

Minutes

Planning Committee 31st August 2021



Present

Councillors	Present	Councillors	Present
J Abbott	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	Yes	N Unsworth	Apologies
A Munday	Yes	J Wrench	Yes
Mrs I Parker	Yes		

42 DECLARATIONS OF INTEREST

INFORMATION: The following interests were declared:-

Councillor F Ricci declared a non-pecuniary interest in Application No. 21/01479/FUL - land West of Rosemary Lane, Halstead as he had in the past been a friend of the applicant's son, but this was no longer the case.

Councillor P Schwier declared a non-pecuniary interest in Application No. 20/02244/REM - Tennis Club, Braintree Road, Gosfield as the site was within the Ward which he represented and he had attended meetings of Gosfield Parish Council at which the application had been discussed. Councillor Schwier stated that he had not taken part in the Parish Council's discussion on the application.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Item 6 - Tree Preservation Order No. 01A/2021 – Garden Cottage, Mill Lane, Pebmarsh as she had exchanged E-Mails with the objector and she had had a telephone conversation with him about the progress of the application and whether it would be considered by the Planning Committee. Councillor Mrs Spray stated that she had not expressed a view about her voting intentions regarding 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 Agenda Item/applications were considered.

43 **MINUTES**

DECISION: That the Minutes of the meeting of the Planning Committee held on 17th August 2021 be approved as a correct record and signed by the Chairman.

44 **QUESTION TIME**

INFORMATION: There was one statement made about the following matter. The person who had registered to participate during Question Time had submitted a written statement in advance of the meeting and this was read to the Committee by the registered speaker immediately prior to the consideration of the Item.

Agenda Item 6 - Tree Preservation Order No. 01A/2021 – Garden Cottage, Mill Lane, Pebmarsh

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

45 **PLANNING APPLICATION APPROVED**

DECISION: That the undermentioned planning application 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 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>
*20/02244/REM (APPROVED)	Gosfield	Mr Runicles	Reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning application ref: 19/00998/OUT - Erection of 5no. dwellings with access and car park for Tennis Club, Tennis Club, Braintree Road.

The Committee approved this application, subject to three additional Conditions and an additional Information to Applicant as follows:-

Additional Conditions

9. Prior to the first occupation of the dwellings hereby permitted, a management plan, including long-term design objectives, management responsibilities and maintenance schedules for the access road and all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter,

the management plan shall be carried out in accordance with the approved plan. Should any part of the site be maintainable by a Management or Maintenance Company, details of long-term funding arrangements and the means of securing this shall be provided.

10. The first-floor window on the East facing elevation of bedroom one on plot one shall be glazed with obscure glass, shall be non-opening and shall be so maintained at all times.
11. The enclosures as indicated on the approved layout plan shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such.

Additional Information to Applicant

3. The Council would encourage the developer to install Electric Vehicle Charging Facilities for all new dwellings being constructed in order that future residents are both encouraged to switch to an Electric Vehicle and so that future residents do not need to carry out expensive adaptation to their properties in the future when the sale of new petrol and diesel vehicles is phased out.

46 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/00930/FUL (APPROVED)	Rivenhall	Mr Sid Hadjoannou Turley	Alterations to the Witham Body Repair Centre site to include a two storey extension and associated servicing, car parking and landscaping works, Witham Body Repair Centre, Waterside Business Park, Eastways.

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 Term:

- **Workplace Travel Plan** – Financial contribution of £6,132.00 (index linked) towards a 5-year period monitoring fee of a Workplace Travel Plan.
- **Public Open Space** – Financial contribution of £13,479.00 (index linked) towards the provision of new, or improvements to existing areas of amenity greenspace and / or outdoor sports identified in the Council's Open Spaces Action Plan in the town of Witham.

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

14. 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.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*21/01479/FUL (APPROVED)	Halstead	Frank Ladkin Framar Developments	Erection of 2no. buildings comprising 7no. commercial units (B2) with associated access road, paths, bin stores and electrical substation, land West of Rosemary Lane.

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 Term:

- **Public Open Space** - Financial contribution of £10,518.53, in accordance with the Town Council and Open Spaces Action Plan, towards the provision of projects of improvement to the River Walk adjacent to Broton estate and football ground Halstead and/or the Public Gardens Halstead.
- **Local Cycle Infrastructure** - Financial contribution of £6,000.00 (index linked), in accordance with Policy SP6 of the Section 1 Local Plan, towards the improvement of nearby cycle routes in Halstead.

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 two additional Conditions as follows:-

Additional Conditions

15. 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 works 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, hedges.
16. Prior to the above ground development of the buildings hereby approved, details of all photovoltaic roof panels to be erected at the site, including their location, height, orientation and appearance shall be submitted to and approved in writing by the Local Planning Authority.

The approved photovoltaic roof panels shall be installed and be capable of generating electricity prior to the first beneficial use of the building on which they are installed in accordance with the approved details and the panels installed

shall thereafter be permanently retained as such.

47 **TREE PRESERVATION ORDER NO. 01A/2021 – GARDEN COTTAGE, MILL LANE, PEBMARSH**

INFORMATION: Consideration was given to a report on Tree Preservation Order No. 01A/2021 relating to Garden Cottage, Mill Lane, Pebmarsh to which an objection had been submitted. A provisional Order had been made on 18th January 2021 in respect of a Scots pine tree (T1) and a Black pine tree (T2) within the front garden of Garden Cottage, Mill Lane, Pebmarsh. The Order had been re-served on 14th July 2021 as the six month expiry period of the original Order had been reached.

The Order had been served following the submission of a Notice by the owners of the property under Section 211 of the Town and Country Planning Act 1990 to carry out works to trees in a Conservation Area, which would involve the felling of the pine trees. An assessment of the amenity value of the trees had been carried out by Essex County Council's Place Services and also by Braintree District Council's Landscape Service using the standard TEMPO assessment, which had shown that the making of an Order was appropriate. These assessments were attached as Appendices to the Agenda report. It was considered that the trees were in good health and were prominent features, which provided a high level of amenity to the area. Furthermore, both trees were clearly visible from various publicly accessible locations and they were considered to be attractive features in the local street scene. Seven letters / E-Mails had been submitted by members of the public, which supported the Tree Preservation Order and the retention of the trees. These letters / E-Mails were attached as an Appendix to the report.

The application had included reasons to support felling of the trees. These included dropping of sap and cones; the accumulation of pine needles in gutters and drains and moss on the roof of the applicants' property; branches being close to the roof and electricity and telephone cables; and the casting of shade. The applicants had also raised concerns about poor television reception and they considered that the trees were too high for a residential area. A letter objecting to the making of the Tree Preservation Order had been submitted by the applicants' son and this was attached as an Appendix to the Agenda report. The applicants' son also read a statement at the Planning Committee meeting during Question Time.

Members of the Committee were advised that issues caused by the natural processes of trees were not recognised as a 'legal nuisance' and they were not considered to be sufficient to justify felling of the trees. Both trees were a substantial height, but they were some distance from the roof of the applicants' bungalow. Whilst, there was no limit to the height of either tree, it was considered that they had attained maturity and were unlikely to grow any larger. The trees were also located to the East of the applicants' property, which meant that a shadow cast by them would fall away by late morning. With regard to poor television reception, it was reported that an applicant was required to demonstrate that all engineering solutions had been explored before tree pruning, or removal could be considered.

It was reported that an application, reference number 20/00180/TPOCON, to fell two Scots pine trees located in the front garden of the adjoining property 'Hunters' had been submitted to the District Council in June 2020. The application had been passed to Essex County Council's Place Services for evaluation and they had recommended refusal. However, due to staff changes within the District Council's Landscape Service and restrictions imposed by the Covid-19 pandemic at that time processes had been delayed and the owner of the property had felled the trees before a Tree Preservation Order could be made.

It was noted that the making of a Tree Preservation Order would not exclude the possibility of consent being granted in the future for work to the trees, including a crown lift. Each application would be considered on its merits.

DECISION: That Tree Preservation Order No. 01A/2021 relating to Garden Cottage, Mill Lane, Pebmarsh be confirmed.

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 8.37pm.

Councillor Mrs W Scattergood
(Chairman)