

# Minutes

## Planning Committee 21st January 2020



### Present

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

### 74 **DECLARATIONS OF INTEREST**

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

Councillor J Abbott declared a non-pecuniary interest in Application No. 18/01318/OUT - Land East of Broad Road, Braintree as an Ordinary Member of the Campaign for the Protection of Rural England (CPRE) Essex, which had submitted representations about the application.

Councillor Abbott declared a non-pecuniary interest also in Application No. 18/02304/FUL - Former Bramston Sports Centre, Bridge Street, Witham as an Ordinary Member of Witham and Countryside Society, which had submitted representations about the application.

Councillor D Mann declared a non-pecuniary interest in Application No. 18/01318/OUT - Land East of Broad Road, Braintree as he was a Holding Trustee of Glebe Community Hall, Braintree which was mentioned in the Agenda report, and as a number of residents who had submitted representations regarding the application were known to him. Councillor Mann stated that he had not disclosed his opinion on the application to the residents prior to the meeting.

Councillor F Ricci declared a non-pecuniary interest in Application No. 18/01318/OUT - Land East of Broad Road, Braintree as a company called Atkins had submitted a Highways Technical Note on behalf of the applicant. Councillor Ricci stated that he dealt with Atkins within the private sector in respect of airport capacity planning and modelling.

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.

75 **MINUTES**

**DECISION:** That the Minutes of the meetings of the Planning Committee held on 17th December 2019 and 7th January 2020 be approved as a correct record and signed by the Chairman.

76 **QUESTION TIME**

**INFORMATION:** There were five 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. 18/01318/OUT - Land East of Broad Road, Braintree  
Application No. 18/02304/FUL - Former Bramston Sports Centre, Bridge Street, Witham

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

77 **SECTION 106 AGREEMENTS**

<b><u>Plan No.</u></b>	<b><u>Location</u></b>	<b><u>Applicant(s)</u></b>	<b><u>Proposed Development</u></b>
*18/01318/OUT (APPROVED)	Braintree	Gallagher Estates Ltd	Outline application with all matters reserved except access for up to 1000 residential dwellings, including affordable and market housing; land for new primary school and early years/childcare facilities; a local centre including A1-A5 retail uses; land for the provision of employment use (B1/B2 use class); creation of two vehicular access points from the A131/Broad Road; a network of cycle and pedestrian routes, improvements to the River Walk to South of the Site; provision of sustainable

drainage systems and other associated infrastructure; open space and landscaping. This application has been submitted with an Environmental Impact Assessment, land East of Broad Road.

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

- **Affordable Housing:** (30% provision; 70/30 tenure split (affordable rent over shared ownership); modest sized clustering; compatible with Nationally Described Space Standards; delivered without reliance on public subsidy; delivered proportionately; accessibility requirement for bungalow type homes to meet Building Regulations Part M (3b); accessibility requirement for all affordable homes accessed at ground level to meet Building Regulations Part M (2)).
- **Public Open Space:** (financial contribution toward outdoor sports provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces Supplementary Planning Document. Financial contribution 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. Open space specification, plan and management plan required for approval by the Council in relation to on-site public open space. Also, a financial contribution towards informal open space and formal sports provision dependent upon the amount of employment floorspace).
- **Education:** (financial contribution towards Early Years and Childcare and Primary Education. Provision of land for new primary school on the site. Provision of land for stand-alone Early Years and Childcare facility with requirement for marketing strategy).
- **Healthcare Provision:** (financial contribution to create additional healthcare provision. Trigger point for payment being prior to commencement of development).
- **Highway/Transport:** (construction of site access from A131; completion of upgrade schemes to Marks Farm and A131/Broad Road roundabouts; financial contribution towards public transport facilities, and/or bus service provision; upgrading of existing bus stops; improvements to Public Right of Way 52 (including works on Braintree District Council land if required); provision of pedestrian/cycle ramp at northern end of Blackwater Way (including works on

Braintree District Council land if required); provision of pedestrian crossing in Courtauld Road; improvements to north-south route through park between Courtauld Road and Coggeshall Road to provide a shared footpath/cycleway; provision of pedestrian crossing in Coggeshall Road. Specific triggers to be agreed by Officers, however completion of A131 roundabout access set at 100 units and upgrade works to Marks Farm roundabout and A131/Broad Road roundabout set at pre-occupation).

- **Habitat Regulations:** (a mitigation package to mitigate the development's impact upon the Natura 2000 sites. This will include a financial contribution towards off-site mitigation at the Natura 2000 sites and on-site mitigation measures).
- **Sport England:** (financial contributions towards indoor sport provision calculated in accordance with Sport England's development calculator. Specific projects to be identified by Officers).
- **Recycling Facilities:** (provision of facilities on-site for recycling of household waste, such as bottle banks)
- **Community Project:** (financial contribution towards upgrades and alterations to Glebe Community Hall including a new extension, new roof and internal/external works).
- **Gypsy and Traveller Provision:** (a developer contribution towards the off-site provision of Gypsy and Traveller pitches).
- **Requirements for Proposed Neighbourhood Centre:** (to safeguard the provision of the proposed Neighbourhood Centre including size, location and uses. Requirement for marketing strategy and serviced site).
- **Housing Phasing, Infrastructure Phasing and Open Space Strategy:** (requiring provision of a site wide phasing strategy to identify the order of construction of the development including indicative housing mix for each phase; details of delivery of spine road; details of open space in each phase; and location of items such as allotments; equipped play areas; public art).

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, the amendment of Condition No. 43, and an additional Information to Applicant as follows:-

Additional Conditions

53. (External lighting - general)

54. (Housing mix)

Amended Condition

43. (Lighting condition relating to bats - to ensure that it is clearly worded).

Additional Information to Applicant

5. (Linked to Condition No. 9 (Biodiversity Enhancement Plan) to indicate the aspirations for the site).

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<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*18/02304/FUL (APPROVED)	Witham	Churchill Retirement Living	Redevelopment of the site involving the erection of a part four storey, part three storey building to provide 39 one bedroom flats and 19 two bedroom flats (total 58 residential units) together with communal facilities, access, car parking and landscaping, Former Bramston Sports Centre, Bridge Street.

**DECISION:** That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 (as amended) to assist in mitigating the impacts of the development and to cover the following Heads of Terms, and to the Environment Agency having no objection and any Conditions required by the Environment Agency:

- **Healthcare:** £21,919.00
- **Affordable Housing:** £763,146.00
- **Open Space:**

- **Sport:** £34,846.92 for refurbishment of and improvements to the pavilion at Rickstones Play Ground Pavilion
- **Allotments:** £1105.83 general allotment improvement funding to be utilised anywhere within Witham
- **Amenity Greenspace:** £14,404.75 for improvements to the river walk at Witham
- **Management Company:** for amenity areas
- **Waste Collection:** refuse management strategy to be submitted for the collection and disposal of refuse at the site
- **Habitat Regulations Assessment:** £7093.40 towards off-site mitigation (scheme to be confirmed)

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 Environment Agency having no objection, any Conditions required by the Environment Agency, an additional Condition, the amendment of Condition Nos. 11 and 17, and the deletion of Condition No. 23 as follows:-

The Environment Agency has confirmed that it has no objection to the application, subject to the following Condition:-

Additional Condition Required by the Environment Agency

24 (new 23).

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Peter Brett Associates LLP, referenced 30481/4021 – Revision A and dated December 2018 and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage in accordance with the Flood Risk Assessment referenced above and the accompanying drawing, calculations and cross sections in FRA Addendum A referenced: 30481/4021 – Revision A and dated December 2018. Appropriate flow routing and topographic level information must be submitted to demonstrate that lost storage will be replaced at the same level at which it is lost and that flood water will return to the river as water levels fall.
2. The combined Lidl-Churchill compensatory storage scheme drawing (referenced 42027/4001/005, Revision B and dated 16 January 2018), which has been approved for the Lidl planning application must be

adhered to and no change to the gains or losses on any level band is allowed. An updated version of this drawing must be provided using the finalised Churchill architectural designs to confirm that this has been achieved.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Additional Condition

25 (new 24). (Means of enclosure)

#### Amended Conditions

11. (Lighting Condition relating to bats - to refer specifically to Witham River Walk and the opinion of Essex County Council Place Services, subject to consultation with Braintree District Council's Ecology Officer to ensure that the revised Condition is enforceable. The wording of the revised Condition is to be agreed with the mover and seconder of the motion (Councillor Abbott and Councillor Horner).
17. (Motorised scooter/buggy storage/parking - to require the provision of a charging point).

#### Deleted Condition

23. Development shall not be commenced until a scheme for protecting the proposed (noise sensitive development) from noise from environmental noise has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before (any part of) the (noise sensitive development) is occupied.

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 9.38pm.

Councillor Mrs W Scattergood  
(Chairman)