be set up to manage areas of open space at the site. Also, the Council would not be able to enforce the management of the strip. Members of the Committee were therefore requested to determine if Application No. 20/01101/VAR could be granted in accordance with the conditions and reasons as originally proposed.

Members of the Committee were informed that the developer of the site had indicated that the ransom strip would be managed by a management company in addition to other areas of open space, irrespective of ownership.

It was reported that Application No. 20/01100/VAR, which had also sought to vary Application No. 18/00920/FUL and had been granted by the Planning Committee on 27th October 2020 subject to a Deed of Variation, was also affected by the ransom strip issue. This application was included on the Agenda as a separate Item for determination by the Committee and the decision is set out above. It was proposed that Application No. 20/01100/VAR should be granted subject to two additional conditions and that the description of the development proposed should be amended to refer to Application No. 20/01101/VAR as opposed to the original Application No. 18/00920/FUL.

64 **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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00850/OUT (REFUSED)	Silver End	Scott Properties Ltd	Outline planning permission with all matters reserved apart from access, for up to 94 dwellings and new landscaping, open space, access, land for allotments and associated infrastructure, land West of Boars Tye Road.

Councillor R Wright, Braintree District Councillor for Silver End and Cressing Ward, attended the meeting and spoke against this application prior to the Committee's consideration of the application.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the office of the Planning Development Manager, Council Offices, Causeway House, Bocking End, Braintree, Essex CM7 9HB.

(Where applications are marked with an * this denotes that representations were received and considered by the Committee).

The meeting closed at 9.18pm.

Councillor Mrs W Scattergood
(Chairman)