

Minutes

Planning Committee 9th November 2021



Present

Councillors	Present	Councillors	Present
J Abbott	Yes	Mrs I Parker	Yes
Mrs J Beavis	Yes (from 7.28pm)	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	J Wrench	Yes
A Munday	Apologies		

Councillor S Hicks, Braintree District Ward Councillor for Witham North, attended part of the meeting in his capacity as an Elected Member of Witham Town Council. Councillor Hicks made a statement during Question Time on behalf of the Town Council against Application No. 19/01896/OUT - Land North of Woodend Farm, Hatfield Road, Witham.

76 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Application No. 20/00128/OUT - Land North of Colchester Road, Witham as a Member of Rivenhall Parish Council, which had submitted a representation about the application. Councillor Abbott stated that he had not participated in the Parish Council's consideration of the application.

Councillor Mrs J Beavis declared a non-pecuniary interest in Application No. 21/00726/FUL - Land South of The Limes, Gosfield as a Member of Gosfield Parish Council.

Councillor P Schwier declared a non-pecuniary interest in all applications on the Agenda as an Elected Member of Essex County Council.

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.

77 **MINUTES**

DECISION: It was reported that the Minutes of the meetings of the Planning Committee held on 28th September 2021, 12th October 2021 and 26th October 2021 were not available for approval.

78 **QUESTION TIME**

INFORMATION: There were four 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. 19/01896/OUT - Land North of Woodend Farm, Hatfield Road, Witham

Application No. 20/00128/OUT - Land North of Colchester Road, Witham

Application No. 21/00822/FUL – Land off Rectory Road, Stisted

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

79 **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. 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>
*21/00822/FUL (APPROVED)	Stisted	Mr Robert Steed	Proposed erection of 3 No. dwellings and associated development, land off Rectory Road.

80 **SECTION 106 AGREEMENTS**

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*19/01896/OUT (APPROVED)	Witham	Ms L Meeson	Application for Outline Planning Permission with all matters reserved. Up to 400 residential dwellings and day nursery with all associated access, servicing, parking, drainage infrastructure, landscaping, open space and

utilities infrastructure, land
North of Woodend Farm,
Hatfield 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 Term (as amended below):

- **Affordable Housing** - 30% dwellings on-site to be Affordable Housing, with 70% of these provided for affordable rent and 30% for shared ownership. Affordable dwellings should be deliverable without reliance on public subsidy, all Affordable dwellings to meet or exceed the Nationally Described Space Standards, any ground floor accessed dwellings to comply with Building Regulations 2015 Part M(4) Category 2 and 4, and Affordable Housing units to be wheelchair user bungalows to be compliant with Building Regulations Part M(4) Category 3.
- **Community Building** - Proportionate financial contribution of £499.62 per dwelling towards the delivery of the new community facility at Maltings Lane.
- **Education** - Provision of land for Early Years and Childcare on the application site (0.07ha). Financial contributions towards the provision of additional Early Years and Childcare places, Primary School Places and Secondary School Places, with the contribution to be calculated when the number of dwellings and number of qualifying units are known in accordance with Essex County Council Developer Guide to Infrastructure Contributions (2020) and index-linked to April 2020.
- **Healthcare Provision** - Financial contribution to create additional healthcare provision. (Prior to the commencement of the development).
- **Outdoor Sports Contribution** - 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.
- **Public Open Space (On-Site)** - A minimum area of 3.43ha of Open Space in accordance with Parameters Plans to include area of equipped play, amenity spaces, specified Habitat Regulations Assessment (HRA) mitigation (dog waste bins and circular walk) along with internal estate roads and pathways. Suitable management company arrangements for public open space, amenity area, play spaces.
- **Allotments** - Provision of 0.25ha of land to be set out as allotments in accordance with a specification to be approved, with a commuted sum of £3,320 towards the future maintenance of the allotment site.

- **HRA/RAMS** - Financial contribution of £127.30 (index-linked) to contribute towards off-site visitor management measures at the Blackwater Estuary Special Protection Area (SPA) and Ramsar, the Dengie SPA and Ramsar and Essex Estuaries Special Area of Conservation (SAC).
- **Skylarks** - Provision of 12no. Skylark plots on nearby land and their maintenance for a period of 10 years.
- **National Highways Safeguarded Land** - The land identified as safeguarded for A12 works will be dedicated for trunk road improvements for a period of 25 years (unless National Highways either require the land within that period or otherwise advise the land is no longer needed). When such time as the trunk road improvements come forward, the land will be transferred to Braintree District Council. In the interim, the safeguarded land to be landscaped in accordance with a specification to be agreed by the Council and maintained by the applicant. Any development or groundworks works that are to be undertaken on this area of land will need to be agreed in writing by the Local Planning Authority in consultation with National Highways.
- **Highways and Transport**

Highway Works under s.38 & 278 of the Highway Act 1980

Obligation upon the developer (prior to commencement of development) to enter into a Highway Works Agreement with the Highway Authority for the following:

- Reasonable endeavours will be made (prior to the 100th occupation) to procure a bus service for a minimum period of 5 years within/between the application site, Chelmsford, Witham Town Centre and Witham Railway Station. Service to run seven days a week at a specified frequency. In the event that the bus service cannot be procured, a financial contribution of £1,250,000 shall be paid to Essex County Council towards sustainable transport (index-linked).
- In the event a bus stop or stops are not provided on the proposal site, upgrade to Essex County Council specification the bus stops which would best serve the proposal site (details shall be agreed with the Local Planning Authority).
- A footway/cycleway (min width 3.5m) along Hatfield Road between the entrance to the existing Woodend Farm and the footway/cycleway provided as part of the adjacent Lodge Farm development (details shall be agreed with the Local Planning Authority prior to commencement and delivered prior to the 1st occupation of the development).
- To improve cycle connectivity between the application site and the centre of Witham a package of cycling and walking improvements as shown in principle on planning application drawing number CPLF-MAY-NA-NA-SK-D-0001 Rev. P2.
- Financial contribution (£25,000 towards Witham Town Council's Cycleway and Footway Renewal Programme) to carry out localised

widening of the River Walk and improved cycle and pedestrian signage between Guithavon Road, Armond Road and the River Walk (payable to Braintree District Council but to be spent by Witham Town Council as improvements required on land they own).

- Provision and implementation of a Residential Travel Plan, which will include the provision of new Residential Travel Information Packs for all new residents. These travel packs will provide residents with 12 month bus passes for use on local bus services, as well as providing Cycling Marketing and Cycle Training to new residents.
- Residential Travel Plan monitoring fee of £1,500 per annum for 5 years payable to Essex County Council to ensure that the Plan is correctly implemented, monitored and reviewed.

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 Section 106 Agreement being updated and to an additional Condition as follows:-

Updated Heads of Term

- **Healthcare Provision** – The financial contribution to create additional healthcare provision is to be paid prior to the commencement of the development.
- It was reported that a request by the East of England Ambulance Service for a contribution towards a planning obligation had been assessed, but that it did not accord with CIL Regulations.
- **Highways and Transport**

Provision of a Bus Service - A financial contribution of £1,250,000 had been agreed between the applicant and Essex County Council.

Witham River Walk Improvements - A financial contribution of £25,000 had been agreed to be paid towards Witham Town Council's Cycleway and Footway Renewal Programme.

Additional Condition

34. A) No Highway works to the north-east of the new roundabout along Hatfield Road (shown on Drawing Number MBSK200512-2 Rev P7) shall commence until a feasibility study (to be carried out by an appropriately

qualified independent specialist) has been submitted to and approved in writing by the Local Planning Authority setting out whether the Elm tree within the traffic island opposite the Hatfield Road Service Station can be relocated within the application site. If the feasibility study indicates that the Elm tree cannot be relocated, the tree can be removed.

- B) If the feasibility study indicates that the Elm tree can be relocated, then a Method Statement, which details all stages of the relocation work and timescales for such work in relation to the development construction timescales, shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall also identify relevant stages of the process at which an appropriately qualified Independent Specialist shall certify that the work has been carried out in accordance with the approved details of the Method Statement. The relocation of the identified tree shall be carried out in accordance with the approved details and timescales.
- C) After each site inspection the Independent Specialist shall submit a short written report to the Local Planning Authority to confirm that the relocation works are being carried out in accordance with the approved Method Statement.

Councillor S Hicks attended the meeting and spoke against this application on behalf of Witham Town 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>
*20/00128/OUT (APPROVED)	Witham	Mr Simon Boulton	Outline planning permission for B2 (General Industry), B8 (Storage and Distribution) and Class E(g) (iii) (Light Industrial) use, and for future development of buildings up to a maximum building height to ridge of 43.00 AOD, comprising a maximum gross internal floor space of 15,470 square metres, (166,518 square feet) with associated service yards, HGV and trailer parking, car parking provision, new service road and access onto Eastways (all matters reserved except Access and Scale), land

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 £6,000 (index-linked) towards a 5 year period monitoring fee of a Workplace Travel Plan.
- Public Open Space – Financial contribution (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 final contribution figure would be in accordance with the prescribed formula and determined at the reserved matters stage taking into account the split of uses and final approved floor area.

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 an additional Condition and an additional Information to Applicant as follows:-

Additional Condition

19. Concurrently with the submission of any Reserved Matters application for layout pursuant to Condition 1B:
 - A) Details shall be provided for a hard surface and sealed cyclepath link through the application site to allow for the connection to the adjacent site (subject to Application Reference 21/00031/OUT) and onto the public highway within the Eastways Industrial Estate; and
 - B) A strategy for how public access would be secured to allow the use of this cyclepath link and how the link would be maintained.

Additional Information to Applicant

2. The applicant is encouraged to submit details with each Reserved Matters application of the installation on-site of renewable / sustainable energy production, including the provision of roof mounted solar p.v. panels.

81 **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>
*21/00726/FUL (REFUSED)	Gosfield	Chelsteen Homes	Erection of 19 dwellings with associated access, parking, garaging, landscaping and amenity space, land South of The Limes.

Members of the Planning Committee were advised that Application No. 21/00726/FUL had previously been considered by the Committee on 8th June 2021 and that it had been granted by the Committee subject to the completion of a Section 106 Agreement and Conditions. However, the applicant was not willing to enter into an Agreement in respect of the provision and maintenance of public open space at the site. In particular, the applicant’s solicitor had stated that an area of land to the South of the application site should not be designated as public open space as it would only be available to the residents of the new development and managed by them. The applicant’s solicitor had also stated that the size of the remaining areas of public open space to be provided at the site was in excess of the Council’s minimum standards. However, Members were advised that there was no reasonable explanation or justification for the area of land not to be designated as public open space as originally proposed in the documents submitted with the planning application. Furthermore, it was considered that the exclusion of the land would materially diminish the quality of the development and that it would not be consistent with the aims of the National Planning Policy Framework and National Planning Policy Guidance. In the circumstances, the Committee was requested to reconsider the application and to endorse a recommendation by the Planning Development Manager for refusal.

The Committee endorsed the Planning Development Manager’s recommendation that Application No. 21/00726/FUL should be refused for the following reasons:-

Reasons for Refusal

The Council resolved to grant planning permission for the development subject to the completion of a Section 106 Legal Agreement to secure, inter alia, on-site provision of Public Open Space, including a requirement for a Management Company to be appointed to maintain the proposed Open Space. The Council’s resolution was based on the application submission which clearly identified that two areas of Public Open Space were to be provided, at the north and southern parts of the site.

Contrary to the application submission, during discussions to finalise the Section 106

Legal Agreement, the applicant has now stated that one of these areas of land will not be Public Open Space. Although designed to be an area of Open Space that any member of the public could use, the area will in fact be private and only the occupiers of the new homes will be entitled to use it.

The area of land would have the appearance and characteristics of an area of Public Open Space and by prohibiting access to the general public to this land it is considered that there will be pressure to enclose the land with fencing, or the erection of signs prohibiting access. Such measures would dilute the design aesthetics envisaged for this site, in direct conflict with the advice provided by National Planning Policy Guidance. It would also create the potential for conflict between occupiers of the development and other residents from the village and would be contrary to the aims of the National Planning Policy Framework, which states that planning decisions should, amongst other things, deliver healthy, inclusive and safe places, which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and which are safe and accessible.

No reasonable explanation or justification has been provided as to why the piece of land should not be Public Open Space and maintained as such, which was clearly what was originally proposed in the application submission. As such, the proposed arrangements are considered to be contrary to the aims of the National Planning Policy Framework and National Planning Policy Guidance, Policy CS10 of the Core Strategy, and the Council's Open Space Supplementary Planning Document.

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 9.37pm.

Councillor Mrs W Scattergood
(Chairman)